

August 9, 2022

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, August 9, 2022, at 6:30 p.m., in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were Mr. Brad Whicker; Mr. Damon Palmer; Mr. Bob Gentry; Mr. Walt O'Riley; and Mr. Ron Kneeland. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. John Ayres, County Engineer; Mr. David Gaston, County Surveyor; Mr. Greg Steuerwald, County Attorney; and Mrs. Brandy Swinford, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There was a quorum with five (5) members present.

Mr. Whicker stated that the first order of business was to approve the minutes from the June 14, 2022 meeting.

Mr. Gentry motioned for approval of the minutes for the June 14, 2022 meeting.

Mr. Palmer seconded the motion. Mr. Whicker abstained.

FOR – 4 – AGAINST – 0 – ABSTAINED – 1 –

ZA 500/22: LAURA GREGORY; a zoning amendment change from RB to NB; 0.19 acres; Eel River Township; S04-T16N-R2W; located at 101 S. Broadway St. -North Salem (Laura Gregory)

Mr. Dombrosky presents. He reviewed the location, current and surrounding zoning, comprehensive plan. It is an unoccupied commercial building. It has historically been commercial and sits next to a scrap yard. He shows on the slide the differences between what it is currently and what it would change to and what is allowed in each. He noted that staff was recommending a favorable recommendation.

Ms. Laura Gregory, 101 S. Broadway St., North Salem, was present. She stated the property had always been commercial and had been a creamery and gas station before. They wished to change zoning in hopes to open a restaurant or coffee shop for the community.

Mr. Whicker called for any questions.

Mr. O'Riley asked if they had a specific plan in mind.

Ms. Gregory replied that they had discussed a barbeque restaurant, but they wanted to get the rezone done before making more concrete plans. They will likely tear down the existing building and rebuild as it is in bad shape.

Mr. Whicker opened the public hearing. There being no one signed up to speak, he then closed the public hearing.

Mr. O'Riley motioned for a favorable recommendation of **ZA 500/22: Laura Gregory.**

Mr. Gentry seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

ZA 498/22: IRVING MATERIALS INC.; a zoning amendment change to remove the commitments; 33.59 acres; Liberty Township; S34-T14N-R1W; located on the north side of E.

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Hendricks County Rd., approx. 1.25 miles west of intersection of E. Hendricks County Rd. and SR 39 (Irving Materials)

Mr. Dombrosky presents. He reviewed the location, current and surrounding zoning, and comprehensive plan. He noted the change to MI zoning was done in 2007. The change tonight was not for the zoning, but for the change in the commitments. It was approved with a restriction on uses. The petitioner has agreed to keep those uses. The existing commitments have specific landscaping commitments that he outlined. The proposed commitments would be to remove those specific commitments in lieu of the landscaping ordinance that is in place. There were also road commitments to reconstruct Hendricks County Road from the entrance area on County Road 100 E. to State Road 39. The proposal is to not reconstruct the road, but to replace the culverts and not take over CR 100 E. but to improve it up to the entrance of the development. The original proposal for the development was to utilize the whole land zoned MI, but now they are only utilizing to part to the east. Staff was recommending a favorable recommendation.

Mr. William Hall, Crossroads Engineering, 115 N. 17th Avenue, Beech Grove, was present. He was here representing Irving Materials. He reviewed the project on the slides. The change in the commitments were only for the parcel in question, not the whole development. The proposed commitment changes for the parcel were as follows: 1) replace the culverts that are in need of repair, which is conditional on getting the ROW, 2) reconstruct CR 100 E. to county standards up to and through access to the site, and 3) restricted uses commitment. He showed a conceptual site layout on the slide. He discussed how the project fits into the comprehensive plan.

Mr. Whicker asked if there were any questions.

Mr. Gentry asked if they would drill a well for their water source.

Mr. Hall replied that was typical process.

Mr. Palmer asked why they were asking for the changes.

Mr. Hall stated that due to the lack of ROW they would not be able to satisfy the previous commitments.

Mr. Ayres explains further. The original project was bigger than this proposed one. Based on the traffic from this use, he felt that replacing the culverts would be an adequate offset for their traffic impact. He noted that previously they were going to use CR 100 E. as the entrance for the development for both sides, but he would like to preserve that as county road ROW now.

Mr. Whicker opened the public hearing.

Mrs. Sarah McCollum-Knight, Mr. Howard Knight and Ms. Molly Knight, 4541 W. N. County Line Road, Clayton were present. Their property has been in their family for 100 years. They were not in favor of the rezone previously. They had concerns about the impact on water sources, hours of operation, dust/pollutants, and lighting. They would like better and more restrictions and were opposed to any changes to the landscaping commitments. They were concerned with the height

Ms. Debra Mason, 2642 Liberty Trail, Plainfield was present. She is a joint property owner to the property adjacent to the development. She reviewed their concerns. She would like to see the restrictions for uses updated from those back in 2008. There were also concerns with septic/water impact. Their septic and finger system was in the field adjacent to the development, and they had 2 wells on the property which she showed the location on the slide. They would like an easement put in place to connect to utilities if they become available in the future. They would like to have more of a barrier to the north of their agricultural to help with debris. She would also like them to keep the trees along I-70.

Mr. Whicker closed the public hearing.

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Mr. Hall responded to the concerns. He noted that a lot of the concerns would be at the next level with the development plan review. They would need a permit IDEM as well. There would be a safeguard at the state level in regard to water rights, with their statutory requirements. IMI would have environmental staff there constantly making sure there is compliance with all the state level requirements. They are constantly working with IDEM and state on those issues.

There was further discussion about the commitments they wanted to change.

Mr. Dombrosky addressed a couple of Ms. Mason's concerns.

Mr. Mike LaGrange, with IMI was present. He stated that they had no plans to take out all the trees. There will be a buffer along I-70.

Mr. Dombrosky touched on the uses. He noted that zoning change was done three (3) months prior to the zoning ordinance was adopted. The uses list was larger than it was back then. He discussed those further.

Mr. Gentry stated that they needed a concrete plant in the area but wants it to be screened properly. He understands the remonstrators concerns.

Mr. Gentry motioned for a favorable recommendation of **ZA 498/22: Irving Materials, Inc.** changes to commitments presented.

Mr. Kneeland seconded the motion.

FOR – 5 – AGAINST – 0 – ABSTAINED – 0 –

MAP 753/22: FOX CREEK (PRIMARY); a major plat for a 122-lot subdivision; 115.2 acres; Liberty Township; S6-T14N-R1E; located on the west side of CR 400 E., approx. ½ mile south of US 40 (Banning Engineering)

Mr. Dombrosky presents. He reviewed the location and site plan. He stated that what they presented matches what they presented in the rezoning amendment. They had received drainage board approval and were not requesting any modifications or waivers.

Mr. Jeff Banning, 853 Columbia Road, Ste. 101, Plainfield was present. He noted that staff had requested continuance for this petition. The big reason for that was in regard to the lots along the creek to the north and south. They have done a preliminary drainage study as well as developed flood plain for both creeks so they know what they will need to deal with on those on the final plans. They did discuss where the drainage goes at drainage board. The creek to the north will drain in Lakewood. He showed on the slide where the creeks would drain. He stated that they had committed to a Level 5 landscaping along CR 400. He stated that also there tonight to answer questions were Mr. John Moore, attorney, Mr. Lee Phillips and Mr. Walt Townsend from DR Horton.

Mr. Whicker asked why staff recommended continuance.

Mr. Dombrosky replied that they had asked for a proposed solution to what they saw as pretty significant issue with the topography on the back sides of the lots on the north. He showed on the slide the lots in question. They had also asked for a landscaping plan, but it was mainly about the grading.

Mr. Ayres explained further about their concerns on the severe slopes on those lots and if those would possibly change the street layout and lot layout before getting to the secondary approval.

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Mr. Banning explained that they are committed to this layout and understands that if they have to lose lots due to any changes that may be needed, they would have to come back for primary approval before the plan commission.

Mr. Steuerwald stated that they have on certain lots and subdivisions where they think they might have an issue, they have previously required a note on the plat or deed potential issues.

Mr. Whicker opened the public hearing.

Mr. Tom Ollier, 4046 Lakewood Ct., Clayton was present. He was opposed to the development. He presented a letter stating his objections. He was not aware after talking to county offices that there were pre-existing stormwater easements into their lake. He would like to be provided that so he can have their board review. He has not been able to find the documentation. He attended the drainage board meeting and felt like he did not get all of their questions answered. He felt that more study needed to be done. He felt the traffic study was unrealistic. He asked if DNR had any concerns with the development. His other concerns were flood emergency, dirt and debris during constructions, chemicals and runoff safeguards, and emergency services.

Mrs. Joann Groves, 4025 Lakewood Ct., Clayton was present. She stated that she would like to address the houses and landscaping of the development. The developers had worked hard to try and answer her questions and making commitments. She felt that most wanted the development to look like what is there now with mostly brick homes and these homes will not have that. She discussed about how the homes look when the backs of the homes are facing a county roads.

Mr. Whicker closed the public hearing.

Mr. John Moore, 50 S. Meridian St., #700 Indianapolis was present. He explained the process they have to go through. They have concrete standards to meet at the platting stage. He is not aware of any standard they have not met. The secondary plat approval takes sometimes 3 to 6 months of work.

Mr. Banning responded to a few of Mr. Ollier's concerns. Their development will only account for 15 percent of the overall drainage into the lake. It will be controlled because of what they are required to do through the drainage board. He felt confident that they could work with staff on the issues they had. He noted that they are not required to deal with DNR because the drainage basin is less than a square mile. They will work with the Core of Engineers and IDEM.

Mr. Whicker asked if there were any further questions.

Mr. Banning noted that they would be willing to come back to plan commission for secondary approval.

Mr. Palmer stated that staff does not usually recommend continuance. He wanted to make sure they were okay with everything that they have been told.

Mr. Ayres stated it was up to the board, but he felt they wanted to let the board know the staff's concerns beforehand.

Mr. Gaston stated that he understood why Mr. Ayres and Mr. Dombrosky wanted to see these issues resolved. It is easier to see the overall picture in the preliminary approval and that is why it is important. It is much more difficult to see everything when you do a development like this in sections.

Mr. Gentry motioned for approval of **MAP 753/22 Fox Creek (Primary)**.

Mr. Whicker seconded the motion.

FOR – 5 –

AGAINST – 0 –

ABSTAINED – 0 –

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Mr. Palmer stated that he does not necessarily want to bring it back to the board, but he wanted to give them some cover if there was something that needed resolved.

Mr. Dombrosky stated he could choose to bring it to them if he wanted to.

There being no further business, the meeting was adjourned at 8:43 p.m.

Tim Dombrosky, Secretary