

HENDRICKS COUNTY AREA PLAN COMMISSION

Meeting Minutes

Tuesday, May 14, 2024

6:30 PM

Hendricks County Government Center • Meeting Rooms 4 & 5
355 S Washington St #G80
Danville, IN 46122

Members Present: Mr. Bob Gentry; Mr. Ron Kneeland; Mr. Walt O’Riley; and Mrs. Margaret Gladden.

Members Absent: Mr. Damon Palmer; Mr. Thomas Whitaker; Mr. Brad Whicker

Staff Present: Mr. Tim Dombrosky, Secretary and Planning Director; Mr. Greg Steuerwald, County Attorney Representative; Mr. Brian Hurskainen, Senior Planner; Mr. John Ayres, County Engineer; and Mrs. Brandy Swinford, Planning & Building Office Manager.

A quorum was established, the Pledge of Allegiance was recited, and Mr. Gentry asked for a motion to approve the minutes from the April 9, 2024 meeting. Mr. O’Riley made a motion to approve the April minutes. Mr. Kneeland seconded the motion. Motion of approval passed 4-0.

President and Vice President both absent. Motion to elect Mr. Gentry Pro-Temp President.

Mr. O’Riley made a motion to approve, and Mr. Kneeland seconded the motion. Motion of approval passed 4-0.

DPR 516/24: S&J INVESTMENT; development plan review; 4.23 acres; Lincoln Township; 17-16N-2E; located at 10095 E. US Highway 136, Indianapolis - (BYN Consulting)

Mr. Dombrosky explained that it is a primary DPR and we are looking for a primary approval and decision tonight.

Mr. Jason Rigger – 9125 Doe Spring Dr., Indianapolis, 46278

Mr. Rigger presenting a power point presentation.

- Explaining the structure and development of the project.
- The proposed buildings will have glass doors, 8’ masonry wainscot, and other architectural details.
- The second modification is a request for a 10-foot landscape buffer in lieu of 20-foot landscape buffer.
- Going over proposed design.
- We are proposing a 40-foot setback with a 10-foot landscape buffer with all the landscaping included. There is a tree line on the East and that will stay in place. Landscape plan will be an addition to the existing tree line. Will be noted on the revised plan. Some cleanup is necessary.
- Showing what the area buildings look like around the proposed development. Going over the color of the buildings.
- Civil engineer is working on the final plans and the Drainage Boards approval as well.
- Staff recommendations will all be met, and modifications will be completed.

Mr. O’Riley: Does that include the buffer?

Mr. Rikken: The modifications? Building materials for #1 to exceed the 50% (metal) and for modification #2 would be a 10-foot buffer in lieu of the 20-foot.

Mr. O’Riley: So those are the two items that the change is proposed from the ordinance?

Mr. Rikken: Yes. Will meet all the conditions of approval to move the project forward once we receive a favorable approval from the board.

Mr. Gentry: Does that complete your presentation?

Mr. Rikken: Yes.

Mr. Dombrosky: Clarified the modifications.

Mr. O’Riley: Tim, what do you think of the modifications? How does it compare to what’s around?

Mr. Dombrosky: No objections.

Mr. Gentry: Does anyone have any questions?

Mr. Gentry: It’s a great looking project. What do you plan to do with the asphalt.

Mr. Rikken: I plan to remove them from the property, they will not be used for any construction projects.

Mr. Gentry: Has it been to the Drainage Board yet?

Mr. Rikken: We were hoping to meet with them this morning but were not able to meet all the requirements to get the permit in hand to satisfy the Drainage Board.

Mr. Dombrosky: That is why we are only considering the primary.

Mr. Gentry opened and closed the public portion of the meeting. No one signed up to speak.

Mr. O’Riley made a motion granting approval of Primary DPR 516/24: S&J Investment with staff recommendations and modifications.

Mr. Kneeland seconded the motion.

Motion to approve: Favorable – 4 Unfavorable - 0

VOTE: For – 4 Against – 0 Abstained – 0 APPROVE

ZA 513/24: THOMAS RICH; a zoning amendment change from AGR/Agricultural Zoning District to PB/Planned Business Zoning District; 10.7 acres; Middle Township; 19-17N-1E; located at Southeast quadrant of County Road 1000 N / County Road 425 E intersection – (Comer Law Office LLC)

Mr. Dombrosky: We have the Zoning Amendment before you, Mr. Kult is representing the petitioner. We have provided a staff letter and had some discussions with both the petitioner and remonstrators about whether it should be continued. My recommendation is that the staff letter has been written and the public has been notified and has come out, a public hearing should be held and if we feel that there is not enough information then it should be continued at that point.

Mr. Andy Kult – Comer Law – 71 W. Marion St., Danville, IN 46122

Mr. Kult is representing the petitioner, Mr. Rich, and Mr. Dale Kruse, project engineer is also present.

Mr. Kult: Presenting the project and giving some background information on Mr. Rich's proposed business and the proposed use.

- This site would be used for light manufacturing of new products.
- Proposed building slides, measurements, showing different sides of the building.
- The building fits in very well with the current agricultural character of the area, however, we do recognize there is a residential area as well.
- We have intentionally placed 10 acres so a buffer will be created for homes from the North to the South.
- Commitment list was created if the property was ever sold.
- The comprehensive plan is outdated for the area. Sale negotiations have been taking place and Town of Pittsboro is receiving calls about commercial developments in that area.
- Mr. Rich is proposing an attractive facility, low intensity use, he happens to be on the front end of moving forward on the development.
- We are respectfully looking for a favorable recommendation to the commissioners.

Mr. Gentry: Does anyone have any questions?

Mr. O'Riley: Why not just do it down where the industrial property is already zoned and leave that one as agricultural.

Mr. Kult: Because Mr. Rich already owns that property.

Mr. O'Riley: That's the only reason?

Mr. Kult: It's a reasonable reason. You're looking at the commercial development of the entire area.

Mr. Kneeland: I believe there are several other properties that match what Mr. Rich is looking for.

Mr. Kult: This type of use isn't unheard of in the area.

Mrs. Gladden: Why is he taking a strip of the land and leaving some on both sides?

Mr. Kult: We wanted to move it as far South as we could to serve as a buffer from residential.

Mrs. Gladden: What is he going to do with the little strip of land?

Mr. Kult: 7 Acres would continue to be agricultural.

Mrs. Gladden: Why not move it down and have a more productive piece of agricultural use.

Mr. Gentry: We can look at it. Mr. Kruse might be able to shed some light on that.

Mr. Dale Kruse – Kruse Consulting – 2387 Business Center Drive Avon

Mr. Kruse: It is for the best drainage. Also, there is a house across the street and on the site plan the driveway was looped up around so there are no headlights shining at the house. There were a handful of reasons to spit it up this way.

Mr. Gentry opened the public portion of the meeting.

Mr. Bob Duncan – Norris Choplin & Schroeder Law Firm – 101 W. Ohio St., Indianapolis, 46204

Mr. Duncan: I am representing nineteen (19) homeowners affected by this petition for the surrounding properties that are not in favor of changing the zoning area.

- Most of the homeowner's range in acreage of anywhere from 1 acre to 5, 7 acres.
- There is nothing in the Comprehensive Plan that supports commercial development in this area.
- There is no infrastructure to support any commercial development.
- When you start a PB zoning that is a crack in the door and has the potential for opening for further commercial development.
- There is no interchange anywhere near the proposed PB zoning.
- PB zoning would be an island in the middle of Agricultural zoning. At this time approving the PB zoning would only benefit the petitioner, it doesn't benefit the other property owners adjacent to the property.

Mr. Gentry: We will come back with more questions.

Mr. Duncan: I have seven (7) opposition statements from people who could not be here tonight, who do I give them to?

Mr. Dombrosky: I will take them.

Mr. Jared Baker – 822 Declaration Dr., Pittsboro, IN

Mr. Baker: I serve as President on the Town Council in Town of Pittsboro. Currently a large majority of industrial parcels in town are under contract and not readily available for purchase. Some property is zoned as Highway Business, it could come to Pittsboro but would have to go through a re-zoning process as well. Currently owned by a developer and would have to be negotiated as well. Wanted to provide a couple of statements and clarifications.

Mr. Gentry closed the public portion of the meeting.

Mr. Gentry: Mr. Duncan, are the people more concerned about what else could come, that the PB zoning could set a precedent?

Mr. Duncan: Yes, the people are very concerned about what might come with PB zoning.

Mr. Gentry: Can the Plan Commission set use restrictions?

Mr. Steuerwald: The Petitioner's commitment to restrict certain uses is acceptable. It would only apply to this property.

Mr. Gentry: Would that satisfy the concerns?

Mr. Duncan: I would have to talk to everyone. But what would happen if he sells?

Mr. Steuerwald: The commitment would run with the land.

Mr. Duncan: I agree, but the precedent is still there.

Mr. Kult:

- I was advised the industrial area is under contract and nothing is available.
- Mr. Rich's infrastructure needs are minimal, such as a septic equivalent to a two-bedroom house, and a private well would use less water than most of our homes.
- This is not a precedent setting.
- Use restrictions have been done in the County before. In some jurisdictions this would be done as a use variance, but you can't grant use variances. I have brought forth and you have approved proposals in the past with striking uses like that. That would be in a commitment recording form and the only way to change that would be to come back to this board and request a change to those restrictions.
- This area is developing. I can tell you I have been in numerous negotiations and this area in five years will not look anything like it does today. This project will not set precedent.

Mr. Gentry: Any comments from the staff?

Mr. Ayres: I am concerned about the access to the roads. Access would be better suited off 1000 N. The larger scale developments that are coming will be building their own infrastructure for access, and we are working with a situation of using County Roads and it will cause us some issues.

Mr. Gentry: It would be a good project, but I understand why people are fearful of what's to come. This is the hearing and if we continue this project, you can come but you probably can't be heard. My thought for continuance is maybe the parties can resolve and discuss the project further.

Mr. O'Reilly: I have concerns. Surrounding properties are all residential, 2.5 miles from the highway, no infrastructure, could negatively impact the property values, it does not support responsible growth for the area, could create traffic on a County Road and I believe it should be somewhere in the industrial area and not in the agricultural, residential area.

Mr. Kneeland: I drive in that area frequently. I feel they need to get together and talk about it more.

Mrs. Gladden: I believe they need to talk, and we need to discuss the project more with more members present. I hate to see that area come into development; you know how I feel about our farm ground. If we open the door for them, it will open the door for others. They need to talk.

Mr. Gentry: The commissioners should try to form a study group that can come up with a way to incentivize farmland to stay as farmland.

Mr. O'Reily made a motion for an unfavorable recommendation for ZA 516/24.

No second motion. Motion fails.

Mr. Kneeland motioned for a continuance.

Mrs. Gladden seconded the motion.

VOTE: For – 3 Against – 1 Abstained – 0 FAILS

ZA 516/24 continued to June 11th meeting due to not receiving a unanimous vote.

DPR 518/24: CASCADE HIGH SCHOOL ADDITION (PRIMARY); development plan review for Cascade High School addition; 72.59 +/-; Liberty Township; 8-14N-1W; located at CR 200 W and CR 650 S – (Banning Engineering)

Ryan Lindley – Banning Engineering – 853 Columbia Rd., Plainfield, IN

Mr. Lindley: Representing Mill Creek Community School Corporation, asking for primary and secondary approval. The project is basically taking the tennis courts away and replacing them with a building in its place. The building will provide students with extracurricular activities. Both primary and secondary were approved by the Drainage Board.

Mr. Dombrosky: There are no comments on the primary, some technical comments on the secondary but nothing that's discretionary.

Mr. Gentry opened the public portion of the meeting. No one signed up to speak.

Mr. Gentry closed the public portion of the meeting.

Mr. O'Riley motioned for approval of **DPR 518/24 Primary and Secondary.**

Mr. Kneeland seconded the motion.

VOTE: For – 4 Against – 0 Abstained – 0 APPROVE

MIP 1181/24: STEVEN BRIDGES; 3-lot minor plat; 28.9 acres; Franklin Township; S17-14N-2W; located approximately one mile North of Highway 40 to Masten Road, between S.R. 75 and S 625 W – (Holloway Engineering & Surveying)

Mr. John Larrison – Holloway Engineering & Surveying, Mooresville, IN 46158

Mr. Larrison: Representing Joni & Steven Bridges. There is one existing home on the property. Would like to construct two homes for their daughters. One private residence per 10-acre area. The entire project will not be changing any drainage patterns. Showing and explaining the extent of the project.

Mr. O’Riley: Are you going to extend the driveway back to the third house?

Mr. Larrison: Yes, it will extend the driveway. There will be a cul-de-sac with a dedicated right of way and privately maintained private driveway.

Mr. Gentry opened the public portion of the meeting.

Mr. Joshua Reitzel – 7757 Masten Rd., I am not sure if this is the right board. I live on 109 acres, and I surround Bridges property. My issue is not with the Bridges building a house on their own property, when I wanted to build my house, the county told me improvements were needed. Since I wanted to build a barn in front of the house the county would not allow it. Since then, there have been homes with two accessory buildings in front of the house. It seems the rules have changed, and I have some questions. I was told I would have to go through a variance and get approval, I was told I don’t want to build my house too close to the property line just in case the neighbors want to build something there. Seems that the rules and regulations have changed as far as the 50-foot road frontage. My question would be if I want to build houses on my property, can I just build as many houses as we want on the farm property. When I go to the Building and Planning Commission I would like an answer. The answers are very vague. I would like rules and regulations so I know exactly what I can and cannot do on my property. I have spent millions of dollars on improvements, and I need clarification for the future if the county will be able to do for me exactly what they did for my neighbors.

Discussion of the rules and regulations for further projects. Explanation of the process that took place in this case and the rules that will have to be followed in future projects as well.

Mr. Gentry closed the public portion of the meeting.

Mr. O’Riley motioned for approval of MIP 1181/24.

Mr. Kneeland seconded the motion.

VOTE: For – 4 Against – 0 Abstained – 0 APPROVE

WA 361/24 – MIP 1181/24; a Waiver of the Subdivision Control Ordinance, Sec. 5.01.1.e.IV – Privately Maintained Drive

Mr. O’Riley motioned for approval of WA 361/24.

Mr. Kneeland seconded the motion.

VOTE: For – 4 Against – 0 Abstained – 0 APPROVE

ZA 512/24: LENNAR HOMES; a zoning amendment change from LI to PUD; 19.7 acres; Guilford Township; 26-15N-16E; located at Southeast corner of SR 267 and E 300 S (533 E. Township Line Road) – (Brian J. Tuohy)

Mr. John Moore – Tuohy, Bailey & Moore – 50 S. Meridian St., Indianapolis, IN 46204

Mr. Moore: Attorney on behalf of Lennar Homes and Mr. Navar is present to answer questions. Provided a revised plan since the last meeting. There were three remonstrators that I was able to meet with and in the revised plan we reduced the density, and we increased a buffer between us and the other properties. Requesting a continuance since we didn't have time to work on changes to the plan and meet with the remonstrators again before we come back before the board.

Mr. Dombrosky: The two remonstrators are here tonight and maybe they can speak tonight to at least say if they agree with those statements.

Mr. Dustin Craig – 540 Willoughby Ct., Plainfield, IN

Mr. Craig: My concern is with the volume of traffic and the amount of infrastructure that will have to be handled there.

Mr. Jonathan Daum – 567 Northfield Rd., Plainfield, IN 46168

Mr. Daum: My concern is with the drainage and runoff. I have not seen any plans or changes in the drainage from the Drainage Board or Lennar Homes. That does not seem to have been addressed.

Ms. Melanie Leclerc – 558 Northfield Rd., Plainfield, IN 46168

Ms. Leclerc: My concern is with the homes and even with a slight change we are not meeting Plainfield development guidelines. I don't see the plan with extra parking for guests and visitors. Also, fountains and beautifications are not visible on the plan.

Mr. Kneeland made a motion to continue ZA 512/24 to the June 11th meeting.

Mr. O'Riley seconded the motion.

VOTE: For – 4 Against – 0 Abstained – 0 APPROVE

Mr. Dombrosky: Our consultant is here to make a short presentation on the Comprehensive Plan.

Mr. Adam Peeper – HWC Engineering

Mr. Peeper presented the draft of the Comprehensive Plan.

Being no further business before the board, the meeting was adjourned at 8:30 PM.

Tim Dombrosky, Secretary