

## HENDRICKS COUNTY AREA PLAN COMMISSION

### Meeting Minutes

Tuesday, July 9, 2024

6:30 PM

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

**Members Present:** Mr. Brad Whicker; Mr. Damon Palmer; Mr. Bob Gentry; Mr. Ron Kneeland; Mr. Walt O'Riley; Mr. Thomas Whitaker and Mrs. Margaret Gladden.

**Members Absent:**

**Staff Present:** Mr. Tim Dombrosky, Secretary and Planning Director; Mr. Greg Steuerwald, County Attorney Representative; Mr. Brian Hurskainen, Senior Planner; and Mrs. Anna Wozniak, Recording Secretary.

A quorum was established, the Pledge of Allegiance was recited, and Mr. Whicker asked for a motion to approve the minutes from the June 11, 2024 meeting. Mr. Gentry made a motion to approve the June minutes. Mrs. Gladden seconded the motion. Motion of approval passed 6-0-1. Mr. Whicker abstained.

**ZA 515/24: YOHANNES ZERAY;** a zoning amendment change from AGR/Agricultural Residential Zoning District to AGB/Agricultural Business Zoning District; 6.89 acres; Liberty Township; S9-14N-1W; located 0.16-mile West of CR 0 on the South side of US Hwy 40 (Comer Law Office, LLC)

Mrs. Gladden asked to be recused from this item.

**Mr. Ben Comer – Comer Law Office, LLC. – 71 W. Marion St., Danville, IN 46122**

Mr. Comer: Attorney representing Mr. Yohannes Zeray who was present at the meeting. Mr. Comer presented the project plans to the board.

- Property is in the Western part of the county in the AGR District where the farming practice is the dominant use.
- This property has been historically used for garage vehicle maintenance; however, it has never been zoned as such.
- There is a house and a barn on the property. The petitioner currently lives in the house and would like to conduct his business out of the barn.
- The nature of the requested business is custom meat processing. He would have up to a 100 head livestock on the Southern half of this property. He would do butchering in the garage itself; it would be on a custom order bases from customers of his in the area.
- Various permits would be required, and they are listed in the staff reports.
- The business itself does not create any noise, dust or fumes, other than your typical livestock noise. There are no machines or power tools used in the process. No outside storage is needed, and animal waste will be disposed of by a contracted service provider that will come to the site.

Mr. Comer: The question before you tonight, is this a good site for AGB Zoning? We think it is due to other AGB in the area. The staff agrees and gives a favorable recommendation, we would like to ask for your favorable recommendation as well.

Mr. O'Riley: Is it a butcher shop or meat processing?

Mr. Comer: Taking it from the live animal to processing that meat for a customer order pick up. I guess you can say that is a butcher shop. But the meat is being processed there.

Mr. Whicker: Any other questions?

**Mr. Whicker opened a public hearing portion of the meeting.** He explained the Plan Commission role plays in the public hearing so everyone understands it will be a recommendation to the County Commissioners.

Mr. Chris Phillips: "I think I will pass."

Mr. Mark Wolf: Is business like this regulated by an oversight committee, by the county, by the state?

Mr. Whicker: I would certainly think it will have oversight.

Mr. Dombrosky: Mr. Zeray knows specifically because it's his business, the health department has indicated there will be several permits required 1 for the county and 4 for the state.

Mr. Whicker: There are significant regulations. There will be oversight from our health department.

Mrs. Virginia Phillips: I purchased this land for a retirement home. Our subdivision backs up to that property, there is a Westerly flow of wind, and I am concerned a slaughter house will be a smelly mess coming in our direction 24/7. I want to know who is going to regulate this business and what will they do with all the carcasses, blood, varmints and insects. It just scares me to death since we planned to live there for the rest of our lives.

Mr. Whicker: When the representative for the petitioners comes back to the podium, he will be able to answer your questions for you.

Mr. John Gladden: Showing his property on the map and explaining the drainage issues that are currently occurring and stating that the side ditch will not handle all the water. The property will be under water.

Mr. Whicker: He is not really changing anything to the property, we are not changing the drainage.

Mr. John Gladden: He will have his livestock underwater and there is nothing he can do to stop that. There are big time water problems. There is water streaming through there and part of the woods is designated as wet land that has pollution in it.

Mr. Whicker: He is not coming here with a development plan for the property. He will not be required to do a development plan unless he makes any improvements to that building or any other structure. He would at that time have to work with our building department and understand the drainage. There is no discussion about the drainage.

Mr. John Gladden: Putting a facility in there is going to be highly susceptible to erosion.

Mr. Whicker: He does not need the zoning change to put the livestock on this property. What he cannot do without the zoning change is process it.

Mr. John Gladden: Per EPA you cannot drain any pollutants into the surface water drainage system. When it floods everything goes into that drain and EPA will be suing him for polluting the area.

Mr. Jim Gladden: I own farmland on the west side of the proposed rezoning. I have a couple of reasons for opposing the rezone. Quality of life for people who live there, people who live there will experience bad smell, we are talking about 100 animals on 3.5 acres.

Mr. Whicker: You understand, he is entitled to have the livestock on there, as the land sits. He just can't process the meat. He does not need to come here tonight to have the livestock on the property.

Mr. Jim Gladden: The second reason is the noise and there is also the economic issue. I am concerned that if someone lives near that facility, they are not going to want to live there and will have an impact on the economic value. The land I own which is just west of the rezone question, I would like to potentially sell for a residential property and the value of the land will be lower.

Ms. Rachel Wolf: How often do they come and regulate the business? It is currently zoned AGR and the new zoning would be AGB, as it currently stands previous owners have run businesses on it previously.

Mr. Whicker: Without approval of the county.

Ms. Rachel Wolf: So, he is trying to do this legitimately and he does intend to live on the property even though it will be rezoned to AGB.

Mr. Whicker: It would be AGB, so yes, absolutely.

Ms. Rachel Wolf: I just wanted to be clear on that, since there were other property owners that ran businesses.

Mr. Comer: I have been involved in cases like this before and it's difficult to find places in Hendricks County where there is not a house somewhere there. We have an agricultural district that is very strong in our county, and it is very strongly regulated.

Mr. Comer explained all the aspects of regulations to answer earlier raised questions.

- Official permit for "Custom Meat Processing" will be obtained by the State.
- Containment type system is regulated, and service providers come and remove the carcasses and blood.
- There are coolers that will keep everything inside, there should be no smells getting out.
- As for the water problems, EPA, all of that will be looked at, but that's not for today.
- This is simply looking for at this site and is it a good site for AGB to take place in the existing barn. This is a very low-key operation.
- Livestock noise from cattle, we are talking about nothing that's out of line.

Mr. Gentry: This is not a bad idea, but all the slaughter houses I know of don't have cattle loose in the area. They bring them in, its custom brought in and there is not much noise and not a lot of smell. Doing it this way doesn't make sense to me. Where there be a quick freezer?

Mr. Comer: There will be a cooler, it will not be frozen. Because it's custom it will be picked up as soon as it's ready.

Mr. Palmer: I am with Mr. Gentry on this one, I look at the area and when you put 100 cattle that is extreme stocking in such a small area. It could be done today but there is no use that is driving it today. Are there going to be upgrades to the facility?

Mr. Comer: Yes, there will be.

Mr. Dombrosky: We didn't talk about the development plan. There would be a default requirement by the change in use with the historic non-conforming commercial use there. They are not proposing any outdoor improvements and asked for an administrative review, I think it needs to be a full development review.

Mr. Whicker: Any significant improvements are going to require a Development Plan Review.

Discussion between board members about the 100 head of cattle on 3 acres and the land not being adequate to harvest and produce.

Mr. Comer: I understand the discussion and the concern, and the business model would have to be approved through the state to get the permit. That may answer a lot of questions.

Mr. Whicker: Is this a formal request for continuance?

Mr. Comer: Yes.

Mr. Palmer: It seems acceptable to give them some to try to straighten things out.

Mr. Kneeland motioned for continuance of ZA 515/24 till August 13<sup>th</sup> meeting.

Mr. O'Riley seconded the motion.

**VOTE: For – 6**

**Against – 0**

**Abstained – 1**

**Ms. Margaret Gladden rejoined the meeting.**

**ZA 515/24: CONNECTION POINTE;** a zoning amendment change from PB/Planned Business Park District to NB/Neighborhood Business District; 10.4 acres; Washington Township; 8-15N-1E; located 125' West of the intersection of East Main Street and North County Road 500 East on the South side of East Main Street and extending South to US 36 (Banning Engineering)

**Mr. Steve Brehob – Banning Engineering – 853 Columbia Road, Ste. 101, Plainfield, IN 46168**

Mr. Brehob representing Connection Pointe Church in a re-zone petition. Presented a power point to show the location of the church and surrounding areas. Prior to tonight's meeting Mr. Brehob and other church representatives held a neighborhood meeting and received positive comments. At that meeting, there were a lot of questions on how the site would be developed and a concept plan was

shared with them. However, at this point we are seeking zoning so the plan can be advanced, property can be bought, and a church can be built on that site.

Mr. O’Riley: I know there is a house at the very South end of a driveway.

Mr. Brehob: The house is a part of it and the driveway will be removed, Hendricks Power will place the existing power line underground.

Mr. Brehob shared a concept plan with the board members and wanted to share the concept with the neighbors at the meeting for them to see how it would be developed.

**Mr. Whicker opened the public portion of the meeting.**

Mr. Russell Shelton – Ernie Pile Court, Avon, IN 46123

Mr. Russell Shelton – did not receive a letter from anybody but would rather see a church in there than apartments or houses, too many houses already in Hendricks County.

**Mr. Whicker closed the public portion of the meeting.**

Mr. O’Riley: It’s a good idea to put that kind of facility in there as a buffer between the commercial to the East and the housing addition. It makes sense.

Mr. Whicker: I agree, it’s a nice natural buffer.

Mr. Dombrosky: Shared a remonstrator letter with board members.

Mr. Brehob: The remonstrator was at the meeting, she is concerned with the location of the detention pond and providing a fence between her property and the detention pond. We could definitely look into the options during the development stages.

Mr. O’Riley made a motion for favorable recommendation for ZA 515/24: Connection Pointe Church

Mr. Whitaker seconded the motion.

**VOTE: For – 7**

**Against – 0**

**Abstained – 0**

**DPR 519/24: HEARTLAND COROSSING BUSINESS PARK – SECTION 3 (PRIMARY);** a development plan review for Primary Development Plan; 13.817 acres; Guilford Township; 20-14N-2E; located at the Northeast corner of Union Mills Dr. and East Hendricks County Road (Projects Plus)

Mr. Whicker: We are looking for a motion to continue DPR 519/24

Mr. Gentry made a motion to continue DRP 519/24.

Mr. Palmer seconded the motion.

**VOTE: For – 7**

**Against – 0**

**Abstained – 0**

**DPR 520/24: BUGGY WORKS INC. (PRIMARY);** a development plan review; 3.38 acres, Lincoln Township; 20-16N-2E; located on the South side of E US Highway 136, approx. 0.15 miles NW of intersection W/N Raceway Road (Kruse Consulting, Inc.)

Mr. O’Riley excused himself from the meeting.

**Mr. Dale Kruse – Kruse Consulting, Inc. – 7384 Business Center Drive, Avon, IN 46123**

Mr. Kruse is representing Buggy Works Inc., with the owner, Mr. Colby Hauge, who currently is renting a space near this facility. He is under contract to purchase the property and build a facility.

- Mr. Kruse presented the site plan and gave an overview of the building and what type of business will be conducted in the facility.
- The facility will have 3 work bays and some of the cars are not allowed to be outside.
- There is an existing drive that will have to be shifted a little to the West.
- There are existing drainage outlets.
- No paint or bodywork will be done in the facility.

Mr. Kruse said most of the trees will stay and there will be some landscaping done to comply with the plan. Shared what the building will look like once completed.

Mr. Kruse is asking for two modifications, one of them is metal. It looks nice and it will fit in with the neighborhood better. The second is the ordinance does not allow more than 50% of parking in front of the building. In this particular situation 100% of the building is in front.

Mr. Whicker: So ultimately you are asking for two modifications in the primary form, I don’t see an issue with the metal since it looks attractive and it’s a lower cost option.

**Mr. Whicker opened and closed the public hearing since no one had signed up to speak.**

Mr. Steuerwald clarified for the record Mr. Russell Shelton signed his name on the sheet for DPR 520/24 Buggy Works Inc. and should have signed in on the ZA 515/24 Connection Pointe.

Mr. Whicker asked for motion of approval in a primary form subject to two modifications requested.

Mr. Palmer made a motion for approval of DPR 520/24 Buggy Works, Inc.

Mr. Gentry seconded the motion.

**VOTE: For – 6**

**Against – 0**

**Abstained – 0**

More discussion among board members regarding the previous cases and agreed that Ginger Harrington should be present at the next meeting to answer some health department questions regarding regulations. Also, the Connection Pointe re-zoning question about how easy it was to downzone.

Being no further business before the board, the meeting was adjourned at 7:25 PM.

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Tim Dombrosky, Secretary