

HENDRICKS COUNTY AREA PLAN COMMISSION

Meeting Minutes

Tuesday, August 13, 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. Bob Gentry; Mr. Ron Kneeland; Mr. Walt O’Riley; Mr. Thomas Whitaker and Mrs. Margaret Gladden.

Members Absent: Mr. Palmer Damon

Staff Present: Mr. Tim Dombrosky, Secretary and Planning Director; Mr. Greg Steuerwald, County Attorney Representative; Mr. Brian Hurskainen, Senior Planner; Mrs. Ginger Harrington, Environmental Health Team Leader, 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 July 9th, 2024 meeting. Mr. Gentry made a motion to approve the July minutes. Mrs. Gladden seconded the motion. Motion of approval passed 6-0.

DPR 519/24: HEARTLAND CROSSING 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 looking to grant continuance of DPR 519/24: HEARTLAND CROSSING BUSINESS PARK

Mr. Gentry motioned for continuance of 519/24 till September 10th meeting.

Mr. O’Riley seconded the motion.

VOTE: For – 6

Against – 0

Abstained – 0

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)

Mr. Whicker asked if any staff members had questions or anything to say before we begin.

Mr. Dombrosky: Nothing has changed since the last meeting and mentioned Mrs. Harrington from Hendricks County Environmental Health Department volunteered to join the meeting since there were questions addressed at the last meeting, she might be able to answer.

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.

Mr. Comer summarized project plans to the board. He mentioned a revised concept plan with changes.

- Limiting the holding pen area to a small area behind the barn that will run approximately 100 animals per week.
- Will keep the number of animals per state law, at first would like to start with slaughtering of sheep, lambs and goats.
- Petitioner already has experience in this type of business and understands the procedure and requirements. Has an adviser who has more than 40 years' experience in this type of facility.
- Most parts of the building are easily washable using cleaning products required by Health Department.
- Proper preservation system will be used, and equipment for different waste will be held separately for dry and liquid.
- Insect control and cooling system will be used for animal waste for a very limited time until removed from the facility.

Mr. O'Riley: So, there will be 15 animals at any given time on 30' x 50'?

Mr. Comer: They will not be staying there, only sheep, goats and lambs. They intend to run them in and out.

Mr. Whicker: The animals are not staying there, coming in for a short period of time.

Mr. Gentry: Ginger, these come under the Indiana State Board of Animal Health. Are there any in Hendricks County.

Mrs. Harrington: There is one in Hazelwood for small animals.

Mr. Whicker: Any other initial questions before I make some comments.

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. What we are looking for tonight are merits of the zoning change. Mr. Whicker explained the process project would have to go through before actually being approved.

Mr. Dombrosky: We don't have a sign in sheet since the public hearing was already conducted last month.

Mr. Whicker: The staff is reminding me that we held the public hearing, but we are not going to restrict these people that want to speak again. We are not going to cover any drainage tonight, that will come with the development plan. It gets a lot more involved. Tonight, all we are looking for is a favorable or unfavorable recommendation that we can present to the County Commissioners.

Mr. Steuerwald: We have one person that signed up to speak Mr. Jim Gladden.

Mr. Jim Gladden: There is a big difference between a consequent farm and the meat processing facility that might go in. To me it's not a typical business or commercial facility to put a slaughter house with livestock pens. There will be impacts on the neighbors in four different ways.

- Potentially the smell, the remains of the slaughter.
- The waste, difficult to keep the waste clean, will require a lot of regulation enforcement.

- Noise for near by neighbors, outdoor pen livestock make noise.
- Impact of the market value of the existing homes as well as new homes that are to be built in the future.

Mr. Whicker: Just to be clear, the livestock can be on the property as it stands today. By changing the zoning, it isn't allowing him to put the livestock there it's allowing him the operation of the business.

Mr. Steuerwald: Another person has signed up to speak, Mrs. Virginia Phillips.

Mrs. Virginia Phillips: When we purchased the land, it was over 20 acres. We split up the land between 3 different families, we had to get a subdivision, we thought that protected us from the outside transgressions. Is that not the case, does that only apply to the 20 acres?

Mr. Whicker: You had a minor plat done to allow 3 residential lots to be built there.

Mrs. Virginia Phillips: If the zoning gets changed to Agricultural Business, I don't mind the animals it just the smell of blood and carcasses is what concerns me. We have Westerly wind, and it blows hard across the field and I am afraid that it will devalue our property.

Mr. Whicker: That is a fair concern for you to voice to us.

Mr. Whicker closed the public hearing and opened it up for discussion.

Mr. Comer: I don't have a lot of closing remarks. AGR business is difficult because it's out in the country, but this is Hendricks County so it's hard to get really far out into the country. So, we have this in our ordinance and would allow it under the right circumstances. I will let you decide whether these are the right circumstances.

Mr. Gentry: Ginger, if there were 100 animals there and it's not rezoned would you have authority to check on it if was unpopular or unhealthy. Would Hendricks County Health Department have any authority over the business?

Mrs. Harrington: No, our office would not have any control. Once you start looking at a confined feeding operation it becomes very large, there is a lot more than a 100 on the property on a per acre basis.

Mr. Comer: Never the less it's my understanding that in other parts of the state, the state does come in and inspect the facility.

Mrs. Harrington: It becomes a confined team operation, yes, they do. BOA inspects the slaughter house part of it. State regulates the waste and the processing.

Mr. Whitaker: What is BOA?

Mrs. Harrington: Board of Animal Health.

Mr. Whitaker: Does the Health Department look at any of this?

Mrs. Harrington: We will only be looking at a septic system for the business facility and everything else would be State regulated.

Mr. Whitaker: Are you familiar with BOA's process for facilities like this? So, we really don't know what they are looking at?

Mrs. Harrington: I am not familiar with their process.

Mr. Witaker: They are saying it will be regulated by local and state.

Mrs. Harrington: As long as we know they are functioning, they would have to follow the regulations.

Mr. Whicker: I have no problem with this type of operation, I don't particularly think it's a bad site for it, but by the time this gentleman gets through the development plan and understands what is going to be involved that might sway him from proceeding.

Mr. Whitaker: There are refrigerated semi-trucks parked on the property. Do we know whether or not he has already started operations?

Mr. Comer: I don't know that he has, it's my understanding he has not. As I mentioned he does have another facility in a different part of the state, my guess is that he is doing the butchering there and could possibly have the carcasses in the trucks that he is parking here.

Mr. Gentry motioned for an unfavorable recommendation to the Board of County Commissioners.

Mr. Kneeland seconded the motion.

VOTE: For – 5

Against – 0

Abstained – 1

Ms. Margaret Gladden rejoined the meeting.

Mr. Steuerwald confirmed this case will be heard in front of the Board of County Commissioners on August 27th, 2024 meeting at 9:00 AM.

ZA 516/24: BROWNSBURG YOUTH SPORTS, INC. C/O Geoff Ziegler; a zoning amendment change from AGR/Agricultural Residential Zoning District to PUD/Planned Unit Development; 60.85 acres; Brown Township; 36-17-1E; located on the Northeast corner of CR 900 East and CR 700 North. (Geoff Ziegler)

Mr. Dombrosky: Explained the ordinance being proposed and specific permitted uses and development standards. The ordinance that is proposed as the PUD ordinance would be the controlling ordinance. Anything that's not in the ordinance would not be allowed and only what's written there would be allowed.

Jeff Banning – Banning Engineering, Inc. – 853 Columbia Road, Ste. 101, Plainfield, IN 46168

Jeff Banning presenting a power point presentation. Also present are Geoff Ziegler, President, Brownsburg Youth Sports, Inc. and Jason Grezay.

Mr. Banning: This is a great organization, very successful.

- Mentioned some facts about the facilities location.

- The site will be on 60 acres, property is owned by Brownsburg School District.
- Northeast of Brownsburg on the West side of what is being extended to Ronald Regan.
- We have written our own landscaping plan as part of this PUD.
- Shared photos and plans of the concession building, baseball and softball fields.
- Discussed building materials and would like to be opened by Fall of 2026.

Mr. Banning: We have designed the Amo and Plainfield's Little League's Facilities and this one would be very similar.

Mr. Whitaker: On the drawing there is no lighting shown on these fields. Will this facility be used afterhours and weekend sporting evenings. There are neighbors that are close to that area. It is not uncommon for those events to start 4AM or 5AM and play 4, 5, 6 games a day. They play all hours of the night.

Mr. Banning: We do have a lighting plan, and our preliminary plan states we will meet the lighting standards that are in the ordinance.

Mr. Whitaker: Travel Softball Teams play all hours of the night.

Mr. Ziegler: Anything that we would play here, 8:00AM would be the earliest we would start a game and also 8:00PM the latest we would start the game.

Mr. Whitaker: Would this be something you would put into stipulations for this PUD. Is that regulated by the county in any way?

Mr. Gentry: We have the nuisance ordinance.

Mr. Steuerwald: You must forget all our existing ordinances, they don't apply. They are creating their own PUD ordinance by which they are going to be governed by. This is the ordinance we are looking at and not any other exiting one.

Mr. Whitaker: So, they create an ordinance and who enforces it? Something in writing would be very helpful.

Mr. Gentry: Would they be willing to stipulate to something reasonable (8AM-8PM)

Mr. Banning: We are willing to put that in the ordinance, we don't have a problem committing to that. We will commit to 11:00PM and we don't think it will get there unless there is a weather delay.

Mrs. Gladden: South of CR 700 – is the rest of this land a farm ground?

Mr. Banning: Yes.

Mrs. Gladden: I just don't want any complaints again him for his right to farm.

Mr. Banning: We understand.

Mrs. Gladden: He was there first.

Mr. Steuerwald: I am trying to get the record on the ordinance straight. You said 11:00PM.

Mr. Banning: Yes, they must terminate by 11:00PM.

Mr. Steuerwald: They can start anytime but must terminate by 11:00PM.

Mr. Whicker: I heard, 8:00AM till 11:00PM.

Mr. Banning: No earlier than 8:00AM start.

Mr. Gentry: Parking always seems to be an issue.

Mr. Whicker: That will all be in the development plan.

Mr. Banning: We will minimize parking issues, and we have gone above and beyond to what the ordinance allows to have the extra parking. I will assure you; the goal is to keep the cars off the grass.

Mr. Gentry: Sometimes the issue is that the sponsors of the tournament invite as many teams as they can get in there. If they would limit the number of teams they invite it would minimize the parking issue.

Mr. Banning: Would there be a way to get "No Parking Signs" on the County Road? That is a safety issue and we understand that.

Mr. O'Riley: Do you have any rough idea about how many parking spaces you have?

Mr. Banning: Currently about 780 parking spots.

Mr. O'Riley: Seems significant. That's about 70 car per field.

Mr. Whitaker explaining more about how many teams are invited and how the tournaments are designed as far as times and how many games will be played.

Mr. Gentry: Who will be enforcing, the County Sheriff's Office or Brownsburg? It's a great idea.

Mr. Whicker: The County will enforce.

Mr. Whitaker: I like the location with its relationship with 267, 74 and Ronald Regan. I do have concerns about the neighbors. Also, the drive coming off the 700 seems the landscaping plan is the leanest, so maybe pay more attention to that.

Mr. Whicker opened the public hearing.

Mr. David Weyant: I looked at all of the plans online and aligned them with county ordinances. Ordinarily I am not in favor of PUD's but that is not the case here. They have a very specific use, I don't see any negative or significant impacts to the general area. More from the economic impact in growth you will see dollars flow in from the convenience gas stations and restaurants. The long-term plan for

this area is industrial so over the course of time it will see this area shift from it's current use to the industrial which is a lot closer to the horizon then we believe it to be. They have been very responsive and react to the community concerns and I think they are looking to be a good corporate partner in that regard. I would like to ask that you give a favorable recommendation and forward it on.

Mr. Whitaker: Do you live near this project?

Mr. Weyant: No, I don't live there, but travel there frequently and don't have any concerns about the traffic. If I had anything negative to say I would say it.

Mr. Mark Starkey – 9225 E CR 700 N – Brownsburg, IN 46112

Mr. Starkey: I have been wanting this for a long time. I have been working with Jeff for a long time and I am thrilled about this. I am very supportive of the project and as far as the lighting is concerned, the lights are going away from the houses. We are concerned about the security and buffering. I am wondering if there will be a fence there, not right away but in time. Also, wish you could put the entrance off of 700 little more East since it's a little close to the house but otherwise I am really thrilled.

Mr. Alan Hoffman – 9740 E CR 700 N – Brownsburg, IN 46112

Mr. Hoffman: My only concern is that when it was advertised, it was going to be a community league and they would not have to be judged about not being very good, just about coming out and playing together. Now I hear it may be more on the complete basis for big time tournaments or will it be like it was originally advertised?

Mr. Whicker Closed the public hearing

Mr. Ziegler: Brownsburg Baseball and Brownsburg Little League will be the primary tenants of the facility. In addition to that we will have the space available outside of some of our own events we would like to book other tournaments. Little League will be the focus, but we recognize the fund-raising revenue generating will be from other tournaments.

Mr. Grezay: It's not a Grand Park, we would be able to offer travel team tournaments and have the competition, but the funds would go right back into the facility to allow for reduced registration fees. We are focused on driving the growth through our program. The challenger program is another aspect in the special needs community. The financial aspect of it is also the necessity and the expansion of the facility but also driving down the registration fees so all the kids in the community have a chance to participate.

Mr. Banning reinforced the specific use for PUD and explained the reason behind the ordinance and will be working with staff on traffic and lighting issue. Touched on the driveway and will discuss it further with the drainage board. Mr. Banning asked for a favorable recommendation to the Board of County Commissioners.

Mr. Whicker and Mr. Dombrosky explained the nature of the request in the PUD form to the board members. Also, discussed including the times of play.

Mr. Steuerwald: Part of the ordinance, if you accept the commitment the recommendation will need to include the concession that the hours of play will not be before 8:00AM and not later than 11:00PM.

Mr. Gentry made a motion for a favorable recommendation with the restriction of 8:00AM to 11:00PM play time.

Mr. Whitaker seconded the motion.

VOTE: For – 6

Against – 0

Abstained – 0

This case will be heard in front of the Board of County Commissioners on August 27th, 2024 meeting at 9:00 AM.

Being no further business before the board, the meeting was adjourned at 7:39 PM.

Tim Dombrosky, Secretary