

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE
GREENFIELD, IN 46140**

PLAN COMMISSION MINUTES

DATE: March 28, 2023 TIME: 6:30 P.M.

PRESENT:

MICHAEL LONG, PRESIDENT

RENEE OLDHAM, SECRETARY

SCOTT WOOLDRIDGE

GARY McDANIEL

WENDELL HESTER

RHONDA COOK, ATTORNEY

KAYLA BROOKS, DIRECTOR

DAWN PARKER, RECORDING SEC.

ABSENT:

TYLER EDON, VICE PRESIDENT

TERI SWEET, RECORDING SEC.

The March 28, 2023 meeting of the Hancock County Area Plan Commission was brought to order by President Michael Long. Mr. Wooldridge moved to accept the previous month's minutes as received. Mr. Hester seconded. Motion carried. Prior to making their presentations, the Commission's attorney Rhonda Cook duly swore in all persons appearing before the Hancock County Area Plan Commission.

Mr. McDaniel moved to adjourn. Mr. Wooldridge seconded, and the meeting was adjourned at 9:45 PM.

ATTEST:

MICHAEL LONG, PRESIDENT

ATTEST:

RENEE OLDHAM, SECRETARY

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE, SUITE 146
GREENFIELD, IN 46140**

PLAN COMMISSION MINUTES

Tuesday, March 28, 2023

TIME: 6:30 PM

1. Kittle, Jerry - Turner Farms-Primary
SW corner of 700 W & 500 N
2 - 16 - 5

Planned Unit Dev.
Primary Plat 23-2353
Buck Creek

Primary plat for Turner Farms (144 lots) located on the southwest corner of 700 W and 500 N on 57.69 acres zoned PUD (Planned Unit Development). Ms. Brooks said this came before this board in December for rezoning and is on the corner of 500 N and 700 W. Changes have been made to the passing blister and turn lanes on both county roads, the Tech Committee comments from Highway Engineer and Planning have been approved and a technical issue with the County Surveyor's office is being addressed. She said Turner Farms has answered all our questions, added a drive into the amenities center to make it a safer entry, a second stub has been added on the SW side of property and if future development occurs it could provide for future connection along with a stub road in the SE section of the development. Ms. Brooks stated staff recommendation is favorable with one condition: no removal of trees shall occur until a Tree Preservation Survey and Plan is received and approved by Hancock County Planning Department. This is to ensure that trees are not removed prior to development. There was a discussion about the percentage of trees that would be saved and the size. Ms. Brooks stated that the agreement is to save as many 6" in diameter trees as possible. Mr. Matt Price, attorney representing AMH Development was present with Mark Conner and Gary Carpenter, Jerry Kittle, and Zach Wilkinson. He said they have worked closely with staff and have a proposal that meets the terms of the PUD and the subdivision control ordinance. Mr. Price said the project investment is 1.7 million dollars, it is under one ownership and will be maintained by that singular owner 100% of the time. Mr. Price said there is no vinyl on the exterior of these homes as agreed to as an enhanced architectural plan. He stated AMH agrees to the commitment to complete a tree study and preserve trees with a 6" diameter and to agree on a percentage to be saved pursuant to our written and recorded zoning commitment before any trees are removed. Mr. Price said all Tech comments have been complied to for the primary plat. Mr. Wooldridge had questions regarding the wooded area and asked if all the trees were 6" in diameter. Mr. Price stated that there are going to be wooded lots and areas between homes and will submit the tree survey with an agreement on species and sizes that need to be preserved along with an itemization of the trees to be kept and trees that are not due to size or health of the tree. There was discussion among the board regarding the ability to sell these lots. Mr. Price stated there is a waiting list around the country. He said these homes are desirable in the market of empty nesters or those that are looking for low or no maintenance option, we have fully sodded properties, and a maintenance team that services each home 100% of the time. He said there are individuals in transition that need a home for a year or two before finding their permanent home, and those that are just looking to rent and do not want to own at this time. Mr. Price stated he is very confident that the market is there to rent these homes. Mr. McDaniel stated that Greenfield has rental facilities that are

standing vacant. Mr. Price said he is experiencing a market that is waiting to see what interest rates and the federal reserve does before buying and feels this is just what is needed. He stated there is opportunities in Hancock County for jobs that bring people looking for new opportunities, wages, and benefits and this is being responsive to the marketplace. Mr. McDaniel asked what the rents will be. Mr. Price answered that the homes range from 1,800 to a little over 2,000 sq ft and is roughly a dollar a square foot. He stated that the median household income for renters is \$120,000 per year. Mr. Long asked if there is a phasing plan for construction or is it all happening at once. Mr. Price answered that the amenities center will be complete at 60% and is part of the commitments. Ms. Oldham stated that the price points are higher than what people are paying for mortgages in Hancock County, that the warehousing pay is around 40k and not many executives are living here at this point. She asked if there a contingency plan if there is not a market for this and it becomes more of a rental area that we don't want? How do we protect our community from that happening? Mr. Price answered that they must have a return on the investment made and the business risk is ultimately on the company = can they rent it or not? The high-quality asset is in the County at that point and has the amenities center, enhanced architecture, and wooded preservation areas and said those things are built in and that is the greatest protection against something being a lower quality project. He also states that Hancock County is requiring at the time we get the first certificate of occupancy we file a letter of credit to ensure a pool of liquidity to maintain those properties if the County determines that they are not being maintained. So, there is a liquid security in place from day one, and demographics reflect that managerial and upper management individuals are moving into Hancock County. He stated they feel that they are meeting a need. Mr. McDaniel asked how long the company will hold onto these properties. Mr. Price answered indefinitely but there is a transition plan if AMH leaves the rental business the property would then be sold in whole to another company. Mr. Long asked for any remonstrators to this petition. Sandra Hudson asks about the buffering commitment for the residences around this project and would there be a negative impact on those around the project with well and septic. Mr. Long answered that buffering commitments are in place. Ms. Brooks answered that this subdivision will be on public water and will also have public sanitary sewer running through the neighborhood bringing both of those utilities closer to the existing residences on this county road. There was discussion about how and when the surrounding residences would be able to connect to public water and sewer. Ms. Hudson stated that if these rentals are bringing in higher income residence and buffering standards are in place, she is ok with this project. Mr. James Kesler asks about buffering, could we make sure that if there is buffering that it fits and is long term and does not have to be removed because of unforeseen circumstances. He stated he has seen buffering being removed because of power lines and is concerned about removal of the buffering later. Mr. Long stated that the landscape plan will be reviewed in detail and watch for those issues when submitted to the Planning Department. There was more discussion regarding the diameter of the trees being either 6" or 8" and the percentage that are to be preserved. Ms. Brooks stated that as part of the rezone commitments that were agreed upon the tree preservation plan and survey says that all healthy trees over 6" caliper be preserved and commit to saving a certain percentage of those trees as discussed earlier. Motion to approve made by Mr. Hester with the request that this comes back to the Plan Commission for Secondary Plat. Motion was not seconded. Mr. Price questioned what the reasoning is for not seconding this motion. Mr. Wooldridge argues that the language for the tree recommendation that states all healthy 6" trees will be preserved is what he wants to be clear on. Mr. Price states that the fair way is with the tree study that is already being done and has been committed to and requests the opportunity to move forward. He argued that

add or detract from the home values in the area. Additionally, the site plan, landscape plan and materials will be going through the review process for the required building permits from the Building and Planning Departments before any permits are issued. Fencing will be used minimally between buildings and attach to the buildings to create a boundary with landscaping outside of that. Ms. Brooks said the criteria to consider is current conditions/character, desired use, preservation of property values and responsible growth. She stated the staff recommendation is favorable with the following conditions: written commitments from first rezone shall be copied and recorded with this rezone A. Prohibited uses = hotel/motel, liquor store, night club; B. Petitioner will comply with Corridor Overlay (C-OL) architectural standards for exterior colors/materials visible along US 52 Corridor; and C. Petitioner shall comply with Subdivision Control Ordinance. Ms. Brooks said the approval of this rezone does not constitute a site plan review, if there is a question of whether industrial or commercial standards apply in regard to aesthetic requirements, the Planning Director may decide, any existing violations will be resolved before a building permit is issued, and whole site landscaping will be reinspected prior to COO being issued. Russell Brown representing for petitioner presented project with Ryan & John Lesley, in attendance, that are the current owners of New Palestine self-storage. Mr. Brown states he will agree to all commitments that have been presented by staff and is working on the landscaping plan to meet all the requirements. He said Ms. Brooks and I have compared what landscaping is on the site and what landscaping is required so that we know what is expected on the landscaping plan. He said the plan is compliant with the commitments and is ready for approval today by this board. He stated he appreciates all the direction and help that he has received from the Plan staff. Mr. Brown said a slight deviation to the plan to the exterior buildings is the addition of indoor RV Storage buildings that will be slightly taller and wider and will shrink the other building sizes. No remonstrators were present. Mr. McDaniel made motion for approval with all conditions and commitments. Motion seconded by Mr. Wooldridge. Motion carried Five (5) approved, zero (0) opposed.

4. Quinton Dobbins/Second Circle R1.0
 located on N SR 9 between E 550 N & E 500 N Rezoning 22-2356
 5-16-7 Center
- Rezone to CC (Commercial Community) to allow construction of a Dollar General facility, located on N SR 9 between E 550 N & E 500 N on 2.394 acres, currently zoned R 1.0 (Residential 1.0) Ms. Brooks presented an unfavorable recommendation for this project. She said this rezoning for a Dollar General does not meet the desired use of the comprehensive plan and states the following criteria to consider: 1. Current conditions/character = Maxwell has developed as a village on a railroad to a village on a highway with great proximity to other highways leading to a blend of land uses that don't always work well together. 2. Desired use = Comprehensive plan states that this should be a master-planned community with a focus on single-family housing (planned neighborhoods), non-residential development along SR 9 should be limited to nodes, not strips and that non-residential development in Maxwell should be concentrated around SR9 & 500 N intersection. 3. Property values, preservation of = Much of the remonstrance received focused on this. 4. Responsible growth = no public water available and the use of own drive. Ms. Brooks stated that under the Planned Neighborhood description in the Comprehensive Plans gives the following description: variety of housing

types, basic services, supporting public facilities and recreation/open spaces as well as use of traditional neighborhood design and concepts are strongly encouraged. The uses for the area are medium density housing (50-70%), duplexes (5-15%), multi-family (2-10%), traditional neighborhoods/parks (min. 10%), institutional uses (max. 10%), neighborhood commercial and office uses (max. 10%). Utilities should be centralized water and sewer with regional stormwater management and developments should be at least 20 acres in size and have a mix of uses and smaller projects may not include institutional/commercial uses and all projects should be approved under PUD zoning. She said none of these criteria are met with the Maxwell Dollar General project. Ms. Brooks then compared this project to an existing Dollar General in Hancock County off US 40. She said the Dollar General on US 40 is connected to an apartment complex, is not on a lot by itself with a separate road cut, has use of water and sewer facilities and is consistent with the Comprehensive Plan in that area. Ms. Brooks said this is a good use of a master plan that fits with that area compared to the Maxwell project that does not. Ms. Brooks pointed out that the remonstrators were added up by Dawn Parker and the total is 352 against this project. She said most were part of the petition but also emails and letters were received. She stated that for all these reasons staff recommendation is unfavorable for this project. Mr. Briane House representing for petitioner states it has been more than a year since this project has been heard with an unfavorable recommendation. He quotes Borsuk v/s Town of St. John heard by the Indiana Supreme Court and then a decision by the Indiana Court of Appeals states "a Comprehensive Plan is a community's long-range vision for physical development but implementing the plan in regard to a given piece of real estate might not be the best course of action for the community on a given day". Mr. House said The Comprehensive Plan is a guide to community development rather than an instrument of land use control. He said in other words, a comprehensive plan is a guide and not a mandate. Mr. House stated, "I believe the way this project should be considered is not in terms of what may be but rather what is". Talking about water, the Plan desires nodes, houses and apartments, boulevards etc. and I support those concepts. He said the fact of the matter is there isn't water here and development will not occur until there is. He said Mr. Leonard and his company did build the Dollar General store on US 40, and he stands here tonight to do the same thing again and if someone wants to come along and build some apartments to keep with the comprehensive plan great. Mr. House said that one of the primary concerns was that Mom and Pop's business in Maxwell said this is going to kill us, this is a quote from the minutes. He argued he respectfully disagrees, and these two (2) businesses are not comparable whatsoever. Mr. House stated the main component of Mom and Pop's is food service and a major component of sales is beer and wine. He said Mom and Pop's carry very little merchandise in terms of what you would get at Dollar General. Mr. House stated that if you wanted to buy a mop you would go to Dollar General, if you wanted to buy an inexpensive set of glass ware Dollar General. He said Dollar General is a matter of convenience because not everyone wants to go to Walmart just to get one or two items and feels that there is not a threat to Mom and Pop's from this store when it is looked at in a reasonable basis. Mr. House said some have stated we have enough Dollar Generals, maybe and maybe not. Mr. House stated the fact is the owners

are entrepreneurs and want to develop a Dollar General store here and across the street is a meat processing facility and Smith Projects that have done very well and this projects fits in with that development. He said the Dollar General project is attractive, employs members of the community and would provide a utility (nine star) and incentive to extend water lines to residences. Ms. Oldham stated that the job of this board is to look to the future development compared to what is here. Ms. Oldham stated that we have a responsibility for ten years from now and how that will look. Mr. House agreed. He said that zoning and planning does drive development but based upon the factors in place now at this property and the factors that will exist in the foreseeable future the type of development that the comprehensive plan looks to promote is not likely for many years into the future. Mr. House stated his point is that comprehensive plans change over the years, and we may come back at some point in the future and think the mixed use for Maxwell is not working or happening. He stated there is a real possibility that the Dollar General in Maxwell could spur more development in the future and feels it is somewhat unjust to Mr. Dobbins that is looking to sell and develop this property to not be able to do so. Mr. House stated he respectfully asks that you give this project a favorable recommendation of approval with commitments and variances. Mr. Long asked for remonstrators. Mr. Steve Elsbury, attorney speaks on the behalf of residents of Twin Oaks Subdivision in remonstrations of this project. He states that this board is required by law and County Code to consider the Comprehensive Plan. Mr. Elsbury said the mixed-use corridor has been removed in the new Comprehensive Plan for this area and therefore this project does not fit in with the new plan as Smith Projects and the Meat Processing plants projects did when they were built. Mr. Wooldridge questioned what Mr. Elsbury would say for the 5 criteria that this project needs to meet and asks how he would vote. Mr. Elsbury said the project does not meet the current comprehensive plan and is not responsible growth, property value and desirable use he had no comment on. He said these factors are what are required to be considered and is up to this board to decide if it meets those definitions and criteria. Ms. Debra Elsbury, remonstrates as owner of Mom & Pop's and a resident. She stated she provided the petition with over 350 signatures, many of which came into the store to specifically sign the petition. The people of the area are obviously opposed to the Dollar General. Ms. Elsbury would like to answer some questions that have come up. Hot food is 10% of Mom & Pop's business, we sell food, we sell milk, eggs, bread, lotto tickets, cigarettes, soda and all those things that a Dollar General would also sell. Ms. Elsbury said a 20% impact on sales would be detrimental to her business (Mom & Pop's). She stated that as an area resident she strongly opposes this project and feels it would not be responsible growth and would like development to be more purposeful and intentional for our community. Mr. Bob Mattsey states that he wants to give some factual data and thoughts about this zoning for Dollar General and how much he opposes it. He stated in 1992 he purchased 4 acres across the road from Maxwell Middle School and lived there for 23 years. Independent Concrete bought an old concrete plant, destroyed 10 acres of woods, caused chemical spills, flooding and many other issues, and our property values dropped. He said in 1997 County Materials informed him his property had been rezoned to Industrial and was worthless and made him an offer of

\$100,000 for property that was worth considerably more. Mr. Mattsey said, “this is personal” and asked the board for an unfavorable recommendation, please because we, the residents, do matter. Mr. Brett Hickman stated that Dollar General is not a good organization and will put neighborhood businesses out of business, they (Dollar General) are a crime magnet, have been fined by the Department of Labor for willful violations and does not want that in his backyard. Mr. Ryan Wortman stated his concern is with the inconsistency of the Comprehensive Plan and feel that this is not the best use for this area, it is unclear what the property value impact would be and needs more research but hopes for an unfavorable recommendation. Mr. Quin Dobbins stated that the Comprehensive Plan and this area has 2 major industrial power lines. He said 550 is a dead end because it used to be a gravel pit and is now known as Riley Ditch. So, 550 does not connect to any other road. Mr. Quin said he believes Dollar General is not going to pull from Mom & Pop’s, and he will go to Dollar General to get mops and things he cannot get at Mom & Pop’s. He said there is Maxwell Meat Market and Smith Projects across the street and believes it fits in with the area development. He stated he is in favor of the Dollar General. Ms. Jennifer Ramo said her home is on 550 N and states her objection to the Dollar General. Since the expansion of County Materials their machines run all night and never stops, and expansion of the area is what made that happen. She said there will be unintended consequences of bringing in a Dollar General to this area. Ms. Ramo stated Dollar General has a 1.1 BBB rating out of 5 and is not a business to encourage for our area. She said if she wants to go to Dollar General, she can drive 3 miles down the road or go to Walmart. She said she wants to support Mom & Pop’s and the local economy. Mr. James Kesler asked if the site plan for Twin Oaks could be brought up on the screen. He said we are talking about unintended consequences and points out where Smith Projects business is located and the #13 on the site plan map is his house. He stated that when Smith Projects was built, residents were told they would not hear it, but at 5 a.m. we hear it. He stated we were told our property values would not drop, then a chemical spill happened. Mr. Kesler said that because of that spill a permanent monitoring system has been placed on his property and his property value has dropped. He asked, “Who is going to buy a property with a permanent monitoring system on it”? Mr. Kesler said please don’t fail the voters and the homeowners of Hancock County by allowing this project. Mr. Larry Gray stated his home is the 2nd home on 550N and asked that the board follow the unfavorable recommendation of the Plan Director and vote no. Mr. Evan Flick stated he does not see value in having another Dollar General and that there are 4 or 5 in a six (6) mile radius. Mr. House rebutted that the project is compatible with current conditions character of the site, there is a desired use, does not submit that property values will decrease and stated that this is responsible growth and is keeping with what is already there. A year ago, it was a favorable recommendation and not much has changed. He asked for a favorable recommendation. Ms. Oldham said that the time, money, input from the community, that the Comprehensive Plan does not support this development and she does not feel this is what is envisioned for the Maxwell area or Hancock County. Ms. Oldham made motion for unfavorable recommendation. Mr. McDaniel seconded the motion. Motion carried with five (5) opposed and zero (0) in favor.

5. Plan Commission Appointment Membership. Ms. Brooks presented the changes regarding the Plan Commission Appointment requirements. The Commissioners have voted to add two (2) members to this board bringing the total members to nine (9). The two (2) new seats are as follows: Adding a county commissioner appointee that must live in the unincorporated part of the county and the County Surveyor will have an appointee. This is the gist of those changes, and the updated membership roster and ordinance is available in the Planning office. There was discussion among the board about the terms of office and the need for a nine (9) member board. Mr. Long asked if anyone would like to speak. Mr. Sedam stated that there is truly a need for more members, we do need voices and diversity of the County and the unincorporated areas are underrepresented. He stated he is encouraged about the changes and new members with passion representing our County. Mr. Elsbury stated that not only someone from the Eastern side of the county but maybe someone with an agricultural background be considered. Ms. Oldham made a favorable recommendation to the Commissioners for approval at the April 4, 2023, meeting. Mr. Hester seconded the motion. Motion carried Five (5) approved, zero (0) opposed.

OTHER BUSINESS:

1. Ten (10) acre tract/Ag & Residential zoning districts amendments to allow multi-family – Ms. Brooks presented the following example of proposed changes:

156.020 ESTABLISHMENT OF ZONING DISTRICTS

(A) *Establishment of Zoning Districts*

(1) Agricultural Zoning Districts

A - Agriculture - intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural uses, **preserve the viability of agricultural operations, and limit development in areas with minimal infrastructure.** Single-family dwellings are permitted in the "A" district except that major residential subdivisions are not permitted, *nor is the cumulative development of minor subdivisions in a way that would circumvent the intent of this zoning district.*

She said that multi-family (more than 2 dwelling units) has been added as a Special Exception in the R3.5 zoning district and Permitted in the R5 zoning district. She stated that more multi-family developments in our county is needed and believe these change are necessary for the county

R3.5 - Residential: 3.5 - intended to provide areas for **single-family** residential land uses developed in **suburban-style subdivisions.** There is also the opportunity for **two-family dwelling developments in some cases.** These areas should be located **adjacent to existing development and near infrastructure (streets and utilities) for ease of connection.**

R5.0 - Residential: 5.0 - intended to provide areas for **single-family** residential land uses developed in **suburban-style subdivisions** and developed on relatively **smaller lots** than the lower-density zoning districts. There is also the opportunity for **two-family and multi-family dwelling developments in some**

cases. These areas should be located adjacent to existing development and near compatible infrastructure (streets and utilities).

ZONING DISTRICT LAND USE (below)	A	RR	R1	R2.5	R3.5	R5	RMH	RM	CN	CC	CR
Dwelling, multi-family (more than 2 dwelling units)					S	P		P	S	S	S
Dwelling, single-family (includes manufactured homes)	P	P	P	P	P	P	P				
Dwelling, two-family				S	P	P		P	P		

There was discussion regarding Agri-neighborhood district possibilities for future development and additions to the zoning districts.

2. Architectural standards (Shirley) – Ms. Brooks presented revisions to the architectural standards that have already been approved by The Town of Shirley. Ms. Brooks said the minimum living space is reduced to 800 sf keeping with the smaller historic cottages that are in Shirley and architectural details have been added. This will allow owners more choice for homes on these lots and ensure more street appeal as well. This ordinance (#2021-7A) Amendment to the Shirley Overlay District is attached to these minutes. Ms. Oldham made a motion for approval. Mr. McDaniel seconded motion. Motion carried five (5) approved (0) opposed.

3. Future Hancock Steering Implementation Committee/Comprehensive Plan Implementation – Discussion for approval - Discussion was had regarding the real need for a Steering Committee and what their roll is or would be going forward. Mr. Long stated that this Committee should be for Comprehensive Plan Advocacy going forward. Mr. McDaniel stated that some person’s on this list have done very well in this County. Ms. Oldham stated the whole demographic should be represented in the Steering Committee (people from all walks of life: CEO’s, small business owners, and regular everyday citizens) and should work together so that all have a voice in the Comprehensive Plan and its Implementation. Mr. Long said the hope is to have a group of people to present the Comprehensive Plan to the public and find out what the community likes and does not like, report back quarterly to the Plan Director, Highway Engineer, and Economic Development. Mr. Brooks stated Membership of the Steering Committee will be regularly brought up at future meetings for more discussion and she will update the Plan Commission on the Steering Committees progress.