

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

**PLAN COMMISSION MINUTES**

**DATE: May 23, 2023    TIME: 6:30 P.M.**

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**PRESENT:**

**MICHAEL LONG, PRESIDENT  
TYLER EDON, VICE PRESIDENT  
SCOTT WOOLDRIDGE  
GARY McDANIEL  
LACEY WILLARD  
DEAN FOUT  
BYRON HOLDEN  
RHONDA COOK, ATTORNEY  
KAYLA BROOKS, DIRECTOR  
DAWN PARKER, RECORDING SEC.**

**ABSENT:**

**RENEE OLDHAM, SECRETARY  
WENDELL HESTER**

The May 23, 2023 meeting of the Hancock County Area Plan Commission was brought to order by President Michael Long. Mr. Edon moved to accept the previous month's minutes as received. Mr. McDaniel 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. Long presented Byron Holden as new member to the Plan Commission and Mr. Long stated that there is a seven (7) member board present, and five (5) votes are needed for approval.

Mr. McDaniel moved to adjourn. Ms. Lacey seconded, and the meeting was adjourned at 8:46 PM.

**ATTEST:**

**ATTEST:**

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MICHAEL LONG, PRESIDENT

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Renee Oldham, SECRETARY

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

**PLAN COMMISSION MINUTES**

**Tuesday, April 25, 2023**

**TIME: 6:30 PM**

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| 1. First Investment Inc.<br>Approx. 4700 W 300 N<br>17 – 16 – 6 | Industrial Business Park<br>Rezoning 23-2340<br>Buck Creek |
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Rezoning 25.0 acres from IBP (Industrial Business Park) to IL (Industrial Light) located approximately 4700 W 300 N for a truck repair shop with semi-truck/trailer storage. Continued from February at Petitioner's request. Continued from April due to improper advertising. WITHDRAWN by petitioner. Motion to approve the withdrawal by petitioner made by Mr. Holden. Mr. Wooldridge seconded motion. Motion carried.
  
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| 2. Joyner Homes/Carroll, Paul<br>SE Corner of Fortville Pike & W. 375 N<br>13 – 6 – 6 | Agricultural<br>Rezoning 23-2371<br>Center |
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Rezoning 22.44 acres from A (Agricultural) to RR (Rural Residential) at the Southeast corner of Fortville Pike & W. 300 N Greenfield for a future development by Joyner Homes. Continued from April with the following conditions: 1. Address rezoning concerns, 2. Address traffic, cemetery, and safety issues, 3. Present Proposal regarding what petitioner is willing to do for the amending of the Comprehensive Plan 4. Utilities plan, 5. Remonstrator concerns. Ms. Brooks asked that the representative for Joyner Homes, Mr. Paul Carroll conduct his presentation first to address the five (5) items that were asked for in last month's meeting. Mr. Carroll stated that Joyner would like to pursue this project and has entered into an agreement with the property owners to purchase and develop this site. He said he is aware that the cemetery located across the road on 375 N requires a development plan be submitted to the Department of Natural Resources Division of Historic Preservation and Archeology per code 14-21-1-26.5 prior to disturbance of any real estate within 100 ft of the burial ground boundaries, and the approval of the Center Township Trustee would need to be obtained as well. He stated Joyner Homes will have all-necessary requirements for the cemetery in place before development of this project. The second item regarding remonstrator, Mrs. Hall who brought up several items. The first being that wells would be run dry in the area. He said there is not much that can be said to address that concern because he has not run into that scenario where wells have run dry due to a development. Drainage on this property would improve to the surrounding properties with a retention pond put in place and storm water concerns would be addressed at Tech. Mr. Carroll said the traffic and obstructed view concerns in and out of the development would be addressed using shared drives entering and exiting off Fortville Pike and to not allow parking that would obstruct view of oncoming traffic. Mr. Carroll said there are several properties in the area that have shared drives. He stated landscaping concerns/requirements would be met for the Subdivision Control Ordinance and any concerns at Tech Committee would be addressed at that time also. Mr. Carroll stated that the utilities for the area are serviced by Ninestar, and they do not intend or plan to bring service to the area any time soon. Mr. Carroll said he reached out and

spoke to Charles Gil with Greenfield Utilities and asked if Greenfield could take utilities out to this area if they wanted to? Yes, because the Ninestar territory is considered a non-exclusive territory, but Greenfield Utilities does not intend to take utilities to the area either. He said for those reasons bringing utilities to this area is not foreseeable at this time. Mr. Carroll said the staff's objection/unfavorable recommendation, being in the future growth area of the Comprehensive Plan and the plan stating property in this area should not be rezoned until utilities are available. He said he views the Comprehensive Plan as a guideline and doesn't see anywhere in the plan where discretion would be taken away for the Plan Commission to approve an otherwise good project in the area. Mr. Carroll said reading through the Comprehensive Plan he found what he believes to be a conflict. He said the Comprehensive Plan states rezoning amendments should occur but only on an annual cycle. If the policy is to require an amendment to the Comprehensive Plan annually then any redevelopment in the area would stop. He stated this would be a disservice to owners who are looking to sell property because they would need to hold onto their property until the annual amendment is completed and hope that their property is within the area being amended. He said Joyner Homes and companies like them would be put in a position where they could not purchase property for development without taking a significant risk that the Comprehensive Plan would be amended afterward. Mr. Carroll said he does not believe this is the intent of the Comprehensive Plan and believes it is a set of guidelines. He said they are looking to develop as suburban residential property as the Comprehensive Plan sees for this area but not yet. He said this is a very good project and serves a need in Hancock County. Mr. Carroll said in deciding to amend the Comprehensive Plan there are a list of factors identified. Mr. Carroll stated one of the key factors asked was if there are other properties available for development in the county. He said there are no similar properties available but there is a considerable need for estate style lots in Hancock County and that is what Joyner is looking to do. Mr. Holden asked how close the utility main is to this project? Mr. Carroll answered that it is South of 300 N. Ms. Brooks was present and stated she stands by the previous unfavorable recommendation due to the Comprehensive Plan requiring that future growth areas not be developed until the land designated for specific uses, like Suburban Residential, is completed and only when utilities serve the area, only then should agricultural land in this area be developed. She said this area does not meet the requirements of the Comprehensive Plan, this is not responsible growth with no public water or sewers being available and driveway cuts on a major collector (Fortville Pike) that also has an angled intersection is a major safety concern. Ms. Brooks said a layout change could be considered with a central drive and a drive connection to the east. She recommends removal of lot seven (7) and enlarging the lots. Ms. Brooks said one and a half (1 1/2) acres is the bare minimum lot size and would not allow for barns, pools, or any outbuildings. She suggested a minor subdivision with three (3) lots would be a more desirable plan. Ms. Willard asked if these suggestions have been shared with Joyner. Ms. Brooks said they have been shared. Mr. Long asked about the driveway cuts and if the County Highway Engineer has commented. Mr. Pool, Highway Engineer, was available by zoom and answered that the entry access is not desirable long term and the less access points the better. Remonstrator, Larry Sadam stated with the safety concerns, the undesirable layout, and asked if this project is desirable or profitable and if not turn this project down. He asked the board to stick to the unfavorable recommendation for this project. He said the Comprehensive Plan should be followed, stated there are properties in the county to develop because he has seen them and asked that the Comprehensive Plan not be changed. Mr. Paul Carroll rebutted and said the suggested layout and access road layout is not a viable option for

Joyner, properties are not available for this type of project and asked that the rezoning go forward. Mr. Long asked if Joyner would be willing to make the changes suggested. Mr. Carroll said the changes would not work for this development and would not be profitable for them and he cannot commit to them at this time. Mr. Long said a possible change to the Comprehensive Plan was discussed at the previous meeting. He said this is not something we could do easily. Ms. Brooks said there are specific amendment processes, and the Comprehensive Plan states it should not be amended for one specific project. Ms. Brooks stated that septic failure and water quality are concerns as well as public health. She said utilities and public service availability are key in the future land use area and they are not in this area yet. There was much discussion among the board about how the process for amending the Comprehensive Plan and bringing utilities to this area would work. A motion for an unfavorable recommendation was made by Mr. McDaniel. Motion was seconded by Mr. Wooldridge. Motion carried for an unfavorable recommendation of a vote of six (6) for, zero (0) opposed and one (1) abstained.

#### OTHER BUSINESS:

1. Comprehensive Plan Implementation – Update –
  - a. Vandewalle Implementation Services Contract

Joining the meeting via zoom were Gary Pool, Hancock County Highway Engineer, Meredith Perks, Assistant Planner Vandewalle & Assoc., and Scott Harrington (Principal Planner, Vandewalle & Associates) and Ms. Mary Gibble President, Community Foundation of Hancock County, was present. Ms. Brooks spoke about the purpose of the Implementation Committee and their role and provided a copy of what is written in the Comprehensive Plan (attachment). Ms. Brooks stated the Implementation Committee is well defined by Vandewalle and said their role is not decision making but information collection. Mr. Herrington said Implementation needs to be a community effort with mutual information collected and shared between all areas like Highway, Economic Development, and other departments. He said all departments would come together for discussion and to share input collected from the community. Ms. Mary Gibble, chair of the Implementation Committee for the City of Greenfield said the Comprehensive Plan is a working document and the City of Greenfield's Comprehensive Plan Implementation Committee was used by the City of Greenfield when the Trails were approved in 2018. She said information was collected from municipalities and the community and that information was used by the Implementation Committee to help in the completion of the project. Mr. Long said the Implementation Action items are many and have been provided in a handout (attachment). Mr. Long gave an example scenario: In writing an ordinance ideas would be collected, talked about, ordinance written and then to the Plan Commission board for approval. Mr. McDaniel asked about legal issues and Mr. Long answered that all ordinances are looked over by our attorney. Ms. Brooks stated there are many ordinances that are out of date and need updating to mirror the Comprehensive Plan that Vandewalle would help with as well. Gary Pool stated that with the direction from Commissioners there should be compelling info to change the Comprehensive Plan or Amend it and that public involvement needs to be limited and believes the Comprehensive Plan should be followed with prejudice. He also said coordination of Comprehensive Plan and Ordinances need to happen together so that ordinances are consistent with the Plan. Ms. Brooks said Amendments that are needed to the Comprehensive Plan will be collected and voted on by the board once a year. She said that would more than likely take place at the beginning of each year. Ms. Brooks said the Implementation Committee membership

needs to be agreed upon as well. Mr. McDaniel suggest that someone not affiliated with businesses be part of the implementation committee. In other words, just a member of the community, or a small business owner. There was much discussion about how to go about collecting information from the community and possibly having public meetings, taking poles, and conducting surveys. Mr. Long agreed that public meetings, taking poles, and conducting surveys are great for public input. Mr. McDaniel agreed and stated he would forgo asking for a member of the public on the Implementation Committee. Ms. Willard asked that our attorney review the contract language such as IP access as there are no cure rights and the option between the 60 hours and work orders is very technical. She said if legal has reviewed the IP rights with 7 days' notice without cure and the dual charging for work orders she is fine with it. Mr. Long asked for a motion for approving Vandewalle Implementation Service Contract contingent on legal counsel review and change orders being handled appropriately as stated. Motion was made by Ms. Willard. Mr. McDaniel seconded. Motion carried.

## 2. Solar Ordinance – Discussion

Mr. McDaniel stated there have been community members reach out to him with concerns over possible solar fields in Hancock County. Ms. Brooks provided a draft of a model solar ordinance for Indiana local governments put out by Indiana University Environmental Institute and stated that it is a good starting point for developing a Solar Ordinance for Hancock County. She said standards for the ordinance need to be tailored to Hancock County. Ms. Brooks stated that fencing, landscaping, batteries on site, glare, setbacks from property lines and how the panels will be mounted will all be looked at for our solar ordinance as well as many other factors. She said she is researching other solar ordinances and wind ordinances to find what will work for Hancock County and is building our ordinance to draft at the next meeting. Ms. Brooks said she is also going to attend solar workshops as well. She said Agri-solar is one interesting thing that is being done in other places consisting of a solar field with grazing livestock that are managed by a farmer. She said there are very interesting options to explore and research. Ms. Rhonda Cook, County Attorney stated that there are state tax incentives that could be offered and recommends working with the Assessor's Office to be prepared when such a development comes to our County. Ms. Willard suggested getting community feedback on solar and renewable energy while the ordinance is being drafted. She said this would keep the public informed and address all concerns. Mr. Long said it would be good to have a public forum for this ordinance as it is being written. Ms. Brooks said she will provide a draft of a solar ordinance at a future meeting.

## 3. Regulation of Build to Rent Communities Discussion

Ms. Brooks stated that research has been done by Teri Sweet on existing build to rent communities and zoning districts within the state. She said the research was provided to board members in their folders. Ms. Brooks stated she will be researching in which zoning district a build to rent community would fit best or if a new zoning district should be created. She said she recommends that a build to rent community be on one lot with smaller homes. Ms. Brooks stated that with all the homes on one lot, managed by one individual or one company it would be difficult to sell off individual homes. Mr. McDaniel stated there have been community members reach out to him with concerns over build to rent communities coming to our county. The board discussed adding or changing one of the zoning districts to fit build to rent communities. Mr. Long stated ordinances need to be looked at and possibly amended to go along with the added zoning changes as well. Ms. Brooks said she will be presenting a rough draft at a future meeting.

4. Assistant Planner – Update

Ms. Brooks stated the Assistant Planner position is still open and hoping to fill it soon.

5. BZA Membership Appointment:

There was discussion about the need for another member appointment to the BZA (Board of Zoning Appeals). Ms. Willard volunteered to be an appointee from the Plan Commission for the BZA with the knowledge that the Commissioners will vote on it at an upcoming meeting. Ms. Willard stated that if she were appointed she would like to start in July.