



JOHNSON COUNTY

Department of Planning & Zoning
86 West Court Street
Franklin, Indiana 46131

Phone: (317) 346-4350
www.co.johnson.in.us

MEETING AGENDA

Johnson County Advisory Plan Commission
June 28th, 2021, 6:00 PM
Public Auditorium, West Annex Building
86 West Court Street, Franklin, Indiana

CALL TO ORDER

ROLL CALL

APPROVAL of MINUTES

Approval of minutes from the May 24, 2021 meeting.
Approval of minutes from the Special June 7, 2021 meeting.

PUBLIC HEARINGS

-CONTINUED HEARINGS

Z-2-21. Speedway LLC. 6100 W. Smith Valley Road, Greenwood. Page 2
REZONING of 1.84 acres from the R-2 (single-family residential) zoning district to the B-1
(neighborhood commercial) zoning district.

-NEW HEARINGS - None.

OLD BUSINESS None.

NEW BUSINESS

Virtual Meeting Policy

REPORTS and RECOMMENDATIONS

None.

ADJOURNMENT

The next meeting of the Johnson County Advisory Plan Commission is scheduled for July 26th, 2021 at 6:00 PM in the public auditorium of the Courthouse West Annex Building.

Staff Report

CASE NUMBER: Z-2-21
ADDRESS: 6100 W. Smith Valley Road, Greenwood
1.84 acres behind the existing gas station.
Section 33, Township 14, Range 3
PETITIONER: Speedway LLC, represented by Mike Bergman

ADDENDUM FOR JULY 28TH 2021 PLAN COMMISSION MEETING

This matter was continued from the May 24, 2021 meeting to the July 28, 2021 at the recommendation of Commissioner Ron West. The continuance was recommended so the petitioner could provide some additional information for some of the Board's concerns. Commissioner West specifically recommended that a special meeting be held to allow additional conversation between the petitioner and concerned neighbors.

REQUEST

REZONING of 1.84 acres from the R-2 (single-family residential) zoning district to the B-1 (neighborhood commercial) zoning district.

STAFF RECOMMENDATION

Staff recommends a favorable recommendation to the County Board of Commissioners,

PROPERTY DESCRIPTION

This 1.84-acre is located north of the existing gas station at 6100 W. Smith Valley Road. The subject parcel is at the intersection of West Smith Valley Road and State Road 37, the future I-69. The existing parcel is 8.77 acres which majority of the parcel is a wooded lot. To the east is Southland Community Church, to the south is the former site of the White River Township Fire Department and few single-family dwellings. To the west is a vacant field.

REZONING REQUEST

This request, if approved, would rezone a portion of the subject parcel to the B-1, Neighborhood Commercial zoning district. The southern portion of the parcel is currently zoned B-1, this encompasses the existing gas station. The petitioner intends to rezone the whole parcel for a unified zoning district for the entire parcel. The State of Indiana has acquired about 1.3 to 2 acres from the original parcel for the I-69 project. Johnson County is in the works to acquire the northern portion of the property for future right-of-way. After both right-of-way acquisitions, the parcel will be about 4.15 acres where 1.84 acres will be R-2.

In accordance with IC 36-7-4-603, when considering a rezoning request the Plan Commission shall pay reasonable regard to:

1. The Comprehensive Plan
2. Current conditions and the character of current structures and uses in each district
3. The most desirable use for which the land in each district is adapted
4. The conservation of property values throughout the jurisdiction

5. Responsible development and growth

COMPREHENSIVE PLAN

The I-69 Corridor Plan's Future Land Use Map identifies the property as Retail/Commercial and states: "It is likely that the interchanges along I-69 will develop or potentially redevelop as retail and commercial development. These areas along the interchanges at County Line Road, Smith Valley Road and CR 144 have retail and commercial businesses. The future land use map indicates these uses will likely expand and provide additional retail and business opportunities for convenience and shopping."

The permitted uses of B-1 coincide with Retail and Commercial development.

The petitioner plans to redevelop the gas station but it will be in the area that is already zoned B-1. This zoning district will be the best suited for the area due to its close proximity to the future interchange of W. Smith Valley Road to I-69. Residential development is highly unlikely to occur in this portion of the property.

Staff recommends a favorable recommendation to the County Board of Commissioners.

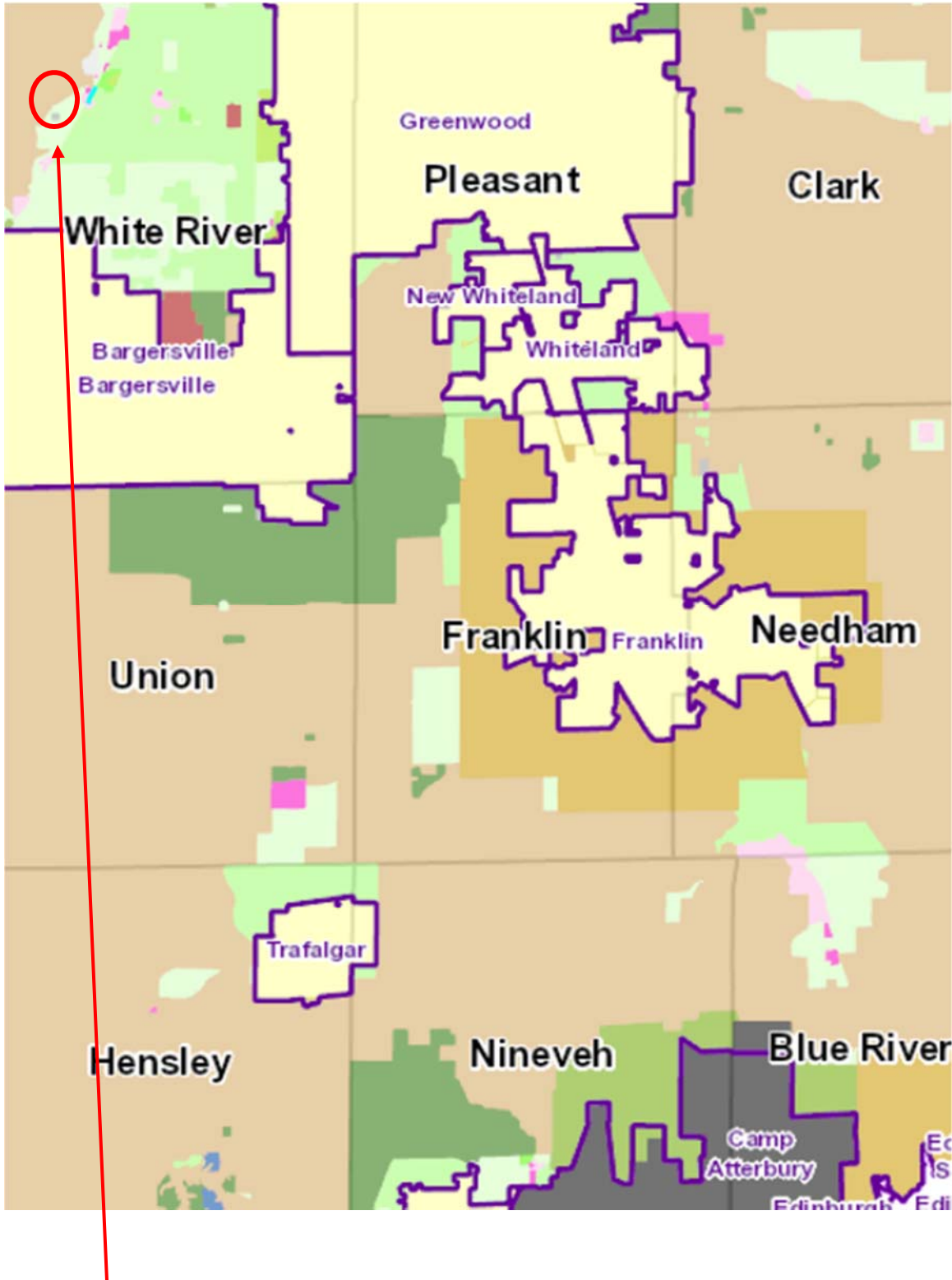
GENERAL INFORMATION

Applicant/Owner: Speedway LLC
 500 Speedway Drive
 Enon, OH 45323

Area: 1.84 acres
Current Zoning: B-1 and R-2
Existing Land Use: Gas Station
Comprehensive Plan: Retail/Commercial

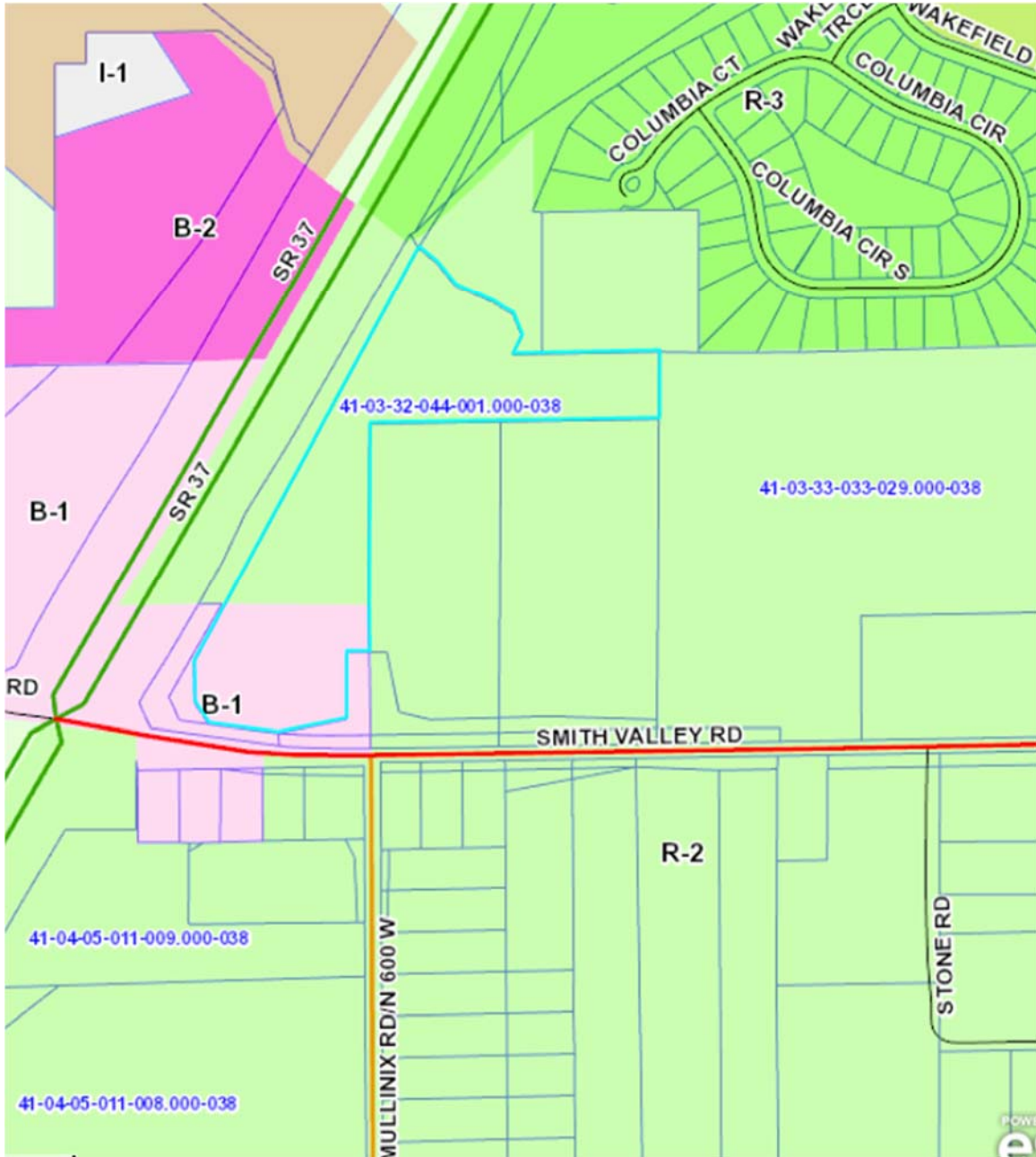
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Z-1-20 BASE MAP

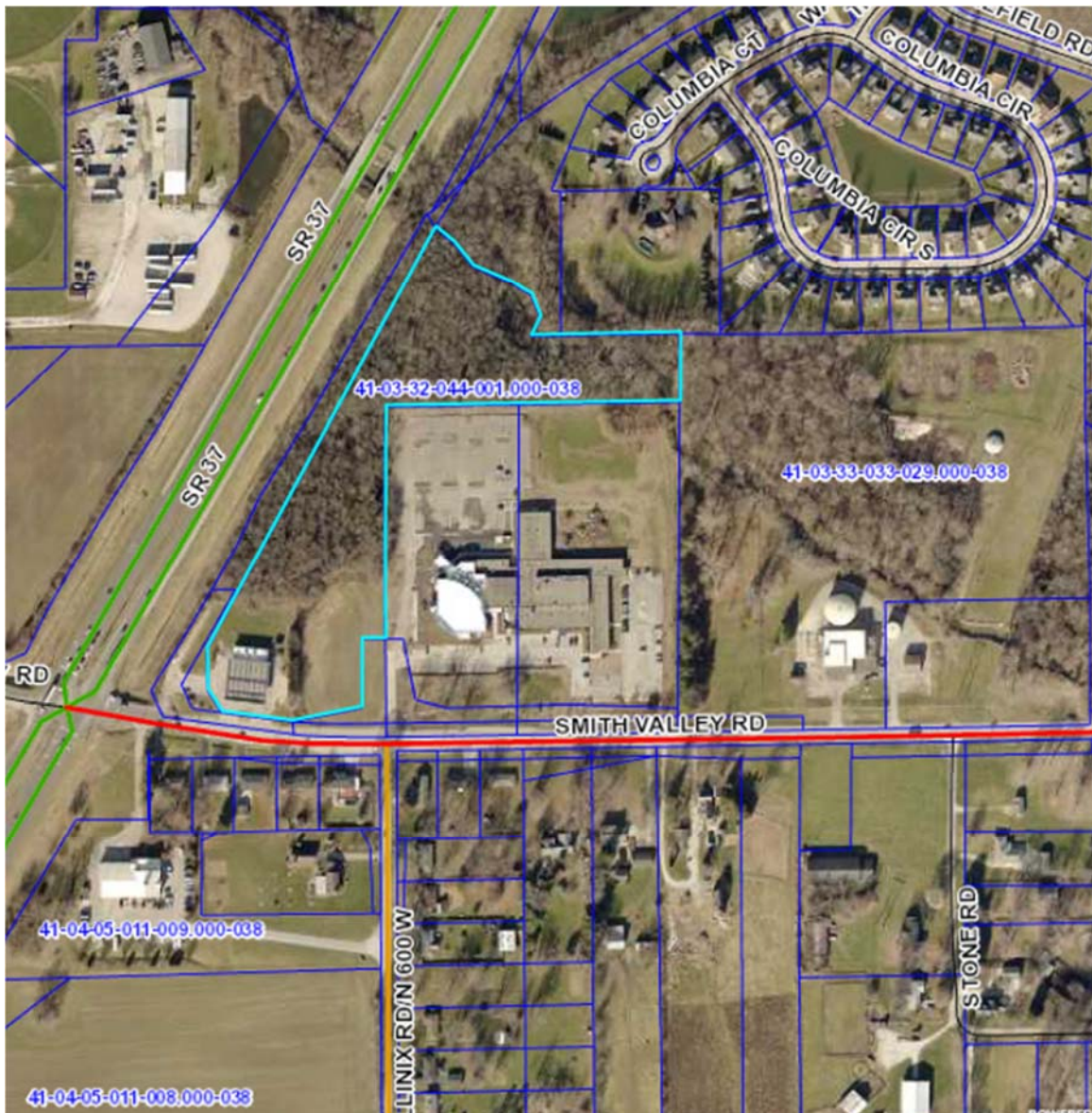


SUBJECT LOCATION

Z-1-20 BASE MAP II



Z-1-20 AERIAL

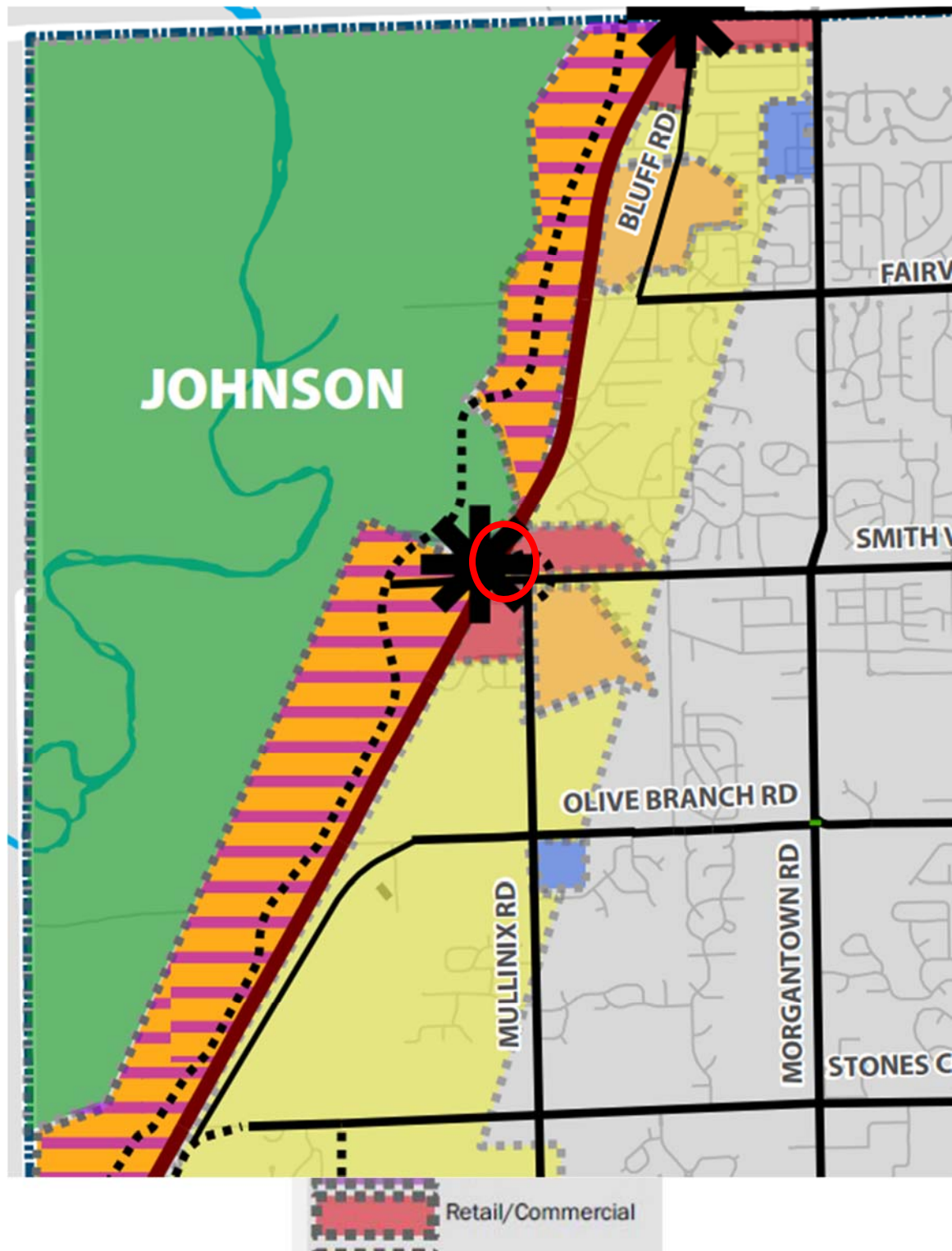


Z-1-20 BIRDS EYE VIEW



[illegible]

Z-1-20 COMPREHENSIVE PLAN FUTURE LAND USE MAP



Z-1-20 PRELIMINARY FUTURE DEVELOPMENT PLANS



Z-1-20 Uses Permitted in the B-1 District

1. Retail sales establishments not exceeding 50,000 square feet in gross floor
2. area.
3. Bakeries
4. Barber and beauty shops
5. Delicatessens
6. Florists
7. Laundromats
8. Medical and dental offices and clinics
9. Restaurants
10. Taverns
11. Theaters
12. Dry cleaners
13. Offices, banks, financial institutions, and insurance agencies
14. Personal and professional services
15. Federal, State, County, or municipal buildings
16. Public parks and playgrounds
17. Contractor's office, excluding contractor's yard
18. Essential services
19. Museums
20. Accessory uses
21. Home occupations
22. Public swimming pools
23. Funeral homes
24. Assisted living centers
25. Nursing homes
26. Public and parochial schools



SPEEDWAY STORE #6027
JOHNSON COUNTY, INDIANA
ADDENDUM
TO A REZONING APPLICATION

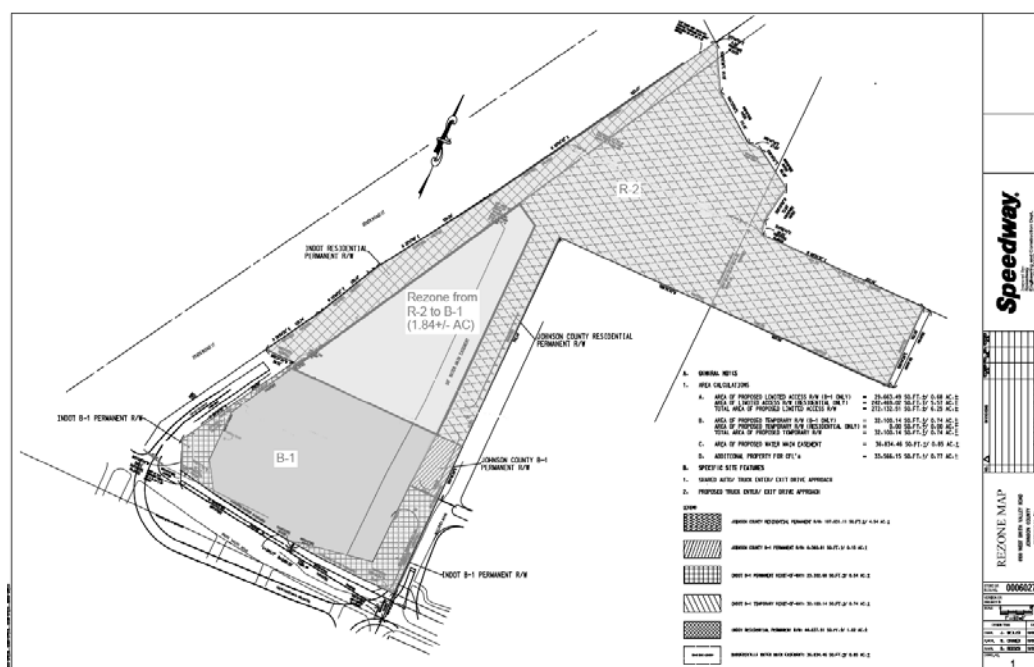
JUNE 28, 2021 – PLAN COMMISSION

Proposed Changes to the Speedway Property



Johnson County, the State of Indiana, and Bargersville have all filed suit against Speedway LLC to take its part of its property located at 6100 W. Smith Valley Rd., Greenwood, IN (Speedway 6027), under eminent domain law. The land that is the subject of the taking by the County and the State of Indiana is highlighted in green on the plan below. The negotiations regarding the taking are ongoing.

- The land that is the subject of Speedway's current rezoning petition (highlighted in blue on the plan to the left) includes the residual property that will still belong to Speedway after the taking.
- The proposed improvements to Smith Valley Rd. and Mullinex Rd., including the relocation of Speedway's access point on Smith Valley Rd. to Mullinex Rd., necessitate a full redesign and rebuild of Speedway 6027. Speedway 6027 cannot function as it currently is designed and built due to the taking.
- As such, Speedway seeks to rezone the blue area to facilitate this redesign and rebuild.



The Convenience Stores of Speedway



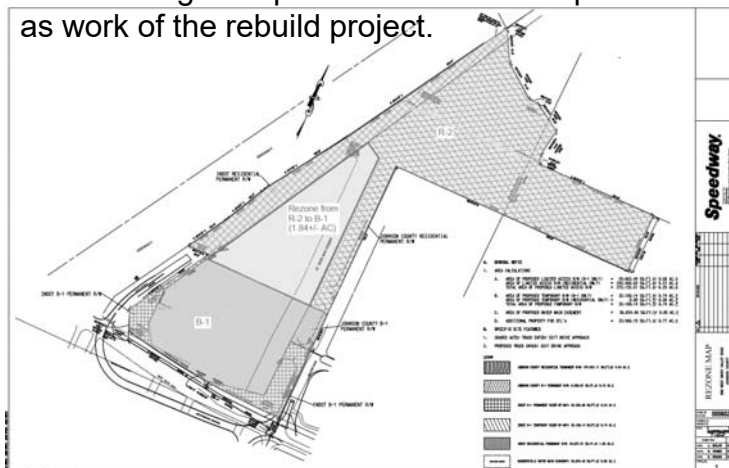
Speedway's Rezoning Petition



The Speedway parcel is a single lot (Parcel Identification Number 41-03-32-044-001.000-038) that is located in 2 zoning districts.



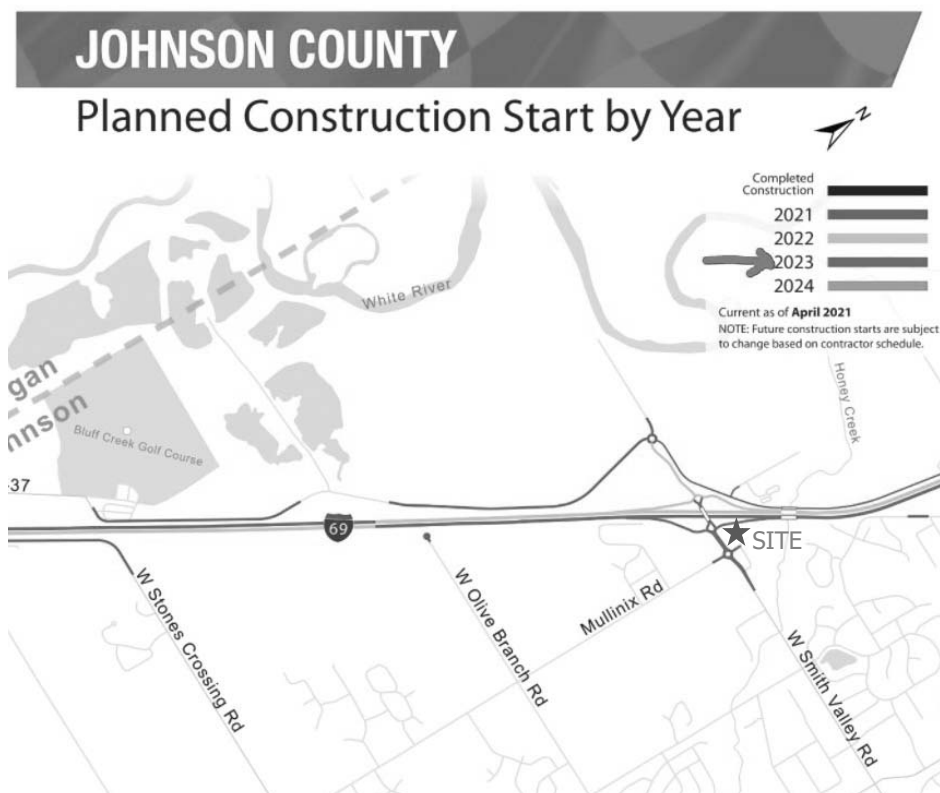
The intent of the rezoning petition is to facilitate the redesign and rebuild of store #6027 by simplifying the zoning of the site to a single commercial district. Speedway anticipates that some of the land for which the rezoning is requested will be developed as work of the rebuild project.



- The proposed commercial zoning is in accord with the Comprehensive Plan.
- The future rebuild of store #6027 will be pursued subject to Johnson County's process for site plan approval.
- Speedway currently has no plan to subdivide the parcel (that portion remaining after takings by INDOT and Johnson County). Any future subdivision would require Plan Commission review.



Future Rebuild – Anticipated Timeline



Speedway is requesting the rezoning of a portion of the Store #6027 site in anticipation of razing the existing convenience store / fueling station and rebuilding on the site a new convenience store with 8 auto fueling dispensers (16 fueling locations).

Speedway's intent is to time the rebuild of the Store #6027 to align with the proposed construction of the I-69 / Smith Valley Road interchange.

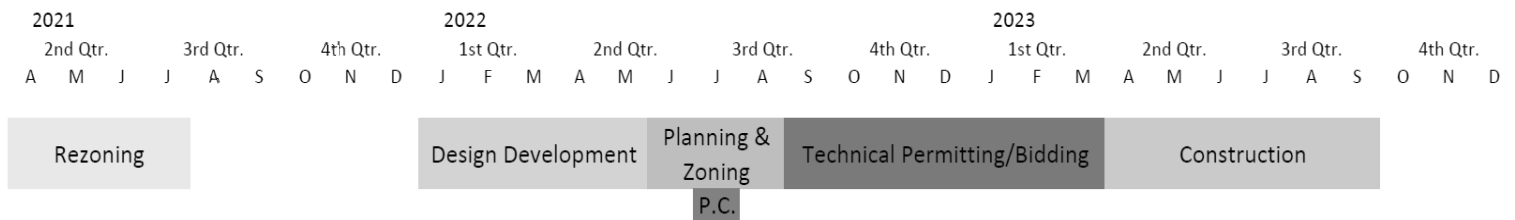
INDOT's current (as of April 2021) plans are for work on the interchange to be undertaken in 2023.



Future Rebuild – Anticipated Timeline



REBUILD TIMELINE



Anticipated Timeline for the Store #6027 Rebuild

2021: Rezoning

2022: Plan Development, Planning & Zoning, Technical Permitting

2023: Construction



New Business

Virtual Meeting Policy – Governor Holcomb’s Emergency Health Order enabled public meetings to be virtual. The order could be listed or expired by the end of June. HB 1437 was adopted earlier this year, which will allow Boards board members to attend meeting virtually under certain circumstances. However, the Board must adopted a policy establishgn the procedures for electronic participation. We only had a hand full of virtual meetings since March 2020. Please review the draft policy attached to this Staff Report. This is the draft setup for County Council meeting; the policy would be something similar for the Plan Commission if the Board decided to adopt one.

HOUSE BILL No. 1437

DIGEST OF HB 1437 (Updated February 11, 2021 11:24 am - DI 137)

Citations Affected: IC 5-1; IC 5-14; IC 6-9; IC 8-1.

Synopsis: Electronic communication at public meetings. Allows, with certain exceptions, a governing body of a political subdivision (except for an airport authority or a local department of aviation) to allow its members to participate in a meeting of the governing body by any means of electronic communication if: (1) the public agency adopts a written policy establishing the procedures for electronic participation; (2) the means of communication permits simultaneous communication between the members and allows the public to attend and observe the meeting; and (3) at least a quorum of the members are physically present at the location where the meeting is conducted. Provides that a member participating by electronic communication is considered present at the meeting for quorum purposes and may participate in any final action taken at the meeting only if the member can be seen and heard. Provides that if a statute requires a manual signature for attesting or authenticating an obligation issued by certain state and local public entities, an electronic signature has the same force and effect as a manual signature. Adds provisions applicable to state and local public agencies when a state or local disaster emergency is declared. Makes stylistic changes.

Effective: Upon passage; July 1, 2021.

_____ COUNTY, INDIANA

COUNTY COUNCIL

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE COUNTY COUNCIL MAY
PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended IC 5-14-1.5-1 et seq. (Act), effective April 20, 2021 by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication;

WHEREAS, a member of the governing body may participate by any means of communication that:

- Allows all participating members of the governing body to simultaneously communicate with each other; and
- Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

WHEREAS, the County Council (Council) is a governing body of _____ County, Indiana:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF _____ COUNTY, INDIANA:

Section 1. (a) The provisions of the Act, including definitions, apply to this resolution.

(b) This resolution shall be known as the "Electronic Meetings Policy" of the Council and applies to the Council and any committee appointed directly by this Council or its presiding officer.

Section 2. (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 3. (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

Section 4. The minutes of a meeting at which any member participates by electronic means of communication must:

- (1) identify each member who:
 - (A) was physically present at the meeting;
 - (B) participated in the meeting by electronic means of communication; and
 - (C) was absent; and
- (2) identify the electronic means of communication by which:
 - (A) members participated in the meeting; and
 - (B) members of the public attended and observed the meeting if the meeting was not an executive session.

Section 5. No member of the Council may participate by means of electronic communication in a meeting at which the Council may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Council's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. This resolution shall be effective from and after adoption by this Council and compliance with IC 36-2-4-8.

Adopted this ____ day of _____, 2021.

_____ COUNTY COUNCIL

Presiding Officer

Attest:

County Auditor