

## **Johnson County Plan Commission**

### **November 23, 2020 Meeting Minutes**

The Johnson County Advisory Plan Commission met on Monday, November 23, 2020 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 5:58 PM by Chairman Dan Cartwright.

#### **I. ROLL CALL:**

**Present:** Chad Bowman, Nathan Bush, Charlie Canary, Gregg Cantwell, Dan Cartwright, Pete Ketchum, John Schilling, Pat Vercauteren, Ron West, Attorney Stephen Watson (Legal Counsel - not voting), David Hittle (Director – not voting), Michele Hansard (Senior Planner – not voting) and Angela Olson (Recording Secretary – not voting).

**Absent:** Jonathan Myers (Alternate)

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#### **II. APPROVAL OF MEETING MINUTES:**

Chairman Dan Cartwright called for a motion to approve the October 19, 2020 Plan Commission meeting minutes.

**Motion:** Approval of October 19, 2020 Plan Commission meeting minutes. **Moved** by Ron West. **Seconded** by Pat Vercauteren. **Yes:** Bowman, Bush, Canary, Cantwell, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 9-0.**

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#### **III. PUBLIC HEARINGS:**

**Z-2-20; Benham & Edwards, LLC – Rezoning Request.**  
**Northeast corner of 100 E. & 300 S.**

Staff presented findings and facts to the board and recommended approval of the request, subject to the following commitments:

1. A “right to farm” declaration shall be signed and attached to the plat.
2. The property may be subdivide into a maximum of three minor subdivisions that will allow a maximum of four (4) lots each.

Attorney Dustin Huddleston of Huddleston and Huddleston (98 W. Jefferson St., Franklin 46131) on behalf of Petitioner Benham and Edwards, LLC was present to speak and address concerns.

Jim Smith of Projects Plus (2555 Fairview P., Ste. A, Greenwood 46142) on behalf of Petitioner Benham and Edwards, LLC was present to speak and address concerns.

Attorney Stephen Watson established with the Petitioner that all of the oral commitments from this meeting shall be submitted in writing to the Planning and Zoning Department.

Board members asked questions and expressed concerns, which were addressed by Petitioners, Remonstrators and staff, as follows:

- Q. Board member Chad Bowman inquired if there would no pond commitments made prior to preconstruction?  
  
A. Attorney Huddleston made clarification and advised that as part of the covenants a pond could not be built before a residence.
- Q. Board member Ron West inquired as to whether or not adjoining homeowners would be able to connect to the Prince's Lakes Water Service? Also, would there have to be a reimbursement expense that would have to be paid to the developer?  
  
A. Yes, adjoining homeowners would be able to connect to Prince's Lakes Water Service. No, the developer will not be seeking reimbursement from those adjoining homeowners.
- Q. Board member Ron West asked for confirmation on whether or not there would be a covenants drainage maintenance commitment?  
  
A. Yes.
- Q. Board member Charlie Canary asked for clarification on the flow of the perimeter drain? Mr. Canary further expressed his concerns regarding the area titles and how the drainage may effect said titles.  
  
A. Attorney Huddleston provided a description of how and where the drainage would flow.
- Q. Board member John Schilling inquired as to what the procedure would be to revert the zoning to A-1, if the drainage board does not approve the proposed project?  
  
A. Attorney Watson stated that he believes that the commitments that will be recorded on the plat will effective take care of the matter.
- Board member Ron West expressed his concerns regarding the rights of the property owner and the careful balance of the duties of this board. Mr. West further advised that in prior matters the board has granted thirty (30) days to allow the Petitioner and neighbors to meet to possibly come up with a compromising solution.
- Q. Board member Nathan Bush asked how many buildable lots are currently allowed on these parcels, if they are not rezoned?  
  
A. Four (4).

- Board member Charlie Canary expressed his concerns that the proposed rezoning does not fit the nature of the area.

Remonstrator John Canary (2318 E. 300 S., Franklin 46131) was present to express his concerns regarding drainage.

Remonstrator Louise Beaman (2410 S. Nineveh Rd., Franklin 46131) was present to express her concerns regarding drainage.

Remonstrator Fred Williams (1900 S. 510 E., Franklin 46131) was present to express his concerns regarding nature of the area, encroachment, soil conditions, agricultural farm ground and driveways.

Remonstrator Mike Wells (1684 E. 300 S., Franklin 46131) was present to express his concerns about having a meeting with the neighbors to seek a common solution.

**Motion:** To table this matter until the December 28, 2020 meeting to allow time for a meeting to be conducted with the neighbors. **Moved** by Ron West. **Seconded** by Pat Vercauteren. **Yes:** Bush, Canary, Cantwell, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** Bowman. **Motion approved 8-1.**

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**W-11-20; Ryan Wampler – Waiver Request. 5326 Travis Rd.**

Staff advised the board that the Petitioner has requested an automatic continuance of this matter to the December 28, 2020 meeting.

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**M-5-20; Ryan Wampler – Minor Plat Request. 5326 Travis Rd.**

Staff advised the board that the Petitioner has requested a continuance of this matter to the December 28, 2020 meeting.

**Motion:** To continue M-5-20 to the December 28, 2020 meeting. **Moved** by Charlie Canary. **Seconded** by Pat Vercauteren. **Yes:** Bush, Canary, Cantwell, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** Bowman. **Motion approved 8-1.**

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**W-12-20; Melissa Bartlett – Waiver Request.  
9 acre vacant parcel west and north of 5858 Watson Rd.**

Staff presented findings and facts to the board and recommended approval of the request.

Petitioner Melissa Bartlett (1021 E. King St., Franklin 46131) was present to speak and address concerns.

Surveyor Brad Ott of Main Street Consulting Co. (675 N. Main St., Franklin 46131) on behalf of the Petitioner was present to speak and address concerns.

Remonstrator Larry Thompson (3742 Watson Rd., Franklin 46131) was present to express his concerns regarding flood plain and drainage.

Remonstrator Linda Souder (5776 Watson Rd., Franklin 46131) was present to express her concerns regarding drainage.

Remonstrator Joan Melvin (5710 Watson Rd., Franklin 46131) was present to express her concerns regarding drainage.

Remonstrator Jeff Thompson (5681 Watson Rd., Franklin 46131) was present to express his concerns regarding drainage.

Remonstrator David Straber (1312 N. Harvey Rd., Greenwood 46143) was present to express his concerns regarding drainage.

Remonstrator Isaac Brewer (5906 Watson Rd., Greenwood 46143) was present to express his concerns regarding drainage.

**Motion:** To approve W-12-20 to provide for a two (2) lot Roadside Subdivision where the subdivision is of a 9 acre agriculturally zoned lot and 2 lots will have areas of 5 acres and 4.09 acres and Petitioner's Findings of Fact. **Moved** by Pat Vercauteren. **Seconded** by Charlie Canary. **Yes:** Bowman, Bush, Canary, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** Cantwell. **Motion approved 8-1.**

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**W-13-20; Paul Clark – Waiver Request. 5612 S. 325 E.**

Staff presented findings and facts to the board and recommended approval of the request subject to the consolidation of proposed Lots C and D.

Staff advised that Camp Atterbury purposed that the Petitioner inform any potential property owner(s) of the activity (ies) that are normally conducted in the area prior to purchase.

Chairman Dan Cartwright advised the board members that Camp Atterbury had sent an e-mail in support of the request.

Petitioner Paul Clark (711 Cross Wind Dr., Greenwood 46143) was present to speak and address concerns.

Board members asked questions and expressed concerns, which were addressed by Petitioner and staff, as follows:

- Q. Board member Dan Cartwright asked the Petitioner if he was agreeable to staff's recommendation?

A. Yes.

- Q. Board member Dan Cartwright asked the Petitioner if he had any objection to Camp Atterbury's proposal?

A. No objection.

**Motion:** To approve W-13-20 to provide for a four (4) lot Roadside Subdivision, with lot areas of 4.38, 4.38, 6.42 and 6.42 acres, with staff's recommendation to consolidation of proposed Lots C and D, to inform any potential property owner(s) of the activity (ies) that are normally conducted at Camp Atterbury in the area prior to purchase and Petitioner's Findings of Fact.

**Moved** by John Schilling. **Seconded** by Pat Vercauteren. **Yes:** Bowman, Bush, Canary, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** Cantwell. **Motion approved 8-1.**

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**W-14-20; Keith and Kathleen Grant – Waiver Request. 6221 W. Horseshoe Rd.**

Staff presented findings and facts to the board and recommended approval of the request.

Surveyor Andrew Barkocy of Maurer Surveying, Inc. (4800 W. Smith Valley Rd., Ste. P, Greenwood 46142) on behalf of the Petitioners was present to speak and address concerns.

Petitioners Keith and Kathleen Grant (6415 W. Horseshoe Rd., Morgantown 46160) were present to speak and address concerns.

Board members asked questions and expressed concerns, which were addressed by Petitioners and staff, as follows:

- Q. Board member Dan Cartwright inquired as to whether or not the residence and accessory structure were going to be in Lot 1?

A. Yes.

- Q. Board member Ron West expressed concerns about another residence's driveway that runs along the proposed parcel property lines and requested verification as to whether or not this would be a shared driveway?

A. The driveway may appear that way but it does not run across the proposed parcel lines nor is it a shared driveway.

**Motion:** To approve W-14-20 to provide for a two (2) lot Roadside Subdivision where one (1) lot will be 4.5 acres and Petitioners Findings of Fact. **Moved** by John Schilling. **Seconded** by Pat Vercauteren. **Yes:** Bowman, Bush, Canary, Cantwell, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 9-0.**

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**W-15-20; Terry Johnson and Brian Johnson – Waiver Request. 1025 W. 100 N.**

Staff presented findings and facts to the board and recommended approval of the request.

Surveyor Andrew Barkocy of Maurer Surveying, Inc. (4800 W. Smith Valley Rd., Ste. P, Greenwood 46142) on behalf of the Petitioners was present to speak and address concerns.

Board members asked questions and expressed concerns, which were addressed by Petitioners, Remonstrators and staff, as follows:

- Q. Board member Charlie Canary inquired as to whether or not the purposed layout on page sixty (60) of the agenda and staff report was proposed by staff or the surveyor and Petitioner?  
A. Surveyor/Petitioner.
- Q. Board member Dan Cartwright asked the Petitioner for clarification as to which purposed layout they are asking the board to approve?  
A. Layout on page fifty-eight (58) of the agenda and staff report.
- Q. Board member Nathan Bush inquired as to who was living in the house on purposed Lot 1?  
A. No one, the property has just been recently acquired by the Johnson brothers.
- Q. Board member Dan Cartwright inquired as to whether or not there would be an issue with a current barn on the property if you were to have the purposed lots coming off of 100 West as purposed in the layout on page sixty (60)?  
A. Yes.
- Q. Board member John Schilling asked if there would be any issues with the septic or finger system on the lot with the current residence as purposed in the layout on page sixty (60)?  
A. Yes.

Chairman Dan Cartwright advised the board that staff had received two (2) Remonstrator letters via e-mail. The letters were from Martin & Linda Bielawski and Shane & Sonia Foerg.

Remonstrators Martin & Linda Bielawski (1173 W. 100 N., Franklin 46131) were present to express their concerns regarding drainage, traffic and the nature of the area.

Remonstrators Shane & Sonia Foerg (935 N. 100 W., Franklin 46131) were present to express their concerns the nature of the area.

Remonstrator Rhonda Hausman (991 N. 100 W., Franklin 46131) was present to express her concerns regarding the nature of the area.

**Motion:** To approve W-15-20 to provide for a three (3) lot Roadside Subdivision where the parent tract is 10.28 acres, one (1) lot will have 145 feet of road frontage and two (2) lots will

have an area of 3.2 and 2.8 acres (purposed layout on page sixty (60) of the agenda and staff report) and Petitioners Findings of Fact. **Moved** by John Schilling. **Seconded** by Pat Vercauteren. **Yes:** None. **No:** Bowman, Bush, Canary, Cantwell, Cartwright, Ketchum, Schilling, Vercauteren and West. **Motion denied 9-0.**

**Motion:** To approve W-15-20 to provide for a three (3) lot Roadside Subdivision where the parent tract is 10.28 acres, one (1) lot will have 145 feet of road frontage and two (2) lots will have an area of 3.2 and 2.8 acres (purposed layout on page fifty-eight (58) of the agenda and staff report) and Petitioners Findings of Fact. **Moved** by Charlie Canary. **Seconded** by John Schilling. **Yes:** Canary, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** Bowman, Bush and Cantwell. **Motion approved 6-3.**

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#### **IV. NEW BUSINESS:**

##### **Proposed Amendments to the Johnson County Zoning Ordinance:**

##### **Residential Design Standards**

Staff presented to the board the purposed Residential Design Standard amendments to the Johnson County Zoning Ordinance.

Kate Collins of Builders Association of Greater Indianapolis (6510 Telecom Dr., Ste. 185, Indianapolis 46278) was present to speak regarding her thoughts and/or concerns regarding these purposed amendments.

- Q. Board member Dan Cartwright inquired as to whether or not EIFS was only allowed on the back elevation?  
  
A. Yes, for R-1 and R-2 at no more than forty (40) percent of the rear elevation. On R-3 and R-4, EIFS is allowed on any elevation but no more than fifty (50) percent of the total elevation area.
- Q. Attorney Stephen Watson inquired as to whether or not legal notice had been provided for these proposed amendments?  
  
A. Yes.
- Q. Board member Charlie Canary asked if the only metal that would be allowed on the roof would be the standing seam?  
  
A. Yes, only on the residential dwellings.
- Q. Board member Chad Bowman asked how the decision was made to limit the side or rear yard privacy fence to be no taller than six (6) feet?  
  
A. Universal standard.

- Q. Board member Dan Cartwright asked for clarification on whether or not the board's favorable recommendation would go to the Board of Zoning Appeals first or directly to the Commissioners?

A. Directly to the Commissioners.

**Motion:** For a favorable recommendation by the Plan Commission board to the Johnson County Commissioners for the purposed amendments to the Residential Design Standards. **Moved** by Pat Vercauteren. **Seconded** by Gregg Cantwell. **Yes:** Bowman, Bush, Canary, Cantwell, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 9-0.**

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### **Accessory Dwelling Units**

Staff presented to the board the purposed Accessory Dwelling Units amendments to the Johnson County Zoning Ordinance.

Attorney Stephen Watson purposed a possible change in the language on page ninety-one (91) under Permitted Uses that Accessory Dwelling Unit, if not in a recorded major or minor subdivision, or explicitly allowed per recorded subdivision plat or covenants and restrictions.

**Motion:** For a favorable recommendation by the Plan Commission board to the Johnson County Commissioners for the purposed amendments to the Accessory Dwelling Units to include the change in the language throughout the entire ordinance to reflect that Accessory Dwelling Unit, if not in a recorded major or minor subdivision, or explicitly allowed per recorded subdivision plat or covenants and restrictions. **Moved** by Ron West. **Seconded** by Pat Vercauteren. **Yes:** Bowman, Bush, Canary, Cantwell, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 9-0.**

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### **V. ADJOURNMENT:**

Chairman Dan Cartwright called for a motion to adjourn the meeting at 9:34 PM.

**Motion:** Adjourn the meeting. **Moved** by John Schilling. **Seconded** by Pat Vercauteren. **Yes:** Bowman, Bush, Canary, Cantwell, Cartwright, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 9-0.**

Approved on: December 28, 2020

By:

  
Dan Cartwright, Chairman

Attested By:

  
Pat Vercauteren, Secretary