

Johnson County Plan Commission
October 19, 2020 Meeting Minutes

The Johnson County Advisory Plan Commission met on Monday, October 19, 2020 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 6:00 PM by Chairman Dan Cartwright.

I. ROLL CALL:

Present: Nathan Bush, Charlie Canary, Dan Cartwright, Pete Ketchum, John Schilling, Pat Vercauteren, 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: Chad Bowman, Gregg Cantwell, Ron West and Jonathan Myers (Alternate)

II. APPROVAL OF MEETING MINUTES:

Chairman Dan Cartwright called for a motion to approve the September 28, 2020 Plan Commission meeting minutes.

Motion: Approval of September 28, 2020 Plan Commission meeting minutes. **Moved** by John Schilling. **Seconded** by Pat Vercauteren. **Yes:** Bush, Canary, Cartwright, Ketchum, Schilling and Vercauteren. **No:** None. **Motion approved 6-0.**

III. PUBLIC HEARINGS:

W-10-20; Matthew Rogers – Waiver Request. Southwest corner of 500 S. and 725 W.

Staff informed the board members that this matter had been withdrawn.

Attorney Stephen Watson advised the board members that this matter would need to be approved with prejudice.

Motion: To approve the withdrawal of W-10-20 with prejudice. **Moved** by Pat Vercauteren. **Seconded** by Dan Cartwright. **Yes:** Bush, Canary, Cartwright, Ketchum, Schilling and Vercauteren. **No:** None. **Motion approved 6-0.**

Z-2-20; Benham & Edwards, LLC – Rezoning Request.
Northeast corner of 100 E. and 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 subdivided 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.

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

- Q. Board member Dan Cartwright inquired as to whether or not the Petitioner understood that the right to farm declaration was a deed restriction?
A. Yes.
- Board member Charlie Canary expressed his concerns regarding rezoning this property.
- Q. Board member Pete Ketchum inquired as to whether or not the property could still be farmed if it was rezoned and no further action was taken for several years?
A. Yes.

Remonstrator John Canary (2318 E. 300 S., Franklin 46131) was present to express his concerns regarding drainage, traffic, nature of the area and financial hardships.

Remonstrator Mike Wells (1684 E. 300 S., Franklin 46131) was present to express his concerns regarding addresses.

Remonstrator Jim Higginbotham (2307 S. Nineveh Rd., Franklin 46131) was present to express his concerns regarding drainage, water and septic.

Remonstrator Danny Duckworth (1589 S. 700 E., Franklin 46131) was present to express his concerns regarding drainage and future precedence.

Motion: No recommendation for Z-2-20 to rezoning of sixty-seven (67) acres from the A-1 (Agricultural) zoning district to the R-R (Rural Residential) zoning district to allow for the development of no more than three (3) minor residential subdivisions and no more than twelve (12) buildable lots in total. **Moved** by Pat Vercauteren. **Seconded** by John Schilling. **Yes:** Bush, Schilling and Vercauteren. **No:** Canary, Cartwright and Ketchum. **Motion denied 3-3.**

Motion: Not in favor of Z-2-20 to rezoning of sixty-seven (67) acres from the A-1 (Agricultural) zoning district to the R-R (Rural Residential) zoning district to allow for the development of no more than three (3) minor residential subdivisions and no more than twelve (12) buildable lots in total. **Moved** by Charlie Canary. **Seconded** by Nathan Bush. **Yes:** Bush and Canary. **No:** Cartwright, Ketchum, Schilling and Vercauteren. **Motion denied 4-2.**

Motion: In favor of Z-2-20 to rezoning of sixty-seven (67) acres from the A-1 (Agricultural) zoning district to the R-R (Rural Residential) zoning district to allow for the development of no more than three (3) minor residential subdivisions and no more than twelve (12) buildable lots in total with the staff's recommendations. **Moved** by Pete Ketchum. **Seconded** by Dan Cartwright. **Yes:** Cartwright, Ketchum and Schilling. **No:** Bush, Canary and Vercauteren. **Motion denied 3-3.**

Attorney Stephen Watson advised the board members that this matter would need to be continued to the next Plan Commission meeting on November 23, 2020.

W-11-20; Ryan Wampler – Waiver Request. 5397 Travis Rd.

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

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

Petitioner Ryan Wampler (5326 Travis Rd., 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 inquired as to what the number of feet was for the roadside frontage of the other nearby properties?
A. Fifty (50) feet.
- Q. Board member Pat Vercauteren asked if the Petitioner was willing to have a fifty (50) roadside frontage, could the driveway still be shared?
A. Yes.
- Q. Board member Dan Cartwright asked for confirmation that the total road frontage was three hundred (300) feet and there is eight hundred (800) feet to the back lot?
A. Yes.
- Q. Board member Charlie Canary asked staff if there was any language that could be placed in the waiver that would prohibit compromise of 911 services?
A. Yes.
- Board member Dan Cartwright expressed concerns regarding the west bound traffic?
- Q. Board member Dan Cartwright inquired as to how the current drainage flows in the marsh area?

A. Drainage keeps flowing slowly.

Motion: To approve W-11-20 to provide for a two (2) lot Minor Subdivision with one (1) of the lots having zero feet of frontage and Petitioners Findings of Fact. **Moved** by John Schilling. **Seconded** by Pat Vercauteren. **Yes:** Schilling and Vercauteren. **No:** Bush, Canary, Cartwright and Ketchum. **Motion denied 2-4.**

Motion: To deny W-11-20 to provide for a two (2) lot Minor Subdivision with one (1) of the lots having zero feet of frontage and Petitioners Findings of Fact. **Moved** by Charlie Canary. **Seconded** by Nathan Bush. **Yes:** Bush, Canary, Cartwright and Ketchum. **No:** Schilling and Vercauteren. **Motion denied 4-2.**

Attorney Stephen Watson advised the board members that this matter would need to be continued to the next Plan Commission meeting on November 23, 2020.

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

Petitioner Ryan Wampler (5326 Travis Rd., Greenwood 46143) was present to speak and request that this matter be continued until the November 23, 2020 meeting in order to obtain ruling on prior waiver request.

Motion: To continue M-5-20 to the November 23, 2020 Plan Commission meeting. **Moved** by Pat Vercauteren. **Seconded** by John Schilling. **Yes:** Bush, Canary, Cartwright, Ketchum, Schilling and Vercauteren. **No:** None. **Motion approved 6-0.**

IV. NEW BUSINESS:

Impact Fee Draft and Proposed Resolution

Lucas Mastin, Highway Department Director addressed questions and concerns regarding the Ordinance, Proposed Resolution and Impact Fee Draft.

- Q. Board member Dan Cartwright inquired whether the Commissioners required one (1) or two (2) readings?
 - A. Two (2) readings and one (1) public hearing.
- Q. Board member Dan Cartwright asked if there was a status from Bargersville yet?
 - A. Bargersville Plan Commission meeting is being conducted regarding the Resolution of this matter at this same date and time.
- Q. Board member Charlie Canary asked for confirmation that this Impact Fee was just for the specific White River area? Could the Impact Fee be applied to other areas of the county?

A. Yes, the current Impact Fee is for the specific White River area. Yes, an Impact Fee could be applied for other locations throughout the county but this Resolution and Impact Fee Study would have to be redone and established for those areas.

- Q. Board member John Schilling asked for an example of what the credit in lieu of payment would be in the Ordinance?

A. Credit is allowed by Statute. If a developer was to come in and purpose constructing one of these specific improvements, we would have the ability to allow them to do that in lieu of them paying the Impact Fee on the building permits for that development.

- Q. Board member John Schilling inquired as to what would happen with the sale of a residence that had a lean due to the Impact Fee?

A. There is no fee on an existing residence. That would require a change in State law.

- Q. Board member Charlie Canary asked if the developer could pay for all of the fees up front?

A. Yes and they could qualify to pay for installments.

- Q. Board member Dan Cartwright asked if there would be two (2) separate fund accounts?

A. Yes, one (1) for the county and one (1) for the Town of Bargersville. Each entity has to create a designated fund.

- Q. Board member Dan Cartwright inquired if any of the specific impact area would be within the City of Greenwood?

A. No.

Motion: To approve the revised Resolution and Impact Fee. **Moved** by Charlie Canary. **Seconded** by John Schilling. **Yes:** Bush, Canary, Cartwright, Ketchum, Schilling and Vercauteren. **No:** None. **Motion approved 6-0.**

V. ADJOURNMENT:

Chairman Dan Cartwright called for a motion to adjourn the meeting at 7:00 PM.

Motion: Adjourn the meeting. **Moved** by Pat Vercauteren. **Seconded** by Charlie Canary. **Yes:** Bush, Canary, Cartwright, Ketchum, Schilling and Vercauteren. **No:** None. **Motion approved 6-0.**

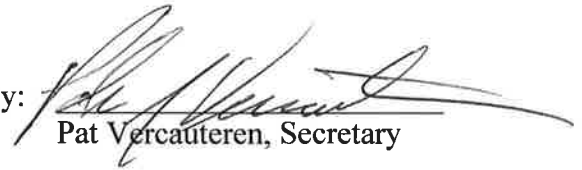
Approved on: November 23, 2020

By:



Dan Cartwright, Chairman

Attested By:



Pat Vercauteren, Secretary

JOHNSON COUNTY ADVISORY PLAN COMMISSION

RESOLUTION _____

**A RESOLUTION APPROVING JOHNSON COUNTY'S PROPOSED IMPACT FEE
ORDINANCE 2020-O-11**

WHEREAS, in accordance with IC § 36-7-4-1300 et seq., Johnson County has caused to be prepared by A&F Engineering the Johnson County Road Impact Fee Zone Improvement Plan (the "Zone Improvement Plan");

WHEREAS, it has been the stated objective of the County that the analysis contained in the Zone Improvement Plan supports and should result in the implementation of an Impact Fee, which meets the requirements of Indiana Law;

WHEREAS, IC § 36-7-4-1311 requires each plan commission that has planning jurisdiction over any part of the geographic area in which the impact fee is to be imposed to approve the proposed impact fee ordinance;

WHEREAS, the Johnson County Advisory Plan Commission has planning jurisdiction over some of the areas addressed in the Zone Improvement Plan; and

WHEREAS, the Johnson County Advisory Plan Commission has given due deliberation to the Zone Improvement Plan prepared by A&F and the proposed impact fee ordinance.

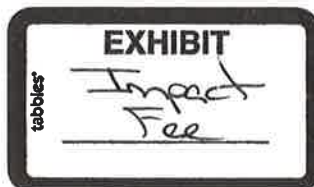
NOW, THEREFORE, BE IT RESOLVED that the Johnson County Advisory Plan Commission hereby approves the Zone Improvement Plan and the proposed impact fee ordinance, presented as Ordinance 2020-O-11, as may be amended by the Board of Commissioner's of Johnson County to the extent consistent with the Zone Improvement Plan and Indiana Law.

SO APPROVED this _____ day of _____, 2020.

JOHNSON COUNTY ADVISORY PLAN COMMISSION

By: _____
Dan Cartwright, Chairman

Attested By: _____
Pat Vercauteren, Secretary



JOHNSON COUNTY ADVISORY PLAN COMMISSION

RESOLUTION _____

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WHEREAS, IC § 36-7-4-1311 requires each plan commission that has planning jurisdiction over any part of the geographic area in which the impact fee is to be imposed to approve the proposed impact fee ordinance;

WHEREAS, the Johnson County Advisory Plan Commission has planning jurisdiction over some of the areas addressed in the Zone Improvement Plan; and

WHEREAS, the Johnson County Advisory Plan Commission has given due deliberation to the Zone Improvement Plan prepared by A&F and the proposed impact fee ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Johnson County Advisory Plan Commission hereby approves the Zone Improvement Plan and the proposed impact fee ordinance, presented as Ordinance 2020-O-11, as may be amended by the Board of Commissioner's of Johnson County to the extent consistent with the Zone Improvement Plan and Indiana Law.

SO APPROVED this _____ day of _____, 2020.

JOHNSON COUNTY ADVISORY PLAN COMMISSION

By: _____
Dan Cartwright, Chairman

Attested By: _____
Pat Vercauteren, Secretary