

Plan Commission Meeting Minutes

Monday, November 21st, 2022

To: All Commission Members

From: Recording Secretary

Subject: Minutes to Meeting

Call to Order

Chairman Keith Campbell called the November 21st, 2022, Plan Commission Meeting to order at 7:00pm in the Lebanon Municipal Building.

Roll Call

Noted presence of a quorum. Members present included John Lasley, Dan Bashor, Kevin Krulik, Corey Kutz, Keith Campbell, Ashley Paddock, Brian Tandy, Ali Mullen, Laurie Gross, Kelly Cook, Recording Secretary, Ben Bontrager, Planning Department, Matt Reynolds, Planning Department, Rob Schein, Dinsmore & Strohl LLC.

Approval of Minutes

Keith Campbell entertained for a motion to approve the meeting minutes for the October 17th, 2022, meeting. Laurie Gross made a motion to approve. Ali Mullen seconded the motion. Corey Kutz abstained from the vote absent from the October 17th, 2022, meeting. A vote of 8-0 was in favor motion passed minutes approved.

Old Business

New Business

Docket #26-61: Alex & Kim Andrews 623 E. Main Street, requesting Vacation of a portion of public platted alleyway in the Ann M Williams Second Addition Plat.

The subject property is a portion of the right-of-way for Ann Street directly east of 623 E Main Street.

Matt Reynolds gave an overview of the alley vacation being requested.

There is a 50-foot right-of-way for Ann Street located east of the applicant's property at 623 E Main Street. This right-of-way currently operates as an alley and will never be developed as public street as it does not continue through to the next public street. The typical road right-of-way is not needed.

The applicant is seeking to vacate 20 feet of Ann Street right-of-way east and directly adjacent to the property located at 623 E Main Street.

Applicant: Alex Andrew gave an overview of the alley vacation request in order to construct a garage. The 20 feet would allow the required setbacks.

Keith Campbell opens and closes the public hearing.

Keith Campbell entertained for a motion. Brian Tandy made a motion to approve Docket #22-61 forwarding the vacation request to the Common Council with a favorable recommendation.

Dan Bashor seconded the motion a vote of 9-0 was in favor motion approved.

Docket #22-67: The applicant, Arbor Homes has withdrawn this docket from the agenda.

Docket #22-68: David Gillman for M/E Rental Properties, LLC.

The property is a portion of the right-of-way for Superior Street directly south and adjacent to 702,710, and 714 W Superior Street and 719 W Pearl Street.

Matt Reynolds gave an overview of the vacation request. The applicant is seeking to vacate 18 feet of Superior Street right-of-way between Coombs and Ryan Street south and directly adjacent to 702, 710, and 714 W Superior Street and 719 W Pearl Street.

The applicant is seeking to vacate the proposed right-of-way in order to facilitate the construction of five single-family homes on the adjacent property. The additional 18 feet would provide sufficient space to allow the creation of the fifth lot. Vacating 18 feet of the right-of-way would leave 48 feet for Superior Street, which is sufficient width for future expansion of the road and addition of sidewalks on both sides.

Keith Campbell asks for questions there were none.

Applicant: David Gilman 211 S Red Robin Suite H Indpls. IN, 46219 spoke of the alley vacation request. He indicates they would secure a utility easement for the existing sanitary sewer line. Looking for approval from the board.

Keith Campbell opened the public hearing up for public comment.

Brian Spanhook: 701 W. Pearl Street, Lebanon, IN 46052. Questioned if Superior Street will be widened with this new development as Superior Street is currently a one lane street.

Keith Campbell closed the public portion of the hearing.

Matt Reynolds addressed the question from the public.

Matt Reynolds stated the street would have to meet city standards which will include the widening of the street and sidewalk added for this project.

Keith Campbell entertained for a motion. Laurie Gross made a motion to approve Docket #22-68 forwarding the vacation request to the Common Council with a favorable recommendation subject to the following condition.

1. The applicant records a 20-foot easement within the vacated right-of-way area to accommodate the existing sanitary sewer line.

John Lasley seconded the motion a vote of 8-1 was in favor motion approved.

Docket #22-69: David B. Klain requesting Planned Unit Development Rezoning Application for 5.7 acres located at 2620 N State Road 39.

The property is currently zoned Planned Business Commercial (PBC) and is within the Thoroughfare Overlay District.

Matt Reynolds gave an overview of the rezoning request. The applicant is requesting a rezone in order to develop the subject property as an infill single-family attached residential development called Onyx Point. The proposal includes 70 two-story townhome units contained in 12 buildings on a cul-de-sac with access from Lebanon Street. The proposed underlying zoning district is Multi-Family Residential (MF), which defines the uses permitted on the subject site.

Matt Reynolds read through all criteria.

Keith Campbell asks for questions, there were none.

Applicant: David Klain 1905 South New Market Street, Carmel, IN. Being the general contractor and real estate developers, gave an overview of the proposed project and hope to have the PUD approved tonight. Mr. Klain gave an overview of the Onyx Point project. The property would be completely maintained with landscaping and snow removal provided by a maintenance staff.

Keith Campbell opened and closed the public portion of the hearing.

Keith Campbell entertained for a motion. Laurie Gross made a motion to approve Docket #22-69 Planned Unit Development Rezone and Ordinance and forward to the Common Council with a favorable recommendation. John Lasley seconded the motion a vote of 9-0 was in favor motion approved.

Docket #22-74: UDO Text Amendments to the Unified Development Ordinances for the following Sections:

- i. UDO Section 4.19 – “LP” LEAP District
- ii. UDO Section 4 – Use Matrix
- iii. UDO Section 7.8 – Landscape Standards
- iv. UDO Section 11.1 – Definitions

Ben Bontrager gave an overview of the text amendments of the Unified Development Ordinance of getting a zoning district in place. The City of Lebanon recently received a second phase super-voluntary annexation request related to the LEAP innovation district being proposed by the Indiana Economic Development Corporation.

Ben Bontrager displayed the list of permitted uses for the LEAP District that will be targeted for this area indicating it is a narrow and targeted list of uses that reflect the vision for the district.

Ben Bontrager gave an overview of the street corridor, landscape buffer and specific use standards.

Ben Bontrager gave an overview of the perimeter buffer of the LEAP district ensuring appropriate protection for this project area.

Cynthia Bowen, with Rundell Ernstberger has been working to develop the LEAP Ordinance and gave an overview of the project and would answer any questions.

Kevin Krulik questioned the heights over 75ft on any portion of the building, will they have to meet a setback? Ben Bontrager stated any part of the building over 75ft. would have to meet the increased setbacks. Kevin Krulik questioned if the buffer yards are within the setbacks or in addition to. Ben Bontrager stated they are within the setback.

Dan Bashor questioned permitted uses, electric car plants could be permitted, are they environmentally safe paint facility for the proper use. Ben Bontrager stated yes, they would have to meet all the EPA requirements.

Keith Campbell opens the hearing up for public speaking.

Mike Andreoli: Attorney representing the Preservation Group: would hope the board would not pass the text amendment on to the City Council without more study and allow the public to way in. Mr. Andreoli would ask the board not to vote on this tonight, so the public can have more time to discuss. Community input is important.

Carrie Douglas: 6795 S. St Rd 75 Thorntown, IN. With the Boone County Preservation Group would like to see this project slow down to give the public more time for discussion and input.

Keith Campbell closed the public portion of the hearing.

Ben Bontrager addressed the questions from the public.

Ben Bontrager explains the timing of this UDO text amendment as this has been posted in a timely manner and the planning office has had no calls with questions concerning this project.

Keith Campbell entertained for a motion. Laurie Gross made a motion to approve Docket #22-74 forwarding the proposed text amendments to the Common Council with a favorable recommendation. Corey Kutz seconded the motion a vote of 8-1 was in favor motion approved.

Docket #22-72: Project LEAP Phase II Annexation

Consideration of Initial Zoning Classification for Voluntary Annexation into the City of Lebanon consisting of approximately 5200 acres (Project LEAP Phase II). The property is located to the North and South of State Road 32 West bordering 500 West to the west and to the north 450 North and I65.

Ben Bontrager gives an overview of the annexation process and stated this is not an evaluation of the merits of the annexation itself. This is merely making a recommendation to pass this on to the common council for the recommended zoning district.

Ben Bontrager gave an overview of the comprehensive plan that the city thought would be developed when putting the five-year plan together. Since then, the market has rapidly changed.

Keith Campbell asks for questions there were none.

Applicant, Kent Frandsen 225 W Main Street, Lebanon, IN 46052. Kent is representing the IEDC and also represents 43 properties/landowners located outside the city of Lebanon. Mr. Frandsen stated all owners are voluntarily requesting to be annexed into the city of Lebanon.

Mr. Frandsen stated there are 60 parcels that have chosen not to annexed into the city at this time. These parcels will remain in Boone County not the City of Lebanon. The proper procedures were followed with notices being sent out to property owners concerning zoning.

IEDC Representative, Kurt Fullback, gave an overview of the LEAP plan, with visuals being displayed of the conceptual plans. Mr. Fullback stated buffering will be connected to the Big 4 Trail providing accessibility. The last rendering displayed is what the full build out of the project could potentially look like.

Dan Bashor questioned if State Road 52 will be re-routed? Mr. Fullback stated INDOT is involved with the project and will continue to be with plans still being worked out. State Road 52 would run its normal course drop south and connect with State Road 32.

Keith Campbell opened the public portion of the hearing up for speaking.

Mike Andreoli: 1393 W. Oak Zionsville, IN. Representing the Boone County Preservation Group, suggests the concept was not filed correctly and why is the ID being pushed? Mr. Andreoli suggests the IEDC has made no commitment for the zoning classification.

Jim Love: 3150 State Road 52 Lebanon, IN 46052. Mr. Love gave a presentation of the agricultural district. Mr. Love is strongly against this development.

Brian Daggy: 2005 W. 250 N Lebanon, IN 46052. Mr. Daggy speaks to the fact this process needs to slow down and is strongly against the annexation.

Glenn Beasey: 71 S. 200 West, Lebanon, IN 46052. Strongly opposed to the annexation.

Kim Love: 3150 N St Road 52, Lebanon, IN 46052. Mrs. Love states the state has not shown any displays of proposed buildings. The land should be left as is until renderings have been displayed for proposed project. Mrs. Love strongly opposes this annexation.

Carrie Douglas: 6795 S. State Road 52, Lebanon, IN 46052. Reflected on what a great community we have here in Lebanon. More time is needed to work through all that has been put before you.

Peggy Daggy: 2005 West 250 N, Lebanon, IN 46052. Touches on the water issue this project could cause and where is the water coming from. Mrs. Daggy questions the speed of this project and how fast it is moving.

Aaron Smith: Lebanon resident. Questions if the LEAP project plans to build their own sanitation system and water station to supply this project?

Jeff Newman: 195 S. 200 West, Lebanon, IN 46052. Questions the amount of setback footage along with the solar panels that are being talked about. Strongly opposed to the annexation.

Melissa Lamerson: 2575 350 West, Lebanon, IN 46052. Has many concerns with this project and how this will affect her county living? Questions if we can not keep the zoning as it is?

Keith Campbell closes the public portion of the hearing.

Kent Frandsen stated he will try to answer the questions from the public. Stating there is still a lot of planning to be done.

Dan Bashor questions who is setting the timeline and do they need the proper zoning set for the companies to commit the project?

Ben Bontrager address's the questions from the public.

- General Industrial (ID) Zoning versus LEAP Zoning. Ben Bontrager states the LEAP Zoning is what the City of Lebanon is recommending.

-Those properties not being annexed will remain under the county's jurisdiction.

-The State will be paying for necessary transportation and infrastructure improvements. The city also has road impact fees that would be collected from new development and can be used to offset additional transportation needs.

-The developer and end users will not commit to the project until the proper zoning is set in place. The zoning comes first in this process.

Kevin Krulik questions if a resident is not being annexed currently, but the county adopts a new use and the county chooses to rezone. Ben Bontrager stated the county is working on a set of zoning standards for the LEAP project.

Keith Campbell entertains for a motion. Kevin Krulik made a motion to approve Docket #22-72 recommending the Leap (LP) zoning classification for the proposed annexation territory south of the Big 4 Trail and Single -Family Residential (SF) for the remaining area north of the trail to the Common Council for the proposed annexed territory. Laurie Gross seconded the motion a vote of 5-4 was in favor motion passed.

Other Business

There was no other business conducted.

Adjourn

A motion was made and seconded to adjourn the meeting at 9:30pm. The Lebanon Planning Commission will meet again on Tuesday, January 17th, 2023.

Submitted by Recording Secretary

Kelly Cook

President, Keith Campbell

Secretary, Kelly Cook