

# **Floyd County Plan Commission**

## **Minutes**

The regular meeting of the Floyd County Plan Commission was held on **February 12, 2024 at 7:00 PM** at the following address:

**Pineview Government Center Assembly Room 104  
2524 Corydon Pike  
New Albany, IN 47150**

### **PLEDGE OF ALLEGIENCE**

### **ROLL CALL**

**Present:** Gina Anderson, Chris Welch, Walter Baynard, John Brinkworth, Jim Freiberger, Bruce Morris, Jason Sharp, Victor Unruh, Julia Keibler

**Absent:** Larry Bibelhauser

**Other:** Kristi Fox, Nick Creevy, Gabbrielle Adams

### **MINUTES**

Minutes from the December 11, 2023 Meeting

**Motion:** Approve

**Moved by:** Chris Welch

**Seconded by:** Jason Sharp

**Motion passed.**

### **OLD BUSINESS**

Organizational – Appointments & Officers – President, Vice President, Plat Committee Chair, Plat Committee (5 members, 1 alternate), BZA (2 appointments)

**Motion:** Victor Unruh as President

**Moved by:** Chris Welch

**Seconded by:** Jason Sharp

**Motion passed.**

**Motion:** Gina Anderson as Vice-President

**Moved by:** Chris Welch

**Seconded by:** Jason Sharp

**Motion passed.**

**Motion:** Larry Bibelhauser as Plat Committee Chair; Chris Welch, Victor Unruh, John Brinkworth and Gina Anderson as members of Plat Committee

**Moved by:** Chris Welch

**Seconded by:** John Brinkworth

**Motion passed.**

**Motion:** Keep BZA Appointments the same

**Moved by:** Chris Welch

**Seconded by:** Walter Baynard

**Motion passed.**

### **NEW BUSINESS**

**Agenda Item 1 – FC-01-24-01 – Administrative Subdivision** Petitioner is requesting a partial re-plat (8 lots) of the subdivision known as Vincennes Place. Larner Development, LLC. Vincennes Place Subdivision, Floyds Knobs, IN 47119. Section 30, Township 2 South, Rang 6 East.

**Kristi Fox and John Brinkworth both recused themselves. Greg Fifer acted as the Board Attorney for this docket. Mr. Fifer made it be known that Mr. Welch is his brother-in-law.**

**Nick Creevy-** Director of Building & Development. Read the Staff Report: The subdivision known as Vincennes Place was initially approved as a Conditional Use in 2006 for a 30 lot patio home condominium development. Later in 2010, the subdivision was approved as a major subdivision to allow 29 lots, private street and stormwater facilities, and to allow duplexes. In 2023, the Floyd County Stormwater Board requested a hold on new building permits due to unresolved Stormwater issues. The Stormwater Board requested a Development Agreement and Bond until requested improvements were completed. As of December 2023, the Stormwater Board lifted the request for a hold on building permits. Between the initial approvals and to date lots in the subdivision where expanded by the individual deeds to allow for larger single family homes on larger lots. The lot lines were modified with the consent of a prior Plan Commission Director. While resolving the Stormwater issue, due to the extensive alteration of the platted subdivision lot lines, the Plan Commission Director recommended the remaining lots be re-platted to clarify future lots as buildable lots and to resolve any potential confusion. Subdivision Control Ordinance: Article II: Resubdivision or replat means any change in a recorded subdivision plat affecting any street layout, easement, area reserved for public use, lot line, or affecting any map or plan legally recorded prior to the adoption of any regulations controlling subdivision. A replat shall be considered a minor plat, provided, that no new streets or roads or utility extensions are required. If streets or utility extensions are required, then the plat shall be considered a major subdivision of land. Staff Comments: 1. The plat as submitted DOES comply with the lot size standards because: (Art. III; § 4A) – New lots range from 0.305 to 0.412 acres which is above the minimum lot size and have above the minimum 50 feet of frontage. 2. The plat as submitted DOES comply with the street design standards because: (Art. III; § 5A) – No modifications to the previously approved streets are proposed. Streets will remain private. 3. The plat as submitted DOES comply with the easements standards because: (Art. III; § 5A) – No changes to originally approved easements have been made. 4. The plat as submitted DOES comply with the block standards because: (Art. III; § 4B) - There are no blocks required or proposed. 5. The plat as submitted DOES provide street improvements as required by ordinance because: (Art. III; § 5A) - No modifications to the previously approved streets are proposed. Streets will remain private. 6. The plat as submitted DOES comply with water supply standards because: (Art. III; § 6) – Previous approvals included verification of service providers. Previously developed lots in the subdivision are served. 7. The plat as submitted IS suitable for sewage and waste water containment because: (Art. III; § 7) - Previous approvals included verification of service providers. Previously developed lots in the subdivision are served. Staff Recommendations: For Secondary approval, deeds for adjoining lot ownership and dimensions to be verified by County Surveyor and updated on final plat.

**Jason Copperwaite-** Representing Applicant. Paul Primavera & Assoc., 301 East Chestnut Street, Corydon, IN. Mr. Larner is down to eight building lots, he is ready to be done with the subdivision. He has an agreement with Discovery to purchase the lots and with discussions with Staff, they would prefer a replat for what Mr. Larner has remaining. As far as lot 18 (Garrison), it appears when the Title Company created

the closing, they just described the Garrison lot as lot 18 of the original plat but it was intended to be Lot 18 and parts of 17 and 19. Mr. Larner is in the process of getting a corrected deed to fix that. This was originally approved for 29 lots and it will be a total of 22 lots when finished. Gave the Board members copies of the new plat. Two lots were transferred to Discovery during this application process, six lots still remain with Mr. Larner but he has a contract to sell to Discovery.

**Mr Fifer-** asked which lots Discovery owns.

**Mr. Copperwaite-** lots A and B on the revised plat. Part of 3 and 4 and 5.

**Mr. Fifer-** thinks they're combining a partial plat vacation with a new primary plat for these eight lots. The minutes need to reflect what we're vacating today and we're approving the new plat with the new letters. It's a partial vacation and you're drawing shows what we're doing. Secondly, you will need something from Discovery Builders consenting to where their lot lines are moving.

**Mr. Copperwaite-** Correct. There is a revised version of the plat that has Discovery as a signatory on the plat as well. Showed the Board members the copy with the signature line.

**Mr. Fifer-** that works. You're making a motion to vacate whatever numbers or parts of the numbered lots that are affected and you are approving a revised plat for the newly lettered lots.

**Mr. Unruh-** asked if anyone would like to speak in opposition. No one came forward. Asked if anyone would like to speak in favor.

**Andrew Garrison-** 2023 Vincennes Place. Thinks there may be one other issue on his property line. They had a pool installed and Mike helped with some of the things and one was the propane tank that is buried and he believes it's on the property line.

**Mr. Fifer-** is that one of the property lines that is affected tonight?

**Mr. Garrison-** Yes, owns lot 18. It will still be on the property line after the replat.

**Mr Fifer-** to the extent of your lot lines being moved, you will need to sign the plat or give written consent.

**Mr. Creevy-** clarified what lines are which and where the propane tank is located. Currently, the tank is on Larner Development because it was not properly deeded over to Mr. Garrison.

**Ms. Anderson-** but the deed is coming so then it will be in his property, just on the line.

**Mr. Garrison-** his understanding, it's on the line based on where they had it staked. It's his buried tank.

**Mr. Copperwaite-** Mr. Larner is intending on moving the propane tank so it's entirely on Mr. Garrison's property. It's weather dependent.

**Kristi Fox-** 2015 Vincennes Place. It's her understanding there are several issues. In the last month, they have discovered there is a sump pump and drainage line that is coming out of their property on six feet onto what is now going to be lot G. They are the owners of lot 23 and part of 22 and their lines go into lot G. They have concerns that if that lot is built on, that will be hit and cause destruction to their house. They are lots 23 and parts of lot 22 and 24. The proposed revised plat is not moving our property lines.



**Mr. Copperwaite-** there are currently issues with that property line that are being litigated. I think Mr. Larner is willing to give them an easement for that line but it's still in flux. Thinks it's a roof drain line and sump pump line. He thinks there were some improvements made before some of those lines could be run and Mr. Larner gave permission to put it on his land.

**Mr. Fifer-** we need to add another condition that says this is resolved through litigation or before the final plat is recorded, he grants an easement.

**Mr. Sharp-** it seems there are a lot of moving parts in regards of the action you all want us to take tonight. It may be best to go back to the drawing board and come back. He knows there's been a lot of work but doesn't feel comfortable moving forward with all the conditions.

**Ms. Anderson-** we only have three conditions, right?

**Mr. Welch-** we have the buried propane tank, deeds for adjoining lot ownership and dimensions to be verified by County Surveyor and updated on final plat and this lot G.

**Mr. Unruh-** if we got the conditions nailed down, all we're doing is making them come to another meeting and show us the things they got done that they would've went to Staff with.

**Mike Larner-** Applicant, Larner Development. 1012 Fox Hunters Point. The installer said it's within two feet. He will give plenty of space so it doesn't encroach. They had already moved in and had a playset installed. He told the installer to bring it over on his side of the line and he would deal with it later.

**Mr. Copperwaite-** suggests not issuing building lots on lot G until these issues are resolved.

**Mr. Creevy-** he is a little leery about holding building permits until the issues are resolved. He would rather see it on the plat in some way if there will be an easement. These are kinda private lot line issues, when we look at the plat itself, is it compliant or not. He does think it's compliant. He would like the private matters very clear so there are not any future disputes over property lines. The plat should show as much as possible, would like to see the easement on the plat. Moving the propane tank is a private matter and does need to be shown on the plat.

**Mr. Copperwaite-** the plat does comply with the ordinance. Mr. Larner and Ms. Fox has to work out their private matter, they are already litigating it. Asked the Board to approve.

**Mr. Unruh-** if we didn't know what we know about the conflict with Mrs. Fox's line...

**Mr. Fifer-** the statue for partially vacating a plat allows a petitioner who is a lot owner, to vacate all or part of the property they own, not someone else's property, or the entire plat. To vacate the entire plat, you have to have consent of everyone. In order to vacate, this Commission has to make findings that conditions in the platted area have changed, so as to defeat the original purpose of the plat, is in the public interest to vacate all or part of the plat and the value of the land not owned by the petitioner won't be diminished by the vacation. You need to make those written findings. You do have a duty that these loose ends don't come back to bite somebody. If you want to table, you can revisit it at the next meeting. Either approve with stipulations or table it until they have a more definitive solution.

**Motion:** Table

**Moved by:** Jason Sharp

**Seconded by:** Bruce Morris

**Motion passed.**



**Mr. Unruh-** announced that Ms. Fox and Mr. Brinkworth are both back.

**Agenda Item 2 – Gray Woods Subdivision, Secondary Approval Extension Request.** Petitioner is requesting an extension for secondary approval deadline of a subdivision. Primary approval granted May 2022. Gray Woods Subdivision, Floyds Knobs, IN 47119. Section 24, Township 2 South, Rang 5 East.

**Mr. Creevy-** Read Staff Report: May 9, 2022 - Gray Woods received primary approval as a “by right” Residential Urban major subdivision off Schrieber Road. March 7, 2023 – Secondary Approval application submitted by Paul Primavera, deficient several items. March 28, 2023 – Additional items received, outstanding items remaining: Protective Covenants. January 5, 2024 – Extension Request Letter: requesting 2 year extension for plat approval. Secondary Approval to be obtained 1 year from primary approval, and recording of plat to be completed 1 year from Secondary Approval. Staff Comments: The Subdivision has not yet received Secondary approval. Applicant should submit required document for Secondary approval then be given 1 year from that date. If additional extension needed at that point, a request should be made to the Plan Commission at that time. Staff Recommendations: Three months to receive for Secondary Approval of Subdivision, 1 year thereafter to Record the Plat.

**Mr. Unruh-** so three months from today’s meeting and a year and three months from today’s meeting.

**Mr. Creevy-** that is his recommendation but it is up to the Board to offer extensions. The applicant is here to explain why they need the extension, I’m just here to inform what the timeline would normally be. This is not a public hearing item. This is a public meeting.

**Mr. Copperwaite-** Asked if both agenda items 2 and 3 could be heard together since both subdivisions have the same delay.

**Mr. Creevy-** is favorable to hear both items together.

**Agenda Item 3 – Riley Commons Subdivision, Secondary Approval Extension Request.** Petitioner is requesting an extension for secondary approval deadline of a subdivision. Primary approval granted April 2022. Riley Commons Subdivision, Floyds Knobs, IN 47119. Section 19, Township 2 South, Rang 6 East

**Kent Witten-** Applicant, 3790 Lawrence Banet Road. Agrees to do both Grey Woods and Riley Commons together. Riley Commons needs to get approval for its infrastructure because all of the utilities are being feed from Riley Commons into Grey Woods. They have been working with INDOT and they County for approvals for 150 road access. Those utilities will feed across the road for Grey Woods. They are waiting on answers from INDOT on the entrance from 150. The water line will be bored under 150 but not the sewers, they are working on two different options. Depending on the location of the road access that will determine where the sewers go.

**Mr. Welch-** why are you wanting two years? In case something falls through because of utilities?

**Mr. Witten-** honestly, does not like coming in front of the Board often. They anticipate within the year but you know how government wheels turn and utilities are about the same. The sooner the better.

**Mr. Creevy-** has no issues with the extension as long as the project is moving forward. Secondary approval could be granted and these items could still be outstanding prior to final plat approval. Would prefer to have secondary approval completed and waiting for development agreement and final plat. We can do two years for the final plat.

**Motion:** Agenda items 2 and 3- two years for Grey Woods and Riley Commons Secondary and Final Approvals

**Moved by:** Chris Welch

**Seconded by:** Walter Baynard

**Motion passed.**

**DISCUSSION**

2023 Annual Report

**Mr. Creevy-** gave the board an update on the number of permits issued, inspections performed and public hearing items for 2024.

Impact Fee Advisory Committee

**Mr. Creevy-** we are moving forward and looking at the requirements of the advisory committee that will have to be set up and the ordinance that will be produced and the study that will support the impact fee. We are at the beginning stages of that. This will come to the Plan Commission prior to going to the Commissioners. On the note of inspections, our inspector has requested and was approved to going to a 4/10 work week.

**Mr. Welch-** asked about the status of the Unified Development Code.

**Mr. Creevy-** we are still working on that, it's slow going because we get pulled on multiple different projects. We are about ready to start having workshops on content, maybe with the next month or two.

**Mr. Welch-** will the meetings be here?

**Mr. Creevy-** probably some small meetings with stakeholder groups and then have our meeting here.

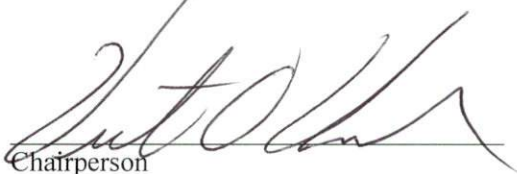
**Motion:** Adjourn

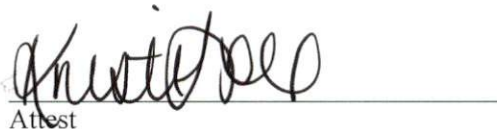
**Moved by:** John Brinkworth

**Seconded by:** Jason Sharp

**Motion passed.**

Adopted this 11 day of March, 2024.

  
Chairperson

  
Attest



# Floyd County Plan Commission

## Minutes

The regular meeting of the Floyd County Plan Commission was held on **March 11, 2024 at 6:00 PM** at the following address:

**Pineview Government Center Assembly Room 104  
2524 Corydon Pike  
New Albany, IN 47150**

### PLEDGE OF ALLEGIENCE

### ROLL CALL

**Present:** Gina Anderson, Larry Bibelhauser, Chris Welch, Walter Baynard, John Brinkworth, Jim Freiburger, Victor Unruh, Haley James

**Absent:** Jason Sharp, Bruce Morris

**Other:** Kristi Fox, Nick Creevy, Gabbrielle Adams

**Mr. Unruh-** introduced the new Georgetown representative, Haley James.

### MINUTES

Minutes from the February 12, 2024 Meeting

**Motion:** Approve

**Moved by:** Chris Welch

**Seconded by:** Walter Baynard

**Motion passed.**

### OLD BUSINESS

**Agenda Item 1 – FC-01-24-01 – Administrative Subdivision Continued from February 2024** Petitioner is requesting a partial re-plat (8 lots) of the subdivision known as Vincennes Place. Larner Development, LLC. Vincennes Place Subdivision, Floyds Knobs, IN 47119. Section 30, Township 2 South, Rang 6 East.

Kristi Fox and John Brinkworth both recused themselves due to personal connections with the subdivision.

**Nick Creevy-** Director of Building & Development. Read Staff Report: Item was tabled at the February meeting for additional clarification/corrections of the following items: 1. Correction of Garrison deed to include property to north and south of lot #18 on original plat. 2. Clarification/Resolution of Garrison Propane tank. 3. Clarification/Resolution of Fox drainage item on Lot "G". Applicant has provided an updated deed and plat to correct the Garrison Deed issue. Applicant to provide update on items 2 & 3. Staff Comments (Vacation): 1. The conditions in the platted area HAVE changed so as to defeat the original purpose of the plat because: Lot lines have been modified over time by deeding over small portions of adjoining lots creating larger lots to accommodate single family homes rather than duplexes. The total number of buildable lots in the subdivision have diminished. 2. It IS in the public interest to vacate all or part of the plat because: The lots and plat will be clarified through the re-platting process allowing a better understanding of property lines and easier/clearer application of zoning and building regulations and

allowing the remaining lots to be developed completing the subdivision. 3. The value of that part of the land in the plat, not owned by the petitioner WILL NOT be diminished by vacation because: The vacation and subsequent re-plat will create new lots consistent with the size of other modified lots in the subdivision and the total number of lots will be reduced. The lots will be larger and be able to accommodate larger homes which will be more valuable to neighboring properties. Moving the lot lines require a re-plat which is necessary to complete the development of the subdivision. Staff Comments (Minor Subdivision): 1. The plat as submitted DOES comply with the lot size standards because: (Art. III; § 4A) – New lots range from 0.305 to 0.412 acres which is above the minimum lot size and have above the minimum 50 feet of frontage. 2. The plat as submitted DOES comply with the street design standards because: (Art. III; § 5A) – No modifications to the previously approved streets are proposed. Streets will remain private. 3. The plat as submitted DOES comply with the easements standards because: (Art. III; § 5A) – No changes to originally approved easements have been made. 4. The plat as submitted DOES comply with the block standards because: (Art. III; § 4B) - There are no blocks required or proposed. 5. The plat as submitted DOES provide street improvements as required by ordinance because: (Art. III; § 5A) - No modifications to the previously approved streets are proposed. Streets will remain private. 6. The plat as submitted DOES comply with water supply standards because: (Art. III; § 6) – Previous approvals included verification of service providers. Previously developed lots in the subdivision are served. 7. The plat as submitted IS suitable for sewage and waste water containment because: (Art. III; § 7) - Previous approvals included verification of service providers. Previously developed lots in the subdivision are served. Staff Recommendations: None, apply for Secondary Approval prior to final plat approval by County Commissioners.

**Jason Copperwaite-** Paul Primavera & Associates, Representing Applicant, 301 East Chestnut Street, Corydon. The four items that were left hanging from last month was a corrective deed for Mr. Garrison, moving Mr. Garrison's propane tank, and at the time there was a lawsuit between Mr. Larner and Ms. Fox and her husband Mr. Foxworthy and we have addressed all of those issues. Mr. Larner recorded a corrective deed for Mr. Garrison and it's shown on the updated plat. Has a copy for the Board. He personally went to verify that the propane tank was moved today to the other side of Mr. Garrison's house. Mr. Larner, Ms. Fox and her husband Mr. Foxworthy, entered into a settlement agreement on the lawsuit. Mr. Larner agreed to deed them the sliver of property that was under their fence and relocate the drainage from lot G and back onto the Fox/Foxworthy property. That work has not been done but it is part of their settlement agreement. Mr. Larner did sign and the deed was recorded transferring the fence property, Mr. Copperwaite received the copy today so he wasn't able to update the plat. That would be the one stipulation they would request, that Staff would be able to approve the amended plat with that one change reflecting the deed. All of the issues have been resolved and/or will be resolved through the settlement agreement.

**Mr. Welch-** that and the drainage issue.

**Mr. Copperwaite-** it has to be done but it's in a binding settlement agreement that it will be done.

**Mr. Unruh-** asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward. Closed public comment.

**Mr. Bibelhauser-** Read the ballot to vacate. Docket FC-01-24-01, Petitioner Larner Development, LLC. After careful review, the Floyd County Plan Commission finds that: 1. The conditions in the platted area HAVE changed so as to defeat the original purpose of the plat because: Lot lines have been modified over time by deeding over small portions of adjoining lots creating larger lots to accommodate single family homes rather than duplexes. The total number of buildable lots in the subdivision have diminished. 2. It IS in the public interest to vacate all or part of the plat because: the lots and plat will be clarified through the re-platting process allowing a better understanding of property lines and easier/clearer application of zoning and building regulations and allowing the remaining lots to be developed completing the subdivision. 3. The value of that part of the land in the plat, not owned by the petitioner WILL NOT be diminished by



vacation because: The vacation and subsequent re-plat will create new lots consistent with the size of other modified lots in the subdivision. The total number of lots will be reduced by two. The lots will be larger and be able to accommodate larger homes which will be more valuable to neighboring properties. Moving the lot lines require a re-plat which is necessary to complete the development of the subdivision. At the meeting held on the 11<sup>th</sup> day of March, 2024. The Floyd County Plan Commission hereby: Approves the Petition to Vacate.

**Motion:** Approve Partial Vacation

**Moved by:** Larry Bibelhauser

**Seconded by:** Chris Welch

**Motion passed.**

**Mr. Bibelhauser-** Read the ballot for Primary Approval of an Administrative Subdivision. Vincennes Place Re-plat, Docket FC-01-24-01, Applicant is Larner Development, LLC. After careful review the Plat Committee finds that: 1. The plat as submitted DOES comply with the lot size standards because: New lots range from 0.305 to 0.412 acres which is above the minimum lot size and have the minimum 50 feet of frontage. 2. The plat as submitted DOES comply with the street design standards because: No modification to the previously approved streets are proposed. Streets will remain private. 3. The plat as submitted DOES comply with the easements standards because: No changes have been made to the originally approved easements. 4. The plat as submitted DOES comply with the block standards because: There are no blocks required or proposed. 5. The plat as submitted DOES provide street improvements as required by ordinance because: No modification to the previously approved streets are proposed. Streets will remain private. 6. The plat as submitted DOES comply with water supply standards because: The previous approval included verification of a service provider. In addition the previously developed lots in the subdivision are served. 7. The plat as submitted IS suitable for sewage and waste water containment because: The previous approval included verification of a service provider. The plat is accepted upon completion of the following conditions: Apply for Secondary Approval prior to final plat approved by the County Commissioners. Staff shall make the final approval of the revised plat. The Floyd County Plan Commission hereby GRANTS Primary Approval of the Administrative Subdivision at the meeting held on the 11<sup>th</sup> day of March, 2024.

**Motion:** Approve Partial Re-Plat

**Moved by:** Larry Bibelhauser

**Seconded by:** Chris Welch

**Motion passed.**

## **NEW BUSINESS**

Kristi Fox and John Brinkworth both returned to the Board.

**Agenda Item 2 – Resolution No. 2024-1:** Resolution of the Floyd County Plan Commission approving amendments to the declaratory resolution and economic development plan for the Edwardsville-Highlander point gateway economic development area. Redwire Allocation Area.

**Don Lopp-** Director of Operations and Planning and also serves as the Staff of the Redevelopment Commission. This is for the reallocation area known as Redwire, its part of plat 1491, lots 1 and 2. It's where Rewire, formally TechShot, will build their 35,000 square foot facility. The plat and lots are already in the Highlander/Edwardsville Gateway district and what Redevelopment Commission is requesting as it goes through the process is to create Redwire's own Tif district and capture the funds from the Redwire development. The Redevelopment Commission has passed a declaratory resolution, it's a four step process. It passed the Resolution in February and comes here to Plan Commission as the next step to make sure the request is in compliance with the Comprehensive Plan and the allocation area and

the uses thereof. After that, it goes to County Commissioners and then back to back to Redevelopment Commission for a public hearing for confirmatory resolution.

**Mr. Welch-** they capture the funds to reinvest back into those areas?

**Mr. Lopp-** the Redevelopment Commission is capturing the Tif funds for part of the financing of their project.

**Mr. Freiburger-** you're talking about the Redwire project? For the building of that?

**Mr. Lopp-** Yes, just those two lots. The lots they have go back into terms of refinancing that building project.

**Mr. Welch-** so they get credits back?

**Mr. Lopp-** No.

**Mr. Freiburger-** but its development for them so they can put their business there and they get the advantage of that. So this is taking funds away from the Highlander district?

**Mr. Lopp-** Redwire is going to pay a lease to the County for the building and then those funds are being used as a backup for that lease.

**Mr. Welch-** how much money are you estimating?

**Mr. Lopp-** for the real property, around \$90,000 and personal property around \$60,000. If those funds are not used, they can be released back into the overall Highlander Point allocation area that can be used for other projects. It's the Highlander Point/Edwardsville Gateway district.

**Ms. Fox-** they are creating a smaller one within the larger one. That way they can use the funds within the smaller one but then it can fall back out into the larger one.

**Mr. Lopp-** it's the same process being used for the Edwardsville School project.

**Mr. Welch-** sounds like a win/win.

**Ms. Fox-** yes, the County can capture the Tif dollars and then put it back into the area to be able to invest in that.

**Mr. Freiburger-** why is this one particular group getting this and not other entities?

**Mr. Lopp-** its project specific.

**Mr. Welch-** Redwire is the only one that's committed to Novapark? So we could see that later on with someone coming in and wanting the same situation.

**Mr. Lopp-** correct. It's the process for assisting with financing.

**Mr. Welch-** how long will this last?

**Mr. Lopp-** Tif allocation areas are 25 years and revert back to the general fund.



**Mr. Unruh-** its project specific so if someone else comes in and what to do the same thing, they can, correct?

**Mr. Lopp-** we can create an allocation area.

**Mr. Freiburger-** if this goes for 25 years would that generate much more than what you need for that or not? What kind of money will it generate over 25 years?

**Mr. Lopp-** it will generate about \$150,000 annually.

**Mr. Welch-** it's still within that district.

**Mr. Lopp-** it's really there to capture as a backup for the building project.

**Mr. Welch-** but we'll get tax dollars back from Redwire.

**Mr. Freiburger-** doesn't sound like it.

**Mr. Lopp-** you won't get the property tax dollars but you will get the local income tax dollars and their average wage is \$55 an hour for 75 employees.

**Mr. Welch-** and they are moving out of Galena and into this "bubble" and then everything will be captured inside that "bubble" and money stays within that area.

**Mr. Freiburger-** but it takes money away from Galena

**Mr. Welch-** but they are moving anyway, they are going to move no matter what.

**Mr. Lopp-** that is the rationale for us to put together this agreement is to keep 75 high paying jobs in Floyd County that is tied to an industry that is typically not around here and with their headquarters in Jacksonville, they do have options.

**Mr. Brinkworth-** with them being the first people to inhabit Novaparke, how long has it be ready for someone to come in?

**Mr. Lopp-** our grand opening was in July (2023). They are the anchor tenant for the project. They have received requests for information for two other entities in the last month. Having them as the anchor and first tenant has been beneficial.

**Mr. Welch-** thinks it's positive because they are aerospace, we don't have anyone out there and we need to get someone in the park to generate some dollars.

**Motion:** Approve

**Moved by:** Chris Welch

**Seconded by:** John Brinkworth

**Motion passed.**

**Yes-** Gina Anderson, Chris Welch, Walter Baynard, John Brinkworth, Victor Unruh,

**No-** Jim Freiburger.

Larry Bibelhauser abstained from voting.

**Motion:** Approve

**Moved by:** Chris Welch

**Seconded by:** Larry Bibelhauser

**Motion passed unanimously.**

Adopted this 8<sup>th</sup> day of April, 2024.

  
Chairperson

  
Attest



# Floyd County Plan Commission

## Minutes

The regular meeting of the Floyd County Plan Commission was held on **April 8, 2024 at 7:00 PM** at the following address:

**Pineview Government Center Assembly Room 104  
2524 Corydon Pike  
New Albany, IN 47150**

### PLEDGE OF ALLEGIENCE

### ROLL CALL

**Present:** Gina Anderson, Larry Bibelhauser, John Brinkworth, Jason Sharp, Victor Unruh, Haley James

**Absent:** Chris Welch, Walter Baynard, Jim Freiburger, Bruce Morris

**Other:** Rick Fox, Nick Creevy, Gabbrielle Adams

It was announced that a quorum was present and the applicant has the right to be heard in front of a full board and would be required to wait a full year before applying for the same request.

### MINUTES

Minutes from the March, 2024 Meeting

**Motion:** Approve

**Moved by:** Gina Anderson

**Seconded by:** John Brinkworth

**Motion passed.**

Mr. Sharp abstained from voting since he was absent at the previous meeting.

### NEW BUSINESS

**Agenda Item 1 – GV-03-24-06: Development Plan Review** – Applicant is requesting approval of a development plan in a General Industrial District. Darryl Kepley. Between 7258 & 7354 Voyles Road, Greenville, IN 47124 (Parcel 22-03-03-200-228.000-005). Section 32, Township 1 South, Range 5 East.

**Nick Creevy-** Director of Building & Development. Read the Staff Report: Applicant is requesting approval of a development plan for a trucking company on a General Industrial zoned property in the Town of Greenville. The proposal is for a 7,100 square foot commercial building to use for a trucking company as a garage for maintenance and storage as well as for office space. There will be 4 employees present on a daily basis. The proposal includes utilizing adjoining properties' access to Voyles round and does not propose an additional drive at this time. The property is on a 5.74 acre parcel with heavy vegetation towards Voyles Road and along the north side of the property. The current use of the property is a gravel parking area for a trucking business. The proposed structure will be approximately 506 feet setback from Voyles Road, 80 feet from the adjacent property to the north, 42 feet from the property to the south, and 403 feet from the property to the east. Adjacent properties are also zoned General Industrial and have a commercial trucking use to the south and a residential use to the north, to the east and west is

County Rural Residential. A Technical Review Committee was held for the development plan for the site, results letter provided. Staff Comments (Vacation): A waiver to the Development Standards is required. The petitioner applied for 4 Development Standards Variances for the use of septic, not installing sidewalks, using gravel instead of pavement for parking lot area, and not orienting the building towards Voyles Road. The waiver is consistent with the Town's Comprehensive plan because the development supports development of existing like-use developments and proximity to supporting land uses, it supports the preservation of natural characteristics, and the variance allows for the development of sidewalks when they are installed nearby and support the use of an existing drive for entrance. The waiver is consistent with the intent of the General Industrial District because it supports preventing hazardous traffic patterns by utilizing an existing drive, and orienting towards it, and it allows for the parking lot to be placed far from Voyles Road. The development is consistent with the Comprehensive Plan because it is an allowable use in the General Industrial District. The development is consistent with the General Industrial District as it is a medium intensity industrial type operation adjoining other General Industrial zoned properties, does not create traffic hazards, and will not have a negative aesthetic impact on the character of the area. The proposed development does not include signage. Minimizes congestion by utilizing an existing access drive utilized by a similar use on an adjoining property that provides clear circulation pattern and allows for the retention of natural features. Sidewalks will be provided once they become present in the immediate area. Lighting is to be mounted to the building at 10 feet in height and is consistent with the Zoning Ordinance Standards. The proposed development is an allowable use in a General Industrial District. The proposed development is not in an overlay district. Staff Recommendations: 1. Adhere to any conditions of the Development Standards Variances issued for this project (GV-03-24-02, GV-03-24-03, GV-03-24-04, and GV-03-24-05). 2. A development agreement with the Town required stating sidewalks will be provided by the owner when sidewalks are installed on adjacent lots (within 500 feet of property), and a 40 foot wide tree buffer will satisfy the landscaping standards along north property boundary and Voyles Road. If trees and/or shrubs are removed than will owner will provide new plantings consistent with the Zoning Ordinance. 3. No vehicle, trailer, or equipment storage outside of gravel area. 4. Record an access and maintenance agreement for the shared access drive with all owners and users and including a provision that there will be no obstructions of the drive allowed. 5. Provide a statement from Health Department on drainage flow over septic location and follow any recommendation regarding these items. 6. Provide statement from Fire Protection on ability to serve, access, and hydrant needs, and follow any recommendation regarding these items.

**Mr. Sharp-** reading the letter from the Fire Department, its important moving forward when Fire Departments site standards and codes, they need to provide the references and what those codes mean so people can understand.

**Jon McCoy-** JLM Engineering, 720 Rolling Creek Drive, New Albany. Representing applicant. Does not have anything to add, Nick covered it all pretty well.

**Darryl Kepley-** Applicant/owner, 7206 Voyles Road, Greenville. He lives down the street and wants to keep his business close to where he lives.

**Mr. Unruh-** asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward. Closed public comment.

**Mr. Bibelhauser-** Read the ballot. GV-03-24-06, Petitioner is Darryl Kepley. Conceptual Site Plan review by Planning Director: YES, date: TRC held 3/21/2024. 1. Petitioner HAS met all developmental standards for the district. The Petitioner will adhere to the development standards for the district and follow any conditions of the Development Standards Variances issued for this project to include GV-03-24-02, Gv-03-24-03, GV-03-24-04 and GV-03-24-05. 2. A waiver of the development standards



requirements IS required. Is required, a waiver of the developmental standards IS granted because: A. A waiver IS consistent with the spirit and intent of the Comprehensive Plan because: the development supports development of existing like-use developments and proximity to supporting land uses, it supports the preservation of natural characteristics, and the variance allows for the development of sidewalks when they are installed nearby and support the use of an existing drive for an entrance. B. A waiver IS consistent with the intent of the District because: The waiver is consistent with the intent of the General Industrial District since it supports preventing hazardous traffic patterns by utilizing an existing drive and orienting towards it and it allows for the parking lot to be placed far from Voyles Road. 3. The proposed development plan IS consistent with the Comprehensive Plan because: it is an allowable use in the General Industrial District. 4. The proposed development plan IS consistent with the intent of the District as set forth in the Town of Greenville Zoning Ordinance because: The development is consistent with the General Industrial District as it is a medium intensity industrial type operation adjoining other General Industrial zoned properties, it does not create traffic hazards and will not have a negative aesthetic impact of the character of the area. 5. The proposed development plan DOES satisfy the following development requirements: A. Design and location of street access points minimize congestion. B. Entrances, streets, and internal traffic facilities are compatible with existing and planned streets in adjacent developments. C. Design and layout of the development has a clear circulation pattern that is sensitive to topography and other natural features. D. Design of the proposed development plan provides adequate pedestrian connections within the development and safe street crossings to adjacent land uses. E. Lighting is designed to create a unified and consistent lighting package for the development. F. Lighting in parking areas do not exceed 20 feet in height. 6. The proposed development IS NOT in a Residential Urban. The proposed development IS NOT a Multi-Family development. Upon careful review, the Floyd County Plan Commission APPROVES the Petitioner's Development Plan Review Application at the meeting held on the 8<sup>th</sup> day of March, 2024. Approval by the Board is subject to the completion of the following conditions: 1. Record an access and maintenance agreement for the shared access drive with all owners and users, including a provision that there will be no obstructions of the drive allowed. 2. Provide a statement from the Fire department on their ability to serve, access and fire hydrant(s) needs and follow any recommendations regarding these items. See letter dated April 8, 2024.

**Motion:** Approve with Conditions

**Moved by:** Larry Bibelhauser

**Seconded by:** Jason Sharp

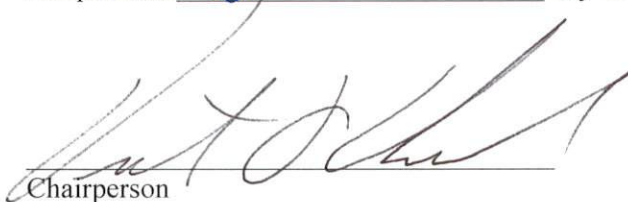
**Motion passed.**

**Motion:** To Adjourn

**Moved by:** Jason Sharp

**Seconded by:** John Brinkworth

Adopted this 13<sup>th</sup> day of May, 2024.

  
Chairperson

  
Attest

# Floyd County Plan Commission

## Minutes

The regular meeting of the Floyd County Plan Commission was held on **May 13, 2024 at 7:00 PM** at the following address:

**Pineview Government Center Assembly Room 104  
2524 Corydon Pike  
New Albany, IN 47150**

### PLEDGE OF ALLEGIENCE

### ROLL CALL

**Present:** Gina Anderson, John Brinkworth, Bruce Morris, Jason Sharp, Victor Unruh

**Absent:** Larry Bibelhauser, Chris Welch, Jim Freiberger, Haley James

**Other:** Kristi Fox, Nick Creevy, Gabbrielle Adams

### MINUTES

Minutes from the April 2024 Meeting

**Motion:** Approve

**Moved by:** Jason Sharp

**Seconded by:** John Brinkworth

**Motion passed.**

### NEW BUSINESS

**Agenda Item 1 – FC-04-24-10: Administrative Subdivision** – Applicant is requesting approval of a four (4) lot Administrative Subdivision to be known as Grand Prairie Estates. Tristate Development Corporation. Vacant land between 4361 Jones Lane and 4532 Saint Mary's Road, Floyds Knobs (Parcel 22-04-01-700-185.000-006). Section 17, Township 2 South, Range 6 East.

**Nick Creevy-** Director of Building & Development. Read the Staff Report: Applicant is requesting approval of a four lot subdivision located along Jones Lane. Three lots meet the frontage requirements using Jones Lane and a forth lot meets the frontage requirement from a 60' wide access and utility easement. A Plat Committee meeting was held on site on April 25, 2024. The Plat Committee Report has been provided. An email from County Stormwater has been provided requesting review and approval of the site due to the anticipated disturbance in the project area of over 1 acre and for known drainage issues in the area. Staff Comments: 1. The plat as submitted DOES comply with the lot size standards because: (Art. III; § 4A) – Lots are above the minimum size requirements of 37,000 square feet required for rural residential districts. 2. The plat as submitted DOES comply with the street design standards because: (Art. III; § 5A) - No new streets are proposed or required. A shared drive is required for every two adjoining lots (Lots 1 & 2 and Lots 3 & 4) so only two new drives will connect to Jones Lane. Draft driveway easement language has been provided. 3. The plat as submitted DOES comply with the easements standards because: (Art. III; § 5A) – Access and utility easement is appropriate width and length to provide required frontage to lot 4. An access easement will be required for the shared drives. 4. The plat as submitted DOES comply with the block standards because: (Art. III; § 4B) - There are no blocks proposed or required as part of this proposal



and it does not impact existing blocks. 5. The plat as submitted DOES provide street improvements as required by ordinance because: (Art. III; § 5A) - There are no new streets proposed or required. Applicant will provide dedicated right of way along Jones Lane. 6. The plat as submitted DOES comply with water supply standards because: (Art. III; § 6) – Applicant provided letter from Floyds Knobs Water stating that lines were available for service at the proposed lots. 7. The plat as submitted IS suitable for sewage and waste water containment because: (Art. III; § 7) – Wastewater will be served by septic, see Floyd County Health Department Letter. Staff Recommendations: 1. Adhere to stipulations provided in Highlander Fire District Fire Protection letter (April 4th, 2024). 2. Approval of drainage by County Stormwater. 3. A shared drive will be required for lots 1 and 2 and for lots 3 and 4. A total of two new drives connecting to Jones Lane are allowed. An access and maintenance agreement is required with the shared drives and easements. 4. Provide an agreement or easement for the maintenance of the pond. 5. Provide a minimum of 30 feet Right of Way dedication along Jones Road.

**John Kraft-** Young, Lind, Endres & Kraft Law Firm at 126 West Spring Street, New Albany. Representing applicant, Tristate Development Corporation. Bill McCarty is the surveyor and is with him tonight. Gave the Board members copies of the most recent plat. The items that Mr. Creevy touched on are all reflected- the shared driveways and 30' ROW on Jones Road. This is a ministerial matter as long as we meet the requirements of the Ordinance then we should be granted approval. One of the things that we have not completely worked out is the County Stormwater. If you look at the Stormwater Ordinance and the Administrative Subdivision Ordinance, since there are no new streets, there is no new development by the developer, it's basically selling lots. The Administrative Subdivision provisions in the ordinance it does not require a drainage plan. They are talking with Chris Moore on that. It will be up to each lot owner as they deal with their project. They do not know where each owner will build, they will have to meet all the requirements. They do not believe they need a drainage plan but they are working with Mr. Moore to relay those details. All of the other matters including the April 4<sup>th</sup> letter from the Highlander Fire District, those all acceptable. They did provide Mr. Creevy a draft of the shared driveway maintenance agreement and will be providing an easement agreement as it relates to the pond maintenance between those two lots.

**Mr. Unruh-** Asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition.

**Dava Sprigler-** 3194 Spickert Knob Road. This is right behind her house. Her grandparents used to own the property. They never wanted a subdivision and never thought the property would be sold, that's why they built next to family property. They read there will be a fence and they think it will disrupt the wildlife, there is water issues from the lakes above them. When the creek is high and backs up, they get flooded. They have lost 6 feet of property from the creek erosion. Does not think they need a fence, they have a neighborhood watch and the fence will block them in. Asked what type of homes will be built – single-story or two-story. Two-story homes will overlook onto the existing homes.

**Timothy Sprigler-** 3194 Spickert Knob Road. Curious about the septic. Lots 1 and 2 has not drained in 40 years, it's been a swamp. That ground is all spring-fed. If it's blocked, where will it go? Are they keeping the pond? Does not understand how the land percolated for septic. He has pulled tractors out of there a 1000 times, it's all muck. Also concerned about the overhead lines, they drive tall tractors under there. The access road will run water straight on his property and he will not be flooded out. He is already fighting the water.

**Jayden Bierman-** 4857 Saint Mary's Road. He has lived in the area his whole life and does not want to see a new development. Wants to protect the wildlife, waters, the ponds and Little Indiana Creek. Wants to conserve our natural land as much as possible.

**Angela Stokley-** 4520 Saint Mary's Road. Her back yard backs up to the field. The property is a swamp and doesn't know where all the water will go. Agrees with the others.

**Mr. Unruh-** Closed the public comment.

**Mr. Kraft-** There is no proposed fencing, doesn't know where that came from. This is an administrative subdivision and meets the requirements of the ordinance. The post-development drainage cannot exceed the pre-development drainage. This is not in a floodplain. They are still working with Mr. Moore on stormwater.

**Mr. Unruh-** Has the floodplain been verified?

**William McCarty-** We are not in the flood plain. Septic was all approved- either sand or a mound system. The pond is staying. The power lines are existing and 20-30 foot high, not putting in any new lines.

**Mr. Morris-** Read the ballot. After careful review the Plat Committee finds that: 1. The plat as submitted DOES comply with the lot size because: lots are above the minimum size requirements. 2. The plat as submitted DOES comply with the street design standards because: No new streets are proposed or required. A shared drive is required for every two additional lots. 4. The plat as submitted DOES comply with the easement standards because: Access and utility easement is appropriate width and length. 4. The plat as submitted DOES comply with the block standards because: There are no blocks proposed or required. 5. The plat as submitted DOES provide street improvements as required by ordinance because: There are no new streets proposed. Applicant will provide right of way along Jones Lane. 6. The plat as submitted DOES comply with water supply standards because: Applicant provided letter from Floyds Knobs Water that lines are available for service at the proposed lots. 7. The plat as submitted IS suitable for sewage and waste water containment because: Wastewater will be served by septic. The plat is accepted upon completion of the following conditions: Adhere to stipulations by Highlander Fire District letter. Approval of drainage by County Stormwater. A shared drive will be required for lots 1 and 2, and 3 and 4. Provide an agreement or easement for the pond maintenance. Provide a minimum 30' right of way dedication along Jones Road. The Floyd County Plan Commission hereby GRANTS Primary Approval of this Administrative Subdivision at the meeting held on the 13<sup>th</sup> day of May, 2024.

**Motion:** Approve with Conditions

**Moved by:** Bruce Morris

**Seconded by:** Jason Sharp

**Motion passed.**

**Mr. Unruh-** Announced that the Board is moving agenda items and will hear agenda item #3 next.

**Agenda Item 3– Secondary Approval Extension: Old Hill Estates Subdivision (FC-05-23-13) –**  
Request to extend the Secondary Approval deadline for a major subdivision.

**Nick Creevy-** The development representative submitted a letter requesting additional time for Secondary Approval.

**Jon McCoy-** JLM Engineering, 720 Rolling Creek Drive, New Albany. Representing applicant, Bob Klein with BNT Properties. The primary plat was approved last June and they cannot move forward because they are working with Lakeside Forest Estates. They have some improvements that are located on his client's property such as a parking lot and drive that accesses the pool clubhouse. They just formed an HOA recently and had their first meeting so JLM is in discussions with them on how to move forward with working around those improvements- in an easement or their selling the property so they can move forward with the cul-de-sac plans and the emergency access drive to connect to Lakeside Forest Estates. Would like to request the extension for another year.



**Mr. Unruh-** Asked about the drainage approval.

**Mr. McCoy-** We have not submitted final drainage plans to the County yet. It's contingent on working it out with Lakeside Forest Estates.

**Motion:** Approve

**Moved by:** John Brinkworth

**Seconded by:** Jason Sharp

**Motion passed.**

**Agenda Item 2 – FC-04-24-17: Zoning Map Amendment** – Requesting a Zoning Map Amendment from Rural Residential (RR) to Residential Urban (RU) to allow for a small pocket neighborhood which will be a garden-style patio home community. The Elder Co., Inc. 6527 Corydon Ridge Road, Georgetown, IN 47122 (Parcel 22-02-00-200-124.000-002). Section 02, Township 3 South, Range 5 East.

**Nick Creevy-** Read the Staff Report: The petitioner is requesting a zoning map amendment to change the district from Rural Residential to Residential Urban in order to develop a "pocket" neighborhood of garden-style patio homes. The property is 5.06 acres with frontage to Corydon Ridge Road. It adjoins Garry Caven Park to the East, a large lot single family residential use to the South and West, and Park Ridge Estates and Irongate subdivisions across Corydon Ridge Road. Park Ridge South, Cherry Grove Estates, and Woodbridge Farm are other nearby subdivisions. Surrounding zoning is Rural Residential and Park/Recreational. The proposed development contains 18 building lots ranging from 6,984 sq ft (0.16 acres) to 12,979 sq ft (0.30 acres). Nearby Subdivisions: Park Ridge Estates – 15 lot, 9.897 acres Plat 831 (0.47 acres to 0.70 acres lots). Irongate – 2: 45 lot, 52.45 acres Plat 936 (0.8 acres to 1.52 acres lots) (1.89 acres cemetery plot); 1 – 20 lot, ~20.12 acres (.61 acres to 1.3 acres lots). Park Ridge South – 38 lot, 38.58 acres, (0.52 acres to 1.69 acres lots) Plat 856. Woodbridge Farm – 32 lot, ~30.96 acres (0.72 acres to 1 acres lots) Plat 1285. Cherry Grove Estates – 24 lot, 40.74 acres (0.53 acres to 3.48 acres lots) Plat 1193. Staff Findings: 1. The re-zoning of the subject property IS NOT consistent with the Floyd County Comprehensive Plan because: The proposal allows for the development of dense single family development in an area characterized by open park space and larger lot residential which provide for a rural aesthetic and is counter to a Residential Urban zoning. The proposal does not preserve open space with small lot sizes and denser buildings. The rezoning would not be consistent with a predictable and fair process for neighboring properties as it is surrounded by Rural Residential zoning which is not suitable for proximity to Residential Urban zoning and could be construed as spot zoning. 2. The re-zoning of the subject property IS NOT consistent with the current conditions and the character of current structures and uses in the area because: Urban residential development should be integrated with medium and higher density developments, neighborhood commercial uses, and provide walkable and distinctive community. Surrounding uses are rural residential and parks/recreational and not residential suburban, multifamily, or commercial. 3. The re-zoning of the subject property IS NOT necessary for the most desirable use of the land because: The proposal is inconsistent with the rural character of the area and does not provide adequate open space. 4. The re-zoning of the subject property WILL NOT be injurious to the value of other properties in the area because: The proposal does include the development of garden style homes with a higher suggested home value than the surrounding areas. 5. The re-zoning of the subject property WILL NOT support responsible growth and development in the area because: While the rezoning would be supported by adequate infrastructure and housing is demanded in the region, the development is not consistent with the surrounding area and the goals of the Floyd County Comprehensive Plan. Approval would set a precedent for the remaining larger lots in the area. Staff Recommendations: Unfavorable recommendation, the proposal is not consistent with the rural character of the surrounding area and would arguably be a case of spot zoning.



**Mr. Unruh-** Asked for clarification on the voting.

**Mr. Creevy-** You can vote favorable, unfavorable or no recommendation. Regardless of this Boards action, it will go to the County Commissioners for final consideration of the zoning. Being a subdivision, we will have a primary subdivision application but the applicant is waiting to see if this is approved first. Sewers are available and a letter was provided by Georgetown.

**Jake Elder-** Applicant, The Elder Company, 501 East Pearl Street, New Albany, Indiana. With him is Jason Copperwaite. Property is roughly 5.5 acres and adjacent to the second largest park in the County and surrounded by subdivisions. There are a lot of aging population in the County that would like to downsize. They have a lot of people reaching out for this need with one already putting money down. It is 18 lots with a common area as a detention basin. Would like to connect to the park. Will keep as much natural vegetation as possible. Each home will be freestanding, 9-10' ceilings, approximately 1700 square feet. That will be the base model but some may have a basement or second story. They sent a letter to all the neighbors and had a neighborhood meeting. He had one phone call that was concerned about the buffer. There were four couples that showed up and there wasn't any negative comments. There was concern about traffic. They disagree with the unfavorable recommendation. Indiana Code 7-4-6-08 states that you need to pay reasonable regard to the standards. It's not strict compliance, its reasonable regard. The Comprehensive Plan talks about development, redevelopment or change in the use shall be considered on the basis of its immediate future impact of the public health, safety, welfare, population density. There was a housing study performed in Floyd County by Purdue University in 2020. It stated that smart growth is a proposed development pattern that makes efficient use of infrastructure, promotes housing options, serves a significant portion of future population growth, and protects the character of the County. This is open to all ages and they intend to let people age in place. The plan talks about housing options and providing a wide range of housing types. The Planning Director stated this could be spot zoning. As defined by Andersons American Law of Zone, fourth edition, 1995; what constitutes spot zoning? The process of singling out a small parcel of land for use and classification totally different from that of the surrounding area to benefit one owner of property to the detriment of others. If we were requesting a gas station or industrial use, absolutely that would be spot zoning but there is no change of use here, it's all the same use. This is just a different type of home that is much needed in Floyd County, the only change is the size of the lots. There is not much land available in Floyd County that has sewer capacity and availability. The homes will start at \$400,000 but the finishes will determine the actual prices. Checks off 7 of the 10 smart growth principles. Does not set a precedent for later applications on large lots.

**Jason Copperwaite-** Representing the applicant, 301 East Chestnut Street, Corydon. Gave the Board Members copies of the proposal.

**Mr. Unruh-** asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition.

**Michael & Gail Stettenbenz-** 6516 Forged Way. They also own property directly across from this property. They do not want to be forced onto the sewer system. Within a two mile stretch, there are five subdivisions with 195 homes. Traffic and speeding concerns, may become dangerous for existing residents to walk to the park from nearby subdivisions. Wants this to stay a rural area, there's wildlife and little by little the rural area will disappear. These companies are buying up all the areas and stick a bunch of houses in there and the people have to deal with the noise, pollution, traffic. Worries that changing from a rural to an urban zone would cause other farms to move and be replaced by apartment buildings. Wants the commission to consider if they want the land to have trees cut down and the wildlife altered by new development.

**Marvin Schmidt-** 6504 Forged Way in Irongate. He is a certified appraiser and principle broker. What the owners are proposing is needed but the density is the issue. The RR allows for lots as small as .85 acres and RU allows down to 6,000 sq' lots. That goes from 6 lots to a possible 30. 18 is still overly dense for the neighborhood. There are areas for this type of development but it needs to be in the areas that are already dense. 18 lots exceeds the rural character. Traffic and speeding concerns. This won't hurt property values but will change the character of the area.

**Mr. Elder-** Existing residents would not have to connect to the sewer system. Does not believe that the traffic will be significant. Changing from RR to RU would only affect this property.

**Mr. Copperwaite-** Does not think there needs to be open space when in such close proximity to a large park.

**Mr. Unruh-** Where will the sidewalk connecting to the park be? Will it run out front?

**Mr. Elder-** We will negotiate that with the Parks Department. Either will be in front or around the middle of the development around the detention pond.

**Mr. Brinkworth-** Asked about stop signs along Corydon Ridge Road.

**Mr. Elder-** There will be stop signs on either side of the road. Lights might be considered, as suggested by a neighborhood meeting – not necessarily a stop light, but warning lights.

**Mr. Morris-** Read the ballot. 1. The re-zoning of the subject property IS NOT consistent with the Floyd County Comprehensive Plan because: The proposal allows for the development of dense single family development in an area characterized by open park space and larger lot residential which provide for a rural aesthetic and is counter to a Residential Urban zoning. The proposal does not preserve open space with small lot sizes and denser buildings. The rezoning would not be consistent with a predictable and fair process for neighboring properties as it is surrounded by Rural Residential zoning which is not suitable for proximity to Residential Urban zoning and could be construed as spot zoning. 2. The re-zoning of the subject property IS NOT consistent with the current conditions and the character of current structures and uses in the area because: Urban residential development should be integrated with medium and higher density developments, neighborhood commercial uses, and provide walkable and distinctive community. Surrounding uses are rural residential and parks/recreational and not residential suburban, multifamily, or commercial. 3. The re-zoning of the subject property IS NOT necessary for the most desirable use of the land because: The proposal is inconsistent with the rural character of the area and does not provide adequate open space. 4. The re-zoning of the subject property WILL NOT be injurious to the value of other properties in the area because: The proposal does include the development of garden style homes with a higher suggested home value than the surrounding areas. 5. The re-zoning of the subject property WILL NOT support responsible growth and development in the area because: While the rezoning would be supported by adequate infrastructure and housing is demanded in the region, the development is not consistent with the surrounding area and the goals of the Floyd County Comprehensive Plan. Approval would set a precedent for the remaining larger lots in the area. The Floyd County Plan Commission hereby makes an unfavorable recommendation on the petitioner's zoning amendment application at the meeting held May 13, 2024.

**Motion:** Unfavorable recommendation

**Moved by:** Bruce Morris

**Seconded by:** Gina Anderson

**Motion failed due to lack of majority.**

**Yes-** Gina Anderson, Bruce Morris, Victor Unruh, Jason Sharp



No- John Brinkworth

**Mr. Brinkworth-** He thinks it is a great idea. Provides an opportunity for the aging community to remain as community members. Believes this would improve the community.

**Mr. Sharp-** Not opposed to the idea, believes that the development of sewers will allow to these developments. However, just down the road are apartments at the Edwardsville Gateway, and thinks this might be simply too dense.

**Mr. Creevy-** No recommendation is an option if there is no unanimous consensus. Offers that there is another option for this development, there is a conservation style subdivision available for development. Property could be zoned RS but use RU rules for lot requirements. Maybe around 16 units, with different open space requirements.

**Mr. Morris-** Changing the zoning is more than just approving a development. Does not approve of changing the zoning in the middle of other RR zones.

**Mr. Elder-** Is willing to commit to 18 detached units, and could create a legally binding agreement to do so. Has seen similar developments in Franklin, Tennessee and would like to bring those examples.

**Mr. Creevy-** States that the Commission cannot make them provide that agreement, but they could prepare it on their own. Reiterates that he does not think this proposed amendment is consistent with the Comprehensive Plan.

**Motion:** No recommendation

**Moved by:** Gina Anderson

**Seconded by:** John Brinkworth

**Motion passed.**

**Motion:** To Adjourn

**Moved by:** Jason Sharp

**Seconded by:** Gina Anderson

**Motion passed.**

Adopted this 8<sup>th</sup> day of July, 2024.

  
Chairperson

  
Attest



# Floyd County Plan Commission

## Minutes

The regular meeting of the Floyd County Plan Commission was held on **June 10, 2024 at 7:00 PM** at the following address:

**Pineview Government Center Assembly Room 104  
2524 Corydon Pike  
New Albany, IN 47150**

### PLEDGE OF ALLEGIENCE

### ROLL CALL

**Present:** Gina Anderson, Larry Bibelhauser, Chris Welch, John Brinkworth, Jim Freiburger, Bruce Morris, Jason Sharp, Victor Unruh

**Absent:** Jeremy Shumate, Haley James

**Other:** Kristi Fox, Nick Creevy, Gabbrielle Adams

### MINUTES

Minutes from the May, 2024 Meeting

**Mr. Morris-** Correction needed on the failed motion for the Elder docket.

**Motion:** Table until correction is made

**Moved by:** Gina Anderson

**Seconded by:** Jason Sharp

**Motion passed.**

### NEW BUSINESS

**Agenda Item 1 – FC-05-24-26: Development Plan Review** – Applicant is requesting approval of a Development Plan for Carr's BBQ. Rock N C Farm, Deon Carr. 7010 Highway 150, Greenville, IN 47124 (Parcel 22-03-01-000-035.000-004). Section 10, Township 2 South, Range 5 East.

**Nick Creevy-** Director of Building & Development. Read the Staff Report. Applicant is requesting approval of a development plan for a restaurant on the property. The property has historically been used as a commercial location for a greenhouse and later was the location of an ice cream stand. Adjacent properties are all zoned neighborhood commercial. The Highlander Fire Protection District has a department to the north and west of the subject property. The Galena Digital Library is located to the east across Norman Perkins Way. To the south across State Highway 150 are duplex residences and a commercial office. A Technical Review Committee was held for the development plan for the site, minutes provided. *Staff Comments:* 1. The Petitioner has not met all development standards in the district. 2. A waiver to the Development Standards is required. Applicant is requesting 4 development standard variances from the BZA related to the construction of a restaurant known as Carrs BBQ in a neighborhood commercial district. 1. (FC-05-24-22 – Septic – FCZO 4.39) Request to use commercial septic system instead of required connection to sanitary sewer. 2. (FC-05-24-23 – Parking – FCZO Appendix B) Requesting less than the required 38 parking spaces. 3. (FC-05-24-24 – Pedestrian Amenities – FCZO 5.51) Requesting not to install

required sidewalk along Norman Perkins Way. 4. (FC-05-24-25 – Building Material – FCZO 5.65-G) Requesting to use metal building material (siding) beyond the 20% maximum. The waiver is consistent with the Comprehensive Plan because the development supports infill development in a commercial growth area. The waiver is consistent with the intent of the Neighborhood Commercial District because it supports the development of a relatively small lot with a “by-right” use of a small restaurant. The development is consistent with the Comprehensive Plan because it is an allowable use in the Neighborhood Commercial District, is an infill development, and is located in the Galena Commercial Growth area. The development is consistent with the Neighborhood Commercial District because it is a small scale commercial use that serves the local community and will not have an adverse effect on current or future adjacent neighborhoods. The proposed development does have building mounted signage that creates a unified design. The site will utilize existing entrance drives with a clear circulation pattern. The proposed pedestrian amenities provides sidewalks along Highway 150 but not Norman Perkins Way. A variance was not given so sidewalks must be included along Norman Perkins Way. Lighting is to be mounted to the building with the Zoning Ordinance Standards. The proposed development is an allowable use in a Neighborhood Commercial District. The proposed development is not in an overlay district. Staff Recommendations: 1. Development shall follow any and all conditions associated with the approved development standards variances related to this property. 2. Add sidewalks to Norman Perkins Way. 3. A variance was approved, so must use alternative plan and elevations provided which show allowable building materials. 4. Required Health Department approval of Septic System prior to building permit. 5. Required copy of easement agreement for Septic Area.

**Mr. Welch-** On Norman Perkins Way, there is a drainage ditch. Is that in the right of way, or is it a state responsibility?

**Mr. Creevy-** It is in the right of way.

**Tom Jones-** Representing Applicant, 2395 West Water Treatment Road, Salem. It is a very small and compact lot, and they have gone through the necessary requirements for the septic system.

**Mr. Unruh-** asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition. No one came forward.

**Mr. Bibelhauser-** Reads ballot. Docket FC-05-24-26, Findings: 1. The Petitioner HAS NOT met all development standards in the district. 2. A waiver to the Development Standards IS required. If required, a waiver of the developmental standards IS granted because: A. The waiver IS consistent with the spirit and intent of the Comprehensive Plan because: the development supports infill development in a commercial growth area. B. The waiver IS consistent with the intent of the Neighborhood Commercial District because: it supports the development of a relatively small lot with a “by-right” use of a small restaurant. 3. The development IS consistent with the Comprehensive Plan because: it is an allowable use in the Neighborhood Commercial District, is an infill development, and is located in the Galena Commercial Growth area. 4. The proposed development plan IS consistent with the intent of the Neighborhood Commercial District as set forth in the Floyd County Zoning Ordinance because: it is a small scale commercial use that serves the local community and will not have an adverse effect on current or future adjacent neighborhoods. 5. The proposed development plan DOES satisfy the following development requirements: A. Signage is designed to create a unified and consistent sign package. B. Design and location of street access points minimize congestion. C. Entrances, streets, and internal traffic facilities are compatible with existing and planned street in adjacent developments. D. Design and layout of the development has a clear circulation pattern that is sensitive to topography and other natural features. E. Design of the proposed development plan provides adequate pedestrian connections within the development and safe street crossings to adjacent land uses. F. Lighting is deigned to create a unified and consistent lighting package for the development. G. Lighting in parking areas do not exceed 20 feet in height. 6. The proposed development IS NOT in a



Residential Urban zone. The proposed development IS NOT a multifamily development. 7. The proposed development IS NOT located in the Highlander Point or Edwardsville-Galena district. Upon careful review, the Floyd County Plan Commission hereby APPROVES the Petitioner's Development Plan Review Application at the meeting held on the 10<sup>th</sup> day of June, 2024. Approval by the Board is subject to the following conditions: 1. Development shall follow any and all conditions associated with the approved development standards variances related to this property. 2. Add sidewalks to Norman Perkins Way. 3. Health Department approval of septic is required prior to building permit being issued. 4. Applicant is required to submit a copy of easement agreement for the septic area. 5. Submit updated plan for the building material.

**Motion:** Approve with Conditions

**Moved by:** Larry Bibelhauser

**Seconded by:** Chris Welch

**Motion passed.**

**Agenda Item 2 – FC-04-24-17: Zoning Map Amendment** – The following Zoning Ordinance Amendments are being proposed for recommendation to the Floyd County Commissioners: Appendix D – Fee Schedule.

**Mr. Creevy-** Read the staff report. This amendment to the fee schedule was evaluated by staff in comparison with 11 other communities: Bartholomew County, Bullitt, Clark, Harrison, Hendricks, Howard, Johnson, Oldham, Clarksville, Corydon, Jeffersonville, New Albany. Staff considered when they were last updated, and looked at what the inflation rate had been from 2006 to December 2023 to see where those fees would be. Staff then compared those to those other communities to ensure that they would not be misaligned with neighboring community fees. Staff is looking for a favorable recommendation to send this proposed amendment to the county commissioners.

**Mr. Welch-** Asks for clarification on how the new fees were calculated. Asks what happens after commissioners approve it.

**Mr. Creevy-** Clarifies that they used the inflation rate and then compared them with other counties to ensure parity. States that they will go into effect a minimum of 6 months after approval.

**Mr. Unruh-** Asks about notification for builders and developers.

**Mr. Creevy-** States that there will be a mass email to those on email lists, and that this public hearing serves as notice as well.

**Mr. Welch-** Reads ballot. Upon further review, the Floyd County Plan Commission makes a favorable recommendation for the proposed fee schedule amendment.

**Motion:** Favorable Recommendation

**Moved by:** Chris Welch

**Seconded by:** John Brinkworth

**Motion passed.**

**Motion:** Adjourn

**Moved by:** Chris Welch

**Seconded by:** John Brinkworth

**Motion passed.**



Adopted this 8<sup>th</sup> day of July, 2024

Gen. Dixon  
Chairperson

Knicker  
Attest

# Floyd County Plan Commission

## Minutes

The regular meeting of the Floyd County Plan Commission was held on **August 12, 2024 at 7:00pm** at the following address:

**Pineview Government Center Assembly Room 104  
2524 Corydon Pike  
New Albany, IN 47150**

**THE MEETING RECORDING MESSED UP AND ONLY RECORDED ONE SECOND OF THE MEETING.**

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** Gina Anderson, Larry Bibelhauser, Chris Welch, Jeremy Shumate, John Brinkworth, Jim Freiberger, Bruce Morris, Jason Sharp, Victor Unruh, Haley James

**Absent:** John Brinkworth, Jim Freiberger

**Other:** Kristi Fox, Nick Creevy, Gabbrielle Adams

### MINUTES

Minutes from the July, 2024 Meeting

**Motion:** Approve

**Moved by:** Jason Sharp

**Seconded by:** Chris Welch

**Motion passed.**

Mr. Unruh abstained from voting since he was absent at the July meeting.

### NEW BUSINESS

**Agenda Item 1 – FC-07-24-33: Zoning Map Amendment** – Applicant is requesting a zoning map amendment from Residential Urban to General Commercial. William J. Sprigler Development Co. 107 Tunnel Hill Road, Georgetown, IN 47122 (Parcels 22-02-03-600-131.000-002 and 22-02-03-600-221.000-002). Section 36, Township 2 South, Range 5 East.

**Mr. Creevy-** Gave copies of the written commitments to the Board. Read Staff Report: The applicant is requesting the rezoning of 2 adjoining parcels located along Tunnel Hill Road from Residential Urban to General Commercial. The project is also located in the Edwardsville Gateway Overlay District. The applicant previously requested the rezoning of 7 adjacent parcels from Residential Urban to General Commercial, and the Plan Commission favorably recommended this request on August 14, 2023, and it was later approved by the County Commissioners. Section 4.41 General Commercial District (GC) The General Commercial (GC) district is intended to provide a land use category for most general business uses. The provision that regulate this land use district should not overly restrict normal business

practices. This district can be used adjacent to all other commercial and industrial districts. It can also be used adjacent to the multi-family residential districts. Buffer yards should be fully implemented. Floyd County's Plan Commission and Board of Zoning Appeals should strive to use this district to encourage strong and stable area for general commerce. The Plan Commission and Board of Zoning Appeals should encourage development in clusters which share resources and minimize the cost of public utilities and services. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots, fronting the major streets, and traffic conflicts in the General Commercial (GC) district. The letter of intent indicates potential uses like a pharmacy or quick service establishment, both of which are allowed in General Commercial districts. All end users would be required to complete the development plan process for individual sites. A letter from Georgetown Wastewater has been provided stating capacity to serve the conceptual projects. Water and electric are already in the vicinity. Gas would need to be extended to the site but can be addressed prior to development. Staff Comments: 1. The re-zoning of the subject property IS consistent with the Floyd County Comprehensive Plan because: Vision Floyd County prescribes following Smart Growth Principles for development with the following paramount principles: - Preserve open space, farmland, natural beauty, and critical environmental areas. - Strengthen and direct development toward existing communities. - Foster distinctive, attractive communities with a strong sense of place. The re-zoning would follow these principles by promoting commercial growth to infill lots. The proposal is adjacent to SR 64, I-64, a cemetery, residential properties, and near an institutional use (Tunnel Hill Christian Church) and commercial uses (across SR 64). Additionally, the site is located near the Novaparke Innovation Park and is in the Edwardsville Gateway Overlay District as part of the Town Center Concept of that plan. Based on its location, this proposal will direct and strengthen development toward existing communities, while the design guidelines of the overlay district as well as the commercial development guidelines of the Floyd County Zoning Ordinance will foster attractive and distinct developments. Furthermore, Vision Floyd County prescribes that future commercial land use in the Georgetown Township will be concentrated at the I-64/SR 64 interchange at the Edwardsville Gateway District to ensure that there is sufficient infrastructure accessibility for new developments. 2. The re-zoning of the subject property IS consistent with current conditions and the character of current structures and uses in the area because: The property itself is vacant agricultural with the view shed including the commercial node across SR 64. It is also adjacent to major transportation infrastructure and a relatively restricted development area (the cemetery). Additionally, the adjoining lots have already been re-zoned from RU to GC. 3. The re-zoning of the subject property IS necessary for the most desirable use of the land because: The property is located in the Town Center area of the Edwardsville Gateway Overlay District, which includes general commercial types of uses and specifically suggests neighborhood-serving commercial uses and hospitality services. Additional commercial development also supports and services recent residential developments in the area as well as Novaparke. 4. The re-zoning of the subject property WILL NOT be injurious to the value of other properties in the area because: The area is adjacent to major thoroughfares, and there are existing commercial properties in the area. Commercial development often has higher value than residential, and the infill development of vacant lots will encourage future development of nearby properties. Commercial development is consistent with planning documents and will provide goods and services to the community. 5. The re-zoning of the subject property WILL support responsible growth and development in the area because: The proposed re-zoning follow smart growth principles and is consistent with nearby land uses as well as the plans laid out in County Planning documents. Adequate infrastructure is available nearby and can be brought to the properties. Staff Recommendations: Written Commitments: - Provide dedicated ROW to perfect 30' ROW from Centerline of Tunnel Hill Road. - Access will be from Private Road/Drive that will meet County Standards for Public Roadway. - Per County Stormwater: Stormwater detention to be served by regional facility and INDOT approval of plans.



**Mr. Sharp-**

**John Pacyga-**

**Mr. Unruh-** asked if there is a traffic light at Tunnel Hill and SR64.

**Mr. Pacyga-**

**Mr. Unruh-** asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition.

**Charles Meyer-** 5026 Old Georgetown Road. Wants to make sure his property is not included in this request.

**Mr. Creevy-** your property is not included.

**Mike Davis-** 5023 Old Georgetown Road.

**Mr. Unruh-** closed public comment.

**Mr. Bibelhauser-** read the ballot. Docket FC-07-24-33, after careful review the Floyd County Plan Commission finds that: 1. The re-zoning of the subject property IS consistent with the Floyd County Comprehensive Plan because: The re-zoning will follow the principles of the Vision Floyd County for Smart Growth Principles for development by promoting commercial growth to infill lots. The proposed site is adjacent to SR 64, I-64, a cemetery, residential properties, and near an institutional use property (Tunnel Hill Christian Church) and commercial uses (across SR 64). Additionally, the site is located in the Edwardsville Gateway Overlay District as part of the Town Center Concept of that plan. Based on its location, this proposal will direct and strengthen development toward existing communities, while the design guidelines of the overlay district as well as the commercial development guidelines of the Floyd County Zoning Ordinance will foster attractive and distinct developments. Furthermore, Vision Floyd County prescribes that future commercial land use in the Georgetown District to ensure that there is sufficient infrastructure accessibility for new developments. 2. The re-zoning of the subject property IS consistent with the current conditions and the character of current structures and uses in the area because: The property is vacant agricultural with the view shed including the commercial node across SR 64. It is adjacent to major transportation infrastructure and a relatively restricted development area (the cemetery). Additionally, the adjoining lots have already been re-zoned from RU to GC. 3. The re-zoning of the subject property IS necessary for the most desirable use of the land because: The property is located in the Town Center area of the Edwardsville Gateway Overlay District. Which includes general commercial types of uses and specifically suggests neighborhood-serving commercial uses and hospitality services. Additional commercial development also supports and services recent residential developments in the area. 4. The re-zoning of the subject property WILL NOT be injurious to the value of other properties in the area because: The area is adjacent to major thoroughfares, and there are existing commercial properties in the area. Commercial development often has higher value than residential, and the infill development of vacant lots will encourage future development of nearby properties. Commercial development is consistent with planning documents and will provide goods and services to the community. 5. The re-zoning of the subject property WILL support responsible growth and development

in the area because: The proposed re-zoning follows the smart growth principles and is consistent with nearby land uses as well as the plan laid out in County Planning documents. Adequate infrastructure is available nearby and can be brought to the properties. Upon careful review, the Floyd County Plan Commission hereby makes a FAVORABLE recommendation on the Petitioner's Zoning Amendment Application at the meeting held on the 12<sup>th</sup> day of August, 2024. A favorable recommendation is made based on the following written commitments: 1. Provide dedicated ROW to perfect 30' ROW from Centerline of Tunnel Hill Road. 2. Access to the property will be from Private Road/Drive that will meet County Standards for Public Roadway. 3. Stormwater detention will be served by a regional facility and requires INDOT approval of the plans. See Bill Sprigler letter dated August 5, 2024 for the written commitments.

**Motion:** Favorable Recommendations with Conditions

**Moved by:** Larry Bibelhauser

**Seconded by:** Chris Welch

**Motion passed.**

#### DISCUSSION

Well Head Protection Overlay Districts – Edwardsville Water

**Mr. Creevy-** Discussed the potential of creating a well head protection overlay around the Edwardsville Water wells.

**Jason Copperwaite-** sits on the Edwardsville Water Board and presented reasoning for the overlay district and gave examples of other municipalities in our area that does the same thing.

**Chris Becht-** Edwardsville Water Superintendent, gave reasoning for this need.

**Jason Sharp-** asked about the qualifications needed to treat water, asked what is the number one contaminant in the area, asked about the closed Gallagher Station and what kind of contaminants they produced.

**Motion:** Adjourn

**Moved by:**

**Seconded by:**

**Motion passed.**

Adopted this 13<sup>th</sup> day of November, 2024.



Chairperson



Attest