

Shelby County Plan Commission
Meeting Minutes
Tuesday
October 25, 2022

Members Present:

Jordan Caldwell
Chris Ross
Terry Smith
Scott Gabbard
Nick Hartman
Charity Mohr

Members Absent:

Mike McCain
Kevin Carson
Taylor Sumerford

Staff Present:

Desiree Calderella – Planning Director
Jason Clark – Plan Commission Attorney

Call to Order and Roll Call:

Terry Smith called the October 25, 2022 meeting to order at 7:00 pm in Room 208 A at the Court House Annex.

Approval of Minutes:

Jordan Caldwell made a motion to approve the minutes from September 27, 2022. Chris Ross seconded the motion. The minutes were approved 6-0.

Old Business:

None.

New Business:

DP 22-01 – SUNBEAM I-74, LLC / I-74 LOGESTICS PARK: Development Plan Approval of a proposed commerce park including four industrial warehouses and associated facilities on +/- 300-acres.

Chris King, Justin Furr with Sunbeam Development, Jamie Christman with Sunbeam Development, and Bryan Sheward with Kimley-Horn were present to represent the petition.

Justin Furr indicated that ownership of Sunbeam is based out of Florida, however he works from the company's Fisher's office. He indicated that Sunbeam has multiple

industrial parks in Indiana in various stages of development. He explained that Sunbeam constructs its buildings to a higher construction standard because the company intends to retain long-term ownership of its buildings. He indicated that the project would include construction of four buildings over five to six years, with work first commencing on the south two buildings and mass grade work for the third building south of CR 850 W. He indicated that the timeline for the project could change dependent on interest in the buildings. He indicated that Sunbeam would help the County with infrastructure improvements along CR 850 W and with drainage improvements. He explained that Sunbeam leases its existing buildings primarily to national brand tenants and third-party logistics companies, and most likely similar tenants would occupy the buildings on this project site.

The Board opened the hearing for public comment.

Wayne Bley, who lives at 5544 W 700 N, read and commented on a written statement (see case file).

Lisa Wojihoski-Schaler with the Northwest Shelby County Concerned Citizens Coalition and who lives at 7757 W 700 N, read and commented on a written statement (see case file).

Steve Goodin, who lives at 7931 Dix Rd., expressed concerns with drainage, disturbance of the wetland located on the site, and inadequate drainage infrastructure on the Five Below site. He indicated that the project could back up water onto his property. He expressed concern with additional semi-trucks parking alongside the County roads. He indicated that developers only install the bare minimum drainage infrastructure. He requested that the Board delay voting on the project until the neighbors can provide additional information from experts regarding the project's impact to area drainage.

Denny Loveall, who lives at 11747 E McGregor Rd, indicated that while opposed to the development, he realizes that he likely cannot stop the development. He asked that the developer install an earth berm of significant height with evergreen trees along the west property line to create a sound barrier, to provide an aesthetically pleasing landscape, and to protect the peaceful county-like setting currently enjoyed by his neighborhood.

Donna Dugan, who lives at 5780 W 700 N, asked that the Board postpone the hearing until the petitioner can address the concerns raised by the neighbors.

Blake Newkirk, who lives in Bengal, asked that the petitioner refrain from construction at night or provide notice to adjacent residences of nighttime construction at least two weeks in advance.

Eddie Hager, who lives at 2839 S Pasadena, spoke about the project's impact to the Driftwood Watershed. He asked that the Board table the petition until experts can provide studies regarding impacts to the watershed.

Julie Zoler, who lives at 6715 Mimosa Ln, expressed concern with the impact of drainage from Five Below on properties in Marion County along Carroll Rd. She indicated that no entity has addressed the problem. She indicated that Shelby County had not notified or consulted with area residents before transitioning the area to industrial use. She asked the Board to review more information regarding impacts to residents and the environment before voting on the petition.

The Board closed the public comment portion of the hearing.

Bryan Sheward provided an overview of the drainage conditions on site and proposed drainage plan. He indicated that drainage from the site flows to the southeast, not to Buck Creek. He indicated that the project would comply with the County's Drainage Ordinance, and that USI and Staff would review all plans for compliance with the ordinance before Sunbeam can begin construction.

Chris King indicated that Sunbeam's drainage infrastructure will help address off-site drainage issues in the area.

Q: Terry Smith – The next step if this moves forward is drainage plan and technical review?

A: Desiree Calderella – Correct.

Justin Ferr stated that Sunbeam had completed a full wetlands study and has received a jurisdictional determination letter from the Army Corp of Engineers. He indicated that Sunbeam uses neutral colors on their buildings, has annual landscaping maintenance contracts, and has pond and geese management programs. He indicated that site lighting and landscaping would comply with ordinance requirements. He indicated that Sunbeam has consulted with the County to ensure improvements to CR 850 W can accommodate the development. He indicated that the current power grid will support the development and that he cannot speak to plans for a new substation by the energy provider. He indicated that the buildings would have sprinkler systems and that Sunbeam has committed approximately \$300,000 through the tax abatement process to use toward fire protection at the County's discretion. He indicated that the site includes a couple lots for potential commercial development after construction of the proposed buildings. He indicated that Sunbeam does not know future tenant's operating hours and therefore cannot commit to hours of operation.

Nick Hartman asked if the petitioner had addressed the items included in the letter submitted by Ms. Wojihoski-Schaler.

Desiree Calderella explained that from her preliminary review of the letter, County ordinance addresses many of the items and some of the items do not fall under the purview of the Plan Commission. She indicated that the Plan Commission could address a few of the items in the letter.

Nick Hartman asked if the project exceeded the County's ordinance requirements.

Justin Ferr explained that as a long-term holder, Sunbeam constructs their buildings above minimum standards and conducts routine maintenance on their properties. He indicated that Sunbeam has agreed to install landscaping exceeding ordinance requirements. He indicated that the Sunbeam would own and maintain the internal roads.

Desiree Calderella outlined the landscaping requirements included in the UDO.

Chris King outlined the landscaping Sunbeam planned to install exceeding ordinance requirements.

Bryan Sheward indicated that Duke Energy will not allow change in the grade of land or placement of landscaping within the electrical easement that crosses the site.

Q: Scott Gabbard – You have a firm that comes in to manage the wildlife on these various sites?

A: Justin Ferr – Correct. We don't have fountains in ponds because they attract geese.

Q: Charity Mohr – Do you allow vegetation to grow up to prevent Geese from flying into the pond?

A: Justin Ferr – Yes, around the base of the pond.

Q: Scott Gabbard – Can you speak to the study regarding the Army Corp of Engineers and the wetland.

Justin Ferr explained that Sunbeam had two site visits with DNR and the Army Corp of Engineers. He stated that Sunbeam had also hired a private firm to review the site and submit a report to the State. He indicated that the Army Corp of Engineers had issued a determination letter allowing Sunbeam to proceed with the project. He explained that the report identified most areas as isolated wetlands under one acre, and therefore below the threshold for any type of mitigation.

Charity Mohr expressed frustration with allowing the project to proceed when the Plan Commission cannot ensure adequate drainage facilities.

Desiree Calderella explained that Sunbeam would submit drainage plans to USI for review, and that USI would approve the plans if in compliance with the Drainage Ordinance. She explained that Sunbeam had also agreed to pay the County to inspect the drainage infrastructure during construction.

Nick Hartman expressed concern with voting on the project without the petitioner providing the technical information and addressing the technical concerns expressed by the public.

Desiree Calderella explained that development plan approval only verifies that the project complies with the zoning code and that technical review occurs after development plan approval.

Terry Smith outlined the development approval process.

Greg Wendling with USI explained that due to the size of the project he would conduct a site visit prior to reviewing the drainage plans. He stated the USI will ensure that the drainage plans and technical review documents comply with the County's Drainage Ordinance. He indicated that Five Below's drainage calculations comply with the ordinance, however he could inspect their drainage infrastructure to identify any potential structural issues.

Q: Scott Gabbard – What if plans are to our specifications and the drainage is not working?

A: Desiree Calderella – That would be an issue with our code, and we would have to revisit the code.

Q: Charity Mohr – If they are wanting this to be tabled until January or February, what does that hurt?

A: Justin Ferr – It would significantly delay all the other steps needed to allow for construction in the Spring.

Q: Charity Mohr – They brought up a whole bunch of specific requests asking for it to be postponed? Would that not be something he needs to address?

A: Jason Clark – That is not part of the issue that is in front of you tonight. What is in front of you is what Desiree laid out (does it comply with the Unified Development Ordinance).

Q: Nick Hartman – If we have to approve it, why are we here?

A: Terry Smith – It gives the public an opportunity to be heard to the developer in case the developer wants to adopt anything suggested by the public and per Desiree verify that it meets the ordinance. The petitioner isn't required to address every single question, neither is the Plan Commission.

Chris King and Terry Smith stated that they were not aware of any non-disclosures.

Justin Ferr stated that Sunbeam has not requested anyone to sign a nondisclosure for any reason regarding the project.

Q: Nick Hartman – When do inspections start and how often are the inspections?

A: Greg Wendling – At least weekly.

Q: Nick Hartman – How many of these developments have you guys done? Have you had major issues with any concerns addressed tonight?

A: Justin Ferr – Three parks with others in the works. We make a significant effort to design the project correctly up front.

Nick Hartman indicated that he appreciated that elements of the project exceed ordinance requirements.

Jordan Caldwell made a motion to vote on the petition and Chris Ross seconded that motion. **The petition was APPROVED 5-0**, with Charity Mohr casting the dissenting vote.

Discussion:

None.

Adjournment:

With no further business to come before the Board, Chris Ross made a motion to adjourn. Jordan Caldwell seconded that motion. The meeting was adjourned.

Terry Smith	
President	Date

Scott Gabbard	
Secretary	Date