

---

<b>Members Present:</b>	<b>Members Absent:</b>	<b>Others Present:</b>
Dan Flanagan		Matt Ray
Mark Darrall		Erin Hurley
Nanci Perry		Joe Rhetts, Defur Voran
Jerry Hoffman		Ken Thieneman, Petitioner
Ryan Jaromin		Manny Herceg, Taft
Tom Chiudioni		Rick Ellis, Weihe Engineering
Jason Gasaway		

---

The meeting was called to order at 5:00 pm by President Ryan Jaromin who then led the Pledge of Allegiance. Members present were Nanci Perry, Jerry Hoffman, Dan Flanagan, Ryan Jaromin, Mark Darrall, Tom Chiudioni, and Jason Gasaway.

The minutes from the November 15, 2022 meeting were distributed. The minutes were reviewed and corrected to rectify the misspelling of Rick Ellis's name. Mark Darrall moved to approve the minutes corrected. Dan Flanagan seconded the motion. All members present voted Aye.

President Ryan Jaromin stated that the complaints and concerns voiced in the public hearing at the prior meeting have been documented, and he would like to not have the same arguments presented at this meeting. He noted that there are two issues that the Planning Commission should consider for the rezoning request:

1. Does the development comply with the Comprehensive Plan?
2. Is the petition accurate and complete?

Other concerns should be taken up with the Town Council – the Planning Commission only sends a recommendation to the Town Council.

Ryan Jaromin then said that he would like to step down as President of the Planning Commission. Jason Gasaway is the current Vice President.

Dan Flanagan made a motion to elect Jason Gasaway as President. Mark Darrall seconded the motion. All members voted Aye. Attorney Joe Rhetts added that a vote is not technically needed because the Vice President automatically steps in if the President is unwilling or unable to serve.

### **Old Business:**

#### Daugherty Preserve Plat Approval and Zoning Change

This petition for rezoning was tabled at the November 15, 2023 meeting.

Building Commissioner Matt Ray explained the “packet” referred to at the last meeting. It contained status updates. He still needs the Class 2 foundation construction design release from Homeland Security and the INDOT driveway permit. Member Mark Darrall clarified that the file is not complete, but all permits are in process.

Member Nanci Perry noted that prior to the November 15 meeting she had called INDOT to understand what was still needed for the permit. She was told some things still needed include a traffic study and a permeability study. At that point the application is turned over to an INOT engineer. The State dictates what the developer needs to do.

Manny Herceg, attorney for the petitioner, stated that there is a commitment from the petitioner to obtain both the INDOT and the Homeland Security permits. The traffic study is being updated. He added that the legal requirements and the technical requirements for the zoning change have been met.

Rick Ellis, of Weihe Engineers, stated that the INDOT permit has been submitted. The traffic study has been updated and should have the traffic counts from last week. He also said that INDOT requires the full plat for review. As to timing of approval, he said that the worst case is six months and they are several months in already. They are also working on the IDEM water permit and need the NOI from Yorktown for the water main for that permit approval.

#### Public Comment:

Julie Borgmann, Red Tail Conservancy, 129 E. Charles St:

She stated that she has not given the developer a letter of support as was claimed. She has not had any conversations with them. Because Red Tail is a land conservancy, she is concerned about area wetlands. She is happy that the wetlands have not been disturbed. She asked to see the delineation report and asked if the plans take into account future rainfall.

Amy Gamble, 9951 W. State Rd 32:

She claimed that Bison has had fair housing complaints on prior developments and she feels that the town needs to make sure all permits are filed. She also asked that the commission look at the comprehensive plan.

Wayne Studebaker, 10300 State Rd 32 W:

He is opposed to the development and begged that we not bring 140 rentals into town.

Christy Martzall, 2411 S. West St:

She spoke about Section 8 and Housing Choice vouchers.

#### Rebuttal:

Rick Ellis said that the development meets the town’s drainage ordinance and they are not building anywhere near the wetlands. There is no excess capacity.

The town's attorney, Joe Rhett, said that this project seems to fit with the comprehensive plan. At this point the commission should worry less about the buildings. This is not exactly the same as a subdivision plat; the commission can recommend approval with conditions such as a performance bond and INDOT approval to the Town Council.

Matt Ray clarified that the rezoning cannot be approved without the plat approval.

Jerry Hoffman commented that the INDOT permit is not an issue because the developer will not be able to use their property without the driveway permit. Jason Gasaway added that the developer will assume all costs for the entrance. The Planning Commission is just making a recommendation to the Town Council. Nanci Perry said that she is concerned that they are setting a precedent by making an exception and that the developer can reapply if this is turned down.

Ryan Jaromin made a motion to approve the plat and rezoning to PD-M2 with the following conditions: a performance bond in an amount determined by the Town Council, complete paperwork, assumption of all INDOT requirements, and conservation of the wetlands. Jerry Hoffman seconded the motion.

The vote was held by roll call:

Dan Flanagan	Yes
Mark Darrall	Yes
Nanci Perry	No
Jerry Hoffman	Yes
Ryan Jaromin	Yes
Jason Gasaway	No
Tom Chiudioni	Yes

Motion carried 5-2.

Meeting adjourned at 6:18 pm.



President



Secretary