

Members Present

John Shell, Josh King, Jim Peck, Michael Probst, Charrie Stambaugh, Steve Milbourn, John Price, and Brian Walker. Members attended in-person with the option to use Zoom. David Lekse was absent.

Also present: Planning Director Gabriel Nelson, City Planner Alyssa Liebman, City Attorney Shawna Koons, Recording Secretary Stevie Jarrett, and Exos IT Chrissy Anderson.

Approval of Meeting Minutes

Ms. Stambaugh moved to approve the meeting minutes from March 24, seconded by Mr. Price. Vote: Ayes: Mr. Shell, Mr. King, Mr. Peck, Mr. Probst, Ms. Stambaugh, Mr. Milbourn, Mr. Price, and Mr. Walker (8-0) **MOTION CARRIES.**

Special Requests/Continuances

PC2025-015 Creekstone Primary Plat, petitioner, Paul Clare, on behalf of Taylor Morrison of Indiana, LLC, requests Primary Plat approval for approximately 109 acres located between the Northern Park subdivision, Indy South Greenwood Airport, and Airport Parkway

Eric Prime, Van Valer Law Firm, 225 S Emerson, requested this continuance of the primary plat to May 12th meeting. Petitioner is still working with staff on street design and sanitary sewer. Mr. Nelson is supportive.

Mr. Walker moved to continue PC2025-015 to May 12th, seconded by Mr. Probst. Vote: Ayes: Mr. Shell, Mr. King, Mr. Peck, Mr. Probst, Ms. Stambaugh, Mr. Milbourn, Mr. Price, and Mr. Walker (8-0) **MOTION CARRIES.**

Old Business

PC2024-081 Leatherwood Trails Primary Plat - Vehicle Connection Waiver, Section 10-06-01 (A)(4)(c) To waive the requirement for a connecting minor street to the north block and include a pedestrian path in lieu of a vehicle connection.

Devon Beiswanger and Mike Lewis of Ryan Homes presented this connection waiver.

Mr. Beiswanger explained they are requesting a waiver for the vehicular connection between residential and commercial. There is not a viable layout at this time for the commercial development. They do not believe it is completely necessary.

There was discussion about commitments that were discussed with the planning staff. Mr. Nelson stated they do not see eye to eye with this waiver request. Staff would be supportive if there was a pedestrian bridge connection. There were five conditions requested. One of them was a pedestrian connection as constructed by the residential developer.

Mr. Beiswanger stated they are comfortable committing to conditions #1, #2, and #5. They are not comfortable committing to #3 and #4. Mr. Beiswanger read through the conditions. There were concerns about maintenance of the north side of the property and the ownership. The owner of a parcel in Greenwood is responsible for the maintenance of that property.

Mr. Nelson stated that asphalt trails are relatively easy to relocate. Ms. Stambaugh asked why do they want to maintain the property. Why do they not want to take pride in this property? Ms. Stambaugh stated the trail will benefit everyone.

There was discussion about the ownership and maintenance.

Mr. Peck discussed the trail and pedestrian bridge. Mr. Lewis stated again they do not know who the end user will be at this property. Mr. Probst stated a pedestrian bridge will encourage pedestrians to cross to the commercial side. Mr. Peck stated that they have offered solutions, but the petitioners do not want to do anything.

Mr. Nelson discussed looping the trail back to the development. Mr. Nelson stated the petitioners have not offered up solutions for this waiver. The commercial development can relocate the trail if needed.

Ms. Stambaugh discussed amending the motion to include looping the trail.

There was discussion about encumbering the commercial developer, practicality, and expanding the culvert. The County has been involved with discussions about the culvert and easements. There is a fiber easement in this area as well. This easement was formally a gas pipeline.

Ms. Stambaugh moved that the request of NVR, Inc. d/b/a Ryan Homes for a waiver of the requirements of the Unified Development Ordinance, Greenwood Municipal Code Chapter 10, Sec. 10-06-01 General Provisions and Design Principles, A.4.c., that specifies minor streets be designed to encourage connectivity with the existing street network but discourage heavy use by through traffic, to allow a pedestrian path in lieu of a vehicular connection to the undeveloped commercial portion of the proposed development located north of Grubbs Ditch, due to practical difficulties in constructing a road connecting the commercial and residential parcels, be approved with the following conditions:

1. Blanket easement shall be pared down to allow for commercial development. Buildable area shall be indicated on a survey, clearly showing the minimum easements required to protect utilities and drainage on site.
2. Two pedestrian connections shall be made between the commercial and residential parcels. The residential developer (Ryan Homes) shall construct at least one of two connections.
3. A trail shall be constructed by the residential developer (Ryan Homes), coming off the pedestrian trails towards County Line Road and then east towards Five Points Road with specifics to be approved by staff.

4. The residential (Ryan Homes) developer or current owner shall be responsible for maintaining the open space as recreational area until such time as an owner association has been established.
5. Work with the City of Indianapolis to make the intersection of Five Points Road and County Line Road a three-way stop.

and that the Plan Commission find that the criteria set forth by Greenwood Municipal Code Sec. 10-04-03 K. for the approval of the waiver **has been met** for the reasons set forth in the attachment to the written waiver request and as presented, seconded by Mr. Walker. Vote: Ayes: Mr. Shell, Mr. King, Mr. Peck, Mr. Probst, Ms. Stambaugh, Mr. Milbourn, Mr. Price, and Mr. Walker (8-0) **MOTION CARRIES.**

PC2025-007 Davis Homes Community Change in Commitments, petitioner, Eric Prime, on behalf of Davis Homes LLC, requests a change in commitments to amend paragraph 1(b) from Common Council Ordinance 21-14

The public hearing was reopened.

Eric Prime, Van Valer Law Firm, 225 S Emerson Avenue, was administered the oath.

Mr. Prime explained that this was at the Plan Commission a few weeks ago. The petitioner was requesting a change to three commitments that were placed on the land. These commitments do run with the land. The prior developer agreed to these commitments.

Two of those changes were granted at a prior meeting. Mr. Prime presented this site plan. South of the development is not owned by Davis Homes. They do not control this area and could not get a cash offer accepted by the land owners. Mr. Prime presented how if they made these improvements it would run into one of the neighbor's house on Combs Road.

Mr. Prime presented the video from the original meeting where these commitments were discussed. The video was from April 26, 2021 and include former Planning Director Mr. Davis. At that meeting, there is discussion about being unable to take and do work on land that doesn't belong to the developer. Mr. Hiscock asks about the final authority of widening Combs Road. Mr. Davis answers that the road is county jurisdiction. The developer would be required to improve their frontage. It would be difficult to do without the participation of the county.

Mr. Prime stated that Davis Homes can't legally do work on property that is not theirs.

Mr. Prime stated that the property owners were offered cash offers and they were all rejected.

Ms. Koons asked Mr. Prime if there were any discussions about temporary easements.

Paul Carroll, Davis Homes, 13 N State Street, Greenfield, Indiana, was administered the oath. Mr. Carroll explained that the property owners were sent a letter and a cash offer of \$60,000 per acre. Each property owner rejected the cash offer. Ms. Koons stated that at the original meeting the property owners all stated they wanted the road safety improved.

Mr. Peck stated there is an existing 30-foot R/W from the S-curve to the County Line Road. Mr. Peck stated there is an issue of safety and sight distance at this hill. The amount of traffic will increase with this development. Mr. Shell stated there is no down road vision.

Mr. Prime stated the road will shift west in this area as they don't own the land. Mr. Peck stated there is actually 15 feet of R/W. Mr. Probst asked if they can make the improvements in the existing R/W? Mr. Peck stated there is a hurdle. There was discussion about obtaining temporary construction easements. There are ways to work with developer and property owner. Mr. Probst asked if the intention was to annex into the City. Mr. Nelson explained the commitment has the Johnson County staff working with Greenwood staff. There was discussion about involuntary annexations.

Mr. Prime stated Steve Fairbach did do site line calculations. He stated there is no safety issue.

Mr. Peck stated he talked to Steve Fairbach about a month ago. He needs to see the design. Mr. Peck also asked who is paying for this section to be built. Mr. Probst stated the development shouldn't be held hostage over this improvement, when the government should be able to do with it eminent domain power. Mr. Peck wants to see the road get improved. Mr. Shell expressed concerns for safety.

There was discussion about the collaboration between the developer, City, and County.

Mr. King stated he doesn't want to hold up this development. Mr. Shell stated he doesn't want to create a safety issue.

Mr. Nelson read his recommendation. The primary concern is safety.

There was continued discussion about the R/W, easement, and improvements. It was discussed that the developer and the site engineer needs to meet with the City and County.

Mr. Prime discussed the parcel north of the site. Mr. Prime explained developers are responsible for their frontage, but he has never heard of developing a road you don't own. Mr. Prime stated you can't force these property owners to sell without eminent domain. These commitments run with the land.

James D. Robison, 925 Silver Valley Circle, CRF LLC, was administered the oath. Mr. Robison has owned farmland on Combs Road for 53 years. Mr. Robison explained he has never owned that 300-foot stretch. There are five brothers that make up the LLC. The sale of the property has value to the brothers.

Mr. Shell asked if there was a value in a continuance. Mr. Nelson stated it would be beneficial. Mr. Peck stated there was a reason why this commitment was put in place to improve the road.

Ms. Stambaugh moved to approve a continuance to June 9th, seconded by Mr. Probst. Vote: Ayes: Mr. Shell, Mr. King, Mr. Peck, Mr. Probst, Ms. Stambaugh, Mr. Milbourn, Mr. Price, and Mr. Walker (8-0) **MOTION CARRIES.**

PC2024-041 Valvoline - Landscape Waiver, petitioner, Michael Mihalik, on behalf of Valvoline, requests a subdivision waiver from the following section of the Unified Development Ordinance:

1. Section 10-03-06 (G) Foundation Plantings, Commercial Properties under 25,000 sf of GFA, to waive the 30.5 foot foundation planting requirement along the west side and allow those to be located elsewhere onsite

Michael Mihalik, CESO, Inc., presented this waiver. This request is for a landscape waiver request at the new Valvoline at US 31 and Worthsville Road. Mr. Mihalik presented the aerial view of the site and site plan. This waiver is specific to the foundation plantings. Mr. Mihalik requested to move the west facing plantings to elsewhere on site. The plantings would be shifted across the driveway. They are proposing about 42 linear feet of plantings. There is an oil access port for oil deliveries. They need to be closer to the building. There is an existing BP easement on the east side of the building.

Staff agrees with this waiver as long as they are relocated elsewhere on site.

Mr. King moved that the request of CESO, Inc. on behalf of Valvoline for a waiver of the requirements of the Unified Development Ordinance, Greenwood Municipal Code Sec. 10-03-06 G. Foundation Plantings, that specifies that commercial properties under 25,000 square feet shall have a minimum 10' wide landscaping strip along the full length of a foundation facing street, to permit relocation of the plantings required along the foundation of the subject building facing U.S. 31 (the west side) and Worthsville Road (the north side) to other areas of the site, due to the narrow constraints of the site as the relocation of the plantings allows the drive aisle to abut the sidewalk and safely accommodate operations, **be approved, subject to the condition that the required foundation plantings are relocated in their entirety elsewhere on the site**; and that the Plan Commission find that Applicant **has met the criteria** set forth by Greenwood Municipal Code Sec 10-04-03 K. for the waiver, for the reasons set forth in its request for waiver and as presented, seconded by Mr. Milbourn. Vote: Ayes: Mr. Shell, Mr. King, Mr. Peck, Mr. Probst, Ms. Stambaugh, Mr. Milbourn, Mr. Price, and Mr. Walker (8-0) **MOTION CARRIES.**

1761 E. Main Street Order of Demolition

The public hearing was opened.

Kenneth Seal, Building Commissioner, City of Greenwood, 300 S Madison Avenue, was administered the oath.

This is for the property at 1761 E. Main Street. There has been no change to the property, but the property owners were not properly notified. The order of demolition was updated to include the proper owners. Mr. Seal has been in contact with the owner. Mr. Seal asked that the order be affirmed as it stands. Mr. Seal explained that the owner apologized for the condition of the property and has obtained quotes for demolition.

Mr. Seal discussed the number of callouts for emergency services to this property.

The public hearing was closed.

Mr. Seal stated the order gives them 10 days to respond by obtaining a demo permit. They have 30 days to actually demolish.

Mr. Milbourn asked if there was the ability to put a lien on the property. Mr. Seal explained that the City does have options to get back the fees.

Ms. Stambaugh moved to find that the property commonly known as 1761 E. Main St. is an unsafe building because: for the reasons set forth by the Building Commissioner that the Order requiring JGJ Property, LLC to act to abate the nuisance of the unsafe buildings that was issued by Building Commissioner Kenneth Seal on March 13, 2025 be affirmed; that JGJ Property LLC be ordered to abate said nuisance by demolishing and removing the unsafe buildings (including accessory structures, foundations, wells, or septic systems) and clearing the lot of debris within 45 days of the date of this Order; and to authorize the President to sign the affirming Order in the Commission's behalf, move to direct the City Attorney to prepare the Findings of Fact and Order regarding the Commission's decision in this matter, said Findings to incorporate the evidence submitted into the record, and to authorize the President to sign the findings of Fact and Order in the Commission's behalf, seconded by Mr. Price. Vote: Ayes: Mr. Shell, Mr. King, Mr. Peck, Mr. Probst, Ms. Stambaugh, Mr. Milbourn, Mr. Price, and Mr. Walker (8-0) **MOTION CARRIES.**

Mr. King moved to direct the City Attorney to prepare the Findings of Fact and Order regarding the Commission's decision in this matter, said Findings to incorporate the evidence submitted into the record, and to authorize the President to sign the findings of Fact and Order in the Commission's behalf, seconded by Mr. Probst. Vote: Ayes: Mr. Shell, Mr. King, Mr. Peck, Mr. Probst, Ms. Stambaugh, Mr. Milbourn, Mr. Price, and Mr. Walker (8-0) **MOTION CARRIES.**

Announcements

Mr. Nelson stated staff will have new applications for the Plan Commission to review. Mr. Shell will not be in attendance. Ms. Stambaugh will not be in attendance.

Adjournment

Mr. Shell adjourned the meeting at 8:54PM.

John Shell
President

Stephanie R. Jarrett
Recording Secretary