

Members Present

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

Also present: Planning Director Gabriel Nelson, City Attorney Shawna Koons, Recording Secretary Stevie Jarrett, and Exos IT Steven Crook.

Call to Order

Mr. Shell called the meeting to order at 7 PM.

Approval of Meeting Minutes

Mr. Lekse moved to approve the minutes from May 28, 2025, seconded by Mr. Probst. Vote: Ayes: Mr. Shell, Mr. King, Ms. Stambaugh, Mr. Probst, Mr. Peoni, Mr. Price, Mr. Lekse, Mr. Walker, and Mr. Milbourn. (9-0) **MOTION CARRIED.**

Old Business

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 opened.

Eric Prime, on behalf of Davis Homes, Van Valer Law Firm, 225 S Emerson Avenue, Greenwood, Indiana, 46142, was administered the oath.

PC2025-007 was a continuance from April of 2025. Mr. Prime presented this change in commitments at two previous meetings. The public hearing had been continued to give the developer more time to work with the surrounding neighbors in land acquisition for roadway improvements to Combs Road. Davis Homes proposes to construct a mix of townhomes and duplexes.

The request is to modify the language of commitment 1b.

Pride One, the previous developer, had the same parcel under contract in 2021. There is a 300-foot gap between the south end of the parcel and the “S” curve, and is completely in Johnson County and has not been annexed into the City of Greenwood. The conundrum with this commitment is the interpretation of what is meant by “standards” connecting south. Former Planning Director, Dale Davis, had written the commitment in April of 2021. Mr. Prime stated that he did not believe that Mr. Davis meant the City road improvement standards are to extend from the “S” curve to the

property line of the parcel, as that would extend improvements into the woods to the east of the property or into the Rhoton's living room. He stated that the owners of the property adjacent to the 300' gap have rejected the right-of-way or temporary construction easement acquisition offers.

Mr. Prime introduced Mr. Paul Carroll of Davis Homes.

Paul Carroll, Counsel for Davis Homes, 13 N. State Street, Suite 241, Greenfield, IN 46140, was administered the oath. Mr. Carroll explained that they had approached the neighbors for the easement and were instantly rejected. Jeff Smith, Projects Plus, constructed two plans for the project. Mr. Carroll explained that they made attempts to work with the surrounding property owners to acquire the land, either permanent right-of-way or temporary construction right-of-way with restoration. Mr. Carroll met with the Rhoton family on-site to discuss the construction of a sidewalk, but the offer was rejected. Mr. Hiscock owns the property to the east and rejected the proposed offer. Both sets of property owners do not want a sidewalk. Mr. Carroll stated that they have not received a counteroffer from any of the parties. Mr. Carroll clarified that cash offers were made to the parties as well.

Mr. Prime stated that they have met with the Mayor, Deputy Mayor, Corporation Counsel, and CDS and presented the proposed plans. Mr. Prime reiterated that the interpretation was to meet the standards, and if it means the same as the new "S" curve it cannot be done within the existing right-of-way. Mr. Prime explained that they are a private developer and do not have the right to take private property.

Mr. Prime stated that they made an attempt to meet with the County Engineer as well. Mr. Prime explained that the County Engineer was not interested in the meeting. Mr. Prime read from an email from the County Engineer. Mr. Prime indicated the County suggested reducing the speed limit at the slope in the road and installation of warning signage of the hidden drive hazard.

The public hearing was closed.

Mr. Nelson stated that his position has not changed. He stated that the City of Greenwood has safety concerns for lack of pedestrian facilities. Mr. Nelson has had discussions with the Johnson County Planning Department and the Johnson County Highway Department. Mr. Daniel Johnston, Johnson County Highway Department, stated that the County supports the same stance as the City of Greenwood. Mr. Johnston had been the City Engineer of the City of Greenwood at the time that the commitment was originally introduced in April of 2021.

Mr. Peoni asked Mr. Prime when the continuance was granted. Mr. Prime confirmed that the continuance was granted in April of 2025. Ms. Stambaugh stated that she is still learning about construction, but stated that her perspective is that there are not a lot of housing opportunities in Greenwood in that specific area and would like to work out the road issue.

Mr. Prime explained that these neighbors are simply not interested in selling their property. The City cannot use eminent domain because this area is not annexed into the City.

The conversation between the Planning Commission members and petitioners ensued about the limits of eminent domain, concerns about safety of Combs Road including visibility and speed, and the role of private developers on land acquisition.

Mr. Prime, Mr. Nelson, and the Plan Commission members discussed the use of eminent domain by the County for this project. The City of Greenwood does not have the power to use eminent domain or involuntarily annex the property. It would be the Johnson County government that would have the decision and responsibility to use eminent domain. Private developers cannot exercise that power. Mr. Peoni, Mr. Shell, and Mr. Nelson discussed two of the major concerns for Combs Road: speed and visibility. Pedestrian safety has been one of the constant concerns throughout discussions of this project. Mr. Shell explained that the use of eminent domain might be necessary to protect pedestrians and cyclists. There have always been visibility concerns at this location due to the hill and road elevations of Combs Road.

The Plan Commission members discussed eminent domain being a ball in the court of Johnson County. Mr. Lekse stated that the Plan Commission needs to maintain the status quo. Mr. Price agreed that this needs to fall onto the County, not the developer. Mr. King reiterated that the commitment will always run with the land.

The Plan Commission members and staff continued to discuss their concerns for safety and the County using eminent domain. Mr. Walker, Mr. King, and Ms. Stambaugh all agreed that progress is in the City of Greenwood, and it is not going anywhere.

Ms. Koons stated that the petitioners need to be told specifically what the Plan Commission and staff want to see them accomplish if the matter is continued. There was a brief discussion about the feasibility and fiscal impact.

Mr. Prime stated that the petitioners have provided a detailed plan to Johnson County, and that the County didn't provide any feedback. Mr. Prime continued to discuss his interpretation of the commitment.

Mr. Lekse stated that he has been persuaded to modify this commitment. Mr. King agreed that this commitment needs to be modified.

Ms. Stambaugh moved to approve the request to modify commitment 1.b. concerning the use and development of real estate made in connection with the rezoning of 32.93 acres of land located on the west side of N. Combs Road by Ord. No. 21-14, to remove the obligation to improve Combs Road south of the subject property to the "S" curve, to revise the commitment to read as follows: "Combs Road shall be improved from the north property line of parcel no. 41-02-26-034-018.000-030 to the south property line of said parcel, inclusive of pedestrian facilities," as presented, and to authorize and direct the Commission President to execute and deliver a memorandum regarding the commitment modification of Common Council Ord. N. 21-14 to the Common Council in the Commission's behalf, seconded by Mr. Lekse. Vote: Ayes: Mr. King, Mr. Milbourn. Mr. Probst, Mr. Price, Mr. Walker, Mr. Lekse, and Ms. Stambaugh. Nays: Mr. Shell and Mr. Peoni (7-2)
MOTION CARRIED.

Announcements

The next Plan Commission will be Monday, June 23, 2025.

Adjournment

Mr. Shell adjourned the meeting at 7:57 PM.

John Shell
President

Stephanie R. Jarrett
Recording Secretary