

Edinburgh Planning Commission Minutes  
August 20, 2024  
6 p.m. Town Hall

Chairman Keith Sells opened the meeting with roll call. Members in attendance were Robert Ackerman, Bill Jones, Justin Lollar, Miriam Rooks, Debbie Vaughn, Ray Walton, and Stephanie Taylor. Staff members present were Town Attorney Dustin Huddleston and Planning Director Julie Young. Commissioner Debbie Buck was absent.

Commissioner Vaughan made the motion to approve the minutes from the July 16, 2024, meeting. Commissioner Ackerman seconded the motion, which carried.

Edinburgh Attorney Huddleston explained the rules of speaking before the Plan Commission and swore in those planning to speak.

Planning Director Julie Young presented case **PC2024-07 Castle Rock PUD Rezoning**, a request to rezone approximately 288.47 +/- acres from R-1, Suburban Residence, to PUD, Planned Unit Development, to provide for residential, commercial, and park uses. The property commonly is known as 5464 & 7573 South US 31, Edinburgh, Indiana 46124 and includes adjacent parcels on the east side of US 31 north of State Road 252. This property is located within the Highway Corridor Overlay District. PUD was chosen because of the three uses. The proposed development would include no more than 850 residential lots, twenty (20) acres of commercial, and twenty-five (25) acres of community park to be dedicated to the Town.

Staff recommendation was to incorporate four items into the preliminary plan prior to making a recommendation to the Town Council. These four items are as follows:

1. Traffic Study and future INDOT comments
2. Johnson County Highway Department Comments
3. Additional language to the preliminary plan for item #5 Intersection Improvements to clarify that the improvements will be at the cost of the developer
4. Additional language to the preliminary plan for item #7 Utilities to clarify that the infrastructure shall be installed by the developer to the standards of the Town of Edinburgh

Brian Tuohy, attorney for petitioner D.R. Horton-Indiana, LLC, then presented conceptual details for the requested rezoning.

He noted that D.R. Horton-Indiana, LLC will not be the developer of the commercial area.

The proposal is for single and two-family homes. Possible duplexes would be in one specific area. Along with the park, walking and bike paths, pool and common areas are also planned. A fifty (50) foot green buffer area between the north edge of the development and the southern edge of Orchard Park property line is included.

The goal is to have residents moving in during the spring/summer of 2026. He also noted that a build out of a development this size could be seven to ten years.

The developer has not worked out the details with INDOT regarding the traffic access to the development using US highway 31. Specifics regarding access in/out using 650E also have not been finalized.

Commissioner Taylor questioned the small size of the homes at a minimum of 900 square feet, noting that the developer has no examples of this size on their websites. Lee Phillips with D.R. Horton noted that the houses would not be smaller than 950 square feet. He said that they are constantly evolving product line up and that size home could be a future development.

Attorney Huddleston confirmed two commitments. INDOT approval to entrance on US 31, and Edinburgh and Johnson County Highway approvals needed for 650 E. There will be no road cut without these two approvals.

Commissioner Ackerman asked for clarity on two previous commitments: an area to be set aside for duplexes and there would be no connection to Orchard Park Drive

No other part of development would possibly be duplexes...only what was shown on slide #3/page three of the packet prepared by Tuohy, Bailey, & Moore LLP.

Commissioner Lollar, who is also the Edinburgh Fire Chief, noted that ten feet between duplexes was extremely scary to him as a firefighter. Attorney Tuohy noted that it's becoming more common in other towns and cities.

Planning Director Young reminded the Commissioners of the Town's Zoning Ordinance standards regarding lot sizes, asking the members to decide if they would be okay with the reduction in size.

Commissioner Ackerman asked if mobile homes would be allowed. Attorney Tuohy noted the homes would be traditional construction, no modular homes. The developer is willing to commit to this.

Commissioner Jones asked about the utility plans and water plans. Attorney Tuohy noted that the developer would install the utilities to Edinburgh's water standards.

Commissioner Ackerman asked about minimum home sizes, the packet says 900 feet, while 950 feet was mentioned. Attorney Tuohy said that the petitioner wanted some flexibility. While they haven't built that product yet, he noted that there is some demand for these smaller homes, but 950 feet would be the smallest.

Commissioner Lollar noted that the plans show the buffer only 'buffering' the last seven homes on Orchard Park Drive. He asked about the first homes that butt up to the commercial area.

Attorney Tuohy reiterated that D.R. Horton is not developing the commercial area, so that is why the buffer does not include those homes.

Planning Director Young noted that because this is in the Highway Corridor Overlay District, the Commission can establish the buffer now or we can wait until the commercial development begins.

Attorney Tuohy noted that the petitioner is willing to extend the buffer all the way to the west end.

Chairman Sells then asked for public comment, beginning with those opposed.

Gary Waters (6387 East Orchard Drive, Edinburgh, Indiana 46124) began by showing pictures of flood waters on 31. He noted that the flooding went through the proposed development and the proposed park. He asked about a drop in the aquifer. He asked for a privacy fence instead of a two-foot mound. He questioned the safety of street parking, referring to a handout from Kids and Car Safety which was included in the Commissioners' packets. He suggested the use of a lot as parking overflow, noting that it could also be used as a bus stop or a community garden. He also referenced the previous issue of the small size of the homes.

Karen Hudson (6417 East orchard Drive, Edinburgh, Indiana 46124) noted that she was all for growth, but Edinburgh has one grocery store, a Dollar General, and a CVS. She asked how will these 850 homes affect this? She felt the growth will be intrusive.

Rick Bullock (6417 East Orchard Drive, Edinburgh, Indiana 46124) said he had issues with the lot sizes. He asked why Edinburgh needed this many homes, while noting that they could use some more. He questioned the traffic issues and the fear that this development could take away the value of homes on Orchard Drive.

Keith Gilson of D.R. Horton-Indiana LLC noted that they will take a look at the drainage in the area. He said that retention ponds have been sized to fit the drainage of the area.

Attorney Tuohy noted that the developer is willing to put up a fence instead of a mound, according to Plan Commission decision. He suggested a six-foot privacy fence, right on the property line, all the way to 31; wood or vinyl, approved by Planning Staff; maintained by HOA.

He noted that drainage is an issue that will be dealt with by engineers. He also noted that either this or another development is going to go in here.

Chairman Sells then asked for comments by those who were supportive of the project.

Gary Simpson (311 Lincoln Street, Edinburgh, Indiana 46124) noted that he is for the project. He doesn't think a small group of people should stop this development. He said that there are houses being built all around us.

Tara James, with Breeden Realty, representing the King family, noted that this is a huge opportunity for the community. She said that a lack of housing is impacting how many jobs we can bring to this area.

Commissioner Jones, who is also the Water Superintendent, noted that in response to the question about aquifer, a study was done in 2020 in the same area. The water table did drop fifteen feet in the study, but it recovered quickly. He noted that the town sits on a really good aquifer.

Planning Director Young noted that with the Commission vote, we would be writing/creating a new zoning district tonight.

Commissioner Walton noted that we need students and we need to enlarge our tax base. It's important to grow.

Commissioner Walton made the motion to approve PC 2024-07 Castle Rock PUD Rezoning with the following nine commitments:

1. Entrance off 650E will be approved by Edinburgh and Johnson County Highway Department.
2. The entrance off US 31 will be approved by INDOT
3. There will be no Orchard Park connection
4. Duplexes, if constructed, will be contained within one area, identified as such on page 3 of the packet prepared by Tuohy, Bailey, & Moore LLP
5. No modular homes will be permitted on this development
6. All utilities will be paid for by the petitioner and installed by the developer to the standards of the Town of Edinburgh
7. Homes will be a minimum of 950 square feet
8. The green buffer on the north side of the development will be extended to US 31
9. A six foot fence, located on the property line, constructed of wood or vinyl, and maintained by the HOA, will extend to US 31

Commissioner Rooks seconded the motion, which passed unanimously.

Planning Director Julie Young then presented Case **PC 2024-12 Donofrio Rezoning**, a request to rezone approximately two acres from R-1, Suburban Residence, to RB, Roadside Business, for the purpose of building a barndominium to host events, weddings/gatherings. The property commonly is known as 7778 East State Road 252, Edinburgh, Indiana 46124. This property is located within the Highway Corridor Overlay District.

Staff recommendation was to approve the rezoning with five commitments, including:

1. Shared driveway agreement shall be recorded with the Johnson County Recorder's Office within one year from the date of approval of the rezoning ordinance.
2. A subdivision plat be recorded in the Johnson County Recorder's Office, subject to the regulations of the Edinburgh Zoning Ordinance and Subdivision Control Ordinance, within one year from the date of approval of the rezoning ordinance.
3. Attached table shall be incorporated in the rezoning ordinance.
4. INDOT review and approval of entrance for commercial driveway on State Road 252, including any improvements to be the responsibility of the property owner.
5. Any development shall be subject to the regulations of the Highway Corridor Overlay District of the Zoning Ordinance.

Petitioner Jeff Donofrio (7778 East State Road 252, Edinburgh, Indiana 46124) spoke about his plans for this development.

Commissioner Ackerman asked about the size capability of the structure. The petitioner said 250-300 people, and he was willing to make that one of the commitments.

Commissioner Walton asked if the petitioner had owned anything like this before, and the answer was no. Mr. Donofrio said he bought the property with this in mind. He noted that the driveway would be shared with his home.

Chairman Sells opened the public hearing.

Larry Miller (7810 East State Road 252, Edinburgh, Indiana 46124) wanted to know how this project would affect his property. He was against drinking at activities, but he really wasn't for or against the project.

Francis Cecil (7813 East State Road 252, Edinburgh, Indiana 46124) asked for assurances that this won't end up as a bar. He asked about a curfew and guidelines for use. He noted that he was not really for or against this.

Ruth Freese (5289 south US Highway 31, Edinburgh, Indiana 46124) noted her concern with the single width driveway. She questioned the material to be used. If it remained gravel, what about when it rained and turned to mud.

Mike Miller (did not sign in; no address available) noted that he was not for or against. He asked for confirmation that only the north two acres were being rezoned commercial and the front (south) would remain residential. He said he was not crazy about having alcohol on the property.

Chairman Sells closed the public hearing and asked the petitioner to respond to the public comments.

Petitioner Donofrio said that there would be no bar and he was willing to make that a commitment. He was willing to have alcohol limitations. Weddings and receptions would have single alcohol licenses. He said that a curfew can be discussed. He said that the spot will be regulated. He may sometimes hire a security person, but he will be directly involved with every event. He will keep the gravel driveway and is willing to expand the width of the driveway, subject to Staff approval.

Commissioner Ackerman questioned the traffic coming and going onto State Road 252. It was noted that INDOT approval is one of the commitments.

Petitioner Donofrio was asked about the actual building, and he noted that he had no plans yet. He was waiting for the rezoning approval.

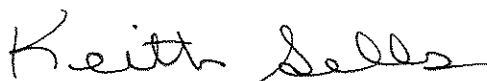
He then asked to have 'House of Worship' added as a permitted use.

Commissioner Jones made the motion to approve Case **PC 2024-12 Donofrio Rezoning** with ten commitments:

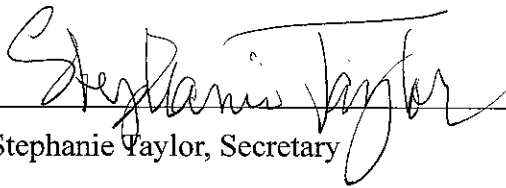
1. The five commitments which were in the Staff Report
2. Capacity limit of 250-300 people in the structure
3. No bar will be in the structure
4. The driveway will remain gravel
5. The width of the driveway will be expanded, subject to Staff approval
6. 'House of Worship' will be added as a Permitted Use.

Commissioner Lollar seconded the motion. Commissioners Ackerman, Rooks, Sells, Vaughan, and Taylor voted for the rezoning. Commissioner Walton voted against it. The motion passed.

There being no more business, Commissioner Sells made the motion to adjourn at 7:48 p.m. Commissioner Ackerman seconded the motion, which carried.



Keith Sells, Chairman

  
Stephanie Taylor, Secretary