

## Floyd County Plan Commission Minutes

The regular meeting of the Floyd County Plan Commission was held on **December 9, 2024 at 7:00pm** at the following address:

**Pineview Government Center Assembly Room 104  
2524 Corydon Pike  
New Albany, IN 47150**

### PLEDGE OF ALLEGIENCE

### ROLL CALL

**Present:** Gina Anderson, Larry Bibelhauser, Chris Welch, Jeremy Shumate, Jim Freiberger, Jason Sharp, Victor Unruh, Haley James

**Absent:** John Brinkworth, Bruce Morris

**Other:** Kristi Fox, Don Lopp, Gabbrielle Adams

### MINUTES

Minutes from the November, 2024 Meeting

**Motion:** Approve

**Moved by:** Jason Sharp

**Seconded by:** Chris Welch

**Motion passed.**

### NEW BUSINESS

**Agenda Item 1 – FC-11-24-47: Administrative Subdivision** – Applicant is requesting approval of the re-plat of Sundown Farms, Plat #1357. Wanda Vance. 8134 Pekin Road, Greenville, IN 47124 (Parcel 22-03-02-900-011.003-004). Section 29, Township 1 South, Range 5 East.

**Don Lopp**- Director of Operations and County Planning. Filling in for Nick Creevy as his wife is in labor. Read the Staff Report: The subdivision known as Sundown Farms (Plat #1357) was a 5 lot subdivision recorded in 2010. The applicant is proposing a re-plat of lots 1, 2, and 3. The re-plat will split each lot into two lots for a total of 3 additional lots in the subdivision. Lots 2 and 3 front Pekin Road and lot 1 front Miller Evans Road. Lot 3 was also split in 2022 to Hoosier Energy for the location of a sub-station. Plat Committee was held on site on November 22, 2024, report provided. *Subdivision Control Ordinance: Article II: Resubdivision or replat* means any change in a recorded subdivision plat affecting any street layout, easement, area reserved for public use, lot line, or affecting any map or plan legally recorded prior to the adoption of any regulations controlling subdivision. A replat shall be considered a minor plat, provided, that no new streets or roads or utility extensions are required. If streets or utility extensions are required, then the plat shall be considered a major subdivision of land. Staff Comments: 1. The plat as submitted DOES comply with the lot size standards because: (Art. III; § 4A) – New lots are all above the 2 acre minimum with more than 200 feet of road frontage. 2. The plat as submitted DOES comply with the street design standards because: (Art. III; § 5A) – No new streets are provided. 3. The

plat as submitted DOES comply with the easements standards because: (Art. III; § 5A) – No changes to originally approved easements have been made. Driveway easements are needed unless that requirement is waved by Commission. 4. The plat as submitted DOES comply with the block standards because: (Art. III; § 4B) - There are no blocks required or proposed. 5. The plat as submitted DOES provide street improvements as required by ordinance because: (Art. III; § 5A) – There are no new streets provided. 6. The plat as submitted DOES comply with water supply standards because: (Art. III; § 6) – Borden Tri County Regional Water has provided a service letter for the new lots. 7. The plat as submitted IS suitable for sewage and waste water containment because: (Art. III; § 7) – Soil testing has been completed and Floyd County Health Department has provided septic system requirements for suitable systems. Staff Recommendations: Provide easements on plat for joint drives if determined necessary by the County Engineer.

**John Kraft-** Attorney with Young, Lind, Endris & Kraft, 126 West Spring Street, representing the Applicant. This is a minor subdivision, it's a re-plat of three lots that are part of Sundown Farms. No new streets, each lot meets the AR requirement for frontage and size. Gave copies of the plat to the Board members. These have already been submitted. This is an administrative act. Mr. McCarty has placed the site distances on the plat. There may be some issues on lots 2A and 2B and as indicated on the plat, a reference is made that site distances may need to be approved by Horacio prior to a building permit being issued. His determination may require a shared driveway way and maintenance agreement. Appears those two may be the only two that will require it.

**Mr. Unruh-** Asked if the board has any questions. No one did. Asked if anyone would like to speak in favor. No one came forward. Asked if anyone would like to speak in opposition.

**George Bercaw-** 8072 Pekin Road. His property is south of the main residence of the Vance location. Traffic, drainage and water supply are concerns plus the unknown impact on property values if the lots are populated with mobile homes or similar type properties. Understands this meeting is procedural. Major opposition would be the added strain on the Floyd County Sheriff's department. Had seven sheriff vehicles in his driveway for a staging area for a raid on the Vance Ruby property. Sheriff Deputies in tactical gear, vest and automatic weapons. His HVAC was shot and destroyed by the people next door. The Sheriff department told him they know there are issues with that property. His offer to Floyd County, he would build a driveway so sheriff deputy can park there and monitor from midnight till 4am, when it seems there is an endless stream of vehicles going out of that Ruby Vance property. Will encourage future buyers to speak with residents and police officers before purchasing any of these lots.

**Mr. Unruh-** asked if anyone else would like to speak in favor. No one came forward. Asked Mr. Kraft if he would like to add anything else.

**Mr. Kraft-** No, this is an administrative item and they have met all of the requirements.

**Mr. Bibelhauser-** read the ballot. Docket FC-11-24-47, Applicant Wanda Vance. After careful review the Plat Committee finds that: 1. The plat as submitted DOES comply with the lot size standards because: The new lots are all above the 2 acre minimum with more than 200' of road frontage. 2. The plat as submitted DOES comply with the street design standards because: No new streets are created by this action. 3. The plat as submitted DOES comply with the easements standards because: No changes have been made to the originally approved easements. Driveway easements may be required. 4. The plat as submitted DOES comply with the block standards because: There are no blocks required or proposed. 5. The plat as submitted DOES provide street improvements as required by ordinance because: There are no new streets



provided. 6. The plat as submitted DOES comply with water supply standards because: Borden Tri County Water has provided a letter of service for the new lots. 7. The plat as submitted IS suitable for sewage and waste water containment because: Soil testing has been completed and the Floyd County Health Department has provided septic system requirements for a suitable system. The plat is accepted upon completion of the following conditions: Provide an easement on the plat for joint drives is determined necessary by the County Engineer. The Floyd County Plan Commission hereby GRANTS Primary Approval of the Administrative Subdivision at the meeting held on the 9<sup>th</sup> day of December, 2024.

**Motion:** Approve

**Moved by:** Larry Bibelhauser

**Seconded by:** Chris Welch

**Motion passed.**

**Agenda Item 2 – GV-11-24-07: Zoning Ordinance Amendment** – The following Zoning Ordinance Amendments are being proposed for recommendation to the Town of Greenville Town Council:

#### **Proposed Zoning Ordinance Amendments – Amendment 1**

1. Amendment to:  
Appendix A Town of Greenville Land Use Matrix  
Remove “Agriculture, Primary” from matrix  
Remove “Confined Feed Operations” from matrix

Section 10.01 Miscellaneous Development Standards

Subsection A. Remove “Confined Feed Operation” from table

Subsection G. Delete and replace with: “Agriculture, Primary and Confined Feed Operations are prohibited uses in all districts.

**Don Lopp-** this is for the Town of Greenville, Floyd County serves as the Town of Greenville’s Plan Commission. The process for amending zoning ordinances start at the Plan Commission level and proceeds to the municipal body. The proposed zoning ordinance amendment is provided by the Town Council so tonight will be a Public Hearing. At the end, you will have three options regarding the proposed zoning ordinance amendment. You can approve those with a favorable recommendation, you can disapprove those with an unfavorable recommendation, or you can forward those to the Town Council with no recommendation. So favorable, unfavorable or no recommendation are the three options. The amendments are to change and delete the following items. Appendix A in the Town of Greenville’s Land Matrix, remove primary agriculture and confined feed operations from the land matrix. In Section 10.01 Miscellaneous Development Standards, remove Subsection A. confined fee operation from the table and Subsection G., delete and replace with Agriculture, Primary and Confined Feed Operations are prohibited uses in all districts. There are five standards that you should pay attention to under the Indiana Zoning Codes and Statue 600 series, pay reasonable attention to the comprehensive plan, the current conditions of structures and uses, the most desirable use for which land in each district is, property values throughout the jurisdiction and responsible growth and development. Modifications are consistent with the intent of the Comprehensive Plan, considered the nuisance and potential land uses, these uses are not permitted in the Town by another previously adopted ordinance. The update will be consistent with the Towns desire to prohibit the keeping of any type of livestock in the Town’s jurisdiction. The Town seeks to encourage residential and commercial development which may be deterred by these uses. That is Nick’s Staff Report.

**Ms. Anderson-** what are we going to do about people who keep chickens in their backyard? Sounds like they’re going to say no.

**Mr. Lopp-** that's his understanding from the Town

**Ms. Anderson-** that's not okay since there are people that do that to save money.

**Mr. Lopp-** he can only state what is on the piece of paper.

**Ms. Anderson-** appreciates this for larger agricultural but does have a problem if they tell people they can't have some backyard chickens.

**Mr. Welch-** they do in the city of Louisville

**Ms. Anderson-** you can keep them everywhere, the City of New Albany, you can keep bees in every municipality.

**Mr. Lopp-** his understanding is the Town has some other ordinances regarding prohibition of livestock and they want those to be consistent. The Board is just giving a recommendation, unfavorable recommendation or no recommendation. This is from our zoning ordinance and we have primary agricultural in all residential zone and they're prohibited through HOA's and Covenants and Restrictions in platted subdivisions. So that may be the problem the Town has because they only have maybe two platted subdivisions.

**Mr. Unruh-** asked if anyone in the public would like to speak.

**George Bercaw-** 8072 Pekin Road, Greenville. Seems like there are a difference in opinions on defining confined feeding operations. According to Indiana Dept. of Environmental Management, confined feeding operations are 300+ cattle; 600+ swine or sheep; 30,000+ poultry, ducks or turkeys; 500+ horses. That should answer the question about keeping a couple of steers on your property or pet animals. Needs to be more identification on what is considered a confined feeding operation.

**Mr. Unruh-** asked if anyone else had any comments.

**Mr. Welch-** I'd say unfavorable by the way it's written

**Mr. Sharp-** since it's a town issue and they're essentially just going through us to determine, maybe our best play is no recommendation and let them move forward with what they feel is necessary for their jurisdiction. It's essentially a Town issue. Read ballot: Docket GV-11-24-07, The Floyd County Plan Commission conducted a public hearing on the above referenced docket and Zoning Ordinance Amendment Proposal. Upon careful review, The Floyd County Plan Commission hereby makes: No Recommendation to the Town Council concerning the Zoning Ordinance Amendment Proposal at the meeting held on the 9<sup>th</sup> day of December, 2024.

**Motion:** No Recommendation

**Moved by:** Jason Sharp

**Seconded by:** Jeremy Shumate

**Motion passed.**

**Aye:** Gina Anderson, Larry Bibelhauser, Chris Welch, Jeremy Shumate, Jason Sharp, Victor Unruh

**Nay:** Jim Freiberger

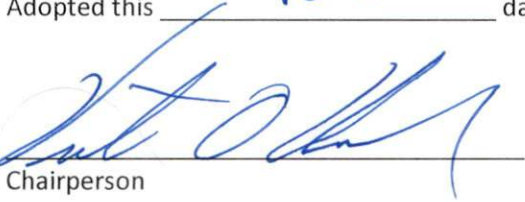
**DISCUSSION**

Well Head Protection Overlay- sub-committee

**Motion:** Table until January Meeting  
**Moved by:** Jason Sharp  
**Seconded by:** Chris Welch  
**Motion passed.**

**Motion:** To Adjourn  
**Moved by:** Chris Welch  
**Seconded by:** Gina Anderson  
**Motion passed.**

Adopted this 10<sup>th</sup> day of February, 2025.

  
Chairperson

  
Attest