

**Boone County Area Plan Commission (APC)**  
**January 8, 2025 - 7:00 PM**  
**Lamar Meeting Room – Boone County Government Building**

**Members Attending:** Dan Fry, Commissioner Donnie Lawson, John Merson, Carol Cunningham, Jay Schaumberg and Tad Braner

**Members Absent:** None

**Staff Attending:** Deborah Luzier (Planning Director), Ashley Elliott (Administrative Assistant) and Bob Clutter (Attorney for the Boone County BZA and APC)

**A. Administrative Issues**

1. Jay Schaumberg (Vice-President) opened the meeting at 7:00pm by leading the Pledge of Allegiance. Introductions followed.

Vice-President Jay Schaumberg noted the reason he was leading the meeting because there is an Indiana Statute that requires one of the members of the Board of Commissioners to be a representative on the Area Plan Commission. Jay then stated Commissioner Donnie Lawson replaced the position of John Merson.

Jay Schaumberg also acknowledges the service of Kasey Copeland who had served for a few years on both the APC and BZA. Kasey stepped down to spend more time with his young family and growing consulting business. In a special meeting immediately prior to the APC meeting, the Commissioners appointed John Merson to fill the vacancy.

Jay Schaumberg requested to change the order on the agenda and start with the 2025 Election of Officer's that was on the agenda under "Administrative Matters".

1. Election for 2025 Officers

Tad Braner made a motion to nominate John Merson for 2025 APC President. Dan Fry seconded the motion. Number voted in favor 5 and number that didn't vote 1.

Dan Fry made a motion for Jay Schaumberg Vice-President.

Tad Braner seconded the motion. Number voted in favor 5 and number that didn't vote 1.

**2. Determination of Quorum:** 6 of 6 members present

**3. Approval of the Agenda:**

None at this time.

**4. Approval of Minutes for December 4, 2024:**

Carol Cunningham made a motion to approve the minutes from December 4, 2024, meeting. Jay Schaumberg seconded the motion. Motion carried 6-0.

**A. Old Business Public Hearings:**

**1. 24WA-23-211 MCI Development, LLC/Gregg Farms; Planned Unit Development**

Deborah Luzier read the staff report.

Attorney Matt Price came forward on behalf of this petition.

Mr. Price started off by stating they made over 100 changes in the provisions, texts and formatting of the draft that was submitted for public hearing in November 2024. Also, very significant provision changes in the material were made to the proposal, but none of which were mentioned in the summary provided by the staff and are the central of the presentation tonight and believe these are directly responsive to the comments raised at the public hearing and through the Committee process.

Mr. Price wanted to clarify something with the proposal that they heard loud and clear from the Planning Commission and the study Committee that the desire was to preserve the major Thoroughfare and Overlay Plan and so what our Ordinance does is the exception of certain specified uses with all the terms of the Overlay. So, each one of those individual development standard variances like electrical car charging stations, temporary uses or anything of that nature preserves those terms and conditions and that was the entire point of the revisions that were made since the public hearing back in November. If that requires further clarification, then let's form another committee and work directly with each other so everyone is on the same page with that central feature on the proposal. The intent is to preserve as much as possible of the Major Thoroughfare and Overlay except for adding specified uses. Mr. Price thinks this is a major leap forward with their PUD and that we do provide the fine terms for each one of the land uses.

**\*\*At this point Mr. Price explains the Power Point below:**

47 Commons  
BOONE COUNTY  
PLAN COMMISSION

January 8, 2025



***Merritt  
Contracting***

## INTRODUCTION AND BACKGROUND

- 47 Commons is a mixed-use commercial and industrial planned unit development, comprised of 125 acres at the southwest quadrant of I-65 and State Road 47.
- The controlling developer for 47 Commons is Merritt Contracting, Inc.
- Merritt is based in Boone County and was originally founded in 1995.
- Merritt has 150 Boone County based employees and annual payroll of approximately \$11.5 Million.
- 47 Commons provides a location for Merritt to relocate its headquarters, create new jobs, and grow in the County where it was originally founded.

## INVESTMENT

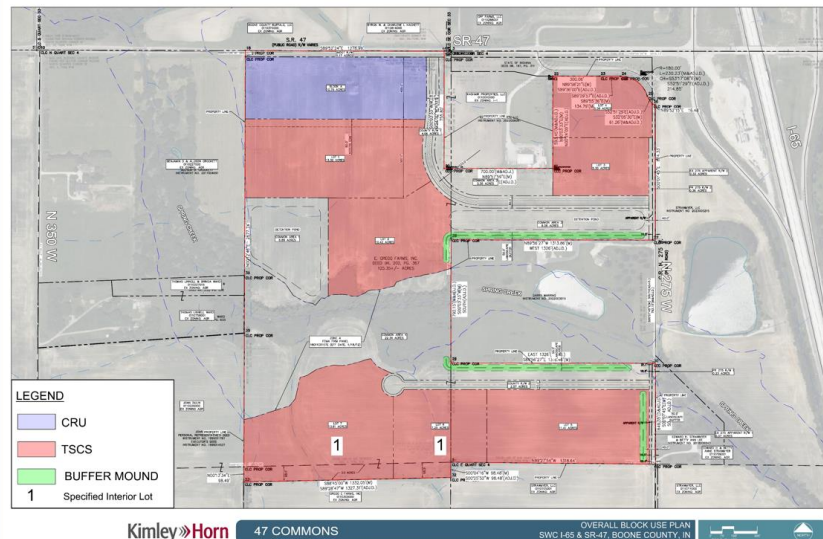
- 47 Commons will attract new investment of at least \$30 Million in the next three years.
- We estimate between \$80 to \$100 Million in new investment by the project's completion, together with the creation of approximately 200 new jobs.
- 47 Commons provides a location from which local businesses and businesses with local ties can participate in the local economy and its growth.

## SITE LOCATION



## USE BLOCK PLAN AND REVISIONS

- The Commercial & Retail Use (CRU) Block would permit general retail, restaurants, and a fuel center among other listed uses.
- The Applied Technical Services and Specialty Contractors Use Block (TSCS) would permit, among other listed uses, construction services, contractor storage facilities, general contractors, specialty contractors, and industrial uses.
- *Since receiving comments from the November 2024 public hearing, Merritt has made substantial modifications to the proposal.*



## 47 Commons PUD revisions since the November 6, 2024, APC Meeting

- Construction Services, Contractor Storage Facilities, Fabricated Metal Manufacturing, General Contractor, Industrial, Heavy, Outdoor Storage, Ready Mix Facility, Semi Tractor Trailer Storage & Specialty Contractor are only permitted on the interior lots (Lots 6 and 7) of the site.
- Preserve the Major Thoroughfare Overlay District (1-65 and SR 47) with the few use exceptions, noted above.
- Perimeter buffering clarifications.
- Foundation planting required with more specific details.
- Parking lot landscaping, requiring no more than 20 parking spaces in a row between parking islands.
- Require Controlling Developer approvals prior to submittal to the APC for Development Plan review.
- Removal of invasive planting materials from Plant List.
- More restrictive lighting fixture setbacks from residential.
- Increase in parking space sizes.
- Requiring connection to water and sanitary sewer services when they are available to serve uses within the 47 Commons PUD District (including those initially operating on well and septic).
- Noting that above ground utilities are permitted for electric and telephone.
- Clarifying that modifications made of the development requirements in the PUD, would require a public hearing with the APC and the Boone County Board of Commissioners would have the final approval.
- Board of Zoning Appeals will also be able to grant variances of development requirements, but only after a public hearing.



# Ready-Mix Concrete Plant

vs.

# Cement Plant









Several people came forward and voiced their questions and concerns and how they did not want this PUD. Some concerns were about traffic, lighting, and the types of businesses that will be located there. One individual stated they would take legal action if this was approved by the APC board and the Commissioner's.

John Merson closed the public hearing and opened it back up to the petitioner. Mr. Price came forward expressing that they are very open to compromises and approaches that can address and make the uses compatible and that they are open with taller berms and berms with fencing and landscaping. The idea was to home a locally based contractor and to provide new corporate headquarters for Merritt Contracting. Mr. Price closed with this comment is "Why a PUD?" and he thinks it's a fundamental question, which is that the PUD is the mechanism for amending the Overlay. The Overlay is a text, and it does not replace the text, except where it expressly modifies it and the only place where we are expressly modifying the PUD is to add those land uses and have gone a step further and identified is that the specialty contractors are only going to be on lots 6 and 7. That is the central feature of our proposal and all of the other requirements related to the Overlay we're seeking to preserve.

Jay Schaumberg had a question that the PUD requirements of the acreage and water and sewage and asked if you talked to the County initially and you felt that those requirements were satisfied and wanted to know who he had talked to. Mr. Price stated it was in the preliminary meeting with Deborah Luzier and the County's legal counsel.

John Merson wanted to start off addressing the water by asking Bob Clutter on the potential water and sewer and clarifying what that entails. Mr. Clutter stated the Commissioners have been discussing for a while the possibility of creating a water/sewage district up in this area and even before the Merritt project came about. There have been meetings with both Citizens and Indiana Water about bringing water to the site. There was no specific time frame for either one of those, but it could possibly be 3



years for water. To establish the water/sewage process it usually takes about 9-12 months for IDEM and then after that and it's established then the board will appoint it. John Merson asked where the initial treatment plant would be located, and Mr. Clutter replied that is more of an engineering decision and there was some discussion with the Merritt's that there could be about 10 acres of this site towards a treatment plant and would essentially be within the PUD site if that meets the engineering standards established. John asked that an accessory use would be considered a sewage treatment plant and Mr. Clutter shook his head yes.

Tad Braner commented that we should have done a better job planning the water and sewage years ago and that he wanted to put a TIF district over the whole entire County and that the PUD that was presented 3 years we should have done that, and we wouldn't be here right now and that we should have done the Overlay District 15 years ago.

Dan Fry commented that he respects the Merritt's business, but has concerns with the other businesses proposed, as do the residents and those businesses are going to use a lot of water, and that resource right now is under scrutiny.

Commissioner Donnie Lawson commented that he toured the Shelby Plant last week and was extremely impressed with what he saw and that the whole facility is extremely clean, and the noise is at a minimum there. He went from the plant top to bottom and was pleasantly surprised with what he saw and how they mixed all the concrete. He also talked about water uses and the water that's their aquifers supply Lebanon, Thorntown and everyone that lives out there is in the same aquifer. The usage of those plants and he stated he knows for a fact that one of the owners of the Shelby ran the numbers for him on what they use on a yearly basis at that plant is 3.7 million gallons per year and right now Lebanon is pulling about 5 million gallons per day out of that aquifer and Lilly is using 1.2 million per day and those are huge numbers. E & B Mixing Plant that is located on the interstate, there is no record of the water they used and they were there 2 and half years and look at all the concrete they made for Interstate 65. That area is going to be developed no matter what. Hoosier Agrammatic has been there for years who is a well-respected company that works all over the state and out of the state. He said let's look at the past and let's see what didn't work and make improvements off that.

Jay Schaumberg commented as a Boone County business retiree that he can relate to the Merritt's and that he looked for over 5 years before he found a location for his company and that it's a hard thing to do when there's not a whole lot of property available. He agreed with a lot of the other comments made and that he's not an expert on water, sewer or run off on that so he really can't comment, even though he might have a concern. His main concern is that last February of 2024 passed a zoning Overlay, which we received a lot of scrutiny and a lot of public input with hundreds of hours and came up with a document and at the time. He has concerns with the very first project that the board is asked to approve after the Overlay being in place deviates substantially from the Overlay standard requires and agrees that area is going to develop and wants to make sure when it develops it develops right. He has an issue mainly with the Overlay and the precedent.

Carol Cunningham commented that in her role everyday development is not popular and that people do have the right to sell their property and if property is for sale around you and someone buys it, they have the right to come here and ask for approval for something. She's concerned with the whole thing and concerned with it not meeting completely the Overlay and read it the same as Deborah Luzier and several others read it as far as having no technical standards and that is one of the things that jumped out at her when she did not see anything with the technical standards and that was her big concern she had with it. She also said that one of her biggest concerns when it comes to her office is the sewer and water and, in the information presented it says they're going to hook to sewer and water, but in one of the meetings it was said septic and wells, but as sewer and water became available it would be connected. Her issue with that is that we say there's going to be sewer and water, and she knows the Commissioners have looked at sewer and water district and have heard rumblings of it but have not

heard it said publicly until Bob just said it. As far as the Overlay she thinks everyone knew going into this is what we spelled out in the Overlay is what is allowed and had discussions openly that we went through list and there were certain things that we did take out, but we knew as point somebody would come before us and ask for something that was not included in the Overlay and I think they have the rights to do that and we will have to consider those as each one comes. Also, another big concern was the 4-foot mounds, but not really concerned with the drainage because we have a very strict drainage Ordinance and standards, and we have reviewers that review that for us, and they're held to those standards and as a drainage board we don't deviate from those. Our goal in the development world is if it's poorly drained, we expect the developer to make it better and we pride ourselves in Boone County to make sure that's done and not concerned about that at all.

John Merson's comments on this were in the very first meeting we had, and he told Mr. Merritt that we would love to have your development up there and that's exactly what we are looking for in terms of ideal tenants for areas like that and also said that the first meeting that the ready mix plants were a deal breaker and in my mind they remain a deal breaker and that is not what we are looking and the area as presented and discovering there could be a sewage treatment plant thrown in there was presented tonight to me is going to have the potential resemble the intersection of State Road 37 and 465 on the South side of Indianapolis a heavy industrial type of interchange and in my mind that's not what we're looking for at that interchange. We know that there's going to be growth on those highways and that's why we did the Overlay to contain and manage the growth in a way that's most beneficial to the public all along there. A big concern is there is no sewer and water and there's no plan for sewer and water, if it was imminent that would be one thing and there isn't a timeline for that. It ignores the Overlay, and we are setting a dangerous precedent right out of box on our first major project.

We shouldn't have wasted \$800,000 for the Overlay if for our very first project that has flaws associated with it that we permit it. There also is an issue and isn't necessarily the Merritt's or Mr. Price's fault, but you must take a little bit of blame for this because you told us early on that you had this concept about a year ago. The Commissioner's in February of 2024 unanimously adopted the Overlay and how nobody told you that this doesn't fit in with the Overlay and why didn't Mr. Price come to this board months sooner and discuss this idea. He mentioned he has 4 different versions of the 47 Commons and none of them address the initial concerns.

Dan Fry made a motion to send petition 24WA-23-211 as an unfavorable recommendation to the Commissioner's. Jay Schaumberg seconded the motion. Motion carried 5-1.

**\*\* 5 Minute Recess was Taken \*\***

**2. 24CO-16-251 Zoning Amendments to Fee Schedule**

Carol Cunningham made a motion to continue 24CO-16-251 until the next APC meeting.

Tad Braner seconded the motion. Motion carried 6-0.

**B. New Business Public Hearings:**

None at this time.

**C. Violations Report:**

None at this time.

**D. Administrative Matters:**

1. Director's Announcements:

None at this time.

2. Comprehensive Plan and Thoroughfare Plan RFP (Submittal Deadline is January 28, 2025):

Deborah Luzier wanted to make a reminder that the Comprehensive Plan and Thoroughfare update is coming up. Jay Schaumberg asked what needs to be done at that end. Deborah replied that when the RFP was established there was a Responders Review Committee, so when we get responses back from the consultant and then those will be distributed to the Committee to quickly review it and decide who we want to short list to interview or interview everybody. John Merson brought up the funding mechanism for this and if it has been solidified. Bob Clutter shook his head no and said there was some discussion with the County Council and the Comprehensive Plan update and supporting that funding. Deborah Luzier mentioned for the RFP itself that we put a budget cap of \$400,000, but the final scope is yet to be determined.

With no further business, Tad Braner made a motion to adjourn at 9:08pm.

Dan Fry seconded the motion. Motion carried 6-0.