City of Lawrence

 **Common Council**

**December 3, 2019**

**Special Meeting**

MEMBERS PRESENT: Council Members Lisa Chavis, Tom Shevlot, Sherron Freeman, William Tyrrell Giles, Bob Jones, Becky Parker, Rick Wells and Matt Hall were present.

ALSO PRESENT: Clerk Kathleen Walton and Attorney Kristina Wheeler (Bose McKinney & Evans LLP)

STAFF PRESENT: Mayor Collier, Controller/Deputy Mayor Fenwick and Police Chief Hofmann

Council President Lisa Chavis called the meeting to order at 6:00 p.m. and announced a quorum was present. The special meeting was called pursuant to notice to hear zoning case 2019-ZON-111.

2019-ZON-111 10410 East 52nd Street

BGP Development LTD, by Joseph D. Calderon, requests approval of a rezoning of 57.63 acres from the D-A district to the C-S district to provide for the expansion of an industrial park and school-related uses.

Mr. Calderon made a presentation to the Council for the petitioner. He reminded them that this is an improved proposal from one submitted previously. It allows for an existing business to expand and the Metropolitan School District (MSD) to relocate and expand its operations consistent with current needs. Mr. Calderon distributed copies of his power point presentation, Exhibit Book and proposed MSDLT Transportation Center Traffic Impact Study. Specific points that he made included:

* The current zoning is D-A. There is industrial zoning immediately to the north of the property in question.
* A C-S zoning allows for more certainty. For instance, a C-S development statement allows for limited industrial use and provides for extra setbacks.
* Outlined commitments and plan of operation. (see Tab 5 Exhibit Book Handout)
* Continued operation of Ameribridge, Inc. (See Tabs 7 and 8 Exhibit Book Handout)
* Highlighted specific elements contained in the Exhibit Book Handout. These include, among other things, positive fiscal impact; increased land value; significant economic benefits; detailed commitments; plan of operation; site plan; and development statement. He also referred to the Traffic Study that was provided to the Common Council.
* Refer to the Exhibit Book Handout, traffic plan and PowerPoint Handout for specific details.

Mr. Calderon requests approval of the petition.

Dr. Shawn Smith, Superintendent of MSD Lawrence Township Schools, was the next to speak. After introducing members of the School Board, he noted that the current transportation facility was built in 1992 but can no longer accommodate the current needs of an expanding school district. He reported that $10 million are to be invested in a new facility employing some 250 people. As part of the process, he reported that Mr. Poindexter gave the school district the opportunity to purchase the land that allows the school district to build an attractive facility to

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support the children of the district. He thanked the Common Council for considering the current proposal.

Mayor Collier spoke about the long-term partnership between the City of Lawrence and the school district. As the school district grows, it is inevitable that it needs additional space. A new bus depot has been under discussion since 2016 since the current facility doesn’t fit in the existing space. Mr. Poindexter has been a partner in many different projects for roughly 50 years. This specific project is essential to keep this important school facility within our City.

Additional speakers in support of the petition included Steven Goodroad, a resident of the Traditions neighborhood, and Trace Yates, Executive Director of the Greater Lawrence Chamber of Commerce. Mr. Yates pointed out that the proposal is in the best interests of the business community because it enables an important business and the school district to expand and remain within the City of Lawrence. He went on to say that it is important to expand the tax base of the City. Ameribridge Inc. is a multimillion-dollar business that began in the 1980s. It is at a critical point at which it must either expand or relocate.

QUESTIONS AND COMMENTS FROM COUNCIL: Mr. Calderon and Mr. Rodger Smith, Chief of Operations for Lawrence Education and Community Center, then responded to questions from members of the Council.

Following the presentation, remonstrators and others were given the opportunity for comments and questions. Remonstrators included:

* Maria Rusomaroff, 11754 Sinclair Drive
* Joellen Reinhardt, 10847 Tanbark
* Rita Brown, 11595 Winding Wood Drive
* Danita Crickmore, 10640 E. 52nd Street
* Tim McDonnell, 11607 Winding Wood Drive
* Steven Goodroad, 5212 Traditions Drive
* Joyce Ervin, 10626 Sedgegrass
* Additionally, a petition listing names of those opposed, but not speaking, was presented and is on file

Mr. Larry Calloway, staff planner representing the Department of Metropolitan Development (DMD), recommended denial of this rezoning petition. He said:

* The proposed use is inconsistent with the Comprehensive Plan.
* While a C-S zoning allows for flexible land use, he is concerned about industrial uses close to residential areas.
* The traffic study provided by the petitioner went above and beyond normal requirements. It did establish that the standards proposed are acceptable.
* However, the DMD staff cannot support the petition.
* DMD will act on the petition on December 18, 2019 at 1pm.

Mr. Calloway responded to questions from the Council.

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Mr. Dustin Sloane from Ameribridge Inc. rose to talk about the company. He said they had been on this site for 25 years and maintained both indoor inventory storage and the remanufacture and repair of equipment. They are now entering a new phase involving the construction of new equipment.

Clerk Walton then read two letters in support of the petition:

* Mr. Phil Terry, CEO Monarch Beverage 9347 Pendleton Pike
* The Honorable John L. Bartlett, Indiana State Representative House District 95

In rebuttal, Mr. Calderon acknowledged the withdrawal of an earlier petition that was deemed not appropriate for the desired outcome. Additionally, he made the following points:

* The current petition serves to protect and preserve the community by retaining MSD Lawrence and Ameribridge Inc.
* The project is being undertaken through a partnership with Mr. Poindexter who has been an active leader of the community for many years.
* The petition enables reasonable growth for property already zoned industrial onto land that will never be used for residential purposes.
* While there will be some outside storage by Ameribridge Inc. adequate buffers will be established with neighboring properties.
* According to the traffic study, all exiting intersections will operate at acceptable levels.
* The project will meet all C-S standards and noise ordinances.
* He concluded by saying that the proposal makes good sense and expressed hope for a positive recommendation from the Council. As an additional resource, he provided members of the Council with a handout identifying comparable transportation centers located near residential areas

In rebuttal, the following remonstrators spoke:

* Tim McDonnell, 11607 Winding Wood Drive
* Joyce Ervin, 10626 Sedgegrass
* Suzie Dodds, 11704 Hamble Drive
* Danita Crickmore, 10640 E. 52nd Street

After the comments by remonstrators, members of the Council presented their final observations. Councilor Parker read a statement that she has no conflict on this matter even though she is employed by MSD Lawrence Township. She indicated that she would vote on the matter. Her statement is included as an attachment to these minutes.

There being no further presentation or discussion, the petition was voted upon and resulted in the following vote of the Council: Six (6) votes to grant and two (2) votes to deny (Councilors Wells and Jones). Petition 2019-ZON-111 was given a favorable recommendation.

ADJOURNMENT: There being no further business to come before the Council, the meeting was adjourned, at 8:15 p.m., by the unanimous vote of the Council

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Lisa Chavis, President Kathleen A. Walton, Clerk