

# WARSAW PLAN COMMISSION

June 14, 2021

**Present:** Tom Allen, Rick Keeven, Jim Gast, Jeff Grose, Bob Coffelt, Dan Stevens, Michelle Boxell, Diane Quance James Emans (City Engineer), Scott Reust (City Attorney), Jeremy Skinner (DOCD), Justin Taylor (City Planner), Whitney Shilling (Recording Secretary)

**Absent:** None

## Call to Order

Allen called the meeting to order.

**Approval of Minutes** - The May 10, 2021, meeting minutes were reviewed and presented for approval. Gast made a motion to approve the May 10, 2021, meeting minutes. Keeven seconded the motion. The motion carried unanimously.

## Oral and Written Reports

None

## Unfinished Business

None

## New Business

**2021-06-02- Shady View- 811 Shady Lane-** Allen turned the meeting to City Planner Taylor for a brief explanation of the request. The preliminary and final plat for the Shady View Subdivision has been submitted in a timely fashion and reviewed for its conformity to the Subdivision Control Ordinance. The proposed plat meets the development standards for a subdivision within an R-1 zoning district. This plat is a simple subdivision and reconfiguration of 2 lots to create 3 lots with an average lot size of 14 thousand square feet.

A 10 foot sanitary sewer easement along the south side of lot 1 will provide access to lot 2. The property lines to the south of lots 2 and 3 have been shifted to the north by 20 feet to remove them from the public right of way.

The following are the requirements for a R-1 District:

- 8,750 Minimum Lot Size
- Minimum lot width 70'
- Minimum setbacks of 25' front, 25' rear, 7' side
- 50% Maximum lot coverage

Taylor recommended the approval of the request.

Allen opened the meeting to any person wishing to speak in favor or against the petition. No person was present to speak in favor or against the petition. Allen closed the meeting to the public. Motion was made by Quance to approve *2021-06-02-Shady View- Preliminary Plat*. Gast seconded the motion. The motion passed unanimously. Quance made a motion to suspend the rules and vote on the *2021-06-02-Shady View- Final Plat*. Grose seconded the motion. The motion passed unanimously. Quance made a motion to approve *2021-06-02- Shady View-Final Plat*. Gast seconded the motion. The motion passed unanimously.

**2021-06-01 - Springfield-** City Attorney, Scott Reust disclosed a conflict of interest. He stated he is a partner of Rockhill Pinnick LLP. The firm has represented Skyline Builders in the past. He did not personally represent Skyline Builders and stated it had nothing to do with this case. He did not believe it to be a conflict but wished to advise the panel. JoAnn Kolby, Attorney, representing the homeowners of Springhill Estates, stated she disagreed and expressed she considered it to be problematic. Allen stated he did understand the word problematic and did not think it would interfere in the proceedings.

Allen turned the meeting to City Planner, Taylor. The petitioner for the Springfield Subdivision is requesting to subdivide a 14.98 acre± tract of land into 48 lots with an average size of .31 acres. The preliminary plat for this subdivision has been submitted in a timely fashion and reviewed for its conformity to the Subdivision Control Ordinance.

The proposed stormwater management method and proposed connection to the City sewer system have been reviewed and approved by the City Engineer, James Emans. Emergency services have reviewed the access roads leading back to the proposed developments and have no issues with accessing the existing Spring Hill Acres development or the proposed Springfield development. If future issues arise related to traffic safety, they can be brought before the Traffic Safety Commission for review.

The proposed lots meet the development standards for a subdivision within an R-1 zoning district. The requirements for this subdivision are listed below.

The following are the requirements for a R-1 District:

- 8,750 sq. ft. minimum lot size
- Minimum setbacks of 25' front, 25' rear, 7' side
- 45% Maximum lot.

Since the proposed subdivision meets or exceeds all the requirements set forth in the City's Municipal Code, Taylor recommended the approval of the preliminary plat of the Springfield Subdivision.

Allen opened the meeting to any person wishing to speak in favor the petition. Tim Merchant, of Skyline Builders, spoke of the need for affordable housing in Warsaw. Skyline has built custom built homes for 25 years. Merchant stated they previously built homes in a subdivision in Winona Lake called Tuscany. The homes were built on similar sized lots and sold between \$245,000- \$325,000. They sold out within a few years. Skyline doesn't know for sure what they

will do in this proposed sub-division, but the areas are similar. Merchant stated, after doing research, found the sales prices of homes within the last year in Springhill Acres, sold from \$228,000 to \$310,000. Merchant stated their goal is to build nice, affordable homes which will be within the same price range as existing homes in Springhill Estates. Allen closed the meeting to any person wishing to speak in favor of the petition.

Allen opened the meeting to any person wishing to speak against the petition. JoAnne Kolbe, Attorney, spoke on behalf of adjacent landowners, listed on a submission presented to the Commission prior to the meeting and Springhill neighbors. She stated they have concerns that are not only emotional but of the aesthetic values of the neighborhood, and about the health of the lake. She stated they think this developer does great work and they have nothing against him personally. The neighborhood recognizes the need for affordable housing, and they support growth in Warsaw. Kolbe stated they all have invested in Warsaw and its Comprehensive Plan. They are not fighting economic growth. Kolbe stated her clients do not feel this is an appropriate location for this development for reasons that are stated in the ordinances. Kolbe gave a brief history of the area. Kolbe stated she had an engineer review this plat, but he did not have significant time to review it. He gave a desktop opinion stating the water detention area in lot A was not sufficient, noted the absence of an easement on lots 1-18, swales that appear on the northwest side and maybe the swales on the east side are not referenced. Kolbe noted the engineer gave them the math needed to know this water detention area is insufficient for the displacement of water for 48 newly developed homes. Kolbe stated there are currently 76 existing homes in Springhill Acres and with the addition of 48 homes it would increase the number of homes using the one entrance to the neighborhood by 67%. She has not requested a traffic study but stated one needs to be done. Kolbe stated concerns were expressed about the infrastructure of the road being able to handle increased traffic with the additional homes. She also expressed concern for the need to have congruity between the new homes and the current homes, so property values do not decrease. Discussion included existing average lot sizes and the proposed lot sizes. She stated concerns for the health of Pike Lake with increased water runoff. Kolbe stated Pike Lake is the most endangered lake according to information obtained from Nate Bosch, Director of the Lilly Center for Lakes and Streams and Grace College Conservationist. She expressed the need to protect it or face a decrease in property values around it.

Holli Campbell, resident of Springhill Acres, submitted over 100 signed letters of opposition to the proposed development to the Commission.

Scott Parker, President of Pike Lake Association, stated he is a Certified Environmental Auditor and would like to approach the proposed development from the environmental aspect. Pike Lake Association is concerned with the protection of the lake. Discussion of the current condition of the lake and measures being taken to restore it followed. Parker requested, of the Commission, that care of the environmental aspect be taken to protect Pike Lake, and insure it is being handled appropriately if they would proceed with approval of the proposed development.

Holli Campbell, resident of Springhill Acres, stated she has experience looking at long term effects of a development. She noted they have presented documented and legal objections to the underlying reason why this development is not a good fit for the site. She discussed the consideration of the quality of life a new development may have on residents, noting the true

effects are often missed. She discussed the increase in traffic of 67%, citing a study published by The Institute of Transportation Engineers Journal concerning what is an acceptable level of traffic coming in and out of a neighborhood. The current amount of traffic is considered to be acceptable. Increased traffic could create a poor rating. She stated the increase would make it hard to be a walkable neighborhood. She stated another concern is the close proximity to US 30 the homes would be built. US 30 is classified as a limited highway according to the Comprehensive Plan. Campbell stated according to the Comprehensive Plan, Objective 1.8 promotes new residential development away from the highway. She stated concerns of high decibel levels, highway pollution and the negative health effects based on proximity of the highway.

Allen reminded everyone that this is the Preliminary Plat, not the Final Plat. Allen thanked the audience for the comments and concerns. Allen asked Reust (City Attorney) if he had any comment. Reust stated the City Engineer, Emans, has looked at the proposed plat and was satisfied with the preliminary numbers. Discussion followed ending with Kolbe imploring the Commission to table the petition.

Jeremy Skinner (DOCD) explained the Final Plat is a public meeting and is not a public hearing. The Commission does not have to allow the public to participate in a hearing format. Quance asked Skinner to go over the minimum requirements to approve a Preliminary Plat. Skinner turned the meeting to Taylor who read the general requirements for a Preliminary Plat approval. Other considerations can be involved in the decision. Taylor said there had been a traffic study done in 2019. The traffic count from that traffic study found there were 518 daily vehicles in that area; with the 67% increase it would still fall within the threshold of the approved daily vehicles. He stated there is a description of some of the other considerations listed in his Directors Comments. Discussion followed concerning the issues to be considered for approval of a Preliminary Plat versus a Final Plat.

Kolbe again discussed environmental concerns and issues to be considered.

Dan Hepner, resident of Springhill Acres, stated he currently maintains the erosion on the hill adjacent to his property from water run-off. He is worried about the maintenance of the hill if the lots are developed. It is not his property but stated it must be maintained or it will erode into his yard. Hepner is also worried about two blind 90 degree turns on Springhill Road. He stated the width is not sufficient through the corners for school buses and an increase in families with children will cause an increase in bus traffic, causing concern for safety.

Chris Bonifield, resident of Springhill Acres, stated run-off water from the road goes through their yard to the lake. She thanked the City for working to correct the storm water run-off problem on their property. She is really concerned about the health of the lake with the run-off going straight to it. She also stated she is worried the approval of this plat will set a precedent and approval for more housing on the two other empty lots next to it could follow. She also mentioned safety concerns concerning the narrow road at the 90 degree turns and increased traffic on Provident Drive.

Allen closed the meeting to the public.

Discussion followed among members. James Emans, City Engineer, specified he is also a Water Engineer. He stated that the developer's engineer is using a retention basin. A retention basin does not have a positive out-fall; meaning it does not have a pipe that drains out. The intent would be to have an under drain. There would be no run-off directly to the lake. Emans has considered the soils in that area and any runoff would be filtered. It is good soil that drains well and acts like a filter. He is not concerned about the water that would come off of this for two reasons; one the soil is there, and the intention is to go retention; second the City does not have the infrastructure of a pipe running straight into the lake. The City would not let the developer do that. Emans has looked at lots 1-18 and thinks the developer might end up putting a low retention basin back there as well. Emans stated the storm water quality or quantity is not an issue to be concerned about at this point.

James Gast, Commission member, stated he has watched Pike Lake deteriorate over the last 60 years and because of that is going to withhold any positive vote on the Preliminary Plat. He stated he needs more information about traffic, water runoff and several other points.

Jeff Grose, Commission member, asked Taylor if there was a requirement for public park land within the development. Grose also expressed concern about acreage zoned R-1 to the North and future development of it causing pressure on the existing infrastructure on Springhill Road and Robb Road as traffic utilizes the one existing entrance and road. He suggested the Traffic Commission review the plans as well. Grose suggested the developer provide information for future street development. Discussion followed. Skinner stated the bulk of the information being requested would be provided after the Preliminary Plat on the Development Plan and Final Plat. He stated the request by Grose is a little out of the ordinary and explained the petition cannot be tabled without a specific issue identified in detail to be resolved by the developer or the City. Discussion continued by various members of the audience and Commission members. Skinner stated the plat has met the requirements for a Preliminary Plat. He stated a residential street is capable of handling more traffic than Springhill Road currently has. He stated if there are questions on conformity the City can be asked. If a change to the plat is requested the Preliminary Plat can be approved contingent upon the changes being done on the Final Plat. The developer has met the requirements for a R-1 District. Skinner cautioned the Commission members that if it was requested to table the petition, the additional information requested must be specific to what is required on the Preliminary Plat. If the Commission requests information that is required for the Development Plan or the Final Plat, we are stepping out of our own ordinance, giving the developer cause to seek legal counsel. Our Preliminary states what the developer is to provide. Further details are required in the Development Plan and Final Plat. Comments were made from the audience that were inaudible. Allen reminded the audience the meeting had been closed to the public. Discussion among members followed briefly.

Grose made a motion to table the Preliminary Plat with a request for more information regarding public park land, storm water runoff, and the traffic system concerning the development to the North from Springhill Road and Robb Road, specifically items C, E, F. Quance seconded the motion. The motion carried unanimously. Upon recommendation by Reust, Allen sought comment from City Planner Taylor on what a reasonable time frame to follow up with the information would be. Taylor stated it would depend on the specifics of the traffic study that

was being requested. Taylor stated the goal would be by the next meeting. Allen stated four to eight weeks should be sufficient and updates would be provided if that deadline could not be met.

**Adjourn-**

With no further business to come before the Commission, Keeven made a motion for the adjournment of the meeting. Gast seconded the motion. The motion passed unanimously.

---

Tom Allen, President

---

Whitney Shilling, Recording Secretary