

WARSAW PLAN COMMISSION

September 13, 2021

Present: Tom Allen, Rick Keeven, Jim Gast, Jeff Grose, Bob Coffelt, MichelleBoxell, Diane Quance, James Emans (City Engineer), Scott Reust (City Attorney), Justin Taylor (City Planner), Whitney Shilling (Recording Secretary)

Absent: Dan Stevens

Call to Order

Allen called the meeting to order.

Approval of Minutes - The June 14, 2021, meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the June 14, 2021, meeting minutes. Gast seconded the motion. The motion carried unanimously.

Oral and Written Reports

None

Unfinished Business

None

New Business

2021-09-03-Lake Village Shopping Replat Preliminary- 3418 Lake City Highway Allen turned the meeting to City Planner Taylor for a brief explanation of the request. The petitioner for the Lake Village Shopping Center Replat is requesting to subdivide a 25.68 acre± lot into 9 lots with an average size of 3 acres. The preliminary and final plat for this subdivision has been submitted in a timely fashion and reviewed for its conformity to the Subdivision Control Ordinance. The proposed lots meet the development standards for a subdivision within a C-5 zoning district. Frontage Road, which bisects the property on the north end, and the access road connecting Frontage Road to US 30, were maintained by the city through an easement agreement dating back to the late 1990's. This plat will now supersede that easement agreement by converting Frontage Road and the access road into city Right of Way. Taylor noted that this was entered as a preliminary and a final but due to the lack of ingress and egress labeled on the plat for lot 8, this is just for a preliminary plat. Taylor recommends that you grant the preliminary approval for the Lake Village Shopping Center Replat.

Allen opened the meeting to any person wishing to speak in favor of the petition. Chris McCrea, John Kimple and Associates stated they are putting together agreements for access across the parking lot as well as around the back of the buildings for deliveries. As of right now we are still waiting on those agreements. Allen questioned if we could still move forward with the preliminary plat without those agreements. Taylor stated yes we can do that with the condition that those agreements be added to the final plat.

Allen opened the meeting to any person wishing to speak against the petition. Allen closed the meeting to the public. Quance made a motion to approve the preliminary *2021-09-03-Lake Village Shopping Replat with the addition of the ingress and egress for lot 8*. Keeven seconded the motion. The motion passed unanimously.

2021-09-02-Lot 3&4 Replat Primary and Final-1021 Mariners Dr- Allen turned the meeting to City Planner for a brief explanation of the request. Taylor began by stating that he did ask the petitioner to make a minor reconfiguration of lot 5. He asked them to add lot 5 to the final so it is a little bit cleaner when the county records it. He stated that there were a few little tangent of the lot that was just kind of out there. The petitioner for the Replat of Lots 3 & 4 in the North Point Addition is requesting to subdivide a 1.35 acre± lot into 2 lots with an average size of .7 acres. The preliminary and final plat for this subdivision has been submitted in a timely fashion and reviewed for conformity to the Subdivision Control Ordinance. The proposed lots meet all of the development standards for a subdivision within a C-3 zoning district. Access to utilities will remain along the east property line. Since this subdivision does not include any additional public infrastructure, I recommend that you grant the preliminary and final replat approval for the Replat of Lots 3 & 4 in the North Point Addition.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Allen closed the meeting to the public. Emans motion to approve *2021-09-02-Lot 3 &4- Preliminary Plat*. Gast seconded the motion. The motion passed unanimously. Quance made a motion to suspend the rules and vote on the *2021-09-02-Lot 3 & 4- Final Plat*. Keeven seconded the motion. The motion passed unanimously. Quance made a motion to approve *2021-09-02-Lot 3 &4-Final Plat*. Keeven seconded the motion. The motion passed unanimously.

2021-09-01-Greenbrier PUD- Preliminary –CR 350 & Airport- Allen turned the meeting to City Planner for a brief explanation of the request. The preliminary plat for the Greenbriar Subdivision PUD has been submitted in a timely fashion, reviewed for its conformity to the Subdivision Control Ordinance and section 13.2 regarding Planned Unit Developments. The petitioner wishes to subdivide a 42.26-acre lot into 136 lots containing a mix of detached single-family residential units and attached single-family residential units. The attached single-family units will be located on the eastern end of the parcel and will have direct access to 350 north. A connection is proposed to the neighborhood to the south via Knollwood Dr. in order to give residents of the Dells better access to 350 North. It is the opinion of the Planning Department that you give a favorable recommendation to City Council for this proposed PUD Ordinance. We empathize with the concerns expressed in the letters submitted regarding this petition and the concerns and opinions that will be expressed at this meeting tonight, however, we implore you to not lose sight of the overall health and needs of our community. The lack of housing necessary for talent acquisition and retention has been highlighted over and over by studies and committees tasked with economic development. For those who fear change, I would encourage you to look at other similar neighborhoods that have been approved by this board like Bella Augusta or Gateway Grove. They have not had an adverse impact on the surrounding neighborhoods as some may fear. The housing market has been evolving and the type of housing products available to consumers must be diverse. This is not the first subdivision with single family attached housing units proposed in our community and it won't be the last. In the coming months this board will see 3 or 4 more subdivisions similar in character. We will be doing a disservice to the long-term health and stability of our community if we fail to recognize the benefit that these housing options could bring.

Allen opened the meeting to any person wishing to speak in favor the petition. Thomas Niezer, Attorney at Barrett McNagny, representing Oakmont Development, gave a brief history of Oakmont Development and stated other developments that Oakmont Development has been a part of in Kosciusko County. Niezer stated Oakmont Development is planning on selling Greenbrier to a company call D.R. Horton. D.R. Horton is this nation's largest residential home construction company. They are going to build homes with lot in the price range of the upper \$200,000 to \$400,000 for the single family homes. The villas will go for a little bit less than that. There will be a total of 136 lots in Greenbrier. Neizer went on to talk about the need for homes in Warsaw. He stated the infrastructure for Greenbrier will be provided by the City of Warsaw through an agreement that they have to bring sanitary sewer to the site. Neizer stated development financing with be done by Lake City Bank, here locally. Neizer passed out papers to the board members. He went on to explain that there are 11 homes in the Dells, adjacent to the Greenbrier subdivision. The handout that he passed out has the 2020-2021 assessed value for each of those 11 homes. Neizer stated that in this market he understands that assessed value might be understated so he also provided the current as of today estimated fair market value for those homes from Zillow. He pointed out that those price points match the homes in

the Greenbrier subdivision. He noted that the Greenbrier homes will be brand new housing stock with public sanitary sewer service, new streets, and amenities. Neizer stated that he believes the requirements under title 36 when considering a rezoning change to your PUD classification are being met. He believes they can satisfy the conditions for local ordinance in respect to the PUD requirements. He stated that he understands the process and the meetings they would have to attend to get this zoning changed.

Allen opened the meeting to any person wishing to speak in against the petition. Steve Snyder, on behalf of Tony and Mary Nicholas and the Dell's homeowners association, passed out a packet to each board member. He stated on page one of his packets was the notice to interested parties of tonight's hearing and he noted tonight's hearing is not on an approval of a subdivision. It is a rezoning from the current zoning classification of single family residential to plan unit development district. Snyder questions whether adequate notice was given to the public. He thinks some people understood what this hearing was about but there may have been a number of people who were misinformed by the notice. Snyder stated in the last paragraph of the notice it states that any subdivision which meets the requirements of the local subdivision control ordinance must be approved because of that people might think they don't need to show up. Snyder explained that there are two methods to submit a plan unit development district, one method is to give a very detailed explanation of the proposed plan unit development use and the other method is to do it in general terms. He went on to state that with this plat and really nothing more you can tell this is very general terms. He stated that we need to determine if something similar to this meets the criteria that the city is required to look at to determine if there should be a zone map amendment. Snyder wonders if this is an appropriate place for a plan unit development district. He feels we have insignificant supporting data such as: traffic access, the affect this will have on the neighborhood, the type of homes, the maintenance of the common areas, and is there a homeowners association. Snyder referenced 13.6.1.2 of the ordinance, the details for development plan requirements. He knows this information is not required at this meeting but he feels it should be considered. Snyder explained his concerns with all the added traffic. He then reiterated that he feels the notice to the public was defective and asks the board to reject the request.

Melissa Kissling, 3328 Knollwood Drive, has lived in the Dells for more than 20 years. Kissling stated how she attended the Board of zoning appeals meeting in July and noted there was no "hardship" for the developer that would allow him to deviate from the original requirements. She asked what hardship exists now. Kissling stated she is also concerned about the danger of all the added traffic Greenbrier will bring. She thinks 350N is already a narrow and poorly maintained road. She is also concerned about the noise from road traffic, airport noise, and railroad track. In objective 1.8 of the City of Warsaw Comprehensive Plan notes that a high priority objective for the city is to promote residential growth in areas where it will not be impacted by highway noise or railroad noise and vibration.

John Peyton, 232 E. Dellview Drive expressed concerns about the effects of airport noise on the children that are going to live in Greenbrier. Peyton has hearing loss himself from 20 years in the Air Force. Peyton stated what he thinks constitutes good governance is. Six major characteristics of quality governance are: responsive, demonstrate integrity, dependability, judgment, justice, strategic vision. Peyton explained there was some confusion about the plat because two different plats were shown to adjacent property owners. Jan Zolman stood up in the crowd and stated he spoke with Taylor on Tuesday. Zolman received a copy of one plat from Taylor on Tuesday and said that was different then the plat on the screen at the Plan Commission meeting. Taylor explained the two plats are the same but one plat had a red line around part of the plan. Peyton stated he wishes there was a second entrance to the neighborhood either on to Airport or on to 350N. Allen closed the meeting to any person wishing to speak against the petition.

Allen opened the meeting back up to any person wishing to speak in favor the petition. Thomas Neizer referred to the City Attorney whether proper notice was given to the public. Neizer stated that Oakmont Development feels that is something that should be taken care of now not later. In the Comprehensive Plan it talks about the need for diversity in the type of homes being built. Neizer explained that in a plan unit development it will allow the developer to do exactly that. Neizer went on to say how the difference between the Dells and Greenbrier will be Sanitary Sewer. Oakmont Development is not a septic tank development because of the environmental effects it has long term. Neizer said if the Dells residence wanted to contact the county about changing Knollwood to a cul-de-sac then Oakmont would change their plat.

Neizer stated that to comply with title 36 and conformity with the City Ordinance they could have presented a empty box. Oakmont does not have to show what they plan do in the plan unit development but they did. They want to be transparent with the City and the adjacent property owners. Neizer agrees that it could change but that is the benefit of a plan unit development. Oakmont Development feels this lot is a great fit for a plan unit development. Keeven questioned Neizer why developers are choosing to build this type of development. Neizer stated the raising cost in building material is one factor in these types of developments and it is what residents are wanting. Allen closed the meeting to the public.

Scott Reust, City Attorney does have concerns about the notice that was sent to the adjacent property owners. In 36.7.4.604 part 3C it does require that if there is a proposal under 608, a description of the proposed change in the zoning map must be included and he doesn't see that in our notice. He doesn't see where there is a proposal to change it from an R-1 to PUD. Reust recommends to have a new notice sent out that specifically states the request of this petition is to change it from an R-1 to a PUD district. Quance explained the process to change from an R-1 to a Plan Unit Development. Keeven motions to table *2021-09-01-Greenbrier PUD- Preliminary* so proper notice can be given. Gast seconded the motion. The motion passed unanimously.

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

