

NEW WHITELAND PLAN COMMISSION
JULY 28, 2020
7:00 p.m.

PUBLIC HEARING

Chairman, Matt Gillock began the meeting at 7:05 p.m. Members present were Chad Waltz, Matt Gillock, John Perrin, Duane McCauslin, and Dennis Montgomery. Members not present were Jeff Weaver and Marshall Walker. Attorney, Lee Robbins and Zoning Administrator, Tim Guyer were both in attendance.

MINUTES:

John Perrin motioned to approve the minutes from the previous meeting, which was from September 2019. Duane McCauslin seconded the motion. Vote was 5 affirmative.

ADMINISTRATOR'S REPORT:

Zoning Administrator, Tim Guyer states that there have been a variety of building permits issued in the past several months.

ELECTION OF OFFICERS:

PRESIDENT:

John Perrin motioned for Matt Gillock to be President of the Plan Commission. Chad Waltz seconded the motion. Vote was 5 affirmative.

VICE PRESIDENT:

John Perrin motioned for Duane McCauslin to be Vice President. Chad Waltz seconded the motion. Vote was 5 affirmative.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

BEAZER HOMES REZONING PETITION FOR PROPERTY ON 75 WEST

Attorney, Eric Prime, with Van Valer Law Firm introduced himself and handed out information on a proposed subdivision to be named "Brownstone." He is here tonight representing Beazer Homes who is requesting 40 acres on 75 West, south of Tracy Road and North of Whiteland Road, be rezoned. This is the property that is currently owned by Tracy & Riley Brown.

This property is currently zoned RS1 and Beazer is petitioning to have it rezoned to RS3. This rezoning will be similar to Grassy Manor subdivision, that is being developed to the south of this 40 acres. The Brownstone subdivision will interconnect through stub streets to Grassy Manor.

Eric Prime states that the other properties around the 40 acres has similar zoning like what Beazer is asking for tonight. Lennar Homes who is developing Grassy Manor subdivision is

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zoned RS3. To the east of the property, the Break-O-Day subdivision is zoned RS1. To the northeast of this property, Tracy Commons is zoned RS3. The Kloess property is directly north of the 40 acres. Eric Prime states that they made an effort to buy the Kloess property. However, Michael Kloess is a ward of the state and there is so much red tape to go through that they decided not to try and purchase the Kloess property. Van Valer Law Firm gave it a good effort, but it just wasn't going to work out.

Eric Prime mentioned that there is common area and flood area that they cannot build on. With that being said, the 40 acres shrinks down pretty quick. Beazer is proposing 74 homes, which makes the density about 1.85 per acre. Eric Prime states there is common area and sidewalk on the west side of the proposed subdivision.

Eric Prime states that in the last 180 days, houses in New Whiteland are selling at an average of \$154,000.00. The only new development in New Whiteland is the Lennar Homes that will be built in Grassy Manor. Currently there wasn't much to compare the average cost of a house in this vicinity. Eric Prime looked at subdivisions being built in Whiteland, such as Millstone and Briarcreek. Houses in those two subdivisions are in the range of \$240,000.00 to \$250,000.00.

The average cost of a house that Beazer Homes is proposing would be \$310,000.00. That is about double what the average house is now in New Whiteland.

Eric Prime with Van Valer Law Firm went over the Statutory Criteria with the board.

1. What is the purpose of this re-zoning request?

The subject property ("Real Estate") is located on 75 West, North of Whieland Road. The Real Estate consists of approximately 40 acres and is currently zoned RS-1. The petitioner is proposing the development of a residential community. Petitioner requests to amend the Zoning Map to change the classification of the parcel to RS-3.

2. What is the proposed development for this property?

The petitioner desires to develop the Real Estate for single family home construction. The concept plan, submitted with the petition, proposes 74 single family homes constructed by Petitioner.

3. This request complies with the Comprehensive Plan in the following way(s):

This request is consistent with the Town of New Whiteland's Comprehensive Plan as adopted in January of 1989, as the Petitioner's proposed residential use is located within the bounds of the stated Future Land Use preference of Residential. This request

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complies with the intent of the Comprehensive Plan by encouraging residential development in the area where the Real Estate is located.

4. *This request complies with the current conditions and the character of current structures and uses in each district in the following way(s).* The Real Estate is imbedded in an area currently zoned for residential use. Grassy Manor, being a sizable parcel situated to the South of the Real Estate has recently been developed for residential use by Lennar. Break-O-Day Subdivision is situated East of the Real Estate with Rustic Acres in Johnson County to the Northwest. Petitioner requests to amend classification of the parcel to RS-3 which is consistent with zoning to the south.
5. *The request is for the most desirable use for which the land in this district is adapted.* *Describe:* Grassy Manor is located south of the Real Estate with Break-O-Day subdivision situated to the east and Rustic Acres in Johnson County to the Northwest. Current use in the area and compliance with the Comprehensive Plan yields the most desirable use.
6. *This request will not negatively affect the property values throughout New Whiteland because:* The zoning change is relatively small, and it is for a utilization that is close to and very compatible with the current zoning. Building quality housing in this area is in overall conformance with the Comprehensive Plan and will not negatively affect property values throughout The Town of New Whiteland.
7. *This request is considered responsible development and growth because:* Market research shows that New Whiteland is a desirable place to live and that there is a high demand for quality single-family residences. The Petitioner's proposed request to re-zone the Real Estate to a residential zoning classification of RS-3, complies with the Town of New Whiteland's intended uses for the area, as articulated in the Comprehensive Plan.

Ann Kloc with Beazer Homes states that the option for a 3rd car garage will be offered. They offer ranch style homes as well as two story homes. They have five different floor plans with three different elevations.

Chairman, Matt Gillock asked if there was anyone from the audience who would like to speak. Bob Farris who resides at 5759 N 75 W, which is north of the Kloess property spoke. Bob Farris asked about any road improvements. Duane McCauslin replied that 75 West in front of Grassy

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Manor will have excel and decel lanes and an overlay in front of that subdivision. And the road in front of the Beazer Home subdivision will also have an overlay improvement.

Bob Farris asked about drainage. Eric Prime replied that any new development cannot change the pre-run off, or make the water drain any faster or at a higher rate. The new development will capture run off water into a retention pond and direct the water to flow better than it does now. It should improve the drainage. Matt Gillock states that the Town of New Whiteland has an engineer review the drainage plans. Lee Robbins states that the drainage plans do not have to go to the Johnson County drainage board.

Angela DeVoss who resides at 137 Brentwood Lane asked "Is this going to be voted on tonight?" Lee Robbins replies that the Plan Commission is an advisory board and they will make a recommendation to the New Whiteland Town Council. It will be at a Town Council meeting in the future, if the rezoning request is granted or not. Angela DeVoss states that she is involved with Aspire Johnson County and at the meetings she attends, the same comment keeps coming up. And that is that there are not enough homes under \$200,000.00. John Perrin replies that he has lived in his house for thirty years and there is no where for people to grow except, out of Town.

Matt Gillock asked the audience if anyone else had anything to say. No one responded. Matt closed the Public Hearing at 7:28 p.m.

Lee Robbins passed out a draft of a Resolution to be presented to the Town Council if the board decides to send a favorable recommendation. The rezoning would become affective upon passage by the New Whiteland Town Council. The only thing being considered tonight is rezoning the property from RS1 to RS3. John Perrin motioned to grant Resolution 2020-1 to send a favorable recommendation to the Town Council. Dennis Montgomery seconded the motion. Vote was 5 affirmative.

Eric Prime asked when will it be on the agenda for the Town Council? Lee and Maribeth answered it will be on the August 4th agenda.

FEE SCHEDULE:

Matt Gillock states that it was time to update our Fee Schedule. He looked around at surrounding communities. Lee Robbins states that the Town Council needs to adopt the proposed Fee Schedule. Tim Guyer states that with newer homes, inspectors are now asked to do an electrical meter base inspection. Tim explained the order in which inspections are done. First the footer inspection, then the underslab and rough-in inspections follow. The power company can't trench and connect power until the inspector goes back out and inspects the meter base.

FEE SCHEDULE: (continued)

John Perrin states that if they are asking Tim to go out on an inspection, then he should be paid for it. All inspections are time consuming. There was discussion and a decision to add a line that will cover that inspection as any others that might come up in the future.

Matt Gillock states that he has talked to Tim Guyer about "insulation inspections." Johnson County is requiring them. Tim Guyer states there is a list of new codes to make homes more efficient. There is an "energy efficient" code for newer homes only. Tim added that a room addition would require this inspection and the Town could implement this code. John Perrin states that in the long run, it will help the homeowner's save money.

There was more discussion about this "insulation inspection." Tim Guyer explained that it's not that hard to inspect the insulation. There is an energy rating on the panel box and he places a sticker on the meter box. He looks at the insulation after the framing and prior to the drywall going up. Tim estimates it would take about 15 minutes. Lee Robbins suggested adding a line "for all other inspections," and charge \$35.00. Tim said that is fine and the board agreed.

CONSTRUCTION STANDARDS

Matt Gillock states that he and Duane McCauslin asked Wessler Engineering to look at Storm Water and Construction Standards as well as Street Standards. Duane states these changes are in the interest of updating things for the Town. Any changes would require the Plan Commission to make a recommendation to the Town Council. Matt Gillock asked if anyone had any questions. No one replied. John Perrin motioned to send a favorable recommendation to the Town Council to adopt the Storm Water Construction Standards. Chad Waltz seconded the motion. Vote was 5 affirmative. Chad Waltz motioned to send a favorable recommendation to the Town Council to adopt the Street Construction Standards. Dennis Montgomery seconded the motion. Vote was 5 affirmative.

RIGHT OF WAY PERMITS:

Duane McCauslin states that in the last 30 days, fiber optic boxes have been placed around town. The Town currently does not have Right-of-Way permits. Duane believes we should require these contractors to submit plans. The Town needs to comply with ADA ramps. This contractor has dropped boxes all over town. Duane states the Town has lost money by not having ROW permits. Duane states that the City of Greenwood charges \$1.00 per foot when a company goes through town and bores. Lee Robbins states that ultimately that would be a Town Council decision. Duane states that he will put Right of Way permits in the Construction Standards. Duane McCauslin continued that there is so much stuff being placed in the ground. We need to require a ROW permit because we have no clue who or what they are doing. Sometimes sidewalks are taken out and then the contractor goes away without replacing it.

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Meeting was adjourned at 8:20 p.m.


Approved By:

Respectfully submitted:


Cindy Yates
Recording Secretary

**TOWN OF NEW WHITELAND, INDIANA
PLAN COMMISSION**

RESOLUTION NO. 2020-1

A RESOLUTION TO AMEND THE NEW WHITELAND, INDIANA ZONING MAP

WHEREAS, the New Whiteland Advisory Plan Commission (“Plan Commission”), has received a Petition for Zoning Map change, filed by Beazer Homes, which requests, pursuant to Indiana Code Section IC 36-7-4-608, a change in zoning; from RS-1 to RS-3, of the following real estate:

A part of the east half of the southwest quarter and a part of the east half of the northwest quarter of Section 20, Township 13 North, Range 4 East, described as follows:

Commencing at the northwest corner of the real estate herein above bequeathed to Mary E. Kerlin; thence north along the west line of said east half of the southwest quarter of said section to the center of the Public highway running north and south; thence in a northeasterly direction along and upon the center of said highway to the south line of the land now owned by Bert Voris; thence east along and upon the south line of said land so owned by said Bert Voris to the east line of the east half of the northwest quarter of said section 20 township and range aforesaid; thence south along and upon the east line of the east half of the northwest quarter and the east half of the southwest quarter of said section 20. Township and range aforesaid to the northeast corner of the real estate hereinabove bequeathed to Mary E. Kerlin; thence west to the place of beginning containing 40 acres, more or less;

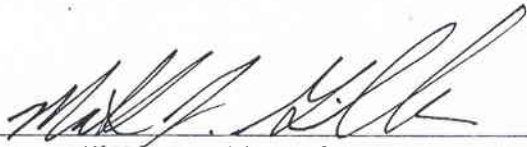
WHEREAS, the Plan Commission, on July 28, 2020, pursuant to Indiana Code 36-7-4-604, held a public hearing on Beazer’s requested amendment to the Town’s Zoning Map, at which Beazer Homes presented its petition and members of the public made comments and voiced objections; and

WHEREAS, the Plan Commission, after paying reasonable regard to (1) the New Whiteland Comprehensive Plan, (2) the current conditions and the character of the current structures and use in each district, (3) the most desirable use for which the land in each district is adapted, (4) the conservation of property values throughout the jurisdiction, and (5) responsible development and growth, voted by a majority to submit to the New Whiteland Town Council a favorable recommendation regarding the proposed amendments to the Town’s Zoning Map;

NOW, THEREFORE, BE IT RESOLVED, by the Advisory Plan Commission of the Town of New Whiteland, Indiana, that:

Section 1. In accordance with I.C. 36-7-4-605, the New Whiteland Advisory Plan Commission hereby submits to the Town Council a favorable recommendation of proposed Ordinance 2020-____ and recommends that it be adopted by the New Whiteland Town Council.

Section 2. The Secretary of the Plan Commission is hereby authorized and directed to certify and forward this resolution to the New Whiteland Town Council.



Matt Gillock, President of the New
Whiteland Plan Commission