

**SHELBYVILLE PLAN COMMISSION
SUMMARIZED MEETING MINUTES
May 28, 2019**

Mike Evans called the meeting to order.

Members Present: Joe Lux, Ben Hall, Matt House, Wade Lewis, Mike Evans, Doug Cassidy, Gary Nolley, Barb Lewis, Joanne Bowen

Members Absent: None

Approval of Minutes: Joanne Bowen motion to approve the minutes from the April meeting and Gary Nolley seconded the motion. Voice vote passed 9 - 0.

Old Business: None

New Business: *PC 2019-06 Major Hospital Rezone*

Barb Lewis recused herself due to being affiliated with Shelby Senior Services who is a participant in the project.

Adam Rude read the petition and Jacob Brattain, the petitioner's representative discussed the petition. He explained that this property will be developed as a YMCA and will be under the covenants/expectations of the PUD medical campus in Intelliplex.

- Joanne Bowen had no questions
- Gary Nolley asked about the possibility of other businesses coming to this area because of the Y. Mr. Brattain said there's not a final plan at this time.
- Mike Evans pointed out that this meeting is for a recommendation of rezoning. Site development plans will be submitted at a later date.
- Doug Cassidy had no questions.
- Wade Lewis had no questions.
- Matt House asked Adam to go over the type of buildings allowed in a medical campus. Mr. Brattain said he had the list handy so he read them off and discussion followed regarding restrictions.
- Joe Nolley asked about the green pole barn and Mike Evans clarified that it was built prior to it's annexation. Mr. Brattain said it's planned to be torn down in the near future. Adam clarified that the pole barn is completely outside the PUD and is zoned IS. Discussion followed.
- Mike Evans had no questions.

Mike closed questions from the board and opened it up for public comment.

- Stacy Smith asked about fencing so he doesn't have to look at it. Mike Evans said that would be addressed during the site development process. Adam explained about buffering that will be required during the site development process. Mr. Smith expressed concern about the buffer height as what is there now does not impede his view of the lawyer offices and Mr. Evans and Mr. Nolley addressed his concern. Mr. Smith said he's a contractor and in previous projects, there's never been an opportunity for anyone in Shelbyville to get a chance to bid on it. Mike Evans said that's not part of this process and should be addressed to Major Health Partners.

With no further comments/questions from the public, Mr. Evans closed public comment and reopened it to the board.

- Joanne Bowen asked is Senior Services would be under the medical campus clause and Mr. Brattain said there are a couple of ways to address that. Adam said that Senior Services would be ancillary to the YMCA. Joanne then asked if there were any other services inside there that were not MHP. Mr. Brattain said he doesn't have a clear answer on that yet.
- Joe Lux asked that Major Hospital take into consideration the public concern regarding the buffering when they submit a site plan. Mr. Brattain said they understand.
- Mr. Smith asked to approach the board again and Mike explained that public comment had been closed and the City Council has the final say. This board just sends recommendations to City Council, so he could attend the City Council meeting to address his concerns there or to return when they come back to the Plan Commission for site development approval.

There being no further questions from the board, Mr. Evans called for a motion. Wade Lewis moved to forward a favorable recommendation for the rezone to City Council pursuant to Findings of Fact and Doug Cassidy seconded the motion. Ballot vote: Wade Lewis - yes, Matt House - yes, Joe Lux - yes, Ben Hall - yes, Joanne Bowen - yes, Gary Nolley - yes, Doug Cassidy - yes, Mike Evans - yes. Ballot vote passed 9 - 0.

PC 2019-07 Hoosier Energy Substation Site Development Plan

Adam read the petition and Tom Gallagher, the petitioner's representative introduced Mark Hall, the project manager. Mr. Hall discussed the petition and Mr. Evans asked Mr. Rude to apprise the Plan Commission of the Board of Zoning Appeals variance requests from earlier in the evening and Adam did so.

- Joanne Bowen had no questions.
- Barb Lewis asked to clarify the PC number and Adam said it's 07.
- Gary Nolley had no questions.
- Doug Cassidy had no questions.

- Wade Lewis asked about the conditions the PC staff had recommended and Adam discussed those.
- Matt House had no questions.
- Ben Hall had no questions.
- Joe Lux asked why that location and Mr. Hall said that is the location for the nearest Duke transmission pole. Joe expressed concern that the substation is in a prime spot in our new industrial park. Mr. Hall said they have to be close to a road in order to feed their customer. Mr. Gallagher said this site was chosen because of its proximity to the new client, POET.
- Mike Evans clarified that this substation would enhance the reliability of the service in this area and Mr. Hall said yes.
- Chris Chastain, vice president of engineering at RushShelby Energy said that they've been talking with Hoosier about this substation for a number of years because of the current load to increase reliability and lessen voltage drop as well as creating more circuits to lessen the effect on residential versus industrial customers.

Mike closed comments to the board and opened it up to the public. No one had anything, so he closed public comment and reopened it to the board. Again, there was no further comment, so Mike called for a motion. Gary Nolley motioned to approve the site development plan as presented with the conditions in the planning staff's report and their Finding of Fact. Barb Lewis seconded the motion. Ballot vote: Doug Cassidy - yes, Barb Lewis - yes, Gary Nolley - yes, Joanne Bowen - yes, Wade Lewis - yes, Ben Hall - yes, Joe Lux - yes, Matt House - yes, Mike Evans - yes. Ballot vote passed 9 - 0.

PC 2019-08 Twin Lakes PUD Revision

Adam Rude read the petition and Brian Touhey, the petitioner's representative discussed the petition after handing out packets (from the boards) to board members. Mr. Evans instructed Mr. Touhey to position the boards for the public's viewing. He did so and gave an overview of the project.

- Joe Lux expressed concerns about the runoff and the number of potential ponds. Matt said that would be reviewed as part of Tech Review and he'll keep an eye on it.
- Ben Hall had no questions.
- Matt House said he was curious to see what concerns the public had. He thinks the layout looks good and he likes the playground.
- Wade Lewis had no questions.
- Doug Cassidy asked if the people who had already built houses out there would be assessed a fee for the new playground as well as those building in the new phase. There was an inaudible response from the public. Mr. Touhey then asked Robert Montgomery to comment on Doug's question. Mr. Montgomery's response was not clearly audible. Doug then asked if the lots would be sold previous to construction or would there be an inventory of built homes. Mr. Montgomery(?) said they would have

some speculative houses and see how the demand goes. Doug asked what the percentage was of local contractors used to build these homes and (?) said all their subcontractors are local and that they don't bring anyone from out of town.

- Gary Nolley said he agreed the inventory is needed, but he wants to hear public input.
- Barb Lewis had no questions.
- Joanne Bowen asked about the acreage and Mr. Touhey explained the acreage. Adam said the 57.45 reflects what's shown on the previous and proposed drawings as sections 1-4 of Twin Lakes Estates. Mr. Touhey said the only changes they're making are in Sections 2-4 because Section 1 is almost built out.
- Mike Evans asked Adam if the existing street cuts off of Twin Lakes Boulevard are the only access points to the addition. Adam said yes. When this was originally approved in 2006, Twin Lakes Boulevard was intended to be a collector road and that no one could have frontage on it. Mike verified that there are only 12 additional lots being added over what was originally platted. Adam said the grand total of homes, including the 41 lots that are currently platted with existing streets and homes and the 90 additional lots (including the 12 additional) equals a total of 131 homes to be built in Twin Lakes Estates.

Mike Evans asked Adam to read letters that were submitted into the record prior to public comment and he did so.

- Gary Nolley asked if the comments in the letters should be addressed and Adam suggested that they be addressed as Mr. Evans directs. Discussion followed.

Mike Evans opened the meeting to public comment.

- Vern Nightenheiser, the HOA president of Twin Lakes Estates addressed the board and said that the letters read into the record shared a lot of the comments of the people who currently live there. Mr. Nightenheiser said that they'd had a lot of problems with Westport in the beginning and he's requesting that the existing covenants remain in place for sections 2 & 3 that the current HOA has jurisdiction over. He said that section 4 is not in the HOA's jurisdiction because it was originally platted as an apartment complex, so that's going to be a problem at some point that will have to be dealt with. Mr. Nightenheiser suggested putting Section 4 in the HOA's jurisdiction as well or he thinks it needs to be a separate subdivision. Mr. Nightenheiser explained that no one in the current subdivision has a problem with the previously approved plan. The problem they have with the new plan 1) is the common area that they feel should be butted against the railroad tracks. 2) They don't care for the playground. They thought it was supposed to be a pond or a park, not playground equipment. Their concern is liability for someone getting hurt as well as the security of the playground. 3) With the addition of the lots, they're worried about the quality of the new homes versus the current homes being built and they want to stay with the 70% brick requirement. Mr. Nightenheiser addressed someone from Westport in a conversation, but it was inaudible. Mr.

Nightenheiser said that the pond in the Village (Senior Court) is not accessible to the current Estates homeowners, so there's a concern about having too many lot owners sharing a single, small pond. Mr. Nightenheiser asked that all construction traffic come in off of Amos Road and not through the addition off of McKay Road. He said they have problems with construction traffic now. He said they also have a problem with the working hours, saying it's not uncommon for them to be working at 9:00 - 10:00 p.m.

- Mike asked Adam to address Mr. Nightenheiser's comments before moving on. Adam said that as far as Section 4 not being under the current HOA's jurisdiction, he did not know that and will look into it. From the city's standpoint, all the sections should be under a single HOA. We have some neighborhoods where that's not the case and they dissolve, so we want it all under the same HOA.
- Tyler Comstock, vice president of Twin Lakes Estates HOA addressed the layout. Previously there was 3 ½ acres of usable common area. The new common area is a lot of scrub space between the railroad and the subdivision. He expressed concern about trespassers since it's a common area as well as maintenance concerns. The common area along the boulevard as well as behind the lots behind the vet office need buffering. He questioned whether the new common areas are of value. Tyler expressed concern about the playground - security, maintenance, liability with no say in it. Tyler advised Matt and Adam to check the ROW due to all the ADA ramps put in by Westport are not compliant due to no warning strips, 1'2" gaps between panels where you can see the ground in the sidewalk. He emailed Westport before they were poured, but was ignored. Tyler questioned the pond drainage as well and asked to have that reviewed. Tyler pointed out that all the pictures of homes provided by Westport don't show the sides of the homes because they're all sided instead of bricked as required. He asked if a commitment could be added to the PUD that the covenants and restrictions could be included to protect the homeowners.
- Shane Hugus, treasurer of the Twin Lakes HOA, said when he moved in, all the homes were custom-built, very nice, quality homes. Westport Homes came in without the homeowner's knowledge or consent with mistrust there. He pointed out that Westport is asking the price they are for their homes because of the value in the original homes. What they built is not that price quality. He said the additional 12 homes will lower the other property values. He was fine with the original proposal.
- Chris Ennsley(?), one of the original homeowners who's been there for 10 years agreed with everything the others have said and also expressed concern about traffic on Twin Lakes Boulevard and drainage. Mr. Ennsley said he currently owns a house along the railroad and there have been vagrants on his property so he's concerned about that getting worse with the proposed common areas.
- Jeff Hulva, lot 7 said he has direct view of the pond, but no access. He lives on the corner of Bontrager Lane and Bush Way. There's a stop sign issue now and he's concerned about traffic safety and flow. He also has concerns about adequate utilities as well. He also doesn't like the idea of a park.

With no other members of the public stepping forward, Mr. Evans closed public comment and asked the petitioner to answer further questions. While waiting, Mike asked Adam if the common area along the railroad ROW was our requirement. Adam said that the percentage of common area across the entire subdivision was our requirement, 15%. Exact locations are not prescribed.

- Joanne Bowen asked if the playground location could be suggested by the Plan Commission. Adam said yes, they can suggest it be relocated more centrally in the neighborhood. He said that no matter what, they're required to provide 15% common area and they plan commission can make suggestions. Adam said the only thing being decided on tonight is the general geometry of the streets and the total number of lots. Everything else that falls under the Plan Commission's jurisdiction will be heard during the platting process when they come back for preliminary plat review. Mrs. Bowen asked if the HOA would be advised of the next meeting and Adam said yes, any property owner within 600' of the area is notified 10 days in advance.
- Barb Lewis said she thought the comments about the greenspace along the railroad had validity and the neighbors' concerns seemed legitimate and she encouraged Westport to address that as well as respect the covenants in terms of the building materials used.
- Mr. Touhey responded and said they aren't changing the building materials at all and acknowledged the feuding that had taken place previously and they're not asking to modify those. As to the green area along the track, he said their idea was to put some mounding and landscaping in there to separate those lots from that. He said that he thinks the HOA having control of it would decrease the intrusion of vagrants in that area and would think the people who buy those lots would want some buffer between them and the railroad tracks. He said they can re-look at that at platting. He said the original plan showed the area in question for a playground now as a common area and he said for them to eliminate the playground is a \$50,000 savings, so if they just want an open area there of grass, that's okay with them. They think it's an amenity.
- Matt House asked if they knew how much insurance something like that would carry and Mr. Touhey said there would be a liability coverage issue, but spread out over 131 lots, he didn't think it would be a significant number. He'll get that number and make the plat when they come back contingent on satisfying the Plan Commission. He'd like to have an opportunity to show the plan commission their idea of buffering the area around the railroad track too.
- Mr. Touhey addressed the traffic issue by saying the development will cause more traffic, but the change is only 12 lots and they're in the north part of the community where there are 2 additional entrances onto Twin Lakes Boulevard and he doesn't think the additional 12 lots are going to make a change in terms of traffic. He addressed construction traffic as well, saying they'll be glad to sign it and tell their subs to use Amos Road, but he can't say that they can eliminate construction traffic coming in from McKay Road. Mr. Touhey said as far as Section 4 originally being an apartment complex, he wasn't aware of that. Mike Evans affirmed that. Mr. Touhey said if that was the case, he thought there would've been more traffic generated from the apartment complex than

from single family homes. He respectfully suggested that the value of the existing homes would benefit much more by having single family homes than by having multi-family homes on that side of Twin Lakes Boulevard. As to the comment that the homes being built aren't up to snuff with what's there, he respectfully disagrees and thinks in some cases, they're superior in value to what's already there. As to the utilities and the availability and capacity, he didn't think they'd be able to pull building permits if the utilities weren't of sufficient capacity for each home. As to the drainage issues that were raised, they're understandable, but he thinks the original plans were sufficient and that issue will be addressed at platting. He said as far as the concerns in the three letters that were submitted, there was a misunderstanding in that there are not 131 new lots, nor 137.

Mike said a lot of the concerns have been addressed, but he wanted to go back to the board.

- Gary Nolley said even before the 12 homes, at other meetings they've had for this area, there's been concerns about traffic in the area. He commended the public for their great comments and their organization.
- Doug Cassidy asked what they didn't like about the old plan, except for the additional 12 lots. (?) answered that the new plan is more efficient than the old plan and they want to provide more houses for Shelbyville.
- Wade Lewis asked if the common area along the railroad track is a bike or walking trail and was told it's a landscape buffer area. Discussion followed.
- Matt House said he reviewed the drainage report for the apartments. He hasn't reviewed the development as a whole, but he thinks it's already included in the pond and the system there is now. He'll review it again.
- Adam reiterated that the general geometry and the number of lots is all that is being decided tonight, amending the (?) conceptual plan. The petitioner will then develop construction plans, plat documents and they will take that through the Technical Review Committee. Those comments will be addressed and then the plat will come back to the Plan Commission. If all that's approved and platted, they can begin construction on infrastructure. More discussion followed.
- Joe Lux asked what the city's responsibility is for making sure the builder/developer meeting the covenants of the HOA. Adam said that covenants are a private agreement between the property owners in the subdivision, so the city doesn't get involved in them because we don't have any authority to enforce them. The HOA holds that authority. Discussion followed. Joe asked Westport if the homes they're building and have built compliant with the covenants. They answered yes and said they intended to comply going forward and they're not asking to modify them. More discussion followed and Joe told them they need to work together.
- Mike Evans asked Adam if the streets would be dedicated to the city and Adam said yes. Mike verified the city would then have control of stop signs and Adam said he'd made notes to get with Matt and the police department regarding that. Mike addressed times for construction as well and more discussion followed.

With no further questions/comments, Mike called for a motion. Joanne Bowen motioned to approve the revision to the Twin Lakes Planned Unit Development as presented pursuant to the planning staff's report and Findings of Fact. Gary Nolley seconded the motion. Ballot vote: Joe Lux - yes, Ben Hall - no, Matt House - yes, Wade Lewis - yes, Joanne Bowen - yes, Barb Lewis - yes, Gary Nolley - yes, Doug Cassidy - yes, Mike Evans - yes.

Discussion: None

Adjournment: Doug Cassidy motioned to adjourn the meeting and Joe Lux seconded the motion.

Meeting adjourned.