

WHITELAND PLAN COMMISSION  
MARCH 22, 2016

Richard Hill called the meeting to order at 7:00

Present: Board members Scot Ford, Andy Brock, Andy Marker, Gary Howard, Byron Temple, Tim Brown, Richard Hill.

Others present: Dan Cartwright-Community Development, Rusty Snyder-MS4 Coordinator/Building Commissioner, Norm Gabehart-Town Manager, Stephen Watson-Town Attorney, Debra L. Hendrickson-Clerk Treasurer.

Gary Howard made a motion to approve the minutes from February 2, 2016 meeting. Scot Ford seconded the motion. Passed 7-0

New Business:

- D. Cartwright requested an interpretation of the zoning ordinance if the Millstone subdivision would be a new plat or just a revision if Arbor Homes made a few changes such as:
  - Moving a pond to a safer location
  - Changing the NW corner from commercial to residential homes and to allow more room for right of way for a future roundabout
  - Eliminate the access drive on Whiteland Rd and make it a temporary entrance

S. Ford had a question what determines what is masonry? S. Watson- town attorney explained under R1 district section 156.057 of the town code, subsection A says, Single family dwelling units shall be constructed with exterior finishes consisting of either brick or stone covering 75 % of the aggregate total area of all exterior walls excluding windows and exterior trim. Town Council Ordinance 2007-5 reads: the masonry of this ordinance only applies to newly applied subdivision. Does not apply to any building permit applied prior to 2008.

Millstone was preliminary platted was approved around February of 2005 with J. Gregg Allen and Associates. Phase 1 was constructed around 2005-2006. The Whiteland Plan Commission and Town Council accepted the Millstone subdivision covenants and restrictions and were recorded with the Johnson County Recorder's office under instrument 2005-034534. This was prior to the Town establishing minimum brick requirements for new homes. The recorded covenant restrictions for Millstone Subdivision state in Section 21: One story dwelling must have 1200 square feet and a two story dwelling must have minimum 900 square feet on the first floor and total of at least 1200 square feet. Section 22: states all homes shall have a minimum of 40% brick on the front of the home. Dan also stated there was no minimum requirement of brick prior to 2008. The Town Council adopted on January 14, 2008 Ordinance 2007-05 which states the masonry portion only applies to newly platted subdivisions and does not apply to any lots platted or any buildings built prior to January 14, 2008. Dan obtained the information from a recorded January 3, 2012 Plan Commission meeting, Landman Properties requested approval to change phase II of the development to change R3 zone back to R1 classification and to amend the preliminary plat to exclude the corner of the Whiteland Rd and Sawmill Rd and identify it for future commercial use. Plan Commission gave their approval at that meeting with a vote of 7-0, and stated that the existing covenant and restriction will apply to the entire development with the inclusion of the 40% masonry requirement because it was an existing project and it was important to maintain the consistency of the project. Rezoning Ordinance 2012-01 was passed by the Town council on Feb 13, 2012 with no negatives votes, with the statement of commitment attached to the ordinance stating the project shall comply with the current declaration of covenant and restrictions of the Millstone subdivision. February 5 2013 the Whiteland Plan Commission approved the amended preliminary plat of 70 acres with 138 lots as R1 with two conditions: 1. The developer had to add 1 ½ inches of asphalt surface on Sawmill Rd the length of the development. 2. The sidewalk at the future outlot had to be postponed at future date. This amendment does not expire until February 5, 2018. The

construction plan submitted by Landmark Properties for section 2 of Millstone was approved on March 25, 2014. This approval was later written by the previous Planning Commissioner Nathan Bilger. Landman Properties did not develop the main phase of Millstone and has sat dormant until 2015. Since then the Real Estate Agent had contacted several residential developers with Arbor Homes committing to the project in January 2016 and agreed to purchase the property from the current owner. Arbor Homes then met with the Town Manager and Dan Cartwright and agreed the plat would have to be revised to satisfy the new requirements of the moving of the pond, no commercial corner with a right of way for a future roundabout, and the emergency driveway entrance as previously stated. Also included were the later commitments of more asphalt. Arbor agreed. Arbor Homes' next step is to present an amended plat to the Plan Commission.

Attorney Stephen Watson stated that the Plan Commission did not have to hear any public input but they have the option to allow the public to speak since there were several residents in attendance. The following issues or concerns were brought forth during an open forum:

- Only one entrance would be dangerous
- Quality of homes were poor
- Residents tried to contact Arbor Homes about warranties with no response
- The specs for the sewer had been revised
- Comparable pricing to reflect homes in the near vicinity so home don't decrease in value
- A barrier along Whiteland Road to run along in front of the subdivision
- Arbor homes not honoring their warranties
- Going through residential area with construction equipment

Arbor Homes reported that they will follow the covenants requiring 40% brick or stone on all of the home. They also are trying to do a better job of hiring subcontractors for their homes. They are willing to talk to the residents who are having issues and gave out their phone numbers.

D. Cartwright investigated Millstone resident complaints, about Arbor Homes, with the BBB in last 3 years and the findings were as follows:

- Arbor Homes - 2075 permits with 57 complaints = 3%
- Ryland Homes - 2031 permits with 139 complaints = 6%
- Beezer Homes- 1167 permits with 103 complaints = 9%
- M&I Homes - 918 permits with 77 complaints = 8%

Dan also stated without new residential growth, commercial or industrial expansion it will be much harder to obtain.

Tim Brown made a motion to approve the staff changes are just a revision and not a new plat. Gary Howard seconded the motion. Passed 7-0.

Dan Cartwright asked the board for guidance on the staff recommendations on the amendments to the location of the pond and changing the corner lot to residential and location of emergency secondary entrance and permanent secondary entrance.

Gary Howard made a motion to approve the staff recommendations on concept of moving the pond and changing the corner lot to residential they reserve the right to withhold on approving secondary entrance at a later date. Byron Temple seconded the motion. Passed 7-0

Dan reported the Roundabout project road closure will be in the first or second week of April. Dan also reported he has not heard anything from the JMH project.

Meeting adjourned at 9:27pm