

WHITELAND PLANNING COMMISSION

May 2, 2023

Commission Members

Tim Brown, Member	_____
Eric Funkhouser, Member	_____
Gary Howard, President	<u> X </u>
Justin Lien, Member	<u> X </u>
William A Marker, Member	_____
Byron Temple, Vice President	<u> X </u>
Shaun Young, Member	<u> X </u>

Other Town Officials Present

Melissa Fraser, Deputy Clerk, Secretary	<u> X </u>
Town Manager	_____
Carmen Young, Community Development Director	<u> X </u>
Stephen Watson, Town Attorney	<u> X </u>

Call to Order:

- G. Howard called the meeting to order at 7:00pm

Pledge to the Flag

Roll Call & Determination of Quorum:

- Absent – T. Brown, A. Marker, E. Funkhouser
- Quorum requirements reached.

Approval of Minutes:

- G. Howard made a motion to approve the February 2023 minutes as presented. B. Temple seconded the motion. **Passed 4 – 0**

Swearing in for Public Hearing

- Completed at 7:04pm by S. Watson

Communications / Reports of Committee:

- C. Young gave update on OCRA Planning Grant. The income survey was completed by Kleinpeter Consulting, and we qualified. Submittal deadline in May and August and we are shooting for the August deadline. Carmen will be reaching out for any help with data she may need for submittal. There is a fee for submitting the grant, but if we don't get it, then we don't pay that fee. They have a pretty good success rate. This is up to \$50,000 planning grant.

Old Business:

- None.

New Business:

- **Case 2023-P-07 – Redwood Primary Plat**
- Petitioner: Redwood Apartments is requesting Primary Plat Approval for 33.66 acres which will include 154 units. Property is located at the southwest corner of Whiteland Road and US 31.
 - C. Young discusses staff report.
 - In 2006, the Town of Whiteland Town Council rezoned the Dahlia Properties as C-2 with commitments for a future mixed-use development. At the time of the rezoning, this portion of the undeveloped property had an intent for carriage homes, senior housing, retail, and office use. The property has remained vacant since the 2006 rezoning. In December 2022, the Whiteland Town Council approved (5-0) to rezone approximately 34 acres of the Dahlia Property to PUD (Planned Unit Development).
 - A Technical Review Committee meeting was held on March 21, 2023. Comments from the Town Staff and an outside engineer review were provided and have yet to be responded from the Developer's engineers at the time of this staff report. They have since responded and it is now being reviewed by our engineer to ensure all comments have been addressed.
 - The one item that is outstanding – they have completed a traffic study and we are waiting on our engineer to review that also.
 - Staff recommends that the Advisory Plan Commission provide a conditional approval of the preliminary plat and master plan application approval for Redwood at Whiteland development pending approval of the traffic impact study.
 - S. Watson - We had discussed - when dealing with a PUD, that at this point, ideally a master plan is supposed to be approved prior to the primary plat. That could be combined approval. Where are we with this? Are you comfortable with this being considered both the master plan and the primary plat and labeled as such?
 - C. Young – Primary plat hasn't been labeled.
 - Eric Wickersham – American Structurepoint- stated - Sheet C300 has our development plan which shows our utilities, our roads, our building locations, and other amenities offered. At the time of PUD master plan it was asking for contours and building elevations which is something we will be providing with our construction documents for approval. Since we do need to look further into site to ensure we are doing everything according for drainage, and FHA/ADA compliance.
 - Russell Brown, attorney representing Redwood. Waiting on confirmation from your engineer on traffic study but would be comfortable with staff recommendations with conditional approval.
 - G. Howard opens public hearing. Then closes public hearing.
 - S. Watson asked about traffic study. Engineer is reviewing per C. Young. She also stated they added a left turn lane heading west bound to turn into development. Asked to verify with INDOT due to it being in their right of way. Will be accel/decell lane heading east bound. They did come back and asked if HILL ST would need an accel/decell lane – most likely no – not a lot of traffic but up to engineer at this point.
 - G. Howard asked about any other issues with plat. C. Young replied not to her knowledge.
 - S. Watson asked E. Wickersham about traffic study. He stated traffic study recommended we add headed west bound a 100ft turn lane, with a 100ft taper and that has been added to construction documents. As well as Hill St, adding a left turn lane headed east bound. We are working with INDOT on US 31 requirements for tapers, accel and decell lanes.
 - G. Howard makes motion for approval of primary plat and master plan pending approval of traffic study. J. Lein seconded the motion.
 - **Passed 4-0**
- **Case 2023-AO-08 – Zoning Text Amendment – Whiteland Town Council ORD 2023-02**
- Request: An Ordinance Providing for the Keeping of Chickens on Certain Residential Property
 - C. Young discusses staff report and current code guidelines. Only 2-3 lots in the entire town would fit the distance guidelines needed in the current code.
 - It was brought to our attention that a property owner was in violation of this ordinance. The property owner came to the Town Council meeting and stated his case for desire to provide for his family. The Town Council had a couple of meetings about this and asked for our counsel to draft an ordinance. The proper procedure is to go to Plan Commission 1st and then to Town Council for approval.

- Also asking for changes to the number of animals allowed in a dwelling.
- C. Young made recommendations and additions to the draft ordinance. An area of concern for residents is the number allowable. Another concern is what to do with the waste and disease. Cannot be put in garbage. Biggest area of recommendations area surrounding the coop structures.
- Would also want animals registered with the Indiana Board of Animal Health.
- Will need to apply for a permit from Town of Whiteland with annual checks & balances. Need to also clarify penalties further for violations.
- G. Howard asked if they have to apply to the BZA for a zone variance.
- C. Young – normally yes, if you want to deviate from what’s allowable, then you’d go to the BZA. But they are asking for a change in the ordinance.
- G. Howard – the resident that is currently in violation – has that been adjudicated?
- C. Young – No. During the time that the violation letter went out, the resident informed us he was going to bring his concern to council. Then after that council meeting, most of the members seemed to support the change, so we stopped the code enforcement. Code enforcement issues come before the council along with violation fees.
- B. Temple – regarding size of yards – not many homes would meet the 200 ft from neighbor guidelines.
- G. Howard – not many neighborhoods have covenants that would allow it.
- C. Young – correct but we don’t enforce that. If active HOA - they would handle any violations. If not active HOA – then it would come down to individual property owners taking civil action.
- S. Young – anything said about storm runoff?
- C. Young – that is another issue that I’m waiting to talk to someone that has experienced this.
- G. Howard – seems strange to allow 6 chickens, but if someone had 4 goldfish they’d be in violation. Hard to monitor and not many would complain about that.
- B. Temple –With the proposed changes, will the 200 feet from neighbor’s dwelling still be in ordinance?
- C. Young – no that would go away. It would have to be in the rear yard, with the coop 25 ft from neighbor.
- G. Howard opened public hearing.
 - Richard Hill – 37 Erin’s Ct – here as a resident. Currently there are 2 violations that are not being enforced and I struggle as to why. I have a concern about waste and wastewater issues. 1 chicken produces 9-11lbs of waste a month. I have concerns about the liabilities of town inspectors. If a town employee goes to a resident’s home and they aren’t following guidelines and a disease is contracted, isn’t there a liability issue for that employee?
 - How will the town police and enforce this with our current resources? Including waste in the trash. Could it bring issues with our contracted service for trash?
 - Almost every subdivision in this town has covenants – and these types of animals are not allowed.
 - Property value issues
- S. Young – what happens if a renter leaves them when they move?
- C. Young – renter would need approval from owner. If left, could be another issue for the town to handle.
- J. Lein – What if back yards face front yards? Anything with corner lots?
- C. Young – Corner lots technically have 2 front yards. The side yard that faces the street is also front yard.
- G. Howard feels it’s not a good idea to change an ordinance based on someone’s non-compliance of an ordinance. I’m not against chickens being in back yards in certain instances and feel the pet ordinance needs to be changed. I think it’s a bad precedence because from now on whenever anyone disagrees with something, they can come to the board and ask for it to change. Plus there’s not been adequate time to review due to all that’s going on, and don’t agree with several things in the ordinance that we’d need to discuss.
- S. Watson – 3 options – Favorable, not favorable, or neutral.
- G. Howard – I would want to make an unfavorable recommendation.
- J. Lein made a motion for an unfavorable recommendation of proposal. G. Howard seconded motion.
- **PASSED 4-0**

- **Order of Plan Commission** - Determining that a Declaratory Resolution Approved and Adopted by the Whiteland Redevelopment Commission Conforms to the Plan of Development for Whiteland and Approving that Resolution - Parks and Recreation and Other Quality of Life Amenities
 - S. Watson - this relates to action by the RDC to propose an amendment to its economic development plan to allow the use of TIF Funds for quality-of-life amenities. This is a 5-step process and this is step 2 to have the plan commission review and ensure its consistent with the comprehensive plan.
 - G. Howard makes motion to approve order of Plan Commission. J. Lien seconded motion.
 - **Passed 4-0**

- **Order of Plan Commission** – Determining that a Declaratory Resolution Approved and Adopted by the Whiteland Redevelopment Commission Conforms to the Plan of Development for Whiteland and Approving that Resolution – Exclusion of Saddlebrook Farms North from TIF District.
 - S. Watson – this is similar to removing Saddlebrook Farms South that was done previously.
 - G. Howard makes motion approving this Order of Plan Commission. J. Lien seconded motion.
 - **Passed 4-0**

Adjournment:

- G. Howard made a motion to adjourn. S. Young seconded. Meeting adjourned at 7:55 pm

Passed by the Whiteland Plan Commission on this day _____ of _____, 2023.

Aye

Nay

Tim Brown

Tim Brown

Eric Funkhouser

Eric Funkhouser

Justin Lien

Justin Lien

William A. Marker

William A. Marker

Byron Temple, Vice President

Byron Temple, Vice President

Shaun Young

Shaun Young

Gary Howard, President

Gary Howard, President

Attest:

Melissa Fraser, Deputy Clerk, Secretary