

WHITELAND PLAN COMMISSION  
AUGUST 5, 2014

RICHARD HILL CALLED THE MEETING TO ORDER AT 7:00PM

PLEDGE TO THE FLAG

PRESENT: ROBERT ZEHR, RICHARD HILL, BYRON TEMPLE, NORM GABEHART, GARY HOWARD, TIM BROWN, AND RUSTY SNYDER

OTHERS PRESENT: MICHELLE R. RICHARDS-CLERK/TREASURER, DENNIS CAPOZZI-TOWN MANAGER/BUILDING COMMISSIONER, NATHAN BILGER-PLANNING AND ZONING DIRECTOR, STEPHEN WATSON-TOWN ATTORNEY, AND ALEXANDRA KRUTZ-DEPUTY CLERK

GARY HOWARD MADE THE MOTION TO APPROVE THE MINUTES FROM JULY 1, 2014. RUSTY SNYDER SECONDED THE MOTION AND PASSED 6-0-1 BROWN ABSTAINED

DENNIS CAPOZZI REVIEWED BUILDING COMMISSIONERS REPORT FROM JULY 2014.

OLD BUSINESS

NATHAN BILGER GAVE A BACKGROUND ON THE UNSAFE BUILDING PROCESS AT 8 N US 31. THE PLAN COMMISSION HAD AFFIRMED THE ORDER AT THE JULY 1<sup>ST</sup> MEETING WITH THE \$5,000.00 CIVIL PENALTY IF WORK WAS NOT COMPLETED BY JULY 9<sup>TH</sup>. BOB WILDMAN WITH THE ALLEN GROUP STATED THE BUILDING WAS PURCHASED ON MARCH 13, 2013. THEY THOUGHT A USER WAS IDENTIFIED, BUT THAT DEAL FELL THROUGH, ALONG WITH SEVERAL OTHER USERS. MR. WILDMAN STATED THAT PAINTING CAN BEGIN NOW THAT WATER WAS TURNED ON TODAY. A LIST OF WORK COMPLETED WAS DISTRIBUTED BY MR. WILDMAN. GREG ALLEN SPOKE AND CONCURRED WITH THE INFORMATION MR. WILDMAN PRESENTED. HE SAID THAT PRESSURE WASHING BEGAN TODAY AND SHOULD BE COMPLETED THIS WEEK. THEY WILL PAINT ALL FOUR WALLS. BRUSH GROWTH ALONG THE WEST PROPERTY LINE WILL ALSO BE TAKEN CARE OF, IF THE ADJACENT HOMEOWNER AGREES. MR. ALLEN REQUESTED THIS INFORMATION BE TAKEN IN CONSIDERATION TO DROP THE PENALTY.

DENNIS CAPOZZI STATED THE ITEMS LISTED IN THE CONTINUOUS ENFORCEMENT ORDER HAVE BEEN MOSTLY TAKEN CARE OF AND RECOMMENDED THE MAINTENANCE ITEM OF THE ORDER STAY IN EFFECT AND TO RESCIND THE CIVIL PENALTY. NATHAN BILGER AGREED WITH MR. CAPOZZI'S COMMENTS. RICHARD HILL MADE THE MOTION TO EXTEND ENFORCEMENT OF THE CIVIL PENALTY AND TO HAVE WORK COMPLETED BY AUGUST 31, 2014, TO AUTOMATICALLY RESCIND THE CIVIL PENALTY WITHOUT FURTHER ACTION FROM THE BOARD IF COMPLETION OF REQUIRED WORK IS APPROVED BY DENNIS CAPOZZI, AND TO KEEP THE MAINTENANCE PROGRAM IN EFFECT. GARY HOWARD SECONDED THE MOTION AND PASSED 7-0.

PUBLIC HEARING 2014-P-03 PRIMARY PLAT, CONVENIENCE CENTERS, LLC. COUNTRYWOOD COMMERCIAL SUBDIVISION. NATHAN BILGER GAVE AN OVERVIEW OF THE PRIMARY PLAT LOCATED ON THE SOUTHEAST CORNER OF COUNTRY WOOD DRIVE AND US 31, 6.59 ACRES. 2 LOTS ARE PROPOSED, WITH 1 BLOCK/OUT LOT TO BE PLATTED IN THE FUTURE. THE BLOCK ALSO INCLUDES COMMON STORMWATER DETENTION AREA. MR. BILGER STATED THAT ZONING CODE REQUIRES A BUILDING SETBACK LINE 100' FROM EDGE OF PAVEMENT OF ANY ADJACENT PUBLIC STREET, WHICH MUST BE SHOWN ON THE PLAT. STAFF RECOMMENDS APPROVAL OF PLAT AS PRESENTED.

RICHARD HILL OPENED THE PUBLIC HEARING. STEPHEN WATSON SWORE IN AUDIENCE MEMBERS SPEAKING ON THIS ITEM.

DONNA SMITHERS, NORTHPOINTE ENGINEERING, REPRESENTATIVE OF THE PETITIONER, DISCUSSED THE SETBACK OF LOT 1 AND PRESENTED A DIAGRAM OF THE PROPOSED LOT. DON THARP, THARP INVESTMENTS, PART LANDOWNER, SPOKE REGARDING THE ARRANGEMENT OF LOST AND PROPOSED

USES. HE REQUESTED THE COMMISSION TO GIVE A COMMITMENT TO HIM THAT THEY WOULD ALLOW A PROPOSED 40' SETBACK INSTEAD OF 100'.

RICHARD HILL CLOSED THE PUBLIC HEARING AFTER HEARING NO COMMENTS FROM THE AUDIENCE. THE COMMISSION, PETITIONER, AND STAFF DISCUSSED SEVERAL OPTIONS IN HOW TO PROCEED WITH THE PLATTING. THE COMMISSION INDICATED THAT THE SETBACK ORDINANCE SHOULD BE REVIEWED, STAFF AGREED TO RESEARCH THE ISSUE. RUSTY SNYDER MADE THE MOTION TO APPROVE THE PRIMARY PLAT, WITH THE FOLLOWING CHANGES: LOT #1 TO BE RENAMED BLOCK B FOR FUTURE REPLATTING AND LOT #2 TO BE RENUMBERED AS LOT #1. BYRON TEMPLE SECONDED THE MOTION AND PASSED 7-0.

PUBLIC HEARING 2014-P-04 DEVELOPMENT PLAN, RAINBOW CHILD CARE. NATHAN BILGER GAVE AN OVERVIEW OF THE PROPOSED DEVELOPMENT PLAN LOCATED AT APPROXIMATELY 749 N US 31-LOT 1 OF THE JUST APPROVED PRIMARY PLAT. THE PLAN INCLUDED PARKING, PRIVATE DRIVES/STREETS, LANDSCAPING, AND OFF-SITE IMPROVEMENTS. THE PROPOSED BUILDING WOULD BE A ONE STORY BRICK STRUCTURE WITH A TWO STORY GYMNASIUM.

RICHARD HILL OPENED THE PUBLIC HEARING. STEPHEN WATSON SWORE IN MEMBERS SPEAKING ON THIS ITEM.

DONNA SMITHERS DISCUSSED THE LAYOUT OF THE LOT AND THE CAPACITY OF THE BUILDING AND OTHER DETAILS.

RICHARD HILL CLOSED THE PUBLIC HEARING AFTER HEARING NO COMMENTS FROM THE AUDIENCE. RICHARD HILL MADE THE MOTION TO ACCEPT THE DEVELOPMENT PLAN TO BE APPROVED WITH NO CONDITIONS, BASED ON THE STAFF'S RECOMMENDED FINDINGS OF FACT. RUSTY SNYDER SECONDED THE MOTION AND PASSED 7-0.

PUBLIC HEARING 2014-P-05 DEVELOPMENT PLAN, TWIN BROTHERS INVESTMENTS. NATHAN BILGER GAVE AN OVERVIEW OF THE PROPOSED DEVELOPMENT PLAN LOCATED AT 340 N US 31, LOCATION OF THE OLD SWIFTY. THE PROPOSED TENANT IS TO BE SUNOCO. CURRENT BUILDING WILL BE DEMOLISHED TO MAKE ROOM FOR PROPOSED CONSTRUCTION. THE SIGN WOULD BE MOVED AND WOULD MEET THE SIGN CODE REQUIREMENTS. OTHER EXISTING STRUCTURES WOULD REMAIN UNCHANGED.

DRAINAGE WAS DISCUSSED, ENSURING ROOF DRAINS DO NOT DRAIN INTO SANITARY SYSTEM. THE PETITIONER REQUESTED A WAIVER OF THREE SETBACKS SINCE DEMOLISHING BUILDING WOULD REMOVE ANY GRANDFATHERING: 99FT FROM US 31, 55FT FROM EDGE OF ARDMOOR, AND 3.8FT FROM THE WEST PROPERTY LINE.

RICHARD HILL OPENED THE PUBLIC HEARING. STEPHEN WATSON SWORE IN AUDIENCE MEMBERS SPEAKING ON THIS ITEM.

DAN SCHNUR, ROGER WARD ENGINEERING, REPRESENTATIVE OF THE PROPERTY OWNER, DISCUSSED PROPOSED BUILDING STRUCTURE. LIGHTING PLAN DISCUSSED, REMOVING 5 EXISTING LIGHT FIXTURES REDUCING LIGHTING. ROOF DRAINAGE WAS DISCUSSED MORE IN DETAIL, ALONG WITH THE SANITARY STRUCTURE. DAN ASKED THAT THE FINDINGS BE ADDED INTO THE REPORT. RUSTY SNYDER RECOMMENDED FOR THE SANITARY SEWER LATERAL LINE TO BE REPLACED NOW WITH PIPE MEETING DEPARTMENT SPECIFICATIONS. REFUSE ENCLOSURE WILL MATCH THE ARCHITECTURE OF THE BUILDING.

RICHARD HILL CLOSED THE PUBLIC HEARING AFTER HEARING NO COMMENTS FROM THE AUDIENCE. RICHARD HILL MADE THE MOTION TO APPROVE THE DEVELOPMENT PLAN WITH WAIVERS ALLOWING A 99' SETBACK FROM US 31, 55' SETBACK FROM ARDMOOR DRIVE, AND 3.8' FROM THE WEST PROPERTY LINE, BASED ON THE FINDING OF THE FACTS FROM THE STAFF REPORT, WITH THE CONDITIONS THAT THE LENGTH OF THE 3.8' SETBACK NOT EXCEED THAT SHOWN ON THE DEVELOPMENT PLAN THAT AND

THE EXISTING SANITARY SEWER LINE BE REPLACED WITH LINE MEETING CURRENT SEWER DEPARTMENT SPECIFICATIONS. GARY HOWARD SECONDED THE MOTION AND PASSED 7-0.

NATHAN BILGER GAVE AN UPDATE ON THE DUKE ENERGY SITE READINESS GRANT AND STATED THAT THERE WOULD BE A TECHNICAL MEETING WITH THEM TOMORROW.

RICHARD HILL MADE THE MOTION TO ADJOURN THE MEETING. GARY HOWARD SECONDED AT 9:12 PM. PASSED BY THE TOWN OF WHITELAND PLAN COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

AYE

NAY

\_\_\_\_\_  
RICHARD HILL

\_\_\_\_\_  
RICHARD HILL

\_\_\_\_\_  
GARY HOWARD

\_\_\_\_\_  
GARY HOWARD

\_\_\_\_\_  
BYRON TEMPLE

\_\_\_\_\_  
BYRON TEMPLE

\_\_\_\_\_  
TIM BROWN

\_\_\_\_\_  
TIM BROWN

\_\_\_\_\_  
ROBERT ZEHR

\_\_\_\_\_  
ROBERT ZEHR

\_\_\_\_\_  
RUSTY SNYDER

\_\_\_\_\_  
RUSTY SNYDER

ATTEST:

\_\_\_\_\_  
MICHELLE R. RICHARDS, IAMC ,CMC