



Minutes City of Tipton Planning Commission October 15, 2020

The City of Tipton Plan Commission held its regularly scheduled meeting on Thursday, October 15, 2020, at 6:00 p.m. The meeting was held at Tipton County 4H Building, 1200 South Main Street, Tipton, Indiana.

The meeting was called to order by President Jim Purvis at 6:00 p.m.

Roll Call

Members present: Stan Kowaleski, Mike Dollens, Sophie Hufford, Aaron Coe, Jade Crawford, Jackie Cardin, Michelle Owens, Adrian Roach, Cory Mahan and Jim Purvis (non-voting member).

Members absent: Lindsey Ogden and Dan Kappesser.

Staff present: David Langolf Smith, Judy Coker and Steve Niblick.

Staff absent: None.

Modifications to Agenda

None.

Approval of Minutes

Jackie Cardin made a motion to approve the minutes from September 9, 2020 as presented; seconded by Sophie Hufford. Motion carried 9-0.

Public Hearings

a) CTI-DP-19-20 HAND Inc. Development Plan

Steve Niblick provided a staff report from the Development Plan Review Committee meeting.

Andrea Davis came forward to present the development plan.

Jim Purvis reminded the board and the audience that the only discussion will be concerning the development plan.

Dave Coots came forward to speak in opposition of the project. Dave Coots stated that he objects to the project because the proposed structures will straddle property lines, and that the R-2 zoning district does not allow for three- or four-unit residences. Dave Coots also stated that the parking lot is a commercial lot and does not meet the two off-street parking spaces per residence requirement. Dave Coots stated that the recorded plat was changed, but the plat amendment process was violated by not going through the appropriate Plan Commission process. Dave Coots stated that, while HAND is contributing 2 million dollars to the development, they are a non-profit company and will not be adding anything to the tax base.

Beverly Hudson came forward to speak in opposition of the petition. Beverly Hudson opposed the design of the plan because they appear to be four-unit residences, which is an R-3 zoning district. Beverly Hudson stated that it appears that there will not be sidewalks, and that there should be sidewalk all around the cul-de-sac and down Harlan Drive. Beverly Hudson stated that she has provided a petition that has been signed by most of the residents stating this project would adversely affect their properties. Beverly Hudson pointed out that the combine homeowners have over 3.4 million dollars in investment of their homes and pay over \$40,000 in annual city taxes and for city services. Beverly Hudson stated that the HAND development, however, will not pay taxes, have a negative impact on home values, and disrupt the aesthetics of the established neighborhood.

Randall Hudson came forward to speak in opposition of the petition. Randall Hudson stated that it was his belief that the subdivision was zoned R-1 because it was laid out with fourteen separate lots for fourteen single-family homes. Randall Hudson stated that no documents can be found that show that the zoning was ever changed from R-1 to R-2, and no documents can be found that show that the neighbors were ever notified of this change. Randall Hudson stated that there are no public records of this change ever being made. Randall Hudson explained that he is just trying to protect his retirement home for himself and his wife from daily stress of living next door to rentals.

Scott Reecer came forward to speak in opposition of the petition. Scott Reecer stated that he, and most of the other neighbors, chose to live in that area because they believed they were living in a single-family neighborhood. Scott Reecer expressed concerns regarding traffic, drainage, parking, lighting, police, fire, and utilities. Scott Reecer raised concerns about sidewalks, snow removal, building materials, and the general aesthetics of the structure. Scott Reecer stated that the structures look cheap, and do not add anything to the neighborhood. Scott Reecer stated that the homes look cheap, and that the members of the board just don't care because these are not being build in their neighborhood. Scott Reecer stated that elderly people would not want to live next to a school because of light and noise from sporting events and band practice during the school year.

Mike Moller came forward to speak in opposition of the petition. Mike Moller questioned the need for senior apartments. Mike Moller stated that this project will not bring any benefit to the City of Tipton. Mike Moller stated that he feels like the HAND project will reduce the property values in their neighborhood. Mike Moller stated that he believes that the only people who will be benefitting from this deal is HAND.

Sarah Funke came forward to read comments from Cheryl Gunn, who could not attend the meeting. Cheryl Gunn stated that she supports the work that HAND does, she was opposed to this project for various reasons. Cheryl Gunn stated that the variance they received from the BZA should have never passed because HAND never spoke to the neighbors before the purchase of the land, and never obtained the neighbors support for the purchase of the land, nor for the project. Cheryl Gunn stated that HAND violated proper procedure by purchasing the land before they had planning and zoning approval, and support from the neighbors. Cheryl Gunn contended that the lots did not sell prior to being sold to HAND was because it was not properly advertised. Cheryl Gunn stated that these should be single family, owner-occupied homes that will bring tax money into the community to help for other services like fire and police. Cheryl Gunn

encouraged HAND to consider selling their lots and moving the project to a more suitable location.

Andrea Davis came forward to provide a rebuttal to the neighbor comments. Andrea Davis stated that the first buildings constructed on Southwood Drive were multi-family, owner-occupied condominiums, and the two on the far East side are quadplexes so there are four units in each of those buildings. Andrea Davis stated that when they purchase the property, it was zoned R-2. Andrea Davis stated that they did hold two meetings that were advertised in the newspaper so that members of the subdivision could come and talk about the project and provide their feedback. Andrea Davis stated that typically when they go into a neighborhood, they get feedback from the neighbors and generally make changes to the plans to accommodate the neighbor requests. Andrea Davis stated that, despite making several attempts, they have been unable to have a productive conversation with several members of the Southwood neighborhood. However, the neighbors that have come to the meetings have given suggestions that have been incorporated into the design plan, such as having one parking area behind the structures instead of having several driveways with cars parked in front of the homes. Andrea Davis stated that, though they are a tax-exempt organization, they have not filed an exemption for this property and are currently paying property taxes just like all the other residents. Andrea Davis stated that all HAND properties are well-maintained by being mowed regularly and having snow removal in the winter. Andrea Davis stated that there is nothing in the Tipton Zoning Ordinance that specifies what type of building materials need to be used. Andrea Davis stated that the minutes from the Development Plan Review Committee meeting might have misrepresented the actual tone of the meeting. Andrea Davis stated that they were asked some questions about various facets of the plans, but that those questions were easily answered, and the additional information requested was provided. Andrea Davis stated that while many of the homes on Southwood Drive are owner-occupied, there are many that are rentals so it would be unfair to discriminate against HAND for building rental housing in that area.

Melissa Cunnyham came forward as the attorney for HAND to redirect the Board's attention back to the matter at hand. Melissa Cunnyham stated that this case is currently under judicial review, and a lot of the issues that were presented by the neighbors are a part of the judicial review process. Melissa Cunnyham stated that from this board is administrative in nature, and because the project has met all the requirements and received a favorable recommendation, approval from the Plan Commission is expected.

Rich Brown came forward to speak in opposition of the petition. Rich Brown stated that he does not know of any rental properties on Southwood Drive. Rich Brown made some comments concerning the condos on the east end of the neighborhood, and the senior living apartments on the east side of Tipton.

Bill Schmidt came forward as the landscape architect and engineer. Bill Schmidt stated the Big Cicero Drainage Board advised that detention was not required but did ask that a drainage feature or rain garden was provided. Bill Schmidt stated that they did add rain garden and native landscaping, but that it is meant to encourage water to drain into the ground, not detain it. Bill Schmidt stated that all the drainage is surface drainage for this feature, and that it picks up the roof drains as well.

Mike Dollens motioned to close the public hearing; seconded by Stan Kowaleski. Motion carried 9-0.

Jim Purvis asked Steve Niblick to confirm that because this is an R-2 zoning district, it does not require a Development Plan Review. However, when the Development Plan Review Committee met, changes were requested, and HAND made those changes. Steve Niblick confirmed this to be true.

Mike Dollens asked Steve Niblick to clarify the process for determining when and why a project might be required to before the Board of Zoning Appeals or the Plan Commission. Steve Niblick explained what specifically happened in this case, and what some of the factors were that went into determining what variances would be needed. Steve Niblick also explained why this project is being required to have a Development Plan Review and why that meeting is being held before the judicial review has occurred. Steve Niblick also explained where the zoning classification comes from, and how zoning classifications are adopted.

Aaron Coe asked for classification about the reason for the meeting before the Plan Commission, and if it was simply about looking at the provided plan to determine if it meets the current ordinances. Steve Niblick responded that the Board's only responsibility was to make sure that the plan provided by HAND meets both the current zoning code and the plan that was approved by the Board of Zoning Appeals. Steve Niblick confirmed that it does.

Adrian Roach asked if this plan currently meets the zoning code and the Board of Zoning Appeals requirements. Steve Niblick responded that this plan does comply.

Stan Kowaleski asked someone from HAND to point out where the sidewalks are located on the drawing. Bill Schmidt came forward to show on the drawing where the sidewalks will be placed.

After Plan Commission discussion, Mike Dollens made a motion to affirm that the plans that were reviewed complies with the developmental plan requested or required; seconded by Stan Kowaleski. Motion carried 9-0 by roll-call vote.

Roll Call-

Cory Mahan – Yes

Sophie Hufford – Yes

Stan Kowaleski – Yes

Mike Dollens – Yes

Jackie Cardin – Yes

Michelle Owens – Yes

Jade Crawford - Yes

Aaron Coe - Yes

Adrian Roach - Yes

Staff Reports

a) BZA report – None.

b) Department reports – Steve Niblick informed the Commission that a property maintenance ordinance is being considered by the Tipton City Council that does not involve the plan commission but does add responsibility to the plan department staff. If approved, Steve Niblick will monitor workload staffing which may require the part-time building inspector moving to full-time.

Steve Niblick provided a permit report and Judy Coker provided a code enforcement report for the month of September.

c) Committee reports – Stan Kowaleski and Steve Niblick brought two (2) additional zoning code amendment ideas to the Commission for consideration. Amendment to section 108 and Table A (Mobile Homes). It was decided to add these two proposals to the public hearing in November.

Old Business

- a) 306.13 Supplemental Yard Regulations buffer yards. Public Hearing in November.
- b) 504.09 Fences. Public Hearing in November.
- c) 104 Compliance. Public Hearing in November.

New Business

None.

Public Comment

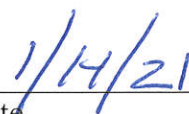
Mayor Tom Dolezal came forward to thank the Board for all the hard work that they have done on the HAND project.

Adjournment

There being no other business, Mike Dollens made the motion to adjourn the meeting at 7:51 p.m.; seconded by Michelle Owens. Motion carried 9-0.



President



Date



Executive Director



Date