

The Thorntown Plan Commission met in a regular meeting on January 9, 2023 at 6:00 PM in the Thorntown Public Library.

Members in attendance were as follows:

- Don Gray, President – Citizen Member.
- Ben Strong, Vice President – Citizen Member.
- Frank Clark – Town Employee.
- Jerry Seymour – Citizen Member.
- Erick Smith – Citizen Member.

Others in attendance: Oksana Polhuy, Planning Administrator (present virtually); Dax Norton (town's municipal consultant).

President Gray calls the meeting to order at 6:00 PM.

## **OPENING CEREMONIES**

President Gray leads the Plan Commission in the Pledge of Allegiance.

## **DETERMINATION OF QUORUM**

President Gray states that five members are present and declares a quorum. He states that Mr. McClintock left the Commission, so now there are five Plan Commission members.

## **MINUTES**

President Gray states that December 12, 2022 Minutes are available for adoption.

**Motion by Vice President Strong, second by Mr. Seymour, to approve December 12, 2022 Minutes as presented.**

**AYES: Don Gray, Jerry Seymour, Ben Strong, Frank Clark, Erick Smith. NAYS: Zero. ABSTAIN: Zero. Motion carries 5, 0, 0.**

## **ELECTION OF OFFICERS: PRESIDENT AND VICE PRESIDENT**

President Gray states that the current President is himself and the Vice President is Ben Strong. He asks for nominations for President and Vice President positions.

**Motion by Vice President Strong, second by Mr. Smith, to nominate Don Gray as the President of the Plan Commission.**

**AYES: Jerry Seymour, Ben Strong, Frank Clark, Erick Smith. NAYS: Don Gray. ABSTAIN: Zero. Motion carries 4, 1, 0.**

The public laughs at Mr. Gray's strong "nay" vote, though Mr. Gray doesn't elaborate why he opposed his own nomination.

**Motion by Mr. Smith, second by Mr. Clark, to nominate Ben Strong as the Vice President of the Plan Commission.**

**AYES: Don Gray, Jerry Seymour, Ben Strong, Frank Clark, Erick Smith. NAYS: Zero. ABSTAIN: Zero.**  
**Motion carries 5, 0, 0.**

## **AGENDA CONSIDERATIONS**

President Gray announces that the town will be holding workshops about strategic planning of the future of Thorntown and asks the public to pay attention to the announcement and participate in the workshops.

## **COMMENTS FROM THE PUBLIC ON ITEMS NOT ON THE AGENDA**

There are none.

## **OLD BUSINESS**

### **ITEM #1. PUD-01-2022 – WESTFALL PLACE**

*Review of the application for rezoning the subject property from no zoning or Residential zoning to a Residential/Planned Unit Development zoning district; review of a Preliminary Development Plan, and Ordinance for approximately 67 acres to be developed as a residential single-family detached development containing approximately 172 units to be known as the Westfall Place.*

*Location: southwest of the intersection of Oak Street and SR 47.*

*Applicant: Arbor Homes, LLC (9225 Harris Park Ct., Indianapolis, IN, 46216).*

*Property owners: Scott A. Schuler, Thorntown Development LLC, and Threlkeld Farms Inc.*

Dax Norton, ms consultants LLC, 115 West Washington St., Suite 1310, Indianapolis, IN, states that the Planning Administrator, Oksana Polhuy, who is contracted by the Town of Thorntown to perform planning analysis and help the Plan Commission with their functions, couldn't be at the meeting in person due to having strep throat. However, he states, she is present at the meeting via Zoom call, while he is present in her place physically at the meeting. Mr. Norton asks Ms. Polhuy what the order of business for the review of this item should be.

Oksana Polhuy, Planning Administrator, states that the order of the hearing is the following: 1) the applicant does their presentation; 2) staff (herself) presents her analysis; 3) the public gives their comments on the item; 4) the applicant comes back to respond to the questions and comments expressed during the analysis and public hearing portion. She states that the Plan Commission members may ask questions after each stage from the applicant or staff. She adds that if the Plan Commission needs some clarifications and help from the staff throughout the public hearing, they can ask questions as well. She asks anyone speaking during the public hearing to state their name and address for the record.

Mr. Norton asks about the time limit.

Ms. Polhuy states that Plan Commission Rules and Procedures do have time limits on the applicant's presentation length (20 minutes) and she believes that there are some time limits on the public comment. She states that the Plan Commissioners may vote to change some of those limits if needed.

APPLICANT'S PRESENTATION

Julie Smith, Land Entitlement Manager, Arbor Homes, steps forward and states that her colleague is passing out a sheet with consolidated information about their proposal. She says that there are a few Arbor team members present at the meeting as well and they will be able to answer questions throughout the public hearing process.

Ms. Smith shows a PowerPoint presentation on the screen and starts the presentation. She says that Arbor Homes is a company that was created 28 years ago as a family owned business. She says that five years ago Arbor Homes was purchased by Berkshire Hathaway Inc. which allowed Arbor to expand into smaller communities in central Indiana. However, she says, Arbor Homes still operates like a family owned business. She states that Arbor started working on creating the design for Westfall Place about a year ago and started reaching out to the town representatives throughout 2022. She states that before this hearing, Arbor held a neighborhood meeting on October 13, 2022, introduced this project to the Council on November 21, 2022, and is here today for the public hearing of the item. She says that the concept idea has changed over time and the Commission and the public will see the most current version of the Concept Plan at this meeting. She believes that the revised plan will help the community grow in a positive way. She states that the goal of the review is to see if the residential use at this site would be allowed.

Ms. Smith shows a map of the project location: the project site of 67 acres on the west side of Thorntown south of State Road 47 and west of Oak Street and Westwood Addition subdivision. She points out a wetland in the middle of the site that they plan to preserve. She states that Arbor obtained another parcel and added it to the project. She shows a map of the recommended Future Land Use map from the Town of Thorntown Comprehensive Plan and states that the majority of the town is marked as being built under "high density residential", and Arbor took it into consideration. She says that after hearing some initial inputs about the desired lower density of this project, Arbor lowered the project density to medium.

Ms. Smith shows the Concept Plan and describes the main features: two entrances to the subdivision (one from Oak Street, one from SR 47); all streets will be lined with sidewalks and trees; there is a meandering trail in the middle of the project; the pond on the west side of the project is meant to collect stormwater runoff; the lots in yellow are traditional lots for the traditional Arbor single family detached houses; the orange lots are smaller lots for the Genesis single family detached houses; open space is 27 %; a park by the Oak street and a central site amenity by the wetland. She says that one of the common questions is who would be able to afford the houses. She states that Arbor developed Genesis houses to create a product that is more attainable. She states that five years ago, the average price for a traditional Arbor product was around \$175,000, but today it is over \$300,000. She states that the current price makes it less attainable for people, so Arbor developed Genesis houses.

Ms. Smith shows the following specifics about the lots on the slide: proposed 172 lots with resulting density at 2.6 dwelling units per acre; 140 out of the 172 lots would be traditional 55-61-foot wide lots (colored in yellow), 130-160-ft-deep, with a front setback of 25 feet, side setback at 7 feet (or 5 feet where there is a car garage extension); rear setback of 15 feet. Genesis Product: 32 out of the

172 lots would be smaller Genesis lots 40-feet wide, 80-ft-deep, with a 20-ft front setback, 5-ft side setback, and 10-ft rear setback.

Ms. Smith shows a slide with different home designs and says that they have 13 traditional house designs, each having 5 elevation options. She states that Arbor allows homebuyers pick options like additional sunrooms, or garage extensions, so that the customer may pick what they are willing to pay for. Other facts about these houses from the slides: house floor areas range from 1,200 sf to 3,200 sf; one- and two-story house designs are available. Ms. Smith states that Arbor has a design center where the buyer can look at and customize some interior features (e.g., paint colors, cabinets' styles, etc.).

Ms. Smith goes over the Genesis product details. She states that the average sales price for Genesis house is mid-200,000s that should make houses available to more people. She says that the houses will have exit onto an alley and have the same white picket fence installed on each lot.

Ms. Smith points out a frequent question about drainage and states that the state law requires new developments to handle stormwater runoff on site by creating structures like retention or detention ponds. She states that the ponds on the Concept Plan show the retention ponds that will keep the runoff before it's discharged through outlets into other permitted stormwater system structures.

Ms. Smith shows a graph of monthly house stock supply in Thorntown over the period of 2020-2022. She states that a balanced market has about 6-month supply of housing, but Thorntown's average monthly supply is 0.33. Ms. Smith states that the average time between the zoning approval and the first houses closing is 18-24 months. She says that typically, the subdivision is built in sections of 60-80-houses per section at a time. She says that most likely, Westfall Place could be built out 4-6 years after the zoning approval.

Ms. Smith concludes that the project site is a logical place for growth, that the proposed project could increase Thorntown's housing stock, provide diverse housing options at several price points, durable housing construction and a neighborhood with several amenities.

#### STAFF PRESENTATION

Ms. Polhuy starts her presentation by explaining what a PUD is: *"Planned Unit Development is a large and integrated development consisting of a parcel or parcels of land to be developed as a single entity according to the adopted preliminary development plans and approved detailed plans, with different use and development standards than the standards that would normally apply in a non-PUD zoning district"*. She adds that a PUD District is *"a zoning district for which a PUD district Ordinance must be adopted under the regulations of this Zoning Ordinance"*. She states that the review of this application means deciding whether to zone the project area as a "Planned unit development" zoning district with its own set of regulations (development standards). She says that typically people apply for this kind of zoning when they want to vary some standards from the regular zoning standards of the jurisdiction, but overall, provide a higher quality development than if it would be built under the regular standards.

Ms. Polhuy goes over the timeline of the application: the application was filed on September 28, 2022, Technical Advisory Committee reviewed it on November 14, 2022, and the public hearing at a Plan Commission meeting was scheduled for December 12, 2022. The notice of the public hearing

scheduled for December 12<sup>th</sup> meeting was published in the Lebanon Reporter on November 26, 2022 and mailed to the surrounding property owners on November 22, 2022, meeting the notice requirement standards. She says that the applicant requested continuance of the public hearing to January 9<sup>th</sup>, 2023 meeting due to the need of redrawing the Concept Plan to preserve the wetland in its entirety. She says that the applicant amended the proposal by adding another parcel and published another notice in the newspaper amending the geographic extent of the proposal on December 24, 2022. She states that the addition of the parcel didn't change the list of the surrounding property owners. She states that with an addition of another parcel to the project, the project size went up from 53 to 67 acres, and the proposed number of lots went up from 162 to 172 lots.

Ms. Polhuy goes over the application review process steps: the Plan Commission's role in the review is to conduct the public hearing, review and analyze the proposal, and give the Town Council its recommendation whether to approve or deny this application, or not give a recommendation. She states that only the Council has the power to approve or deny it. She states that the Council may send the application back for Plan Commission's review.

Ms. Polhuy goes over the application review criteria from the Thorntown Zoning Ordinance (TZO). She states that the Plan Commission should pay reasonable regard to the following:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council;
2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;
3. Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted;
4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
5. Whether the proposed amendment reflects responsible standards for development and growth.

Ms. Polhuy states that her staff report takes all of these principles into consideration and provides some findings of fact that speak to these criteria.

Ms. Polhuy states that the Westfall Place development is surrounded by the following uses: institutional, residential and agricultural to the north; commercial, industrial, and residential to the east; and agricultural use to the south and west. She states that the majority of the uses abutting the development are agricultural and residential, and the proposed residential use is compatible with those two uses.

Ms. Polhuy points out that in addition to the Concept Plan review, the application includes some zoning regulations for Westfall Place project, and some of the proposed regulations differ depending on whether they apply to Area A that contains 140 traditional lots, or Area B that contains 32 Genesis lots. She states that the current Concept Plan shows the following approximate breakdown of development features within the project: 38 % of the project area is for the traditional lots, 3 % is for Genesis lots, 16 % is for roads, sidewalks, and trails, 27 % is for the open space, and 13 % is for

the pond and the rest 3 % is the space that may be dedicated later as right-of-way along subdivision entrances.

Ms. Polhuy states that one of the review criteria is whether the proposed development is consistent with the objectives, land use policies and goals stated in the Comprehensive Plan. She states, the community vision for Thorntown stated in the Comprehensive Plan is to *"...retain its peaceful character... while planning, preparing and working toward the goal of making the community more economically stable and self-sufficient by attracting and retaining families, both young and old..."* She states, this residential development that would be marketed to the young families and other people who prefer the proposed house and property size would add a new product that could attract new people to live in Thorntown, and thus, meets this policy goal.

Ms. Polhuy states, the land use section of the Comprehensive Plan states that the suggested land use development policy is the development and redevelopment of land in and outside of Thorntown's corporate limits within a Compact Form. *"Compact form describes a pattern of land use which stresses the best use and the efficient, considered and responsible development of land. The opposite of compact form is sprawl. Communities which put into practice compact form planning and development are ultimately more walkable, have a higher quality of life, stable economic conditions, and have better, more efficient public services with lower tax rates."* She states that Compact Form means denser development. She states, the Thorntown Comprehensive Plan's Future Land Use Map (shows Exhibit 6 of the Staff Report) designates the eastern part of the project site that is within the town limits as high density residential, defined as 3.1 du/ac or more. She states, Thorntown Comprehensive Plan does not give a recommendation for the use or density for the rest of the project. She states that Boone County's Comprehensive Plan's future land use map doesn't give a recommendation for this area either. She says, due to that, one has to analyze and decide what the best density is for the rest of this project. She states that by looking at the Future Land Use map recommendation for residential use densities in Thorntown, one can see that first a high density is recommended south of Thorntown, then going further south, there is a medium density area that finally transitions to the low density residential. She says that a similar logic of transition could be used to argue for high density immediately close to the west of town, or medium density to start a transitioning zone of densities. She states, either way, Westfall Place has a gross density of 2.76 units/acre, which per the TZO is considered medium residential density and is consistent with the intended density and residential use.

Ms. Polhuy shows a table comparing existing and proposed development standards for single-family detached houses in Area A. She states that most proposed standards either meet or exceed Thorntown's development standards for single-family detached houses. She states that the only standards that do not meet Thorntown's development standards, and that the developer asks a waiver for, are: a) a reduced rear setback yard from 20 to 15 feet; b) an increased lot coverage from 45 % to 50 %; and c) a decrease in the minimum ground floor square footage from 900 sf to 800 sf for multi-story houses.

Ms. Polhuy shows a table comparing existing and proposed development standards for single-family detached houses in Area B. She states that the intent for the Genesis product is to create a house that is more attainable to more people, so the proposed development standards create a smaller lot

with some other standards that allow some houses to be a little smaller than what the TZO requires. She states that the developer is asking for the following development standards waivers in Area B: a) reduced minimum lot size to 3,200 sf; b) reduced minimum lot width from 50 feet to 40 feet; c) reduced minimum yard setback from 20 feet to 10 feet; d) increased lot coverage from 45 % to 55%; e) minimum finished floor area reduction from 1,200 sf to 1,100 sf; and f) minimum ground floor area reduction from 900 sf to 530 sf.

Ms. Polhuy states that the applicant proposes to meet Thorntown's minimum parking standard of two parking spots per dwelling unit in both Areas of the project. She states that the applicant is proposing landscaping standards for the individual lots and a list of prohibited plant species, additional standards that don't exist in the TZO. She states that the TZO requires PUDs to provide a 25-ft-wide landscape buffer between residential and non-residential uses. She states, the applicant proposes to have it along the SR 47 and Oak Street, but asks for a waiver of the standard on the west and south sides of the project where it borders an agricultural use. She states that such landscape buffers typically exist to buffer residential neighborhoods from the commercial and industrial uses by creating a visual and noise barrier that also adds a little bit of a distance between the uses. She says that since agricultural uses around are plants that in essence are a landscape, there is no need for an additional landscaping within the project. She states that the TZO requires 1 canopy street per 50 feet of the street, and the applicant proposes to meet this regulation along all streets except for the alleys serving houses in Area B. She reminds that while the alleys might not be landscaped, the fronts of the houses in Area B will be landscaped with at least 1 canopy tree in the front yards, which adds a tree every 40 feet (the lot width).

Ms. Polhuy states that Arbor is way above the minimum 20 % of open space requirement for PUDs proposing 27 % of open space that includes a community park and some other neighborhood amenities. She states that when it comes to meeting the subdivision design standards, the applicant proposes to meet most of them and asks for the following waivers: a) waiver of the building massing standard and b) reduction of the width of a common area from 100 feet to 30 feet that constitutes a break in a street block. In exchange, she states, Arbor proposes an additional standard of staggering front setbacks between 23 and 27 feet in the blocks that are longer than 800 feet. Ms. Polhuy states that the applicant proposes to meet TZO's architectural anti-monotony standard and explains what it is. She adds that the applicant proposes additional architectural standards like minimum overhangs, minimum number of windows per house, minimum roof ridge of 6/12, and minimum exterior material standards.

Ms. Polhuy goes over the analysis of the requested waivers. She states that the majority of the requested waivers are for the standards in Area B due to the intent of the Genesis house to be attainable than the houses built under the TZO development standards.

- **Reduction of the minimum rear yard in Area A from 20 to 15 ft.** She states that the reason for this request is to match the depth of the rear drainage and utility easement (15 feet). She states that when houses are built, they are built at the front setback line leaving quite a spacious rear yard. She shows examples of the aerial images of how houses look on the 120- or 130-ft-deep lots in another jurisdiction. She says that the kinds of structures built close to the rear setback line are typically patios, decks, pergolas, sheds, and what is more important

for the safety of properties in the neighborhood overall is that those structures don't encroach into the drainage easement. And if the rear yard and easement match, then the safety of the properties is still preserved.

- **Reduction of the minimum rear yard in Area B from 20 to 10 ft.** Ms. Polhuy states that the smaller requested lot in Area B results in a smaller rear setback request to be able to fit the house. She states, her only concern is that the minimum required easement depth per TZO is 15 feet. She states that if the applicant ensures that all utilities will be installed along the alleys in the front yards, and the rear yards are left only as drainage easements, then she would be okay recommending approval of this waiver with the added condition to approval that the rear easements of lots in Area B would be only drainage easements.
- **Increase of maximum lot coverage from 45 % to 50 % in Area A and 55 % in Area B.** Ms. Polhuy states that this standard exists to ensure that one doesn't overbuild the lot to a point when it cannot handle stormwater drainage. As long as this standard is established before the subdivision is developed, then the developer can design and build adequate stormwater infrastructure to handle drainage based on the established lot coverage. She states that since the houses in Area B are a little closer in their density to duplexes and triplexes, and the TZO allows 55 % lot coverage for duplexes and 65 % for multi-family units, the requested increase up to 55 % meets the intended lot coverage of those units.
- **Minimum finished floor area reduction from 1,200 sf to 1,100 sf in Area B.** Ms. Polhuy states that since the houses in Area B are intended to be more affordable, some Genesis floor plans (though, not all of them) provide a slightly smaller living floor area than the TZO requires of single-family detached houses. The TZO allows 900 sf minimum per dwelling unit for multi-family dwelling units. Ms. Polhuy states that the TZO has only one minimum floor area standard for single-family detached houses that hasn't changed since when it was adopted in 1995. She says that the housing market and preferences have changed, but the standard has not, which precludes people from getting a different house size in Thorntown.
- **Minimum ground floor area reduction from 900 sf to 800 sf in Area A and 900 sf to 530 sf in Area B.** Ms. Polhuy states that the ground floor area of some traditional houses might not quite reach the 900-sf of living space, so the reduction is needed to allow some of these floor plans, and by that, add a bigger variation of houses to be built in the subdivision. She states that one of the biggest aesthetic factor in residential subdivisions is the ability of houses to vary in exterior style, color, and size, and permitting a slight reduction of the ground floor area would allow for more house styles to be built in the subdivision. She states that when it comes to the Genesis houses, they are designed to take less horizontal space on the ground and distribute total square footage of the house vertically, so there is a need to reduce the ground floor area requirement.
- **Reduction of the minimum lot width in Area B from 50 to 40 ft.** Ms. Polhuy states that it's needed to provide a smaller more attainable lot.
- **Reduction of the minimum lot size in Area B from 6,000 sf to 3,200 sf.** Ms. Polhuy states that it's needed to provide a smaller more attainable lot.
- **Reduction of the locations of the landscape buffer between residential and non-residential uses.** Ms. Polhuy states that she explained the need for it earlier.



- **Alleys that will serve Area B can be considered a “street” for the purposes of the definition of lot frontage and front yard setback.** Ms. Polhuy states, the TZO states that *“For the purpose of determining frontage, an alley is not considered to be a street or highway”*. Lots in Area B will only be served by the alley and need the alley to be considered a street for other zoning and subdivision regulations. She states, zoning ordinances have several regulations that act in tandem: a) lots have to be created in a way that they front a street to be able to drive in and out of the house and for the fire department to access them in case of fire; b) lot frontage determines where the front yard is, which determines where the house must face and how far from the street the house must be built. She states, in Thorntown, many properties were developed on a traditional grid system with roads/streets serving as the main entrances/exits to the properties and alleys being secondary access streets. If streets and alleys were considered streets for the purpose of determining lot frontage, then quite a few properties in Thorntown would have 3 front yards with a front yard restriction that could deem lots not buildable. She states, to avoid such restrictive rules for development, alley is not considered a street for determining the lot frontage. She states, in the proposed Area B, the alley serves as the only street that the lots front on, so it makes sense for the alley to be considered a “street” with all other consequent regulations: the yard along the alley is considered a front yard and the front setback is measured from the lot line bordering the alley.
- **No street trees required along the alley in Area B.** Ms. Polhuy explained this earlier.
- **Reduction of the width of the common area that constitutes a break in a block: from 100 feet to 30 feet.** Ms. Polhuy states, the longest blocks in Thorntown are lower than 800 feet. Due to this, she says, the recommended maximum block length is 800 feet in the TZO. She states, the following features constitute a break in a block: a) a green space/park/amenity at least 100-ft-wide; b) a street intersection; c) a t-street intersection if the common area abutting the “T” is as wide as the street ROW (minimum 50 feet in Thorntown); and d) the right-of-way or easement for a public or private street. She states, the developer proposes to amend the “100-ft-wide” rule to a “30-ft-wide” rule with two trees planted in the 30-ft easement area to show the break in continuity of the street block.
- **Waiver of the building massing anti-monotony regulation.** Ms. Polhuy states, this regulation exists to vary the building mass within a block to avoid a monotonous landscape of similar-looking buildings. She says, the TZO proposes 4 ways to meet it and applies to houses built side-by-side: a) variation of house height by at least two feet; b) variation in the roof pitch of the main ridge line; c) variation of the orientation of the main roof ridge line; or d) variation in roof type (gable, hip, mansard, etc.). She states, in lieu of this regulation, the developer proposes to vary front setback lines in the blocks that will be longer than 800 feet. She says, this would add a break in continuity viewing the houses along the streets.

Ms. Polhuy states that the proposal was reviewed by the Technical Advisory Committee. She received the following comments from the TAC members:

- **Western Boone School Superintendent, Rob Ramey.** There is enough capacity in the school to welcome over 100 new students. With the recent school expansion and declining student numbers, the additional space is available. The superintended also believes that building a

new and different housing product might attract young families with kids that cannot find a house in the existing housing market in Thorntown.

- **Boone County Surveyor (Stormwater and Drainage review), Carol Cunningham.** There was a comment about stormwater drainage design, but the place to review the actual design of it will be during the primary platting stage.
- **Utilities.** Ms. Polhuy states that Arbor was informed about gas and electric utilities present on the project site and their jurisdictions.

Ms. Polhuy states that as of today, she hasn't received any written comments (emails, physical letters, etc.) from the public about this proposal.

Ms. Polhuy recommends PC to send a favorable recommendation to the Council of the PUD-01-2022 and requested waivers based on the following reasoning:

1. The proposed residential development meets the goal of Compact Form of land development, which is the land use policy stated in the Thorntown Comprehensive Plan;
2. The proposed residential development can provide a desirable residential use to attract new residents into town which meets the community vision stated in the Comprehensive Plan;
3. The proposed residential use is compatible with the surrounding residential uses and some active and vacant agricultural fields;
4. The proposed type of denser residential development in Area B and corresponding waivers of Thorntown Zoning Ordinance regulations are counteracted by the provision of additional green space, trail, and a community park. Area B takes up only 3 % of the project area and is surrounded by other traditional lots which provides a buffer between this dense area and medium density of the existing residential development in Thorntown to the east of the project site.
5. The developer proposes additional architectural standards to ensure a high quality house product and a variety of house designs.
6. The developer proposes additional landscaping standards for lots and for the entire subdivision (a list of prohibited species) that enhance the quality of the installed landscaping and protect the area from invasive species.

with the following conditions:

1. The Change of Zoning and PUD Ordinance becomes effective upon the recording of the annexation ordinance as per Indiana Statute.
2. The utility easement in Area B shall be located in the yards along the alley, while the rear yard easement shall be a drainage easement only.

#### PUBLIC COMMENTS

Shawn McClintock, 627 W Main Street, Thorntown, IN, steps forwards and says that in the previous public discussions of this development, there was a request to reduce the number of lots, but Arbor, after discovering the wetland's borders, decided to buy more land and add more lots. He asks the petitioner, why they haven't kept the original lots, cut their losses, and reduced the number of lots.

Charles Russell, Arbor Homes, states that after they found out that the wetland had to be preserved in its entirety, they had to look at making the project feasible, which resulted in them needing to add more lots on a new parcel. He states that though they added a few more lots, they reduced the overall density of the development.

Mr. McClintock states that he has served on the Council for some time and looks at this project from the perspective of the town resources. He states that the town added some sewer capacity and he isn't sure that one project taking up most of that capacity is a good idea. He says that this is why he doesn't like an increase in the total number of lots and would rather they decrease it.

Alynda Neubeck, 8265 W 47 SR, Thorntown, IN, says that she lives north of the project and asks if the water will be draining away from her or into her lot.

Mr. Russell says that the water from the lots that abut her property will drain south into the wetland.

Ms. Neubeck asks about the width of the alley in Area B.

Ms. Polhuy states its 16 feet.

Ms. Neubeck asks if there is going to be natural mounds or landscaping between the development and the surrounding houses.

Mr. Russell says that they are not planning on planting one. He says that if there are some existing trees, they try their best to keep them, though not guaranteed.

Kyle Millholland, 9643 W 600 N, Thorntown, IN, asks Arbor what it means to have a 6-month supply of housing.

Caitlin Dopher, Arbor Homes, responds that a 6-month supply of housing means that the number of houses listed for sale will be purchased within a 6-month period of time, which is a sign of a balanced market with enough housing supply. She says that because Thorntown's average is 0.3-month supply, it means that all houses for sale are purchased within a week or two, so there is not enough of house supply.

Mr. Millholland asks Ms. Polhuy whether the math calculating the area of all lots in Area B is correct.

Ms. Polhuy explains the math.

Mr. Millholland says that on the southern portion of the project, it seems like there could be expansion of the project.

Mr. Russel responds that a street on the south side of the Concept Plan is a typical development feature, required by the TZO as well, so that if future development happened, that development could have at least some access to it.

President Gray says he attended planning workshops in the past, and he learnt there that the stub streets like the ones on the plan are highly recommended for any future access to the new developments, should those happen.

Mr. Millholland says that he is concerned about the houses in Area B being so close to each other and thinks that they are in gross violation of the code and he has concerns about the fire spreading to the houses.

President Gray thinks that they need to think about tiny homes that start coming into a lot of communities.

Ms. Polhuy states that the minimum side setback in Area B is 5 feet, which is what the TZO requires of all residential buildings. She says that the Indiana Building Code regulates wall construction including things like fire-proofing material. She states that this Code doesn't require a minimum distance between the buildings for fire safety, but instead says that depending on the distance, the amount or type of fire proof materials should be changed to increase the fireproofing capacity of the buildings. She thinks that the fire shouldn't be a concern here.

Melanie ....., states that the Comprehensive Plan is old, its recommendations are not set in stone, and thus, one doesn't have to follow it strictly.

Mr. Norton says that the main legal requirement for the Plan Commission's analysis and the Council's decision is to base it on 5 criteria, one of them being whether the proposal is consistent with the goals, objectives, and policies of the Comprehensive Plan. He says that there is no state statute in Indiana that requires an update to the Comprehensive Plan within a certain time period, so what Thorntown has is still a document to be advised with for decisions on applications like this PUD.

Melanie... asks which standards would apply to subdivision's amenities like swimming pools and things like that.

Mr. Russel states that if the town has standards, they would form the base of the standards and then the HOA can add some of their on top of it.

After seeing no one wanting to speak, President Gray closes the public hearing.

#### PLAN COMMISSION DELIBERATION

President Gray says that it's hard for him to imagine how the houses would sit on a lot and creating a map with little squares of houses on the Concept Plan would be a nice start.

Mr. Russel says that they can create an Exhibit like that next time.

Mr. Russel says that if the Commission entertains a favorable recommendation, they would request to remove a 2<sup>nd</sup> condition about the drainage easement in Area B. He states that they are so early in the process of designing the subdivision that putting this restriction on the kind of easements and their location is not the best time for this condition. He wants to ensure that the engineers have an opportunity to create the designs and establish the right easements at the next application stages.

President Gray asks if electrical utilities would be underground.

Mr. Russel says yes.

Ms. Polhuy says that she added this condition because the TZO subdivision regulations require a minimum 15-ft-deep rear easements, so the 10-ft rear yard and the bigger rear easement wouldn't match up, and the 15-ft easement would serve as the actual rear yard depth. If Arbor wants to reduce the rear yard (and by that, the rear easement), then she'd rather they only use it for drainage and not any other utilities. She says that if Arbor wants to keep the flexibility of using the rear yard for any utilities, then they could revise the rear setback to be 15 feet instead of 10 and then there won't be a need for this condition.

Mr. Russel says that after the explanation, he thinks that the condition can stay in the motion.

President Gray asks if there is a motion and goes over the motion options.

Vice President Strong says that he needs more time on deliberation about this project.

**Motion by Vice President Strong, second by Mr. Clark to continue the review of the application to the next meeting.** President Gray asks if there is a discussion of the motion.

President Gray says that there is a lot to absorb after all of the information exchanged. He thinks that Ms. Polhuy physical presence might have helped as well.

Mr. Strong says to Mr. Norton that they still love him.

President Gray says that he drove through Sheridan's Maple Run residential subdivision [OP: where Arbor has built some houses recently], and it is a nice-looking community. He says it's huge, a lot bigger than the proposed development, but one doesn't notice it right away, mostly because it's hidden behind the corn.

Mr. Smith states that Ms. Polhuy created a staff report that analyzes all documents submitted by the applicant, reviewed them against the TZO and the Thorntown Comprehensive Plan. He says that while the Comprehensive Plan is old, the Plan Commission cannot base their decision on anything else that is not there, so they have to use the existing Comprehensive Plan. He says that the staff went through all "checkboxes" and showed where the proposal meets the standards. She also laid out deficiencies as well as additional things that the applicant proposed to offset the deficiencies and came down to the conclusion that yes, the proposed development overall and its features offset the requested waivers. He states that the houses in Area B seem to be an issue with some people, but affordable housing is an issue to a lot more people. He says that the report states the reasons why it's favorable, but asks if any Plan Commissioners have reasons why it should be unfavorable. He says that if one looks at the fact rationally in the report, he feels comfortable with a favorable recommendation. He thinks that the emotional aspects of this application will need to be addressed by the Town Council. He thinks that their job as the Commissioners is to check if all boxes are checked and analyzed regarding land use policies, goals and standards, and that the job has been already done in the staff report.

**Motion by Vice President Strong, second by Mr. Clark to *continue* the review of this item until the next regular meeting on February 13, 2023 due to the need for more time to assess all information brought up during the public hearing, staff presentation, and applicant's responses.**

**AYES: Don Gray, Ben Strong, Erick Smith, Jerry Seymour, Frank Clark. NAYS: Zero. ABSTAIN: Zero. Motion carries: 5, 0, 0.**

## **NEW BUSINESS**

**ITEM #2. REZ-01-2022. Review of the application for rezoning the subject property, located at 112 S Market Street, from Residential to Business zoning district and an addition of an address to the said property. Owner and petitioner: Charles Edwards.**

Ms. Polhuy states that the property is in the same block as Town Hall, south of it. It has been used for a law office use for a few years. She states, she doesn't know what the use was before. She states that the property has been zoned Residential this whole time. She states that Thorntown has only two zoning districts: Residential and Business. She states that residential uses are allowed only in the Residential zoning district and commercial, industrial and other uses are allowed in the Business zoning district.

Ms. Polhuy states that the applicant wants to have his car sales office at this location. She states, in order to obtain the state license for conducting a car sales business, this property needs to meet a state requirement of being located in a Business zoning district. She states, the Planning Administrator must sign off on the state license application form confirming that the zoning of the property allows a car dealership use to be present at the property. She states, the current zoning of the property is "Residential" and does not allow a car dealership use. Due to this, the applicant is requesting rezoning of the property from a Residential zoning district to a Business zoning district.

Ms. Polhuy states that the surrounding zoning districts are all residential as well. However, she states, the surrounding uses are variable: institutional and residential to the north, residential and business to the east, residential to the south, and institutional to the west. She states that Thorntown's zoning districts and the actual uses of the properties often times do not match up.

Ms. Polhuy shows a portion of the Future Land Use map and points out that the recommended use for this property is institutional, probably because the Town Court, Police and Town Hall itself are located in the same block, so it made sense to recommend the same institutional use for the entire block. She states that the recommended uses around this institutional block are businesses uses. She states that there is no "institutional" zoning district in Thorntown. So, one could argue that if the Future Land Use map proposes non-residential use on this property, then the only non-residential zoning district, Business, is consistent with this recommendation.

Ms. Polhuy continues, the community vision in the Comprehensive Plan states that Thorntown would like to be a sustainable town that can provide not only residential and recreational opportunities, but also attract various businesses while maintaining and preserving the aesthetics of the historical core of the town. She states that the applicant would like to use the inside of the building for his office and hasn't expressed any plans about changing the building in any way. She says that it means that the historical look of the building will be preserved. She states, permitting this rezone would allow the applicant to keep his business location in town, which meets the community vision goal of being economically sustainable.

Ms. Polhuy states the following land use policy from the Comprehensive Plan, "Permitting commercial uses has to be done in a way that protects more sensitive areas from the possible negative consequences of using the property for commercial uses." She states, there are residential properties to the south and east of the subject site. She state, while the applicant only plans to use the existing building on the property for his office and doesn't propose or expect to store cars at the lot, staff still would like to propose two commitments to safeguard the surrounding residential uses from the possible consequences of permitting a car dealership lot use at this location. She states, if car storage becomes necessary at this property, then 1) car storage shall happen within the property boundaries and not in the right-of-way, and 2) the storage area shall be improved at a minimum with

gravel or ideally paving to avoid bringing dirt into the streets and protecting the soil of the site from contamination. Staff has seen an issue appear with some car lots in the past: some car lots (dealership or repair places) were overcrowded with too many cars and spillage of such storage occurred onto the streets. She states, requiring storage of the cars within the lot helps to maintain the same amount of parking spots available for the public to use when they need to access downtown amenities and businesses. Thus, she says, these conditions ensure the overall welfare of Thorntown residents.

Ms. Polhuy goes over the aesthetic consideration from the Comprehensive Plan. She states, a portion of the Comprehensive Plan is devoted to improving the visual look of the Main Street and to the ideas of preserving the historical character of the downtown properties including the subject site. She states, the subject site is located in the proposed "Commercial Historic" overlay district. She states that Thorntown hasn't adopted any ordinances creating this overlay district, so there are no aesthetic standards to follow here. However, she states, the applicant is not planning on making any changes to the property, so its historic current look will be preserved and still meet the land use policy goal stated in the Comprehensive Plan.

Ms. Polhuy states that the applicant also wants to add an address to this property so that the existing law office can retain its 112 S Market St address, and his business could have a new address. Ms. Polhuy proposes "110 S Market St" address because it matches the address pattern in the area and doesn't exist in Boone County's address records.

Ms. Polhuy states that she received one remonstrance letter before the meeting added to the record. The remonstrator is from a surrounding area adjacent to the site. The letter stated that the person was okay with the office use on the lot, but was concerned about allowing a car lot use. Ms. Polhuy states that Thorntown doesn't have varying commercial zoning districts. The Business district allow both offices and car uses. She says that due to this, two uses cannot be separated.

Mr. Smith asks if the two commitments proposed by staff are going to be attached to the property.

Ms. Polhuy responds yes.

President Gray opens a public hearing.

Deborah Smith, 112 S Market St., Thorntown, IN, says that she's been in this building since 2012. She says that their business model doesn't require car storage and they won't store cars there, so there is no need for the commitments.

Mr. Smith says that commitments exist to govern any other situations that could happen in the future.

Ms. Smith says that she is okay with the commitments. She states that most cars sold are typically stored in other places, they advertise the cars online, and if someone is interested in the car, they drive to the storage place and try the car there, but no cars ever are stored by the office itself. She states the office is only needed for them to obtain a state license. She says that she doesn't remember this property being used residential, and some Commissioners and members of the public agree with that.

Motion by Mr. Smith, second by Mr. Strong to send a favorable recommendation to the Council for adoption of Change of Zoning from Residential to Business zoning district for the subject real estate located at 112 S Market Street as per submitted application REZ- 01-2022,

With the following commitment(s):

- 1. Vehicle storage shall happen within the property boundaries and not in the right-of-way, and
- 2. The vehicle storage area shall be improved with gravel at a minimum or paved with asphalt.

Based on the following findings:

- 1. The proposed business use meets the community vision goal of retaining economic activity within Thorntown and using existing properties (infill) for it;
- 2. The proposed business use is compatible with the proposed institutional use for the subject site in the Future Land Use Map of the Comprehensive Plan;
- 3. The proposed business use meets the land use objective in that it will retain its residential and historic look and serve as a buffer between the existing residential and commercial uses; and
- 4. The proposed business use is compatible with the surrounding uses as proposed by the applicant and with the conditions proposed by staff to ensure future compatibility of the uses, preservation of property values, and responsible development.

AYES: Don Gray, Ben Strong, Erick Smith, Jerry Seymour, Frank Clark. NAYS: Zero. ABSTAIN: Zero. Motion carries: 5, 0, 0.

Motion to approve the request for an addition of the address "110 S Market Street" to the subject property as per submitted application REZ-01-2022, and with the following condition of approval:

- 1. Address change shall happen upon approval of the Change of Zoning request by the Town of Thorntown Council.

AYES: Don Gray, Ben Strong, Erick Smith, Jerry Seymour, Frank Clark. NAYS: Zero. ABSTAIN: Zero. Motion carries: 5, 0, 0.

ANNOUNCEMENTS

MISCELLENEOUS

ADJOURNMENT

Mr. Gray makes a motion to adjourn. Meeting adjourned at 8:05 PM.

  
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 Donald Gray President

  
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 Oksana Polhuy Secretary