MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, February 12, 2024, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Jeff Valiant, Greg Webb, Dave Goldenberg, Amanda Mosiman, Richard Reid, and Jeff Willis. Members absent Bob Johnson.

Also present were Morrie Doll, Attorney, Molly Barnhill, Director, Kim Kaiser, Assistant Director, and Shelli Clark and Julie Newton, staff

**MINUTES:**

President Valiant asked if everyone received a copy of the minutes from the January meeting. He asked are there any additions or corrections.

Amanda Mosiman made a motion to accept the minutes from the January 8, 2024 regular session Area Plan Commission meeting. The motion was seconded by Richard Reid and carried unanimously.

**APPOINTMENT FOR ATTORNEY FOR 2024:**

President Valiant said I think we missed this last month.

Mrs. Barnhill replied yes. She stated it is a two year contract with Doll and Sievers.

Amanda Mosiman made a motion to award another two year contract to Doll and Sievers. The motion was seconded by Richard Reid and carried unanimously.

President Valiant stated it looks like we have two primary plats and a rezoning tonight. He said the plats will get approval here and the rezoning will go as a recommendation for the County Commissioner’s. He continued I think one of these tie together the plat and the rezoning.

**PRIMARY PLATS**

**PP-24-02: Saddlebrook Subdivision:** PETITIONER: Brian Litherland OWNER: Litherland Development LLC by Brian Litherland, Owner Approximately 32.277 acres located on the north side of Jenner Road approximately 1,980’ east of the intersection formed by Jenner Road and Castle Garden Road. Ohio Township Section 11, Township 6 South, Range 9 West *Complete legal on file. Advertised in The Standard on December 28, 2023. Continued from the January 8, 2024 meeting.*

Brian Litherland was present.

President Valiant asked for a staff report.

Mrs. Barnhill stated it says we are missing one green card but we got three letters back today; we do have the white pay receipts showing they were mailed correctly to the adjacent property owners. She said zoning is agricultural and there is no floodplain. She stated the proposed development shows 18 residential lots and 3 outlots. She said the residential lots range from 1 acre to 1.82 acres. She stated A is for sign maintenance, B is for drainage and utilities, and C is designated for drainage, detention utilities, and a space for a park. She continued the street construction plans were approved subject to the County Engineer’s final approval and the drainage plans were approved. She stated Chandler sewer has capacity and they also have water capacity so the plat would be in order. She said there is a large CenterPoint agreement… not agreement, easement that we still need an agreement to encroach upon there. She said C is where they are proposing a retention basin so we still need top of bank and bottom of bank shown on there and it would also be subject to a deed being recorded for the amended parcelization to cut the dogleg out to the south.

Brian Litherland said east.

Mrs. Barnhill stated south.

Brian Litherland said well south of the development.

Mrs. Barnhill replied yes.

Brian Litherland stated south of the development and east side of the original parcel.

Mrs. Barnhill said yes, to get the part for their road. She stated everything else would be in order.

Attorney Doll said subject to.

Mrs. Barnhill responded yes.

President Valiant asked anything to add to the staff report.

Brian Litherland responded the parcelization is complete so we are working on getting the deeds prepared. He continued in regards to the CenterPoint easement I have been exchanging a lot of phone calls and emails. He said we are through all of the heavy lifting and now it is down to dotting the I’s and crossing the T’s and eventually getting that thing sent through Houston with their new ownership. He stated we should be through the thick and heavy stuff.

President Valiant asked are there any questions from the Board.

Richard Reid asked what did you decide on that sign down there.

Brian Litherland stated the County Engineer came back and they said it was okay for the sign to be in there therefore that is the reason for A to be created was to create the non-county owned property that the sign will set on.

Mrs. Barnhill stated he did adjust the property line there to give more room for the right-of-way and to meet our minimum standards.

Brian Litherland stated yeah, Bobby was wanting 50 foot of right-of-way outside of A and so that was part of that adjustment that happened with that parcel.

After ascertaining there were no more questions from the Board and no remonstrators for or against, President Valiant called for a motion. Richard Reid made a motion subject to all of the items Molly needed corrected for PP-24-02. The motion was seconded by Dave Goldenberg and carried unanimously.

Brian Litherland said thank you.

Mrs. Barnhill replied you’re welcome.

President Valiant stated the next primary plat has a rezoning to go with it so we will do both of them.

**PP-24-03: Walt’s Hallow PUD Subdivision:** PETITIONER: Van Development LLC OWNER: Van Development LLC by Chad VanZilen, Member. Approximately 10.56 acres located on the west side of Anderson Road approximately 650’ north of the intersection formed by Anderson Road and Yosemite Drive. Ohio Township Section 25, Township 6 South, Range 9 West. *Complete legal on file*. *Advertised in The Standard on February 1, 2024.*

**PC-R-24-02:** PETITIONER/ OWNER: Van Development LLC, by Chad VanZilen, Member. To rezone 10.56 acres located on the west side of Anderson Road approximately 650’ north of the intersection formed by Anderson Road and Yosemite Drive from “R-1” One Family Dwelling to “A/PUD” Agricultural Planned Unit Development Ohio Township Section 25, Township 6 South, Range 9 West. *Complete legal on file. Advertised in The Standard on February 1, 2024*

Scott Buedel, Cash Waggner and Associates and Chad VanZilen, Van Development were present.

President Valiant asked for a staff report.

Mrs. Barnhill stated we have all of the green cards except for four. She said we do have the white pay receipts and they were mailed correctly. She stated the zoning is “R-1” and they are proposing an “A/PUD”, which will be a planned unit development consisting of Agricultural. She added there is AE floodplain on this property but most of that is to the south. She said proposed development has three residential lots with lots ranging in size from 2.74 acres to 3.192 acres. She continued the Commissioner’s approved their street plans for the private road today. She stated the Drainage Board approved for no drainage plans being required. She said they are proposing a septic system but we do not have percolation test sites shown so that will need to be made a condition of approval. She stated they have to have at least two perc tests per lot. She continued Chandler water has capacity and the plat would be in order subject to the percolation tests and subject to the rezoning being approved by the Commissioners. She stated on the rezoning the Comprehensive Plan projects the area to be moderate to high density residential. She added it is currently vacant. She said the surrounding zoning and land use to the north, east, and west are agricultural with single-family dwellings and some farm ground and continued to the south is one-family dwellings being Summit Point Subdivision. She stated they do have access onto Anderson Road and are proposing a private road to get to it. She said the stated use is a three lot residential subdivision, which would be in compliance.

President Valiant said thank you, Molly. He asked do you have anything to add to the staff report.

Scott Beudel stated we turned in a parcelization plat a couple of years ago just to divide that back property off and Chad had it for sale and wanted to do something with that but there were really no takers on that 10 acres of ground so he is just looking to divide it up to make it a little more manageable on his part. He said the reason for the PUD is the private road that goes back into the development to just kind of keep the nature of the area without curb and gutters just a long paved driveway.

President Valiant asked if there are any questions from the Board.

Amanda Mosiman said walk me through why we are taking it back from “R-1” to “A/PUD”.

Scott Buedel responded whenever we were at site review just the option of sticking with “R-1” to “A” the option of having livestock or something out there just too kind of match the surrounding area came up and Chad thought that would be a good idea to offer that to somebody.

Amanda Mosiman replied okay.

Mrs. Barnhill stated the only reason it had to be a “PUD” was because they wanted a private road.

Amanda Mosiman replied okay, thank you.

President Valiant asked are there any remonstrators for or against this project.

Amanda Mosiman said Jordan is going to stroll up here…no.

Jordan Aigner stated I am for development.

Lots of laughter.

Jordan Aigner continued I’m for it…go for it.

President Valiant said bringing it back to the Board, are there any other questions. He said lets act on the rezoning first if we do….

Attorney Doll said yes.

President Valiant continued if somebody wants to make a motion.

Richard Reid made a motion of rezoning PC-R-24-02 subject to perc tests…

President Valiant asked that was on the plat wasn’t it.

Mrs. Barnhill responded yes, the plat would be subject to that.

Richard Reid said okay, scratch that last part.

Mrs. Barnhill replied okay.

The motion was seconded by Jeff Willis and carried unanimously on a favorable recommendation to the Commissioner’s.

President Valiant said okay, on the plat itself.

Richard Reid asked are you ready for a motion.

President Valiant replied if you are ready.

Richard Reid made a motion to approve PP-24-03 subject to the perc test on each lot. The motion was seconded by Dave Goldenberg and carried unanimously.

Mrs. Barnhill stated this will go March 11 to the Commissioner’s at 4:00.

Scott Buedel responded thank you.

Mrs. Barnhill stated hold on the Commissioners meet at 10:00 a.m. that day, I’m glad I have my calendar. She said 10:00 on the 11th.

Scott Buedel replied thank you.

**OTHER BUSINESS:**

President Valiant said other business Pebble Creek Number 2 adjustment.

Mrs. Barnhill stated oh yes.

President Valiant asked did you forget about that.

Mrs. Barnhill replied yes.

President Valiant responded okay.

Mrs. Barnhill stated this happened so long ago it has been sitting in my office. She stated they are wanting to adjust some building envelopes in Pebble Creek Subdivision Number 2. She said the owner is wanting to do this so I requested what they are wanting to do be shown so they had that drawn up page 1 of what is in your packet and I have the original Pebble Creek Subdivision in there as well. She stated it shows the building envelopes down here. She said we have done this before adjacent to these lots but it was very specific on which lots it could be done for so I didn’t want to change a PUD without bringing it to the Board. She stated I needed a motion on that if it was allowable or not. She continued it really doesn’t change a lot…it doesn’t encroach any further into the setback.

President Valiant asked wishes of the Board.

Amanda Mosiman stated I don’t see an issue with it. She said I move to accept the adjustments of Pebble Creek Number 2 PUD. The motion was seconded by Richard Reid and carried unanimously.

**ATTORNEY BUSINESS:**

President Valiant said Attorney business.

Attorney Doll responded nothing.

**EXECUTIVE DIRECTOR BUSINESS:**

President Valiant said Executive Director.

Mrs. Barnhill replied yes, Jordan Aigner is here to talk about Victoria Woods. She said it is moving right along so he wanted to talk to you guys and give you an update.

Jordan Aigner stated I am Jordan Aigner representing Oakland Holdings, 944 Baker Road Boonville. He said thank you Molly for getting me on your agenda in your portion of the time. He stated that is all I wanted to do is to give you an update. He said we were here many meetings before. He continued the Council has been established so we have a three person council and we are on track to get our planning commission set up and filled out. He said that should happen on the 21st I think. He continued during the last meeting I was doing some emails and that may end up adjusting because of the notice that we had to give. He said I may end up doing a surety that we just requested release of so we may end up re-upping your surety for the current streets and storm drainage only to maybe one month later or one meeting later probably in March to come back to the Commissioner’s and say okay now we have it.

Mrs. Barnhill responded okay.

Jordan Aigner stated I think we are going to miss it by just maybe the day of or something. He said I will keep you up to date. He added that is just the surety that we have so it is not going to be County roads its town roads so we would release that with the County for the bond and then put it with the town. He said I just wanted to make sure you guys knew that real soon we will have our own Planning Commission. He stated we did thank you guys for your efforts on the Comprehensive Plan, I think the Commissioner’s approved that it tonight.

Mrs. Barnhill replied yes.

Jordan Aigner stated we are probably going to just approve that plan, you are supposed to have one, and so we are just going to approve your plan because you did so much work on it. He stated Victoria Woods is mentioned there, the map shows it is a neighborhood type communities so you did make that easy for us so I appreciate that.

Mrs. Barnhill replied good.

Jordan Aigner stated we will have that and then we will be developing our ordinance and kind of go from there. He said I just wanted to make sure you guys are up to date in case you guys were wondering what was going on so that is where we are. He stated if you have any questions you can reach out to me…email me or call me anytime.

President Valiant stated I am glad it has worked out for you. He said I think a lot of people thought you were a little crazy going into it…

Jordan Aigner responded yeah.

President Valiant continued but it has definitely been working out for you.

Jordan Aigner replied it is doing good. He said we have good people that are…but we are learning I mean you know…Amanda gave me some good training opportunities and I appreciate that. He said you never know you may have some people calling you saying hey, I’m on this planning commission…so they may have questions for you guys too.

President Valiant stated whatever we can do. He said it is a good deal.

Jordan Aigner said that is all I have.

Several people replied thanks, Jordan.

President Valiant asked anything else.

Mrs. Barnhill stated we are back to full staff in the Area Planning Commission office. She said I had them come tonight. She stated I have Julie Newton and Shelli Clark.

Several Board members said welcome.

Mrs. Barnhill stated these meetings help them learn the process of everything that we are taking in so it makes more sense once you see it happen.

President Valiant responded absolutely.

Mrs. Barnhill stated that is it. She said nothing new.

President Valiant asked anybody else. He said I will entertain a motion to adjourn.

Richard Reid made a motion to adjourn at 6:18 PM. Amanda Mosiman seconded and the motion

carried unanimously.

ATTEST:

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Molly Barnhill, Executive Director Jeff Valiant, President