MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, October 14, 2024, 6:00 PM

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

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

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Carlie Render and Shelli Clark, staff.

Mrs. Barnhill stated I do need to say Greg Webb was our representation from the School Corporation…he is no longer with them. She said they are working on appointing a new member…we don’t have one yet.

President Valiant said it looks like we have two primary plats and a rezoning on the agenda tonight, as well as some resolutions. He said primary plats will get approval here tonight and rezoning’s will go as a recommendation for or against to the next Commissioners meeting. He continued as we go through these, please step up to the podium, there should be a sign in sheet up there and we’ll go through each case.

**PP-24-19:** PETITIONER: Hoocat Holdings, LLC, by Evan L. Beck, Owner. OWNER: Delta Properties, LLC by Evan L. Beck, Owner. Approximately 10.28 acres on the south side of Rabbit Run Drive approximately 500’ west of the intersection of Rabbit Run Drive & Trinity Drive being Lots 7 thru 17 in Gateway Business Park Sec 2. Ohio Twp. 28-6-9. *Advertised in The Standard on October 3, 2024.*

President Valiant stated I believe we have a rezoning with this correct.

Mrs. Barnhill replied yes.

President Valiant said I will go ahead and read the rezoning.

**PC-R-24-10** PETITIONER: Hoocat Holdings, LLC, by Evan L. Beck, Owner. OWNER: Delta Properties, LLC by Evan L. Beck Owner. To rezone 10.28 acres located on the south side of Rabbit Run Drive approximately 500’ west of the intersection of Rabbit Run Drive & Trinity Drive being Lots 7 thru 17 in Gateway Business Park Sec. 2 from “C-4” and “R-0” to “PUD with R-2B” with a Use & Development Commitment. Planned Unit Development with Multiple Family/Apartments Ohio Twp. 28-6-9. *Advertised in The Standard on October 3, 2024.*

Project Engineer Jim Morley Jr., Morley & Associates was present.

Jim Morley Jr. said the only comment is it’s not multiple family apartments, it’s townhomes. He said at least we’re talking about here…they are townhomes, not apartments.

Attorney Doll said well it says here apartments.

President Valiant said multi-family/ apartments is was it says on the agenda.

Mrs. Barnhill stated that is just verbiage from the Ordinance.

Jim Morley Jr. said ah okay, fair enough.

President Valiant asked do we have a staff report.

Mrs. Barnhill replied on the primary plat and rezoning they sent the notices together. She continues we have all the green cards except three, but we do have all the white pay receipts showing they were mailed correctly. She added the current zoning is “C-4” General Commercial & “R-O” Residential Office. She said they are rezoning to “PUD/R-2B” Planned Unit Development consisting of multiple family with a use and development commitment. She continues there is no floodplain and the proposed development has 64 lots with townhomes and 7 outlots for the drives. She stated Newburgh Sewer has capacity and they have capacity for water from Chandler and Indiana American. She said the conditions on the plat would be consent agreements for easements in the proposed right-of-way’s for the outlots being private roads, a vacation of the right of way for part of Rabbit Run which is located on the south side of lots 1 & 2 on the proposed plat…it was filed today. She continues on the streets and drainage; they have not been to the meetings yet because those meetings were changed at the last minute so they are scheduled for October 28 to be heard on streets and drainage. She said any approval would be subject to those as well. She continues on the zoning…lot size 10.28 acres. She added the Comprehensive Plan shows neighborhood centers with low to medium density residential, community amenities and neighborhood commercial. She said the existing use is a vacant subdivision; the surrounding land use & zoning to the north & west is “C-4” General Commercial; to the east & south is “R-1” One Family Dwelling being Rabbit Run, Pine Valley and Wynbrooke Sec A Subdivision all with single-family dwellings. She stated access would be onto Rabbit Run with the outlots and private roads and the stated use would be the 64 lot townhomes with 7 outlots. She said everything would be in compliance with those conditions. She added last thing, I do have a recorded Power of Attorney from Evan Beck with Hoocat Holdings that gives James E. Morley the limited Power of Attorney to represent him tonight at this meeting.

President Valiant replied thank you Molly. He said Mr. Morley anything to add to the staff report.

Jim Morley Jr. stated just that I’ve never had that much power…power of attorney. He said I feel like I can sell the guy’s house or buy a car or something like that.

Board Members laughed.

Jim Morley Jr. continues so I passed out a little exhibit…this is basically the southeast corner of Grimm & SR 66 more or less. He said this ground was platted many years ago to be setup as commercial lots and they had not sold as commercial lots and there is a high demand for housing and these townhomes are very popular now and so they are seeking to do a townhome development project. He continues the townhomes none of them look directly at Rabbit Run. He said as you look on that exhibit, they all face an internal private driveway, so there won’t be any…. the cars themselves don’t back out onto Rabbit Run Drive or anything like that, they all have their own private driveways. He added we think it’s a great use of this piece of property because the property has sat vacant for a while so it will be good to get something going there.

President Valiant asked is that all you got.

Jim Morley Jr. replied that’s all I got. He said unless you ask a hard question.

Mrs. Barnhill stated they did file a sidewalk waiver. She added any approval would be subject to that and there is an exhibit in the packet that shows the sidewalks in green. She said it would basically be on both sides of Rabbit Run.

Jim Morley Jr. replied except for the very…

Attorney Doll said end.

Jim Morley Jr. said far to the right.

Mrs. Barnhill said very bottom where they do not own. She said you guys have that exhibit.

Amanda Mosiman responded I am not seeing that exhibit actually.

Attorney Doll said yeah, I don’t think we have it.

Jim Morley Jr. said we put sidewalks everywhere except up Rabbit Run Drive the part that backs against Wynbrooke and what was that other name of that sub.

Attorney Doll replied pine.

Mrs. Barnhill said it’s Wynbrooke… on the north end you mean.

Jim Morley Jr. said we put…

Attorney Doll said south end.

Jim Morley Jr. said down there…

Mrs. Barnhill replied that’s Wynbrooke

Jim Morley Jr. said just east of Wynbrooke.

Mrs. Barnhill said oh Pine Valley.

Jim Morley Jr. said yes. He added so we worked with the School Department representative to put sidewalks along the mass majority of Rabbit Run Drive He continues on that one piece it’s only along one side and the School Department was okay with that.

Mrs. Barnhill replied yes.

Jim Morley Jr. stated that is what we discussed at the sub review meeting and they were okay with that.

Richard Reid asked are the townhomes condominiums.

Jim Morley Jr. replied technically they are townhomes. He said they own the lot that they sit on.

Richard Reid said deeded.

Jim Morley Jr. responded yeah, they are deeded parcels.

President Valiant asked any questions to the board at this time….any remonstration for or against this project please step forward to the podium. He said there should be a sign in sheet up there, you’ll need to put down your name and information and then state your name for the record when you’re ready.

Becky Ziga said good evening, I am a resident in the Wynbrooke neighborhood. She continues it is just a concern to bring forward that we might need to do further discussion with the Engineer, is that we have a traffic problem that has developed since Wynbrooke Drive has been connected to Rabbit Run. She said other vehicles not part of the neighborhood are actually speeding through that area. She said they are not using Grimm as the main traffic area and it’s to reach Outer Lincoln going either east or west or in the reverse coming through Wynbrooke to be on Rabbit Run. She said we realize that this is a great opportunity to increase the residency of that area, not commercial so we are very positive about that, but how do we address that we already have a traffic problem and how can we calm that. She continues we will potentially be adding 50-100 cars to be again driving in that area. She added so it’s a concern to bring forward, positive on the residential part, but we would like to have that investigated of a calming opportunity for Wynbrooke Dr…thank you.

President Valiant said thank you ma’am.

Nick Jankuhn said good evening, my name is Nick Jankuhn and I am a resident of the Wynbrooke subdivision. He said I would also like to voice my support for this development as was just mentioned it would be important to make sure that Wynbrooke Drive does not become a through street and that perhaps some traffic calming measures are being put in. He said several neighbors in our subdivision we actually were exploring options to put in more sidewalks because people currently walk along Rabbit Run Drive at night after darkness and it is a very dangerous walk, people walk their dog, they go jogging during darkness so we were exploring options on putting sidewalks in so we are very, very happy to hear that this new development now comes with sidewalks and perhaps makes it even safer for both pedestrians and maybe even cyclist to go through there so we appreciate that those sidewalks are being put in and that the area becomes more walkable. He said again, I would like to emphasize that we need to make sure that Wynbrooke Drive does not get too much traffic, thank you.

President Valiant said thank you sir. He asked anyone else.

Jim Morley Jr. stated I had shared with them before, we talked briefly before the meeting that on an existing county road that would be… as far as if we were going to install a traffic control that would be a County Engineer conversation. He added also that our road plans would come before the County Commissioners on the 28th.

Attorney Doll stated they could take their concerns to the Commissioners in this room on the 28th about the traffic and the speed of the traffic. He asked is it posted…do you know Jim if it’s posted.

Jim Morley Jr. said I don’t know.

Rebecca Ziga said the speed limit we did that in the spring.

Attorney Doll said 30.

Rebecca Ziga replied no we took it to 20.

Attorney Doll said okay.

Rebecca Ziga responded and no one follows it. She said the neighborhood adheres to that, but the non-neighborhood does not.

Attorney Doll said I’m not sure your neighbors want speedbumps.

Richard Reid replied they don’t usually let that happen.

Attorney Doll said yeah, I know, okay.

Jim Morley Jr. stated we had discussed some different ideas but I told them ultimately that’s a Bobby Howard.

Amanda Mosiman said yeah.

Jim Morley Jr. continues decision, and so…

Attorney Doll stated to be clear to the audience that would be handled through the Commissioner’s Meeting on the 28th at…

Mrs. Barnhill said 4 o’clock.

Attorney Doll continues at 4 o’clock in this room. He said there is an open agenda.

Mrs. Barnhill replied yes.

Jim Morley Jr. replied well this will be on the agenda.

Attorney Doll said okay.

Mrs. Barnhill stated yes, this would be on it.

Attorney Doll said I would encourage the neighbors who have concerns about that to be at that meeting on the 28th at 4 o’clock to tell the County Commissioners who control the Highway Department what you are asking for and see what solutions they can come up with.

President Valiant stated I think with or without this they need to get that addressed.

Attorney Doll said yeah.

President Valiant said that would be my opinion so.

Amanda Mosiman stated for the record, they are the first things on the agenda in the Commissioner’s Meetings so.

Attorney Doll said yeah, don’t be late.

Amanda Mosiman said yeah.

President Valiant said sir you have to come up here, this is recorded so you gotta come up here and talk.

Attorney Doll said I’m sorry.

Amanda Mosiman said thank you.

Steve Allyn stated his name. He said I am also part of the Wynbrooke Subdivision. He said just a couple questions they mentioned sidewalks, now these sidewalks I guess would eventually…I don’t know if I’m asking the right question or the right people. He asked who is going to maintain those sidewalks.

Richard Reid replied property owners.

Steve Allyn continues they also they talk about the little splinter streets, as far as parking….one of the other gentlemen mentioned…I mean what do you think there will be…there is 64 units so there could be 75 cars somewhere in there. He asked will this be able to handle those cars, will traffic be again going back to Wynbrooke Drive will people now be parking potentially on Wynbrooke Drive I mean where will 75 cars go. He asked does their property have street parking…

President Valiant said he will address your concerns.

Steve Allyn continues all those questions, and I guess just the overall…I’m a…for it as well. He said I welcome the opportunity but it just…are we prepared to handle these things. He asked also will there be HOAs…I mean what is the overall approximate value that you or Mr. Beck, what is he looking at…just give us a ballpark estimate what you’d be looking at a unit selling for, HOAs, trash, dumpsters, etc. etc. He said what’s your thoughts or speaking for Mr. Beck what does Mr. Beck envision in all that and how does he see the traffic and things of that going on. He added I guess there is still some vacant acreage adjacent to that. He said again our concern is not to diminish the gentlemen here, just are we prepared to handle that traffic through there…even on Rabbit Run you see people, and I know this is not for you folks, people going 55/60 mph cutting through Rabbit Run which is a very very dangerous. He continues if with a sidewalk I’m not sure I would feel comfortable on a sidewalk with people driving 50/55 mph on Rabbit Run, thank you.

President Valiant said I don’t see anyone else so come on up.

Jim Morley Jr. replied so sidewalks in Warrick County are maintained by the property owner that they sit on. He continues all these homes have garages with them and so they have a parking space…parking in the garage and then parking in the driveway.

Attorney Doll said two.

Jim Morley Jr. continues they are required to have two spaces per unit is what’s required by code so we have parking in the garage and in the driveway so there would be no additional parking lots or anything because they have parking just like at your house. He said you can park in your garage and you can park in your driveway. He added there will be a home owners association…there has to be to maintain the outlots because the outlots all have private streets and so the home owners association will have to kick in for that…and then they will just have trash cans like everybody else has trashcans. He continues so on the value of the structures I can’t speak to that…I know houses cost more and more all time. He said I think the current rate seems like $200 a square foot so I mean they won’t be inexpensive.

Richard Reid asked how big are the units.

Jim Morley Jr. replied they vary in size. He said on your sheet there is a footprint…Molly you have that in your packet.

Mrs. Barnhill replied yeah, I have the typicals.

Richard Reid said 1900…1955.

Dave Goldenberg said 2000.

Richard Reid said yeah about 2000 square foot.

Attorney Doll said so…roughly $400,000 dollars.

Dave Goldenberg said at $200 a square foot.

Richard Reid replied and it’s a 2000 square foot house. He added but I won’t comment on the value.

Jim Morley Jr. responded yeah; I don’t know what the final value is. He said I just know houses are more expensive all the time.

Board Members laughed.

Richard Reid said sure.

Attorney Doll asked can you talk about the sidewalk…it’s an easement this time.

Jim Morley Jr. replied yeah, the sidewalk is in a sidewalk easement because the…. unlike most subdivisions Rabbit Run Drive is not a curb and gutter street, it’s a road side swale street if you will. He continues so the sidewalks are outside of that road side swale…

Attorney Doll asked so they’re not right up against the pavement.

Jim Morley Jr. replied no, no so there is…

Attorney Doll said 12 feet.

Jim Morley Jr. continues 12 feet of grass between the sidewalk and the roadway.

President Valiant said so you’re off the roadway.

Jim Morley Jr. responded yeah, so adding extra safety. He added and this is exciting…people standing and saying they like your project.

Board Members laughed.

Mrs. Barnhill stated I think the last thing I need to point out is, the outlots for the private roads are 33 feet in width, so they have also filed a wavier because the normal width for a private road is 40 feet…so that waiver would also need to be voted on.

Attorney Doll said so you need a sidewalk waiver for the south end of the subdivision.

President Valiant said right.

Jim Morley Jr. replied yes, south end.

Attorney Doll said and you need a waiver for a narrowing of the private road. He said why…I take it it’s just a constraint in space Jim is the reason why.

Jim Morley Jr. replied yeah, because the…. and 33 feet is what we did on the last townhome PUD project we did.

Attorney Doll said behind Walmart.

Mrs. Barnhill said yeah, Highpoint Village.

Jim Morley Jr. continues yeah and that 33 feet is what we did there and that’s the standard Bobby wanted to stick with.

Attorney Doll asked so you have spoken to the Highway Engineer and he’s agreed.

Jim Morley Jr. said oh yeah yeah yeah. He said and Molly you would agree with that…correct.

Mrs. Barnhill replied yes.

Jim Morley Jr. said we went back and forth do we put them as a private right-of way in an ingress egress easement or an outlot. He said an outlot is what was done the last time behind Walmart and that is what Bobby liked, that was his preference and we used 33 feet that time and so we are doing the same thing again.

Attorney Doll said so they will be very similar to the streets that were installed in the development behind Walmart.

Jim Morley Jr. responded yeah. He said it’s a curb and gutter street…ya know it looks just like a regular street and then it will have driveways coming off of that.

Attorney Doll said okay.

Jim Morley Jr. said kind of conventional driveways if you will. He added I will say Morrie, the ones behind Walmart they feel more like a regular subdivision street.

Attorney Doll said and they look like it too.

Jim Morley Jr. said yeah, these because they are shorter, they won’t look as much like a subdivision street just because they are the length of one building. He said they are a lot shorter stubs.

Attorney Doll replied okay.

President Valiant asked any other questions to the Board. He said if not let’s address the rezoning first.

Richard Reid made a favorable recommendation to the Commissioner’s on PC-R-24-10. Dave Goldenberg seconded the motion and it carried unanimously.

President Valiant said so that will go to the Commissioner’s meeting on the…

Attorney Doll said 28th.

Mrs. Barnhill said no. She said the zoning will go November 13th at 10 o’clock.

Attorney Doll replied sorry.

President Valiant said that’s okay. He said and now on the plat.

Richard Reid made a motion for PP-24-19 subject to the waiver on street width and waiver on sidewalks on the south side. Dave Goldenberg seconded the motion and it carried unanimously.

Mrs. Barnhill stated so that’s subject to the consent agreements and the vacation.

Attorney Doll said I’m sorry…what consent agreement.

Jim Morley Jr. replied the utilities.

Mrs. Barnhill said for the utilities.

Attorney Doll said oh, I’m sorry for the drainage and streets.

Jim Morley Jr. said so and I can touch base on it if you want. He continues the private drives when they cross…some of them when they cross into the properties there were already existing water and sewer easements. He added so Bobby asked that we get a consent agreement for the outlots sitting on top of a public… or a sanity sewer easement and a water easement.

Attorney Doll said and so that’s Newburgh and….

Jim Morley Jr. said Indiana American.

Attorney Doll continues American water and Chandler.

Jim Morley Jr. yeah said yeah…

Attorney Doll asked why two waters.

Jim Morley Jr. replied there is literally two waters already in place.

Attorney Doll said okay.

Jeff Willis stated they get a choice.

Board Members laughed.

Jim Morley Jr. replied the lots on the east side of Rabbit Run Drive directly access Indiana American water and the lots on the west side directly access Chandler water. He said to keep from boring underneath the road we are just going to use different water systems. He added this is the first project I’ve ever had where we had two different water systems. He said it’s exciting Morrie, it’s a whole new world.

Richard Reid asked so do you want me to make an amendment to that motion…. on the conditions.

Attorney Doll said on the consent agreement and on the…

Amanda Mosiman stated we can’t make an amendment on the motion it has already passed. She said we can probably make a second motion.

Richard Reid said I’ll make a second motion for those conditions that Morrie stated.

Attorney Doll said that Jim stated.

Richard Reid replied that Jim stated, okay.

Attorney Doll responded which is the consent agreement and…

Dave Goldenberg said vacation.

Attorney Doll continues the vacation. He asked what are we vacating.

Jim Morley Jr. replied Rabbit Run Drive used to have a cul-de-sac a long time ago before it got extended and there was a big chunk of right-of-way that was left over…

Attorney Doll said corner…it’s at the corner.

Jim Morley Jr. said yeah…

Mrs. Barnhill said very strange.

Jim Morley Jr. continues and we have reviewed all that with the County Engineer and…

Attorney Doll said Bobby’s fine with that.

Jim Morley Jr. said yes.

Mrs. Barnhill said yes.

Attorney Doll stated so you’re actually vacating that portion of the cul-de-sac that is outside the road right-of-way.

Jim Morley Jr. responded well no, it is where…we are vacating road right-of-way that is no longer used. He said it’s where the cul-de-sac used to be. He added the cul-de-sac has been removed and so it’s the extra right-of-way if you will.

Attorney Doll said outside the pavement…outside the used right-of-way.

Jim Morley Jr. replied yes.

Richard Reid made a motion to approve PP-24-19 subject to the following conditions: a waiver for sidewalks on the south end, a waiver on the street widths, a consent(s) agreement for the outlots to be over top of a sanity sewer and water easement and the Rabbit Run vaction. Dave Goldenberg seconded the motion and it carried unanimously.

**PP-24-20:** PETITIONER & OWNER: Warrick County Redevelopment Commission by Steve Roelle, Executive Director. Approximately 21.51 acres located on the east side of Epworth Road approximately 0’ north of the intersection formed by Epworth Road & Vann Road Lot 1 in Schnur Subdivision Ohio Twp. 20-6-9. *Advertised in The Standard on October 3, 2024.*

Jim Morley, Jr, Project Engineer present.

President Valiant asked Molly do we have a staff report.

Mrs. Barnhill replied we have all of the white pay receipts showing their notices to adjacent property owners were mailed correctly. She continued the existing zoning is “C-4” General Commercial with an SU-4 on the one lot for the sports complex, there is definitely flood plain AE. She said it is a four-lot commercial subdivision with the streets and drainage the same things as the last one, it will have to go to the October 28th meeting, so any approvals would be subject to those. She said Newburgh Sewer has capacity and Chandler Water has capacity with lines in place, so the plat would be in order based on those. She said there is also a consent agreement required for the water and sewer lines on this one as well where the proposed road crossed over existing lines..

President Valiant asked Mr. Morley do you have anything to add.

Jim Morley, Jr. answered the consent agreement is as we extend Vann Road there were already water and sewer lines coming up to Epworth where the Vann Road is being extended and so uh in favor of not having to relocate those, we are seeking an agreement with both of those utilities.

Attorney Doll asked so the north side of Vann Road.

Jim Morley, Jr. replied yes, on the north side of Vann, well, the sewer is on the north side, the water is on the north and it crosses across Vann Road it is highlighted on Molly’s map there.

Attorney Doll asked blue is water and what is green.

Mrs. Barnhill replied the sewer is green.

Jim Morley, Jr. said then, it’s the large lot on the east end of the property and that’s where the proposed sports complex would go with its special use and then there’s three commercial lots out front and then there’s a lake easement right along up Epworth Road because the detention basin will be up along Epworth Road; if you’re looking at the right of way and you think, what’s kind of goofy right in the middle, there’s a round-a-bout there and so that’s why that’s bigger than a regular intersection is, there will be a round-a-bout at that location.

Attorney Doll said another one.

Jeff Willis said Um huh.

Jim Morley, Jr. said round-a-bouts, they’re all the rage.

Amanda Mosiman said they were.

Mrs. Barnhill said I think there might be a few.

President Valiant asked are there any questions from the Board.

Jeff Willis said once you figure them out, they’re great.

Jim Morley, Jr. said once you quit going the wrong way on them.

Jim Willis said there’s something more than Indianapolis, they’re like four lanes wide sometimes, you’re like what are you doing.

President Valiant asked are there any questions from the Board at this time. After determining there were none, he asked counsel do you have something.

Attorney Doll said no.

President Valiant asked is there any remonstration for or against this project if so step forward. After ascertaining there were none, he said I’ll bring it back to the Board, any further questions or discussion.

Amanda Mosiman asked for the commercial outlots, any plans for those, specific plans, or just opening them up for whoever wants to…

Jim Morley, Jr. replied for whoever wants to…

Attorney Doll asked how big are they.

Amanda Mosiman said 3, 3 and 2.9.

Jim Morley, Jr. said yea but they’re roughly 300’ deep and I can’t remember the exact width on them, but that’s kind of a standard commercial plot so to speak so.

Attorney Doll asked and they’ll be served by Courtside Drive.

Jim Morley, Jr. said yea.

Mrs. Barnhill stated the whole west half of those lots is a lake maintenance and storm drainage easement.

Jim Morley, Jr. said yea the three lots, the three commercial lots will access Courtside and the large lot will access Courtside but then also have like one access onto Vann at the back to allow for truck traffic, circulation around that building.

Attorney Doll asked the detention is actually at the back of all three commercial lots.

Jim Morley, Jr. said yea.

Attorney Doll asked why didn’t you consider it as an outlot.

Jim Morley, Jr. replied if it’s an outlot then we have to have a lot owners association and it was easier to extend the lot lines into it and make the lot owners maintain it. He continued we put it there because we discharged that roadside ditch along Epworth and it also allows us to put Courtside Drive farther away from Epworth to allow for better traffic flow.

President Valiant asked are there any further questions, if not I’ll entertain a motion.

Richard Reid made a motion to approve of PP-24-20 subject to street approval and consent agreements with the easements.

Jim Morley, Jr. said Molly can I ask a question, sorry I know we’re halfway through a motion. I’m just in my head, we didn’t add any access note that prevented the sports lot from accessing Vann did we.

Mrs. Barnhill replied no.

Jim Morley, Jr. said ok, just wanted to make sure.

Mrs. Barnhill said no, we did give it a Courtside Drive address.

Jim Morley, Jr. said which is fine, ok sorry, please proceed.

Attorney Doll asked we need a second right.

President Valiant and Amanda Mosiman said yes.

President Valiant said so Mr. Reid made a motion and asked is there a second.

Jeff Willis seconded the motion and it carried unanimously.

**COMPREHENSIVE PLAN RESOLUTION:**

RESOLUTION No. 2024-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RESOLUTION OF THE WARRICK COUNTY AREA PLAN COMMISSION

APPROVING A RESOLUTION OF THE WARRICK COUNTY

REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING AN

AREA IN WARRICK COUNTY AS AN ECONOMIC DEVELOPMENT AREA

(GRIMM ROAD MIXED-USE ECONOMIC DEVELOPMENT AREA) AND

APPROVING AN ECONOMIC DEVELOPMENT PLAN

RESOLUTION No. 2024-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RESOLUTION OF THE WARRICK COUNTY AREA PLAN COMMISSION

APPROVING A RESOLUTION OF THE WARRICK COUNTY

REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING AN

AREA IN WARRICK COUNTY AS AN ECONOMIC DEVELOPMENT AREA

(SPORTS FACILITY ECONOMIC DEVELOPMENT AREA) AND APPROVING

AN ECONOMIC DEVELOPMENT PLAN

RESOLUTION No. 2024-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RESOLUTION OF THE WARRICK COUNTY AREA PLAN COMMISSION

APPROVING A RESOLUTION OF THE WARRICK COUNTY

REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING AN

AREA IN WARRICK COUNTY AS AN ECONOMIC DEVELOPMENT AREA

(WARRICK GATEWAY DISTRICT ECONOMIC DEVELOPMENT AREA) AND

APPROVING AN ECONOMIC DEVELOPMENT PLAN

President Valiant said ok, Comprehensive Plan Resolutions.

Mrs. Barnhill stated this is Steve Roelle here with Economic Development, he has three proposed TIFF Resolutions before you and I will let Steve take over.

Steve Roelle said good evening, I’m Steve Roelle with Economic Development. He continued I’m here to discuss and summarize three new TIFF districts that the Redevelopment Commission is looking to create and talk about the three resolutions that are in front of you guys tonight and that we’re looking for your support of. He continued I’m going to talk in general and then I’ll dig into each individual one and certainly answer any questions. He said there was a small packet that may have just been emailed, if anybody would like it, I can distribute that to you guys if you don’t have it in front of you if you’d like to see some of those. He passed them to the Board and asked them to pass them down. He continued in a nutshell the Epworth TIFF area has been identified, whether it’s the Comprehensive Plan or the Economic Developments plans or the Redevelopment Commissions, that whole area has always been developed and identified as a growth area and where we want to focus growth. He said the Epworth TIFF was put in place, it’s kind of a macro, that’s the way Warrick County has been doing TIFFs, is to get a district started so you draw a big district to get started to build infrastructure and do all of that. He continued well the Epworth TIFF has done a nice job of that, the Wellness trail is built, healthcare has come in, we’ve started to see development. He said this is sort of a micro version of TIFF and all three TIFF districts we want to create, I just want to make clear, are parcels that are actually in the Epworth TIFF, so what we’re doing is we’re pulling those parcels out and creating three new bordered TIFF districts around specific transformative projects that the county has in front of it and we’re doing that for multiples reasons. He continued one reason is that the Epworth TIFF expires, it starts expiring a big chunk of it in 2034, which you may think that’s hey that’s 10 years from now, but for new projects and projects that are going to take time, that’s really not a lot of time. He continued meaning that if something like The Dominion, which is one of these projects, get started and gets announced here at the end of ’24, gets started in ’25, gets completed in ’27, gets assessed for taxes January 1st of 2028 and it starts paying its taxes in ’29, we’ve only got 5 years of collecting actual taxes on new assessed valuation to help support infrastructure and to help make those projects happen. He said so um it’s a tool that’s used often in Indiana around projects that maybe you guys go and travel to and see, how are these projects getting done, they are TIFFed in their own individual location for projects that have multiple phases, have a long timelines and that allows us to have some additional tools that we haven’t had in our big districts. He said something like a developer purchase bond where we take out a bond but the developer agrees to pay the debt service for it and takes on the responsibility for that and we can tie that to a project by drawing those lines around these TIFF districts. He said stopping here at Area Plan is one of those things when you go through a TIFF district, the Redevelopment Commission which is already done, passed their resolutions, come here for APC resolutions and those go to the Commissioners, which if approved tonight, they would go to that 28th meeting and then we have to have a public hearing that would happen at the November Redevelopment Commission meeting and notices go to underlying tax units and all of those things when it comes to TIFF. He continued so if you look through the pictures here you can kind of see the Epworth TIFF and this three-slide version here, the Epworth TIFF is big, 3400 some acres, you can see the little areas that we are carving out for these projects and the Epworth TIFF expires, what we’re left with here is just the remaining TIFF districts and the Epworth TIFF naturally expires and goes away. He said and then I guess finally, we have three different project areas, one is the Dominion, which is a mixed-use development at Grimm and 66, that’s just recently been announced through some ready funding. He continued the first phase is 75 million dollars, it is 150 high amenity apartment units and a 100,000 square foot class A office space with retail and restaurant on the first floor and a civic plaza out for events, activities and gathering space, that’s only phase 1 of many. He said as phase 2 brings in hospitality, standalone restaurants and some other commercial and retail space so if you look on your zoom in 123 map, the Dominion is area 1, number 2 is the Warrick Sports Complex that we just talked about, the four lots for development there, with the sports complex, some room for the complex to expand and also these outlots. He continued and then number 3 is another piece that has been before Board of Zoning, this is this a commercial and entertainment district that may be anchored by a gold entity and you can see that on one of the pages as well. He said so those are the three TIFF districts that we are looking to do, that the Redevelopment Commission looks at as kind of how we’re going to develop this area moving forward like the Comprehensive plan, forward thinking over the next 20 years or so, this is how we are working towards getting the type of development, high quality, transformative development into our community. He said I guess I’ll just stop there, I could definitely go on, each one of these has an individual resolution with them and then attached to them is the resolution that was approved by the Redevelopment Commission. He continued we have to declare it an Economic Development Area which shows that we have some projects of infrastructure and utilities and other support that we need to give for these projects to happen those are outlined with some estimates and stuff and why we need to use the tool of TIFF to make these kinds of things happen.

Jeff Willis asked if you pull these out, you’re pulling them out of the old TIFF district, are they going to overlap, ok so they would no longer…

Steve Roelle replied they get pulled out and they are their own yep.

Jeff Willis so they wouldn’t support the other TIFF district.

Steve Roelle said correct, yep and we have a couple of bonds in the existing district, we have enough to cover them. He continued these are vacant lots as they stand right now and so they’re not bringing any value to that, it’s that forward thinking impact that we need to act. He said and lastly, I met with Molly, the Assessor and the Auditor, with Economic Development, we’re kind of the 4 departments that have to deal with TIFF districts so we met to discuss this and talk about it as TIFF districts take a little bit of work. He continued there’s annual reporting and paperwork and all kinds of stuff that needs to go into assessments and stuff like that to make sure that the Assessor, the Auditor and Area Plan are also on board with what we’re doing and why we’re doing it.

Attorney Doll asked does everyone understand how a TIFF district work.

Multiple answered yes.

Jeff Willis asked you get the additional money right.

Steve Roelle answered incremental tax dollars from the time the TIFF is set, moving forward and the TIFFs expire Indiana changes the law multiple times, they now have a 25 years lifespan, it used to be based on debt service, then it was based on 30 years and then they just keep kind of changing the parameters, but whatever the parameters are when you set the TIFF district is what the district needs to uphold.

Amanda Mosiman said here’s to finding new and unusual ways to use TIFF districts.

President Valiant asked any further questions from the Board.

Richard Reid asked what are the resolution numbers, 24…

Steve Roelle answered so I don’t know what you’re at right now, we have it left blank on there 2024...

Attorney Doll asked Molly do you know where we are, we haven’t any in 2024 yet have we.

Mrs. Barnhill said no, so 01…

Attorney Doll said 001, 002 and 003 ok.

Mrs. Barnhill said we can go in order.

Richard Reid asked can we approve them all at the same time.

Attorney Doll, Mrs. Barnhill and Amanda Mosiman all replied no simultaneously.

Attorney Doll said an individual motion, one by one.

Jeff Willis said trying to get out of here.

Richard Reid said trying to.

Mrs. Barnhill said so our first one would be the Grimm Road with mixed use…

Amanda Mosiman said you really got a hot date tonight don’t you.

Richard Reid said well…

Amanda Mosiman said well he’s sharp.

Attorney Doll said the first one is 01.

Mrs. Barnhill said this is the Grimm Road

Steve Roelle said that would be The Dominion.

Richard Reid made a motion to approve Resolution 2024-01. Amanda Mosiman seconded and it passed unanimously.

President Valiant asked what about 02.

Richard Reid made a motion to approve Resolution 2024-02. Dave Goldenberg seconded and it passed unanimously.

President Valiant said and 03.

Amanda Mosiman made a motion to approve Resolution 2024-03. Jeff Willis seconded and it passed unanimously.

Steve Roelle said thanks very much.

President Valiant and Richard Reid said thanks Steve.

Amanda Mosiman said go forth and conquer.

**MINUTES:** To approve the Minutes from the September 9, 2024 meeting.

President Valiant said Molly was kind enough to point out that I had skipped over the minutes, I was trying to get ahead start on the meeting for Mr. Reid.

Richard Reid said motion to approve. (laughing)

President Valiant said so let’s go back, you received a copy of the minutes September meeting, any additions or corrections need to be made.

Amanda Mosiman said I’ll second Mr. Reid’s motion. The motion passed unanimously.

President Valiant said thank you and asked for Attorney business.

**ATTORNEY BUSINESS:**

Article IX: Enforcement of Subdivision Control Ordinance

Attorney Doll said to Mr. Reid’s chagrin I do have something. He continued the Drainage Board has brought to my attention that we have a violation of the approved drainage for a subdivision. He said it’s been violated by Thomas Schroeder who lives at 4710 Marble Drive in Newburgh and what the violation is, is that… did you pass out packets or what.

Mrs. Barnhill said I did make packets with the ordinance, a page of the ordinance.

Attorney Doll said you have a copy of the Subdivision Control Ordinance and you have photographs with that packet.

Mrs. Barnhill added there’s a plot plan from the permit we issued, I’ve got pictures from the complaint and I have more recent photos in the back that…

Attorney Doll said there was a swale.

Amanda Mosiman said Jeff and I are going to need copies of those because we don’t have them. Yes sir, I think our packets are a little light…

Mrs. Barnhill said ok.

Attorney Doll said so the drainage plans were approved by the Drainage Board, they were part of the plat. We do not have a drainage ordinance in Warrick County, although as Jim Morley can testify, we’re working diligently on trying to get a drainage ordinance in Warrick County, we sort of have guidelines. He continued I don’t know what that means, but that’s what we’ve operated under, so the only enforcement mechanism is the Subdivision Control Ordinance because the plat was approved. He said so what Molly has highlighted for you is the enforcement section of the Subdivision Control Ordinance on page 63, also on page 65 of the Subdivision Control Ordinance is the plat certification language which says, hey we promise that nobody, in fact, in an easement for the installation or maintenance of utilities and drainage facilities they’re reserved as shown on the recorded plat, within the easements no structures, plantings or other materials will be placed or permitted to remain which may damage or interfere with the installation or maintenance of utilities or which may change the direction of flow of the drainage channel in the easement. He continued alright if you look at the pictures in the packet, you will find that the gentleman has created, Mr. Schroeder, a temporary driveway because he started a basement behind his home and that construction has lingered on for months and has never been finished and in fact his building permits have expired, so its stagnant … not just the water but the construction project. He said so as a consequence of that, I need a resolution of the Area Plan Commission authorizing me to file suit. He stated I contacted Mr. Schroeder with a letter, Mr. Schroeder and I spoke, and Mr. Schroeder I thought understood the dilemma and was going to… I directed him to the attention of the County Surveyor because he had to remove this fill and pipe which doesn’t drain. He stated and he had to remove them to the specifications of the County Surveyor, who had approved, who had supervision of the drainage plan and then he just disappeared, he never contacted Phil and he’s never done it and its just there. He continued so the Drainage Board’s looking to me to file suit but I don’t have an ordinance in the Drainage Board to file suit upon, so I asked Molly to put it under my business on tonight’s agenda and I would ask the Board to pass a resolution authorizing me in the name of the Area Plan Commission to file suit against Mr. Thomas Schroeder at 4710 Marble Drive for violation of the Subdivision Control Ordinance, thank you. He added I’d be happy to answer questions.

Amanda Mosiman said so wow he really hasn’t done anything with that basement.

Attorney Doll said no.

Richard Reid said uh-huh, he’s really screwed things up.

President Valiant asked so how long has he been kind of MIA.

Attorney Doll said well July.

Mrs. Barnhill said he pulled the permit in 2020 so it expired in 2022.

Attorney Doll said and you could contribute part of that to COVID and all of that, but we are well beyond that.

President Valiant asked aside from the letter I mean…

Attorney Doll said and we’re getting neighbor complaints.

President Valiant said sure.

Amanda Mosiman said right.

Attorney Doll said that’s what’s happening.

Mrs. Barnhill said and I tried to reach out, I tried to call him myself and no answer.

President Valiant said so obviously you’ve done your due diligence in trying to contact him.

Attorney Doll asked are you ready for this, do you know what Mr. Schroeder is, he’s an engineer.

Mrs. Barnhill asked do you know what firm.

Amanda Mosiman said those who do not do, teach right.

Attorney Doll said no, I don’t know what firm, but he’s an engineer.

Amanda Mosiman said probably at Toyota.

President Valiant asked what are the wishes of the Board on this, obviously I think the counsel should be able to handle it.

Attorney Doll said and I was told by Dana today in the meeting about the Drainage Board…

Amanda Mosiman asked so these were 2023 pictures.

Attorney Doll said that’s the way it is right now, tonight.

Amanda Mosiman said no, the pipe sticking out of the ground…

Attorney Doll said yea if you go out there tonight, that’s the way it looks.

Amanda Mosiman said well that looks a whole lot different than these that are stamped October 8th, so that’s why I was trying to figure it out.

Mrs. Barnhill replied so those pictures came in with the complaint.

Amanda Mosiman said ok so, um… the grass is green it definitely isn’t right now.

Mrs. Barnhill said I asked the inspector to just run out there and make sure…

Amanda Mosiman said and his photos are dated I see.

Mrs. Barnhill said yes.

Attorney Doll said we now have another complaint on another site where they filled in a drainage swale.

Mrs. Barnhill said I also showed these to the Building Commission because they have concern with this open pit filling with water.

Amanda Mosiman said yea.

Mrs. Barnhill said so they were going to send him a letter, for what it’s worth.

Attorney Doll said because the building permit has expired.

Mrs. Barnhill said yes and even a pool is required to have a fence around it, they don’t even have that, so…

Attorney Doll said that’s not a pool.

Mrs. Barnhill said no, a cesspool maybe.

Amanda Mosiman said maybe a pool for tadpoles.

Mrs. Barnhill said yea.

Attorney Doll said it’s probably got frogs in it.

Dave Goldenberg asked so we can move him along.

Attorney Doll said yes.

Dave Goldenberg asked would you like me to make a resolution for the County Attorney to file suit.

Attorney Doll said not County Attorney.

Dave Goldenberg said well…

Attorney Doll said the APC counsel.

President Valiant said Mr. Doll.

Dave Goldenberg said Mr. Doll, there, that’s easier, to file um

Attorney Doll said enforcement action against Mr. Schroeder.

Dave Goldenberg continued to file enforcement action against Tom Schroeder at 4710 Marble Drive here in Newburgh. Richard Reid seconded the motion and it passed unanimously.

Attorney Doll said thank you all.

President Valiant said you are welcome, sir and asked anything else Molly or Morrie.

Attorney Doll said no.

**EXECUTIVE DIRECTOR BUSINESS:**

Mrs. Barnhill said no, nothing.

Richard Reid made a motion to adjourn. Dave Goldenberg seconded the motion and it passed unanimously.

The meeting adjourned at 6:51pm.

ATTEST:

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Molly Barnhill, Executive Director Jeff Valiant, President