

PLANNING COMMISSION-SPECIAL MEETING

Wednesday, November 15, 2022

5:00 pm

Town Council Chambers

Members Present:

Dan Flanagan
Mark Darrall
Nanci Perry
Jerry Hoffman
Ryan Jaromin

Members Absent:

Tom Chiudioni
Jason Gasaway

Others Present:

Matt Ray
Erin Hurley
Maura Hoff, Defur Voran
Ken Thieneman, Petitioner
Manny Herceg, Taft

The meeting was called to order at 5:00 pm by President Ryan Jaromin who then led the Pledge of Allegiance. Members present were Nanci Perry, Jerry Hoffman, Dan Flanagan, Ryan Jaromin, and Mark Darrall. Tom Chiudioni and Jason Gasaway were absent.

The minutes from the November 2, 2022 meeting were distributed. Dan Flanagan moved to approve the minutes. Mark Darrall seconded the motion. All members present voted Aye.

Old Business:

There was no old business.

New Business:

Daugherty Preserve Subdivision Application Resubmission

Attorney Manny Herceg, representing the petitioner, presented argument as to the status of the application. He stated that the prior hearing was conducted September 7, 2022 and that the resubmission occurred on October 7, 2022. He also claimed that the petitioner had received approval from BF&S and Red Tail Conservancy. The petitioner is willing to add commitments as conditions to approval of the application including INDOT, Homeland Security, IDEM, Town of Yorktown standards, and Architectural Review Board approval. He is asking for approval with conditions.

Ken Thieneman, representing the owners of Yorktown Real Equities, gave a video presentation of the project. He stated that this will be a quality development with market rate rental homes and apartments and will not have any Section 8 housing. There will be 142 units on the north side of SR32 with a mix of single-family dwellings, two and three-bedroom townhomes, garden apartments, and senior 55+ apartments. There will also be 82 garages. No units will sit on SR32.

Mr. Thieneman added that they were coordinating and partnering with Miasa and had received a letter of support and approval from Julie Borgmann of the Red Tail Conservancy. When questioned on this, he was unable to produce said letter.

Rick Ellis, Weihe Engineers, reported on the status of the various permits required for the project.

Public Hearing:

President Ryan Jaromin opened the public hearing. He asked for testimony in support of the project. There was not any. He then asked for testimony from remonstrators. Building Commissioner Matt Ray read a letter he received from Barbara Stevens, 10013 W. River Valley Road. He also received an email from Julie Borgmann of the Red Tail Conservancy sharing concerns about the development and its impact on the wetlands.

Lynn Valena, 10681 W. Sweet Gum St.

She is concerned about cars pulling out onto SR32 and other traffic issues, asked how many people and cars would be housed in the development, and wants to make sure native trees will be used to replace all the trees that have come down.

Wayne Studebaker, 10300 State Rd 32 W.

He stated that the land was zoned LI originally for sewage treatment plant expansion and questioned if anyone had looked at the sewage treatment capacity for all the development going on in Yorktown, he questioned the timing of the BF&S review, he has not signed the NOI because the zoning change has not cleared, and he is concerned about discharging guns on his property which is 50 yards away from the garages. He also asked what the ponds are for because the plans state there is a spillway.

Christy Martzall, 2411 S. West St.

She questioned the content of the letter from the Red Tail Conservancy supporting the project because she works for the Conservancy and has first hand knowledge that they are against it, she questioned the zoning and the non-local developers, has questions about the mixed use and who will rent, and also has concerns about utility capacity.

Amy Gamble, 9951 W. State Rd 32 W.

She asked Dan Flanagan to abstain due to a conflict of interest, she is concerned about spot zoning, said that the development is at odds with the comprehensive plan, thinks downtown should be developed first, does not like the construction activity happening 14 hours a day six days a week, believes that INDOT will require a Class 4 driveway approach, she questioned the resolution from the Town Council extending the rezoning timeline, the impact on the Revolutionary War cemetery, traffic, and commented that Red Tail has not granted access. She added that there was a sign permit violation on the property 7/21/22 and feels that the property should revert back to the prior zoning. There is a lack of transparency and construction is going on now.

Barbara Stevens, 10013 W. River Valley Rd.

She had sent in a letter but was also present for the meeting. She is concerned about additional sewage and storm water, due diligence and non-compliance, continued maintenance, Section 8 in the future, and asked how many apartments does Yorktown need?

Bob Ratchford, 7709 W. York Prairie Way

He asked that we give the developer a chance, stated that he has no financial interest in this project, he is trying to help people in Yorktown due to no economic development.

Tosha Dillard, 10520 W. State Rd 32

She feels that this development will have a negative impact on nature and coyotes are already encroaching on her property, asked if there has been any communication with the schools about capacity and whether the school system can handle it especially as the buses are already full.

Mike Blanch, 12051 W. State Rd 32

He is concerned about conflicts of interest, thinks the commission should consider the people who already live here, asked who controls the permits because the land hasn't yet been rezoned, feels that the developer is destroying the natural habitat and the town, claimed that there is already a big hole dug on the property and thinks there should be a stop work order.

Tim Gant, 9304 W. High St.

He responded to Bob Ratchford's comments and questioned Mr. Ratchford buying properties around Town Hall in the pre-planning stage.

Bruce McFarland, 9414 W. Canal St.

He asked if the wastewater treatment plant improvements were finished and commented on the smells that come from it, stated that he is on board with the project but has a lack of trust in the developer, and asked what will happen if they find bones or arrowheads.

Rebuttal:

Mr. Thieneman responded to the comments by saying that this is not "us versus you". He thought this development was what the Town Council wanted. The wastewater treatment plant is completely renovated and the capacity will handle the new development. He has not talked to Julie Borgmann from Red Tail Conservancy. The development will have no owner-occupied homes. The cemetery is not on their property but they have asked to provide access to the cemetery. There will be a dry pond that is six feet deep and the storm retention will be built to the State standards. There is currently a 20-foot deep hole on the property but it is not permanent, it is just for construction. He got in late to the project and is cleaning it up. He feels that Yorktown needs this development because it needs more rental properties and change is good. He added that the project will generate a \$600,000 windfall to the town every year.

Mr. Herceg requested a favorable recommendation be forwarded to the Town Council and said the developer would address any concerns brought by the Planning Commission.

Mr. Ellis responded to questions raised in the meeting by stating that they did a traffic study in 2020 which did not show the need for turn lanes. The INDOT driveway permit is still a work in

progress. A landscape review is available and native trees are planned. The utility capacity has been reviewed by the town and has been approved. The stormwater plan is designed for the ordinance in place and has been submitted and reviewed. They have received approval from IDNR for work near the cemetery.

Plan Commission member Jerry Hoffman asked for confirmation that the developer will assume the cost of any conditions or requirements INDOT requires including blister lanes or passing lanes on State Road 32. Mr. Herceg responded that those would not be necessary. Mr. Hoffman again asked if the developer would assume the cost if it was determined by INDOT that they were necessary. Mr. Herceg confirmed that the developer would assume that cost.

Plan Commission member Mark Darrall asked about the plan for stormwater runoff, noting that there will be a lot of impervious surface with this development. He also asked for assurance that non-invasive native plants would be used in the development and that a landscape architect review the landscape plans. Mr. Ellis responded that there will be a storm sewer with a plan for emergency overflow to go where it currently goes. A silt fence will be installed to protect the wetlands during construction and is the responsibility of the subcontractors.

Attorney for the commission, Maura Hoff, described what would constitute a conflict of interest for the commission members. She stated that a majority of the entire commission is needed for any action which would be four members. She then read the requirements for a planned development per the town's zoning ordinance and noted this request is to rezone the property from M2 to PD-M2. The next step is to send a recommendation to the Town Council.

Nanci Perry made a motion to table the rezoning request, noting that two members were not able to be present for the special meeting and she thought everyone should be there. Jerry Hoffman seconded the motion.

President Ryan Jaromin thanked the 30 people who came to the meeting. He said he felt that they ran a fair meeting. It is an impossibly hard decision for the board and everyone has good points.

Mr. Herceg observed that the developer will have to have the entire presentation again, and had hoped that all members of the commission would have been present.

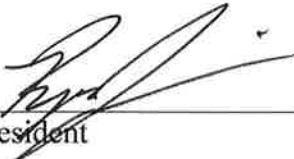
The vote was taken by role call:

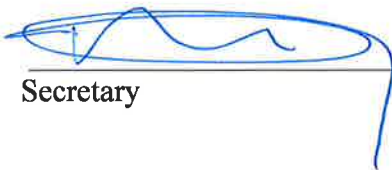
Nanci Perry	Yes
Mark Darrall	Yes
Jerry Hoffman	Yes
Dan Flanagan	Yes
Ryan Jaromin	Yes
Tom Chuidioni	Absent
Jason Gasaway	Absent

The rezoning and plat approval was tabled with a vote of 5-0.

The next regular meeting of the Plan Commission will be December 7, 2022 at 5:00 pm.

Meeting adjourned at 6:38 pm.



President

Secretary