

## **PLAN COMMISSION**

May 9, 2022

REGULAR MEETING

### **ROLL CALL**

The meeting was called to order at 7:02p.m. and the assemblage was invited to stand and recite the Pledge of Allegiance. President John Marshall asked for the roll call to be conducted. Members in attendance and absent are listed below:

#### **Members Present:**

President John Marshall, Vice President Daniel Rohaley, Michael Conquest, Laura Sauerman, Chad Jeffries, Richard Day, Scott Evorik

**Members Absent:** None

#### **Staff Present:**

Commission Attorney Joe Irak, Executive Secretary Anthony Schlueter, Recording Secretary Jenni Pause, Communications/Media Manager Mary Freda

### **APPROVAL OF MINUTES**

President John Marshall asked the Commission to approve the April 11, 2022, meeting notes. Scott Evorik motioned to approve the April 11, 2022 meeting minutes with the date change from 2021 to 2022. Richard Day seconded the motion. A roll call vote was taken, by a vote of 7 Yeas, 0 Nays, 0 Abstentions, the motion unanimously passed, and the meeting notes are now official record of the body.

### **OLD BUSINESS**

#### **22-06 CP Prairie, LLC, Petitioner/Owner**

**Request:** Primary Subdivision (75 Lots)

**Purpose:** The Orchard Subdivision

**Location:** Southeast corner of 109<sup>th</sup> Avenue and Iowa Street

Executive Secretary, Anthony Schlueter informed the Board that Staff has requested the petition be deferred to the next meeting. Schlueter reported they need another month.

Marshall entertained a motion for Petition #22-06. Laura Sauerman motioned to defer Petition # 22-06 Daniel Rohaley seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions, Petition #22-04 was deferred.

## **NEW BUSINESS**

### **Presentation by Heather James with IceMiller: Approval of the Declaratory Resolution and Economic Development Plan adopted by the C.P. Redevelopment Commission**

Heather James, 2122 N Alabama St., Indianapolis, IN, of IceMiller, came before the board and presented the Declaratory Resolution and Economic Plan to the board. Marshall asked the Board if they had any questions. With no questions, Marshall entertained a motion. Rohaley motioned to approve the US 231 Development and Allocation Are. Evorik seconded the motion.

Sauerman asked Schlueter what road the yellow line on the map is. Schlueter stated it is 113<sup>th</sup>. Sauerman stated the intersection of 231 and 113<sup>th</sup> is her property and asked if her property is being taken into a economic allocation development area. James confirmed that area is included in the economic development area but that does not give the redevelopment commission any jurisdiction or eminent domain power, it just has to do with the taxes and what fund they go into. Sauerman asked if the property owners are notified. James stated it is a very public process. James stated once they get further along there will be a tax impact statement and land use notification posted in the papers. Sauerman asked James if it is required that property owners be made aware of this process like they are with a zone change. James stated they are doing everything that is legally required. James stated most people do not know that they live in a Tif ore allocation area because it does not impact them. Schlueter asked James if there is a statutory requirement for public notice on this. James stated there is for the public hearing at the Redevelopment Commission that they will hold but they are not allowed to hold the public hearing until they adopt the Declaratory Resolution then the Plan Commission and Council both need to act as well then at that point, they can post their notice and hold the public hearing. Schlueter asked James to verify that they are following what is required by the state for public notice. James confirmed. Rohaley asked James to verify this is just to create the area. James confirmed. Sauerman voiced her concern over the steps of creating these types of areas. Sauerman stated she cannot tell whether her property is included in this. James stated it is not for residential. Sauerman voiced her frustration with not having a say for her property. James stated they will have a chance to speak at the public hearing. Jeffries asked if this is gong to encompass some of the residential that is planned on Delaware south of 231. James stated it is her understanding that this is all for commercial development. Jeffries stated he thinks most of it is but some of it is going to encompass some residential. James stated the redevelopment commission would have the opportunity to modify the areas at the declaratory stage and could pull out parcels were unintentionally included. Rohaley asked if they must be contiguous. James stated they must be connected in some way.

Marshall stated there is a motion on the table and asked if they would like to modify the motion or vote on the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 5 Ayes, 2 Nays, and 0 Abstentions, the Declaratory Resolution was approved

**22-15 DVG Team, Inc., Petitioner/Collard Family Dental, Owner**

**Request:** Site Development Revision

**Purpose:** Parking Lot Expansion

**Location:** 1217 North Main Street

Schlueter informed the Board that the petitioner has requested a 30-day deferral.

Marshall entertained a motion for Petition #22-15. Jeffries motioned to defer Petition # 22-15. Sauerman seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 7 Ayes, 0 Nays, and 0 Abstentions, Petition #22-15 was deferred.

**22-16 Abonmarch Petitioner/Collard Family Dental, Owner**

**Request:** Site Development

**Purpose:** Building Remodel

**Location:** 10951 Broadway

Ryan Pearson, 17 Washington St., Valparaiso, Engineer for Abonmarch, and representative for Tech Credit Union, came before the Board and provided an overview of the petition. Person provided an Overview of what is currently located on the property and what Tech plans to do with the remodel. Pearson stated Tech plans to scale down the property so that a portion of the property could possibly be developed for another business. Pearson detailed the proposed demolition and the renovations. Pearson stated approximately 6 acres would be sold for redevelopment.

Executive Secretary Anthony Schlueter reported on the proposed redevelopment and remodel of the property. Schlueter reported on the parking and ingress/egress. Schlueter reported the landscaping plan will be before the Tree Board in June and the site does meet the minimum requirements for the Crown Point subdivision and zoning code. Schlueter reported the plan has been reviewed by all city departments. Schlueter recommended approval of the petition.

Evorik asked if either one of the ponds are for detention. Pearson stated they both are.

Day asked if the drive-thru will remain. Pearson confirmed they would stay. Pearson stated the ATM would be relocated.

Conquest asked if the offices have been relocated or are they losing personnel. Scott Winger, 234 Arlington St., Valparaiso, IN, stated they purchased offices close by and the employees in those offices have been moved to other locations.

Jeffries stated the rendering of the proposed building still screams 1977. Jeffries asked if there is any thought of updating the design. Winger stated they would love to and explained some of the changes they intend to make. Winger stated they are still unsure about some of the changes, colors and materials. Marshall asked if they need to narrow the design down. Schlueter recommended approving the site plan and then work on getting a final rendering approved.

Jeffries asked if they can approve the site plan without the final renderings. The petitioner stated they are trying to get things moving because of a tie frame they need to work within. Schlueter stated they can approve a conditional site plan and let the petitioner come back with colors and materials for final approval prior to work at the site.

Evorik asked if they can have the rendering back within 30 days. Winger stated they could.

Jeffries stated he does not have any issues with giving a conditional approval and then having the petitioner come back with a rendering before any work is performed. Attorney Irak recommended the same.

Sauerman asked if the old parking lot will be removed. Winger stated right now the plan is to use that parking lot during the construction process and then it will probably be taken out.

Marshall entertained a motion for Petition #22-16. Jeffries motioned to approve Petition # 22-16 subject to the final rendering of the building being provided and approved at the next meeting. Evorik seconded the motion. With no further discussion. Marshall called for roll call. With a roll call vote of 7 Ayes, 0 Nays, and 0 Abstentions, Petition #22-16 was approved.

**22-17 Watermark Properties, Petitioner/DC3, LLC, Owner**

**Request:** Workshop

**Purpose:** The Canvas at Crown Point Subdivision

**Location:** 12510/12319 Delaware Street

*Evorik recused himself from this petition.*

John Vandevoorde, of Watermark Properties, 858 Heather Canyon Rd., Castlerock, CO, came before the Board and provided an overview of the petition. Vandevoorde introduced Dan Katz with Cage Engineering, the civil engineering. Vandevoorde provided renderings for the proposed subdivision. Vandevoorde detailed the a[approximate 12 acre linear park, community barn & pool, multi-purpose lawn, walking trails and the possible elevations of the homes. Vandevoorde detailed the detention areas, and ingress/egress. Vandevoorde detailed all the requirements they will need to meet for the 100' buffer for I-65 the installation of decel and acceleration lanes along with improvements to Delaware St. Vandevoorde provided renderings of current communities they have. Vandevoorde stated the proposed design for this subdivision would be that of the modern farmhouse design.

Vandervoorde detailed the proposed square footage of the 6 elevations as well as the options for color, materials and design. Vandervoorde detailed how they would insure the anti-monotony from the architectural standpoint. Vandervoorde stated they are very aware of the neighbor's drainage concerns and plan to work on that.

Day asked if there is a plan for parking around the clubhouse and community barn facilities.

Vandervoorde stated there will be visitor parking provided because their leasing office will be right there and there is off street parking as well. Day asked if they have done communities before with 165 units. Vandervoorde stated they have and they have communities that are larger than that. Day asked Vandervoorde to verify that all of these will be rental units. Vandervoorde confirmed. Day asked how long it took them in other communities to get all the houses rented. Vandervoorde stated typically they sign 2-3 leases per week. Vandervoorde detailed how they structure their construction. Day asked if the amenities would be constructed at the beginning or phased in later. Vandervoorde stated those are put in in the beginning.

Conquest voiced his concern with what happens down the road and what assurances do they have that this community will be kept up. Conquest asked Vandervoorde if they can put the Board's concerns at rest. Vandervoorde stated he feels they can because they are using Lincoln as their professional managing company, and they are consistent throughout the community. Vandervoorde stated what they are proposing is the management company will handle all the maintenance for every home consistently. Vandervoorde stated they anticipate what they build will start with quality. Conquest voiced his concern with a possible recession. Vandervoorde explained why they do not think this will be an issue. Vandervoorde stated he feels this is really a niche product that individuals are looking for.

Jeffries asked what the typical size lot for their communities are. Vandervoorde stated they have 14 communities, and the lot sizes are not consistent. Vandervoorde stated they have different products and different lot sizes, and it depends on what the community needs and what the architecture in the surrounding areas is or the developments in the surrounding areas are. Jeffries voiced his concern with the narrow size of the proposed lots. Vandervoorde stated the product they are proposing is 35' wide by 60' deep. Vandervoorde detailed the proposed product and provided examples of past products and lot sizes. Vandervoorde stated the proposed lots in Crown point are on the larger size of what they have developed. Jeffries asked Vandervoorde for some detail on how they financially plan for future maintenance on the community as a whole. Vandervoorde stated they work with third party management companies to budget for everything including maintaining the properties all the way down to the taxes. Jeffries voiced his concern with the amenities being kept up and maintained properly. Jeffries stated he does not want to see these amenities deteriorate and then have to try to find money to maintain them in the future, he wants to make sure there is a reserve for the maintenance of those amenities including the pool, park, workout room, clubhouse etc. Vandervoorde stated part of their process with their management company is they look at the next 100 years and try to figure out when things will need to be repainted, resurfaced, recarpeted or repaired and make sure there are capital reserves in place to take care of those items. Vandervoorde stated they would not go to their residents for any type of special assessment because something wasn't anticipated. Jeffries reiterated that he felt this type of development should be a PUD so that the city had more input in the way things move

forward. Jeffries stated he would feel more comfortable with covenant and restrictions on a development like this. Jeffries stated he feels there would be more of a safety net for this if they had binding covenants and restrictions that had a maintenance schedule on it including mowing, edging, power washing, etc. to assure the properties were properly maintained. Jeffries stated he knows the petitioners claims they will take care of the development because they will own it, but they have also sold off communities before and he would feel better with a safety net. Jeffries stated he would feel better if they had a binding covenant and restriction that regardless of whether the petitioner owns the property or sells it off, the city knows that things will be maintained properly because there is language in place for the city fall back on because it spells out the schedule for how things must be maintained. Vandernoorde stated he feels there are a couple ways they can do that. Vandernoorde detailed some of the options. Vandernoorde stated he is not sure of the legalities of the options, but they can look into a way of codifying that. Irak recommended the petitioner working with him and Staff on a way to make them recordable covenant that go with the property. Marshall agreed that would be a good idea.

Sauerman stated she was at the informational meeting they held for the residents and heard them say that the renderings they showed from the community in Minnesota with the black & white products that all looked the same was at the request of the municipality and asked if they know what the municipality's rationale was. Vandernoorde stated his understanding is that it was just because at the time that black & white farmhouse design was all the rage. Vandernoorde stated he likes a little bit more variability. Vandernoorde stated they can look into designs and see what Crown Point really wants. Vandernoorde stated that development is the only one of their communities that has all the same houses. Vandernoorde stated the color schemes can change easily and they can consult with Staff on the different variability.

Rohaley asked if they have ever sold a whole development outright to another party or do they piecemeal the houses out. Vandernoorde stated they have never sold a whole community as one and his understanding is they plan to hold the Crown Point community in perpetuity. Vandernoorde stated they are an equity partner in each one of their deals and they intend to hold this property. Rohaley asked if they have any reservations to making a commitment of keeping it for "x" number of years. Vandernoorde stated he is willing to have that conversation, he would need to speak to the partners in the company. Vandernoorde stated if it would give the Plan Commission some comfort, they can have a conversation about crafting some language. Rohaley stated they just want to protect the community and the neighbors in the area. Rohaley voiced his concern with the petitioner starting to sell off houses in 5-10 years because things are not working out and the city is stuck with the community not as envisioned. Vandernoorde stated they want to be long time partners with city and if there is some language, they can work through to give some assurance to the city the conversations can be had. Rohaley stated they would have to have covenants and restrictions recorded that will be binding by all future title holders. Rohaley stated he feels that commitment could be incorporated in the CCR's that would be recorded. Rohaley stated CCR's are in place to maintain property values. Rohaley asked if they have CCR's in other developments. Vandernoorde stated they believe they have done something similar to that and he would need to look into that. Rohaley asked if they could provide what they have in other developments. Vandernoorde stated they can work with Staff to come up with language. Rohaley stated he would definitely like to see some of the safeguards that they currently have in place. Vandernoorde

stated he will get those over to Schlueter. Rohaley asked Vandernoorde to verify that he feels they will be able to get the houses on the lots and meet all the setbacks. Vandernoorde confirmed. Rohaley asked about the capital improvement plan and asked if they have a document in place now to show what the capital improvement fund is, how it is funded and the formula that is used to make sure the development stays nice. Rohaley stated he would like to see a capital improvement plan that they have used. Rohaley asked about a possible reserve fund for the city that would cover any maintenance they would end up having to do. Vandernoorde stated he can investigate that. Rohaley stated he feels they just need more dialogue on how current developments are being handled and maintained to give them some assurances. Rohaley asked if along Delaware St. which will be a heavily traveled road, if they have a plan for fencing and/or plantings to make this look nicer. Rohaley recommended looking at Schmidt Farms as a template. Vandernoorde stated they intend to do something along those lines. Vandernoorde stated they are looking at doing something unique and nice.

Day asked if the 14 other properties they have done are in close proximity to a major city or high population area. Vandernoorde stated a lot of them are, but some are in more rural areas as well, they have a mix. Day voiced his concern with them not being able to rent all the units at the price they plan to charge. Vandernoorde stated that is a risk that they run but does not anticipate those issues. Vandernoorde stated there is a shortage of inventory and feels the economics are here.

Marshall asked if they would commit to a minimal rental price. Marshall voiced his concerns with someone coming in, purchasing this development and charging a smaller rent so they the tenants do not care if the houses are maintained, or the grass is cut. Marshall feels like a commitment to a minimal rental price will help control the development and its improvements. Vandernoorde stated he does not know if they can commit to. Marshall stated he does not know if he could vote for this project without a commitment to a minimum rent. Marshall stated the price is what controls what kind of individuals you get in a development. Irak stated he would have to look into the rules and regulations that govern rental pricing. Marshall stated if they maintain a minimum rental, they will market to individuals that want a nice quality neighborhood. Vandernoorde asked if there is anywhere in Crown Point that has a minimal rental price. Marshall stated they have never had a rental community come in while he was on the Board everything has been owner occupied. Marshall stated this one would be the first one and he feels they need to get it right. Vandernoorde stated a minimum rental price would limit them and would not reflect market rates. Vandernoorde stated he cannot commit to anything but will leave it up for discussion.

*Evorik returned to the Board.*

#### **MISC. AND PUBLIC COMMENT**

Freda read two comments from Facebook regarding construction in the city.

No misc.

#### **ADJOURNMENT**

At 8:32p.m. Evorik motioned to adjourn, seconded by Rohaley.

**ATTESTMENTS OF MEETING MINUTES**

The above minutes were approved and adopted by majority on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John Marshall, President

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Anthony Schlueter, Executive Secretary