

ANGOLA PLAN COMMISSION MINUTES OF THE SEPTEMBER 12, 2006 MEETING

President Dave Olson called the meeting to order.

Secretary Julie Johns-Cole called the roll. Other members present included Kathy Armstrong, Eugene Burd, Veryl Carpenter, Jeff Martin, Charles Sheets, Dean Twitchell, Ron Walter and Anne Watkins. Suzy Adams was absent. One position remains vacant.

Also in attendance were: Deburl and Dorris Smith, Jim Hale, Bob Clark, Craig Ralston, Lance LaFountain, Vern LaFountain, and Engineering Assistant Jim Myers.

Sheets made a motion to approve the minutes of the July 24, 2006 meeting. Walter seconded the motion which was approved 9-0.

Johns-Cole reviewed **Case 8-1-06**. L & L General Contractors are requesting primary approval of Magnolia Park, a 72 lot subdivision consisting of 72 duplexes. The dwelling units are attached, yet are typically individually owned.

The Plan Commission recently gave a favorable recommendation to rezone this property. The rezoning request was finalized Tuesday September 5, 2006 by Angola's Common Council.

Cindy Snyder of Steuben County Communications has reviewed the plat and has no issues with any of the street names. However, Ms. Snyder would like to see ingress/egress to the east portion of the development via SR 827, and Johns-Cole concurs.

As of today, September 12, 2006, Johns-Cole has still not received any proof that approval has been granted from the Steuben County Drainage Board, even though Pat Jackson, the Board's secretary had indicated that approval was obtained. The next Drainage Board meeting is scheduled for Tuesday September 18th. Johns-Cole expects that L & L will receive Drainage Approval at this hearing.

Johns-Cole included correspondence from the project's engineer Darrin Good. INDOT will provide Mr. Good with current traffic counts for existing intersections, and Mr. Good's e-mail outlines the 4 additional intersections that will be studied. These intersections include Azalea and Harcourt, Magnolia Boulevard and Harcourt, Harcourt and SR 827, and the future intersection for the entrance for the proposed development to the north and SR 827.

Johns-Cole suggests that building permits be denied for lots 43, 44 and 45. This is a dead end and it would make for difficult access for emergency vehicles and snowplows. If the development is extended northward, or a cul-de-sac is constructed, development of these lots may be considered in the future. Johns-Cole also suggests for lots 42 and 46 that their driveway front on Magnolia Court.

Contrary to the development plans, corner lots, in terms of setbacks, have 2 front yard and 2 side yard setbacks. An 8 foot front yard setback is not permitted without a waiver or variance. (Reference lots 5, 20, 67, 52, 42, 46, and 58.) This needs to be amended.

Lance LaFountain representing L & L General Contractors offered some more information on their request. Mr. LaFountain first addressed lots 43-45 and is not opposed to building permits being denied due to the layout of the road. Mr. LaFountain stated that an agreement has been entered into with Jim Hale, who owns the property just north of lots 43-45, and the road will be continued on with ingress/egress out onto SR 827. This will be done however, during the second phase of the development.

Johns-Cole asked the developer if their engineer Darrin Good had revised the changes that she and Jim Myers requested. Mr. LaFountain indicated that the changes have not been finalized but that Mr. Good was working on them.

Member Walter had a question about the setbacks and Johns-Cole explained that corner lots, by ordinance have 2 side yard and 2 front yard setbacks. Otherwise, the corner lots would have been 8 feet from the road in some places.

A few spec homes or models will be built, but the remainder will be built as sold. A common area will be set out front as well as a commercial strip. Landscaping will be included to increase the aesthetic value. A community building will also be built.

Johns-Cole asked if the covenants and restrictions were finished. They were still being written at the time. Johns-Cole also wanted to verify that the covenants and restrictions would be recorded and it would spell out that the property owners association would be required to maintain any common areas. Mr. LaFountain said yes.

Chairman Olson wanted to know when the association would begin. LaFountain said it would start when 50% of the subdivision was sold.

Member Twitchell had questions about the Indiana Department of Transportation and their recommendations. INDOT didn't have a problem with any of their proposals as long as L & L followed INDOT's specifications.

Chairman Olson brought up the e-mail correspondence from Darrin Good that includes comments from Vic Trowbridge of INDOT. Mr. Good stated in his e-mail that Mr. Trowbridge might very well recommend that Regency Court not be extended because of the increased traffic that will be seen in Northcrest.

Johns-Cole wanted to know if any findings have been returned from the traffic study. No such results have been received yet.

Member Twitchell asked the developer if drainage had been approved. Johns-Cole stated that she has not received proof that drainage has been approved. Member Twitchell also inquired if the deed restrictions have been completed, and they have not.

Member Walter made it clear that he feels Regency should be extended.

Member Carpenter does not agree to not extending Regency and subsequently being left with additional cul-de-sacs.

Mr. LaFountain assured the Plan Commission that with the second phase of the development, a commercial drive already exists on Jim Hale's property that will be utilized.

Member Walter would like to see a second entrance/exit on SR 827 for the eastern most addition.

The hearing was opened to the public. No comments were heard and the public hearing was closed.

Member Twitchell made a motion to table the request until a later date because the petitioner has not met the requirement of 152.17 of the City of Angola Code of Ordinances. Specifically the covenants and deed restrictions have not been completed and drainage approval has not been made. Walter seconds the motion. The motion is approve 9-0.

Johns-Cole then reviews **Case 9-1-06**. Brad Walker is requesting a favorable recommendation to change the zoning designation from R-1 Single Family to R-2 Two Family Residential. The property is located just east of 107 Glen Beatty Avenue. Brad Walker would like to sell this property to Bob Clark. If rezoned, Mr. Clark would like to build a duplex on the property. Johns-Cole understood that Mr. Clark will live in one side of the duplex and his father will live in the other side. Surrounding properties are all single-family residential. Johns-Cole is not convinced that this is the most appropriate use for the property, as other alternatives do exist to accommodate a single-family home with separate living quarters.

Brad Walker presented additional information adding that if this rezoning request does not go through the property will not be sold. Mr. Walker also added that Bob Clark is a good neighbor and would keep a nice property.

Member Armstrong asked Mr. Walker how long he had lived there, and Mr. Walker responded 8 years.

Member Carpenter wanted clarification on the construction of the structure. Mr. Walker explained to Member Carpenter how the home would sit on the lot.

Bob Clark stated the reason for the request was specifically based on the desire to keep his aging father close so he could keep an eye on him.

The hearing was then opened to the public. Chairman Olson read aloud correspondence that Johns-Cole had received regarding **Case 9-1-06**. The responses will be kept on file.

Chairman Olson, hearing no further comment, closed the public hearing.

Member Carpenter weighs the pros and cons of the request. Member Watkins wanted to know who was notified and Johns-Cole responded that property owners within 300 feet of the property in question. Member Martin feels it is spot zoning and Member Armstrong agrees.

Member Twitchell would like to have seen the rezoning request as an R-4.

Member Armstrong makes a motion to make an unfavorable recommendation to the Angola Common Council for the rezoning request. Member Martin seconds the motion. The motion is passed 8-1 with Member Sheets dissenting. The members complete the Findings of Fact.

Under other business Chairman Olson would like to see in the future the Findings of Fact completed by the petitioner prior to the meeting.

Being no further business to come before the Plan Commission the meeting was adjourned.

David Olson, President

Julie Johns-Cole, Secretary