

## WARSAW PLAN COMMISSION

March 14, 2016

**Present:** Tom Allen, Rick Keeven, Jim Gast, Jeff Grose, Dave Baumgartner, James Emans (City Engineer), Dan Stevens, Rick Paczkowski, Diane Quance, Mike Valentine (City Attorney), Jeremy Skinner (City Planner), Tim Dombrosky (Assistant City Planner), Kim Arnold (Recording Secretary)

**Absent:** None

### Call to Order

Allen called the meeting to order.

**Approval of Minutes-** The February 08, 2016 meeting minutes were reviewed and presented for approval. Keeven made a motion to approve the February 08, 2016 meeting minutes. Gast seconded the motion. The motion carried unanimously.

### Oral and Written Reports

None

### Unfinished Business

None

### New Business

**2016-03-01 – 212,214,216 N. McKinley St. – Preliminary and Final Plat-** Allen turned the meeting over to City Planner Skinner for a brief summary. The preliminary and final plat for McKinley Street Subdivision has been submitted in a timely fashion and reviewed for its conformity to the Subdivision Control Ordinance. The lots meet all of the development standards for a sub division in a C-2 zoning district. This plat is creating 3 new lots from what was originally approved as a condo association a few years ago. The subdivision already has adequate access to all utilities and ingress and egress from McKinley Street. All of the lots meet the minimum lot requirements for a C-2 Zoning Districts shown below, and are of adequate size for residential development. They will have a shared wall as is typical for villas that have been approved in the past. Although the C-2 District does allow a zero side yard setback for “like uses”, it does vary from a typical commercial use classification.

The following are the requirements for a C-2 District:

- No Minimum Lot Size
- Minimum setbacks of 15’ front, 10’ rear, 0’ side yard,(10’ when adjoining residential)
- 75% Maximum lot coverage

- 36' building height restriction

The proposed plat meets all of the subdivision requirements. The property currently houses the three residential units depicted on the plat.

While this is somewhat unusual for a C-2 zoning district, City Planner Skinner sees no issue with granting approval to sub divide the three residential units. City Planner Skinner recommended approval of the preliminary and final plat for the McKinley Street Subdivision.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Attorney Richard Helm was present to speak in favor of the petition as representative for the owners. He gave a brief explanation as to why the changes were being sought. He answered questions of Commission members. City Planner Skinner also answered several questions of Commission members. Discussion followed.

Allen closed the meeting to the public as no other person was present to speak in favor or against the petition.

Grose made a motion to approve **2016-03-01 – 212, 214, 216 N McKinley St. - Preliminary Plat**. Keeven seconded the motion. The motion passed unanimously.

Grose made a motion to approve **2016-03-01 – 212, 214, 216 N McKinley St. - Final Plat**. Baumgartner seconded the motion. The motion passed unanimously.

**2016-03-02 – Belle Augusta – Final Plat Section 1– Biggs Inc.** - Allen turned the meeting over to City Planner Skinner. The preliminary plat for Mitchell Reserve, now Belle Augusta, was originally submitted in October of 2014. The preliminary plat was approved, with some additional right-of-way requests that have been included in Section 1 of Belle Augusta. Those requests were for an additional 15-feet along County Road 225 East, and a right turn lane entering the subdivision. The final plat has been reviewed for its conformity with the City's subdivision ordinance, and the requirements for an R-1 Zoning District.

The following are the requirements for an R-1 District:

- 8,750 sq. ft. Minimum Lot Size (Achieved)
- 70 ft. Minimum Lot Width (Achieved)
- Minimum setbacks of 25' front, 25' rear, 7' side
- 45% Maximum lot coverage

The development plan was reviewed and approved by the various City Departments and the storm and sanitary infrastructure has been constructed and inspected as well. The developer is requesting to post a Letter of Credit for the Curb/Gutter and road construction, which has not been completed. They have proved cost estimates from their engineer, and will post the required LC before recording the final plat. The City will release the LC once the final infrastructure is

completed and inspected. City Planner Skinner recommended the Plan Commission approve the Final Plat for Belle Augusta, Section 1.

Allen opened the meeting to any person wishing to speak in favor or against the petition. Kevin McDermit was present to represent Biggs Indiana Properties LLC. He answered questions of Commission members.

Allen closed the meeting to the public, as there was no other person to speak in favor or against the petition. Quance made a motion to approve 2016-03-02 – Belle Augusta – Final Plat Section 1 – Biggs Inc. Emans seconded the motion. The motion carried unanimously.

**2016-03-03 – Map Amendment to the Zoning Ordinance – Kauffman Developments, LLC.**

Allen turned the meeting over to City Planner Skinner. The petitioner is requesting to rezone approximately 3.15 acres from R-2 residential to C-5 commercial in order to allow for commercial reuse of the existing residential structure. The comprehensive plan called for regional commercial uses within this area. In terms of compatibility with the surrounding uses and impact on the surrounding developments, this rezoning would have little impact because the majority of the surrounding property is already zoned for commercial uses. The property directly west is currently zoned commercial, and the property directly south will be buffered by a significantly existing wooded creek (that will not be disturbed). In addition to the surrounding land uses, this is one of the properties initially targeted by the plan commission as a possible site to accommodate the C-5 zoning districts and the large retail establishment use. The most desirable use for this property is most likely commercial at this point in time, due to the location of highway U.S. 30 and S.R. 15 as well as the additional constraints on the property.

As the City of Warsaw continues to develop areas adjacent to major highways and thoroughfares will have more commercial and industrial development pressures. This rezoning is a direct reflection of those pressures, as the properties to the North and West are ideal for commercial development as well. All of the surrounding properties fall within the Southeast corner of S.R. 15 and the U.S. 30 intersection, which currently has a mixture of commercial, industrial, and residential uses. This proposed rezoning would meet the guidelines set forward in the Comprehensive Plan for this area, and would meet the criteria of responsible growth and development for the City of Warsaw.

*When reviewing an application for rezoning (map amendment to zoning ordinance), there are a number of criteria to consider. A map amendment is based on “police power” otherwise known as public safety and general welfare. Therefore, the criteria to consider are;*

- *The comprehensive plan’s direction for development within the surrounding area;*
- *Current conditions and character of structures and uses within the area;*
- *The most desirable use for which the land is adapted;*
- *Responsible growth and development for the City of Warsaw and the surrounding area;*
- *Impact on surrounding developments and properties.*

City Planner Skinner recommended a favorable recommendation to the Common Council.

Allen opened the meeting to the public for any person wishing to speak in favor or against the

petition. Attorney Richard Helm, representing Jennifer Kauffman gave a brief explanation of the request and answered questions of Commission members. Dan Robinson, representing Martha Robinson, adjacent property owner, stated she is in favor of the zoning change. No other person was present to speak in favor or against the petition. Allen closed the meeting to the public. Stevens made a motion to recommend the re-zone favorably to the Common Council of the City of Warsaw. Paczkowski seconded the motion of recommendation. The motion passed unanimously.

**Adjourn-**

With no further business to come before the Commission, Keeven made a motion to adjourn the meeting; Gast seconded the motion. The motion passed unanimously.

**OTHER MATTERS THAT MAY COME BEFORE THE BOARD**

- The next regularly scheduled meeting will be Monday, April 11, 2016 at 7:00 p.m.

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Tom Allen, President

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Kim Arnold, Recording Secretary