

# NEW HAVEN PLAN COMMISSION

City of New Haven • 815 Lincoln Highway East • New Haven, IN 46774  
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## MEETING MINUTES

May 12, 2020

Mickey Hill called the meeting to order at 7:00 p.m. in the City Council Chambers of the City Administration Building.

Members Present: Ivan Almodovar, Jim Bradley, Troy Ganser, Darrin Good, Mickey Hill, Jon Stauffer, Rick Trabel

Members Video: Troy Bennigan, Matthew Kennedy, Attorney Pat Hess

Members Absent: Mark Anderson, Leon Davis

Staff Present: Rob Gutierrez, Renae Meredith

### Old Business

**A. Approval of minutes from the March 10, 2020 meeting**

Rick Trabel made a motion to approve the minutes as written. The motion was seconded by Jim Bradley and passed unanimously.

### New Business

**B. 20-DV-03 Plan Amendment Development Plan (Turnpointe Woods Phase 1)**

John Kohlmeier, on behalf of Turnpointe Woods Phase I, requested Plan Amendment Development Plan to allow for additional residential units and increase the overall area included in Phase I of the Turnpointe Woods development. Graham Lewis, with MLS Engineering, reviewed Exhibit A for Turnpointe Woods. Turnpointe Woods began in 2005 with 162 units. They built roads, sanitary sewer, and water infrastructures units. They have 27 units. Kady Gene Cove developed what is the rest of the 162 units. With Kady Gene Cove, the boundary line for Turnpointe Woods was moved out and enlarged. The development plan was modified to change the size of the community center and add 8 more units for a total of 35. All the streets and infrastructure to support this and drainage calculations have been accounted for. Sidewalk connections are being added to connect to Kady Gene Cove. John Kohlmeier talked about some development infrastructure that needed to be completed from the original plan. John provided Rob with the agreement between Turnpointe Woods and Kady Gene Cove for the completion of those items. This has been paid for and the agreement has been shared with Kady Gene Cove.

Darrin had a letter from Utility Superintendent Dave Jones that was sent to John on January 27, 2016 regarding the street drainage repairs. The bill was for \$5,745.58, but this was never paid. John said he never got the letter and there had been a lean placed on this property for some sewage work and it has been paid. We mailed it 110 Fulton St.

Since this was a public hearing, Mickey opened the floor to the public for any questions regarding this development. Lauren Rigg lives at 128 Turnpointe Blvd Unit F. He is in favor of the plan. There are just a couple of concerns he has the first one was that there are only 15 people that live in Turnpointe Woods right now, and the homeowners cannot afford a new community center. Mr. Rigg would like to see 10-12 more lots sold before the community center is built. The second concern is that there will not be enough parking. With no more questions or public comments, the public hearing was closed.

Rob Gutierrez reviewed the Staff Report for the Amended Development Plan for Turnpointe Woods. Turnpointe Woods is a single-family modular housing development that is organized under a horizontal property regime, or "condominium" agreement. The original development plan (PC-02-2003) received preliminary approval from the New Haven Plan Commission on February 18<sup>th</sup>, 2003. Due to issues that occurred during the process of development, the original Phase I of the project was never fully realized. Utility infrastructure and Turnpointe Blvd were constructed, but of the 27 units within Phase 1, only 10 units have been installed at the time of this application. The remaining undeveloped areas of the property outside the Phase I area were sold to Keller Development who is currently in the process of constructing the Kady Gene Cove Senior Housing Project.

The amended Development Plan is for a single-phase development of thirty-five (35) single-family units with a community building. This is an increase of eight (8) units from the originally approved Phase I development. This proposal also increases the total area of Phase I to 8.101 acres from 7.29 acres. Of the 8.101 acres, 4.497 acres are dedicated to open space. Total density of the development is 4.32 units per acre. The applicant is proposing to complete the sidewalks within the development with sidewalks on one side of Turnpointe Blvd.

An agreement was executed between Keller and John Kohlmeier to share costs and complete common improvements to both Turnpointe Woods and Kady Gene Cove. A copy of this agreement is attached to the meeting packet labeled **Exhibit F**. Some of the items covered by this agreement include the installation of acceleration/deceleration lanes on Moeller Road, storm sewer lines, a landscaped traffic island on Turnpointe Blvd., and a topcoat of asphalt to Brookwood Extended Drive and Turnpointe Blvd. Some longstanding infrastructure issues with the development have been addressed through collaboration between Keller Development and Mr. Kohlmeier. This includes a shared maintenance agreement between the two parties for the existing sewer lift station and drainage infrastructure. In addition, a drainage outfall pipe will be installed to allow for proper drainage of the fish pond located on the Ganser property to the south. This should mitigate long standing issues of drainage and flooding along Brookwood Drive.

Staff recommends **approval** of the Amended Development Plan based on the following findings of fact:

1. The Development Plan complies with all applicable development standards of the district in which the site is located. A waiver has not been granted because the submitted plans are compliant with relevant and applicable development standards of the RSP-1 Single-Family Residential District.
2. The Development Plan complies with all applicable provisions of the Subdivision Control Ordinance. A waiver has not been granted because the submitted plans are not subject to the requirements of the Subdivision Control Ordinance.
3. The proposed development is appropriate to the site and its surroundings because the character and conditions of the development are existing and the use of the property in this manner is long-standing.
4. The proposed development is consistent with the intent and purpose of the New Haven Zoning Ordinance and Comprehensive Plan because the plans submitted seek to complete an incomplete development and address long standing issues with the property.

Darrin asked if Attorney Hess had a chance to review the Contract for Purchase of Real Estate (Exhibit F). Attorney Hess said, "He spoke to Rob about this and had no concerns with the agreement." Attorney Hess said a better approach for the commission would be to have a status report every 3 months regarding the progress of Turnpointe Woods and to make sure this was one of the conditions.

Rob provided an overview of the conditions we are recommending. The commission can then decide to approve or deny the development. On the motion to approve, Rob would recommend that staff recommends the following conditions be placed upon approval of the subject amended Development Plan:

1. The applicant will obtain a Special Exception for the use of modular homes within the RSP-1, Single Family Residential District. Staff will allow the issuance of ILP's in the interim.
2. The developer shall install and complete the following improvements as outlined in the agreement to complete common improvements between Keller Development and Mr. Kohlmeier as follows:
  - a. Acceleration and deceleration lanes and flares along the right-of-way commonly known as Moeller Road.

- b. Storm sewer lines and facilities along the southern and western boundaries of the property.
  - c. A landscaped traffic island shall be constructed as well as a directional sign for Turnpointe Woods and Kady Gene Cove between Turnpointe Blvd and the new entrance road to Kady Gene Cove on the seller parcel at the entrance from the right-of-way commonly known as Turnpointe Boulevard.
  - d. Project signage and landscaping at the island at the Turnpointe Boulevard and Moeller Road entrance.
  - e. The installation of a final asphalt topcoat from Brookwood Extended at Moeller Road to the entrance at Turnpointe Boulevard.
  - f. Streetlights along Turnpointe Boulevard shall be installed.
  - g. The installation of a final asphalt topcoat on Turnpointe Boulevard.
  - h. The completion of the road connection of Turnpointe Boulevard to the right-of-way commonly known as Bedford Drive.
  - i. The installation of an outlet stormwater control pipe necessary for the overall stormwater system to serve the property.
  - j. The completion of the connection of Pointe East Drive and the to be constructed right-of-way anticipated to be known as Kady Gene Cove.
3. The developer must appear before the Plan Commission in three (3) months to report on the progress of the installation of the common improvements as outlined in Exhibit F attached to this report and as listed in condition two. The Plan Commission may withhold the issuance of any Improvement Location Permits for the development if it determines that satisfactory progress has not been made to meet the conditions of approval for this amended development plan.
  4. The applicant will be required to pay all costs owed to the City of New Haven for utility work that was done to mitigate storm water issues in 2015 and 2016. If it is determined by staff that those costs have not been paid, the Commission will withhold the issuance of ILPs until the city is reimbursed.
  5. The applicant has sixty days from May 12<sup>th</sup>, 2020 to install streetlights in the development. If the streetlights have not been installed by Monday June 29<sup>th</sup>, 2020 the Commission will withhold the issuance of ILPs until they are installed.

Most of these conditions are between John Kohlmeier and Keller. Keller said that John has paid those costs and some of the construction is already underway. Darrin inquired if we

would be able to issue ILP's before the special exception goes to the BZA. Rob confirmed that, we will be able to issue ILP's prior to BZA. Darrin also asked if Keller and Turnpointe Woods were sharing everything listed in condition number two and would be a shared cost between Kady Gene Cove and Turnpointe. Rob confirmed that they would be shared costs.

Troy Ganser made a motion to accept 20-DV-03 as presented with staff conditions. The motion was seconded by Ivan Almodovar. After a roll call vote, the development plan was approved with an 8-2 vote. The Plan amendment Development Plan for Turnpointe Woods Phase 1 was accepted.

C. **920-Z-01 Rezoning (Quail Creek)**

Michael Cummins, on behalf of Skyline Investors Group LLC, is seeking approval to rezone the property located at 6748 Moeller Road from MH, Manufactured Housing to RSP-1, Single-Family Residential Planned. The original application and public notice were submitted as a request to rezone from MH, Manufactured Housing to RSP-MH, Manufactured Housing Planned.

Rob provide an overview of the proposal which was amended requesting that this property be rezoned from MH, Manufactured Housing to RSP-1, Single Family Residential. The reason for this change is that it is the opinion of staff that the RSP-MH district is intended for developments owned under common ownership and not subdivisions. Modular housing, as is intended to be installed on this development, is permitted in the RSP-1 district as a Special Exception granted by the Board of Zoning Appeals. These are modular homes on permanent foundations not mobile homes.

Mike Cummins, on behalf of Skyline Investor Group LLC, Quail Creek is a quarter mile east of Adams Center Road. Cummins requested that this be rezoned from MH, Manufactured Housing to RSP-1, Single-Family Residential Planned. The difference is that modular housing is built on a foundation and manufactured housing sits on a trailer. The objective is to have it rezoned so that each of the lots can be sold separately. Right now, this is under common ownership. There is a total of seven sections to be built. The first section is already built. They have another 23 lots ready to go in another section. All water, sewer and storm drainage have been installed and are ready to go on the lots. They do not plan on letting anyone place manufactured homes in this area. Most housing will be 3-bedroom 2 bath homes with 2 car garages.

Staff recommends **approval** of the Rezoning Petition 20-Z-01 based on the following findings of fact:

1. Approval of this rezoning request **will be** consistent with the Comprehensive Plan which calls for this area to be developed for manufactured housing. This proposal will provide redevelopment using existing infrastructure. The plat will allow for the option of the existing residents to purchase the property.

2. Approval of this request **will not** have an adverse effect on the current conditions in the area, or the character of current structures and uses in the area. The use of the area for residential purposes as manufactured and/or modular housing is long standing.
3. Approval of this request **will be** consistent with the preservation of property values in the area. This proposal will allow reinvestment into an underused and incomplete development.
4. Approval of this request **will be** consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Previous reviews and approvals received for prior iterations of this project have demonstrated there is adequate infrastructure to support the proposed development.

Jon Stauffer made a motion to accept 20-Z-01 along with staff recommendations as presented. The motion was seconded by Ivan Almodovar. After a roll call vote, the development plan was approved with an 8-2 vote. The Rezoning for Quail Creek was accepted. This will be presented at the next Council Meeting.

**D. 20-SUB-01 Primary Plat (Quail Creek)**

Michael Cummins on behalf of Quail Creek is requesting Development Plan Primary Plat approval of a Primary Plat for a new residential subdivision to be known as 'Quail Creek Country Subdivision' for the property located at 6748 Moeller Road. This request represents +/- 55.34 acres and will total one hundred and sixty-seven (167) lots.

Rob said this is something that has never been done here before. It is becoming more popular to change mobile home parks into modular housing where you can own your own lot with a house on it. This is for a Primary Plat and a Secondary Plat will be presented in the future.

The sanitary sewer is city of Fort Wayne and will remain the same. The water and roads will remain private. One of Darrin's concerns is public safety and if fire trucks can get through the development. This has been addressed. They are on a 6" meter to provide adequate water flow to the fire hydrants. The applicant insisted on maintaining the location of existing streets and lots because utility infrastructure had already been installed.

Several conflicts arise with requirements of the New Haven Subdivision Ordinance and will need to be granted waivers from the Commission as listed below:

Original proposal contained 5 cul-de-sacs that did not meet the minimum turning radius of 100' feet. The applicant reduced that number to 2. The cul-de-sac on Wild Turkey Place Rd. has already been constructed and contains existing homes which would make conversion to a through-street infeasible. The other remaining non-conforming cul-de-sac on Cornish

Court is of very short length and should not pose significant challenges to public safety. The proposed and existing streets do not meet those standards and are proposed to be private. The developer is proposing to install sidewalks on only one side of the development.

Lot area requirement for the RSP-1 is 7,500 square feet and the smallest lot in this plat contains 6,000 square feet. In addition, the proposed homes will not meet the setback requirements of the RS-1 district of 30' feet front yard, 7' feet side yard, and 25' feet rear yard. The applicant is proposing lots with setbacks of 8' foot front yard, 0'-10' feet side yard with a minimum of 10' feet between dwelling units, and 22' feet rear yard.

Jon Stauffer made a motion to table the Primary Plat until the next meeting. The motion was seconded by Jim Bradley and was passed unanimously.

**E. 20-TXT-01 Text Amendments**

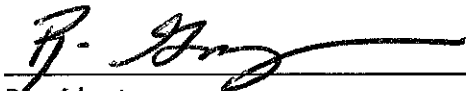
Discussion was held regarding potential updates to New Haven City Zoning Ordinance Section 151.115 Development Plans. This was tabled until the next meeting.


**F. Other Business**

Discussion was held to update our application packets on what needs to be submitted. This will be addressed at a future meeting.

**Adjournment**

Jon Stauffer made a motion to adjourn the meeting. The motion was seconded by Ivan Almodovar and was approved unanimously.

  
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~~President~~  
Secretary

  
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