

The Thorntown Plan Commission met in a regular meeting on October 10, 2022 at 6:00 PM in the Town Hall.

Members in attendance were as follows:

- Don Gray, President – Citizen Member.
- Erick Smith – Citizen Member.
- Frank Clark – Town Employee.
- Jerry Seymour – Citizen Member.

Members absent: Shawn McClintock – Council Representative; Ben Strong – Citizen Member.

Others in attendance: Planning Administrator, Oksana Polhuy.

President Gray calls the meeting to order at 6:10 PM.

### **OPENING CEREMONIES**

President Gray leads the Plan Commission in the Pledge of Allegiance.

### **DETERMINATION OF QUARUM**

Secretary Polhuy commences with the roll call and declares a quorum with the members present.

### **AGENDA CONSIDERATIONS**

President Gray asks if anyone wants to add anything to the agenda. No agenda items are added.

### **MINUTES**

President Gray states that there are Minutes for August 29, 2022 meeting available for adoption. He asks if there is any comment on those. Hearing none, he asks for a motion.

**Motion by Mr. Smith, second by Mr. Clark, to approve August 29, 2022 Minutes.**

**AYES: Don Gray, Jerry Seymour, Eric Smith, Frank Clark. NAYS: Zero. ABSTAIN: Zero. Motion carries 4, 0, 0.**

### **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

President Gray asks the public for comment for items not on the agenda. There are no members in the public, so no comment was heard.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

President Gray opens public hearing on item #1.

Ms. Polhuy shows a newspaper with the notice published on September 29, 2022 in the Lebanon Reporter. All commissioners also look at the newspaper to confirm the date and the publication of the notice of the hearing on this item.

**ITEM #1. TEXT-02-2022. Zoning Ordinance Text Amendment.**

*Text Amendment to TCO §152 to add regulations to subchapters §152.15 Development Plan and §152.16 Improvement Location Permit.*

Ms. Polhuy, Planning Administrator, starts a presentation on the item. She states that today's amendments are meant to close the cycle of reviewing developments before permitting their construction. She states that the first set of text amendments established some basic zoning regulations and some administrative regulations. She states that the proposed items in today's item are administrative standards that would regulate how development plan applications and improvement location permits would be reviewed and approved.

Ms. Polhuy wants to set the context for explaining what the process of development plan and improvement location permit is. She states that a planner needs to ask the following questions to anyone who proposes a development in Thorntown: a) whether the land is part of the Thorntown planning jurisdiction; b) whether the proposed use is permitted in the zoning district; and c) whether the lot is developable and meets zoning regulations. She states that if the answers to all of these questions are "yes", then the applicant can go to the next stage of designing the development and applying for the development plan review which will answer the following question: does the proposed development meet all zoning regulations? She states that the proposed regulations for subchapter §152.15 Development Plan administer the process of application, review, and approval/denial of the proposed project.

Ms. Polhuy states that the development plan is a scaled drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimensions of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas. She states that the goals of the development plan review are two-fold: 1) to coordinate the locations of buildings, structures, utilities, parking, driveways, streets, landscaping and other improvements; and 2) to check that the proposed development meets zoning regulations. She states that the development plan is going to be required for the following developments: multi-family and non-residential developments (new construction or additions of buildings and structures) and construction of PUDs. She states that the staff and TAC will review the development and provide their comments to the Plan Commission. Then, Plan Commission will review the plans at the public hearing and approve them, approve with conditions, deny them, or continue the review to the next hearing. She explains that the Plan Commission doesn't have to approve something that they doesn't meet the regulations or if they don't want to approve waivers. She states that sometimes, there might be situations when the applicant doesn't have all necessary information by the time the hearing happens, so it is okay to continue an item and request that the applicant gives more information at the next meeting and continue this application to the next meeting.

Ms. Polhuy shows examples of a set of plans for a development to show what the typical components are, what kinds of features could be checked, and the level of their detail. Plan Commission members discuss the plans and ask questions about some parts of the plans to learn about them.

Ms. Polhuy states that this is all that she wanted to tell the Commission about the development plans: to explain what they are, when the ordinance will require them, what will be reviewed, and who will review them and make the decision whether to approve or deny them. She states that the regulations go over more topics than these, but these are the basic points to know about the administration of the development plans. She states that they are welcome to read the rest of the language in the proposed text amendment.

Ms. Polhuy switches to discussing the proposed amendments to the Improvement Location Permit. She states that while the review of the development plan checks for the coordination of various parts of development and for the adherence of the development to the zoning regulations, it does not permit work on site or construction. She states that it is the issuance of the Improvement Location Permit that permits construction. She states that the development plan would need to be approved first, then the applicant can apply for an Improvement Location Permit. She states that during the ILP stage, the staff and TAC would review the actual components of every structure and whether those details meet the regulations. She states, for example, if during the development plan review the road's width is reviewed, then at the ILP stage, things like what the road is made of is reviewed: the materials used to build the road, their size, compaction methods, and so on. She states that once the ILP permit is approved, then the applicant can start the construction, and once the applicant constructs everything according to the plans, then the Building Inspector can issue a Certificate of Occupancy and allow the use of the development.

Ms. Polhuy states that she proposes that the ILP is required for the following developments: new one-family or two-family house; construction of new buildings, structures, or changes to them at the multi-family and non-residential sites; subdivision development, and a few other types of development that involve site work or infrastructure installation. She states that the state statute uses the term "improvement location permit" to signify any type of permit that allows improvement to the site: be it site work, grading, infrastructure installation, landscape installation, paving, or erecting a building. She states that she wanted to add this terminology to the ordinance.

Ms. Polhuy states that the ILP would be required in addition to the existing Building Permit procedure in Thorntown. She states that approval of both permits would be needed before construction starts. She states that she added an ILP for new houses because when new houses are constructed, it's important to check whether the development meets zoning regulations and whether the site is properly connected to the utilities. She states that such developments involve a review of more information than a typical permit with more staff reviewing it. Due to that, she states, it is important to include it and include the fees in the future to offset the cost of the review of this permit.

Ms. Polhuy states that before an ILP is issued, the staff checks that other county and state permits were granted to the applicant if such permits are required. For example, she states that if there is a wetland and the developer shows proposed development in it, then we'd need to see a permit from IDNR or some letter from them, stating that development in that wetland was permitted.

Ms. Polhuy states that the ILP review and approval will be done completely by staff. She states that the same staff will be performing inspections: a building inspector would inspect the buildings and structures, an engineer would inspect the site and infrastructure, and a planner would inspect zoning kinds of things like landscaping. She states that the proposed text amendments have more administrative regulations that the Commissioners are welcome to read through and give her their comments on. She asks if they have any questions.

Mr. Smith asks if there is a time framework during which the permit needs to be reviewed.

Ms. Polhuy answers that she didn't put any time commitments in the proposed amendments. She states that due to the current nature of how staff is set up in Thorntown and how new all of these process are, it might not be a good idea to set up the time framework yet.

Ms. Polhuy tries to open a large file to show an example of ILP plans, but there are some technological issues. She states that she linked this example plan in her staff report, so they can review it later. She thanks the Commissioners for bearing with her through all of these educational sessions and hopes that they learned about their role in planning.

President Gray thanks her for her work and for helping to break down large concepts into smaller pieces for them. He asks Ms. Polhuy if the decision on this would be done similarly to how they did it for the previous set of text amendments.

Ms. Polhuy responds yes.

President Gray asks the Commissioners if they have any questions.

President Gray asks the public for their comment. Hearing none, he closes the public hearing.

President Gray asks for the motion from the Commissioners unless there is a need for discussion.

**Motion by Mr. Smith, second by Mr. Clark, to send a favorable recommendation to the Town Council regarding the Application TEXT-02-2022.**

**AYES: Don Gray, Jerry Seymour, Eric Smith, Frank Clark. NAYS: Zero. ABSTAIN: Zero. Motion carries 4, 0, 0.**

## **NEW BUSINESS FROM THE FLOOR**

None.

## **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Ms. Polhuy states that Arbor applied for a PUD, which requires a public hearing at Plan Commission's meeting. She states that she hasn't set a date for reviewing this item, because there is some lag with an annexation process. She believes that the property needs to be annexed into the planning jurisdiction first, and then the review of the application could happen at the public hearing. She says that she is waiting on an opinion from the legal counsel on this.

President Gray and Mr. Smith discuss that Arbor started talking to the town citizens about the development and invited them to a Skype call to go over their idea and get some public input.

Mr. Smith says that a few people in social media conversations seem to be against the development, but sound mostly like they don't want any development in their back yard. He states that some comments sound as though people expect that the government should completely control who buys and sells land and to whom. He mentions that Shawn responded well to the comments like these explaining that it is a property owner's right to transfer property from one to another on the private market and that the government may not interfere with the private market purchase.

President Gray mentions how one person in the community close to the development first was against it, but then started liking it once he found out that there will be a park in it that he could use. He also mentioned that some churches are showing interest in expanding their services or introducing them in town to give options to the future residents.

Ms. Polhuy says that it is good that this development will be integrated into the town in a way that other residents nearby can access its amenities. She mentions that from her conversations with Sara, she understood that people in Thorntown like the ability to access all town's amenities and probably wouldn't want the kinds of subdivisions that are closed off from the rest of the town, which is how typical subdivisions occur. She says that since Thorntown hasn't been developed with traditional subdivisions and maintained its traditional street grid layout that makes the community a lot more interconnected, this feature of interconnectedness could become a thing in Thorntown. She says that it could be added to their Comprehensive Plan. She also says that it's good that Arbor is starting to talk to the residents now to see how they feel about it, gather their input and be able to respond to them before the item even gets to the public hearing. She says that usually people might hear about developments like these only after they've been approved or when the construction begins and that makes people surprised and angry because they feel like someone did something underhanded. She says that in those cases the developer could go through all applications, the government could follow all procedures and hold the meetings publicly like they are required to by law, and yet, because the public didn't pay attention to those, they don't know that the approval happened. The developer, attracting public's attention beforehand, makes the process feel a lot more transparent by giving people more time learn about it.

## **ANNOUNCEMENTS**

Ms. Polhuy goes over what she has done in the past month besides the proposed amendments and minutes: created application forms for Rezone/PUD and subdivision; sent the forms and applications instructions to the interested applicants; received a PUD application from Arbor; sent out emails to the potential TAC members and gained consent from quite a few of them to serve on the Committee.

Ms. Polhuy states that for the next meeting she plans to bring Minutes from the September and this meeting and hopefully, will figure out how to establish TAC. She asks the Commissioners to send her questions or requests of what they'd like to discuss during the meetings. She has been leading the agenda so far to make sure that all items are reviewed, and it was a lot of work for everyone, but since the majority of work has been done, she says that the Plan Commission is free to initiate items on the agenda.

President Gray mentions that the legal counsel said that they don't even have to meet if there are no items on the agenda.

**MISCELLENEOUS**

None.

**ADJOURNMENT**

President Gray made a motion to adjourn. Meeting adjourned at 7:26 PM.

  
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Donald Gray                      President

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Oksana Polhuy                       Secretary