

Fortville Plan Commission
Meeting Minutes
Tuesday 3/26/2024

OPENING OF MEETING

Meeting was called to order at 6:31 pm by Nathan Sturdevant.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commission Members Present: Mike Siebert, Jason Stein, Amandia Jeschke, Nathan Sturdevant, Brittney Layton, Robert Holland.

Commission Members Absent: Dan Justus

Town Staff Present: Alex Intermill- Town Attorney (via Zoom), Adam Zaklikowski- Planning and Building Director, Elizabeth McCreight- Recording Secretary

APPROVAL OF 1.30.2024 MINUTES

Motioned to approve – B. Layton. 2nd – J. Stein. Motion carried 6-0.

APPROVAL OF AGENDA

Motioned to approve – B. Layton. 2nd –J. Stein. Motion carried 4-0.

NEW BUSINESS

Case No. RZ-01-2024 – Mercho-Lauth PUD – Rezone: To review, conduct a public hearing, and issue a Recommendation to the Town Council regarding Ordinance No. 2024-3B, a petition from Lauth Group to Rezone +/- 38 acres from Industrial-1 to Planned Unit Development on the north side of Garden St (W 1000 N) and south of Industrial Drive.

Staff Presentation

Adam Zaklikowski gives staff presentation including plan overview:

- **Applicant** – Lauth Group, LLC
- **Current Owners** – Fortville 19, LLC (Mercho family)
- **Location** – North of Garden Street (W 1000 North), east of south side of downtown Fortville.
- **Zoning** – Industrial-1 (I-1); Seeking Rezone to Planned Unit Development (PUD) to allow for a multi-family market-rate apartment complex + light industrial buildings.
- **Size** – Approximately 38 acres
- **Housing** – Looking to construct seven (7) 3-story buildings to contain a total of 204 apartment units (+club house, pool, dog park).
- **Employment** – Two (2) light industrial buildings – 85,000 SF + 156,000 SF. Electrical contractor InPwr Inc is looking to relocate headquarters to Fortville.
- Maps, Images, & Renderings Provided.
- Town owns parcels north of project (and south of Broadway) for future S. Madison project.
- Current zoning – planned racetrack/test track.
- Staff worked closely with the developer on layout of project.

- PUD Standards Template
 - Adopted by Town Council via Ordinance 2017-4A in June 2017
 - The standards were written for single-family residential projects; Most standards not applicable for multi-family/commercial PUDs; Used approved Madison Village PUD and Ridgeview West PUD as guidance.
- This PUD only covers core development standards.
- Table Included:

Development Topic	Proposed PUD Standards	Standard Town Requirements
Uses	- Multi-family residential (area A) - Industrial and/or commercial (area B)	As a land use, Multi-family residential is permitted in RM zoning, and Industrial is permitted in IL zoning; Planned Unit Development zoning can have both.
Height	- Not to exceed 3 stories or 40' (area A) - Not to exceed 50' including parapet walls (area B)	RM zoning – 45' max IL zoning – 50' max
Density	- Max. 204 units over approx. 19 acres (~10.7 dwelling units per acre) - Min. dwelling unit size 700 SF	RM zoning – minimum dwelling unit size of avg 1000 SF; based on 204 units, minimum lot area required to be 18.73 acres
Setbacks	Area A - Front yard 20' min. - Rear yard 15' min. - Side yard 5' min. Area B - Front yard 50' min. - Rear yard 25' min. - Side yard 25' min.	Per RM Zoning: - Front yard = 40' - Rear yard = 50' - Side yard = 50' Per IL Zoning: - Front yard = 50' - Rear yard = 50' - Side yard = 25'
Parking	- Multi-family = 1.5 spaces per dwelling unit (306 spaces) - Industrial = Follow IL Zoning requirements	Per RM Zoning = 2 spaces per dwelling unit. Note: Madison Village & Ridgeview West PUDs allowed 1.5 spaces per unit.
Building Design	- Materials – Brick, stone coping, cement panels, Hardie Plank and panel, EIFS, vinyl prohibited - All windows shall have a minimum 1x4 nominal trim when surrounded by siding. - Overall appearance will need to be in substantial conformance to Color Building Elevations in PUD	None clearly apply in the RM Zoning District; vinyl allowed.

- Images shared of previous Lauth apartments as examples.
- Evaluation Criteria
 - 1) Consistent with the Comprehensive Plan: Partially Yes
 - 2) Consistent with current conditions/character of current structures: Not applicable
 - 3) Consistent with most desirable use of land: Yes

- 4) Consistent with conservation of property values: Yes
- 5) Consistent with responsible growth and development: Yes

Remonstrance / Comments:

- No letters of remonstrance have been received.
- Town Council supportive of project during 1st Reading but has architectural concerns.

Staff Recommendation:

- Provide a Positive Recommendation to the Fortville Town Council with conditions: First floor of each building to be brick, prohibit EIFS, and different color scheme than the City of Franklin project.

Next Steps (Tentative; Subject to change):

- Fortville Town Council for final Zoning review – 2nd Reading of ordinance – April 1 – 6:30 PM
- Site Plan would need to be approved Plan Commission after Zoning process.

Commission Questions for Staff

M Siebert – Asked how TIF district impacts police, emergency services, and overall effect on town.

A Zaklikowski – RDC and Town Council decide how and when TIF is used. Noted that once TIF expires, value would be split between all taxing entities.

B Layton – How project will benefit the town's traffic?

A Zaklikowski – Road will connect St Rd 13 and Broadway to Co Rd 200 W and Fortville Pike, will open up area for development, will move truck traffic away from Broadway/Maple intersection. Also potential for interchange on I70 at 200 W, so this would be an arterial route from I70 to interstate 69 and connect the interstates.

M Stein – Why did parking space locations change from masterplan vs conceptual site?

A Zaklikowski – Parking on west side, gives more urban vs suburban feel so parking would face street w parallel parking. 90 degree parking would be behind building. Also if buildings go all the way to S Madison Blvd and would front that area, only provides a certain number of buildings so may interfere with their parking. On light industrial side, proposing parking that is most beneficial to that.

M Stein – Do Lauth's requests have to be in PUD?

A Zaklikowski – Recommendations can be folded into the PUD.

B Layton – Will these buildings require any variances in the future?

A Zaklikowski – No variances needed.

A Jeschke – Will elevations come back to Plan Commission, can we change those requests later?

A Zaklikowski – Yes

M Siebert – Does PUD give ability to change things after it's put in place?

A Zaklikowski – No, PUD gives more control to Town. Now would be the time to ask for changes.

A Jeschke – Would like to see more architectural elements.

J Stein – Should we require flat roof?

A Zaklikowski - Flat roofs aren't required.

A Jeschke – Reminded everyone that flat roofs on previous projects were due to height requirements.

J Stein – Stated that he'd like a better look architecturally.

R Holland - Future roadway plan, median and lighting, turn lanes, will those be addressed later?

A Zaklikowski – Landscape median and left hand turns as needed, but nothing yet confirmed.

R Holland - Time frame?

N Sturdevant – Did we hit 1000 sq average on previous projects and does 1.5 parking per unit include parallel parking?

A Zaklikowski – Not sure, but Madison Lofts have some with 700 SF and yes to parking.

N Sturdevant – Asked for staff perspective on setbacks.

A Zaklikowski – Found that 20 ft set back was a good fit for an urban feel.

Petitioner Presentation/Statement

Briane House – Lauth's attorney. Confirmed TIF funds will increase value of property. Believes project is a great way to jump start South Madison growth. Parking configuration can be changed, would prefer pitched roof but would do flat roof if town requests, square footage is appropriate for these units and within parameters of ordinance, noted that industrial side is light traffic and brings jobs to residents. Project will be adding a variety of housing and customers to our local businesses. Michael Garvey – Chief Investment Officer of Lauth/President of Multifamily division. Stated the renderings submitted were examples of recent developments. Will do flat roofs if town requests, requests only 20% exterior be masonry, but will not have blank walls. More demographic information coming, but market says that 850-900 sq ft is average. They're open to changing parking for residential, but suggest industrial parking stay the same as plan. Stated industrial unit is higher office usage. Asked EIFS to be allowed.

Commission Questions

B Layton – Will dog park only be allowed for residents?

M Garvey – For liability reasons dog park is only for residents but willing to work with town if desired.

B Layton – How many employees for industrial and will they be adding more with the move?

M Garvey – Around 80 currently with hopes of adding 20 new positions.

B Layton – Please describe the traffic for industrial use.

M Garvey – Can confirm that InPwr Inc will have light semi traffic but do not know who will be using the second part of the industrial building.

Public Response

John Gay 331 Staat St – Would like to confirm that the PUD gives the town control of the project. He wants to know more details and if there will be drainage issues. Would like to see a more specific plan before any kind of approval.

Karen Murphy W 1000 N – Would like to know what the project will do to our property values.

Josh S via Zoom – Doesn't believe this project fits the town appropriately.

Town Official Comments

Tonya Davis – Agrees the project will be a great buffer between neighborhood and industrial but wants better architecture.

Ryan Rummel – Wants to know exactly what 20% masonry looks like and believes there will be more semi traffic, but better than on Main.

Vanessa Battaglia – Wants a better looking building. Questioned why the town is going for an “urban feel”. She thinks everyone needs more answers.

Petitioner Comments/Rebuttal

M Garvey – Ensures drainage is adequate and explained they wanted approvals before getting exact renderings from architect.

Ryan Thomas -Senior VP of Development for Lauth – Ponds and drainage are adequate. Stated that 1.5 parking spaces per unit is a better look vs 2. Not sure what it will do to property values. 20% masonry would be 20% of exterior square footage, exclusive of doors/windows. Stated they have to be able to afford the build and what the market justifies. Still gathering market rent value research.

Robert Holland – Are pond locations finalized or will they shift?

R Thomas – Ponds can shift but will be adequate.

R Holland – Doesn't want ponds in front of buildings at primary intersection. Also what is time line?

R Thomas –Time line for entire project will most likely take 6 months with estimating early 2025 for ground breaking for multifamily side of project and July for industrial side.

R Holland – Where did you get your request of 20%?

R Thomas – The 20% gives flexibility for design, would usually invest more on more visible sides.

R Holland – Argues that the residential building will be seen from all angles. Agrees that PUD is the way to go, but believes we need more details for the project.

N Sturdevant – Feels like we are too early to make a recommendation.

R Thomas – Reminded commission that anything not addressed in the PUD would be built in accordance to our current ordinance.

R Holland – Wants clarification of process with the other boards.

Alex Intermill – Ultimately the Town Council will approve/disapprove the PUD ordinance, but Plan Commission can/should request changes and more details to be put into the PUD now. Also confirmed that site plans will have to be approved at a later date.

R Holland – So Plan Commission can continue the case until more details are provided?

M Sibert – Still concerned about TIF funds and notes that he wants landscape plans.

A Zaklikowski – Agrees continuation of the case is appropriate.

A Intermill – Clarifies that the Town Council and RDC decide the appropriate use of the TIF.

B House – Reminds Commission that Lauth will continue to work with Adam on building plans.

A Jeschke – Asks how many buildings/units.

A Zaklikowski – Confirmed that we do not know exact numbers yet.

Commission Motion

R Holland motions for a continuation. 2nd – J Stein. J Stein comments that the project is a good fit for the town, but wants more details. N Sturdevant agrees that we're missing too much information. B Layton agrees that the presentation needs to be more refined. A Jeschke also likes the project, but wants to see a more dialed in presentation. J Stein reiterated that looks are important because of its

location. M Siebert wants more family friendly, maybe larger units. N Sturdevant says it's important to have a variety of available homes for price points. J Stein agrees.
Motion carried 6-0.

Case No. RZ – 02 – 2024 – 712 W Broadway St – Rezone - To review, conduct a public hearing, and issue a Recommendation to the Town Council regarding Ordinance No. 2024-3C, a petition from Badger Engineering to Rezone +/- 7 acres from Commercial: Neighborhood & Business-1 to Industrial: Light at 712 W Broadway St.

Staff Presentation

Adam Zaklikowski gives staff presentation including plan overview:

- Location: 712 W. Broadway Street
- Owner: TFG Properties LLC
- Petitioner: Chris Badger – Badger Engineering
- Zoning: Commercial: Neighborhood (CN) and Business-1 (B-1) (Grandfathered)
- Property Use: Heavy commercial (truck repair) / commercial (contractor) / agricultural (farm field) / residential (brick home - rental)
- Size: About 7 acres
- Request / Background:
 - Code Enforcement discovered that a remodel of an existing building was occurring without permit; The building was being remodeled for a heavy truck repair shop.
 - Upon review of the Zoning Ordinance, found Truck Service is not allowed.
 - If the property is zoned IL w/ Special Exception from BZA, the use could be allowed.
- The owner would also like ability to store semi-trucks on site and adjacent east property.
- The owner is also seeking some Variances from the BZA to allow for gravel parking lot, no buffer yards, and chain link fence with slats.
- Note, property is within the Wellhead Protection Overlay, which prohibits Truck service centers, but does allow auto repair facilities, provided that the floor is constructed of a material that forms effective barrier to prevent fluids from migrating into the ground water.
- The applicant is proposing improvements to pave the front of facility, add landscaping, and add walking path within ROW to be dedicated along the front of the project.
- Maps, Images Provided.
- Town Council Comments:
 - 1st Reading of the Rezone ordinance occurred on March 18, 2024.
 - Some Council members expressed concerns with the proposal, given that the owner has owned this property for about 10 years and is not well-maintained.
 - Note, there have been some Code Enforcement cases with property maintenance in the past.
- Community Response
 - All public hearing requirements have been met (sign posting, mailing to nearby property owners, newspaper publication in Greenfield Reporter).
 - Mark Pressley, owner of Moon Drops Distillery, has expressed concerns about the proposal.

- Evaluation Criteria for Rezones per Indiana Code:
 - 1) Consistent with the Comprehensive Plan? – *Not exactly. The Town of Fortville Future Growth Concept Map (March 2016) identified this area as “Commercial.” However, this use could be construed as a “Heavy Commercial” type of use.*
 - 2) Consistent with current conditions/character of current structures? - *Yes. The property is used for a “Heavy Commercial” type of use – heavy truck repair – which would place it in the Light Industrial zoning district.*
 - 3) Consistent with most desirable use of land? - *Not exactly. Ideally, the property, which is in poor condition overall, could be grouped with another nearby property to west for redevelopment. However, this type of use, a “Heavy Commercial” use, should be allowed somewhere within Town limits, and this is arguably a good location for it given that the use would be tucked away well off of Broadway.*
 - 4) Consistent with conservation of property values throughout the jurisdiction? - *Potentially. If the property is upgraded from its current condition and semi truck parking is not allowed on the adjacent parcel, it may have a somewhat beneficial impact on the surrounding properties. Conditions on the Rezone could address these issues.*
 - 5) Consistent with responsible growth and development? - *Possibly. Provided reasonable regulations are put in place via Conditions, it could cause sorely needed improvements to be made and ensure that the property owner’s desire to utilize the property are not at odds with surrounding properties.*

Staff Recommendation:

Staff recommends that the Plan Commission grant a Favorable Recommendation to the Town Council of the Rezone subject to the following Conditions: No semi-truck parking on the east parcel. Within 6 months, the front yard dirt/gravel area to be paved and back yard up to southern fence line. Aqua-Swirl system to be provided and no trucks to park south of southern fence line. Front yard landscaping plan and walking path to be constructed within 1 year of rezone approval. Buildings to be connected to town water and sewer.

Commission Questions for Staff:

A Jeschke – Does site plan show current use of buildings?

A Zaklikowski – Yes

N Sturdevant – Who is responsible for insuring well head protection?

A Zaklikowski – Formal zoning within our ordinance.

Petitioner Presentation/Statement

Chris Badger – Engineering – Requests to allow trucks as long as property owner provides adequate non-permeable concrete and Aqua-Swirl system. Stated the property is also being cleaned up.

Commission Questions

B Layton – Has any water testing been done on existing well? Environmental concerns, especially so close to town’s future gardens.

C Badger – No, but we can. Assures the non-permeable surface and Aqua-Swirl system installation. Wants to focus on getting the proper zoning before development questions.

Public Response

Mark Pressley – Owner of Moon Drops Distillery – Against current use and proposed use because of the looks.

Becky Davis – Against semi-truck parking in that area.

Mary Beth via Zoom – Against proposed use.

Michael Nation – Against proposed use.

Town Official Comments

Tonya Davis - Against proposed plan with overnight truck parking.

Petitioner Comments/Rebuttal

C Badger – Wants to rezone to allow for light industrial.

N Sturdevant – Asking clarification for length of parking and where parking would occur on property.

C Badger – The current use is fixing semis and trying to rezone appropriately.

R Holland – States that tenant should've confirmed allowance of use

J Stein – Concerned about current code enforcements and future code enforcements.

C Badger – Only 1 problem within last 10 yrs and thought he was fixing the building. States that existing zoning allows car repair but wants to change to allow trucks.

A Jeschke – What is the comprehensive plan? Would still need to go before BZA?

A Zaklikowski – Currently commercial CN and B-1 where truck repair is not allowed without special exception.

Commission Motion

J Stein makes motion for unfavorable recommendation. 2nd – B Layton. A Jeschke says changing zoning doesn't fix issues and wants a better looking entrance into Fortville. J Stein – Doesn't fit the future plan of Fortville. N Sturdevant – too much uncertainty for the use. R Holland asked if fines have been rendered. A Zaklikowski – no fines have been issued.

Motion carried 6-0.

APPROVAL OF PLAN COMMISSION ORDER #2024-3A

Plan Commission to review and adopt Plan Commission Order #2024-3A, approving a Declaratory Resolution thus affirming that the Resolution is in conformance with the plan of development for the Town pertaining to 124 E. Staat Street.

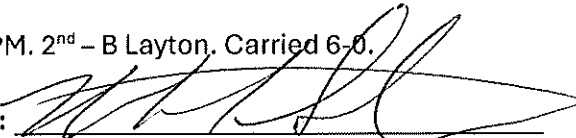
Commission Motion

R Holland motions to approval. 2nd – J Stein. Carried 6-0.

ADJOURN

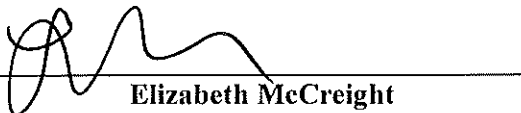
J Stein motions to adjourn at 9:32 PM. 2nd – B Layton. Carried 6-0.

Board Chairperson:



Nathan Sturdevant

Recording Secretary:



Elizabeth McCreight