

MINUTES OF MEETING OF  
THE CLARKSVILLE TOWN COUNCIL  
HELD ON MARCH 11, 2017

A special meeting of the Clarksville Town Council was called to order on March 11, 2017 at 10:00 A.M. in the meeting room of the Clarksville Municipal Center Administration Building by Council President, Paul Fetter, who chaired the meeting.

Council members present: Paul Fetter, Tim Hauber, John Gilkey, David Worrall, Jennifer Voignier, David Fisher, and Aaron Stonecipher.

**Presentation by Developer:** Attorney John Kraft representing Midwest Real Properties Inc., and Foursight Development Co., Inc. came before the Council with information on behalf of the developers Steve Scott and Jack Kennedy, who were also present to answer questions from the residents of Plum Woods, Plum Creek and Plum Lake. Attorney Kraft stated the zoning classification on the Clarksville Zoning Map for lot 5 of Plum Creek Crossing Subdivision is currently zoned B-1 (neighborhood Business) and requesting to rezone to R-3 (Single, Two and Multi-Family Residential, for plans to construct a 56 unit apartment complex on Westmont Drive. Attorney Kraft reported that several concessions were made while working with the Clarksville Planning and Zoning department in the final design of the Plum Creek Crossing Apartment complex. This property is located along Westmont Drive and County Road 311. Mr. Heinz, the original developer of the area, as well as co-owner of the lot, gave testimony that the intent of the original business zoning was made under the pretense of an inter-local agreement with Sellersburg in the year 2000 that a service road, parallel to County 311, would extend north from Westmont Drive. However, the allowance by Sellersburg of the development of Tractor Supply Co. has rendered void the said plan of the business district.

**Public Comments:**

Joey Rivera, 1999 Plum Woods Ct. Clarksville, IN 47172  
Kimberly Perkins, 3011 Plum Woods Ct., Clarksville, IN. 47172  
Betsy Shepherd, 7914 Hollow View Dr. Clarksville, IN 47172  
Kathy Thompson, 107 Plum Run Ct. Clarksville, IN 47172

Residents in this area, representing Home Owners' Associations of Plum Run, Plum Lake and Plum Creek, stated several reasons for opposing the rezoning. Traffic was a big concern, speeding in the neighborhoods with cut through traffic and dis-regarding stop signs. The value of homes also could possibly be affected by the construction of an apartment complex. There is currently a lake in the subdivision, which is maintained by Plum Lake HOA. If more citizens come into the neighborhood with the apartment construction, who would be responsible for the up-keep and supervising the lake.

**Staff Comments:** Planning Director Sharon Wilson thanked the Council for the opportunity to bring forth the facts from the staff report prepared for the plan commission pertaining to the rezoning of property along Westmont Drive from B-1 to R-3. Director Wilson stated that the staff had made a thorough review of the proposed apartment complex to see if the project was in conformance with the comprehensive plan and the zoning ordinance.

Next Ms. Wilson introduced Associate Planner Katherine Groskreutz, the author of the staff report. Ms. Groskreutz presented a summation of the staff report.

Ms. Groskreutz commenced the presentation by stating that the planning and zoning process began in October 2016. Further, the preliminary plans had indicated that there would be 66 apartments located in a planned unit development zone district. After reviewing the second submittal which included only 56 apartment units the staff determined that it would be more fitting for the property to be zoned to an R-3 zone classification. Staff also found that the R-3 zone district was in better keeping with the neighborhood and the updated design plans.

Ms. Groskreutz continued by saying that the R-3 zone allowed for stricter controls on the development to ensure it was high-quality and would better fit with the surrounding neighborhoods. The staff requested an architectural and neighborhood characteristic investigation be completed by Kovert Hawkins. The investigative report also substantiated that, and R-3 zone district was more appropriate for the proposed apartment community. The only development standards that the preliminary plans did not meet was a rear yard setback which

needed to be reviewed by the board of zoning appeals for the possibility of reducing that one rear yard setback by 5 feet. That 5 foot of encroachment into the rear yard setback would be along the edge of the property next to the tractor supply commercial development. On January 25, 2017, the board of zoning appeals granted the variance of the rear setback for one building.

The project has been reviewed in great detail during the planning process including two formal technical review committee meetings and other meetings with the planning staff. There were numerous emails and phone calls between the planning staff and the developer and architect. During the review process, the applicant suggested the elimination of one detached garage which would allow for an increase in the front yard setback for that apartment building.

Ms. Groskreutz continued the presentation by providing reasons that the staff recommended approval of the rezoning and development plan to the plan commission. The basic reasoning was that the development plan met or exceeded all the development standard requirements except for the small rear yard setback issue where a grant of a variance was approved by the board of zoning appeals. Ms. Groskreutz further continued by explaining the lot area coverage requirements which permitted open space areas large than exceeded the requirements of the zoning ordinance.

The R-3 zone classification allows the development to be guided by the Clarksville neighborhood design guidelines plan. This is important as commercial developments is are not subject to the guidelines. Meeting the neighborhood design guidelines will set the standard for other developments that may be developed in the vicinity.

Ms. Groskreutz discussed the ingress and egress to and from plum Creek, and Meyer Manor subdivisions and neighborhoods are difficult during peak hours due to the lack of a traffic signal that the intersection of Westmont drive and County road 311. Traffic impact analysis completed in 2017 by VS engineering indicates that the warrant for the proposed traffic signal is closer to reality because of additional trips generated by the proposed development of the apartments. The comprehensive plan identifies the extension of Westmont drive from County road 311 to Hunter station road is necessary for connectivity and to reduce traffic flow into plum Lake and plum run subdivisions.

Ms. Groskreutz then commenced the findings based on the Clarksville comprehensive plan. Review of the comprehensive plan found the development plan conforms to eight objectives and seven objectives for rezoning. It was explained that typically developments fit 3-5 objectives. The staff report also covered the potential disruptive uses that would be permitted by right in a B-1 zone district among these uses is a 24 convenient food market with gas pumps. Because there are no development guidelines for commercial uses, the town would not have any control over the design of the convenience store or its compatibility with the neighborhood.

Ms. Groskreutz stated that due to the factual findings based on the Comprehensive Plan and zoning ordinance the staff believes this development is well situated and suited for a transition use between commercial uses and development of apartments.

Director Wilson summed up the presentation and announced that the planning staff was well qualified and competent to make such a recommendation.

Later, during the town Council's questioning, the planning staff was asked to give there had ever been any efforts put forth by the town to construct a Park in the northern portion of Clarksville. Director Wilson stated that the town had four years planned on installing a Park in the North portion of Clarksville. Further director Wilson stated that over the decade during the preparation of the last two Parks Department's Five Year Master Plans the location of a Park in the northern part of Clarksville was listed as a desirable project. Further Ms. Wilson stated that the town had endeavored to identify a location for a Park there were no willing sellers and the town has an aversion to using eminent domain.

**Council Comments:** Council President Fetter announced this meeting was called so that the residents from Plum Woods, Plum Run, and Plum Creek, had the opportunity to hear all information available by Town staff. Council President Fetter also stated the Council would vote whether to rezone the property during the next meeting on Tuesday March 22, 2017 at 7:00 P.M. Council member Gilkey suggested the town explore the possibility of acquiring the planned development site along with adjoining land for use as a town park to fulfil a decades-long promise to residents of the north end of Clarksville to provide such services there. Council members expressed their appreciation to the residents for their input on discussion today.

**Adjournment**... There being no further business to come before the Council at this time, on a motion made by Council Member Stonecipher, seconded by Council Member Gilkey, and carried by unanimous vote, the March 11, 2017 meeting of the Clarksville Town Council adjourned at 11:23 P.M.

An open forum followed the adjournment of this meeting.

**Minutes prepared by the Clerk-Treasurer of**  
The Town of Clarksville, Indiana

Minutes approved by the Clarksville Town Council  
on the 21<sup>st</sup> day of March, 2017

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Robert P Leuthart, Clerk-Treasurer  
Of the Town of Clarksville, IN

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Paul Fetter, President,  
Clarksville                      Town                      Council