

**MINUTES**  
**COLUMBIA CITY PLAN COMMISSION**  
**REGULAR MEETING**

**November 2, 2020**

**7:00 p.m.**

**Whitley County Government Center**  
**Meeting Room A/B**

**MEMBERS PRESENT**

Larry Weiss, President  
Patrick Zickgraf, Vice Pres.  
Walt Crowder  
Doug Graft  
Chip Hill  
Don Langeloh  
Dan Weigold

**MEMBERS ABSENT**

Jon Kissinger  
Dennis Warnick

**STAFF**

Nathan Bilger

**ATTORNEY**

Dawn Boyd

**AUDIENCE MEMBERS**

Four visitors were present, three of which registered their attendance. The list of attendees who signed in is at the end of these minutes. There were no registered attendees for the webcast.

**CALL TO ORDER/ROLL CALL**

Mr. Weiss called the meeting to order at 7:00 p.m. Mr. Bilger read the roll call with members present and absent listed above.

**CONSIDERATION OF PREVIOUS MEETING MINUTES**

The minutes for the July and October, 2020 meeting were presented for consideration; other outstanding prior meeting minutes were still in preparation. Mr. Langeloh made a motion to accept the July minutes as presented; Mr. Zickgraf seconded. Motion passed 7-0. Mr. Crowder made a motion to accept the October minutes as presented; Mr. Weigold seconded. Motion passed 6-0-1, with Mr. Langeloh abstaining.

**ADMINISTRATION OF OATH**

Ms. Boyd administered the oath to the audience members.

**OLD BUSINESS**

**20-C-SOA-2, Amendment to the Subdivision Control Ordinance, Updates and Modifications**

Mr. Bilger stated that the proposed amendments had not yet been completely drafted and would need to be considered at an upcoming meeting.

Mr. Zickgraf made a motion to continue 20-C-SOA-2; Mr. Hill seconded. Motion passed 7-0.

## **NEW BUSINESS**

### **20-C-REZ-5, Zone map amendment, Whitley County Community Foundation, 1171 E. SR 205**

The Whitley County Community Foundation petitioned to rezone a 10.92 parcel located at approximately 1171 E. State Road 205 from R-1, Single-family Residential, to LB, Local Business, to permit the construction of an office for the organization.

Mr. Bilger summarized the Staff Report. The vacant site was historically improved with a farm, the last building of which was recently removed. He stated that the site was surrounded by several zoning districts and uses with a residence immediately to the east also zoned R-1, GB further to the east and to the south, and A-1 to the west and north for the park. A comparison of the uses permitted in LB and GB was shown, and Mr. Bilger noted that major uses allowed in GB and not LB included automobile-related uses, large retail and supermarkets, hotels, and warehousing. He then presented reference aerials and the submitted preliminary site plan. The Comprehensive Plan Future Land Use Map generally indicated that this site should be low-density residential, in keeping with the existing land use, but the site was surrounded by other recommended land uses. He added that the proposed LB district does allow for single-family uses, which may align with the Future Land Use Map, but the proposed use was business. He concluded by stating that the other rezoning criteria generally were supportable, assuming attention being paid at the development plan review.

Mr. Weiss called for questions of staff. Mr. Langeloh inquired about a potential deed restriction on the property arising from the will of the grantor. He stated that at one time the City had been interested in constructing a welcome center on the property, but he thought the concept was obstructed by a restriction. Mr. Bilger stated that he was unaware of any such deed restriction, particularly if it was a part of a will or an estate, and he deferred to the petitioner to respond. Mr. Crowder suggested that there may have been a similar restriction placed on the adjacent Coon Hunters property at some time, so it may be a reference.

Being no further questions for staff at that time, Mr. Weiss requested the petitioner or their representative to speak. Dan Brincefield, Engineering Resources, Inc., engineer for the project, spoke on behalf of the petitioner. He stated that the presented site plan was close to finalized and likely would not change much. The intention was to leave much of the existing woods to the north and west of the site in place for screening toward the park. Mr. Weiss asked if he was aware of any covenants or restrictions on the use of the property. Mr. Brincefield stated that he was not made aware of any.

Being no further questions of the petitioner, Mr. Weiss opened the public hearing. Tom Comparet, 1259 E. SR 205, stated he was the owner of the house immediately to the east of the subject property. He stated that he was not necessarily against the proposed project but asked what the remainder of the property would be used for since only half would be used for the proposed office. Mr. Brincefield stated that there were no plans for the remainder.

Mr. Comparet continued that rezoning the entire property could mean that they could use it for anything, or they could sell it to another user in the future. He suggested that only part of the property be rezoned instead. Mr. Weiss suggested that the practicality of developing the northern part of the property was hindered by steep grades. Mr. Comparet stated that anything could happen, as demonstrated by the amount of fill being dumped on the other corner of SR 205 and

US 30. Mr. Langeloh asked if there were any wetlands on the property, or just the pond. Mr. Comparet and Brincefield agreed that there were no wetlands to their knowledge, other than the pond.

The Commission and Mr. Comparet briefly discussed the possible deed restrictions, former owners, and possible implications.

Mr. Comparet thanked the Commission for their consideration of his concerns that the property should at least partly stay parkland. He concluded by inquiring if there would be any access restrictions on the pond since it was already used by many fishermen. There was no specific response to this inquiry.

Mr. Weiss asked for any other public comment; being none, he closed the public hearing. Mr. Zickgraf asked if the property had to be subdivided if the zoning were split. Mr. Bilger explained that the current zoning code allowed for parcels to be split zoned, and at least one case had been done in the recent past, though following parcel lines was often advisable. He added that the petitioner would need to agree to any changes to the area of the proposed rezoning. Mr. Langeloh asked if the property could be rezoned entirely and only in effect for the area being developed. Mr. Bilger responded that zoning commitments might be able to create such an arrangement but advised that it would be difficult for staff to administer.

Mr. Zickgraf asked about the proposed timeline. Mr. Brincefield responded that construction of the building was planned to start in the spring. He stated there might be an additional office building added to the west side of the parking lot if necessary for future growth, but the timeline would be very far out. He stated that the preliminary plan presented was the only planned design for the site, and development of the area to the north would be very expensive and impractical. Mr. Weiss asked why that was not shown on the preliminary plan. Mr. Brincefield and Bilger discussed the upcoming need for Development Plan approval and how the site plan was an illustration in zoning, which could indicate considerations at the zoning level. It was determined, for reference, that the presented site plan was about the southern three-quarters of the property.

Mr. Weigold reminded the Commission that if the zoning designation did not align with the parcel, a new legal description would be necessary.

Mr. Brincefield stated that he could not negotiate any change to the zoning areas without the Community Foundation's authorization. The Commission discussed how to proceed with the petition. Mr. Weiss suggested that the petitioner, Parks Department, and City should discuss the usage of the property and how to split the zoning. Mr. Graft asked if the rezoning would be applicable only to this specific project. Mr. Bilger suggested that only partly rezoning the property or use of zoning commitments to restrict usage might be possible. Mr. Langeloh asked if Mr. Bilger could draft such commitments; Mr. Bilger stated that without the knowing the concerns of the petitioner and others, that would not be possible. A meeting could be scheduled to discuss those concerns and possibly present a revised petition prior to the next meeting, with representatives to attend the next Commission meeting.

Mr. Langeloh made a motion to continue 20-C-REZ-5, with a meeting to be scheduled between staff, the petitioner, the City, and the Parks Department prior to the next Commission meeting. Mr. Zickgraf seconded. Motion passed 7-0.

### **OTHER BUSINESS**

Mr. Bilger invited the Commission members to participate in the County Comprehensive Plan update. Several in-person events had been scheduled for public input, and input could also be made on-line at [formwhitleycounty.com](http://formwhitleycounty.com).

There was no other business.

### **ADJOURNMENT**

Being no further business, Mr. Weiss declared the meeting adjourned at 7:45 p.m.

### **GUEST LIST**

1. Tom Comparet .....1259 E. SR 205, Columbia City
2. Jeanne Comparet .....1259 E. SR 205, Columbia City
3. Dan Brincefield, Engineering Resources .....11020 Diebold Road, Fort Wayne