

**MINUTES**  
**WHITLEY COUNTY PLAN COMMISSION**  
**REGULAR MEETING**

**August 18, 2021**

**7:00 p.m.**

**Whitley County Government Center**  
**Lower Level, Meeting Room A/B**

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>STAFF</b>
Michael Bemis	X		Nathan Bilger
Dane Drew	X		Mark Cullnane
Brent Emerick	X		
Theresa Green	X		<b>LEGAL COUNSEL</b>
Thor Hodges	X		Elizabeth Deckard
Kim Kurtz-Seslar	X		
Joe Wolf	X		<b>NONVOTING ADVISOR</b>
Brad Wolfe	X		John Woodmansee
Doug Wright	X		

**AUDIENCE MEMBERS**

The audience list of in-person and electronic guests is attached below.

**CALL TO ORDER/ROLL CALL**

Mr. Hodges called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance. Mr. Bilger read the roll call with members present and absent listed above.

**CONSIDERATION OF PREVIOUS MEETING MINUTES**

The minutes for the July 21 regular meeting were presented for consideration. Mr. Hodges asked if members required time to review the minutes. Hearing nothing, he called for a motion. Mr. Emerick made a motion to accept the July 21 minutes as presented. Mr. Bemis seconded. Motion passed 9-0 by roll call vote.

Mr. Hodges asked Mr. Bilger to provide an update on the minutes of the Plan Commission Special Workshop held on August 9, 2021. Mr. Bilger sought feedback from the Commission members as to whether they prefer to see minutes prepared for the next scheduled workshop and review them workshop to workshop or if other options are favored. Ms. Green stated members need to see the minutes prior to the next workshop. Mr. Hodges indicated minutes should be approved at the next workshop session with ample time to review prior to the session. He noted when minutes are distributed for review at the start of the meeting, Commission members do not have enough time to digest the information completely. Mr. Bilger stated minutes would be prepared in time for the next workshop, and members should expect to receive two sets of minutes, one for workshops and one for regular monthly meetings.

## **ADMINISTRATION OF OATH**

Ms. Deckard administered the oath to audience members wishing to speak.

## **OLD BUSINESS**

In order to handle the scheduled petitions more efficiently, Mr. Hodges announced the first agenda item would be delayed until later in the meeting and proceeded directly to the next agenda item.

### **21-W-REZ-5, Zone map amendment, AG to IPM, Paul McCoy**

Paul McCoy requested an amendment to the Whitley County Zoning Map by reclassifying approximately 0.37 acres from the AG, Agricultural District, to the IPM, Industrial Park/Manufacturing District. The subject property is located on the northeast corner of W. US 30 and N. 650 West, in Section 33 of Richland Township.

Mr. Hodges stated this petition was carried over from the last meeting due to lack of proper public notice and requested the staff report.

Mr. Bilger presented the staff report. He reviewed the specific location of the property, currently zoned AG, Agricultural, as north of US 30 and immediately north of TAPS Salvage & Sales, Inc., northeast of Larwill. The intent was to provide for expansion of the TAPS facility. The current parcel, zoned IPM, Industrial Park/Manufacturing, was adequate to accommodate expansion, but additional property was necessary to accommodate required setbacks.

Mr. Bilger reviewed the surrounding zoning and land uses and displayed aerial images of the subject property and surrounding area together with the plat designating the acreage to be rezoned, a detailed image of the zoning map and an aerial image containing topographical contours, wetlands, floodplains and legal drains. He also displayed the Land Classification Map contained in the current Comprehensive Plan from both a county-wide and detail perspective. He stated the question for Plan Commission members is whether the rezoning request would be considered an expansion of existing long-standing land use or an encroachment upon agricultural land.

Mr. Bilger reviewed purposes and guidelines for both “Agricultural” and “Industrial” land classifications and stated current property does not have immediate access to a sanitary sewer utility. The closest sanitary sewer is situated south of US 30 in Larwill.

While presenting the review criteria, Mr. Bilger stated the expansion should not generate additional traffic as it is intended to store existing equipment used by the business which would be otherwise stored outside. He then asked if members had questions for him.

Mr. Joe Wolf asked if this property is covered by the Larwill Economic Development Area, established in 2019. Mr. Bilger confirmed the property did, and that it was within the Larwill TIF district.

Mr. Hodges asked petitioner or a representative to address the Commission. With no representative present to speak at the time, Mr. Hodges opened the public hearing.

Kim Arnold, 6649 W. 100 North, Larwill, referred to a letter she provided to the Commission in which she stated her concern with a large parcel of property the petitioner purchased to the east of the subject property which is designated in the proposed Comprehensive Plan as an

“Employment Center.” She was concerned rezoning the requested parcel may set a precedent for future encroachment into agricultural land to the east. She further stated the entrance from 650 West at US 30 was a blind entrance. Given the unknown future plans for US 30 and with industrial development on both the east and west sides of 650 West, traffic would have to be rerouted either south through Larwill or north past numerous residences if no interchange was provided at 650W. She stated her concerns over the current request were not as great as they would be for future similar rezoning requests in the same vicinity.

Mr. Bilger advised Mr. Hodges a representative for the petitioner had just arrived. Mr. Hodges invited the representative to speak. Ms. Deckard administered the oath to him.

Mike Reiff, 5961 E. 300 North, Warsaw, petitioner’s representative, addressed a buffer between Mr. McCoy’s business and his farm property. Mr. Bilger clarified this meeting was for rezoning the property, and the variance request was slated for the following week. Mr. Reiff then stated the expansion would be built seven to eight feet from the original property line, and the rezoning would permit the additional property needed for the required setback.

Mr. Hodges asked the Commission if there were questions for Mr. Reiff. Hearing none, he reopened the public hearing. With no further comments, Mr. Hodges closed the public hearing and called for a Commission discussion.

Ms. Kurtz-Seslar asked if the expansion was intended to create jobs. Mr. Reiff replied it was not.

Mr. Joe Wolf stated the property under discussion was previously used for over 30 years by the Decco Group.

Mr. Drew asked Mr. Bilger if the expansion will be an enclosure for trucks. Mr. Bilger directed the question to Mr. Reiff, who stated the trucks used for the business would be able to be maintained indoors with the expansion rather than primarily outdoors with the current arrangement.

Ms. Kurtz-Seslar asked if TAPS is required to have a stormwater pollution prevention plan. Mr. Bilger stated Jon Gotz from the Whitley County Soil and Water Conservation District has been working with Mr. Reiff. Because the disturbed area is less than one acre, a formal filing with IDEM is not required; however, both Mr. Gotz and Mr. Reiff have been working together to ensure appropriate controls are in place.

Mr. Hodges asked for further discussion or a motion. Mr. Drew made a motion to accept 21-W-REZ-5. Mr. Emerick seconded. Mr. Bilger asked for clarification to confirm that “accept” meant “forward for favorable recommendation” to the County Commissioners. Mr. Drew responded in the affirmative. Motion passed unanimously by roll call vote.

## **NEW BUSINESS**

### **21-W-SUBD-14, Primary approval, “Replat of Lots 1 & 2 of South Fork”**

Matt and Renata Weber requested preliminary plat approval of a 3-lot subdivision proposed to be known as Replat of Lots 1 & 2 of South Fork. The parent tracts were located on the south side of East Bair Road, approximately ¼ mile northwest of East Esterline Road in Section 11 of Thorncreek Township.

Mr. Bilger presented the staff report. He stated the original plat of South Fork was approved in 1997, and subject property is zoned LR, Lake Residential. He added the proposal was a conversion of 2 lots to 3 lots, that right-of-way was previously dedicated, and platting was required due to the splitting of previously platted lots. He said the petitioners' intent is to sell the newly created lot for the construction of a storage barn. He discussed lot characteristics and compared them to the district development standards. While the proposed lot width of 61 feet on one lot did not meet the code minimum, he suggested that it could be resolved.

Mr. Bilger displayed an excerpt of the South Fork plat from 1997, an aerial image of the subject property and surrounding area and the proposed plat diagram. He indicated a possible solution to meeting the code width requirement is increasing the building setback to a point where the code requirement is met. He reviewed staff's proposed conditions:

1. Building line for Lot 3A be shifted to the point where the Lot meets the minimum 70' lot width.
2. The subdivision name will need to be reviewed prior to recordation.
3. Lot numbering be revised to meet Recorder's requirements.
4. Secondary plat approval delegated to the Plan Commission Staff.

Mr. Brad Wolfe asked if moving the setback to meet the required minimum would allow the petitioners to construct a building the size they originally intended. Mr. Bilger replied the issue was with reconfigured Lot 2 only and not the newly created lot. He stated there was space behind the setback requirement line.

Mr. Bemis asked about moving the building line. Mr. Bilger stated lot width is measured where the building line is situated, and the building line may be moved to the point where the minimum requirement is met, resulting in a deeper setback. Mr. Bemis also asked about whether the intent was to build a smaller building on the pie-shaped portion of Lot 1A. Mr. Bilger replied in the affirmative.

Mr. Hodges asked the petitioners or a representative to address the Commission.

David Hosler, 2031 E. Bair Road, owner of the subject parent property, stated that using the suggested setback to meet the minimum width requirement was acceptable.

Matt Weber, 1977 E. Bair Road, stated he intended to purchase Lot 1A and construct the largest building Lot 1A could accommodate.

Mr. Bemis asked Mr. Weber about the size of the structure he intended to build. While not certain, Mr. Weber approximated the size to be 30' x 45'.

Mr. Hodges asked if anyone present would like to speak for or against this petition. Hearing nothing, Mr. Hodges asked for Commission discussion or a motion. Mr. Wright made a motion to approve 21-W-SUBD-14 with the 4 conditions recommended by staff. Mr. Brad Wolfe seconded. Motion passed unanimously by roll call vote.

### **21-W-SUBD-15, Primary approval, "Barbara Lynn Lane"**

Michael Fry requested preliminary plat approval of a 1-lot subdivision proposed to be known as Barbara Lynn Lane. The parent tract was located on the northeast corner of the intersection of N. 50 West and W. 600 North in Section 4 of Thorncreek Township.

Mr. Bilger presented the staff report. He stated the subject property was a corner lot, resulting in one acre of dedicated right-of-way. He stated due to several splits from the parent plat in 1979, platting was required. Because this request is the first platted lot from the 2018 parent tract, rezoning was not required. He discussed lot characteristics and compared them to the district development standards.

Mr. Bilger displayed an aerial image of the parent tract, the proposed plat diagram and an aerial image with a plat overlay. He stated staff received a late comment from the County Highway Engineer indicating his review found no issues. He identified staff's proposed condition:

1. Secondary plat approval delegated to the Plan Commission Staff.

Mr. Hodges asked the petitioner or a representative to address the Commission.

Michael Fry, 6246 N. 50 West, stated the property was part of his family farm which was being divided among his two siblings and himself. He added the farm has been divided enough times to require platting.

Mr. Hodges opened the public hearing. With no comments forthcoming, he closed the public hearing and turned to the Commission for discussion or a motion. Mr. Brad Wolfe made a motion to approve 21-W-SUBD-15 subject to staff's recommended condition. Ms. Kurtz-Seslar seconded. Motion passed unanimously by roll call vote.

### **OLD BUSINESS**

Mr. Hodges readdressed the agenda item delayed earlier in the meeting.

### **Review and consideration of an update to the Comprehensive Plan**

Mr. Hodges stated he believed the workshop session held on August 9 was productive but there was more work to be done. He opened the public hearing and limited the discussion to the items addressed during the August 9 workshop session.

Joe Sheets, 3530 W. 700 North, stated he attended the workshop session and although he was seated in the front row, he had difficulty hearing the discussion. He said he did not become aware of the current meeting until the previous evening. He added at the last meeting he was told the reason the area where he resides would be designated Mixed Rural rather than "Conventional Farming" or "Traditional Rural" on the Future Character and Land Use Map was due to the presence of a sanitary sewer system. He stated the map developers felt the sewer system would place more "building pressure" on property owners in the areas it serves. He said the Tri-Lakes sewer system was installed at Big Lake, Loon Lake, New Lake, Old Lake and Goose Lake in 2001. Because the sewer system has been in existence for 20 years, he felt there has been no building pressure since that time and stated there is no water utility serving the area. He added there is no available property on which to locate new construction around the lakes.

Mr. Sheets inquired as to whether a decision was made to extend the Mixed Rural designation further south. He stated that area supports many cattle farms. Mr. Bilger displayed the area in question via GIS. Mr. Sheets named 8 property owners who farm cattle in the impacted area and stated he felt it would not be an appropriate area to develop. He read from the Draft Comprehensive Plan the desire to preserve existing agricultural land, limit land development and enhance natural scenic areas.

Mr. Hodges stated he was unclear as to whether this topic had been discussed during the previous workshop session. Mr. Bilger stated the decision made at the last workshop session included extending the Mixed Rural designation south to Goose Lake following the sanitary sewer utility route. Mr. Sheets added his desire was to have his property designated as “regular Agriculture” or “Conventional Rural” rather than Mixed Rural. He stated Mixed Rural limits his farming options. He said under an Agriculture or Conventional Rural designation, development still could occur.

Mr. Sheets stated he looked at a map of the sanitary sewer system and noted it does not extend to 250 West; rather, it begins at 700 North and extends roughly to 350 West. He said there are no plans to expand the sewer system unless property owners make a request. He added based on his GIS research, there have been no new houses built in the area over the last 5 years, and most were built between 10 to 15 years ago.

Mr. Sheets stated the purpose of the sanitary sewer system was to prevent raw sewage from entering the lakes. He said the IDEM permit for the sewer system allows effluent to be discharged into the Blue River and that sampling and monitoring the discharge are done on a regular basis. He added he believed the Blue River was an at-risk waterway.

Mr. Sheets noted the area on the Future Character and Land Use Map surrounding his property adjacent to New Lake is designated as Lake Village. He added there are no houses, roads, power lines or plans for development, and as such the property does not fit the intended designation. He described on the GIS map where his property is situated stated his property and the nature of the surrounding properties would be described as Conventional Rural and again emphasized Mixed Rural does not properly characterize that land use. He also believed Lake Village was not a proper designation around New Lake due to lack of development.

Mr. Sheets stated if the zoning designation were to change, he would be limited as to what he would be permitted to do with his farm. Previously, when his property was split into 3 sections, he was advised he could not have cattle on the same parcel where his barns and pastures were located.

Mr. Brad Wolfe explained Mixed Rural does not limit agricultural uses but rather the size of CFOs. Mr. Sheets stated while there are no current limits with Mixed Rural designation, he felt future changes could restrict his use of the land, particularly when the Commission composition changes. He stated he does not want to experience unintended consequences from a Mixed Rural designation. He welcomed the Commission to visit the property and invited the Commission to examine the documents he researched and referenced.

Mr. Hodges asked Mr. Bilger to include Mr. Sheets’ concerns on the agenda for the next Draft Comprehensive Plan workshop session.

Alayne Johnson, 6906 E. 150 North, stated she agreed with Mr. Sheets’ remarks relative to the lines drawn on the Future Character and Land Use Map and expressed concern that if the lines are drawn without forethought, they can affect the future of Whitley County residents. She said she had heard different timeframes within which the Comprehensive Plan can remain in effect and used 10 to 30 years as an example. She said most of the farmers know what becomes of farmland within 10 to 30 years due to the presence or absence of next generations to carry on the agriculture tradition.

Ms. Johnson stated many of the property owners may not know the Comprehensive Plan could affect their livelihoods in the future and said she had asked Mr. Bilger to be mindful of that assertion and to ensure inclusion of property owners who are living in areas where there might be future land use restrictions.

Mr. Hodges asked for additional comments. Hearing none, he closed the public hearing. With no Other Business noted on the agenda, he adjourned the meeting at 7:59 p.m.

Mr. Brad Wolfe offered a comment about Commission receipt of late information from staff whereupon Mr. Hodges reopened the session.

Mr. Brad Wolfe stated his concern about receiving information the afternoon of the scheduled Plan Commission meetings and asked Mr. Bilger if it would be possible to receive materials at a minimum 24 hours prior to the meetings.

Mr. Bilger stated the material emailed on the day of the meeting consisted of late comments staff received, and the Commission should be receiving hard copies of the same. He said the meeting minutes would be dealt with in a different fashion that hopefully would be more timely and was aware the previous month's minutes were emailed late on the prior evening. Due to the subject matter and detail involved, he stated the minutes were longer and significantly more time-consuming than they normally should be. Mr. Bilger stated while staff does receive late comments, his team makes every effort to distribute to the Commission as quickly as possible.

Mr. Brad Wolfe stated there was a slide previously prepared by Mr. Enrietto pertaining to the Comprehensive Plan which was emailed that morning. Ms. Kurtz-Seslar asked if it was stored on the thumb drive sent by Mr. Enrietto to staff. Mr. Wolfe questioned whether the information contained on the thumb drive should have been available prior to the previous workshop session. Mr. Bilger stated the information stored on the external drive was not cleared by I.T. until after the workshop session and was forwarded to the Commission in time for the regular monthly meeting.

Mr. Brad Wolfe asked about information from the attorneys provided by Mr. Enrietto. Mr. Bilger replied that hard copy documents from the attorneys were provided by Mr. Enrietto to each Commission member at the workshop session.

Mr. Brad Wolfe asked if his remarks were included in the comment summary. Mr. Bilger replied he believed Mr. Cullnane summarized them together with all comments received at the public hearings prior to the workshop session.

Mr. Hodges inquired about the clearance required for the files. Mr. Bilger stated because the materials were contained on an unknown USB drive, which were an I.T. security risk, it was necessary for the I.T. consultant to scan the files which took them some time to complete.

Mr. Hodges then asked for confirmation that the time was not used to determine which files to provide to the Commission. Mr. Bilger replied all files contained on the USB drive were provided to the Commission, including those which provided redundant information.

Ms. Kurtz-Seslar made a request to include dates on all future Character and Land Use maps to prevent confusion. Mr. Bilger stated as changes are made, the maps will be dated.

## **ADJOURNMENT**

Having no further business, Mr. Hodges re-adjourned the meeting at 8:03 p.m.

### **GUEST LIST**

1. Joe Sheets.....3035 W. 700 North, Columbia City
2. David & Kellie Hosler .....2031 E. Bair Road, Columbia City
3. Matt & Renetta Weber.....1977 E. Bair Road, Columbia City
4. Alayne Johnson.....6906 E. 150 North, Columbia City
5. Michael Fry .....6246 N. 50 West, Columbia City
6. Elizabeth Hartman .....1295 W. Westgate Ave., Columbia City
7. Sonya Emerick .....5865 E. State Road 14, Columbia City
8. Kim Arnold .....6649 W. 100 North, Larwill
9. Priscilla Schuman.....5860 W. US 30, Columbia City
10. Mike Reiff.....5961 E. 300 North, Warsaw
11. Paul McCoy .....465 E. Morsches Road, Columbia City
12. John Meister.....5995 S. Woodstrail Dr.-57

### **GUEST LIST-ELECTRONIC**

13. Robert Kehmeyer.....8411 S. 600 East, Columbia City
14. Kurt Kehmeyer.....8244 S. 600 East, Columbia City
15. Judy Kehmeyer .....8375 S. 600 East, Columbia City
16. Susan Lawrence .....275 N. 800 East, Avilla
17. Tyler Sheets .....416 Raleigh Court, Columbia City
18. Angela Sheets.....3035 W. 700 North, Columbia City
19. Karen Western .....3625 N. 250 West, Columbia City
20. Joan Western.....2550 W. 400 North, Columbia City
21. Alayne Johnson.....6906 E. 150 North, Columbia City
22. Patricia Kehmeyer.....8411 S. 600 East, Columbia City