

**MINUTES**  
**COLUMBIA CITY PLAN COMMISSION**  
**REGULAR MEETING**  
**JULY 12, 2021**  
**7:00 P.M.**

**WHITLEY COUNTY GOVERNMENT CENTER**  
**MEETING ROOM A/B, LOWER LEVEL**

**MEMBERS PRESENT**

Walt Crowder  
Doug Graft  
Chip Hill  
Jon Kissinger  
Don Langeloh  
Dennis Warnick  
Dan Weigold  
Larry Weiss, President  
Patrick Zickgraf, Vice President

**MEMBERS ABSENT**

**STAFF**

Nathan Bilger  
Amanda Thompson

**ATTORNEY**

Dawn Boyd

**AUDIENCE MEMBERS**

Thirteen visitors signed the Guest List at the meeting. There were no attendees on 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**

Mr. Langeloh made a motion to approve the June 7, 2021, meeting minutes as presented. Mr. Graft gave the second. Motion passed, 7-0-1; Mr. Crowder abstained.

**ADMINISTRATION OF THE OATH TO WITNESSES**

Ms. Boyd administered the Oath to twelve potential witnesses.

**OLD BUSINESS**

**1. 21-C-SUBD-1**

Passages, Inc., requested primary plat approval for a subdivision proposed to be located on the southwest corner of North Street and Oak Street, Columbia City. Mr. Bilger explained that the request was technically a partial replat since some of the subject property was part of another subdivision. He stated that this project had gone through several revisions, and the Staff Report was based on the latest design, which was submitted prior to the meeting. Mr. Bilger referred to the primary plat and described the request for Phase I, consisting of 9 lots, and the future Phase II, being 5 remaining lots and the completion of a cul-de-sac. He pointed out that the original request had also been

for 9 lots in Phase I but would have included over 20 lots after the completion of Phase II; so, although the number of lots on the primary plat increased, the number of total lots for the development decreased significantly. Mr. Bilger described that the changes were prompted by neighbors' complaints about the design, and the developer wanted to address the concerns. Mr. Bilger also stated that the Board of Zoning Appeals had approved decreased side yard setback requirements for this property, but the design changes voided the variance approval.

Mr. Bilger displayed an aerial of the property and pointed out that the southwest corner was excluded from the plat; Passages intends to retain that portion while the platted development area is expected to be transferred to Brightpoint. Mr. Bilger discussed the plat, explaining that a section of sewer and water infrastructure will need added to serve Lot 8, while the other areas of Phase I are able to be serviced by existing infrastructure. He called attention to the cul-de-sac and stated that the developer planned to establish a temporary, shared drive for Phase I and complete the cul-de-sac as part of Phase II. Mr. Bilger said the Plan Commission should consider either a waiver of the construction specifications for the street for Phase I, a performance surety, or to permit a stub street.

Mr. Bilger explained that sidewalks are required on both sides of streets but that the Commission could consider waiving the requirement, so long as a stipulation is included that the area be graded to allow for the possibility of future installation. He described two other suggested conditions of approval, being additions to the Covenants for association fees and maintenance responsibilities and to delegate secondary plat approval to staff (unless a performance surety is proposed). Mr. Bilger added that because the developer plans to retain the properties for a period of time, recordation of the Covenants could be delayed until lots are ready to be sold. There were no questions for Mr. Bilger, and the Commission members began sharing their thoughts.

Mr. Weigold expressed the importance of making sure the stub street and shared drive will be wide enough for maneuvering garbage trucks, fire trucks, and etc., and he pointed out that if the areas are private, the City will not be responsible for snow removal. Mr. Warnick said that trash bins should be taken to the edge of North Street and Oak Street, not to the end of each driveway, so the garbage truck should not need to travel on the shared drives. Mr. Weiss added that he did not feel the topography of Oak Street was too steep for private driveways so the shared drive on Oak Street was unnecessary. Mr. Crowder questioned what engineering had been considered for the stub street/drives and why the Commission should consider a temporary road. Mr. Bilger stated that the petitioner could provide answers to these questions. The Commission members briefly shared their opinions on the options for the cul-de-sac. Mr. Weiss invited the petitioner to approach the podium and discuss the proposal.

Ken Dunn of Engineering Resources introduced himself to the Commission. He first clarified that the petitioner is Passages, as property owner, but they turned the entire project over to Brightpoint, the developer. He explained that Passages had secured a grant for their original design for 9 homes with no internal infrastructure, but as Brightpoint sought local approvals for the project, concerns voiced by the neighbors prompted the

developer to rework the design. Mr. Dunn stated that a cul-de-sac was determined to be the best solution to avoiding access points along Hill Drive, which was important to the neighbors. However, he clarified, that because infrastructure was not included in the original proposal, the grant is not able to be used to cover the cost of the cul-de-sac. He stated that the temporary street was Brightpoint's most economic option to allow them to develop 9 lots. Mr. Dunn said Brightpoint can file for another grant in the future in order to cover the cost of the infrastructure.

Addressing Mr. Weiss' comment about the Oak Street topography, Mr. Dunn explained that individual driveways would be achievable, but it was determined to be more effective to leave as much of the existing topography as possible, and Brightpoint felt a shared drive was the best solution.

Mr. Dunn confirmed that although a draft of the Covenants had been submitted to the Plan Commission, the document would not be relevant for many years since Brightpoint intends to retain ownership of the property. He added that sidewalks along Hill Drive should not be necessary and would cause tree removal where neighbors specifically requested that trees not be removed. Furthermore, Mr. Dunn said that the storm sewer along Hill Drive is unusual, yet functional, and they prefer not to disturb it. Mr. Langeloh and Mr. Warnick agreed that it did not seem appropriate to have sidewalks along Hill Drive, being the back of the lots.

Mr. Graft asked if Brightpoint had other developments in the area. Steve Hoffman, CEO of Brightpoint, introduced himself to the Commission and listed Brightpoint's projects in Fort Wayne, Angola, and also Columbia City's Heritage Place. Mr. Langeloh asked if the Oak Street houses would be built as spec homes. Mr. Dunn described that the contractor, Granite Ridge Builders, would be using modified floor plans (to meet the grant's Section 42 requirements for accessibility and etc.), building all 9 homes at once. He stated that Brightpoint would retain ownership and rent each property to an occupant for 15 years, at which point they would make an offer to the renter to purchase the lot at a reduced rate.

Mr. Zickgraf asked when Brightpoint would be able to apply for a grant to cover the cost of completing the cul-de-sac. Mr. Hoffman said grant applications are submitted annually, but their proposal would be competing against others across the state. He added that the cul-de-sac and remaining 5 lots would not be a strong proposal, so Brightpoint would want to include lots from another development as part of their application. Overall, Mr. Hoffman stressed that he could not guarantee when the cul-de-sac could be funded.

Mr. Crowder asked how Brightpoint ensures their properties are well maintained. Mr. Hoffman stated that local property managers oversee the sites. The Commission discussed their thoughts on the cul-de-sac. Mr. Weigold considered how lots 7-9 would be addressed; a shared drive would result in North Street addresses, but extending Pinecrest Drive would mean the lots should have Pinecrest addresses. Mr. Dunn said it would not be a problem to re-address the lots in the future, if needed.

In summary of his presentation, Mr. Dunn said that Brightpoint would prefer to be granted a waiver to defer construction of the street to Phase II. He reiterated that Brightpoint does not have the funding to complete the street as part of Phase I, and he stated it would be cumbersome for them to carry a performance bond for an undetermined amount of time as they cannot be certain of when they might obtain additional funding.

Several Commission members had questions about maintenance details that were not outlined in the Covenants. Mr. Dunn stated that the Covenants would be fine-tuned prior to the sale of the lots. Mr. Bilger answered questions related to the process of modifying Covenants and stated that the Commission could add a condition of approval to include specific architectural standards to the Covenants, if the standards were to the public benefit.

There were no other questions for the petitioner, and Mr. Weiss asked if anyone else was present who wished to speak. Amy Maher, a neighboring property owner, introduced herself to the Commission. She described drainage issues on Hill Drive and asked if this project would contribute to that problem. She asked if the design for Phase II could be altered in the future. Ms. Maher stated that she does not foresee individuals who qualify for Section 42 housing to be able to afford to take ownership of these lots, as the developer has planned. She said there won't be a Homeowner's Association (HOA) if there are no homeowners.

Jeff Herendeen approached the podium and described water issues on Oak Street. He asked what direction the sewage for this property would be routed. Todd Darley spoke next and asked if the previously approved Variance was void. Mr. Bilger confirmed that it was. Another neighbor, Tom Maher, asked if sidewalks were planned along Gates Road, west of Hill Drive. Several Commission members replied that the area referenced was not part of the subject property.

Hearing that all the public comments/questions had been submitted, Mr. Weiss asked the petitioner to address the concerns. Mr. Dunn explained that Covenants had been submitted because this project is a subdivision and because the lots will be sold in the future. But, he said, until the lots are sold, there is no cause for an HOA, and the developer will maintain the property. Mr. Dunn stated that drainage cannot be increased from what it was when the hospital was in use, and Brightpoint will work with the City to do whatever the City Engineer advises.

Mr. Weiss allowed additional public comments. Kim Varga introduced herself to the Commission and requested to see the design that Passages had originally submitted. Mr. Kissinger confirmed for her that the southwest corner of the property had been excluded from the plat proposal throughout the process. Mr. Dunn and Mr. Hoffman stated that Brightpoint would not be obtaining that portion of the property, and they did not know what Passages had planned for it. Ms. Varga asked for confirmation that 4 of the proposed lots were to be reserved for Passages' clients. Mr. Hoffman stated that there were 4 lots, that Brightpoint would retain ownership of, that would be reserved for

Passages' clients. Ms. Maher asked if they would be group homes. Mr. Hoffman stated that they would not. In conclusion, Ms. Varga expressed concern about drainage problems on her property and requested that those conditions not be worsened. There were no further questions/comments from the public, and Mr. Weiss closed the public portion of the meeting and requested discussion from the members.

The Commission shared comments regarding the Covenants. Mr. Warnick suggested a condition of approval could include that Staff work with the developer to amend the Covenants. Mr. Bilger suggested the Commission consider a condition that the Covenants be reviewed by the Plan Commission prior to recordation of the secondary plat. Mr. Kissinger asked if Brightpoint would allow the renters to construct decks, sheds, or other property improvements. Mr. Hoffman replied that renters would not be permitted to add structures, and Brightpoint had no plans of adding or allowing any improvements.

Mr. Weiss stated that he did not want to see driveways accessing North Street or Gates Road for Lots 5, 7, or 9, and the proposed plat design was in compliance with that request. Mr. Graft and Mr. Weiss felt the Commission should review engineered plans. Mr. Langeloh suggested a continuance to allow the developer to finalize their plans and Covenants. Mr. Warnick suggested an approval with the condition that the Plan Commission review the secondary plat. Mr. Bilger stated either suggestion was acceptable but that a secondary review would be a more commonly used option.

Mr. Weiss permitted a question from Ms. Maher regarding a utility easement on her property containing an electric pole. Mr. Dunn replied that the City Utility Department would determine how the development would be serviced and if any changes to existing lines would occur. The Commission members added that the Plan Commission does not oversee the Utility Department. Ms. Maher felt more details should have been submitted. Mr. Dunn explained the platting process and stated that engineered plans would be reviewed by the Board of Works. Mr. Bilger added that engineered plans were also required for Technical Review; both the Board of Works review and the Technical Review would take place before recordation of the secondary plat.

Mr. Bilger requested that the Commission discuss options for the cul-de-sac. Mr. Weiss requested input from Mr. Crowder, being a member of the Board of Works. Mr. Crowder replied that the Board was not generally in favor of "temporary" items. He suggested the petition be continued so the utility departments could provide input on this specific situation. Mr. Hoffman expressed concern about further delaying the project, considering funding details. Mr. Weiss asked why engineered drawings were not submitted for the petition. Mr. Bilger replied that engineered drawings were not required and that the minimum obligations for a primary plat review had been met. Mr. Hill also confirmed that the City departments had received and reviewed the proposal. (Staff received no comments from the City.) Mr. Bilger stated that the City departments and the Soil & Water Conservation District would review the engineered plans as part of the Technical Review.

Mr. Warnick made a motion to approve 21-C-SUBD-1 with the following conditions:

1. Covenants shall be revised to include ability to collect association fees and to reflect the maintenance obligations of any common areas, drainage requirements, and shared driveway.
2. The requirement for sidewalk installation on Hill Drive is waived. (Sidewalks are to be installed along North Street/Gates Road and Oak Street.)
3. The driveway for Lot 6 is the only driveway permitted to access North Street.
4. A waiver is granted to defer construction of the cul-de-sac to Phase II; a private drive, exempt from street specification requirements, is permitted to service Lots 7-9 until that time.
5. Secondary plat approval, including Covenants and restrictions, shall be reserved to the Plan Commission.

Mr. Zickgraf gave the second. Votes on the Findings of Fact are as follows:

1. 8-0-1, with Mr. Langeloh abstaining.
2. 9-0.
3. 8-1, with Mr. Langeloh voting nay.
4. 8-1, with Mr. Langeloh voting nay.

Mr. Bilger stated that a majority vote in each criteria secured approval of the waiver of the street specifications for the cul-de-sac, as described in the fourth condition of approval. With the Findings of Fact secured, the Commission commenced voting on the motion, and the vote was 8-1 with Mr. Langeloh voting in opposition.

### **NEW BUSINESS**

There was no new business.

### **OTHER BUSINESS**

There was no other business.

### **ADJOURNMENT**

Mr. Weiss made a motion to adjourn. Mr. Zickgraf gave the second, and the meeting was adjourned at 9:01 P.M.

### **GUEST LIST**

1. Kenneth Dunn, Engineering Resources .....4173 New Vision Drive, Fort Wayne
2. Steve Hoffman, Brightpoint .....14130 Whittern Road, Monroeville
3. Amy Maher .....365 W. Gates Road, Columbia City
4. Tom Maher .....365 W. Gates Road, Columbia City
5. Kim Varga .....465 W. Gates Road, Columbia City
6. Derek Coyle .....704 Hill Drive, Columbia City
7. Angela Cotter .....395 W. Gates Road, Columbia City
8. Aaron Lane .....706 Hill Drive, Columbia City
9. Sherry Early-Aden, Brightpoint .....1023 Kinnaird Avenue, Fort Wayne
10. Todd Darley .....708 Hill Drive, Columbia City
11. Denise Esterline .....710 W. Park Drive, Columbia City
12. Heidi Darley .....708 Hill Drive, Columbia City
13. Jeffrey Herendeen .....340 N. Oak Street, Columbia City

### **GUEST LIST (WEBCAST)**

14. No attendees