

MINUTES
CHURUBUSCO PLAN COMMISSION
REGULAR MEETING
FEBRUARY 9, 2022
6:30 p.m.

Boy Scout Building
501 N. Krieger Drive

MEMBERS PRESENT

Brandon Johnson
Wayne Krider
Vivian Sade (E)
Madalyn Sade-Bartl
Pat Stanford

MEMBERS ABSENT

Jeremy Hart
Mark Pepple
Brenda Saggars
Ashley Wagner

STAFF

Nathan Bilger

ATTORNEY

Absent

(E)lectronic participant

AUDIENCE MEMBERS

Nine guests were in the audience at the meeting. The guest list is kept on record and attached to these minutes.

CALL TO ORDER/ROLL CALL

Ms. Sade-Bartl called the meeting to order at 6:36 p.m. Mr. Bilger read the roll call with members present and absent listed above.

ELECTION OF OFFICERS

Mr. Bilger asked for nominations for the 2022 Commission officers. Mr. Krider asked if the election could be held off since there was a minority of members physically present for this meeting. Mr. Bilger responded that officers had to be elected at the Commission's first regular meeting. Ms. Sade nominated the same officers as in 2021. Having no other nominations, the Commission approved the nomination by roll call vote, 5-0.

The 2022 officers are:

President	Madalyn Sade-Bartl
Vice president	Brenda Saggars
BZA member	Brandon Johnson

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes of the October 13, 2021, meeting were presented. Mr. Stanford made a motion to accept the minutes as presented; Mr. Johnson seconded. Motion passed by roll call vote, 5-0.

OATH/AFFIRMATION

Mr. Bilger provided the oath/affirmation to those wishing to speak.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 22-CH-SUBD-1

Mr. Bilger announced that the petitioner for this case withdrew the filing due to the failure of their planned property sale.

2. 22-CH-SUBD-2

Kevin Lupardo requested a primary replat approval for a 2-lot subdivision proposed to be called Lupardo Subdivision. The property is located on the southwest corner of Line Street and Tulley Street, with addresses of 229 and 231 N. Line Street.

Mr. Bilger summarized the staff report. He stated that the property consisted of Lot 4 and part of 5 of Kichler's Addition, which was platted in 1875. The existing house and detached garage were built prior to the establishment of the Town's zoning code, making the encroachments into the required setbacks and the right-of-way legal nonconforming. He stated that the garage was apparently used as a commercial garage historically but was zoned R-1 now.

He explained that the petitioner desired to split the property in order to sell the house separate from the detached garage. The garage would be used by the petitioner for storage, mostly for his landscaping business. Mr. Bilger stated that the code did not make distinction for what is being stored in a detached garage, being for personal use or business use, as long as there was no commercial activity occurring on-site. He stated that enforcement based on types of items stored was problematic as it was a potential invasion of privacy.

He stated that an easement was included over the existing parking area to provide parking for the dwelling, although it was off-site. He concluded by stating that the proposed plat created two lots that were deficient in lot area and width, as well as the off-site parking, so variances would need to be obtained from the BZA. He suggested these would be conditions of approval if the Commission wished to approve the plat. The staff's suggested conditions:

1. Obtain variances of the minimum lot area, lot width, and parking standards, and/or other standards that may be identified.
2. It is suggested that a covenant or a plat note describing the parking easement requirements be added.
3. Secondary plat approval be delegated to staff.

Ms. Sade-Bartl then asked the petitioner to speak. Kevin Lupardo stated that he wished to sell the house and continue to use the garage for storage for his business as he had been for some time.

Mr. Stanford asked about a business sign on the garage. Mr. Lupardo said he was informed that the sign was not permitted and that he would remove it.

Mr. Stanford asked about the proposed parking arrangement. Mr. Lupardo stated that the future homeowner would have the right to use it. Mr. Bilger suggested that while there was a

parking easement proposed, the petitioner should define more explicit terms of the rights of usage.

There being no more questions for the petitioner, Ms. Sade-Bartl asked if there was anyone from the public wishing to speak.

Ron Bowser, 232 Line Street, inquired about what would happen if the petitioner sold the garage or wanted to make it into retail. Mr. Bilger replied that the zoning was proposed to stay residential, so any change to being a business would require a rezoning and new notice. He again explained that private storage was a permissible use in all districts. Mr. Bowser suggested that the Fire Department should be interested in what is being stored there.

Dewey Frederick, 302 Line Street, asked if the historic use as a body shop could be restored. Mr. Bilger replied that would also require a rezoning.

Being no one else to speak, Ms. Sade-Bartl closed the public hearing and asked for Commission discussion. Ms. Sade asked for a summary of the public comment since she did not hear all of the comments; Ms. Sade-Bartl and Mr. Bilger summarized the comments and replies. Ms. Sade asked if the Commission had to vote on the item that night; Mr. Bilger replied that continuing it would require a motion to do so.

Mr. Krider asked what would be done if the neighbor saw business activity going on. Mr. Bilger replied that it would be a zoning enforcement action that would result in a rezoning, variance, or suit. Mr. Krider asked for clarification on what was a storage use. Mr. Bilger offered an analogy that storing office desks in the business owner's personal garage might be technically business storage, but it would not be enforceable under the current code since it was still their own private storage.

Ms. Sade-Bartl asked the petitioner if the structure had plumbing. Mr. Lupardo replied that it did not.

Lisa Fensler, 223 Line Street, asked whether it would make a difference that the items were definitely used for the petitioner's business. Mr. Bilger again stated that the code did not make the distinction, but if there were customers coming in, or if there was a retail operation, then it would no longer be just storage.

Mr. Bowser added that he did not want to have the property return to previous usage that was bad for the neighbors.

Ms. Sade-Bartl asked for further Commission discussion. Mr. Stanford asked how the garage could be separated from the residence on its own lot since it was an accessory use. Mr. Bilger explained that was a difficult question. Garages were accessory structures to houses. So, separating the garage from the house on a separate lot would make it essentially a primary structure, since it was no longer accessory. Private storage usage was somewhat a gap in the code since it was more of a passive use. He gave an example of a standalone barn or garage, which is not an unheard-of occurrence.

Ms. Sade-Bartl suggested continuing the item until more members could attend. Ms. Sade concurred that she would like to read the minutes of the meeting to better understand the questions asked, and she made a motion to continue 22-CH-SUBD-2 to the next meeting. Mr. Stanford seconded. Motion passed by roll call vote, 5-0.

Mr. Lupardo expressed concern about being pushed off a month because not enough members showed up. He asked how many times the case could be continued. Mr. Bilger responded that the Commission should give reasons if there are further continuances.

22-CH-RES-1

Mr. Bilger and Ms. Sade-Bartl presented a proposed order to approve the Redevelopment Commission's Declaratory Resolution. Mr. Bilger explained the approval process to create the TIFs began with the RDC's Declaratory Resolution, which was forwarded to the Plan Commission for review of compliance with any plans for the community. He stated that no public hearing was necessary at this meeting and that it was just the Commission's review.

Ms. Sade-Bartl explained details of the plan and its relationships to the Comprehensive Plan. The Plan would create two related, but separate, TIF districts. One was focused on redeveloping the downtown area, north SR 205, and parks; the other was focused on development of the business and industrial areas south of town along US 33. She noted highlights of the anticipated projects.

Lisa Fensler, President of the Redevelopment Commission, and Chris Nusbaum, legal counsel for the RDC, were present for questions. The Commission and representatives discussed the proposed TIF districts, and there were several discussions clarifying the details of the proposed districts.

Mr. Stanford made a motion to approve the Order of the Churubusco Advisory Plan Commission Determining that a Declaratory Resolution Approved and Adopted by the Churubusco Redevelopment Commission Conforms to the Plan of Development for Churubusco and Approving that Resolution. Mr. Krider seconded. Motion passed by roll call vote, 5-0.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Being no further business, Mr. Stanford made a motion to adjourn; Mr. Krider seconded. The meeting was declared adjourned at 7:43 p.m.

GUEST LIST

1. Ronald Bowser.....232 Line Street, Churubusco
2. Kevin Lupardo231 Line Street, Churubusco
3. Margaret Bowser.....232 Line Street, Churubusco
4. Dewey Frederick.....302 Line Street, Churubusco
5. Lisa Fensler.....223 Line Street, Churubusco
6. Joel Barrett8770 E. 600 North, Churubusco
7. Stacey Keily5529 N. 900 East, Churubusco
8. Tom Keily5529 N. 900 East, Churubusco
9. Christopher Nusbaum301 W. Jefferson Blvd., Fort Wayne