

WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, AUGUST 21, 2019, 7:00 P.M.

MEMBERS PRESENT

Elizabeth Deckard
Thor Hodges
John Johnson
Mark Mynhier
Tom Western
Joe Wolf
Brad Wolfe
John Woodmansee
Doug Wright

MEMBERS ABSENT

None

LEGAL COUNSEL

Dawn Boyd

STAFF

Nathan Bilger
Mark Cullnane

VISITORS

Twelve visitors signed the guest list at the August 21, 2019 Whitley County Plan Commission meeting. The original guest list is kept on record in the Columbia City/Whitley County Planning & Building Department.

CALL TO ORDER/ROLL CALL

Mr. Wright called the meeting to order at 7:03 P.M. and led the Pledge of Allegiance. Mr. Cullnane read the roll call with all members present listed above.

CONSIDERATION AND ADOPTION OF THE JUNE 19, 2019, AND JULY 17, 2019, MEETING MINUTES

Mr. Wright stated that the June and July regular meeting minutes had yet to be completed and tabled their consideration.

ADMINISTRATION OF THE OATH TO WITNESSES

Approximately 6 guests were sworn in by Ms. Boyd.

OLD BUSINESS

Mr. Bilger discussed the status of the Cardinal Creek Subdivision. The petitioner, Granite Ridge Builders DBA Cardinal Creek Development, has withdrawn its rezoning request. The earliest that the petitioner could file an identical petition is December 2019.

NEW BUSINESS

1. 19-W-VAC-2

Dwight and Patricia Stetzel requested vacation of all of the part of Lewis Deems Addition lying south of the Enos Goble Ditch. The subject property, more commonly known as 8430 S. 200 East, Columbia City, is located on the west side of 200 East, 750 feet south of Taylor Street in the unincorporated town of Laud. The property is zoned AG, Agricultural District, in Washington Township, and contains 1.45± acres.

Mr. Bilger summarized the staff report and stated that the proposed vacation appears consistent with state and local standards for plat vacations. He stated the Highway Department requested that the vacation exclude the platted right-of-way for 200 East.

Mr. Wright called the petitioner to the podium. Mr. Stetzel, 8430 S. 200 East, Columbia City, stated that he wanted to consolidate the properties into one parcel for the benefit of future generations and discussed his intent to continue farming the area included in this petition.

Mr. Wright asked if any Plan Commission members had questions for Mr. Stetzel. Mr. Western asked if Mr. Stetzel farmed these properties currently or at some time in the past. Mr. Stetzel replied that he farmed it since 1998.

Mr. Western asked Mr. Bilger if the parcels, as currently platted, could be built upon under the current code. Mr. Bilger stated that while it could be possible since they were Lots of Record, the lot size would restrict the building of residences because of the minimum area requirements for septic systems.

Mr. Wright asked if any Plan Commission members had additional questions for Mr. Stetzel. Hearing none, Mr. Wright asked if there were any other individuals who wanted to speak regarding this petition. Hearing none, Mr. Wright closed the public hearing.

Mr. Western made a motion to approve 19-W-VAC-2 with the condition that the vacation is for that part of the Lewis Deems Addition to the Town of Forest (now Laud), lying south of the centerline of Enos Goble Ditch and west of the right-of-way of Line Street (now County Road 200 East), including any previously vacated streets or alleys.

Mr. Woodmansee seconded, and the motion passed 9-0.

2. 19-W-SUBD-11

Cameron Hinds and Jordian Spann requested primary plat approval of a 2-lot subdivision proposed to be called Hinds Homestead. The property is located on the east side of County Road 450 East in Section 32 of Smith Township, approximately 1/3 mile north of State Road 205, is zoned AG, Agricultural District, and contains 20 acres.

Mr. Bilger summarized the staff report and stated that the proposal appeared to comply with the development standards of the Subdivision and Zoning Codes. Mr. Bilger stated

that, in the event that the Plan Commission approves 19-W-SUB-11, soil testing must be completed per Health Department requirements and that secondary plat approval should be delegated to Plan Commission staff.

Mr. Wright called the petitioner to the podium. Mr. Hinds, 6233 Blackstone Drive, Fort Wayne, IN 46818, stated that he and Ms. Spann are subdividing the parcel so that Ms. Spann's parents can build a home on the smaller parcel labeled Lot 2 on the preliminary plat.

Mr. Wright asked if any Plan Commission members had questions for Mr. Hinds. Mr. Wolf asked if there are currently any structures on the property. Mr. Hinds replied that there are not.

Mr. Wright asked if there were any individuals who wanted to speak regarding this petition.

Edward Palmer, 4816 E. State Road 205, Columbia City, asked if the stream that runs just north of E. State Road 205 and east of N. 450 East will remain the same.

Mr. Hinds replied that it will remain the same.

Mr. Wright asked if there were any other individuals who wanted to speak regarding this petition.

Rick Ladd, 1825 N. 450 East, Columbia City, asked Mr. Hinds where he intends to place his driveway and how he intends to address potential runoff associated with driveway placement.

Mr. Hinds replied that he has not gotten that far along in the home siting process.

Mr. Ladd asked how he can be kept up-to-date about driveway placement decisions. Mr. Bilger responded that he should exchange phone numbers with Mr. Hinds to be kept up-to-date regarding driveway placement and potential runoff mitigation.

Mr. Wright asked if there were any other individuals who wanted to speak regarding this petition. Hearing none, Mr. Wright closed the public hearing.

Mr. Johnson made a motion to approve 19-W-SUBD-11 with the conditions that soil testing must be completed per the Health Department's requirements and that secondary plat approval be delegated to the Plan Commission Staff.

Mr. Hodges seconded, and the motion passed 9-0.

3. CONSIDERATION OF REDEVELOPMENT COMMISSION DECLARATORY RESOLUTION 2019-05

Mr. Bilger stated that on July 24, 2019, the Whitley County Redevelopment Commission (RDC) adopted an Amending Declaratory Resolution that proposes to add properties to the List of Properties to Acquire included in the existing Union Township Tax Increment Financing (TIF) district.

Mr. Bilger discussed requirements for review by the Plan Commission of any plan or resolution for a TIF that has been adopted by the RDC. Mr. Bilger stated that the RDC wants to add properties to the list of properties that the RDC could acquire within the Union Township TIF district. He added that the Plan Commission is charged with reviewing any amendments to a TIF to ensure consistency with the plans of development and as a check on the RDC's authority. Mr. Bilger then summarized the staff report, pointing out that this resolution does not obligate the RDC to purchase the properties in question, but that it provides them with the authorization to proceed with purchase in the future if they wish to do so.

Mr. Wolf asked Mr. Bilger to describe the potential effects on existing homeowners in the area of adding adjoining properties to the List of Properties to Acquire. Mr. Bilger stated that the impact of being on the list by itself is negligible. He continued that there would be some impact on homeowners in the event that the RDC did acquire a property or properties on the list, but that the impact could be positive or negative dependent on the nature of development.

Mr. Wolf asked if potential acquisition of property by the RDC would involve the use of eminent domain. Mr. Bilger stated that was not the intent and that the RDC does not have the power to acquire property through eminent domain itself, but that any use would be through the County Commissioners. He added that the intent is to allow private development to take the lead in any potential future development in the area on the northwest corner of E. US 30 and S. 300 East, but that, if the RDC were to pursue acquisition of any of the properties in this area, it would be in support of broader development likely initiated by private developers.

Mr. Wolfe asked Mr. Bilger if potential changes to US 30 could impact development of the properties in question. Mr. Bilger clarified proposed changes as they currently exist to intersections along US 30 in the area in question.

Mr. Bilger and Plan Commission members discussed traffic flows in the area.

Mr. Wright asked if there were any additional questions for Mr. Bilger.

Mr. Bilger and the Plan Commission discussed whether any decision made regarding this matter at this time required a public hearing. Mr. Bilger stated that a public hearing was not required at the Plan Commission, but one would occur with the Redevelopment Commission.

Mr. Hodges made a motion to find that the proposed declaratory resolution 2019-05 from the RDC does conform with the plans of Whitley County.

Mr. Johnson seconded, and the motion passed 9-0.

OTHER BUSINESS

4. RECONSIDERATION OF VACATION OF PART OF LEGACY PRESERVE

Mr. Bilger stated that Triple R Ranch desires for the Plan Commission to reconsider vacation of part of Legacy Preserve, Phase II, located on the north side of E. Heritage Trail, approximately ½ mile west of County Road 800 East. The Plan Commission previously approved a petition to vacate (19-W-VAC-1) and replat (19-W-SUBD-6) part of Legacy Preserve, Phase II, during its regular meeting on June 19, 2019. Mr. Bilger stated that the property owners have encountered issues with parties who had previously agreed to purchase replatted lots. Mr. Bilger asked for the Plan Commission to clarify whether Triple R Ranch can record the replatted area, allowing for the sale of modified Lot 11, with the condition that the requirement that the vacated area be combined with an adjoining property be left open until a future date that is not yet determined.

Mr. Bilger stated that condition 2 of 19-W-VAC-1 and 19-W-SUBD-6 was suggested by staff because, at the time, an adjacent property owner had agreed to purchase the vacated area. This would have allowed the vacated area to become a legal parcel as it does not have road frontage. As the adjoining property owner is no longer interested in acquiring the property, the vacated area would not be a buildable parcel. Mr. Bilger stated that, although such parcels do exist throughout the county, Plan Commission staff do not want to create more if it can be avoided.

Mr. Bilger reiterated his request for clarification from the Plan Commission regarding whether the vacated area has to be combined with an adjacent property prior to recordation or whether it can be combined with an adjacent property at some later time.

Plan Commission members and Mr. Bilger continued discussion of petitioner's request and repercussions of potential actions taken by the Plan Commission.

Mr. Wright asked if a motion was required. Mr. Bilger stated that yes, a motion was being requested. Mr. Wolfe asked if a public hearing was required. Ms. Boyd confirmed that a public hearing was not required.

Keith Robinson, 5855 S. Legacy Court, Columbia City, discussed his intentions and explained the circumstances that have led him to request the Plan Commission reconsider vacation of part of Legacy Preserve, Phase II.

Plan Commission members, Mr. Robinson, and Mr. Bilger continued discussion of the request and available options.

Mr. Johnson made a motion to determine that condition 2 of 19-W-VAC-1 and 19-W-SUBD-6 be deemed open-ended.

Mr. Western seconded, and the motion passed 9-0.

5. RESIDENTIAL CODE REVIEW

Mr. Bilger presented a review of existing residential zoning districts and offered some potential new residential zoning districts.

Mr. Bilger discussed draft intent and standards for three potential options for a new residential zoning district, along with the intent and standards for existing districts for comparison. The existing districts covered included agricultural, rural residential, and lake residential, and the potential new residential districts discussed included estate residential, suburban residential, and village residential.

Mr. Johnson asked if the potential new districts exist or have been considered in surrounding counties. Mr. Bilger stated that other counties have districts similar those being proposed, though he was not sure of the surrounding counties specifically.

Mr. Woodmansee asked if the suggested Estate Residential district would allow for hobby farming. Mr. Bilger stated that Estate Residential would, at this point in its conception, allow for hobby farming.

Mr. Bilger asked the Plan Commission members to review the document that he provided and consider the options presented for a new residential zoning district and told the audience that extra copies are available if they are interested.

As one other item of Other Business, Mr. Bilger stated that it has been suggested by a member of the County Council that stipends for Plan Commission members be raised from \$75 to some other amount. If done, this change would likely not take effect until 2020.

ADJOURNMENT

Mr. Wright declared the meeting adjourned at approximately 8:14 P.M.