

WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, DECEMBER 18, 2019, 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Thor Hodges

LEGAL COUNSEL

Dawn Boyd

STAFF

Nathan Bilger
Mark Cullnane

VISITORS

Six visitors signed the guest list at the December 18, 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 7:01 P.M. and led the Pledge of Allegiance. Mr. Cullnane read the roll call with all members present and absent listed above.

CONSIDERATION AND ADOPTION OF THE NOVEMBER 20, 2019 MEETING MINUTES AND DECEMBER 3, 2019 WORKSHOP MEMORANDUM

The November 20, 2019 regular meeting minutes and December 3, 2019 residential code workshop memorandum were presented for approval. Mr. Bilger stated that he distributed a revised version of the memorandum to replace what included in the packets.

Mr. Bilger also stated that Mr. Wolfe had submitted a correction for the November 20 meeting minutes. Mr. Wolfe stated that he was not present for the meeting but that he, instead of Mr. Wolf, was credited for making a motion to approve previous meeting minutes.

Mr. Johnson made a motion to approve the November 20, 2019 meeting minutes and the December 3, 2019 workshop memorandum, as revised. Ms. Deckard seconded the motion, and it was approved by a vote of 7-0-1, with seven members voting in favor, and Mr. Western abstaining since he did not attend the November 20 meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 19-W-SUBD-15

Stephan Pohler requests primary plat approval of a 2-lot subdivision proposed to be called Oak Creek, Section 3. The subject property is located on the north side of SR 114, approximately 450' west of CR 200 West in Section 32 of Washington Township. The property is zoned AG, Agricultural District, and contains approximately 11.66 acres.

Ms. Boyd stated that it would be necessary to administer the oath to witnesses prior to proceeding any further with the hearing. Ms. Boyd administered the oath to approximately 3 guests.

Mr. Bilger presented the staff report. Mr. Bilger stated that there would be no PowerPoint presentation this evening because of technical difficulties.

Mr. Bilger stated that petitioner has proposed a 2-lot subdivision located along the north side of SR 114 in southern Washington Township. Mr. Bilger stated that this subdivision has been proposed as Section 3 of Oak Creek and he discussed the location of other sections of Oak Creek. He stated that nomenclature of the title of the proposed subdivision is odd, but it is not overly confusing as the other sections are in the immediate area.

Mr. Bilger stated that right-of-way would be dedicated for CR 200 West, and that the state acquired right-of-way for SR 114 at some time in the past. He stated that platting is required due to previous splits from the parent tract, that these are the first two lots created under the current Zoning Ordinance, and that any additional lots split from the parent tract would require rezoning. Mr. Bilger stated that all comment letters received by staff were generally favorable, and that Parcel Committee had no comments on the plat. Mr. Bilger stated that the County Engineer provided generally favorable verbal comment concerning the subdivision, but had not submitted written comment prior to the hearing.

Mr. Bilger stated that there had been some discussion concerning the flood plain associated with a legal drain along the northern boundary of both proposed lots, but that this would only become a concern in the event that a permanent structure was to be placed in the flood plain. He stated that petitioner has received a Consent for Permanent Structure from the County Drainage Board to place structures within the 75' drainage easement associated with that legal drain.

Mr. Bilger stated that staff's only suggested condition is for secondary plat approval to be delegated to Planning staff.

Mr. Wright called the petitioner or representative to the podium. Kevin Michel, 4242 S. 700 East, Columbia City, presented large copies of the primary plat of Oak Creek, Section 3 to the Plan Commission for its review.

Mr. Michel stated that he had contacted the Department of Natural Resources for guidance regarding the usage of its recently published flood plain maps in relation to surveys he produces, and that he has not yet received a response.

Mr. Bilger stated that, because flood plain locations change as mapping technologies change, it is not recommended to put the area of the flood plain on the plat, but instead to add a notation referring to the flood map in effect. Mr. Michel and staff discussed the notations on the plat.

Mr. Wright asked the Plan Commission if it had any questions for Mr. Michel. Hearing none, Mr. Wright asked if any audience members had questions or comments regarding the petition. Hearing none, Mr. Wright closed the public hearing.

Mr. Wright asked the Plan Commission if it had any questions or comments.

Mr. Johnson made a motion to approve 19-W-SUBD-15 with the condition that secondary plat approval delegated to the Plan Commission staff. Mr. Woodmansee seconded the motion, and it was approved by a vote of 8-0.

OTHER BUSINESS

PLAN COMMISSION APPOINTMENT TO BOARD OF ZONING APPEALS

Mr. Wright stated that he has been the Plan Commission's appointment to the Board of Zoning Appeals for the last 4 or 5 years, and that he would not mind continuing in that capacity.

Mr. Wolfe made a motion to nominate Mr. Wright to the Board of Zoning Appeals. Mr. Woodmansee seconded the motion, and it was approved by a vote of 8-0.

RESIDENTIAL CODE REVIEW

Mr. Bilger thanked those who attended the residential code workshop on December 3. He stated that Cathy Hartman from Granite Ridge Builders attended the meeting and provided valuable insight into local housing market trends and provided her opinion concerning the proposed districts.

Mr. Bilger stated that workshop attendees had questions about where the proposed Suburban Residential ("SR") and Village Residential ("VR") zoning districts would be located throughout the county. He stressed the importance of using the County's Comprehensive Plan as a guide to determine where residential districts should be located.

Mr. Bilger stated that there is an apparent current need for amending the residential code to include some method for allowing additional residential development. He continued that updating the Comprehensive Plan is in the near future, but that it is uncertain whether it would be best to update the Comprehensive Plan then amend the Zoning Ordinance to include new residential districts, vice versa, or to undertake each task simultaneously.

Mr. Bilger stated that one recommendation from the workshop was that the proposed Estate Residential district be renamed to Homestead Residential to better reflect the intent of the district as currently conceived. Mr. Bilger thanked those members of the Plan Commission and the

public who had provided input concerning the proposed residential districts. He concluded that he has nothing new to present regarding the proposed residential districts at this time, and added that it will be important to address this issue in 2020.

Mr. Western stated that it is difficult to determine whether attention should be focused on updating the Comprehensive Plan or amending the Zoning Ordinance to include new residential districts. He added that it might be helpful to update the Comprehensive Plan to better determine where new residential districts might be located in the county.

Ms. Deckard stated that, as the Comprehensive Plan needs to be updated regardless, it might be helpful to accomplish that prior to adding new residential districts to the Zoning Ordinance.

Mr. Western stated that the process of updating the Comprehensive Plan includes collecting input from a multitude of entities throughout the County, and that this input could be used to inform the process of adding residential districts of the Zoning Ordinance.

Mr. Bilger stated that, although it did not happen when the current Comprehensive Plan was adopted in 2011, typically a Zoning Ordinance is significantly updated immediately following adoption of an updated Comprehensive Plan.

Mr. Wolfe and Mr. Bilger discussed what would constitute a significant update to the Zoning Ordinance. Mr. Bilger stated for example, if the Zoning Ordinance had been updated following the adoption of the current Comprehensive Plan in 2011, the differences that currently exist between zoning districts in the Zoning Ordinance and future land use map in the Comprehensive Plan would not be so drastic. Mr. Wolfe asked Mr. Bilger if that meant that the future land use map would be more in line with the zoning districts. Mr. Bilger stated that, ideally, the zoning districts would be updated through amending the Zoning Ordinance either simultaneously or subsequent to updating the Comprehensive Plan in order to best meet its recommendations and reflect the future land use map.

Mr. Wright asked if the Plan Commission had additional comments or questions.

Mr. Western stated that he had recently attended a Commissioner's Conference in Indianapolis. He stated that until roughly 18 months prior, Montgomery County did not have a zoning ordinance. He relayed a story about a wind energy company that attempted to construct facilities there and the difficulties faced by county officials at regulating the placement of such facilities, and the importance they found in having a Comprehensive Plan and effective zoning.

ADJOURNMENT

Mr. Wright declared the meeting adjourned at approximately 7:26 P.M.