

**WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING MINUTES
OCTOBER 17, 2018 7:00 P.M.**

MEMBERS PRESENT

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

MEMBERS ABSENT

John Johnson

STAFF

Nathan Bilger
Jennifer Shinabery

ATTORNEY

Dawn Boyd

VISITORS

There were 42 visitors who registered their attendance at the October 17, 2018 regular meeting of the Whitley County Plan Commission. A signed guest list is kept on record.

CALL TO ORDER/ROLL CALL/OATH TO WITNESSES

Mr. Wright called the meeting to order at 7:00 p.m. Ms. Shinabery read the roll call with all members present and absent listed above. Attorney Boyd administered the oath to those present who wished to speak during the meeting.

CONSIDERATION AND ADOPTION OF THE SEPTEMBER 5, 2018 SPECIAL MEETING MINUTES AND SEPTEMBER 19, 2018 REGULAR MEETING MINUTES

Mr. Wright asked if there were any additions or corrections to the September 5, 2018 special meeting minutes or the September 19, 2018 regular meeting minutes. There being none, Mr. Western made a motion to approve the minutes as presented, seconded by Mr. Wolf. The motion passed unanimously.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

18-W-VAC-2 Brent Emerick, 5249 S. 500 East, Columbia City, requested a vacation of Lot 10 from the plat of Green Brier Addition. The property is located approximately ½ mile east of S. 500 East and 1/10 mile south of E. 500 South, Columbia City, in Section 3 of Jefferson Township and is zoned AG, Agricultural District.

Mr. Bilger reviewed the staff report, explaining the details of the petition. He referred to the aerial view of the property, clarifying that the petition is to vacate the majority of Lot 10 as the 50' access strip as originally platted for the lot was sold to Lot 8, creating a landlocked parcel. He explained that Lot 10 and the adjacent 36-acre unplatted parcel have always been conveyed together; however, per tax parcel rules, they cannot be combined. He explained that the intent of the petitioner is to combine the two parcels. He discussed the review criteria for plat vacations,

stating that staff finds the proposal appears supportable with a suggested condition that the vacated part be combined with the adjacent parcel owned by the petitioner. He explained that legal counsel would need to give guidance on whether the covenants can also be vacated along with the land.

Kevin Michel, 4242 S. 700 East, Columbia City, surveyor for Walker & Associates, represented the petitioner and explained that the reason for the request is so the petitioner can combine the two parcels. He stated that a new survey has been prepared to record with the new deed.

Mr. Wright asked if there was anyone present who wished to ask questions or speak regarding this petition.

Joann Piatt, 5250 E. 500 South, Lot 6, Green Briar Addition, Columbia City, explained that she was against the petition as the three review criteria for vacations were not met. She expressed her concern of having a CFO close to her property and stated that Lot 10 provides an additional buffer that would be taken away if vacated. She stated that combining the parcels will decrease property taxes for the petitioner, which is not in the public interest.

Ronda Salge, 5465 N. 650 East, Churubusco, stated that IDEM setbacks would apply and supersedes any local zoning setbacks.

Brent Emerick, 5249 E. State Road 14, Columbia City, explained his reasons for requesting the vacation, including simplifying things as two parcels have always been sold together. He stated that there is no intention to have a CFO on the property.

Rick Piatt, 5250 E. 500 South, Lot 6, Green Briar Addition, Columbia City, agreed with his wife and stated that taking Lot 10 out of the subdivision will reduce the required CFO setback.

Mr. Wright asked if there was any further discussion. Mr. Wolfe asked for clarification on how the covenants should be handled. Attorney Boyd explained that the vacation of the covenants in a subdivision is a separate petition from the vacation of the lot. She explained that in this case, the petitioner would need to file another petition if he wants to vacate the covenants.

Sonya Emerick, 5865 E. State Road 14, Columbia City, pointed out the surrounding property owners on the aerial view, explaining that there is no intention for a CFO on those properties.

Following brief discussion, Mr. Hodges made a motion to table the petition until the next meeting; Mr. Wolfe seconded. Mr. Wright called for a vote and the motion failed with a vote of 3-5 with Mr. Hodges, Mr. Wolfe, and Mr. Mynhier voting in favor and Ms. Deckard, Mr. Western, Mr. Wolf, Mr. Woodmansee, and Mr. Wright voting against.

Mr. Woodmansee then made a motion to approve the petition with the staff condition that the vacated part of Lot 10 be combined with adjacent parcel #92-10-03-000-401.000-006 after the required 30-day appeal period of the vacation; Ms. Deckard seconded. Mr. Wright called for a vote and the petition passed with a vote of 6-2, with Mr. Hodges and Mr. Wolfe voting against.

18-W-REZ-1 Brian and Sonya Emerick, 5865 E. State Road 14, Columbia City, requested an amendment of the Whitley County Zoning Map by reclassifying from the AG, Agricultural District to the AGP, Agricultural Production District. The property is located on the northeast corner of E. State Road 14 and S. 500 East and more commonly known as 5099 E. State Road 14, Columbia City, in Section 3 of Jefferson Township.

Mr. Bilger reviewed the staff report, explaining the existing zoning classifications and land uses. He explained that the stated intent of the petitioners is to protect their existing operations and changes in the current land use have not been indicated. He discussed the review criteria, including paying reasonable regard to the current Comprehensive Plan as well as responsible development and growth.

Mr. Wolfe asked about the location of sanitary sewer in relation to this property. Mr. Bilger deferred to the petitioner to give a precise answer.

Brian and Sonya Emerick, 5865 E. State Road 14, Columbia City, presented their request. Mr. Emerick stated that approximately 10 years ago, sanitary sewer was extended from Allen County to their business, Micropulse, which is where it currently stops. He read from Section 2.1 of the Zoning Ordinance that describes the AGP District and stated that this district better describes the intense agricultural use that currently exists on the property. He described the extent of their investment in the two livestock operations located on the property and explained that rezoning would also allow for future possible expansion. He stated that the Comprehensive Plan designates most of the surrounding area for agricultural use.

There was some discussion amongst the Commission regarding the ability to increase the size of the operations without rezoning and whether or not there would be increased truck traffic.

Mr. Wright asked if there was anyone present who wished to ask questions or speak regarding this petition.

Ronda Salge, 5465 N. 650 East, Churubusco, stated that although frequently referenced, the 2011 Comprehensive Plan map will not be of much value to the County over time.

There being no further public input, Mr. Wright closed the public hearing for this petition. Mr. Woodmansee made a motion to send a favorable recommendation to the County Commissioners on this petition; Mr. Western seconded. The motion passed with a 6-2 vote, with Mr. Wolfe and Mr. Mynhier voting against.

18-W-SUBD-14 Lorie Ferguson, 2885 N. State Road 109, Columbia City, requested primary plat approval for a 2-lot subdivision to be known as Cleo Meadows. The property is zoned AG, Agricultural District, and is located on the west side of S. 50 East, about 280' north of E. 300 South, more commonly known as 2852 S. 50 East, Columbia City, in Section 23 of Columbia Township.

Mr. Bilger reviewed the staff report, explaining the details of the petition. He referred to the aerial view of the property and stated that the primary plat appears to be in compliance with the standards of the Subdivision Control Ordinance and the Zoning Code. He mentioned that the petitioner has yet to submit proposed covenants.

Kevin Michel, 4242 S. 700 East, Columbia City, surveyor for Walker & Associates, represented the petitioner. He passed out larger sized drawings for the Commission to review, explaining the plat is for a 2-lot residential subdivision.

Mr. Wright asked if there was anyone else present who wished to ask questions or speak regarding this petition. There was no one.

With there being no further discussion, Mr. Woodmansee made a motion to approve the petition with secondary plat approval delegated to the Plan Commission Staff; Mr. Wolf seconded. The petition passed with a unanimous vote.

18-W-ZOA-1 Consideration of the County Commissioner's amendment.

Mr. Bilger explained that the County Commissioners acted upon the proposed zoning text amendment on October 15. He explained that they adopted the proposal with the following changes:

1. Section 5.23, Residential Development overlay was removed.
2. Subsections RD-2 through 5 would be retained as part of Section 5.22.

He explained that per IC 36-7-4-607, these changes are to be sent back to the Plan Commission for approval. He further explained that the Plan Commission has two options: they can approve the changes and the Ordinance goes into effect as changed or they can disapprove the changes. He explained that if they disapprove the changes, the Ordinance will go back to the Commissioners and will either be certified as changed or will be defeated if not certified. He also mentioned that a possible third option would be to table the consideration until the next regularly scheduled meeting as there is a 45-day window in which the Plan Commission should take action.

There was some discussion regarding the options before the Commission and Attorney Boyd and Mr. Bilger further clarified.

Mr. Wolfe stated that speaking as Chairman of the Code Development Committee, the Residential Development Overlay was something that both sides agreed upon and saw value in. He stated that the RD provided certainty and protection, which was a main goal. He stated that he could not support taking that piece out of the Ordinance.

Mr. Wolfe made a motion to disapprove the amendments to 18-W-ZOA-1; Mr. Mynhier seconded. Mr. Wright called for a vote and the motion failed with a vote of 2-6, with Mr. Wolfe and Mr. Mynhier being the only members voting in favor. Mr. Woodmansee then made a motion to approve the amendments to 18-W-ZOA-1; Mr. Wolf seconded and the motion passed 6-2, with Mr. Wolfe and Mr. Mynhier voting against.

OTHER BUSINESS

Mr. Wolfe stated that the RDO (Residential Development Overlay) was agreed upon in most CDC meetings and the Commission voted in favor of it twice. He stated that the RDO provides certainty for residential areas, helps growth around areas where utilities are accessible, and protects land that follows the Comprehensive Plan.

Mr. Wolfe stated that implementing a Rural Residential component needs to be discussed to provide protection similar to what is provided for a 3-lot subdivision. Mr. Bilger stated that he plans to address various aspects of residential development at the beginning of the next year.

Mr. Bilger discussed the on-site public hearing notice that is now a requirement for petitions.

ADJOURNMENT

Mr. Wright declared the meeting adjourned at 8:31 p.m.