

MINUTES
COLUMBIA CITY PLAN COMMISSION
REGULAR MEETING

December 7, 2020
7:00 p.m.

Whitley County Government Center
Meeting Room A/B

MEMBERS PRESENT

Larry Weiss, President
Patrick Zickgraf, Vice Pres.
(remote)
Walt Crowder (remote)
Doug Graft (remote,
arrived 7:15)
Chip Hill (remote, left 7:10)
Jon Kissinger (remote)
Don Langeloh
Dennis Warnick
Dan Weigold

MEMBERS ABSENT

STAFF

Nathan Bilger

ATTORNEY

Dawn Boyd (remote)

AUDIENCE MEMBERS

Five visitors registered their attendance. The list of attendees who signed in is at the end of these minutes. There were three attendees for 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

The minutes for the May, June, August, and November 2020 meetings were presented for consideration. Mr. Bilger stated that these would catch up the minutes for the year. Mr. Langeloh inquired about the covenants for Timbers Edge mentioned in the May minutes; Mr. Bilger replied that the petitioner did supply a draft set of covenants for review.

Mr. Weiss called for motions on each set of minutes. Mr. Warnick made a motion to accept the May minutes as presented; Mr. Langeloh seconded. Mr. Weigold made a motion to accept the June minutes as presented; Mr. Warnick seconded. Mr. Warnick made a motion to accept the August minutes as presented; Mr. Langeloh seconded. Mr. Langeloh made a motion to accept the November minutes as presented; Mr. Weigold seconded.

Mr. Weiss called for a roll call vote on the motions. The motions for the May, June, and August minutes passed 6-0, and the motion for the November minutes passed 5-0-1, with Mr. Warnick abstaining. Mr. Crowder and Mr. Hill were not available for this vote due to technical difficulties, and Mr. Graft had not yet arrived.

ADMINISTRATION OF OATH

Mr. Bilger administered the oath to the audience members and reminded on-line participants of their affirmation when registering.

OLD BUSINESS

20-C-SOA-2, Amendment to the Subdivision Control Ordinance, Updates and Modifications

Mr. Bilger stated that the proposed amendments had still not yet been completely drafted and would need to be considered at an upcoming meeting.

Mr. Warnick made a motion to continue 20-C-SOA-2; Mr. Weigold seconded. Motion passed by roll call vote, 7-0. Mr. Hill was not available for this vote due to technical difficulties, and Mr. Graft had not yet arrived.

20-C-REZ-5, Zone map amendment, Whitley County Community Foundation, 1171 E. SR 205

The Whitley County Community Foundation petitioned to rezone a 10.92 parcel located at approximately 1171 E. State Road 205 from R-1, Single-family Residential, to LB, Local Business, to permit the construction of an office for the organization.

Mr. Bilger summarized the changes in the Staff Report; during which, Mr. Graft joined the meeting. This case was continued from the November meeting due to questions raised about the City's ability to transfer the property and the compatibility with the adjacent properties, especially the park. He stated that the Mayor had provided documentation that the property transfer would be permissible, which had been accepted by the City's legal counsel. He also stated that the petitioner had submitted a commitment that the northernmost 250' of the property would be reserved as a "non-development" area. Mr. Bilger presented this area on the map of the property and showed an updated proposed site plan, noting that the proposed building would be rotated 90° and parking area shifted to the west. He also reminded the Commission that the Board of Zoning Appeals had reviewed the proposed use in October and determined that it was a commercial use. He finished by stating that the proposed commitment would slightly change the impact of the zoning on surrounding uses but most of the rezoning criteria comments remained the same.

Mr. Weiss called for questions of staff. Hearing none, he asked the petitioner to speak. September McConnell, Whitley County Community Foundation, presented the changes to the proposal from the previous meeting. She stated that the proposed 250' non-development area would probably be closer to 300', but the difference allowed some margin for shifting plans. The trees in the area had been evaluated, with most being kept, but a few would need to be removed. Any trails in or near the area would also be kept as much as possible.

John Lefever, Community Foundation, added that he felt that this would be a good addition to the City. There would be minimal changes to the trails and the non-development area.

Mr. Weiss requested any questions for the petitioner from the Commission. Mr. Langeloh reviewed the various LB district development standards and questioned the standard that the "enclosed structure shall be less than 3,000 sq. ft." Ms. McConnell stated that the proposed

building would be a total of 9,000 sq. ft. She explained that the hours of operation would be typical for a professional office. She reiterated that the Foundation would strive to be a good neighbor. Mr. Bilger stated that he was unaware of the 3,000 sq. ft. standard ever being applied to a primary structure, but if it were, a variance may be required. He thought the standard may be more related to the outdoor storage standard and stated he would do additional research to determine how it would apply here and whether a variance would be required. Mr. Weiss asked if this would need to be part of a motion; Mr. Bilger stated that no, the research would be independent of the rezoning recommendation.

Mr. Graft asked if the petitioner would be subleasing to other tenants. Ms. McConnell responded that there would be no subleasing.

Dan Brincefield, ERI, questioned the 3,000 sq. ft. maximum for any new commercial building. He felt that the standard seemed more in line with outdoor activities. He and Mr. Bilger discussed the potential need for a variance, which was uncertain and required more research.

Being no further questions of the petitioner, Mr. Weiss opened the public hearing. Hearing no one, Mr. Bilger stated that there were no questions posted from on-line attendees, and Mr. Weiss closed the public hearing.

Mr. Warnick made a motion to forward a favorable recommendation of 20-C-REZ-5 to the City Council, with the petitioner's submitted commitment; Mr. Zickgraf seconded. Motion passed via roll call vote, 8-0; with Mr. Hill having left the meeting.

NEW BUSINESS

20-C-SUBD-4, 1-lot plat, "Deer Chase, Phase IV, Section 8"

Deer Chase, LLC, requested primary plat approval of a 1-lot subdivision to be called Deer Chase, Phase IV, Section 8. The 0.43-acre property was zoned R-1, Single Family Residential, and located on the south side of Whitetail Drive, 100 feet west of Lexington Avenue.

Mr. Bilger provided the Staff Report, stating that the proposal would create one lot, without any streets being developed; the lot met required street frontage, so no new streets were required. He presented aerial photos, noting the location of the lot in relation to Deer Chase and adjacent homes on Stickler Road. He then reviewed the proposed plat and explained that the remainder acreage would be exempt from platting. Using a larger scale survey of the overall property, he further explained the relationship of the proposed lot and the remainder acreage which consisted of a portion proposed to be deeded to the City and a pending transfer of a 5+ acre area to a private owner. He concluded by presenting the Staff's suggested conditions of approval:

1. The remainder parcel must be combined with adjacent property to total more than 5 acres in area, or else be platted (unless shown to be exempt from platting).
2. Secondary plat approval be delegated to staff, unless performance sureties are proposed or there are issues that require Commission approval.

Mr. Weiss asked how the right-of-way of Stickler Road aligned with the proposed lot and if it made sense to shift the lot boundary eastward to better align any future street right-of-way center lines. Mr. Bilger explained that could be the case, but any future street could require such extensive design as to address that alignment. He deferred to the petitioner for further explanation.

With the Commission having no further questions for the staff, Mr. Weiss requested the petitioner, or their representative, to speak. Kevin Michel, Walker & Associates, engineer for the petitioner, stated that the developer had requested the proposed configuration of parcels based on their discussion and agreement with the City.

The Commission and Mr. Michel discussed the City's interest and plans for the remainder parcel. Mr. Weigold asked if there were enough room for a cul-de-sac in the remainder area, and he questioned if the City should be obligated to pay for its construction. Mr. Michel reviewed the cul-de-sac sizing requirements. There was a lengthy discussion about the City's potential usage of the remainder parcel. Mr. Weigold stated he would like to meet with the Mayor to discuss the City's interest in the remainder property.

Mr. Zickgraf asked why Whitetail Drive was not proposed to connect through the parcel being sold to Business 30. Mr. Michel stated that he thought the ground was too soft for development. Mr. Zickgraf then asked how the newly adopted changes to the subdivision code regarding access would apply. Mr. Bilger stated that since no streets were being built here, there was little leverage in the amendments to include non-platted area in a plat. He said that it seemed the remainder parcel being transferred to the City might offer an opportunity for a connection, but that was not certain. Mr. Crowder stated he was not sure what the City's plans were, and he needed to research the situation more. He suggested a continuance to do that research.

There being no further questions of the petitioner, Mr. Weiss opened the public hearing. Steve Reynolds, W. Business 30, stated that he owns the property adjacent to the parcel being sold to private owners. He asked about flags that appeared in his yard and stated that if they were to locate the property line, they were not properly located. Mr. Michel responded that the property had not yet been marked for surveying but likely the flags were for utility locating.

Mr. Warnick asked if a continuance would cause a problem for the petitioner; Mr. Michel replied that he was not sure what impact it would have.

Mr. Bilger stated that there were no questions posted from on-line attendees. Hearing no one else, Mr. Weiss closed the public hearing.

Mr. Langeloh made a motion to continue 20-C-SUBD-4 to the January meeting; Mr. Warnick seconded. Motion passed via roll call vote, 8-0.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Being no further business, Mr. Warnick made a motion to adjourn; Mr. Weigold seconded. Mr. Weiss declared the meeting adjourned at 8:07 p.m.

GUEST LIST

1. Kevin Michel, Walker & Assoc.....4242 S. 700 East, Columbia City
2. Steve Reynolds.....1270 W. Business 30, Columbia City
3. Christy Reynolds-Miller611 W. State Road 205, Columbia City
4. Judy Hart.....100 S. Stickler Road, Columbia City
5. Sharon Kneller16 S. Stickler Road, Columbia City

GUEST LIST (WEBCAST)

6. Karen Reust.....1271 E. Keiser Road, Columbia City
7. John Lefever, Community Foundation400 N. Whitley Street, Columbia City
8. September McConnell, Community Foundation400 N. Whitley Street, Columbia City
9. Dan Brincefield, Engineering Resources11020 Diebold Road, Fort Wayne