

WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 16, 2019, 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Elizabeth Deckard
Thor Hodges

STAFF

Nathan Bilger
Mark Cullnane

LEGAL COUNSEL

Dawn Boyd

VISITORS

Ten visitors signed the guest list at the October 16, 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 7:00 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 JUNE 19, 2019, JULY 17, 2019, AND AUGUST 21, 2019 MEETING MINUTES

The minutes for the June 19, 2019, July 17, 2019, and August 21, 2019 regular meetings were presented for approval. Mr. Wright asked the Commission if it had corrections or additions to any of the minutes. Mr. Western made a motion to approve the June 19, 2019, July 17, 2019, and August 21, 2019 minutes as presented. Mr. Wolfe seconded, and the motion was approved by a vote of 7-0.

ADMINISTRATION OF THE OATH TO WITNESSES

Approximately 5 guests were sworn in by Ms. Boyd.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 19-W-SUBD-8

Larry & Rebecca Lance requested primary plat approval of a 1-lot subdivision proposed to be called Lance Acres. The subject property is located on the west side of S. 800 East, approximately 960' north of Lakewood Drive, with an address of 10020 S. 800 East-92, Roanoke, IN. The property is zoned AG, Agricultural District, in Section 36 of Jefferson Township, and contains approximately 2.110± acres.

Mr. Bilger summarized the staff report. He stated that the parent tract is currently improved with a dwelling and farm buildings, and the proposed plat is located to the southeast of a 32'x84' pole building. Because sanitary sewer is available, state law and the Whitley County Health Department require that any new dwellings be connected.

Mr. Bilger stated that a dedicated 45' right-of-way along S. 800 East would be compliant with the County's minimum requirements. He also stated that, as mentioned in the suggested conditions of staff report, the notation of lot area for Lot 1 should be 1.844, not 2.110, and that the right-of-way must be clearly depicted as separate from the lot area.

Mr. Bilger stated that the proposed plat appeared to comply with the development standards of the Subdivision and Zoning Codes, and that separate covenants had not been provided as of the time of the meeting.

Mr. Wright called the petitioner to the podium. Larry Lance, 9728 Shorewood Trail, Fort Wayne, stated that the developer is Mike Thomas Realty and that it is working with Aqua Indiana to install a grinder pump and connect with the force main running along the east side of S. 800 East.

Mr. Wright asked the Commission if it had any questions for the petitioner. Mr. Western asked Mr. Lance if the dwelling and accessory structures on the remainder of the parent tract were being demolished. Mr. Lance confirmed that they were going to be demolished at some point in the future, but did not specify when this would happen.

Mr. Wolfe asked whether the lot has been reviewed by the Highway Department. Mr. Bilger stated that the Highway Department did provide a comment letter stating that the lot does meet sight distance requirements to receive a driveway permit.

Mr. Wright asked if any audience members wanted to speak for or against the petition. Hearing none, Mr. Wright closed the public hearing.

Mr. Woodmansee asked Mr. Lance if he thought that the conditions suggested by Planning Staff were reasonable. Mr. Lance stated that he did believe the suggested conditions were reasonable.

Mr. Woodmansee made a motion to approve 19-W-SUBD-8 with the following conditions:

1. The notation of lot area for Lot 1 should be 1.844 acres, not 2.110. The right-of-way must be clearly depicted as separate from the Lot area.
2. The lot must use the available sanitary sewer.
3. Secondary plat approval should be delegated to Plan Commission staff.

Mr. Wolfe seconded, and the motion passed by a vote of 7-0.

2. 19-W-SUBD-12

Esther Kauffman requested primary plat approval of a 1-lot subdivision proposed to be call Karmanate Acres. The subject property is located on the east side of State Road 9, approximately 900' south of E. 200 South. The property is zoned AG, Agricultural District, in Section 23 of Columbia Township, and contains approximately 2.27± acres.

Mr. Bilger summarized the staff report. He noted that the plat is coming from two existing parcels. The bulk of the proposed parcel is coming from property owned by Ceres Farms, LLC and the remaining acreage is coming from property owned by Matthew and Samantha Kauffman, Ms. Kauffman's son and daughter-in-law. Mr. Bilger stated that INDOT provided a comment stating that Ms. Kauffman would need to share an existing driveway currently in place on her son and daughter-in-law's property. The Soil and Water Conservation District also provided comment stating that, although not required at this time, an erosion control plan would be a good idea for this proposed parcel. The Parcel Committee commented that it was unsure exactly how much acreage was coming from each of the two existing parcels. Mr. Bilger stated that he would work with the surveyor to address Parcel Committee's concerns and ensure that the lot area notations would be correct on the secondary plat. He stated that the proposed plat appeared to comply with the development standards of the Subdivision and Zoning Codes, that separate covenants had not been provided as of the time of the meeting, and reviewed suggested conditions found in the staff report.

Mr. Wright called the petitioner or her representative to the podium. Kevin Michel, 4242 S. 700 East, Columbia City, of J. K. Walker & Associates provided large copies of the preliminary plat to the Commission for their convenience, and reviewed features of the proposed plat. He stated that he would correct the secondary plat to clearly identify how much acreage was coming from each of the two existing parcels.

Mr. Woodmansee asked if the shared driveway should be described in the as yet unprepared deed for the proposed parcel or a shared driveway agreement. Mr. Michel stated that the shared driveway will be referred to in the deed that will be granted to Ms. Kauffman from her son and daughter-in-law. Mr. Woodmansee asked Mr. Michel if he thought it would be advisable to request a shared driveway agreement. Mr. Michel stated that he did.

Mr. Wright asked the Commission if it had any additional questions for Mr. Michel. Hearing none, he asked if any audience members wanted to speak for or against the petition. Hearing none, Mr. Wright closed the public hearing.

Mr. Woodmansee made a motion to approve 19-W-SUBD-12 with the following conditions:

1. The location of a driveway must comply with the requirements of INDOT.
2. Secondary plat approval delegated to the Plan Commission staff.

Mr. Wolf seconded, and the motion passed by a vote of 7-0.

OTHER BUSINESS

RESIDENTIAL CODE REVIEW

Mr. Bilger presented the Commission with draft district intent, permitted uses, special exception uses, and district standards for the proposed residential zoning district SR, Suburban Residential. He reviewed the contents of the draft documents, noting minimum lot area, width, and frontage, front, side, and rear yard setbacks, main floor area of primary and accessory structures, and maximum lot coverage. He pointed out to the Commission that SR-zoned properties, as proposed, would require hookup to sanitary sewer and would have to be located on newly created public streets or onto an existing developer created street which is dedicated and maintained by Whitley County.

Mr. Bilger reviewed the permitted uses and special exception uses. He suggested that two-family dwellings should be included among the permitted uses for this proposed district to match market demand for villas. He also noted that there changes to be made beyond the core topic, for example, the wording of "residential facility for developmentally disabled" is an obsolete term.

Mr. Western and Mr. Wright stated that the proposed minimum main floor area of 850 sq. ft. is small. Mr. Bilger stated that it is only a suggestion, and that the Commission is free to change this as it sees fit. Mr. Wright added that he would like to see larger side yard setbacks than the proposed 7.5'.

Mr. Bilger asked for the Commission to consider whether it wants to use the same standards for hobby farming in this proposed district as currently exist for the RR, Rural Residential, district.

Mr. Bilger and the Commission discussed permitting of emotional therapy animals. Mr. Bilger mentioned a recent legal case involving the City of Huntington that dealt with an emotional support goat. Mr. Bilger advised the Commission that a variety of animals are likely to be used as emotional support animals now and into the future, and that it should consider making some sort of allowance for this to avoid potential legal action. Specifically, Mr. Bilger stated that the Commission should not adopt any zoning restrictions that exclude protected devices, such as emotional support animals, for protected classes.

Mr. Johnson asked if there is demand for this kind of district. Mr. Bilger stated that there is demand for this kind of district, but where it is appropriate in the County is the question. There was discussion about potential locations throughout the county that would be appropriate for the proposed SR district.

Mr. Bilger asked the Commission if he had any additional thoughts or questions. Hearing none, he suggested to the Commission that it create an ad hoc committee to consider the details of the proposed districts. Mr. Bilger stated that he would continue putting together draft district intent, permitted uses, special exception uses, and district standards for the other proposed residential zoning districts and VR, Village Residential. Mr. Bilger added that he has not heard anything from the public regarding the proposed residential zoning districts.

As another item of business, Mr. Bilger stated that he and Mr. Cullnane attended the Fall Conference of the Indiana Chapter of the American Planning Association held October 10 and 11 in Fort Wayne.

ADJOURNMENT

Mr. Wright declared the meeting adjourned at approximately 7:43 P.M.