

**MINUTES**  
**WHITLEY COUNTY PLAN COMMISSION**  
**REGULAR MEETING**

**August 17, 2022**

**7:00 p. m.**

**Whitley County Government Center**  
**Lower Level, Meeting Room A/B**

<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>STAFF</b>
Dane Drew	X		Nathan Bilger
Brent Emerick	X		Brent Bockelman
Thor Hodges	X		
Mark Johnson	X		<b>LEGAL COUNSEL</b>
Kim Kurtz-Seslar	X		Elizabeth Deckard
George Schrumph	X		
Joe Wolf	X		<b>NONVOTING ADVISOR</b>
Doug Wright	X		John Woodmansee
<i>Vacant</i>			

**AUDIENCE MEMBERS**

The audience list of in-person and electronic guests is attached below.

**CALL TO ORDER/ROLL CALL**

Mr. Hodges called the meeting to order at 7:00 p. m. and led the Pledge of Allegiance. Mr. Bockelman read the roll call with members present and absent listed above.

**CONSIDERATION OF PREVIOUS MEETING MINUTES**

The minutes for the July 20, 2022, regular meeting were presented for consideration. Mr. Hodges asked if members required time to review the minutes. Hearing nothing, he called for a motion. Mr. Emerick made a motion to approve July 20, 2022, minutes as presented; seconded by Mr. Drew. Motion passed 7-0 by roll call vote with Mr. Schrumph abstaining.

**ADMINISTRATION OF OATH**

Ms. Deckard administered the oath to audience members wishing to speak.

**NEW BUSINESS**

**22-W-SUBD-8, Parker’s Playground for 5 RKCLB Addition**

William & Terri Parker, owner of the subject property, requested an approval for a replat of Lot 5 of the Beech Grove Addition to Tri Lake Resort to be named “Parker’s Playground for 5 RKCLB Addition.” The proposed replat was located on the north side of Crescent Avenue, about 1,000’ east of Fish Hatchery Road in Section 12 of Thorncreek Township.

Mr. Bilger presented the staff report. He described the history of the properties involved and displayed aerial views with overlays to explain the replat. He discussed the part of the garage

that extended over the property line. It was stated that the Parcel Committee's review suggested to shorten the title to meet the Recorder's indexing requirements. Proposed conditions were given as follows:

1. A covenant be added to the plat that the garage shall not be rebuilt except in conformance with the zoning code development standards, or a similar method to encourage the conformance of the garage.
2. Secondary plat approval delegated to the Plan Commission Staff.

Terri Parker, 3525 N. 150 West, owner of the property, addressed the Commission and explained her project. She explained that the reason for the replat was to combine properties to allow for only one tax bill.

Mr. Hodges opened the public hearing.

Randal Keller, 2905 E. Crescent Avenue, addressed the Commission. He expressed his concern with the portion of the building that is over the property line. He stated his desire to have this issue addressed and a possible future solution. The suggestion was made that the encroachment would be eliminated if future building projects occurred.

Ms. Parker stated that if any complete rebuilding would be done, the structure in question would be removed.

Mr. Hodges closed the public hearing and turned to the Commission for discussion. Mr. Drew made a motion to approve petition 22-W-SUBD-8 with staff recommended conditions. Seconded by Mr. Wolf. Motion passed by a vote of 8-0 by roll call vote.

## **OLD BUSINESS**

### **22-W-ZOA-1**

#### **Draft Solar Energy Code Public Hearing**

Mr. Bilger gave an update on changes and clarifications made to the draft code following the previous meeting's discussion. These included development plan expiration times, drainage repair requirements, and removal of the maximum panel area for private solar. Rewordings of the draft were displayed. Changes of the setback, buffering, and separation were discussed and shown. Examples of screening and distances were displayed and explained. Options were discussed for the buffering screening including a sliding scale concept that would have the required buffer distance decrease at a different rate than the increasing distance of the nonparticipating structure. The sliding scale concept was further explained, and application discussed in multiple scenarios. A suggested formula was shown that would determine the distances.

Mr. Hodges opened the public hearing.

Kelly Inns, Leeward Energy, 200 S. Wacker Drive, Chicago, addressed the Commission. She discussed the buffers and setbacks that have been set forth.

Karen Crandall, 5820 E. 900 South, discussed trees that would be used for screening and concerns with certain species not being affective.

Jim Finan, 51330 Pembridge Court, Granger, addressed the Commission as the representative of Hoosiers for Renewables. He discussed the importance of renewable energy for the future. Clean energy was discussed, and processes involved in processing petroleum products as energy sources.

Jennifer Esterline, 8324 W. State Road 14, addressed the Commission and explained definitions of renewable and nonrenewable energy.

Hearing no further comments, Mr. Hodges closed the public hearing.

Mr. Wolfe discussed the positive aspect of the sliding scale model to help protect adjacent property owners.

Mr. Kurtz-Seslar asked to review the slide that showed the sliding scale model. Discussion was made as to what type of structures would be involved and if accessory structures would be included in the measurements. Discussion was made about the complexity of the sliding scale and if it would be difficult to implement. Mr. Bilger stated that the formula would be as easy to apply as it could be quickly calculated in Excel. Determining the distance to the existing structures would be more of an issue. He confirmed that the minimum setbacks set in the setbacks section would still be in place.

The Commission further discussed whether secondary dwelling units, accessory buildings, and apartments would be treated the same as primary dwellings.

Further discussion was made regarding the sliding scale model and its practical application. Ranges of measurements were discussed as an option.

Mr. Hodges asked if the Commission would like to leave the buffer standard as previously written or to implement a sliding scale buffer. The consensus was to implement the sliding scale buffer. Discussion was made to change the maximum buffer for the solar panels from 200' to 175' and the maximum distance for the nonparticipating structure from 400' to between 350' and 400' and use the equation instead of a range selection. The decision was made by unanimous vote to implement the sliding scale with the parameters discussed.

Mr. Hodges asked for other discussion on the proposal. Hearing none, he asked for a motion. Mr. Wolf made a motion to make a favorable recommendation to the Commissioners for 22-W-ZOA-1 with the changes made. Seconded by Mr. Drew.

Mr. Schrupf discussed the decommissioning section of the code. Discussion was made to leave as is or change in the code. Further discussion was made as to who would be responsible for the decommissioning. The question was brought up as to the possibility of state regulation in the future on this matter.

Mr. Hodges redirected discussion back to the motion that was made. Hearing none, he asked for the vote. Motion passed 7-1 by roll call vote, with Mr. Schrupf dissenting.

Mr. Bilger stated that he would work on getting the revisions finished and out for the Commission's review prior to certifying the final version to the Commissioners.

Mr. Hodges called for an eight-minute recess.

## **Comprehensive Plan Update Public Hearing**

Mr. Hodges called the meeting back to order. Mr. Bilger provided updates and changes that had been made to the Comprehensive Plan draft including the Future Character & Land Use Map, that were displayed and discussed. He stated that Areas of Additional Considerations were added to the map, shown as hatched areas on the map. A list of Specific changes was displayed and discussed as well.

Mr. Drew discussed the Areas of Additional Considerations. He asked if this was being left in or discussion on which are being considered. Mr. Bilger stated that the areas were draft and he expected that they would be further discussed and refined by the Commission.

Mr. Emerick asked why those areas were put in and why this was done after the Commission had voted on a map already. Mr. Bilger stated that it was under the direction of the Commission at the meeting following that to address a concern brought up with other changes from two rural areas to one. Mr. Hodges affirmed that this was under the direction of the Plan Commission members. Mr. Johnson stated that as Plan Commission members, common sense should be to pay attention to these areas without the need for them being labeled.

Mr. Johnson made a motion to remove the Areas of Additional Consideration from the map. Seconded by Mr. Emerick. Motion passed by a vote of 6-2 by roll call vote, with Mr. Hodges and Ms. Kurtz-Seslar dissenting.

Mr. Hodges opened the Comprehensive Plan public hearing.

John Meister, 5995 S. Woodstrail Dr.-57, addressed the Commission and discussed past maps and open questions left unanswered. He discussed the past process and maps he had for display. Discussion was made about the AG zoning areas and character type. He discussed the possibility of CFO and CAFOs as well as buffer areas. He asked for a pause and to go back and review information and questions before any decision is made.

Discussion was made regarding the decision to amend from the two agricultural character types to one. Mr. Drew and Mr. Emerick explained their recollection on reasons.

Sonya Emerick, 5865 E. State Road 14, addressed the Commission. She stated her concerns, with the main topic being CFOs. Discussion was made about the map changes that had been made without being voted on by the Commission. She stated her concern with agriculture areas being labeled Mixed Rural.

John Meister, 5995 S. Woodstrail Dr.-57, discussed the land use plan, transportation, economic development, and housing development. He stated the importance of housing development. More discussion was made about the map in place. He stated that he did not think the plan was ready to move forward.

Karen Crandall, 5820 E. 900 South, asked what the meaning of Town Enhancement [a character type] was. Mr. Bilger explained the meaning would relate to light or mixed commercial. She asked about the green shaded area around her property. It was explained that it would be residential agriculture. Mr. Bilger also explained the other character types in her area and the amount of development that might be expected in the future. Clarification was also made as to notifications available for development.

Hearing no further comment, Mr. Hodges closed the public hearing.

Mr. Schruppf stated that the Plan is not perfect but that it could be worked on for months more and still not be perfect.

Mr. Schruppf made a motion to pass on the Comprehensive Plan as presented with the map changes to the Commissioners with a favorable recommendation. The motion was seconded by Mr. Emerick.

Mr. Hodges stated that the Plan Commission did a great job working together and thanked all members for their work on the Comprehensive Plan.

Mr. Hodges asked for a vote on the motion. The motion passed by a 6-2 roll call vote, with Mr. Hodges and Ms. Kurtz-Seslar dissenting.

### **OTHER BUSINESS**

Mr. Bilger stated that the recorded videos of the County and City Plan Commission and Board of Zoning Appeals meetings in 2022 were now available on the website. He said that meeting videos would generally be posted within a day or two after the meeting date.

### **ADJOURNMENT**

Having no further business, Mr. Hodges adjourned the meeting at 9:49 P. M.

### **GUEST LIST**

1. Jarryd Myers .....4640 S. 275 West
2. Terri Parker .....3525 N. 150 West
3. Alayne Johnson.....6906 E. 150 North
4. Brad Parker .....3525 N. 150 West
5. Twyla Hunter .....2887 E. Crescent Ave.
6. Greg Hunter .....2887 E. Crescent Ave.
7. Jim Finan.....51330 Pembridge Ct, Granger
8. Jennifer Esterline .....8324 W. State Road 14
9. Anthony [illegible].....510 Washington, Bloomington [sic]
10. Sonya Emerick .....5865 E. State Road 14
11. Kelly Inns.....200 S. Wacker Drive, Chicago
12. John Meister.....5995 S. Woodstrail Dr.-57
13. Karen Crandall .....5820 E. 900 South
14. Randall Keller .....2905 E. Crescent Ave.

### **GUEST LIST-ELECTRONIC**

15. Robert Kehmeyer .....8411 S. 600 East
16. Judy Kehmeyer .....8375 S. 600 East
17. Kurt Kehmeyer.....8244 S. 600 East
18. Joe Sheets.....3035 W. 700 North
19. Angela Sheets.....3035 W. 700 North