

MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING

September 20, 2023

7:00 p.m.

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

MEMBERS	PRESENT	ABSENT	STAFF
Travis Baker	X		Nathan Bilger
Dane Drew	X		
Brent Emerick	X		
Jack Green	X		LEGAL COUNSEL
Thor Hodges		X	Elizabeth Deckard
Mark Johnson	X		
Rob Schuman	X		NONVOTING ADVISOR
Kim Kurtz-Seslar	X		John Woodmansee (Absent)
Joe Wolf	X		

AUDIENCE MEMBERS

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

CALL TO ORDER/ROLL CALL

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

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the August 16, 2023 regular meeting were presented for consideration. Mr. Johnson called for any comments or a motion. Mr. Green made a motion to approve the minutes as presented. Seconded by Ms. Kurtz-Seslar. Motion passed, 8-0 by roll call vote.

ADMINISTRATION OF OATH

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

OLD BUSINESS

23-W-SUBD-8 Behm Estates (Continued from previous meeting)

David and Yvonne Behm, owners of the subject property, are requesting preliminary plat approval for a three-lot subdivision to be named "Behm Estates." The proposed plat is located on the west side of Old 102, about 1,100' north of the intersection with Linker Road in Section 2 of Thorncreek Township.

Mr. Bilger presented the staff report. Aerial views were displayed with overlays to show the lot placement. He discussed the existing residence and the two new buildable lots. He stated that the property is zoned RR. Review criteria and recommended conditions were discussed as well.

Yvonne Behm, 6445 N. Old 102, addressed the Commission and explained that the reason for the subdivision was to have her son move back to Indiana and be closer to their grandchildren. She stated that the new lots would not be sharing the existing driveway.

Mr. Johnson opened the public hearing. Hearing nothing, the public hearing was closed. He then called for further discussion or a motion.

Ms. Kurtz-Seslar made a motion to approve 23-W-SUBD-8 with suggested conditions. Seconded by Mr. Baker. Motion carried by a roll call vote of 8-0 with the following conditions:

1. Two septic sites per lot are to be determined and approved by the Health Department prior to issuance of a building permit for a primary structure.
2. An additional 10' of ROW be dedicated along the Linker Road frontage.
3. Covenants and restrictions to be recorded with the plat.
4. Secondary plat approval delegated to the Plan Commission Staff.

NEW BUSINESS

23-W-SUBD-11 Rogers Market Subdivision

Rogers Markets, Inc., owner, and agent of the subject property, is requesting primary plat approval for the initial lot and common area of the Rogers Market Subdivision, located on the south side of 100 South approximately 2,000' east of US 30 in Section 18 of Union Township.

Mr. Bilger presented the staff report. He explained that this was a one lot plat with common area, private Right of Way, Dedicated Right of Way, and an out lot to be split in the future. He stated that the zoning is IPM on the property. Aerial views were displayed to show the properties and the common area to be used for detention. Proposed conditions were discussed.

Mike Vodde, 1324 Henry Ave. Fort Wayne, addressed the Commission. He described the project and reason for only doing one lot at this time.

Mr. Wolf asked for confirmation that this was planned to be an industrial park. Mr. Bilger confirmed.

Mr. Johnson opened the public hearing. Hearing nothing, the public hearing was closed. He then called for further discussion or a motion.

Mr. Green made a motion to approve 23-W-SUBD-11 with staff recommended conditions. Motion was seconded by Mr. Drew. The motion carried by a vote of 8-0 with the following conditions:

1. Revise proposed covenants to address SWCD and staff comments.
2. Construct Rogers Drive to public standards, subject to inspection and approval by County Engineer and Highway.
3. Secondary plat approval delegated to the staff.

23-W-SUBD-12 The Paddock Plantation

Michael Stanford, buyer of the subject property, is requesting preliminary plat approval for a one lot subdivision to be named “Stanford Sun Valley” (a later revision named it “Paddock Plantation”). The proposed plat is located on the east side of 700 East, approximately 2,000’ north of State Road 14 in Section 1 of Jefferson Township.

Mr. Bilger presented the staff report. He stated that clarification does need to be made on the name of the subdivision. The property is zoned RR, Rural Residential and would not require rezoning. Aerial views were displayed, the history of the property was discussed, and the combining of neighboring lots being a condition of approval.

Michal Stanford, 12490 Cassena Road, Fort Wayne, addressed the Commission and explained the petition. He stated that he had previously owned the property and had always planned to buy this section back after the sale of the total property. He stated that the name “Paddock Plantation” would be used for the subdivision.

Mr. Johnson opened the public hearing. Hearing nothing, the public hearing was closed. He then called for further discussion or a motion.

Mr. Emerick made a motion to approve 23-W-SUBD-12 with the staff recommended conditions. Ms. Kurtz-Seslar seconded the motion. The motion carried by roll call vote of 8-0 with the following conditions:

1. Add 30’ of dedicated right-of-way along 700 East.
2. Add 10’ drainage and utility easements along the lot perimeters.
3. The remainder property to be combined with the other two properties to the east owned by Flat Creek, LLC (Parcel #92-10-01-000-305.000-006 and #92-10-01-000-306.000-006).
4. Two septic sites are to be determined and approved by the Health Department prior to issuance of a building permit for a primary structure.
5. Secondary plat approval delegated to the Plan Commission staff.

23-W-SUBD-13 Hiler Road Subdivision

Desiree Monet, owner of the subject property, is requesting preliminary plat approval for a one lot subdivision to be named “Hiler Road Subdivision.” The proposed plat is located on the south side of Hiler Road, about 0.4 mile east of 700 East in Section 25 of Union Township. The subject property is currently unimproved; the parent tract has a dwelling and outbuildings.

Mr. Bilger presented the staff report. He described the subdivision request to create a new buildable lot. Aerial views were displayed, and location of drive way restriction was discussed. Staff suggested conditions were discussed.

Kayla Wigent, representative of the property owner, 1720 E. 300 South, addressed the Commission. She stated the desire to split off and sell the additional lot. She also stated that soil tests had already been completed to approve two septic sites.

Mr. Drew made a motion to approve 23-W-SUBD-13 with staff recommended conditions. Motion was seconded by Mr. Baker. Motion carried by roll call vote of 8-0 with the following conditions:

1. Two septic sites are to be determined and approved by the Health Department prior to issuance of a building permit for a primary structure.
2. A notation be added to the plat that a driveway would be permitted approximately 475' northwest of the eastern corner of the proposed lot, subject to final determination by the County Engineer.
3. Secondary plat approval delegated to the Plan Commission Staff.

22-W-REZ-6 Columbia City ETJ

Columbia City Plan Commission requests a zone map amendment to expand and adjust the Columbia City Plan Commission's extraterritorial jurisdiction (ETJ).

Mr. Bilger presented the staff report. He stated that much of the staff report was carried over from the original filing the previous year. However, the current proposal is reflected in the report. He explained the definition of the Extraterritorial Jurisdiction area. He stated that the ETJ is an area around the municipality in which the municipal comprehensive plan and zoning code apply. Clarification was made that the ETJ is not annexation nor directly tied to city services. The existing ETJ area and proposed expansion to the south and southeast, where the city limits meet the border of the current ETJ. The proposed area includes approximately 1,430 acres. Maps were displayed to show the history of the ETJ from 1955, 1970, current ETJ, and proposed ETJ. Zoning maps were also displayed for reference showing industrial and agricultural areas included in the proposal. More detailed maps of the two areas were displayed to show the proposed borders.

Development standards were displayed and discussed to show comparisons and explain differences between agricultural and industrial zoning in the different jurisdictions. Permitted uses, special exception uses, and uses not permitted were discussed.

Review criteria for zone map amendments was displayed and discussed.

Larry Weiss, 1609 W. West Gate, addressed the Commission. He explained the proposal. He discussed the joint workshop that was held with the Columbia City Plan Commission and the Whitley County Plan Commission. Working together to address concerns. He discussed the reduction of the area from the original proposal of over 6,000 acres to 1,430 acres. He discussed the history of the ETJ and addressed the fact that the ETJ had not expanded as the city expanded. Annexation and tax concerns were addressed.

Mayor Ryan Daniel, 112 S. Chauncey Street, addressed the Commission. He discussed concerns that had been raised with the ETJ proposal. He explained the purpose of the expansion would be for planning and zoning and would not change any taxes. He stated that there are two members of the City Plan Commission that are appointed by the County Commissioners to represent the ETJ. He also discussed annexation and that this would only happen in a voluntary situation and there has not been any forced annexation for 30 years. Discussion was made regarding development, available land, and utility services.

Mr. Emerick asked if the landowners involved would have voting rights for the Mayor or City Council. Mayor Daniel stated that they would not, due to them not being inside the incorporated City Limits.

Dan Weigold, 326 Shorewood Ct, discussed subdivision development in the agricultural areas and ways to protect the surrounding agriculture practices. He also discussed the collaboration work done between the two plan commissions during the workshop time.

Diana du Pont, 676 S. 700 East, addressed the Commission. She shared her concerns with the number of acres included in the ETJ, and questioned if the expansion is necessary to meet the City's goals. She stated the importance of the small-town character and country lifestyle of Whitley County and ways to support the city through encouraging more agrarian related business endeavors in the county. She discussed housing, and a way for the city and county to honor the small town feel and country feel. Stating that bigger is not always better, but quality always is. She stated her desire to preserve what is special and unique in Whitley County.

Doug Hosler, 3700 E. 300 South, addressed the Commission. He asked if there were any developments, or solar projects, that have been proposed in the area that had caused a need for this ETJ expansion. Mr. Bilger stated that he was not aware of any.

Tony Reust, 1271 E. Keiser Road, referenced a comment letter that he had sent earlier. He shared his concern about future annexation.

Mike Rowland, 3606 S. Meridian Road, asked if the taxes in the ETJ would go to the city or the county. Mr. Bilger stated that the taxes would go to the same place that they go now. Mr. Rowland asked for clarification on which Plan Commission covered the ETJ. Mr. Bilger explained that the City Plan Commission would have authority over areas inside the ETJ and incorporated area. The unincorporated area outside of the ETJ would be under the authority of the County Plan Commission. Mr. Rowland shared his concern with the reasoning behind the expansion, stating that this area is mainly farm ground. He discussed his concern about possible commercial solar development in the area and asked what the city had planned for this additional ETJ.

Mayor Ryan Daniel, 112 S. Chauncey, addressed the question. He stated that he has not been approached by any commercial solar for projects in the area. He discussed the main reason for the expansion of the planning territory was due to the new school. He explained that historically, when you have a new school, especially a school campus with elementary, middle, and high school, growth follows that. He clarified that any development would be totally dependent on the property owner's desire to do so.

Ms. Kurtz-Seslar asked the mayor if he could address what the advantages and disadvantages would be for the property owners within the expansion area. Mayor Daniel discussed the extension of city service, utilities, and subdivision code requirements as benefits. If the property is farmed now, and want to continue farming, there would be no change. He also clarified that there was no interest from the city for commercial solar development. The city's interest would be residential development around the school and city services being extended to the area of 100 South.

Ginny Rowland, 3606 S. Meridian Road, asked what the city zoning regulations were for solar facilities that might be proposed in the ETJ area. Mr. Bilger explained that a solar project would be considered a power generation facility that would require rezoning approval to industrial, and special exception approval.

Diana du Pont, 676 S. 700 East, discussed TIF areas in the county and city and asked if they were being considered equally. Mr. Bilger clarified that the current proposal does avoid TIF area so that there is no overlap of zoning districts.

Andrew Perry, 2625 S. State Road 9, asked if the two members representing the ETJ area on the City Plan Commission lean more toward city or county. Mr. Bilger provided the names of the current ETJ representatives on the plan commission. Mr. Perry shared his concern with differences in city and county regulations regarding the septic system for his old farm house. Mr. Bilger stated that septic systems are regulated by the county health department for all jurisdictions so there should be no difference.

Brad Perry, 550 E. 300 South, addressed the Commission and stated his opposition to the proposal. He feels the proposal would be an unwanted encroachment.

Denise Puckett, 580 E. 200 South, addressed the Commission. She thanked the staff for taking the time to answer questions she had. She shared her concern with the expansion and future expansions that are planned every 5-10 years. She discussed the issue of traffic, and increased traffic and accidents in the future with additional development. She asked if notice would be given if development were to be proposed. Mr. Bilger stated that the same public notice would be given in the ETJ as in the county. Ms. Puckett discussed her love for Columbia City and wants to see growth but not with the problems and concerns in this area. She stated her opposition to the proposal.

Tony Reust, 1271 E. Keiser Road, addressed the Commission again. He discussed additional property that he owns that could be included in future expansion. He stated his opposition to the proposal in this area.

Melaney Love, 113 E. Market Street, discussed her concern with traffic in the area along line street south and feels that should be a priority before looking at expanding the ETJ and creating more traffic.

Hearing nothing further, Mr. Johnson closed the public hearing. He then called for further discussion from the Commission.

Mr. Emerick discussed his concern about the property owners in this area not being represented fairly. He stated that the people want to have the freedom to operate on their property and be left alone by government, and this encroaches on both. He is in favor of city growth. However, there are several thousand acres within the existing ETJ that could be developed. He mentioned that the original proposal was brought to the Commission without notifying the property owners individually about the proposed changes. He stated that he could not support the proposal.

Mr. Wolf discussed the growth that had occurred around the old high school when it was built and that growth around the new school will happen. He discussed the traffic on State Road 9.

Mr. Green stated that no change has been made in the ETJ for fifty years and questioned if this was a good plan for growth. He also discussed that this expansion was not annexation.

Mr. Johnson asked for Mr. Schuman's thoughts as the Commissioner representative.

Mr. Shuman stated that there had been good conversation and a difficult situation. He shared his concern about the traffic issue in the area. The thought of adding to that is an issue that needs to be addressed.

Mr. Emerick made a motion to send an unfavorable recommendation on 23-W-REZ-6 to the Commissioners. The motion was seconded by Mr. Drew. Mr. Johnson called for a vote. Motion carried by roll call vote of 7-1 with Ms. Kurtz-Seslar voting against.

Mr. Bilger stated that he would prepare the unfavorable certification for the Commissioners and explained the process and timeline.

OTHER BUSINESS

Rules of Procedure

Mr. Bilger discussed the miscellaneous amendments to the zoning code. He stated that if any member thought that any of the changes seemed to be more than a miscellaneous change, let him know and they can be dealt with on an individual basis. He discussed changes to permit uses in AG District, including two family dwellings, hunting preserve, camping, RV park. Adding single-family dwelling as Special Exception use in PR District and VC District. In GC district, adding special exception uses of camping and RV park. Development standards change to minimum floor area in AG, sign standards text in the AGP District, include front setback averaging clarification. Text changes dealing with sight triangle clearance, animal units. Major subdivision changes in number of platted lots from 3 to 6 before the need for rezoning. Also adding a definition for Hunting Preserve. Mr. Bilger asked if any additional items needed to be added or if any items needed to be discussed more. With the direction of the Commission, Mr. Bilger stated he would move forward with getting this information into code form

ADJOURNMENT

Having no further business, Mr. Johnson adjourned the regular meeting at 8:49 p.m.

GUEST LIST

1. Dennis Warnick113 N. Oak Street
2. Linda Shambarger Murphy1267 S. Sherman Street
3. Amanda Haddock.....2700 E. 100 South
4. Ryan Daniel112 S. Chauncey Street
5. Karen Rust1846 E. Paige Road
6. Sheri Lambert.....2821 S. Washington Road
7. Ashley Perry.....550 E. 300 South
8. Brad Perry550 E. 300 South
9. Duane Lambert.....2821 S. Washington Road
10. Karen Reust.....1271 E. Keiser Road
11. Tony Reust1271 E. Keiser Road
12. Michael Schrader700 E. Keiser Road
13. Adele Rouch.....1121 S. 350 East
14. Yvonne Behm6445 N. Old 102
15. Kayla Wigent1720 E. 300 South
16. Debra Hosler3700 E. 300 South
17. Doug Hosler3700 E. 300 South

18. Veryl Whaley	611 S. 600 East
19. Randy Krider	3920 E. Hartman Road
20. Mike Rowland	3606 S. Meridian Road
21. Ginny Rowland	3606 S. Meridian Road
22. Joan Null	8099 S. 200 East
23. Mike Vodde	3255 E. Hartman Road
24. Mark Lamle	7868 E. 500 South
25. Hollie Lamle	7868 E. 500 South
26. Terry Fenker	1150 E. 200 South
27. Susan Fenker	1150 E. 200 South
28. Kerry Pulley	2680 E. 100 South
29. Matt Dahms	2842 S. 150 East
30. Tonette Dahms	2842 S. 150 East
31. Andrew Perry	2625 S. State Road 9
32. Pat Murphy	1490 E. 200 South
33. Richard Cox	5601 S. 150 East
34. Marelyn Hively	1946 E. Robin Hood Road
35. Debbie Gay	1980 E. Robin Hood Road
36. Tammy Bowler	6755 E. Lincolnway
37. Michelle Martin	856 E. 200 South
38. Chris Martin	856 E. 200 South
39. Doug Schrader	1660 S. Raber Road
40. Steve Schmitt	738 S. Columbia Parkway
41. Daniel Puckett	580 E. 200 South
42. Sarah Gibbs	715 S. Sommerset Trail
43. Brian Wolfe	715 S. Sommerset Trail
44. Troy Wilcoxson	7004 W. 300 South
45. Sharon Simmons	2065 S. Raber Road
46. Dan Weigold	326 Shorewood Court
47. Emily Studebaker	5147 W. 200 South
48. Sonya Emerick	5865 E. State Road 14
49. Denise Puckett	580 E. 200 South
50. Ericka Lambert	1532 E. Keiser Road
51. Melany Love	113 E. Market Street
52. Diana du Pont	676 S. 700 East
53. Gary Kaufman	676 S. 700 East
54. Belinda Yagel	700 S. 300 East
55. Michael Stanford	5825 S. 700 East
56. Joe Gruss	815 E. 300 South
57. Julie Gruss	815 E. 300 South
58. Larry Weiss	1609 W. Westgate Ave.
59. Rod Perry	2900 S. 50 East
60. Don Langeloh	660 W. Park Street Ext
61. Jane Zumbun	790 E. 200 South

GUEST LIST-ELECTRONIC

- 62. Judy Kehmeyer8375 South 600 East
- 63. Robert Kehmeyer8411 South 600 East
- 64. Kurt Kehmeyer.....8244 South 600 East
- 65. Martha Weiss5956 S. Legacy Ct.

DRAFT