

MINUTES
CHURUBUSCO PLAN COMMISSION
REGULAR MEETING
APRIL 10, 2024
6:30 P.M.

CHURUBUSCO BOY SCOUT BUILDING
501 N. Krieger Drive

MEMBERS PRESENT

Brandon Johnson
Devin Keener
Wayne Krider
Vivian Sade
Madalyn Sade-Bartl, President
Brenda Saggars, Vice President
Ashley Wagner

MEMBERS ABSENT

Mark Pepple
Pat Stanford

STAFF

Nathan Bilger

ATTORNEY

absent

AUDIENCE MEMBERS

Eleven visitors signed the Guest List at the meeting. A Guest List is included with the minutes of this meeting.

CALL TO ORDER/ROLL CALL

Ms. Sade-Bartl called the meeting to order at 6:30 P.M. Mr. Bilger read the roll with members present and absent listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

Ms. Saggars made a motion to approve both the January minutes, as distributed. Mr. Krider gave the second. The motion passed 6-0-1. Ms. Sade-Bartl abstained from the vote as she was not present during the January meeting.

ADMINISTRATION OF THE OATH TO WITNESSES

Mr. Bilger administered the Oath to visitors who planned to speak during the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 24-CH-REZ-1

Biggs, Inc., requested to amend the Churubusco Zoning Map to reclassify 6.321± acres of property, located on the southeast corner of 550 North and 800 East, from the R-1, Single-Family Residential District, to the R-2, Two-Family Residential District. Mr. Bilger explained that the petitioner requested the zoning change in order to reduce the size of the lots (previously approved with 22-CH-SUBD-3) with the intention of constructing villa homes, being single-family homes on smaller, low maintenance lots, in the northwest corner

of the property. He reminded the Commission that another area of the property, located in Phase 2 of the project, had been rezoned for villas last year, but the developer decided to propose including villas in Phase 1 as well. Mr. Bilger suggested one condition of approval: Two-family dwellings be excluded as a permitted use in the R-2 area. He added that if there were future changes to the plan (with regard to zoning), things would be done differently in order to allow flexibility.

Mr. Keener asked if the proposal changed the number of homes planned. Mr. Bilger replied that there would be two more lots than the previously approved design, and the new layout was the next case on the agenda. Ms. Sade-Bartl stated that it appeared the requested zoning would create the two extra lots by allowing smaller lot sizes. There were no further questions for Mr. Bilger, and Ms. Sade-Bartl requested to hear from the petitioner.

Kevin McDermit, of Loughheed & Associates, was present on behalf of the petitioner. He described that Mr. Bilger's explanation of the request was accurate and further reported that the phasing planned with the original approval had been altered in order to avoid bringing Phase 1 traffic through Thresher Ridge. Mr. McDermit added that the increase in density with the proposed R-2 area was offset by increasing some lots to R-1 sizes within the previously approved R-2 area. He said that if there was not a demand for villas in Phase 1, they would likely build less villas than planned in Phase 2.

Mr. McDermit described for Ms. Sade the difference in construction between the villas and the other homes. He clarified that villas were not duplexes and that there would be no duplexes in the subdivision, as per the developer's commitment with the previous rezoning approval (22-CH-REZ-2). Mr. McDermit explained that the requested zoning would allow for smaller lot sizes for the villas which would minimize the amount of area the Home Owners' Association would need to maintain. Ms. Sade-Bartl added that the neighboring, Thresher Ridge, subdivision contained a section of villas. Mr. McDermit confirmed this was the case but that the Thresher Ridge lots were larger because the developer did not request R-2 zoning at that time. There were no further questions for Mr. McDermit, and Ms. Sade-Bartl asked if anyone else wished to speak.

Vickie Coahran stated that she had no concerns with the proposed development, but she reported that her home was damaged due to improper construction, and she felt the developer should provide assistance on such matters. Ray Henderson displayed photos of the damage to the Commission while Ms. Coahran spoke about the significant cost of repairs and said she had called Biggs, Inc., and was told these issues were not their problem. She stated that her neighbor's roof had blown off. Ms. Coahran was concerned that owners of Turtle Run properties would face similar hardships. Mr. Henderson asked for assurance of the quality of the new homes. Ms. Sade-Bartl responded that these concerns were outside of the control of the Commission. Mr. Henderson voiced understanding but stated that people needed to be aware of the problems. He and Ms. Coahran listed other neighbors who had to repair significant problems with their new homes. Ms. Sade-Bartl replied that the Commission's responsibility was to consider the zoning request with respect to the Comprehensive Plan.

Carl Maucione asked why Mr. Bilger had stated the proposed design would allow two more lots when the approved subdivision included 108 lots, and the proposed was 112. Mr. Bilger confirmed that the original design was 108 lots, but the approval described that two common areas be redefined as lots, so 110 lots would have been the resulting lot count. Mr. Maucione

also pointed out that the children's play area had been relocated. Mr. McDermit confirmed it had been moved and that there was now room for an adjacent parking area.

Chris Huntley requested to know the difference between the rezoning request and the subdivision case, so he could determine when to ask his questions. Mr. Bilger explained that questions related to the villa lots would be relevant to the rezoning discussion while the subdivision petition would consider the layout, number of lots, and any development issues.

Mr. Henderson asked for the timeframe of development. Mr. McDermit said he was uncertain, as there were several factors that could influence the timing, but he anticipated the project could start in the coming summer. Mr. Henderson asked about the location of water and sewage hookups. Mr. Bilger requested that development questions be asked during the following subdivision case.

Bradley Arrowsmith stated that he was under the impression that a previous entity decided not to develop this property because soil test results determined development would not be cost effective; he asked what had changed with regard to that matter. Mr. Bilger replied that different developers have different ways of considering what would be profitable.

There were no further questions, and Ms. Sade-Bartl asked if anyone else wished to speak. Hearing none, she closed the public hearing and requested a motion. Mr. Krider made a motion to forward a favorable recommendation to the Town Council, with the condition suggested in the Staff Report. Ms. Wagner gave the second; motion passed 7-0.

2. 24-CH-SUBD-1

Biggs, Inc., requested primary plat approval of a 112-lot subdivision proposed to be known as Turtle Meadow and located on the southeast corner of 550 North and 800 East. Mr. Bilger noted that the Plan Commission's review of this previously approved plat (22-CH-SUBD-3) was caused, as per the Zoning Ordinance, by the increased number of lots. Mr. Bilger stated all the development standards were compliant. He summarized the details that had been amended from the previous review and suggested five conditions of approval. There were no questions for Mr. Bilger, and Ms. Sade-Bartl requested to hear from the petitioner.

Referencing the suggested conditions, Mr. McDermit stated that he did not recall the right-of-way discussion from the previous approval. He said there was one area on 550 North where that might be a problem. He considered that adjusting the Building Lines to 30' might help. He described the phasing and stated construction traffic would access the property from 550 North, and there would be no connection to Thresher Ridge until Phase 2. He discussed that the new location of the toddler park allowed for a parking area. Addressing the previous questions on water and sewer, Mr. McDermit said the Town was working on water mains around the perimeter which would eventually be joined to the existing sanitary sewer in Thresher Ridge. He explained that the size of the sewer in Thresher Ridge was more than adequate to accommodate the new subdivision and described how development improves drainage. He pointed out that a lower area in Phase 1 and the pond in Phase 2 would detain storm water and release it at a slower rate. He described that several other entities review the drainage plan to ensure all requirements are met. There were no questions for Mr. McDermit, and Ms. Sade-Bartl asked if anyone else wished to speak.

Mr. Huntley asked about the amount of cut and fill, considering the lower elevation of the lots proposed nearest to his property. Mr. McDermit replied that the lots there would be

notched into the hill. Mr. Huntley asked if the distance between Turtle Run and the proposed Meadow Way was compliant. Mr. Bilger replied that the Subdivision Control Ordinance indicated that two lots, back to back, between the two streets was an acceptable distance. Mr. Huntley asked if a stop sign or speed limit change was planned for 550 North. Several audience members expressed support for Mr. Huntley's question. Ms. Sade-Bartl responded that speed limit concerns and traffic monitoring by the police would need to be considered by the Town Council. She encouraged the public to attend the Council's upcoming meeting. Mr. Huntley asked what matters would be taken to protect Thresher Ridge properties from dust in the air caused by dirt movement and construction. Mr. McDermit said that the Thresher Ridge properties are on higher ground, so a silt fence would not be effective; an Erosion Control Plan would be required by the Soil And Water Conservation District, in accordance with the state and prior to construction, and there would be monthly inspections.

Mr. Huntley asked for the definition of a "common area." Mr. McDermit replied that a common area was a lot maintained by the Home Owners' Association with area that the property owners could spend time in. Mr. Huntley asked if the pond would be constructed such that it would remain clear and attractive or if it would become mucky and overrun with insects. Mr. McDermit described a typical pond in a development would have a shallow shelf, for safety, and then taper to a deeper depth, in order to reduce the amount of weeds. Mr. Huntley and Mr. McDermit discussed the process of removing dirt from the pond area and redistributing it through the property to create the building sites.

Mr. Henderson described that there is often standing water where lots 43-45 are planned. Mr. McDermit said the area labeled as Block C contains very deep muck. He explained that he had monitored the property for ten years and spoken with the farmer about the drainage and retention. He said the area will be seeded as a meadow, and it will serve as a drainage feature, holding water if needed. Mr. McDermit explained that with development, low areas are filled and high areas are graded down so there won't be standing water throughout the property as there has been; water will be directed to specific areas and drained to the storm sewer. Mr. Huntley asked if the town could prevent basements from being constructed on lots 1-9 because the area was too wet. Mr. McDermit stated that the drainage would be engineered and elevations determined so that homes would be placed on the higher ground. He pointed out that the plans show 26' of fall between the higher ground on lots 1-9 and the pond in Block C, and there should be no problems with basements on these lots. Mr. Henderson voiced concerns about basements being built on lots 43-45, which he stated was a wetland. Mr. McDermit disagreed. Mr. Bilger explained how wetland areas are defined, and that the area being discussed did not meet that criteria. Addressing Mr. Huntley's question, Mr. Bilger advised that the Plan Commission not restrict construction plans, as that could be confused with writing building code, which is not permitted at the local level.

Laura Cox said she purchased her property the previous year and had not been aware of the previous approvals. She asked if the properties would contain townhomes. Ms. Sade-Bartl replied that the proposed homes would look similar to those located on Turtle Run. Ms. Cox stated that she currently enjoys the view behind her property. Mr. McDermit said he was uncertain as to the developer's plan but that he anticipated most homes would be ranches. He confirmed for Mr. Huntley that two-story homes were not restricted.

Roxanne Wells stated that her backyard was very wet, and she asked if a tile would be installed. Mr. McDermit replied that Ms. Wells' neighbor had spoken at the 2022 meeting

and presented photos of a drainage problem. He stated that he was unsure as to why that was occurring, but that two storm inlets would be installed in this area and swales would be added to direct water to the pond.

There were no further questions, and Ms. Sade-Bartl closed the public hearing. Mr. Bilger requested to amend his suggested conditions as follows:

1. A technical review meeting is required prior to approval of development/construction plans for each proposed section of the plat.
2. Covenants to be submitted for review with the secondary plat approval.
3. The width of the dedicated rights-of-way for 550 North be 30’.
4. Secondary plat approval be delegated to staff unless performance sureties are proposed.

Mr. Keener asked if any Thresher Ridge homes had been constructed on basements. Several people confirmed some homes did have basements. There was a small discussion about sump pumps. Mr. Henderson asked how much new traffic would be expected for Thresher Ridge. Mr. Bilger stated there should not be any construction traffic and Meadow Way would serve traffic for the new subdivision. Discussion of the traffic continued. Mr. Henderson asked when the water and sewer would be installed. Ms. Sade-Bartl stated water would be out to bid within the next month. Mr. Bilger suggested that questions related to utilities be asked after the meeting, as these were questions for the town and not the Plan Commission.

Mr. Keener made a motion to approve 24-CH-SUBD-1 as presented, with the conditions suggested by Mr. Bilger during the meeting. Ms. Saggars gave the second, and the motion passed 7-0.

OTHER BUSINESS

Mr. Bilger reminded the members of the upcoming Training Session on April 29th. He briefly spoke about his ideas for the July and September Training Sessions as well.

ADJOURNMENT

There being no further business, Mr. Johnson made a motion to adjourn, seconded by Mr. Krider, and the meeting was adjourned at 7:45 P.M.

GUEST LIST

1. Cindi Fletcher 8290 E. 550 North, Churubusco
2. Ray Henderson 922 N. Turtle Run, Churubusco
3. Vickie Coahran 922 N. Turtle Run, Churubusco
4. Laura Cox 911 N. Turtle Run, Churubusco
5. Carl Maucione 771 N. Turtle Run, Churubusco
6. Barb Maucione 771 N. Turtle Run, Churubusco
7. Roxanne Wells 825 N. Turtle Run, Churubusco
8. Kevin McDermit 1009 S. Hadley Road, Fort Wayne
9. Chris Huntley 917 N. Turtle Run, Churubusco
10. Lisa Fensler 223 N. Line Street, Churubusco
11. Brad Arrowsmith 7493 E. 450 North, Churubusco