

MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING

December 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 Bockelman
Brent Emerick	X		
Jack Green	X		LEGAL COUNSEL
Thor Hodges	X		Elizabeth Deckard (electronic)
Mark Johnson	X		
Rob Schuman		X	NONVOTING ADVISOR
Kim Kurtz-Seslar	X		John Woodmansee
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. Bockelman read the roll call with members present and absent listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

The minutes for the November 15, 2023, regular meeting were presented for consideration.
Mr. Johnson called for any comments or a motion. Mr. Wolf made a motion to approve the minutes as presented. Seconded by Mr. Green. Motion passed 5-0-2 by roll call vote, with Mr. Hodges and Mr. Johnson abstaining due to being absent from the November meeting.

ADMINISTRATION OF OATH

Mr. Bilger administered the oath to audience members wishing to speak.

OLD BUSINESS

There was no old business.

NEW BUSINESS

23-W-SUBD-17 Blue Turtle Addition

Turtle Town Plaza Rentals, owners of the subject property, requested preliminary plat approval for a one-lot subdivision to be named "Blue Turtle Addition." The proposed plat was located on the north side of Zolman Drive, 425 feet west of Harrold Road. The property was comprised of parts of Lots 5 and 6 of Zolman's Addition in Section 15 of Smith Township.

Mr. Bilger presented the staff report. He explained that this was a replat of parts of two lots of Zolman Addition to create a buildable parcel. The existing lot parts had been split as exempt splits to adjoining properties along Harrold Road, but those properties had been sold recently so the proposed lot would no longer be exempt from platting. He stated that the existing road was privately maintained within a platted public right-of-way. Aerial views were displayed with overlays to show the lot placement in comparison to the original lots in Zolman addition and the surrounding properties. One condition of approval was stated.

Mr. Bilger stated that it was brought to staff's attention on the day of the meeting that the on-site notice sign had been errantly placed on the north side of the subject property instead of near the right-of-way of Zolman Drive. He stated that the petitioner had moved the sign after being made aware, but this was only done that afternoon. He affirmed that all the adjacent property owners had received notice by certificate of mailing, and they would be the only ones who would see the sign on Zolman Drive. Mr. Bilger stated that the Commission had the option to waive compliance with the on-site sign requirement or to continue the public hearing with new notice being posted.

Mr. Johnson asked for a representative of the petitioner. Mr. Bockelman explained that the petitioner had stated that Walker and Associates would be their representatives. However, neither they nor the petitioner were present. Having no representative present, Mr. Johnson asked whether the Commission wanted to hold the public hearing or continue it.

Mr. Hodges made a motion that the request be continued to next month's meeting. Mr. Green seconded the motion. The motion to continue was approved by roll call vote of 7-0.

There was a question from the audience about the location of the sign and whether it could be at the intersection of Zolman and Harrold Road. Mr. Bilger replied that the sign needed to be on the subject property despite the lower visibility. The Commission discussed notice requirements. Mr. Bilger stated that staff would place the new sign to ensure it was in the proper location. He also explained that new mailed notice would not be required.

23-W-SUBD-18 Moses Addition

David and Catelyn Moses, buyers of the subject property, requested preliminary plat approval for a one-lot subdivision to be named "Moses Addition." The proposed plat was located on the east side of 750 East, 500 feet north of U.S. 33 in Section 2 of Smith Township, with an address of 6090 N. 750 East.

Mr. Bilger presented a summary of the staff report. He reviewed the proposed plat and code minimums. Aerial views and plat overlays were displayed for reference. He suggested that covenants and restrictions may be recommended for pond maintenance since it would be shared between the two property owners. Mr. Bilger discussed a drainage concern that was received from an adjacent property owner. He explained that the neighbor to the west has had issues with water standing on the southeast corner of his property since the pond had disturbed the natural flow of water to the east and away from his property. He said that the pond was constructed by a previous property sometime in the early 1990s. He concluded with recommended conditions.

David Moses, 885 E. U.S. 33, addressed the Commission and explained the purpose of the proposed plat and asked for the Commission's approval.

Mr. Johnson opened the public hearing.

Russell Gilliom, 8731 E. 600 North, addressed the Commission and explained his drainage concern in the area. He stated that about two acres of his property were often wet due to drainage not flowing properly, and that the county road had been raised over the years due to flooding. He discussed the issue of the existing pond and other possible drain blockages to the east of his property. He pointed out the locations of the stand pipes and overflow of the pond.

Discussion was made regarding the Plan Commission's authority over the drainage issue. Mr. Bilger stated that ensuring drainage is within the domain of the Commission, but the question would be if this drainage concern was related to the proposed plat. Clarification was made that this was not county regulated tile. The petitioner pointed out the proposed location of the house on the property. Further discussion was made regarding a culvert that runs under the road.

Hearing no further comment, Mr. Johnson closed the public hearing and called on the Commission for further discussion. The Commission felt that the drainage should be looked into, but since the petitioner nor property owner did not build the pond, they should not withhold the plat. Without Surveyor Drew present to offer input, Mr. Bilger suggested that a condition be added to defer review of the drainage to the County Surveyor, Engineer, or Drainage Board to see if any changes to the proposed plat would be needed. Mr. Moses and Gilliom were agreeable with this.

Mr. Green made a motion to approve petition 23-W-SUBD-18 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. An agreement be made between property owners regarding drainage concerns and maintenance, subject to final determination by the County Engineer, County Surveyor, and/or Drainage Board.
3. Secondary plat approval delegated to the Plan Commission Staff.

Mr. Baker seconded the motion. The motion passed by a roll call vote of 7-0.

23-W-ZOA-4 Whitley County Zoning Ordinance text amendments

Mr. Bilger presented a summary of the miscellaneous text amendments. He stated that these changes had been discussed off and on since May and were now advertised for public hearing. These amendments included changes to Sections 3.1, AG Uses; 3.2, AG District standards for minimum floor area; 3.13, PR Uses; 3.15, VC Uses to include single-family dwelling; 3.17, GC Uses to include camping and RV Park; 5.3, Front Setbacks Averaging; 5.12, Sight Triangle Clearance; 5.17, Animal Units; 5.22, Major Residential Subdivision definition; and Chapter 14 Definitions.

Finally, he discussed changes to Chapter 10 and provided a redlined copy of the code for that chapter. He explained that much of these changes were for removing rules from the ordinance in favor of a standalone Rules of Procedure document, and so that portion of the proposed changes would not go into effect until the Commission had adopted its own Rules.

Mr. Johnson opened the public hearing.

Emily Studebaker, 5147 W. 200 South, addressed concerns about the changes to the Major Residential Subdivision definition to increase the number of platted lots permitted before being defined as a Major Residential Subdivision. She had concerns about the effect the changes would

have on setbacks and changing subdivision lot numbers in parts A and B, to be the same, as stated in Section 5.22 of the code. She also stated support for the proposed changes to the Animal Units.

Mr. Bilger gave an explanation about the setbacks that are in place now for Major Residential Subdivisions. He said that defined Major Residential Subdivisions would require 1,320' separations from Confined Feeding Operations, measured from the perimeter of the subdivision, while individual houses had 660' separations. The proposed change would mean that more residential lots could be platted without rezoning required, which had prompted this proposed change, but the separation to CFOs would be smaller than as a defined major subdivision.

Sonya Emerick, 5865 E. State Road 14, addressed the 660-foot setback and her concern with the possibility of more homes in the AG district. This increase in residences, without rezoning, could impact the agricultural operations.

Discussion was made about density of residential in the AG district. The question was brought up as to how neighboring counties are handling the subdivision process. Mr. Bilger stated that he understood that Noble and Huntington Counties require subdivision approvals for virtually all splits, though not all go to their Plan Commissions, while Allen County permits one split per year without additional review.

Pat Murphy, 1490 E. 200 South, addressed the Commission. He stated his support of the duck animal unit being changed to 0.033 animal units. He shared his concern about the terminology used regarding "liquid manure" for ducks and discussed the confusion between dry manure and liquid manure. He discussed how ducks were typically raised and that liquid manure would not be typical for a farm currently. He suggested removing the two classifications and making it just one classification of duck animal units.

Mr. Murphy also stated that he was against changing the number of lots for a subdivision.

The Commission discussed the potential change on duck animal units. Ms. Kurtz-Seslar asked if a water-based duck operation were to be proposed whether it would be held to the same animal units. Mr. Bilger replied that since the numbers were based on dry operations, a possible wet operation would go to the BZA for clarification on how to apply the animal units.

Having no further public comment, Mr. Johnson closed the public hearing.

Ms. Kurtz-Seslar stated that she would like to have some time to review the Chapter 10 changes.

Mr. Johnson asked if that meant the whole proposed amendment would need to be continued.

Mr. Bilger stated that the parts could be separated, but new public notice would be required for the parts deferred. There was a brief discussion about the notice.

Mr. Emerick made a motion to approve 23-W-ZOA-4 with the following conditions:

1. 5.17 Liquid and Dry Manure Ducks to be combined at 0.033 animal units for Ducks.
2. 5.22 Major Subdivision changes be removed.
3. Chapter 10 Changes be saved for future decision.

Mr. Hodges seconded the motion.

Discussion was made regarding the items that were removed. The motion passed by a vote of 5-2, with Mr. Johnson and Ms. Kurtz-Seslar voting against.

Mr. Bilger stated he would prepare the certification for the Commissioners based on the changes that were discussed. It would likely be on the agenda for their first meeting in January.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Having no further business, Mr. Johnson adjourned the regular meeting at 8:22 p.m.

GUEST LIST

1. Sonya Emerick5865 E. State Road 14
2. David Moses0885 E. US 33-57, Churubusco
3. Catelyn Moses0885 E. US 33-57, Churubusco
4. Russell Gilliom8731 E. 600 North
5. Jeff Welch7802 E. Harrold Road
6. Lori Eifrid7074 E. Harrold Road
7. Rick Hamilton7124 E. Harrold Road
8. Ira Listenberger7084 E. Zolman Drive
9. Lisa Listenberger7084 E. Zolman Drive
10. Emily Studebaker5147 W. 200 South
11. Nolan Studebaker5147 W. 200 South
12. Pat Murphy1490 E. 200 South

GUEST LIST-ELECTRONIC

13. Jessica Foor6249 N. 750 East
14. Alayne Johnson6906 E. 150 North
15. Rebecca Joniskan270 S. Russell Street, West Lafayette
16. Judy Kehmeyer8375 S. 600 East
17. Robert Kehmeyer8411 S. 600 East