

**MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING
MARCH 21, 2018 7:00 P.M.**

MEMBERS PRESENT

Thor Hodges
John Woodmansee
Mark Mynhier
Tom Western
Brad Wolfe
Doug Wright
Elizabeth Deckard
Joe Wolf
John Johnson

STAFF

Nathan Bilger
Jennifer Shinabery

ATTORNEY

Dawn Boyd

VISITORS

There were 13 visitors who registered their attendance at the March 21, 2018 regular meeting of the Whitley County Plan Commission.

CALL TO ORDER

Mr. Wright called the meeting to order at 7:00 P.M.

ROLL CALL

Ms. Shinabery read the roll with those members present and absent listed above.

SWEARING IN OF NEW MEMBER

Troy Joe Wolf was sworn in by Attorney Boyd.

CONSIDERATION AND ADOPTION OF THE FEBRUARY 21, 2018 REGULAR MEETING MINUTES

Mr. Wright asked if there were any additions or corrections to the February 21, 2018 regular meeting minutes. Mr. Woodmansee made a motion to approve the minutes as presented, seconded by Mr. Wolfe. The motion passed by an 8-0-1 vote, with Mr. Johnson abstaining.

OATH TO WITNESSES

Mrs. Boyd administered the oath to those present who wished to speak during the meeting on behalf of the petitions.

NEW BUSINESS

18-W-SUBD-1 Angela Bechtold, 5910 E. 435 South, Wolcottville, requested primary plat approval for a 1-lot subdivision to be known as Pine Acres. The property is located on the east side of N. 550 East, approximately 1/10 mile south of E. Anderson Road, in Section 16 of Smith Township, is more commonly known as 4310 N. 550 East, Churubusco, and is zoned AG, Agricultural District.

Mr. Bilger reviewed the staff report, explaining that as proposed, the plat complies with zoning regulations. He referred to the aerial view of the property, explaining that the proposed lot would separate the residence and buildings from the rest of the farmland. He stated that there are some revisions to be made to the plat, which can be reasonably done prior to recordation.

Angela Bechtold, 5910 E. 435 South, Wolcottville, presented her petition, explaining that her intention is to sell off the home and buildings and keep the farm ground for income.

Mr. Wright asked if anyone else was present who wished to speak with regard to this petition.

After being sworn in, Christopher Van Houten, 5840 E. Anderson Road, Churubusco, asked for clarification on the purpose of the subdivision and what the future use of the property could be. Mr. Wright responded, explaining what a 1-lot subdivision was.

With there being no further questions or discussion, Mr. Woodmansee made a motion to approve the petition with the following conditions:

1. Revise the plat document with the dedicated right-of-way designated, signature lines, and other text prior to recordation.
2. Standard restrictive covenants will be recorded with the plat.
3. Secondary plat approval delegated to the Plan Commission staff.

The motion was seconded by Mr. Johnson and carried with a unanimous vote.

18-W-SUBD-4 John Blakley, 5050 N. Elder Road, Larwill, is seeking primary plat approval for a 1-lot subdivision. The property is located on the northeast side of N. Elder Road, in Section 7 of Etna-Troy Township, and is zoned AG, Agricultural District.

Mr. Bilger reviewed the staff report, explaining that the tentative name of the plat is Forest Ridge and requires platting due to a prior split. He referred to the aerial view of the property, explaining that the proposed plat consists of 7.84 acres. He stated that the proposed plat appears to comply with the development standards of the zoning code. He explained the plat includes a pond that encroaches into the required pond setback and also into the proposed right-of-way and is legal nonconforming due to its age. He explained that the Health Department had submitted an approval letter since the writing of the staff report.

Kevin Michel, Walker & Associates, presented the petition on behalf of the petitioner, distributing larger copies of the proposed plat for the Commission members. He explained that the purpose of the plat is to separate the existing home from the existing campground.

Mr. Wright asked if anyone else was present who wished to speak with regard to this petition.

After being sworn in, Ronda Salge, 5465 N. 650 East, Churubusco, asked whether there should be a statement in the covenants to protect the property owners from public access to the pond, as the pond extends into a dedicated road right-of-way. Mr. Bilger responded that this could be a recommendation or another thought would be to add a non-access easement to the plat.

With there being no further questions or discussion, Mr. Woodmansee made a motion to approve the petition with secondary plat approval delegated to the Plan Commission staff, with consideration of the pond issue previously discussed. The motion was seconded by Mr. Hodges and carried with a unanimous vote.

18-W-SUBD-5 Steven Tincher, 10534 S. Raber Road-92, Roanoke, is requesting primary plat approval for a 2-lot subdivision to be known as Tincher Resort. The property is located on the west side of Raber Road, ½ mile south of 1000 South, in Section 31 of Jefferson Township, and is zoned AG, Agricultural District.

Mr. Bilger reviewed the staff report. He referred to the aerial view of the property, explaining that the plat proposed to split the existing pond, which would create encroachments into the required pond setbacks. He stated that the proposed plat otherwise appears to comply with the development standards of the zoning code. He stated that the petitioner submitted restrictive covenants, which were standard with a clarification added that modular homes would be permitted. He discussed potential concerns over the shared pond regarding future usage, maintenance, and associated costs.

Kevin Michel, Walker & Associates, presented the petition on behalf of the petitioner, distributing larger copies of the proposed plat for the Commission members. Mr. Michel explained that the intent of the owners is to build a new residence on Lot #1 and maintain the current residence as a rental. There was some discussion between the Commission and Mr. Michel regarding the property line that divides the pond. Mr. Michel stated he would talk to the property owners about adding provisions for the pond in the restrictive covenants.

Mr. Wright asked if anyone else was present who wished to speak with regard to this petition. Ronda Salge, 5465 N. 650 East, Churubusco, asked for clarification on the addition to the restrictive covenants. Mr. Bilger responded that the petitioner wanted to distinguish between modular and mobile homes. Ms. Salge also asked whether there could be a condition from the Commission that would require the lots to be combined if sold in the future in order to prevent conflicts over the shared pond. Mr. Michel explained the process of plat vacation. Mr. Bilger addressed the challenges to this suggestion.

With there being no further questions or discussion, Mr. Woodmansee made a motion to approve the petition with the following conditions:

1. Provisions must be added to the restrictive covenants regarding the use, maintenance, and costs of upkeep of the shared pond.
2. Secondary plat approval delegated to the Plan Commission staff.

The motion was seconded by Ms. Deckard and carried with a unanimous vote.

ADJOURNMENT

There being no further business to discuss, Mr. Wright declared the meeting adjourned at 7:48 p.m.

GUEST LIST

A signed Guest List accompanies these minutes.