

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

**May 18, 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 Schrupf	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 April 20, 2022, regular meeting and May 5, 2022, workshop were presented for consideration. Mr. Hodges asked if members required time to review the minutes. Hearing nothing, he called for a motion. Mr. Drew made a motion to approve April 20, 2022, minutes as presented; seconded by Ms. Kurtz-Seslar. Motion passed 8-0 by roll call vote. Mr. Drew made a motion to accept the May 5, 2022, minutes as presented; seconded by Mr. Wolf. Motion passed 6-0-2 by roll call vote with Mr. Schrupf and Mr. Hodges abstaining due to being absent from the meeting.

**ADMINISTRATION OF OATH**

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

**OLD BUSINESS**

**22-W-REZ-1, Joseph Decuis Wagyu Farm, LLC**

Joseph Decuis Wagyu Farm, LLC, requested an amendment to the Whitley County Zoning Map to reclassify the 108± acre real estate described from the AG, Agricultural District, to PUD, Planned Unit Development. The property was located on 900 South approximately 1870 feet west of 700 East in Section 23 of Jefferson Township.

Mr. Hodges asked if staff had additional information to present to the Commission. Mr. Bilger stated that he could highlight the changes to the proposal. He reviewed the two-step process of approval for a Planned Unit Development. The revisions to the PUD districts map were displayed and discussed. The permitted use table was displayed showing the proposed uses in the specific districts of the PUD. He discussed the changes and clarifications that were made from the original proposal. The definitions were discussed including Agritourism and Complementary Services.

Mr. Bilger displayed different definitions of “Agritourism” for comparison and reference. He included the definition for this PUD only, Indiana Code 34-31-9-2, Indiana State Department of Agriculture, and Indiana Destination Development Corporation. He discussed development standards for the PUD and that most standards are proposed to fall back to AG standards. New standards were discussed for the Village district specific to the residential area. Mr. Bilger stated that written commitments would also be provided by the petitioner to address some questions raised previously.

Mr. Johnson asked to review the special exceptions that were currently in place to confirm that they were addressed in the proposal. Mr. Bilger confirmed that they were addressed in the proposal. Having no further questions for staff, Mr. Hodges asked the petitioner to speak.

Bob Eherenman, 444 E. Main Street, Fort Wayne, and Pete Eshelman, petitioner, addressed the Commission. He discussed the Planned Unit Development and the changes and revisions that were made to address concerns brought up at the previous meeting. Mr. Eherenman and Mr. Eshelman described the existing structures that were located in the different districts included in the PUD. Mr. Eherenman discussed the red-lined proposal that was provided to the Commission and explained the changes and detailed the reasons for the changes. Discussion of the existing special exceptions was made to clarify that all were addressed in the PUD. Development standards were discussed with focus on building size, signage, parking, and the residential area. He stated that the specifics would be decided and presented in the Detailed Planned Unit Development.

Mr. Eherenman presented copies of Written Commitments to the Commission members and staff. He explained the reason for written commitments and reviewed the commitments provided. These commitments included sewer connections, removal of the privy at the cabin site, and reviewing permits for all current structures and uses. The commitment for a traffic impact analysis with the future Detailed Planned Unit Development was discussed with the Commission.

Mr. Hodges opened the floor for the public hearing.

Sonya Emerick, 5865 E. State Road 14, addressed the commission. She stated that she still had concerns. She stated her concern with noise being measured to residence instead of property line. She also stated concern with the hours of operation and that no start time was given, only ending times. She suggested reviewing the county noise ordinance and following that. She stated that the active cemetery that bordered the property would be impacted by noise and there should be respect for residents and those visiting. Ms. Emerick mentioned her concerns with parking that would be permitted in certain districts. She also stated her concern with certain words being used in the ordinance that did not have full definition and suggested that “commercial” be added into the title of the agritourism districts. Ms. Emerick asked for clarification of the secondary dwelling unit, caretaker suite, and corporate event center. She stated her concern about meat

processing being allowed. Concerns about the definition of “agritourism” in the PUD were discussed as it could pertain to future decisions and other locations.

David Quilhot, 9586 S. 700 East, addressed the Commission. He expressed his concern about the project becoming a full commercial operation. He stated that the “Williamsburg” type of setting has its place and Jefferson Township is not the place. He stated that the PUD seems too open ended and suggested to see a full master plan before approval. Mr. Quilhot discussed the residential housing on the property and stated that this housing should be for family only. He stated that he was concerned that the private chapel was really intended to become a year-round wedding venue. He discussed his issue with elected officials, who do not live around the area and who have benefitted from the Eshelman family with campaign activities, speaking in support of the PUD. Mr. Quilhot also shared his concern with noise and the level that would reach his residence. He stated that he commended the Eshelman family for what they have done but believes that there are not enough details given and caution should be given when considering approval.

Jennifer Esterline, 8324 W. State Road 14, addressed the Commission. She stated her background in business enterprise, agriculture, and agritourism. As a representative of the Whitley County Chamber of Commerce, she discussed the growth and development of Whitley County. She stated that the PUD is a starting point with details to be built upon. She discussed the fear of change, but she felt with the right things in place and in the right ways, the change can be controlled and positive.

Sonya Emerick, 5865 E. State Road 14, discussed the agritourism compatibility with the current Comprehensive Plan. She again suggested adding the word “commercial” to the terminology to allow it to fit better.

Bob Eherenman, 444 E. Main Street, Fort Wayne, addressed the noise concerns. He explained that the decision to measure sound levels at the residence was due to distance between the property line and the home on the property. With a property line just across the road, the home might still be a quarter mile away. Parking was discussed further. He stated the definition of agritourism would apply only to the PUD. He stated that the point is to keep the agricultural character of the property. He stated that land use in the zoning is the first step in the development, with details of the plan to come later. He asked that, based on the information presented, a favorable recommendation be sent to the Commissioners.

Mr. Hodges asked for questions from the Commission. Hearing none, turned back to the Commission for discussion.

Mr. Schrupf clarified what was being decided and stated that once it goes to the Commissioners, if any modifications or extensions, it would come back to the Plan Commission. He stated that with the growth in the area, looking at the other side of County Line, this was a part of the plan that needed to be considered. He also stated that he was an elected official and had not received anything from the Eshelms.

Mr. Johnson asked for clarification that when the Detailed Planned Unit Development is proposed in the future, the Plan Commission would have the opportunity to review and approve or deny the plan. Mr. Bilger confirmed that was the case. It would be reviewed to verify compliance with the PUD standards and the rest of the zoning and subdivision ordinances.

Mr. Emerick asked about compliance issues on the property. He stated that he thought that the PUD was a way to clean up some issues. Mr. Bilger stated that the PUD zoning allowed for growth for the existing uses in the future. He stated that there were some building situations, not formal violations, that need to be addressed and resolved, but the building code was a separate matter from the ordinance and zoning.

Mr. Johnson asked how many events were planned to be held at the property. Mr. Eshelman stated that the amount would stay about the same as now, around twenty to twenty-five events and seasonal activities. He also addressed the homes in the village district and stated that it would be family-only. He also gave details on the photography situations. He discussed the meat processing that would take place on the property. Mr. Eshelman expressed his desire to be a good neighbor, be transparent, and preserve his family's farm.

Ms. Kurtz-Seslar asked Mr. Eshelman what he envisioned the property to be like in 10-15 years. Mr. Eshelman stated that he would like to preserve the farm and have his children and brother live there. He stated that he could see himself downsizing and building more of a cottage for himself and his wife. He stated that there was no desire to have shops or other businesses in the village area.

Mr. Drew asked for clarification on the boutique hotel. Mr. Eshelman stated that with the existing bed and breakfast, if breakfast would stop being served, it would then be called a hotel. If any other plans would be proposed, it would need to come back to the Plan Commission for approval.

Ms. Kurtz-Seslar stated that nothing that has been proposed appears to conflict with Chapter 6 of the zoning code.

Mr. Emerick discussed concerns with the compatibility with the Comprehensive Plan. He felt that the commercial activity and corporate events being held on the property conflicted with the Plan. Mr. Johnson discussed the agriculture being the backdrop for events. Mr. Emerick brought up that if other event centers would bring in a few calves and call it agritourism, they too could skirt the regulations. Mr. Schrupf pointed out that if that were suggested and brought in front of the Plan Commission for approval, that it could be a possibility.

Mr. Wolf discussed another venue, in a different state, like what is being proposed here. He stated that he thought that it would be a positive for Whitley County.

Ms. Kurtz-Seslar stated that when she looked at permitted uses and special exceptions for the Rural Residential classification of the Plan, nothing seemed to fall outside of those recommendations to conflict with PUD. She stated that given the nature of the PUD and compliance with the zoning ordinance and Chapter 6, she doesn't see the benefit of prolonging the decision.

Mr. Wright made a motion to forward a favorable recommendation to the Commissioners for 22-W-REZ-1, including the written commitments. Motion seconded by Ms. Kurtz-Seslar. Motion passed with a vote of 6-1-1, with Mr. Emerick against, and Mr. Hodges abstaining. Mr. Hodges noted for the record that he had refrained from all discussion in this request due to a perceived conflict of interest.

## **NEW BUSINESS**

### **22-W-SUBD-4, Preliminary Plat Approval, “Schipper Subdivision”**

Rex & Cinda Schipper requested preliminary plat approval of a 1-lot subdivision to be known as “Schipper Subdivision.” The property was located on the north side of 1000 South, 1500 feet east of 950 West, in Section 30 of Cleveland Township.

Mr. Bilger presented the staff report. He provided aerial views of the property with overlay of the proposed lot location.

Mr. Michel, 4242 S. 700 East, represented the petitioner and stated the purpose and nature project.

Mr. Hodges opened the public hearing. Hearing no comment, he closed the hearing.

Mr. Drew made a motion to approve 22-W-SUBD-4 with staff recommendations. Motion seconded by Mr. Johnson. Motion passed, 8-0 by roll call vote.

### **22-W-SUBD-5, Preliminary Plat Approval, “Hitzeman Estates, Section 2”**

Pamela Hitzeman requested preliminary plat approval of a 1-lot subdivision to be known as “Hitzeman Estates, Section 2.” The property is located on the south side of State Road 14, approximately .47 mile west of 800 East, in Section 12 of Jefferson Township.

Mr. Bilger presented the staff report. Aerial views were displayed to describe the property. He also explained that the lot being created in this subdivision request would be sold to the adjacent property owner, located on the first lot of Hitzeman Estates, and there were no plans to build on the lot at this time.

Mr. Michel, 4242 S. 700 East, represented the petitioner and explained the proposal. He discussed the floodplain area located on the lot and what could be done in the future.

Mr. Hodges opened the public hearing. Hearing no comment, he closed the hearing.

Mr. Emerick made a motion to approve 22-W-SUBD-5 with staff recommendations. Motion seconded by Mr. Drew. Motion passed 8-0 by roll call vote.

### **Comprehensive Plan Public Hearing**

Mr. Hodges opened the public hearing for the Comprehensive Plan stating that all comments need to be limited to discussions from the last workshop. Hearing nothing, the public hearing was closed. A motion was made by Mr. Johnson to continue the public hearing to the next meeting. The motion was seconded by Ms. Kurtz-Seslar. Motion passed 8-0 by roll call vote.

## **OTHER BUSINESS**

Mr. Hodges opened discussion on the Solar Code continued from the previous meeting. Mr. Bilger discussed the redline changes of the draft code. He discussed separation of residence not being closed in on all sides by solar facilities. Clarification was made on right of way terminology.

Mr. Bilger discussed the decommissioning and abandonment section of the draft and went over processes and standards. He stated that at that time, the overlay would be removed and revert to the underlying zoning. Bonding requirement was discussed.

Ms. Kurtz-Seslar asked about implementation of best available technology. Mr. Bilger stated that could be difficult to define “best,” but he would get some language together for review.

Mr. Hodges asked about timing for bond requirements. Mr. Bilger posed a question about what types of uses should have bonds for future cleanup. Discussion was made about hypothetical situations with factories and other commercial properties. Mr. Johnson asked if other counties are imposing this type of bond requirements, and if this type of restriction would hinder growth. Discussion was made on where to draw the line for bond requirements. Mr. Hodges stated that this may be better left between the developer and the property owner. The consensus was to have decommissioning bond requirements in place for the solar code and leave other uses for a later time.

Mr. Bilger stated that he would have setback maps for the next meeting and advertise for public hearing.

Discussion was made on the Comprehensive Plan workshop and time available. It was decided to try and include the workshop at the next regular meeting before setting a special meeting time.

### **ADJOURNMENT**

Having no further business, Mr. Hodges adjourned the meeting at 10:05 P.M.

### **GUEST LIST**

1. Pam Hitzeman .....7702 E. State Road 14
2. Robert Eherenman .....444 E. Main Street, Fort Wayne
3. Jay Esterline .....8324 W. State Road 14
4. Jennifer Esterline .....8324 W. State Road 14
5. Gary Lamle .....7086 E. State Road 14
6. Kevin Michel .....4242 S. 700 East
7. Karen Crandall .....5820 E. 900 South
8. Jeff Shelton .....4541 W. 1000 North, Markle
9. Jill Shelton .....4541 W. 1000 North, Markle
10. Michael Stanford.....7195 E. State Road 14
11. Sonya Emerick .....5865 E. State Road 14
12. David Quilhot.....9586 S. 700 East
13. Terry Martin.....9049 S. 700 East
14. Alice Eshelman .....6755 E. 900 South
15. Pete Eshelman.....6755 E. 900 South
16. Joan Null .....8099 S. 200 East
17. John Meister.....5995 S. Woodstrail Drive-57
18. Regis Joerger.....“Lot 5 Legacy Preserve”
19. Jarryd Myers .....4640 S. 275 West
20. Randy Merry .....31225 Portside Drive, Novi, MI

**GUEST LIST-ELECTRONIC**

- 21. Robert Kehmeyer .....8411 S. 600 East
- 22. Judy Kehmeyer .....8375 S. 600 East
- 23. Alayne Johnson .....6906 E 150 North
- 24. Hollie Lamle .....7868 E. 500 South
- 25. Kurt Kehmeyer.....8244 S. 600 East
- 26. Susan Lawrence .....275 N. 800 East
- 27. Angela Sheets.....3035 W. 700 North

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