

MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING

June 15, 2022

7:00 p. m.

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

MEMBERS	PRESENT	ABSENT	STAFF
Dane Drew	X		Nathan Bilger
Brent Emerick	X		Brent Bockelman
Thor Hodges	X		
Mark Johnson	X		LEGAL COUNSEL
Kim Kurtz-Seslar	X		Elizabeth Deckard
George Schrupf		X	
Joe Wolf	X		NONVOTING ADVISOR
Doug Wright	X		John Woodmansee (electronic)
<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 May 18, 2022, regular meeting were presented for consideration. Mr. Hodges asked if members required time to review the minutes. Hearing nothing, he called for a motion. Dane Drew made a motion to approve May 18, 2022, minutes as presented; seconded by Ms. Kurtz-Seslar. Motion passed 7-0 by roll call vote

ADMINISTRATION OF OATH

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

OLD BUSINESS

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.

NEW BUSINESS

22-W-REZ-3, Janet Hurd & Sharon Simmons

Janet E. Hurd & Sharon A. Simmons request an amendment to the Whitley County Zoning Map by reclassifying property from AG, agricultural to RR, Rural Residential. The subject property is located on the south side of 200 South, approximately. 3 mile west of Raber Road, in section 24 of Columbia Township

Mr. Bilger presented the staff report. He provided aerial views of the property with overlay of the proposed lot location. He explained the reason for rezoning being the previous two lot subdivision split from the property in 2020. He described the surrounding area uses and proximity to the City Jurisdiction.

Darren Simmons, 3922 E. Old Trail Road, represented the petitioner and stated the purpose and nature project. He stated the request is to create a lot for his son to build a house on. Due to the earlier split of two other lots, rezoning was needed.

Mr. Hodges opened the public hearing.

Pat Murphy, 1490 E. 200 South, addressed the board to explain that his neighboring property is agriculture and that is the nature of the area. Mr. Simmons stated that he understood and had no issues with neighboring agriculture.

Hearing no other comment, he closed the hearing.

Mr. Drew made a motion to give favorable recommendation for 22-W-REZ-3. Motion seconded by Mr. Johnson. Motion passed, 7-0 by roll call vote.

22-W-REZ-2, Jeff Shelton

Jeff Shelton requests an amendment to the Whitley County Zoning Map by reclassifying approximately 1.5 acres from RR, Rural Residential to VC, Village Commercial. The subject property is located on the north side of E. State Road 14, approximately. 17 mile east of 700 East, more commonly known as 7195 E. State Road 14, in Section 1 of Jefferson Township

Mr. Bilger presented the staff report. Aerial views were displayed to describe the property. He also explained that the property is surrounded by VC zoned area. This property would be used as part of a banquet hall business that was previously approved by the BZA and contingent on the zoning approval. He stated that the property was rezoned from VC to RR in 2011 when the owner desired to live in the historic home on the property and restore it. Comparison was made to the Comprehensive Plan Character Map.

Matt Kelty, 116 East Berry St., Fort Wayne, addressed the Commission representing the petitioner. He described the intent of the business and reasons for rezoning. He provided details and display of the property in question, pointing out the uses of the different buildings and areas involved.

Jeff Shelton, 4541 W. 1000 North, Markle, addressed the Commission. He explained that he will be purchasing the property. He explained that he would be using this area as a banquet hall use for his company as well as other events.

Mike Stanford, 7195 E. State Road 14, explained the history of the property while he owned it and that he is happy to be passing it on to new owners who will be keeping the historic preservation going and be good stewards of the area.

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

Mr. Emerick made a motion to give a favorable recommendation for 22-W-REZ-2. Motion seconded by Mr. Drew. Motion passed 7-0 by roll call vote.

22-W-ZOA-1

Draft Solar Energy Code Public Comment

Mr. Hodges opened the public comment for the Solar Code.

Mr. Bilger discussed the changes that were discussed at the last meeting and displayed map for setback examples. Changes included Private “SECS”, Development plan review by the Plan Commission not Executive Committee, non-substantial amendments to the Development Plan, PUD removed from list of permitted uses, clarification to exclude “doughnut” property, 150’ separation for church and schools, Lot coverage, Equipment being new, commercial, and best available technology, and Decommissioning salvage value.

Discussion was made on the salvage value of decommissioning. Questioning the percentage of 75%. Explanation was given in scenarios of possible situations.

Mr. Bilger provided a setback map with a hypothetical solar site. He highlighted setbacks, buffers, and 250-foot separations. Open drains were also shown. The “doughnut” scenario was shown, described, and discussed with a 10-acre exclusion example.

Ms. Kurtz-Seslar discussed changing the 150’ separation for Churches and Schools to the 250’ separation like that of residential.

Joan Null, 8099 S. 200 East, addressed the board with concerns about the solar code. She shared her concern of protecting the public and the public interest. The property owner that would possibly be surrounded by solar. She discussed the effect on property values. She discussed monetary offers given to property owners by developers. She suggested larger setbacks for non-participating property owners with the option of negotiation. Concerns were stated regarding the fact of no maximum limit on size of development was in place.

Henry Janda, 4360 E. 700 South, stated his concern that the ordinance is written more to the industry standards rather than community standards. He discussed verbiage changes he would suggest in the ordinance and time frames put in place for the developer. He shared his concern with the setbacks that are stated and suggested larger setbacks. Concerns with tree buffering, cabling, net metering, fire department training, emergency response, and damage done to roads.

Hearing no other comments, Mr. Hodges closed the public comment session.

Mr. Bilger made clarification regarding the tree size stated for buffering being the same as industrial area next to residential, and cabling being buried on the facility for transmission lines. He discussed changes in wording for net metering. He then turned to the commission for other changes or amendments that might be needed.

Ms. Kurtz-Seslar asked if a motion was needed for the change to 250 feet for religious facilities and schools. Mr. Bilger confirmed that no motion was needed. She also suggested that consideration be given to larger setbacks for non-participating property owners.

Mr. Drew discussed who would control the decision on the 10-acre area around the surrounded property. Mr. Bilger stated that it would be part of the Plan Commission's process when presented by the developer.

Mr. Hodges discussed the idea of increased setbacks for involved but non-participating landowners with the option of negotiating with the developer. Ideas on how to address this were discussed.

Ms. Kurtz-Seslar made a motion to table the Solar Code discussion until the next meeting. Motion was seconded by Mr. Johnson. Motion passed by roll call vote of 7-0.

OTHER BUSINESS

Comprehensive Plan Workshop

Discussion was made on the Comprehensive Plan workshop. Mr. Bilger stated that with the time spent on the Solar Code, he did not have the time to prepare the Comprehensive Plan information for the Commission to review. Discussion was made on having the information prepared and sent to the Commission members by the first of July for review. Mr. Hodges stated that the final decisions would be made at the next workshop with final approval the month following. Mr. Bilger agreed that the information could be provided by the first of July.

ADJOURNMENT

Having no further business, Mr. Hodges adjourned the meeting at 8:30 P. M.

GUEST LIST

1. Darren Simmons3922 E. Old Trail Road
2. Jeff Shelton4541 W. 1000 North, Markle
3. Herb Bergman1546 Wexford Ct., Bluffton
4. Michael Stanford.....7195 E. State Road 14
5. Lindsey Ellis711 Blake Dr. Fort Wayne
6. John Meister.....5995 S. Woodstrail Dr. -57
7. Joan Null8099 S. 200 East
8. Henry Janda4360 E. 700 South
9. Pat Murphy.....1490 E. 200 South
10. Sonya Emerick5865 E. State Road 14
11. Matt Kelty116 E. Berry St. Fort Wayne

GUEST LIST-ELECTRONIC

12. Robert Kehmeyer8411 S. 600 East
13. Judy Kehmeyer8375 S. 600 East
14. Alayne Johnson.....6906 E 150 North

15. Roberta Metzger.....3484 E. Sherman St
16. Kurt Kehmeyer.....8244 S. 600 East
17. Susan Lawrence275 N. 800 East, Avilla

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