

MINUTES
CHURUBUSCO PLAN COMMISSION
REGULAR MEETING
JULY 13, 2022
6:30 p.m.

Boy Scout Building
501 N. Krieger Drive

MEMBERS PRESENT

Brandon Johnson
Devin Keener
Mark Pepple
Vivian Sade
Madalyn Sade-Bartl
Pat Stanford
Ashley Wagner

MEMBERS ABSENT

Wayne Krider
Brenda Saggars

STAFF

Amanda Thompson

ATTORNEY

Absent

AUDIENCE MEMBERS

Thirty-one guests were in the audience at the meeting. A record of those who signed the Guest List is attached to these minutes.

CALL TO ORDER/ROLL CALL

Ms. Sade-Bartl called the meeting to order at 6:30 p.m. Ms. Thompson read the roll call with members present and absent listed above.

ELECTION OF PLAN COMMISSION OFFICER

Ms. Sade-Bartl explained that the Commission had appointed Brandon Johnson as their representative on the Board of Zoning Appeals, but, as of late, he has a scheduling conflict with the meeting time. She requested that they consider a new appointment. Ms. Thompson said the only other candidate was Ms. Wagner and that Ms. Wagner had indicated she was willing to serve. Mr. Stanford made a motion to appoint Ms. Wagner to the position. Mr. Johnson gave the second. Motion passed 7-0.

CONSIDERATION OF PREVIOUS MEETING MINUTES

Mr. Pepple made a motion to accept the March 9, 2022, regular meeting minutes, as presented. Mr. Stanford gave the second; motion passed, 7-0.

OATH/AFFIRMATION

Ms. Thompson provided the oath/affirmation to those wishing to speak.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 22-CH-REZ-1

Bobby Smith requested to amend the Churubusco Zoning Map to reclassify property located at 202 E. Whitley Street from the LB, Local Business District, and GB, General Business District, to the R-2, Two-Family Residential District. Ms. Sade-Bartl introduced the petition and requested to hear from the petitioner. Mr. Smith was present and explained to the Commission that he had recently purchased the property with the intention of renting it as a single-family home. He said that it had been listed as a 4-bedroom home and only has one kitchen, so he did not realize a single-family use would not comply with the current zoning. The Commission had no questions for Mr. Smith. Ms. Sade-Bartl stated this property was most recently used as a law office, but it had previously been a duplex and was a single-family home prior to that. Ms. Sade asked if there would be any problem caused by assigning residential zoning. Ms. Sade-Bartl and Ms. Thompson were not aware of any potential issues. Mr. Stanford added that he saw no conflicts with the Comprehensive Plan. Ms. Sade-Bartl asked if anyone present wished to speak with regard to the petition. Hearing none, she closed the public hearing. Mr. Stanford made a motion to approve 22-CH-REZ-1, as presented. Ms. Sade gave the second. Motion passed 7-0.

2. 22-CH-REZ-2

Biggs, Inc., requested to amend the Churubusco Zoning Map to reclassify property located on the southeast corner of 550 North and 800 East from the A-1, Agricultural District, to the R-1, Single-Family Residential District, and the R-2, Two-Family Residential District. Ms. Sade-Bartl introduced the petition and requested to hear from the petitioner. Kevin McDermitt of Lougheed & Associates introduced himself to the Commission as the project engineer. He expressed the developer's plan to subdivide the property with the ability to offer a variety of homes. Mr. McDermitt described that most lots were planned to meet or slightly exceed R-1 standards. He said R-2 zoning was requested for a small area intended for villaminium homes, where smaller lot sizes would be desired, and the developer would record a commitment to exclude duplexes in the R-2 area.

Mr. McDermitt discussed infrastructure, describing plans for access to water and sewer, also noted on the face of the plat. With this petition being for rezoning, Ms. Thompson suggested discussing infrastructure as part of the subdivision case, unless the Commission felt otherwise. She briefly summarized the Staff Report and suggested that the zoning commitment to exclude duplexes be a condition of any approval. Mr. McDermitt pointed out that the zoning requested was specific to the types of homes that were planned and when considering the amount of open space in the subdivision's design, the proposed density for the area was not substantial.

Ms. Sade-Bartl opened the public hearing and asked if anyone else wished to speak on the case. Zac Sliger described that his property abuts to the south of the proposed development. He asked for the average cost of a home in this subdivision. Kevan Biggs was present and introduced himself as the property owner and developer. He described that the lots nearest to Mr. Sliger's property were planned to be "country lots" consisting of lots sized 20,000 square feet and greater. Mr. Sliger asked if there would be a Homeowners' Association. Mr. Biggs confirmed that there would be, and he stated that there would be a second association for the villa owners. Mr. Sliger expressed concern regarding trespassers on his property, especially children who could become injured. He requested a 7' vinyl fence be installed as a safety

precaution. Mr. Biggs asked Mr. Sliger if he currently has issues with trespassers. Mr. Sliger replied that he does not, because no one lives nearby. Mr. McDermit offered that the lots proposed to be adjacent to Mr. Sliger's property are half an acre in size, being 200-250 feet deep. He added that the 40' easement and corresponding cell tower access, along with the wooded area, create a natural barrier between the subdivision and the Sligers' property. Mr. Sliger said none of these items would deter children.

Aaron Rapp, property owner to the east of Sligers, stated that he does have trespassers that come in from the Churubusco Park property (north of his property). He said people do not abide by "no trespassing" signs. Mr. McDermit, Mr. Biggs, Mr. Sliger, and Mr. Rapp further discussed trespassing concerns. Mr. Biggs stated he would be happy to speak with Mr. Sliger after the meeting to see if an amicable concept could be identified. He added that the lots adjacent to the Sliger property would probably not be developed for several years. Ms. Sade-Bartl and Mr. McDermit stated that the southern lots were proposed to be the last phase of the development. Mr. McDermit said a lift station would need installed prior to Phase 3, and it may be 3-5 years before that would occur. Casey Sliger asked if the developer would amend the plat to decrease the lot sizes, in order to fit in more lots. Mr. McDermit stated that was unlikely, and if the plat were amended, another public hearing would be held.

Mr. Rapp mentioned flooding on his property and asked if that should be discussed during this case or as part of the following case. Ms. Sade-Bartl replied that those comments would be more relevant to the subdivision case. Mr. Rapp, Mr. McDermit, and Mr. Biggs discussed drainage in the area and the wetlands on Mr. Rapp's property.

Ms. Thompson explained that the rezoning request, if approved, would permit specific uses and lot sizes for the four existing parcels. She stated that the next petition would discuss division of the parcels into lots as well as other aspects relevant to development. Ms. Thompson clarified that the Commission members were to consider if the existing properties would be suitable for R-1 and/or R-2 zoning and the uses permitted in those districts.

Ms. Sade-Bartl asked if anyone else wished to speak. Shelly Reihing asked if the recorded zoning commitment meant there would never be duplexes. Ms. Sade-Bartl replied that that was correct, as long as the Commission were to include the commitment as a condition of approval.

Scott Anderson, neighbor to the west, expressed concern about the potential for drainage problems on his property, as he has tiles directing water from his fields to the area proposed for development. Mr. McDermit replied that he would discuss drainage as part of the next petition, but he provided Mr. Anderson some assurance by conveying that he had spoken with Dave Johnson regarding Mr. Anderson's tiles.

There were no further questions from the public, and Ms. Sade-Bartl closed the public hearing. Mr. Stanford asked if the proposed R-2 area would be for villas. Mr. Biggs confirmed that was the case, and that they would be single-family villas. Mr. McDermit clarified that the R-2 area would contain Lots 17-39. Ms. Sade asked for a description of the villas. Mr. Biggs said these homes would have complementary finishes, creating a cohesive appearance; they would have an Association that would manage lawn mowing and snow removal. He said this type of home appeals to empty nesters and/or young professionals, so including villas will access a separate segment of the housing market. Mr. Biggs said there is a high demand for this type of housing.

Ms. Sade asked if the proposed development would be eliminating any wetlands. Mr. McDermit replied there are substantial wetlands on the southeast corner of the property, and that area is proposed to be donated to the Town. He stated that no wetlands would be eliminated; a low area in the center of the property will be untouched and used for drainage. Mr. McDermit described that Block A would contain a retention pond.

For the public's benefit, Ms. Sade referred to the public comment letters that had been received, and she asked when those questions would be answered. Ms. Sade-Bartl replied that the questions were relevant to the next petition. There being no further questions from the Commission, Ms. Sade-Bartl called for a motion. Mr. Stanford made a motion to approve 22-CH-REZ-2 as presented and with the condition that a zoning commitment be recorded to exclude two-family homes on the lots within the R-2 District. Mr. Keener gave the second. Motion passed 7-0.

3. 22-CH-SUBD-3

Biggs, Inc., requested primary plat approval of a 108-lot subdivision proposed to be called Threshers Meadow and located on the southeast corner of 550 North and 800 East. Ms. Sade-Bartl introduced the petition and requested that Mr. McDermit discuss the proposal. Recognizing the public's concerns regarding drainage, Mr. McDermit stated that drainage requirements for new development are strict and are such that development will ease drainage problems downstream. He also described that the pond in Block A would be large, due to the amount of dirt to be taken from there to elevate the first phase of building sites and delay the need for a Town lift station. He restated that there would be no change to any wetlands. Mr. McDermit briefly summarized the relevant items previously discussed during the rezoning case. He expanded on the plan for sewer extension and described increasing water pressure for this development and Threshers Ridge. He referenced the public comment letters and stated that the wooded area would not be developed.

Ms. Sade-Bartl spoke to address the questions in the letters that were related to the Town. Regarding annexation, she stated that Mr. Biggs would need to file, and the process would take approximately four months. She mentioned construction of sewer and water should begin in 2023, with completion anticipated by the end of that year or spring 2024, at the latest. Mr. McDermit said, weather depending, Phase I may begin soon, and Phase II would be completed before the end of next year; market value would drive development of Phases III and IV. The toddler park, Mr. McDermit stated, was requested by the Town, and details regarding funding and care are still being discussed.

Carl Maucione asked why Block A was not being donated to the Town along with Block D. Mr. Biggs replied that could be discussed. Mr. Maucione suggested the Town could extend a trail to the pond. Mr. McDermit offered that the Homeowners' Association could also create a trail.

Mr. Rapp showed Mr. McDermit and Mr. Biggs photos on his phone of the water problems on his property. Ms. Sade-Bartl said the tile on Mr. Rapp's property is broken; she was unsure of when it would be fixed by the County. Mr. McDermit offered that the proposed development would add a restricted outlet that would alleviate some of the problem. He stated that water would still follow its current direction, to the wetland areas. Pat McGuire asked the direction of the storm drain. Mr. McDermit replied that it would go towards Threshers Ridge to the wetland and pond. Mr. McGuire said he had raised his driveway 3

feet a few years ago after hearing the water flow would be increasing, and last week, his driveway was 8 inches under water. Mr. McDermit said this development should decrease standing water downstream, but he also pointed out that water from other properties additionally contributes to the overall amount of water flow. Ms. Sade-Bartl added that the Town engineer has been involved in discussions for the development's drainage plan.

An unknown gentleman asked if the wetland area would be affected by the development. Mr. McDermit said there would be no change in the rate or slope of the stream that affects the wetlands. The man asked if the pond in Block A would be completed before Phase II. Mr. McDermit confirmed that would be the case.

Ms. Sade-Bartl stated there are water pressure issues in Threshers Ridge, and the Comprehensive Plan calls for a water loop to help solve the problem. She said the new development would create such a loop. Mr. Keener invited anyone with drainage concerns to attend the Whitley County Drainage Board meeting. Ms. Sade-Bartl and Mr. Keener encouraged the public to express their concerns so the Board could hear how people have been affected.

Kayla Crance told the Commission she was attending the meeting with her grandmother, Mary Leitch. She voiced concerns about traffic and congestion on Meadow Way and the additional traffic this development would bring to US 33. She asked if conversations had occurred to plan for additional students at the school and on bus routes. Ms. Sade-Bartl and Lisa Fensler, president of the Churubusco Redevelopment Commission, confirmed that they had spoken with Dan Hile, superintendent of Smith-Green Community Schools, and he wasn't concerned since the timeframe will likely be 3-5 years for the first two phases. Ms. Reihing asked where the construction entrance and equipment would be located. Mr. McDermit said equipment would enter the property from 550 N. Ms. Sade-Bartl stated that the Town had discussed with the developer and communicated that no equipment should be on Turtle Run or Meadow Way.

Mary Jo Skinner asked if there would be a sidewalk around the pond. Mr. Biggs said one was not planned, but it could be considered, along with maintenance through the Homeowners' Association. Greg Miller asked if maintenance payments in Threshers Ridge would cross over to this development. Ms. Sade-Bartl explained that although the two developments were proposed to be connected, they would be separate developments. She added that the name, "Threshers Meadow," would likely not be the official name of the subdivision. She announced there would be a naming contest on the Town's Facebook page. Mr. Biggs answered several questions regarding Threshers Ridge's Association. Ms. Sade-Bartl stated that any concerns about Threshers Ridge should be directed to the Town Council as Threshers Ridge does not yet have an Association.

Mr. McDermit confirmed for Mr. Stanford that Lots 46-50 have a considerably lower elevation than Threshers Ridge, and when developed, they would not be higher than Threshers Ridge. Ms. Reihing had several drainage questions and arranged to speak with Mr. McDermit at a later time.

Mr. Stanford asked if the Homeowners' Association would be for the villa owners only. Mr. Biggs explained there would be an Association for all lot owners plus a second Association for the villa owners.

There were no further questions from the public, and Ms. Sade-Bartl closed the public hearing. Ms. Thompson read the suggested conditions of approval stated in the Staff Report and briefly discussed with Mr. McDermit. Mr. Keener made a motion to approve 22-CH-SUBD-3 as presented, with the conditions listed in the Staff Report, and with an additional condition that the developer discuss with the Town and the County Drainage Board to address drainage concerns on the subject property. Ms. Wagner gave the second. Motion passed 7-0.

OTHER BUSINESS

Ms. Thompson distributed a copy of the Columbia City Plan Commission's Rules of Procedure. She requested that the members review the document and prepare to discuss thoughts for Rules for their Commission.

ADJOURNMENT

There being no further business, Mr. Stanford made a motion to adjourn; Mr. Johnson gave the second, and the meeting was adjourned at 8:24 p.m.

GUEST LIST

1. Mary Jo Skinner 813 N. Turtle Run, Churubusco
2. Robert P. Skinner 813 N. Turtle Run, Churubusco
3. William Edgell 911 N. Turtle Run, Churubusco
4. Chris Huntley 917 N. Turtle Run, Churubusco
5. Scott Leitch 8290 E. US 33, Churubusco
6. Bobby Smith 5410 N. 450 East, Churubusco
7. Tim Herendeen 765 N. Turtle Run, Churubusco
8. Tina Herendeen 765 N. Turtle Run, Churubusco
9. Kevin McDermit, Lougheed & Associates 1009 Hadley Road, Fort Wayne
10. Ellen Clair 875 N. Turtle Run, Churubusco
11. Mary A. Leitch 881 N. Turtle Run, Churubusco
12. Kayla Crance 881 N. Turtle Run, Churubusco
13. Zac Sliger 4750 N. 800 East, Churubusco
14. Casey Sliger 4750 N. 800 East, Churubusco
15. Tom Yergens 783 N. Turtle Run, Churubusco
16. Shelly Reihing 831 N. Turtle Run, Churubusco
17. Gregory Miller 779 N. Turtle Run, Churubusco
18. Jessica Miller 779 N. Turtle Run, Churubusco
19. Dennis Fisher 7999 E. 550 North, Churubusco
20. Carl Maucione 771 N. Turtle Run, Churubusco
21. Barbara Maucione 771 N. Turtle Run, Churubusco
22. Terry Johnson 776 N. Turtle Run, Churubusco
23. Lisa Fensler, Redevelopment Commission 223 N. Line Street, Churubusco
24. Dorthea Herendeen 845 N. Turtle Run, Churubusco

(The following individuals spoke at the meeting but did not sign the Guest List:)

25. Kevan Biggs, Biggs, Inc. 522 S. 13th Street, Decatur
26. Aaron Rapp 912 Anderson Road, Churubusco
27. Scott Anderson 4925 N. 800 East, Churubusco
28. Pat McGuire unknown