

MINUTES
COLUMBIA CITY PLAN COMMISSION
REGULAR MEETING
APRIL 3, 2023
7:00 P.M.

WHITLEY COUNTY GOVERNMENT CENTER
MEETING ROOM A/B, LOWER LEVEL

MEMBERS PRESENT

Walt Crowder
Jon Kissinger
Don Langeloh
Nicki Venable
Dennis Warnick
Dan Weigold
Larry Weiss, President
Patrick Zickgraf, Vice President

MEMBERS ABSENT

Chip Hill

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Dawn Boyd
(E)lectronic participant

AUDIENCE MEMBERS

The Guest List, attached, was signed by 38 visitors; however, additional visitors were noted. There was one attendee on the webcast.

CALL TO ORDER/ROLL CALL

Mr. Weiss called the meeting to order at 7:00 P.M. Ms. Thompson read the roll call with members present and absent listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

Mr. Weiss asked for comments or corrections of the March 6, 2023, minutes. Mr. Langeloh made a motion to approve the meeting minutes as presented. Mr. Warnick gave the second, motion passed, 8-0.

ADMINISTRATION OF THE OATH TO WITNESSES

Ms. Boyd administered the Oath to those present who intended to speak during the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Weiss announced that the agenda would be reordered so that more timely cases would be heard first. He also noted that there were no changes in the status of the two items of Other Business.

Mr. Bilger also reminded the Commission and audience of the Rules of Procedure meeting length limitations. Mr. Weiss added that there also maximum length of presentations during public comments.

1. 23-C-SUBD-3

Connie Feist requested primary plat approval of a 2.14-acre, 1-lot subdivision proposed to be known as Booney Subdivision. The subject property was zoned R-1, Single-Family Residential District, and located on the south side of 100 South, approximately 350 feet east of Sommerset Trail intersection.

Mr. Bilger summarized the staff report. He stated that the plat would be a one-lot subdivision of just over 80,000 sq. ft., the minimum necessary for new lots on septic systems. The nearest sanitary sewer was about 350' away, but the shortest route to connect to it would involve crossing two streets and private property, so it might be infeasible to use. There were few agency review comments. He presented aerial views and the proposed plat for reference.

He concluded with the following proposed conditions from staff:

1. Connection to sanitary sewer be designed or Health Department requirements be met prior to plat recordation.
2. Secondary plat approval be delegated to staff.

Having no questions from the Commission for staff, Mr. Weiss asked the petitioner to speak.

Connie Feist, petitioner, came to the podium. He stated that the aerial overlay shown on the staff presentation should be shifted 60' to the east of the west property line. This was intended for a future right-of-way to the remainder of the property if that were ever necessary. Mr. Warnick asked if he planned to develop additional lots in the future. Mr. Feist said that he might develop another lot in the far western corner, but it was not his plan to make a multi-lot development.

Having no further questions for the petitioner, Mr. Weiss called for public comment. Having no public comment, he closed the public hearing and asked for Commission comment or a motion. Mr. Warnick made a motion to approved 23-C-SUBD-3 with the staff's conditions. Ms. Venable seconded. Motion passed, 8-0.

2. 23-C-SUBD-4

Linda Boschet requested primary plat approval of a 2-lot subdivision proposed to be known as Boschet Addition. The 1.32 acre property was zoned both GB, General Business District, and R-2, Two-Family Residential District, and was located at 551 E. Business 30, on the north side of Business 30, 480 feet east of Ohio Street.

Mr. Bilger summarized the staff report. He stated that the plat would be two lots, Lot 2 being for the existing house and Lot 1 being for a new dwelling. He explained that the proposed building site would be approximately in line with the existing dwelling, as the middle of Lot 1 was known to be low and unsuitable for building. The northernmost part of Lot 1 would be relatively isolated and the petitioner indicated they may put a shed or fire pit there. He also indicated that because of the split zoning, the lots were designed to meet the more restrictive standards of each district. He presented aerial views and the proposed plat for reference and highlighted the low area and legal drain easement. He stated that there would

be a relatively large right-of-way dedication. He concluded with the following proposed condition from staff:

1. Secondary plat approval be delegated to staff.

Mr. Crowder asked if the staff had been contacted by neighbors on the north side and asked staff to summarize their concerns. Mr. Bilger stated that the concerns were about building a house on the north end of the property because of the proximity to the surrounding properties and the inaccessibility due to the wet area. Mr. Crowder asked what could be done to ensure that there would be no house constructed on the northern end, even if the ownership changed. Mr. Bilger said that a possible option would be to require a rear setback for primary structures, which would prevent a house but allow accessory structures on that area.

Having no further questions from the Commission for staff, Mr. Weiss asked the petitioner to speak.

Kevin Michel, Walker & Associates, engineer for the petitioner, distributed larger copies of the plat for reference and spoke on the proposal. He noted the location of the legal drain easement and the associated restrictions. He stated that the purpose of the plat was to split off a lot for a relative to build a house.

Mr. Warnick asked that since there was a drainage easement, how difficult would it be to construct a house to the north. Mr. Michel responded that it would require Drainage Board approval and there were elevations that would need to be accounted for to avoid being in the wet area. Mr. Zickgraf asked if there was room for a driveway. Mr. Michel responded that there could be a driveway to the north for access to an accessory building, but it would require Drainage Board approval. Mr. Warnick and Weigold discussed the buildable width of the proposed lot.

Having no further questions for the petitioner, Mr. Weiss called for public comment.

Cheryl Rice stated that her sister, Carol Martinez [signed on the attendance list as Carol Clark], was an adjacent property owner and asked her to speak on her behalf. She expressed concern about the drainage on the property and what impacts there would be on her sister's property. She also asked whether the lack of access to the northern part of the property would cause people to use her property. Mr. Warnick replied that would be trespassing without permission from her sister as property owner.

The Commission discussed the drainage concern. Mr. Weiss summarized that the drainage as existing would be unchanged.

Ms. Rice concluded that if there was no plan for a house on the northern part of the property, she had no other concerns. Mr. Weiss said that the Commission might consider a primary structure setback to keep the house out of the northern part of the property. Mr. Bilger said that would be one option. There was discussion about where such a setback might be located and the Drainage Board approval requirements for any encroachments into the legal drain easement.

Carol Clark expressed concern about the swamp/wetlands and whether a house could be built in a wetland. Mr. Warnick replied that any house would be south of the wetlands area; Mr. Michel confirmed that was the case. Ms. Clark continued about how the water did not drain and whether the city would do something about that. Mr. Warnick and Weigold said that if

the existing drain was not functioning, the Drainage Board should be contacted. Ms. Clark further expressed doubt about being enough room to construct a house on the property other than in the wet hole. There was more discussion about the drainage and buildable area.

Having no further public comment, Mr. Weiss closed the public hearing and asked for any more discussion from the Commission. Mr. Zickgraf asked that the property was zoned both GB and R-2; Mr. Bilger confirmed that it was and that the plat used the higher standards of each district. Mr. Weiss asked how the zoning came about; Mr. Bilger replied that he was not certain, but it appeared to have started as a 150' wide strip along Business 30.

Having no further Commission comment, Mr. Weiss asked for a motion. Mr. Warnick made a motion to approve 23-C-SUBD-4 with the staff condition and the condition discussed about the setback, but then asked for clarification on that condition. The Commission and staff discussed how to clarify the setback condition to permit accessory structures but not primary structures north of the legal drain. Mr. Michel suggested that it could be simplified to:

“No primary structures shall be north of the south line of the legal drain easement.”

The Commission agreed that language was adequate. Mr. Warnick amended his motion to include the clarified condition. Mr. Langeloh seconded the motion. Motion passed, 8-0.

3. 23-C-REZ-1

KRJ Properties, LLC, requested an amendment to the Zoning Map to reclassify 20.681 acres of property from the R-1, Single-Family Residential District to the R-3, Multi-Family Residential District. The subject property was located on west side of 200 East, approximately ½ mile south of Widman Road.

Mr. Bilger presented the staff report. He stated that the site was in the extraterritorial jurisdiction, but an annexation was pending; Mr. Crowder confirmed it was. He stated that the purpose of the rezoning would be to permit up to 3-unit townhomes in the subject area, but not apartment complexes, as well as to utilize the smaller lot standards of the R-3 district. He described the surrounding land uses and zoning and displayed aerial and plan views showing the site and proposed zoning area within the proposed primary plat. He stated that the site was on the Comprehensive Plan's Future Land Use Map as low-density residential.

He reviewed the criteria for consideration. He explained that the “low-density residential” designation could be any of the residential districts, and in this case, the overall density of the rezoned area with the overall plat would be comparable to other low-density areas. He stated that because the zoning district could allow for apartment buildings, which were not what was proposed and likely would not be as suitable for the area, it could be wise to request the petitioner to commit to a limitation on the number of units per building.

Mr. Weiss asked if the petitioner offered any letter explicitly stating the maximum number of units. Mr. Bilger replied that it was their stated intent, but there was not an explicit letter. Having no further questions for staff, Mr. Weiss asked for the petitioner to speak.

Dan Ernst, Earth Source, Inc., representative of the petitioner, spoke on the proposal. He stated that staff covered most of the basic information. He explained that the purpose and intent of the rezoning was to provide additional diversity in the housing available in the project. No apartment houses were planned, but the R-3 zoning would be used to allow for smaller homes, or 2- or 3-unit homes. Mr. Weiss asked if they would commit to a maximum number of units per building. Mr. Ernst agreed they would be agreeable to that.

Mr. Langeloh asked the number of lots in the first section; Mr. Ernst said there would be 58 lots, but not all were in the rezoned area. Mr. Langeloh asked for the breakdown of townhomes versus single-family detached dwellings. Mr. Ernst said that percentage was not yet settled. There was some discussion about the minimum living area and the lot development standards. Mr. Ernst said their plans were to meet the code standards.

Having no further questions for the petitioner, Mr. Weiss opened the public hearing and invited those wishing to speak to the podium.

Brian Anspach, 767 N. 200 East, asked what the population of the development would be, especially with the smaller lots proposed in the rezoning. He said that Deer Chase was already bad, and this would be bigger. Mr. Weiss said that would be more relevant to the plat discussion, but he asked for Mr. Ernst to give an approximate number of units in the rezoned area to estimate the population. He stated that there would be about 22 lots that might be more than one unit, but the exact number may vary some. Mr. Weiss estimated about 79 to 100 units in the first phase, so Mr. Anspach could do his own population estimate.

Steven Dittmer stated he lived just south of the development. He said he was most concerned about the increased traffic of the development, and the rezoning would create that much more. He would rather have just R-1 and no R-3.

Christina Booker stated she was an adjacent property owner to the southwest of the development. She asked if the residences would be owned or rented and said that would make a difference to the surrounding owners. Mr. Warnick replied that the petitioner stated they would be owned and not apartments. Mr. Weiss asked staff if the petitioner had provided any assurances in writing about being rented or owner-occupied. Mr. Bilger replied that they had not given anything specific, but that was the intent. He also advised that while the question was important, the Commission should avoid regulating renting directly as any individual property owner has the right to rent their home. He stated that the restrictive covenants of the subdivision could more directly regulate rentals.

Mr. Langeloh asked if there were building code differences for rental units versus owner-occupied units. Mr. Bilger said that the building code had some aspects dealing with definition of the number of units and fire separation that would be dependent on ownership, so there would be correlation with those building code requirements, but it was not really a direct relationship.

Gregg Palmer said that the proposed plan would be running through a wetland and if IDEM had approved the plan. Mr. Bilger replied that the question was more related to the overall proposed subdivision plat, which would be the next agenda item.

Taren McCullough said that she and her mother-in-law also had concerns about the amount of traffic that would be generated along 200 East. She asked what the plans were to control the traffic. Mr. Weigold stated that there should be discussions with INDOT about improvements to the intersection with SR 205. Mr. Langeloh said that the future US 30 changes would also change traffic patterns, with more cut-off traffic coming from Cider Mill to SR 205.

Mr. Weiss asked if 200 East was part of the annexation area and if it would be a city street or county road. Mr. Bilger responded that the part of the road abutting the annexation area would be automatically included and would be in the city. He then asked the Council

members if there had been any discussions with the county about sharing maintenance since the road would be split between jurisdictions. Mr. Weigold said he did not think so. Mr. Crowder said that the annexation would need to happen first, and that discussion on maintenance would occur later.

Greg Fahl said that there would four labels of “Lot 42” shown on the submitted plat and asked if the lot count was correct. Mr. Bilger said that the total was correct, just those labels were wrong.

Having no further public comment, Mr. Weiss closed the public hearing and asked for Commission discussion or a motion.

Ms. Venable asked about how the street maintenance would be handled since there would be an impact on the county road, as was brought up in the public comment. Mr. Weiss said this one was a zoning case, which is a recommendation to the City Council, and the traffic and maintenance were related to the plat. Mr. Bilger suggested that because the zoning and plat cases were intertwined, it could make sense to table voting on the zoning and proceed with the plat item and vote on both cases at the end. The Commission’s consensus was to do so, and Mr. Weiss declared the vote to be tabled and considered with the next case.

Mr. Weiss called a 5-minute recess. Reconvening, he continued with the next case.

4. 23-C-SUBD-2

KRJ Properties, LLC, requested primary plat approval of a 128-lot subdivision proposed to be known as The Bluffs At Cider Mill. The subject property was zoned R-1, Single-Family Residential and pending R-3, Multi-Family Residential, and located on the west side of 200 East, approximately ½ mile south of Widman Road.

Mr. Bilger summarized the staff report. He stated that the overall plat area included areas of single-family zoning, the proposed R-3 zoning for possible 2- and 3-unit dwellings, and an outlot south of the entrance street along 200 East for future development to be determined. He reminded the Commission that there would be changes between the primary plat and secondary plat due to refined engineering. He continued with aerial views of the property and described the topography and wetland locations. He then displayed the proposed plat and explained the components of the development. He pointed out that an enhanced trail from the western cul-de-sac to Morsches Park had been discussed as an emergency entrance but had not been shown on the plat as submitted.

Mr. Bilger continued with a summary of the received reviewing agency comments. He noted that County Highway Engineer had requested turn lanes, but the maintenance questions were not yet answered. He suggested that may not be answered by the Commission but likely would be deferred to Council or others.

He then described the compliance with standards, stating that most zoning and subdivision standards were met or could be addressed with refined engineering, except two standards that would require waivers. He stated that Section 4.13(G), which required more than one point of access for subdivisions of 40 lots or more, and Section 4.13(H), which required more than one point of internal access for areas of 40 lots or more, were not met and would require waivers as proposed. He reminded the Commission that waivers required Findings of Fact and noted the criteria. He then reviewed the following suggested staff conditions:

1. Address comments and requirements of reviewing agencies.

2. Install left turn lanes on 200 East pursuant to the requirements of the County Highway Engineer.
3. Determine, in conjunction with the County Engineer and County Highway Department, the impact of this development on the condition of 200 East and perform appropriate mitigation.
4. Submit a sectionalization plan in order to ensure minimum access into and through the subdivision throughout the construction period.
5. Designate a “Old Orchard Run” as part of a through route to future phases as Collector streets, or as Local streets with a Collector cross-section.
6. Provide easements for off-site drainage routes.
7. Consult with adjacent property owners to the south to determine feasibility of a stub street to their property and work with Community Development Director and Executive Director accordingly.
8. Correct typos in block and lot numbering in order to ease future reference.
9. The Plan Commission will review Covenants and Restrictions prior to secondary plat approval. Otherwise, secondary plat approvals will be delegated to staff, unless performance sureties are proposed, or there are issues that require Commission approval.
10. If waivers are approved, delegate preparation of findings to staff, based on submitted evidence and discussion at the hearing.

He then asked for any questions. Mr. Weiss asked if there would be additional right-of-way to be dedicated along the west side of 200 East. Mr. Bilger stated that at the primary plat stage, it might not be shown, but it would be required with the secondary plat and could be variable based on the construction and design of the turn lanes.

Mr. Warnick asked about the extensive comments from the SWCD. Mr. Bilger stated that much of it was standard comments, but also had comments on the wetlands and the lack of a second access, which would be incorporated into the design phase.

Mr. Zickgraf asked if the secondary access would be through the park. Mr. Bilger said that was the plan, but the petitioner would need to give more information since it was not on the submitted plan.

Having no further questions for staff, Mr. Weiss asked the petitioner to speak.

Dan Ernst, Earth Source, Inc., spoke again on behalf of the petitioner. He provided the members with an updated copy of the proposed plat for reference. He concurred with the staff summary, and explained the intent of the subdivision to be a community atmosphere that included a mix of house and lot sizes, green and open spaces, and conservation areas. He addressed questions already raised. He stated that the connection to Morsches Park would be constructed as described by staff. The crossing of the wetland was in progress with IDEM permitting. They would investigate the suggested stub street to the south. He said that the covenants would draft form and would be finalized with the secondary plat.

Mr. Kissinger asked if the lots would all be owner-occupied, or whether one owner could have multiple lots. Mr. Ernst stated that it was intended to be sold individually.

Mr. Weiss said that the Commission was concerned about the emergency access. There was discussion about whether using the access for the park for secondary or emergency egress or just for emergency vehicles only.

Mr. Weigold said it would be important for the city and county to work together to upgrade 200 West. Mr. Zickgraf said that over 700 vehicles would be in the full development, so that would be important. Mr. Crowder asked how soon the build-out would be. Mr. Ernst replied it might be 2 to 5 years for each section.

Mr. Weiss said that the previous sketch plan had included an area of R-2 instead of R-3, and he asked if the R-2 zoning could work instead of R-3. Mr. Ernst conferred with the petitioner and said that the R-3 zoning would provide more flexibility to do a mix of housing types and lot sizes.

Mr. Kissinger asked about the location of a construction entrance. Mr. Ernst said that the petitioner's access strip to 200 East north of the current platted area could be used for construction. There was some discussion on that idea, followed by discussion on the sectionalization and future phases. Mr. Bilger said that this primary plat was only for part of the overall planned lots, with future phases requiring additional primary plats in the future.

Mr. Weiss asked if water and sewer were coming from Morsches Park. Mr. Ernst affirmed that they were.

Having no further questions from the Commission for the petitioner, Mr. Weiss opened the public hearing.

Brian Anspach stated that he lived next to the petitioner's access strip and asked what would happen when the street would go in since there were drainage issues already. He said that he liked the project, but there were a lot of questions about adequate access. He did not want another Deer Chase.

Christine Booker said she was not against development and knew she lives near the city, but the Comprehensive Plan says that 95% of the county was agricultural, and people really want to live there. So, she knew development would be coming, but she preferred subdivisions with 5-6 acre lot sizes, while this proposal was a lot of houses. She expressed concern about traffic. She disagreed with the possible street stub to the south since it would go to her property. She expressed concern about trespassing onto her property.

Josh and Christina Knowlton spoke together. They said they live in the house surrounded by the proposed plat. They asked if they would be annexed. Mr. Weiss said that the Commission did not have authority over annexation, but it was not intended. They asked about the purpose of the proposed outlot on the plat and expressed concern about the amount of traffic on the road. The delay of waiting to turn onto 205 was already bad, and with winter weather it would be worse.

Scott Booker stated that the proposed plat was not complementary to his property or any of his neighbors. He suggested that something like Blue River Estates would be more appropriate and there were still a lot of questions to be answered. He said that tabling the vote to work on some answers would be preferred.

Steve Dittmer said that there was a county tile that drained his property that would go through this property and would eventually be in the city. He asked how that would be

maintained. Mr. Bilger said that the County Engineer and Drainage Board would work with the City to agree on the design and maintenance of the tile with the developer. Mr. Weiss asked about the location of the legal drains on the property; Mr. Bilger pointed out the locations of the drains.

Michelle Anspach said that her property was next to the proposed future entrance and said that the drainage was already bad. She asked if there was any thought to the impact of this development since the high school was already full, there were not enough police officers and firefighters, and so on.

Barb Leonard said that she agreed with Ms. Anspach's comments. She asked where people would go to eat and what the impact on police and fire and schools and hospitals would be. She asked why there should be 300 houses in that small area because this was a small town. She stated there was nothing in Columbia City to eat and she had to go to Warsaw or Fort Wayne for groceries, so what would 300 more houses do.

Chris Miner asked why this development was necessary because there were still sections left to develop in Eagle Glen.

Having no further public comment, Mr. Weiss closed the public hearing and asked for further discussion of the Commission. Mr. Langeloh said he thought there were a lot of things to consider and suggested that the items be continued to review everything presented, possibly to a special meeting if necessary. Mr. Weigold agreed there were questions to be looked into.

Mr. Warnick made a motion to send the rezoning request to the Council without a recommendation and let them figure out the zoning district. Mr. Bilger clarified that the Commission's certification to the Council would still need a zoning district designated, even if the Commission had no recommendation on its favorability. Mr. Weiss said he understood, but he preferred to have the petitioner adjust the zoning districts first. Mr. Kissinger said that he liked the proposed mix of housing throughout the project.

Mr. Warnick then amended his motion to table both the rezoning and plat requests to the next regular meeting; Mr. Zickgraf seconded. Mr. Crowder asked if any of the audience had met with the developer; none had. He said that the Commission had not either, so he felt that the Commission needed to further consider the case. Mr. Weiss reminded the Commission of the motion and second and called for the vote. Motion passed, 8-0.

OTHER BUSINESS

No items of other business were discussed.

ADJOURNMENT

There being no further business, Mr. Weiss declared the meeting adjourned at 9:54 P.M.

GUEST LIST

1. Barb McCullough202 East, Columbia City
2. Taren McCullough714 N. 200 East, Columbia City
3. Glenn Conkling317 Fiddlers Cove, Fort Wayne
4. Kayleigh Blaylock741 N. 200 East, Columbia City
5. Connie Dittmer358 N. 200 East, Columbia City

6. Verlin Dittmer358 N. 200 East, Columbia City
7. Steven Dittmer325 N. 200 East, Columbia City
8. Christina Knowlton557 N. 200 East, Columbia City
9. Josh Knowlton557 N. 200 East, Columbia City
10. Bruce Van de Zande1821 E. Widman Road, Columbia City
11. Greg Fahl815 N. State Road 9, Columbia City
12. Mary Palmer1670 E. Wildwood Drive, Columbia City
13. Gregg Palmer1670 E. Wildwood Drive, Columbia City
14. Steve Corbin1381 E. Business 30, Columbia City
15. Phillip Couch2040 E. Widman Road, Columbia City
16. Mike Roy841 N. 200 East, Columbia City
17. Deb Roy841 N. 200 East, Columbia City
18. Mike Mawhorter385 N. 150 East, Columbia City
19. Rita Mawhorter385 N. 150 East, Columbia City
20. Cheryl Rice4449 E. Lincolnway, Columbia City
21. Carol Clark515 S. Ohio Street, Columbia City
22. Chris Miner803 N. 200 East, Columbia City
23. Laurie Miner803 N. 200 East, Columbia City
24. Chris Jones1375 E. Ridgewood Drive, Columbia City
25. Vicki Jones1375 E. Ridgewood Drive, Columbia City
26. David Korus1380 E. Cider Mill Road, Columbia City
27. Barb Leonard1872 E. Widman Road, Columbia City
28. Kevin Michel4242 S. 700 East, Columbia City
29. Ruth Wiggins600 N. 200 East, Columbia City
30. Connie Dye1660 E. 250 North, Columbia City
31. Dan Ernst (Earth Source)14921 Hand Road, Fort Wayne
32. Joe Herendeen (Sauer Land Surveying)14033 Illinois Road, Fort Wayne
33. John Cowdin512 E. Hanna Street, Columbia City
34. Doug Cowdin513 E. Hanna Street, Columbia City
35. Larry Corbin208 Cranberry Run, Avilla
36. Marc Daniel366 N. 150 East, Columbia City
37. Christina Booker278 N. 150 East, Columbia City
38. Connie Feist1539 E. Business 30, Columbia City
- [The two listed below spoke but did not sign the attendance list]
39. Brian Anspach.....767 N. 200 East, Columbia City
40. Michelle Anspach767 N. 200 East, Columbia City

GUEST LIST (WEBCAST)

41. Anthony Zickgraf1588 S. 600 East, Columbia City