

MINUTES
WHITLEY COUNTY PLAN COMMISSION
REGULAR MEETING

November 15, 2023

7:00 p.m.

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

MEMBERS	PRESENT	ABSENT	STAFF
Travis Baker	X		Nathan Bilger
Dane Drew	X		Brent Bockelman
Brent Emerick	X		
Jack Green	X		LEGAL COUNSEL
Thor Hodges		X	Elizabeth Deckard
Mark Johnson		X	
Rob Schuman	X		NONVOTING ADVISOR
Kim Kurtz-Seslar	X		John Woodmansee (Absent)
Joe Wolf	X		

AUDIENCE MEMBERS

The list of in-person and electronic guests is attached below.

CALL TO ORDER/ROLL CALL

Mr. Emerick 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 October 18, 2023 regular meeting were presented for consideration. Mr. Emerick called for any comments or a motion. Ms. Kurtz-Seslar made a motion to approve the minutes as presented. Seconded by Mr. Green. Motion passed, 5-0-2 by roll call vote, with Mr. Drew and Mr. Wolf abstaining due to being absent at the October meeting.

ADMINISTRATION OF OATH

Mr. Bilger administered the oath to audience members wishing to speak.

OLD BUSINESS

There was no old business.

NEW BUSINESS

23-W-SUBD-15 Teton Village

Thomas & Hillary Zumbrun, owners of the subject property, are requesting preliminary plat approval for a one-lot subdivision to be named "Teton Village." The proposed plat is located at the east side of 450 East, 1,900' north of 600 North, in Section 5 of Smith Township. More commonly known as 6146 N. 450 East.

Mr. Bilger presented the staff report. Aerial views were displayed with overlays to show the lot placement and included the surrounding properties. He discussed the new lot being split to construct a new residence. He stated that the property is zoned AG. The regulated tile that runs through the proposed parcel was discussed. He stated that the County Engineer had made a comment regarding the driveway location possibly not meeting the sight distance requirement. Review criteria and recommended conditions were discussed as well. An explanation was given about the requirements of the Health Department pertaining to the number of septic sites approved per parcel.

Thomas Zumbrun, 6146 N. 450 East, addressed the Commission and explained that the reason for the subdivision was to make a new lot for them to build a new home on. He also addressed the concern of the driveway location stating that they would be using the existing driveway to the farm.

Mr. Emerick opened the public hearing.

Julie Ternet, 4821 E. 600 North, addressed the Commission. She shared her concern about drainage in the area. She discussed the water issues that already exist in the area and wanted to make sure that this would not cause further issues. She pointed out on the aerial where the problem areas were located. With further discussion, it was determined that the problem tile was a private tile and not County regulated.

Hearing nothing further, the public hearing was closed. Mr. Emerick then called for further discussion or a motion.

Mr. Drew made a motion to approve 23-W-SUBD-15 with suggested conditions. Seconded by Mr. Green. The motion to approve 23-W-SUBD-15 carried by a roll call vote of 7-0 with the following condition:

1. Two septic sites are to be determined and approved by the Health Department prior to issuance of a building permit for a primary structure.
2. Secondary plat approval delegated to the Plan Commission Staff.

23-W-SUBD-16 Blue Heron Bay

Todd & Kimberly Shepherd, owners of the subject properties, are requesting preliminary plat approval for a three-lot subdivision to be named "Blue Heron Bay." The proposed plat is located at the East end of Crescent Avenue in Section 12 of Thorncreek Township. More commonly known as 2949 E. Crescent Avenue.

Mr. Bilger presented a summary of the staff report. He explained that the replat would be taking the three existing parcels and creating three different parcels. He stated that the replat was compliant with the current zoning standards and code minimums were discussed. He stated that one lot would contain the existing residence, one lot would include a strip of land to the lakeshore, and one lot would be created with the intent to sell to a neighboring property owner. An explanation of the Right-of-Way was given. Aerial views were displayed to show the existing property lines and proposed plat. The original plat of Beach Grove subdivision was displayed for reference. Comment letters received regarding the petition were discussed. Mr. Bilger displayed and discussed Section 503 of the Subdivision code to give clarification on streets, cul-de-sacs, and right-of-way requirements. Discussion was made about the current width of the right-of-way in that area. It was determined that the width of the right-of-way was platted at 25 feet.

Todd Shepherd, 2949 E. Crescent Avenue, addressed the Commission and explained the proposed replat of his three lots.

Mr. Emerick opened the public hearing.

Randall Keller, 2905 E. Crescent Avenue, addressed the Commission. He discussed his view that this replat would be considered new development. He stated that with this new development, a cul-de-sac be required. He referenced zoning code relating to new development, subdivision, and public streets. He also discussed a possible agreement involving the Lions Club to allow emergency vehicles to access the property included in the plat. He proposed that the plat include a cul-de-sac.

Terri Parker, 2921 E. Crescent Avenue, addressed the Commission and asked if there were any questions for her regarding the comment letter that she had sent. She stated that her main concern was the safety of the area.

Mr. Drew stated that it seemed to him that the neighbors opposing the petition, and wanting a turnaround on the Shepherd's property, were also not willing to allow the vehicles to turn around in their driveways.

Discussion was made about the turnaround and whether the area that was used as a turnaround in the past was Shepherd's property. The ability for garbage trucks to safely access the area and turn around was specifically discussed.

Kimberly Shepherd, 2949 E. Crescent Avenue, stated that she purchased the property in 2011, and the property lines had not changed. She stated that they were only asking for the property to be split differently and had worked to meet all the code standards.

Mr. Wolfe discussed the snow removal on Crescent Avenue and the limited area to turnaround on many lake roads that are dead ends.

Ms. Shepherd also stated that they had researched and found that there were 19 other lake streets in the area that were dead end streets like theirs. She further explained that they had worked with the County for two years to come up with a solution for the turn around issue. This included surveys and working with the Highway Department and Engineering Department to design the new turn around area. She explained that the final proposal was turned down by the Commissioners.

Todd Shepherd, 2949 E Crescent Avenue, further discussed the process they had gone through to try and vacate part of the drive and construct a new turnaround. He stated that at the meeting with the Commissioners, it was discussed that if the turnaround was not approved, he would be installing bollards on his property to protect their personal vehicles and eliminate vehicles from using his property as a public turnaround. He stated that after the money and time spent, they were ready to move on.

Kimberly Shepherd stated that many other property owners on the road have blocked their own drives with cones, gates, fences, and chains. She discussed that she did not understand why it would be their responsibility to provide a turnaround for the public.

Michelle Becker, 2893 E. Crescent Avenue, addressed the Commission and explained that she was a resident on Crescent Avenue and the garbage truck does turn around in her gravel drive. She stated her concern about an area for the larger trucks to turn around. She asked for clarification on the ownership of the area at the end of road that has been used as the turnaround

for years. It was clarified that the County right-of-way only consisted of the 25 feet to the dead end, and the rest of the area used for the turnaround was owned by the Shepherds.

Larry Weiss, 1609 Westgate Avenue, addressed the Commission as the representative of the Tri-Lakes Lions. He discussed the transaction with the Shepherds on part of the property that is included in the proposed subdivision. He also explained that the Lions had been part of a discussion that would allow for a connecting road between Crescent Avenue and Colony to possibly solve the turnaround issue. He discussed the understanding between the Lions and the Shepherds to have the gated fence between the two properties to allow for emergency vehicles to have access. He suggested that if the subdivision is approved, the gate be located near the property line between Lot 2 and Lot 3. He stated that he was not for or against the petition, only at the meeting to represent the Tri-Lakes Lions.

Mr. Emerick asked Mr. Weiss if he had any ideas for a solution for the turnaround and if he thought it was acceptable for the larger vehicles to turn around in private drives.

Mr. Weiss stated that he personally did not think it was acceptable. He discussed the platted straight dead-end road. Further discussion was made about areas that were gravel and possible locations of a future through road and the benefits that would provide. He also clarified that this area was all private property and if the owners were not in agreement, it would be a dead issue.

Todd Shepherd asked why, if the petition is for the subdivision plat, why are the through road and turnaround being part of the discussion. He stated that they were not opposed to trucks turning around at the dead end. He explained that he is able to turn his full-sized truck and trailer around in that area, so it is possible for the larger trucks to make a three-point turnaround.

Kimberly Shepherd clarified that part of the area of the turnaround that was being used in the past will be the front part of the garage they will be building. In the future, this area will not be available to be used to turn around.

Hearing no further comment, Mr. Emerick closed the public hearing and called on the Commission for further discussion.

Mr. Schuman explained that this turnaround issue has been on the Commissioner's desk since before his time in office. He stated that he had visited the area and witnessed how tight it is for larger vehicles and emergency vehicles to access that road. He explained that the request to vacate the dead-end was denied due to the lack of area to turn around easily. He discussed the possibility of working on installing a connecting road near the end of Crescent Avenue. He discussed that the County had been in conversation with property owners in the area to attempt to come up with a solution and it is a difficult situation to work through.

Kimberly Shepherd stated that three months after she purchased the property, her home caught fire and destroyed the home. She explained that there were multiple tankers, ambulances, and sheriff's cars and these emergency vehicles didn't really worry about staying on the road. They will go through yards and landscaping to get to the emergency. She stated that the people driving these large vehicles are trained to drive in tight areas. She explained that they only want to do the three-lot plat and build their buildings. She discussed that they have met all the code standards and followed all the rules.

Mr. Schuman stated that his wish was to see the connecting road option from a public safety stand point, but that does not seem to be a possibility right now.

Mr. Drew stated that, with the petitioners trying to work with the County on the turnaround and attempting to do the right thing, in his opinion, it wasn't the Plan Commissions job to hold up the Shepherd's plat and building construction. He discussed that the residents who live on Crescent Avenue, and are in opposition of the petition, made the choice to move to a dead-end road. They also knew there would be garbage trucks, mail trucks, and delivery trucks traveling this narrow road.

Mr. Baker discussed that even though this is not an ideal situation, the Plan Commission's duty is to make sure that the subdivision plat meets the code and regulations. He discussed that part of living at the lake is narrow crowded roads. He stated that he understands that traffic and safety is a major concern and needs to be addressed, but the turnaround issue is more of a responsibility of the County Commissioners and others.

Discussion was made regarding other recent subdivisions in the lake area.

Mr. Drew made a motion to approve petition 23-W-SUBD-16 with the following staff recommended condition.

1. Secondary plat approval delegated to the Plan Commission staff.

Mr. Baker seconded the motion. The motion to approve petition 23-W-SUBD-16 carried by a roll call vote of 5-2, with Mr. Schuman and Mr. Wolf voting against.

OTHER BUSINESS

Rules of Procedure and miscellaneous amendments discussion

Mr. Bilger presented the miscellaneous amendments to the zoning code. He reviewed the text changes included, and Chapter 10 changes to remove a major part from ordinance form to be included in a separate Rules of Procedure document. He asked the Commission members if they were comfortable to go ahead with the notification for public hearing to be published for the December meeting. With the Commission's affirmation, Mr. Bilger stated that the notice would be published for the public hearing at the December regular meeting.

ADJOURNMENT

Having no further business, Mr. Emerick adjourned the regular meeting at 8:28 p.m.

GUEST LIST

1. Randall Keller2905 E. Crescent Avenue
2. Terri Parker2921 E. Crescent Avenue
3. Brad Parker2921 E. Crescent Avenue
4. Kim Shepherd2949 E. Crescent Avenue
5. Todd Shepherd2949 E. Crescent Avenue
6. Jody Dorais2851 E. Crescent Avenue
7. Janice Ashcraft.....4909 E. 600 North
8. Vernon Ashcraft.....4909 E. 600 North
9. Julie Ternet.....4821 E. 600 North
10. Michelle Becker2893 E. Crescent Avenue
11. Larry Weiss1609 W. Westgate
12. Tom Zumbrun6146 N. 450 East

13. Hillary Zumbrun6146 N. 450 East

GUEST LIST-ELECTRONIC

14. Sonya Emerick5865 E. State Road 14

15. Emily Studebaker.....5147 W. 200 South

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