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1 STATE OF INDIANA)
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2 COUNTY OF ALLEN)

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BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN

RE: LEGISLATIVE SESSION OF
 May 31, 2006

DATE: May 31, 2006

TIME: 10:07 a.m.

LOCATION: Room 200
 Commissioners Courtroom
 City-County Building
 1 East Main Street
 Fort Wayne, Indiana 46802

REPORTER: Kimberlee M. Adams

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1 PRESENT:
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3 Marla J. Irving Allen County Commissioner
4 Nelson Peters Allen County Commissioner
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6 Linda K. Bloom Allen County Commissioner

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Susan Elser Commissioners Office

Mary Hitchens Allen County Public
Information Office

John McGauley Allen County Public
Information Office

G. W. Fishing Allen County Counsel

Bill Hartman Allen County Highway Dept.

Michelle Wood Department of Planning
Services

Tom Niezer Allen County Attorney

David Van Gilder Allen County Resident,
Counsel for Remonstrators

Kara Venderly Allen County Resident

James Demeritt

Sam Schenkel

Kimberlee M. Adams Rolf Reporting, Inc.

Cindy Larson News Sentinel

Ben Lanka Journal Gazette

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Michelle Wood 7

Bill Hartman 69

David Van Gilder 71

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Kara Venderly 85

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2 Agenda:

3 1. Approval of the Minutes of 5-24-06 7

4 2. Rezoning Petition 1568/06: Petition to
rezone property to allow for the

5 construction of a 13,750 square-foot
warehouse and sales office. The 4.00

6 acre site is located on the south side
of the 8800 block of Mayhew road. This

7 site has 360 feet of frontage on Mayhew
Road. Present zoning is RS-1/Residential

8 Suburban. Proposed zoning is
C-3(P)/Planned General Commercial 7

9

3. Rezoning Petition 1573/06: Petition to
10 rezone property to allow for the

development of a 332-lot single family
11 subdivision, 27.5 acres of

multiple-family residential, 5

12 professional office buildings, one

large-box retail tenant, multi-tenant
 13 retail shops, and associated out-lots.
 The 291.87 acre site is located on the
 14 north and south side between the 9800
 through 10900 blocks of Ernst Road and
 15 between the 8900 through 9600 blocks of
 Homestead Road, and between the 9600
 16 through 10200 blocks of Lower Huntington
 Road. This site is located in the
 17 northwest corner of the I-69 and Lower
 Huntington Road Interchange. Present
 18 zoning is A-3/Estates and
 A-1/Agricultural. Proposed zoning is
 19 RSP-1/Planned Single Family residential
 (187.26 acres); RSP-3/Planned
 20 Multi- family Residential (27.46 acres);
 C-1A (P)/Planned Professional and
 21 Personal Services (15.65 acres);
 C-2D/Regional Shopping Center (61.50
 22 acres) 23

23 4. Rezoning Petition 1574/06: Petition to
 rezone property and approve a primary
 24 plat and development plan of a 40-lot
 single family subdivision. The 20.21
 25 (AGENDA continues)

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 1 (AGENDA continued)
 2 acre site is located on the south side between
 the 1400 through 1700 blocks of Hathaway Road.
 3 Present zoning is A-1/Agricultural. Proposed
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 4 Residential 31

5 5. Rezoning Petition 1575/06: Petition to
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 6 development plan for a 60-lot single
 family subdivision. The 120 acre site is
 7 located on the west side of the 17,600
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- 13 8. Appointments to a Common Wage Committee
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- 15 9. Plats for Signature: 68
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The Hamptons of Woodlan
- 16
- 17 10. Approve Supplemental Agreement #2 between
Beam Longest & Neff LLC and Allen County
for Winchester Road Bridge over Nickleson
Creek (Bridge #261), Project #02-027;
Total SA#2 = \$1,300.00 Increase 69
- 19
- 20 11. Approve Supplemental Agreement #2 between
Beam Longest & Neff LLC and Allen County
for Maysville Road Bridge over Bullerman
Ditch (Bridge #529), Project #02-020;
Total SA#2 = \$3,000.00 Increase 69
- 22
- 23 12. Approve Supplemental Agreement #3 between
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County for Tecumseh Street Bridge over
24 Maumee River (Bridge #537), Project
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- 3 13. Other Business 71
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1 IRVING: Good morning, and welcome to our Wednesday,
2 Legislative Session. Today is May 31st, 2006. We'll
3 start with the Pledge of Allegiance to the flag and a
4 moment of silence.

5 (At this time, the Pledge of Allegiance was
6 recited in unison, and a moment of silence
7 was recognized by all.)

8 IRVING: Thank you very much. Approval of the
9 Minutes of the May 24th, 2006 meeting.

10 PETERS: I make a motion to approve the Minutes of
11 May 24th, 2006.

12 BLOOM: Second.

13 IRVING: All in favor, say, "Aye."

14 PETERS: Aye.

15 BLOOM: Aye.

16 IRVING: Aye. Motion carried. We have several
17 rezoning petitions, the first one being Rezoning
18 Petition 1568/06 is rezone property to allow for the
19 construction of a 13,750 square-foot warehouse and
20 sales office. This is located the 8800 block of
21 Mayhew road. This site has 360 feet of frontage on
22 Mayhew Road. Present zoning is RS-1/Residential
23 Suburban. Proposed zoning is C-3(P)/Planned General
24 Commercial.

25 WOOD: Good morning, Commissioners.

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1 PETERS: Good morning.

2 IRVING: Good morning.

3 BLOOM: Good morning, Michelle.

4 WOOD: I'm Michelle Wood with the Department of
5 Planning Services. The first rezoning of 1568/06 for
6 Leo Distributors. It is off of Mayhew Road and 469
7 [I-469]. It does have frontage on 469 [I-469]. This
8 is just north of where St. Joe Road crosses under 469
9 [I-469] and deadends at Maplecrest Road. You might
10 recall last year, the--there was a rezoning petition
11 for the--kind of the triangle between St. Joe and 469
12 [I-469] for a shopping center, a neighborhood
13 shopping center, called Heritage Pointe. And there
14 is also, if you turn to--

15 BLOOM: And that did or did not?

16 WOOD: That--that did go through. And on your third
17 page is the zoning map. That might help. On the
18 south side of I-469 there was a rezoning several
19 years ago for planned multiple family and that is
20 Heritage. That's the United Methodists' home, their
21 development. They're still waiting on sewer.
22 There's--the Mayhew sewer district is out here in a
23 portion of this area--

24 BLOOM: Uh-huh (affirmative).

25 WOOD: --not all of it. So--and then the Summit

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1 Mortgage is the little piece of C-1A(P)/Professional
2 Services. That's in the kind of little triangle on
3 St. Joe and Maplecrest. So there's been a little bit
4 of development here in the past few years. You see a
5 good deal of this area is RS-1, but there's also a
6 lot of that area is not developed. Grace Point
7 Church is just northwest of this site. That comes
8 through as a commercial routing. It doesn't go
9 through Planning Commission. And then just south of
10 this site, there are a couple of industrial
11 buildings. Those went through as a BZA approval.
12 So, for this to go C-3(P), it's really the first
13 planned district for this type of use on--on this
14 strip of Mayhew Road, even though there's a similar
15 use right next door under a Board of Zoning Appeals
16 approval. Staff did have a little bit of concern

17 about that because C-3 is the most intensive of the
18 commercial uses, however, the applicant was willing
19 to place some--to restrict the uses that would go
20 along with this rezoning. And we do have a written
21 commitment in the file that prohibits quite a few
22 uses in C-3 district. Obviously, it goes through the
23 Planning Commission and has the review of the
24 Planning Commission and its Staff. And they have
25 also committed to doing at least 30% masonry on their
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1 building.

2 Maybe I should give you a little background on
3 what this is since I've gone through all the
4 rezoning. Leo Distributors is currently on Dupont
5 and, I believe, Diebold--maybe not Diebold. It's on
6 Dupont near the hospital.

7 BLOOM: Okay.

8 WOOD: And they have sold that property and need to
9 find a new location. And they are a local company
10 and they do sell a variety of--of building supplies,
11 but also wood--wood burning furnaces and corn pellet
12 furnaces, so it's kind of a unique business--a unique
13 local business. They thought they would get really
14 good visibility here. They will have a display area
15 outside, but it will be screened. It's really just
16 for customers who come in and they want to show them
17 how to use the furnaces. They can show them on site
18 outside. But it will be screened from--the idea is
19 not that it's visible from the interstate, just
20 visible to the customers on site. So, it is a unique
21 situation. There is an out-lot with this plan. They
22 do have more land than they need for their prop--or
23 for their building. That allo--we'll have to come
24 back to the primary. We thought with the C-3 uses,
25 it would be better if--if that came back through the

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1 zonings there, but that--the development plan came
2 back through the Planning Commission under a primary
3 and a public hearing. With that, the Planning
4 Commission did recommend a do-pass and approved the
5 development plan unanimously.

6 BLOOM: Is this the location where we denied another
7 warehouse or business of some kind--

8 WOOD: I have a--

9 BLOOM: --this parcel?

10 WOOD: --I have a feeling that was--I know that was
11 before my time, but that does sound familiar. I
12 could not tell you what business it was.

13 BLOOM: I was just wondering why the Planning
14 Commission and the--and the Board determined that
15 this was a better--

16 WOOD: Was that under--do you recall if that was
17 under BZA or Planning Commission? I apologize, I
18 don't--I don't know the history of that.

19 IRVING: It was a storage lock from the--Sam's--

20 WOOD: Oh, okay.

21 IRVING: --what--

22 WOOD: Oh, okay. Well, I think with--with all of the
23 restrictions they've placed on this property--they--
24 they've given us elevations. They want--yes, it's--
25 it's mostly a metal industrial-type building, but

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1 they really want to do the facade in a neat, lodge-
2 style architecture. They really want to make this
3 their showpiece. They're giving us commitment.
4 Obviously, the Planning Commission can't require them
5 to restrict the uses, but they have voluntarily
6 offered to do that and we'll record that, so--the
7 area has changed a little bit also with the shopping
8 center across the street.

9 BLOOM: Right, that wasn't there.

10 WOOD: The fact that it never developed
11 residentially.

12 BLOOM: Uh-huh (affirmative).

13 WOOD: You know, things--over time, you tend to look
14 at things differently with what's, you know, what's
15 going on in the area, so--

16 BLOOM: Any remonstrance? Pardon me.

17 WOOD: We did have some remonstrance from Grace--the
18 church--

19 BLOOM: The church?

20 WOOD: --to the north, yes.

21 BLOOM: Uh-huh (affirmative).

22 IRVING: Yesterday, I went out past Leo Distributors.
23 And you know, they're--they're a good--they're a good
24 company here in our community, but they also have a

25 lot of structures--

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1 WOOD: Outside.

2 IRVING: --that sit outside.

3 WOOD: Uh-huh (affirmative).

4 IRVING: And I know in here--there's two questions

5 that I have. You said that it's going to be blocked

6 off from 469 [I-469], but are they not going to carry

7 those barns or storage units and all that kind of

8 stuff? And if you screen them from 469 [I-469], then

9 aren't the people that have lived probably as long as

10 I am old on Mayhew Road and Samantha Drive, and all

11 of that, isn't it going to be visible to them?

12 WOOD: It's my understanding--and I believe the

13 representative is here in--in case I'm not

14 representing--

15 BLOOM: Good question.

16 WOOD: --this accurately--but it's my understanding

17 that their only plan for outdoor display is--is a

18 seasonal display area at the--I guess, the far

19 southwestern corner off the parking lot, not in their

20 front yard area like it is now on Dupont. And it's

21 really more for their--for their woodburners, not--

22 IRVING: So they're not--

23 WOOD: --the playground equipment--

24 IRVING: --going to be handling these--

25 WOOD: --that type of thing.

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1 IRVING: --these--they're not going to be handling

2 these miniature barns then?

3 WOOD: They may still sell them, but I don't--it was

4 never indicated to us that they would be displayed

5 outside.

6 IRVING: But if we a--if we approve this--

7 WOOD: Uh-huh (affirmative).

8 IRVING: --what would make us think that that is

9 not--since that is how their business is now, that

10 that--

11 WOOD: Right.

12 IRVING: --would not be--

13 WOOD: There is a finding--and I have those--they're

14 at the back of your packet.

15 IRVING: Uh-huh (affirmative). I read the findings

16 on all of this.
17 WOOD: The--
18 BLOOM: But it doesn't mention--
19 WOOD: --the HVAC units and the corn burning heaters
20 or the woodburning--
21 IRVING: Which number are you on?
22 WOOD: --will be screened. And then also down at--
23 IRVING: No, Michelle--
24 WOOD: --Number 18--oh, I'm sorry.
25 IRVING: --what number are you on?

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1 WOOD: I'm sorry. Number 13 is the first one,
2 which--
3 IRVING: Right.
4 WOOD: --handles the--the heaters, and they will be
5 screened subject to our review.
6 IRVING: Okay.
7 WOOD: Then go down to Number 17 and 18--
8 IRVING: Uh-huh (affirmative).
9 WOOD: --which covers, "Outdoor sales and outdoor
10 storage of business related materials is not
11 permitted unless acceptable screening is provided
12 subject to Staff review and approval." So--and--and
13 that's something where this is pretty typical in
14 our--any recent commercial rezonings where--whether
15 it's for a shopping center or something more like
16 this. The idea is not that you have a retail display
17 area in your front yard. They will have one, but
18 we've dealt with it specifically to make sure that
19 it's not going to impact the neighbors across the
20 street. And of course, we'll--
21 IRVING: I'm not so--
22 WOOD: --have to keep an eye on it.
23 IRVING: --I'm not as concerned about the neighbors
24 across the street even though I think that that's--
25 that's a point, and I did mention that. I'm more

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1 concerned--Grace is--I mean, that--that's--it's a
2 very nice church. They've gone to a lot of work in
3 order to maintain it, to make it nice, and when you
4 look at the map--and Leo Distributors is a good
5 business too. I mean, that's--it's--it's a tough
6 situation, but I would hope that you would continue

7 to make sure that that does not become a cluttered
8 business.

9 WOOD: And I mean--

10 BLOOM: It is--

11 WOOD: --you will have to--

12 BLOOM: --it is now.

13 WOOD: --depend on Staff to do that. We will--we
14 will have to review the landscaping plans, the
15 screening plans--

16 IRVING: Okay.

17 WOOD: --and then inspect.

18 IRVING: The other thing is it says here, "Staff
19 would also like to hear discussions about the ability
20 of Mayhew Regional Sewer District ability to serve
21 this development. Has that been--

22 WOOD: Yes. We do have a letter in the file from--
23 and actually, it comes from the City of Fort Wayne,
24 that they will serve the site.

25 IRVING: Was that--that was not included in our
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1 packet.

2 BLOOM: No. No, it's not in here. The City of Fort
3 Wayne is going to--

4 WOOD: Well, that's--

5 BLOOM: --service this even though Mayhew--it's their
6 district, right?

7 WOOD: Let me see here if that order is in this file
8 or if it's in the development plan file.

9 BLOOM: If Mayhew is on overload, how is the City
10 coming in here?

11 IRVING: Uh-huh (affirmative).

12 WOOD: Right. It comes from Maryann Robertson--
13 Robinson, excuse me, from City Utility Water
14 Resources Development Services. And the letter is--
15 said that, "Conceptual approval for sanitary sewer
16 will be granted by the Mayhew Sewer District," so--

17 BLOOM: It will?

18 PETERS: Hopefully, that will help reduce some of the
19 rates of the residents out there too.

20 BLOOM: Which our residents don't always understand.
21 With larger businesses coming in, as we know from
22 phone conversations, but it does lower--

23 PETERS: Uh-huh (affirmative). And they've got the

24 highest rate of any district out there.

25 BLOOM: Yes, they do. And they're quite concerned

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1 over churches and businesses coming into their water

2 and sewer district, but we've tried to make them

3 understand that this is going to assist them in their

4 bills.

5 IRVING: Uh-huh (affirmative).

6 BLOOM: But they do have capacity?

7 WOOD: According to the letter from--

8 BLOOM: Yeah.

9 WOOD: --the City of Fort Wayne. Now they have to go

10 through the plans. At the primary level, it's almost

11 always a conceptual approval. They have to go

12 through their engineering plans and--and get their

13 final approvals, but we--we look for at least, you

14 know, we want to make sure they're not saying that

15 they can't serve them.

16 PETERS: Uh-huh (affirmative).

17 BLOOM: Oh, yeah, right.

18 WOOD: So it--it's still up to the applicant to work

19 with whatever utility it is. I mean, there's a lot

20 of--I don't know whether negotiating is the right

21 word, but on, you know, how much capacity, what--how

22 big the lines are, they have to go through all of

23 that after this stage to make the project work.

24 IRVING: One other question, the front lot, the--has

25 it been determined, the--

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1 WOOD: Uh-huh (affirmative).

2 IRVING: --what are some of the--the things that

3 could go in there?

4 WOOD: Okay. Here's what can go in? Medical clinic,

5 professional services, not limited to--including but

6 not limited to law offices, engineering offices--

7 IRVING: Right.

8 WOOD: --architects offices, accountants offices,

9 optometry services, funeral home, advertising office,

10 photography studio, sale and repair of musical

11 instruments, watch repair, beauty shop--

12 IRVING: Uh-huh (affirmative).

13 WOOD: --commercial art studio, bank, a bakery goods,

14 ice creamery shop, a restaurant, a hardware or garden

15 supply store, a furniture store, trade school,
16 plumbing, heating and air-conditioning service shop,
17 upholstery, florist. Those--that is what is allowed.
18 What they have prohibited is a service station, a
19 travel bureau or a taxi station, equipment service,
20 like household appliances, electrical appliances, a
21 grocery store, a tea room, a package liquor store, a
22 masseur--
23 IRVING: Tea rooms always--I never could understand
24 tea room on this zoning. You can have a restaurant
25 but you can't have a tea room. That doesn't make any
0020

1 since. Well, it--tea room is in the same line as
2 tavern, so--
3 BLOOM: A tea room is not a tavern.
4 WOOD: Well, it's not allowed either way.
5 IRVING: So that means that there's no questions
6 asked if I--if I say--
7 BLOOM: All I can think of is--
8 IRVING: --excuse me, I'm having lunch at the tea
9 room and--
10 WOOD: Not here.
11 IRVING: --really I could go to the tavern and nobody
12 will know better?
13 BLOOM: Remember Wolf and Dessaur's Tea Room? Oh, my
14 lord, if my parents had thought that was a tavern, I
15 can guarantee you, I wouldn't have been there.
16 WOOD: It also prohibits an automotive repair, boat
17 sales--
18 BLOOM: Do you remember that?
19 PETERS: Uh-huh (affirmative).
20 WOOD: --shooting gallery, rail station, adult
21 bookstore, nightclub, so--
22 PETERS: No tea rooms, no adult bookstores.
23 WOOD: And no tea rooms.
24 PETERS: Now you're talking north of Grace Point or
25 south of Leo Distributors?

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1 IRVING: North of Leo Distributors.
2 ELSER: In their out-lot.
3 WOOD: Oh, the--the out-lot?
4 IRVING: Right here.
5 PETERS: Okay.

6 WOOD: Yeah, okay.

7 PETERS: I'm with you.

8 WOOD: And on the site. So if--if--they--they
9 recorded it on this site too, so if for some reason
10 they changed their mind and sold this, they would
11 have the recorded requi--written commitment with it.
12 So, they--they placed their own restrictions on
13 this--

14 IRVING: Okay.

15 WOOD: --property.

16 IRVING: Well, I--I would just make sure that Grace
17 Church--it's a very, very nice church.

18 BLOOM: Uh-huh (affirmative).

19 IRVING: They've done a very good job out there. I--
20 Leo Distributors is a fine company. They're an old
21 Fort Wayne company. We want to see them expand. But
22 you know, it--it takes--it takes sometimes the
23 Department of Planning Services to take an extra look
24 and time to make sure that they become good positive
25 neighbors for each other.

0022

1 WOOD: And we can do that. I think when--when you
2 look at their existing building--not to say anything
3 against it, but it is a much older building. The
4 colors are not necessarily--

5 IRVING: I know.

6 WOOD: --compatible and wouldn't be compatible here.

7 IRVING: I know.

8 WOOD: I think they've gone to great strides to make
9 sure that they are fitting within the color scheme--

10 IRVING: Right.

11 WOOD: --that we would see at the shopping center--

12 IRVING: Right.

13 WOOD: --the apartments, all of which hasn't been
14 developed yet.

15 IRVING: I know.

16 WOOD: So it's hard to envi--envision now. But--
17 and--

18 IRVING: I'm not as--

19 WOOD: --and with working with Staff, so--

20 IRVING: --I'm not as concerned about that as
21 "seasonal outdoor"--

22 BLOOM: Uh-huh (affirmative).

23 IRVING: --"displays."

24 WOOD: Okay.

25 IRVING: And I--and, you know, I--I know that there's
0023

1 a--a good way to--to make sure that there's
2 cooperation, and they can do what they want and--and
3 we can still have a very nice flowing effect to the
4 church.

5 WOOD: Understood.

6 IRVING: Schools and churches.

7 BLOOM: Uh-huh (affirmative).

8 PETERS: I'll make a motion to re--approve Rezoning
9 Petition 1568/06.

10 BLOOM: Second.

11 IRVING: All in favor, say, "Aye."

12 BLOOM: Aye.

13 PETERS: Aye.

14 IRVING: Aye. Motion carried. Okay, next one is the
15 rezoning--this is a much longer one--Rezoning
16 Petition 1573/06: Petition to rezone property to
17 allow for the development of a 332-lot single family
18 subdivision, 27.5 acres of multiple-family
19 residential, 5 professional office buildings, one
20 large-box retail tenant, multi-tenant retail shops,
21 and associated out-lots. The 291.87 acre site is
22 located on the north and south side between the 9800
23 through the 10900 blocks of Ernst Road and between
24 the 8900 through 9600 blocks of Homestead Road, and
25 between the 9600 through 10200 blocks of Lower
0024

1 Huntington Road. This site is located in the
2 northwest corner of the I-69 and Lower Huntington
3 Road Interchange. Present zoning is A-3/Estates and
4 A-1/Agricultural. Proposed zoning is RSP-1/Planned
5 Single Family residential; RSP-3/Planned
6 Multi- family Residential; C-1A (P)/Planned
7 Professional and Personal Services; and C-2D/Regional
8 Shopping Center.

9 The 187.24 rezoning--proposed zoning is RSP-1,
10 was that not--not RSP to begin with back in 1963 or
11 something? No? This was all agricultural?

12 WOOD: Yes.

13 IRVING: Okay, okay. My brain has failed me.

14 WOOD: That's okay.

15 BLOOM: Oh, no, it was A-3 Estates--

16 IRVING: And A-1(A).

17 BLOOM: --and Ag.

18 IRVING: I thought that that--part of that was--

19 WOOD: Okay.

20 IRVING: We'll turn it over to you.

21 WOOD: Okay. This is--with--without having a plan,

22 kind of a PUD, Planned Unit Development, structure,

23 this really is a--as close to mixed use as we can get

24 by zoning it one time, all these different uses in

25 one overall development under one developer with a-

0025

1 with umbrella covenants that cover architectural

2 control and maintenance and just a whole host of--of

3 design and--and maintenance issues in the covenants.

4 This is--it's probably best to just go ahead and turn

5 right to either the aerial or the rezon--or the

6 zoning map. This is Prairie Center and Prairie

7 Crossing. It's--Prairie Crossing is the residential

8 portion. Prairie Center is what they're calling the

9 commercial portion. It is at the interchange of I-69

10 and Airport Expressway to the east, it becomes Lower

11 Huntington to the west at I-69. Homestead comes into

12 Lower Huntington here south of this project, and

13 Ernst crosses from east to west into the project.

14 You'll notice, if you've looked at any of the

15 development plans, that this potentially would

16 require the relocation of Ernst Road, a portion of

17 it--

18 IRVING: Uh-huh (affirmative).

19 WOOD: --a partial vacation and relocation. It would

20 not be closing any part of Ernst Road, but it would

21 reroute it and--and probably make it a lot more

22 logical layout within, definitely for the

23 development, but even for Ernst Road, it--it makes

24 kind of a goofy turn towards--back towards the

25 interstate now. The commercial portion of this

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1 project is not slated to develop for many years.

2 They do not have any tenants at this time. I know we

3 typically don't look at projects that way. I think

4 this one is different because it is an overall

5 development. It is a true mixed use development, and
6 it's--in--in that respect, it's better to look at it
7 and zone it all now and--and plan for it, rather than
8 have all of the residential develop and then come
9 back later and--and try to fit in commercial--
10 BLOOM: Uh-huh (affirmative).
11 WOOD: --at an interchange.
12 BLOOM: Uh-huh (affirmative).
13 WOOD: So, it does make it a little more difficult
14 for Staff because we're trying to review somewhat
15 specific information so that the Planning Commission,
16 if need be, grant waivers from development standards
17 or set maximums and minimums for things like signage,
18 for setbacks, that type of thing. But we've worked
19 with the applicant and really tried to hone in on the
20 things that are most important at this stage to--to
21 get some--to get the standards and--and, I guess, the
22 parameters set now. It--it can change over time, and
23 it probably will. We're not as concerned with where
24 lot lines are, where the big-box necessarily is going
25 to go, we can work on that down the road. The

0027

1 applicant does understand that if this does make--if
2 there's a drastic change to this plan, we would ask
3 them to come back through another public hearing. A
4 lot can change in seven to 10 years in the area as
5 well. But for the most part, we have a workable plan
6 with a good circulation, and--and then obviously a--a
7 very detailed resi--residential portion.

8 IRVING: Uh-huh (affirmative).

9 WOOD: I'd like to point out that the multi-family
10 that's a part of this zoning, we don't have a
11 development plan for. They--again, if that would
12 come at a much later date and they would definitely
13 have to come back for a public hearing to develop the
14 multi-family even if the zoning is approved today.
15 There's probably a million details I could talk
16 about.

17 IRVING: Right.

18 WOOD: Maybe it would be easier if you ask me--if you
19 have any questions, then I can handle the specific
20 things.

21 IRVING: Well, this isn't a question, it's a

22 statement, the one--this has been a project that's
23 been ongoing for quite a while trying to--to get the
24 land secured and get it developed into a--a PUD,
25 basically. But even more important than that, by
0028

1 being able to get the utilities out to--

2 BLOOM: Uh-huh (affirmative).

3 IRVING: --69 [I-69]--

4 WOOD: Uh-huh (affirmative).

5 IRVING: --hopefully, knock on wood, that's going to

6 help get it under 69 [I-69] eventually to open up

7 Airport Express as--as an industrial business area,

8 which is what--

9 BLOOM: Uh-huh (affirmative).

10 WOOD: Right.

11 IRVING: --it should be. So I think this is also a

12 two-fold. The other thing that this did is when we

13 made the agreement with Southwest Allen Schools--

14 WOOD: Uh-huh (affirmative).

15 IRVING: --to--I mean, this follows suit and to the--

16 the plan that had been originally proposed to them

17 for the building of the new school out there too. So

18 there's--there's a lot of positives that by just

19 looking at this you normally would not see.

20 WOOD: Right.

21 IRVING: But it's important that--that we get

22 utilities, hopefully, under 69 [I-69] then.

23 BLOOM: Oh, absolutely.

24 WOOD: I would also like to mention that on the

25 Airport Expressway, I did meet with NIRCC and--in a
0029

1 feasibility--Northeastern Indiana Regional

2 Coordinating Council.

3 BLOOM: Uh-huh (affirmative).

4 IRVING: Uh-huh (affirmative).

5 WOOD: They--obviously, Airport Expressway, we have

6 to protect that corridor.

7 IRVING: Right.

8 WOOD: And we have often have, would future

9 developers come in and inquire about that corridor

10 and they have a protection plan for the intersections

11 there--

12 IRVING: Right.

13 WOOD: --this is just outside of that corridor. I
14 feel that by having this concentrated commercial
15 area, it does work to protect--
16 IRVING: Uh-huh (affirmative).
17 WOOD: --you're going to have a lot of commercial--
18 BLOOM: Absolutely.
19 WOOD: --land available with this rezoning under
20 their--
21 BLOOM: Restricted.
22 WOOD: --a well-planned--
23 BLOOM: Yeah.
24 WOOD: --commercial area, so it does help to protect
25 the Airport Expressway. And they--they reviewed the
0030

1 plans with me and--and did not have a concern with
2 that impacting the Expressway.
3 BLOOM: I like the idea a lot that they're doing this
4 now as a planned use development because how many
5 people do we deal with on a daily basis that, "Our
6 homes were here first and we didn't know"--
7 WOOD: Right.
8 BLOOM: --"that this was coming"? And this could be
9 a reason, and I'm sure the developer is going to hope
10 it's a reason, that they want to locate in this area.
11 WOOD: Right. That they're choosing--
12 BLOOM: They have--
13 WOOD: --to be part of this--
14 BLOOM: Uh-huh (affirmative).
15 WOOD: --overall development.
16 BLOOM: Absolutely. And also this goes along with
17 the Southwest Development Plan that--
18 WOOD: Right.
19 BLOOM: --we so have worked on and tried to keep the
20 boundaries.
21 WOOD: Uh-huh (affirmative).
22 BLOOM: Right?
23 WOOD: Right, right.
24 IRVING: Oh, yeah.
25 WOOD: And we are at an interchange. And--and--

0031

1 IRVING: Right.
2 WOOD: --we're not sporadically zoning along our
3 corridors that we want to keep for large industrial,

4 technology-based--

5 IRVING: Right.

6 WOOD: --based uses.

7 PETERS: I make a motion to approve Rezoning Petition
8 1573/06.

9 BLOOM: Second.

10 IRVING: All in favor, say, "Aye."

11 BLOOM: Aye.

12 PETERS: Aye.

13 IRVING: Aye. Motion carried. Next--oh, wait a
14 minute here, I may not have these in the right order.

15 Rezoning Petition 1574/06: Rezone--Petition to
16 rezone property and approve a primary plat and
17 development plan for a 40-lot single family
18 subdivision. The 20.21 acre site is located on the
19 south side between the 1400 through 1700 blocks of
20 Hathaway Road. Present zoning is A-1/Agricultural.
21 Proposed zoning is RSP-1/Planned Single-Family
22 Residential.

23 WOOD: This proposal for Talons Reach, Section II,
24 the aerial--the first--or I guess, the second page in
25 your packet--really does not give an accurate

0032

1 depiction of what's happened in this area lately.
2 Four hundred and eleven [411] lots have been approved
3 with the original Talons Reach, which have not
4 developed yet so you're not going to see them on the
5 aerial. But this--this project site, at least on the
6 north and east sides, are completely surrounded by
7 the existing--or the approved Talons Reach. It's--
8 it's a very small section that will actually tie into
9 approved roads within the Talons Reach subdivision.
10 It's 40 lots. It doesn't have any outside access
11 other than through the--through Talons Reach. And it
12 has detention on site. It will be--it will have
13 detention just for this project. It's--it's along
14 the ditch, and there is some floodplain and potential
15 wetlands which they will need to stay out of or
16 mitigate, and I believe, the applicant is--their plan
17 is to just stay out of any of those areas.

18 There was some question about sewer capacity
19 with this project. It's not in the town limits of
20 Huntertown, but it is within their utility service

21 area. I'll try to make this as, I guess, simple as
22 possible, which is the way I understand it. They--
23 for Talons Reach, the developer was given so many
24 units for sewer capacity for the--from the lift
25 station, 651. With this development, if you--if you
0033

1 take everything they've been approved for so far and
2 add these lots, they come up with 13 shy of what they
3 need. There's--

4 BLOOM: Oh, okay.

5 WOOD: --so there's two ways to look at it, either A,
6 they don't build as many lots, or B, they prove that
7 they're not using the--the typical gallons per day or
8 how--however they measure it--that they're not using
9 that much, and so therefore, it would allow the other
10 13 lots. From--for the Planning Commission, we did
11 not want to recommend approval of a project unless we
12 knew Huntertown was okay with this project.

13 Originally, they were okay with the rezoning but did
14 not concur with the--with the plan because of the
15 sewer issue and gave us a letter from their engineer
16 explaining this very thing, with the 651 ERUs. I
17 asked the developer to work with Huntertown and their
18 engineer to come up with what would be agreeable.
19 And basically, they've committed to not sell 13 lots
20 and--and they'll--they'll keep within what they're
21 allotted now unless they don't sell them somewhere
22 else or prove that they're not using as much as they
23 think they are now. So, they've agreed to only
24 develop what they're--what they have capacity for
25 now. And we're just going to have to watch that

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1 through--

2 BLOOM: Uh-huh (affirmative).

3 WOOD: --we'll just have to work with the town of
4 Huntertown, watch that through the platting of this--
5 of this section.

6 BLOOM: Because it really doesn't matter if it's the
7 new 13 if they can sell some of those and not sell
8 the other?

9 WOOD: Right.

10 BLOOM: Okay.

11 WOOD: And you--you also have to realize that most

12 often the amount that they're approved for is not
13 what's eventually built because--
14 BLOOM: Uh-huh (affirmative).
15 WOOD: --roads have to change--
16 BLOOM: Uh-huh (affirmative).
17 WOOD: --due to topography and other environmental
18 reasons. Often times--well, there's never more than
19 what they're approved for, but often times, it's
20 less. And with this being such a large subdivision,
21 the chances of them picking up those 13 lots here are
22 pretty good just based on what they develop next
23 door. So, we're just going to have to wait and see
24 how that all pans out. But--
25 PETERS: So, Michelle, do you feel--

0035

1 WOOD: --so they're approved at this density but not
2 for those many lots unless they get the sewer.
3 PETERS: --do you feel comfortable that the
4 appropriate checks and balances have been put in
5 place to ensure that that capacity is not exceeded?
6 WOOD: Yes, I do. Because through--through our
7 platting of the--our recording of plats and our
8 checks there, and the applicant working with
9 Huntertown, and they're giving approvals at each
10 stage, I--I don't see any problem with us being able
11 to keep--to keep on that.
12 IRVING: But Michelle, with basically the City of
13 Fort Wayne holding Huntertown hostage as far as its
14 taking their water to increase their sewer capacity,
15 I mean, we're talking most likely, if they can't get
16 that worked out, that you could have 13 lots in a six
17 hundred and--what is, six hundred and how many--
18 WOOD: Fifty-one [651].
19 BLOOM: Fifty-one [651].
20 IRVING: --six hundred and fifty-one [651], you could
21 end up with 13 lots scattered all over--or scattered
22 in this area that it could end up to be years before
23 they could get developed.
24 WOOD: I think that they--I--I don't think it would
25 happen in that manner. They would plan ahead so that

0036

1 if they were going to take them out of this section,
2 they would just redesign it so that it still flowed.

3 It wasn't--that they don't have lots here and there
4 that they wouldn't develop a section. In the--in
5 Talons Reach I--
6 IRVING: Well, why--why would they--why wouldn't they
7 not keep that natural to begin with, and then when
8 they got the approval for the 13 lots, come back in
9 for a redesign and--and ask that since the water
10 situation, sewer situation, had been resolved, then
11 plot that for the 13?

12 WOOD: I hate to speak for other people, but I
13 believe that the developer is so confident that--that
14 they have--that they're not going to develop that
15 many lots overall in Talons, that this--it's going to
16 be a non-issue, that they won't exceed the 651, that
17 it won't affect--that they're not going to be left
18 with holes or lots that can't develop. We don't even
19 want to see a section--approve it a secondary if they
20 don't have the sewer for that section. So, it's
21 basically on them to design their secondaries and
22 then us to only approve what they--what they have
23 capacity for at the secondary level.

24 IRVING: Was Roger Delagrange as confident when he
25 had--he did his development and they couldn't get any
0037

1 sewer, and now we've got that private sewer that ran,
2 and we had the people on pump and haul, and oh,
3 that's a tough situation too.

4 PETERS: I make a motion to approve Rezoning Petition
5 1674/06.

6 BLOOM: Second.

7 IRVING: All in favor, say, "Aye."

8 BLOOM: Aye.

9 PETERS: Aye.

10 IRVING: Aye. Motion carried. Okay. Rezoning
11 Petition 1575/06: Petition to rezone property and
12 approve a plat and development plan for a 60-lot
13 single family subdivision. The 120 acre site is
14 located on the west side of the 17,600 block of
15 Devall Road. Present zoning is A-1/Agricultural.
16 Proposed zoning is RSP-1/Planned Single-Family
17 Residential.

18 WOOD: This is a rather unusual project, Honeysuckle
19 Estates. This is north of Highway 1, State Road 1,

20 northeast of Leo-Cedarville. You might recall Twin
21 Fawn Trail. We renamed--or gave that road a name
22 just last year. It's--it's actually a public road
23 that comes off--north off of State Road 1. That's
24 just south of this project site. That is not
25 proposed to be the entrance. They--they're planning
0038

1 to put in an entrance off of Devall Road which is
2 just east. It's--it would just be enough right of
3 way to bring in--it's a private road back to the
4 acreage for the development. Staff did go on site.
5 We--the surveyor, our director, and the planners all
6 went on site with the applicant to--to see this site.
7 It's--has a lot of range in--in topography. It has
8 some unique features about it. It--there's--there's
9 the creek that runs along the west side. There are
10 some wetlands associated with that area. There is a
11 large wetland in the northeast corner of this
12 property.

13 The idea--the developers idea for this piece of
14 land was to do a low-density development with lots of
15 common areas set aside. Over 50% of this site, he
16 plans to put into common area or preserve. Cluster
17 the homes so that they're taking up less room on the
18 land but all have a view--a shared view of the common
19 areas whether it be the open field, a prairie-type
20 field, or the wooded areas, or the wetlands. They
21 plan to have--we do have restrictive covenants and
22 we've talked to them about further restrictions or
23 ways that they can do what they say they want to do,
24 in other words have this kind of natural, more
25 conservation, subdivision. But there's a lot of
0039

1 things they can do in their covenants to make sure
2 that that happens, with architectural control where
3 the applicants can put out--or excuse me, the
4 homeowners can put out-buildings, that sort of thing.

5 They are proposing to do private roads. They--
6 they don't want to do sidewalks on the road itself
7 but have trails through the natural areas. This is
8 proposed to be serviced by Leo-Cedarville which is a
9 very long distance for sewer. And then for water,
10 the City of Fort Wayne is planning to--has offered to

11 work with them on wells--a well system on site. Now
12 we've approved subdivisions on public sewer and
13 private well--individual wells. This would be more
14 of a--a well for the entire subdivision. Fort Wayne
15 owns a lot of land--the City of Fort Wayne Utilities
16 just south of this project, so they're looking at
17 this for wellheads anyway. So they see this as an
18 opportunity to protect those wellhead areas in that
19 area. But it is--it is a long distance for sewer
20 for--for Leo-Cedarville. And I do have letters in
21 the file from--from the engineer for Leo-Cedarville.
22 I did talk to him on the phone and--about the
23 preliminary approval of the capacity--or allocation
24 of capacity.

25 BLOOM: Uh-huh (affirmative).

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1 WOOD: The applicant will have to work--there--
2 there's pretty much a punch list of what needs to
3 happen for this to--to--for them to get sewer. And
4 the applicant will have to work--work with
5 Leo-Cedarville to meet all of those requirements.
6 I--I was concerned about that, and I did talk
7 to--to Mr. Whistler about this with--he's the
8 Director of Operations for the Regional Sewer
9 District, and he indicated that it's no different
10 than any--any other project. As we were talking
11 earlier, at the primary level, it's a preliminary
12 approval. You have to go through these steps to
13 get--to get final approval. So, what Planning
14 Commission looks for is we want the Utilities to give
15 their okay. And without that, we definitely do not
16 want to recommend an approval. So, we feel that this
17 is like any other project, they've given their
18 preliminary okay for allocation.

19 We did have a lot of questions from the
20 neighbors about the wetlands on site--

21 BLOOM: Right.

22 WOOD: --and just a lot of the sensitive areas.
23 There's a lot of slopes that--especially right above
24 the wetland in the northeast corner, there's a very
25 steep slope going down to that existing wetland area.

0041

1 The applicant has agreed to--there's three lots that

2 are kind of north on a ridge over that wetland--to
3 not develop those lots until he has gone through all
4 of the review agencies, which he has to do anyway,
5 but just to get a real good review on how developing
6 those lots would affect that wetland and in the
7 slopes underneath.

8 I do have to say that if this were not zoned
9 RSP and gone through the Planning Commission and if
10 it's approved by the Commissioners, the same amount
11 of lots could develop on this property as metes and
12 bounds. It would take a lot longer, obviously,
13 because of the way it--our--our sell off rules, but
14 there would not be any review like you would see with
15 this project. So it could still develop. It would
16 be on septic, not public sewer. Septic already being
17 an issue in Allen County, and then on top of that, to
18 put it on very sensitive ground. So you have the
19 benefit of the public sewers, the--the more
20 concentrated wells rather than individual wells, and
21 we have erosion control review, we have Surveyor's
22 review. We have--we know that they'll be going
23 through DNR, IDEM. Any of the agencies that they
24 need to whether it's floodplain, wetlands, we know
25 that as a whole, this development will go through
0042

1 that review. Individual parcels, there would not--

2 BLOOM: It wouldn't.

3 WOOD: --be that review.

4 BLOOM: No.

5 WOOD: So, I think Staff had to weigh that over, you
6 know, is this an isolated project, is this far from
7 public utilities, is it on more sensitive ground? If
8 it's not rezoned to RSP-1, we have no control over
9 what happens on that ground in terms of metes and
10 bounds development other than just the timing. So, I
11 think, that's something we weighed very heavily
12 before we made our recommendation to the Planning
13 Commission.

14 PETERS: If you develop along metes and bounds-type
15 proposition though, you can only develop two lots a
16 year--

17 WOOD: Right.

18 PETERS: --right?

19 WOOD: Right.
20 PETERS: So he'd be, you know--he'd be off into 20
21 years developing this or--
22 WOOD: But--
23 PETERS: --or more.
24 WOOD: --but when you--when you look at the way it
25 splits when you create new root parcels--
0043

1 IRVING: Uh-huh (affirmative).
2 BLOOM: Uh-huh (affirmative).
3 WOOD: --you can re--create more than one new root
4 parcel--
5 BLOOM: At a time because--
6 WOOD: --with each split, so--
7 BLOOM: Right.
8 WOOD: --it's--it's more like exponentially then--
9 BLOOM: Right.
10 WOOD: --two a year.
11 PETERS: So he picks up--
12 WOOD: Right.
13 PETERS: --on a quicker basis.
14 BLOOM: Double every time.
15 PETERS: What--what sort of impediment would there be
16 if we requested to defer until such time that he
17 receive DNR approval, Army Corps approval? Because I
18 think they're probably coming in and they're probably
19 not looking at just that one wetland. I think there
20 are several others--
21 WOOD: Right.
22 PETERS: --within the proposed development. How long
23 would that take and how far would that set him back?
24 WOOD: Well, I--I'm definitely not an expert in--in
25 the permitting process through whether it's IDEM or
0044

1 DNR, but I think there's--there's a level difference.
2 They're--they're doing a wetland delineation which
3 basically tells you where is the boundaries of the
4 wetland, and you generally get a report of the
5 vegetation in the area and somewhat of a hydrology
6 report, the water in the area. That is a lot
7 different than permitting. I don't think they would
8 go through any kind of permitting process until they
9 had their approvals. That does take--it can take

10 months. If they're not going to impact--I mean, the
11 idea is that they wouldn't impact the wetlands.
12 Definitely, not only a more responsible way to go
13 about it, but quicker. You don't have to get a
14 permit. The most important thing is to get the
15 delineation first to found out what actually
16 boundaries are and then stay away from them.

17 I think what--what we were looking for and what
18 they indicated for the peace of mind of the neighbors
19 is that they want more than just a delinea--
20 delineation. They want a report from a--a
21 naturalist, an expert, saying, "This is what--how you
22 need to develop this property. You cannot go this
23 close to any of the sensitive areas. You need to
24 have this buffer. You need to do this type of
25 erosion control," because it's not just--

0045

1 BLOOM: Who wants this?

2 WOOD: Well, definitely the neighbors. If this were
3 to develop, they want to make sure that this wetland
4 that goes offsite and onto their property is not
5 being--

6 BLOOM: Would then--

7 WOOD: --affected.

8 BLOOM: right.

9 WOOD: You know, we're dealing with a whole water
10 shed, not just--

11 BLOOM: Of course.

12 PETERS: And is he--

13 BLOOM: Of course.

14 PETERS: --willing to do that?

15 WOOD: He is--well, I will--let me go through the
16 findings.

17 PETERS: I mean--

18 WOOD: Yeah.

19 PETERS: --you mentioned the three properties.

20 WOOD: Uh-huh (affirmative).

21 PETERS: But I guess--

22 BLOOM: That are closest.

23 PETERS: --my--my comfort level would be elevated
24 with his willingness to put off the--the rezoning
25 until such time as some of the other work has been

0046

1 done.

2 WOOD: I think that as far as a delineation and maybe
3 some sort of plan or report is do-able within a
4 reasonable amoun--amount of time--to defer for that
5 amount of time.

6 IRVING: Did Planning Commission vote this up or
7 down?

8 WOOD: Up.

9 PETERS: Up.

10 IRVING: Unanimously?

11 WOOD: Yes.

12 IRVING: So you voted for it already?

13 PETERS: Uh-huh (affirmative).

14 IRVING: Okay.

15 BLOOM: But everyone had questions. And I think
16 Nelson is wanting to know if any of this
17 preliminary--

18 WOOD: We--we don't have that information.

19 BLOOM: Anything?

20 IRVING: Nuh-uh (negative).

21 WOOD: They did have their--

22 BLOOM: Isn't it?

23 PETERS: Absolutely.

24 BLOOM: Yeah.

25 WOOD: --their wetland scientist--

0047

1 IRVING: So the DNR, nothing was presented at
2 Planning Commission and they approved it without any
3 of this information that we're asking for? Is that
4 right or wrong?

5 WOOD: That is correct--

6 IRVING: Okay.

7 WOOD: --with a commitment that it would be supplied.

8 IRVING: Okay.

9 PETERS: I mean, I think there is a potential to
10 learn things between the time that approval is made
11 at Planning Commission and by the time it comes to
12 the Commissioners. One of the things that I hadn't
13 heard before, for instance, was the developer's
14 willingness to put off those three lots--

15 WOOD: Right, and--

16 PETERS: --until--

17 WOOD: --and it's actually in our findings too that

18 the applicant, at the public hearing, agreed not to
19 develop 11, 12, and 13.

20 PETERS: Okay, well, I missed that.

21 WOOD: That's--that--that's all right. It's--it's--
22 the--the actual--what form that's going to take, I'm
23 not even sure exactly what we're going to receive
24 back. If it--is it just a delineation, is it rec--is
25 it a recommendation? I would hope to see a
0048

1 recommendation of how to treat those lots. And--and
2 maybe it results in--in a line across the plat. "You
3 will not develop," you know, "closer than this." I
4 think that at this time even they aren't sure what
5 they're going to find out from--from this report.
6 But I think that could be done in a reasonable amou--
7 reasonable amount of time if you did choose to defer.

8 BLOOM: But if the DNR and IDEM determine that some
9 of the lots or some of the location are not
10 developable--

11 WOOD: Uh-huh (affirmative). Now we--

12 BLOOM: --then he has to change his whole primary?

13 WOOD: If--if they were to take out those three lots,
14 I don't see any need to go through a public hearing
15 or primary because I think that's a benefit, you
16 know, at least to--

17 BLOOM: It would just elimi--

18 WOOD: --to those who are concerned--

19 BLOOM: Uh-huh (affirmative).

20 WOOD: --that is what they'd rather see. So I don't
21 think they'd have to go back through a primary for
22 that.

23 BLOOM: And then what about a stormwater plan then?

24 WOOD: Now obviously, that--they have to go through
25 that with the Surveyor's Office. There's a lot of
0049

1 work to be done, as always, on any primary.

2 BLOOM: This isn't just flat land--

3 WOOD: This--

4 BLOOM: --is it?

5 WOOD: Right. Right.

6 BLOOM: It's--

7 WOOD: No, it's not.

8 BLOOM: --still--

9 IRVING: Well, you've got the river there--
10 BLOOM: Yeah.
11 IRVING: --and it angles down--
12 BLOOM: Yeah.
13 IRVING: --to go to the river.
14 WOOD: And again, just like we talked about with
15 Talons Reach, because of those issues, you might not
16 see 60 lots. You might see 40 lots.
17 PETERS: Uh-huh (affirmative).
18 BLOOM: Uh-huh (affirmative).
19 IRVING: Did Leo-Cedarville send a letter in? I
20 didn't see one in here at all.
21 WOOD: Well, we have one from the--the sewer
22 district. And I apologize, I will start putting
23 those letters in the packets for you. I did not--
24 IRVING: That's okay.
25 WOOD: --do that.

0050

1 IRVING: What did they say? Are they for--
2 BLOOM: I thought we had it.
3 IRVING: --no, I didn't see that--
4 BLOOM: I thought we had it.
5 IRVING: --in there. Are they for it or--
6 WOOD: Oh, it's not from the--no, it's not from the
7 Board. It's just from the--just from the--
8 IRVING: Okay.
9 WOOD: --sewer district.
10 IRVING: How much remonstrating was on this?
11 WOOD: We--we had quite a bit from the neighbors
12 immediately--well, on Devall Road.
13 BLOOM: Uh-huh (affirmative).
14 WOOD: Obviously, they're concerned about the entry
15 drive coming in, the traffic on Devall.
16 IRVING: Well--and see, that's--that's another thing.
17 I mean, was that addressed at all? What--like we
18 worked with Gary Probst on one of them that--remember
19 he had all of that frontage and he had the road that
20 went back to the apartments--
21 WOOD: Oh, yeah.
22 IRVING: --then he came back and wanted--
23 BLOOM: Oh, out on 14 [State Road 14].
24 IRVING: --then he came back and wanted a gas station
25 and commercial zoning and it--am I right?

0051

1 WOOD: Uh-huh (affirmative).

2 IRVING: Okay. Is this just an easement through here
3 and then these are houses? I mean, it's--you can--

4 WOOD: There would be--yeah, there would be no houses
5 along that drive. It would just be an entry drive.

6 They're planning a very low key--the way the
7 applicant described it, he wanted it to look like a
8 State park, not curb streets, just the asphalt side
9 ditch section, very low impact as far--not looking
10 like a normal subdivision where you have--everyone is
11 real close to the--to the, you know, curb street and
12 the sidewalks and mailboxes. He really wants it to
13 look a lot--with a lot less impact on--on the land.

14 The entry drive--

15 BLOOM: Like country.

16 WOOD: --he even talked about maybe doing more like a
17 bollard light--

18 BLOOM: Uh-huh (affirmative).

19 WOOD: --than a typical streetlight. He did--I think
20 he's working with the--the resident just on the north
21 side of Devall Road to replant trees. If he does--if
22 the Highway Department requires turn lanes or
23 accel/decel lanes, she might lose a couple of trees
24 that are in the right of way, which of course,
25 they're in the right of way, but still to her, it's-

0052

1 it's a loss.

2 BLOOM: Absolutely.

3 WOOD: So he is working with them to plant new
4 evergreens along the entry drive and try to lessen
5 that impact. Again, it's, you know, you could have
6 an access easement there with--we would review the
7 easement. But you could have an easement there, or
8 multiple easements, that would serve this property
9 under metes and bounds. It--I like to think it's
10 going to get that level of review that would never
11 happen under metes and bounds development.

12 PETERS: So, Michelle, again, do we impede the
13 developer's ability to move forward on some other
14 issues by deferring this today?

15 WOOD: Yeah, to be--

16 PETERS: What--

17 WOOD: --perfectly honest, yes.
18 PETERS: --what--
19 WOOD: Well, if--
20 PETERS: --what issues?
21 WOOD: --I guess, most developers either A, haven't--
22 they don't--they won't close on the property until
23 they have their--
24 IRVING: Right.
25 WOOD: --their zoning approval.

0053

1 BLOOM: Well, of course.
2 WOOD: Or they won't--they wouldn't want to put the
3 investment in moving dirt, that sort of thing, or
4 going forward with engineering until they knew that
5 the project was going to be approved.
6 PETERS: But--but the part and parcel, the approval
7 process is DNR and Army Corps approval--
8 WOOD: I think--
9 PETERS: --right?
10 WOOD: --I want to clarify that I don't think--
11 BLOOM: And IDEM.
12 WOOD: --what they're going to be--
13 PETERS: And IDEM.
14 WOOD: --looking at at this level, if you were to
15 defer, they would not be going to DNR. They don't
16 have anything to take to them. They've looked at--
17 you know, they've sent them plans in a preliminary
18 way, but they're not going to be--
19 BLOOM: They're not going to do extensive--
20 WOOD: --approving specific--
21 BLOOM: --right.
22 WOOD: --plans because there are none at this point.
23 BLOOM: Uh-huh (affirmative).
24 WOOD: I think what we'd be more looking at is having
25 an outside expert come in and say, "Here's where your

0054

1 wetlands are. Here's where your sensitive ground is.
2 This is what you should do." And then that would
3 make them have an easier--or help them have an easier
4 path through their DNR approvals--
5 PETERS: Uh-huh (affirmative).
6 WOOD: --you know, don't--don't impact this and you
7 don't have to go to DNR. Don't impact this, you

8 don't have to go to IDEM or Army Corps.

9 PETERS: Uh-huh (affirmative).

10 BLOOM: Right. Here are the boundaries.

11 WOOD: That's the idea.

12 BLOOM: Yeah.

13 PETERS: Well, one of the questions that I asked at

14 Planning Commission and I still don't know whether

15 I'm comfortable with the answer or understand the

16 answer was whether or not a shovel could be put in

17 the ground or--

18 WOOD: A shovel--

19 PETERS: --I guess, would be put--

20 WOOD: Yeah.

21 PETERS: --in the ground before DNR approval. And I

22 think my recollection is that they would require DNR

23 approval before that happens. Now, am I hearing

24 something--

25 WOOD: In any area--

0055

1 PETERS: --different--

2 WOOD: --that is--that is--would be under some sort

3 of jurisdiction, whether it was for floodplain or

4 wetland--

5 PETERS: Right.

6 WOOD: --yeah, they could not--

7 PETERS: Okay, so--

8 WOOD: --start work.

9 PETERS: --they could do other parts of the

10 development--

11 WOOD: Right.

12 PETERS: --but not--

13 WOOD: But I would question why they would if they

14 didn't have their--you know--I mean, they can do

15 earth work without any kind of land use permit, but

16 they still have to go through erosion control and all

17 of that. So they have a lot of engineering to do

18 before they put a shovel--

19 BLOOM: But they still have to buy it.

20 WOOD: Well, right.

21 BLOOM: They still have to--

22 WOOD: Right.

23 BLOOM: --buy it and they would still have to have

24 more extensive engineering--

25 WOOD: Right.

0056

1 BLOOM: --and I can't believe they'd go out there and
2 just start moving.

3 WOOD: I don't think so. I mean, I--I think he'd
4 love to, but--

5 PETERS: Or buy it--

6 BLOOM: Yeah.

7 WOOD: --not without these approvals. No.

8 PETERS: --before you've got DNR approval.

9 BLOOM: That's what I meant.

10 WOOD: No, that's not--if--if you feel strongly
11 enough that we should have something from--Applied
12 Technologies is a group they're working with that
13 would be doing the wetland delineation--if--if--if
14 you feel strongly enough that you'd like to see that
15 first, whether or not he can start, I think is--is
16 immaterial. You want to see something that says that
17 they're working towards that. But I don't think
18 they're going to get any kind of permit. None of
19 that would happen--

20 BLOOM: Yeah.

21 WOOD: --at this level.

22 BLOOM: No.

23 WOOD: It would be more at the secondary level.

24 ELSER: What's the timeframe for IDEM?

25 IRVING: IDEM works on their own timeframe.

0057

1 WOOD: Yeah. Yeah.

2 BLOOM: Tell me about it.

3 WOOD: I mean it can be months. So I think the idea
4 would be a report would say, "You don't want to
5 impact this area." It's--as little as they impact
6 anything that's regulated, it's better for their
7 project. It moves faster, it's cheaper, it's going
8 to look better.

9 BLOOM: Sure.

10 WOOD: It's--its'--you know, it's preserving what
11 they're selling this on.

12 BLOOM: One other issue here is if we approve the
13 rezoning and they purchase--go into further
14 engineering, do all of the--of the studies that they
15 need to do, we're out nothing because he still can't

16 do it without approval of all of these--

17 WOOD: That's true.

18 BLOOM: Do you know what I'm saying Nelson and Marla?

19 Oh, thanks. That even if we do approve this today,

20 then they're going to start the process but still

21 can't do anything without DNR or IDEM, Leo-Cedarville

22 with the wells--or the sewers?

23 WOOD: Right.

24 BLOOM: City with the wells?

25 WOOD: There's a lot of work.

0058

1 BLOOM: I mean, they can't do any of that without

2 permission to do it anyway.

3 PETERS: I understand.

4 IRVING: Let me play--

5 BLOOM: Do you know what I'm saying?

6 IRVING: --Devil's advocate.

7 BLOOM: Yeah, yeah, please do.

8 IRVING: We just approved a zoning for Talons Ridge

9 [Talons Reach], Phase II, and the faith and trust--

10 BLOOM: That 13 lots--

11 IRVING: --that 13 lots, that Planning Commission can

12 monitor--

13 BLOOM: Yeah.

14 IRVING: --that everything is going to be--

15 BLOOM: Yeah.

16 IRVING: --honkey dory, that they're going to work

17 this out with the City of Fort Wayne, they're going

18 to work it out with Huntertown. We just got done

19 approving that one and we're saying, "Okay, we have

20 faith and trust in Planning Commission and in the

21 process, that--that they're going to handle these 13

22 lots and they're going to be able to tell them

23 whether they can do it, whether they can't do it, to

24 monitor them," and then we've got another one here,

25 the one here from Chris Stauffer, Incorporated,

0059

1 Honeysuckle, that we're saying, "Well, wait a minute

2 here, we don't have faith and trust in the system at

3 all." And I'm not saying I'm for or against this.

4 I--I had not had a chance to read it until we got it

5 yesterday--well, Friday or yesterday, I can't

6 remember which. But it's funny that all of a sudden,

7 you know, on--on one, "Okay, we have faith and
8 trust," and then on the other one, we have no faith
9 and trust.

10 BLOOM: Well, that isn't--

11 PETERS: Yeah, but the--

12 BLOOM: --the way I feel.

13 PETERS: --system has grown enormously with respect
14 to this last--

15 BLOOM: I--

16 PETERS: --zoning request.

17 BLOOM: --don't feel--

18 PETERS: The first system--

19 BLOOM: Okay.

20 PETERS: --doesn't include the DNR, IDEM.

21 BLOOM: Exactly.

22 PETERS: It doesn't include any of the others. Now
23 you enter those groups into this particular rezoning
24 petition, and you've got a whole lot bigger picture.

25 BLOOM: But they still can't develop until--

0060

1 IRVING: That's right.

2 BLOOM: --the Planning Department and the Board
3 approve it with all of the signed documents. So the
4 developer is taking a heck of a chance here if he
5 thinks there's an opportunity after he buys it--

6 IRVING: Uh-huh (affirmative).

7 BLOOM: --after he goes forward with all of the
8 engineering, that he can't do what he's planning on
9 doing.

10 IRVING: That's a big difference because there's
11 nothing that--they can't do anything without the
12 proper permitting. The one that we just approved,
13 they can go right ahead and do whatever they want
14 with the faith and trust that it's going to be
15 monitored. See, tha--I think that's a big
16 difference.

17 BLOOM: I'd like to make a motion--are there any more
18 questions?

19 IRVING: I mean, I--I don't--I don't know. I kno--I
20 wish I knew what your motion was going to be before I
21 say this. There was a letter in the Editor that I--
22 that I did read Sunday about--about this development
23 too. And I know that--the other thing that kind of

24 surprised me on this is that, I mean, it's kind of
25 just stuck out there in the--there's really not a lot
0061

1 of development around it. There is, closer to the
2 river, isn't that--

3 BLOOM: Is that that--

4 IRVING: --now I don't remember. I mean, this--

5 BLOOM: Is there another new one out there?

6 WOOD: It's further south, Eagle River.

7 IRVING: Is it further south?

8 WOOD: Yeah, that's a lot--that's on the other side
9 of Leo-Cedarville.

10 IRVING: Oh, right over here.

11 BLOOM: Okay.

12 WOOD: Yeah, there's not a lot of planned
13 development. There's a lot of metes and bounds--a
14 lot of metes and bounds development--

15 IRVING: Well--

16 BLOOM: Uh-huh (affirmative).

17 WOOD: --not a lot of planned development.

18 IRVING: Okay.

19 BLOOM: Well, wonder what this is? That's platted.

20 IRVING: Well, that's where all of those metes and
21 bounds are. And Planning Commission approved this
22 unanimously?

23 WOOD: Yes.

24 BLOOM: Well, it's a catch 22. We don't, and we're
25 slowing down progress. We do, and they can go ahead

0062

1 with everything and still not get approval and do
2 what they want to do.

3 WOOD: Right. It--it's always a condi--I mean,
4 rezoning is not a conditional approval. Rezoning is
5 rezoning.

6 BLOOM: Right.

7 WOOD: The plan--the development plan, the plat, is
8 always a conditional approval.

9 BLOOM: Conditional. Exactly.

10 PETERS: One more question, Michelle, if--

11 WOOD: Uh-huh (affirmative).

12 PETERS: --this went forward on a metes and bounds
13 basis, how long would it take to build 60 lots?

14 WOOD: I should have figured that out before I came

15 down. Could you submit your question in writing,
16 please? No, I--I--
17 PETERS: I mean--
18 IRVING: Those metes and bounds are--
19 WOOD: Years.
20 PETERS: --are we talking significantly longer or are
21 we talking--
22 WOOD: Significantly longer, yes.
23 PETERS: --because I think he was looking at, what, a
24 three year process as far as this went?
25 BLOOM: Oh, this would be longer than that--

0063

1 WOOD: It--yeah. I--
2 BLOOM: --with 30--
3 PETERS: Well it will be less than 20 based on your--
4 WOOD: Probably less than 20.
5 PETERS: --based on your exponential explanation.
6 WOOD: Yeah. But I mean, I wouldn't--I wouldn't
7 guess that if this did go metes and bounds, I
8 wouldn't see it only with 60 lots just because of
9 a lot of the area that's not developable.
10 BLOOM: Right.
11 IRVING: And they're going to have so much less
12 control over that.
13 WOOD: But the potential is there, but I don't--
14 BLOOM: And they'll have less control.
15 WOOD: --I don't think it would. I mean, he could
16 sell this to one person--might--
17 BLOOM: Right.
18 WOOD: --but obviously, I think because of it's--
19 because of it's beauty and it's potential for
20 development, I'm sure the seller is not looking for
21 one buyer. It's going to be multiple buyers for this
22 property, not--not one.
23 BLOOM: Were it metes and bounds?
24 WOOD: Right. It--it--I'm sure it would not develop
25 with 60 lots. It could, but it--I'm sure it

0064

1 wouldn't. But I think the bottom line is, the impact
2 from five owners on a property like this could be far
3 greater than an impact from 60 clustered homes--
4 BLOOM: Uh-huh (affirmative).
5 WOOD: --on public sewer and--

6 BLOOM: Uh-huh (affirmative).
7 PETERS: That have been regulated.
8 WOOD: Right.
9 PETERS: Right.
10 IRVING: I agree.
11 BLOOM: Now is there anymore--with that, I'd like to
12 make a motion for the Rezoning Petition of 1575/06.
13 PETERS: I'll second it.
14 IRVING: Anymore discussion? It's been moved and
15 seconded. All in favor, say, "Aye."
16 BLOOM: Aye.
17 PETERS: Aye.
18 IRVING: Aye. Motion carried.
19 BLOOM: Thank you. You had your work cut out this
20 morning, didn't you?
21 IRVING: Uh-huh (affirmative).
22 WOOD: I have some plats for later as well.
23 BLOOM: Thank you.
24 WOOD: Thank you very much.
25 IRVING: Let's just read those into the--

0065

1 WOOD: Okay.
2 IRVING: --record right now. We have plats for
3 signature, Eagle River, Section II, and The Hamptons
4 of Woodlan, and we will sign after the meeting.
5 WOOD: Thank you very much, Commissioners.
6 IRVING: Okay, next, is a Bill of Gift Transfer
7 between Allen County and Dr. Rudy Kachmann. Anybody
8 going to make a motion to accept the--
9 BLOOM: This is for a 14-foot bronze sculpture to be
10 placed at The Juvenile Center out on Wells Street.
11 Not only the 14-foot bronze sculpture but some
12 granite above-ground foundation, granite slabs,
13 installation, engraving. And then also the
14 Department just sent me a letter, an additional
15 29,000 [\$29,000.00] will be put in there as
16 landscaping around this perimeter. It's going to be
17 like a little area in the front where people can sit
18 and wait on their rides, or whatever, or just rest.
19 The amount on the bronze statue and all of the
20 transporting and preparation and everything is
21 \$95,900.00 and then an additional \$29,000.00 for the
22 plaza construction.

23 PETERS: If I could, I just want to read for the
24 record, the Bill Gift of Transfer does show in
25 written form, \$95,500.00 and then it has in
0066

1 parentheses \$95,900.00. \$95,900.00 is the correct
2 dollar amount.

3 BLOOM: All right.

4 IRVING: Just change it on there and initial it,
5 Nelson.

6 BLOOM: I thought they had already changed that.

7 PETERS: No.

8 BLOOM: Not?

9 IRVING: And there are no public dollars going into
10 this at all.

11 BLOOM: No, this is--

12 IRVING: It's all private dollars.

13 BLOOM: --all contributed and gifted to the Allen
14 County--well, to Allen County for The Juvenile Center
15 from Dr. Rudy Kachmann, the Behavioral Foundation,
16 Inc. And the sculpture is Hector Garcia. So they
17 are gifting this to us--are waiting for this signed
18 document that we're accepting this as a gift and it
19 will start the project. And I'll make a motion that
20 we accept the Bill of Gift Transfer between Allen
21 County and Rudy Kachmann, Dr. Kachmann, and the
22 landscaping.

23 PETERS: I'll second that.

24 IRVING: All in favor, say, "Aye."

25 BLOOM: Aye.

0067

1 PETERS: Aye.

2 IRVING: Aye. Motion carried. Next, is appointment
3 to the Fort Wayne-Allen County Airport Authority.

4 ELSER: The name before you today for consideration
5 is Neil B.--B. Hayes. This appointment will be
6 effective July 1st, 2006 and run through June 30th of
7 2010.

8 PETERS: I make a motion to approve Neil B. Hayes to
9 the Airport Authority.

10 BLOOM: Second.

11 IRVING: Is there any discussion?

12 BLOOM: Nuh-uh (negative).

13 IRVING: I don't know if it makes a difference.

14 That's not really his name.
15 ELSER: Cornelius?
16 IRVING: It's Cornelius N. Hayes. Isn't it?
17 ELSER: I will change that.
18 IRVING: Well, let's just check into it. It's the
19 same person, but--
20 ELSER: Okay.
21 BLOOM: It is--
22 IRVING: --I think it's--
23 BLOOM: --Cornelius.
24 IRVING: --Cornel--yeah.
25 ELSER: I didn't know if he wanted "Cornelius" or

0068

1 not.
2 IRVING: Well--
3 BLOOM: That's his name.
4 IRVING: --I don't know if it makes any difference or
5 not, but--
6 BLOOM: I think we did Neil on the other one.
7 ELSER: We did Neil.
8 BLOOM: Uh-huh (affirmative).
9 ELSER: I'll check.
10 IRVING: It's been moved and seconded. All in favor,
11 say "Aye."
12 BLOOM: Aye.
13 PETERS: Aye.
14 IRVING: Aye. Motion carried. Appointments to the
15 Common Wage Committee for State Road 930 Coliseum
16 entrance.
17 ELSER: The appointments are Ben Johnson,
18 representative of industry; F. Nelson Peters, a
19 taxpayer appointed by the legislative body; and Brian
20 Dumford, a taxpayer appointed by the owner.
21 BLOOM: So moved.
22 PETERS: I'll second it.
23 IRVING: All in favor, say, "Aye."
24 BLOOM: Aye.
25 PETERS: Aye.

0069

1 IRVING: Aye. Motion carried. Approve Supplemental
2 Agreement #2 between Beam Longest & Neff LLC and
3 Allen County for Winchester Road Bridge over the
4 Nickleson Creek (Bridge #261), Project #02-027.

5 Total SA#2, \$1,300.00 Increase. Good morning.

6 HARTMAN: Good morning. Bill Hartman, Allen County
7 Highway.

8 PETERS: Good morning.

9 HARTMAN: This is for some plat drawings that are a
10 requirement now that weren't when we made the
11 original agreement for this project.

12 BLOOM: So moved on Bridge #261 with Beam Longest &
13 Neff for a \$1300.00 increase.

14 PETERS: I'll second it.

15 IRVING: All in favor, say, "Aye."

16 BLOOM: Aye.

17 PETERS: Aye.

18 IRVING: Aye. Motion carried. Approve Supplemental
19 Agreement #2 between Beam Longest & Neff LLC and
20 Allen County for the Maysville Road Bridge over the
21 Bullerman Ditch (Bridge #529), Project #02-020.
22 \$3,000.00 increase.

23 HARTMAN: This is for the same reason, just more
24 parcels, so it's an additional charge.

25 BLOOM: I'll make a motion for Supplemental Agreement
0070

1 #2 between Beam Longest & Neff LLC and Allen County
2 for the Maysville Road Bridge, Bridge #529 for a
3 \$3,000.00 increase.

4 PETERS: I'll second it.

5 IRVING: All in favor, say, "Aye."

6 BLOOM: Aye.

7 PETERS: Aye.

8 IRVING: Aye. Motion carried. Approve Supplemental
9 Agreement #3 between American Consulting and Allen
10 County for Tecumseh Street Bridge over Maumee River,
11 Bridge #537, increase of \$25,000.00.

12 HARTMAN: This is additional engineering to redesign
13 water and sewer underneath a Norfolk Southern
14 overpass on Tecumseh Street so we can accommodate the
15 businesses during construction.

16 BLOOM: And that works. I'd like to make a motion
17 with American Consulting, Inc. and Allen County for
18 Tecumseh Street Bridge, Bridge #537, for an increase
19 of \$25,000.00.

20 PETERS: I'll second it.

21 IRVING: All in favor, say, "Aye."

22 BLOOM: Aye.
23 PETERS: Aye.
24 IRVING: Aye. Motion carried. Do you have anything
25 else, Mr. Hartman?

0071

1 HARTMAN: That's it. Thank you very much.
2 IRVING: Thank you. Have a nice week. Okay, do we
3 have any other business to come before us?
4 ELSER: We have no other business today.
5 PETERS: I make a motion to approve to waive the
6 second reading on any matter approved and for which
7 it may be deemed necessary for the Legislative
8 Session of May 31st, 2006.

9 BLOOM: Second.

10 IRVING: All in favor, say, "Aye."

11 BLOOM: Aye.

12 PETERS: Aye.

13 IRVING: Aye. Motion carried. Comments from the
14 public? Would you like to come up?

15 Van GILDER: I would.

16 BLOOM: Good morning.

17 Van GILDER: Good morning.

18 IRVING: How are you this morning?

19 Van GILDER: Fine, thanks. How are you all?

20 BLOOM: Good.

21 IRVING: Fine.

22 Van GILDER: My name is David Van Gilder, citizen of
23 Allen County. I just appreciate the fact that you
24 offer time for public comment. Just in the interest
25 of disclosure, I will disclose to you that I

0072

1 represent two people who have issues before the
2 Commissioners this morning. I represent the Dennis
3 family who are farmers next to the Prairie Center and
4 Prairie Crossing developments, and I represent the
5 Venderlys who are neighbors on the--on the
6 Honeysuckle property. But my discussion--my comments
7 are not necessarily directed to them at all. But as
8 Commissioner Peters knows, he sits on the Mayor's
9 Green Ribbon Committee for the City of Fort Wayne as
10 I do, and I, for many years, have been involved in
11 environmental issues and development issues, planning
12 issues in this county. One of the things that occurs

13 to me is that there's always this--a sort of push-me,
14 pull-me kind of thing that happens with development.
15 That is, stated one way, the development in Allen
16 County has traditionally been developer-driven. That
17 is, they come up with the ideas, they propose a plan,
18 it goes through the various--either BZA or Planning
19 Commission, and then comes to you all if it's
20 necessary. And I see the Plan-it Allen! County
21 situation going and the development of a new
22 comprehensive plan, I think it would--it's--it's
23 important for the--for the public to know that it's--
24 things are not going to be so developer-driven as
25 they will be a broader picture led by public

0073

1 officials. Not necessarily that the public officials
2 will come up with all of the ideas, but that they
3 will act as a restraint. And Commissioner Peters
4 used the word "checks and balances"--or the words
5 "checks and balances." And that, in my view, living
6 here since 1988, hasn't really happened. You've
7 got--you get proposals, they seem like good ideas.
8 We're hopeful that the other regulatory agencies will
9 do their job so that the end of the development will
10 be a good thing for the community. And that doesn't
11 always happen. And--and Commissioner Irving gave a
12 couple of examples today as well.

13 And so my only comment today really is that the
14 buck stops here with you all. I mean, you're the
15 ones who have to have the broader vision than do
16 people like me who are in private practice. And my
17 job is to make a profit for my company, same as
18 Sturges, same as Chris Stauffer, everybody else.
19 That's not your job. Your job is to have the
20 community's best interest down the road.

21 IRVING: Uh-huh (affirmative).

22 Van GILDER: And my sort of non-paying involvement on
23 public bodies and commissions is to try to help other
24 people come--come to see a bigger vision of what
25 Allen County can be. I happen to be living out north

0074

1 and I'm on a septic, and I'm in--I'm in an area which
2 is like this Honeysuckle might be, and I feel very
3 privileged to live in that area. But if that

4 proposal came before me today, if I was a public
5 decision maker, it's not probably the best thing to
6 do for Allen County. It happened 40 years ago, I
7 can't change it. So, I just appreciate your interest
8 and your questions and the things that I've seen you
9 do here today, and Commissioner Peters on the
10 Planning Commission. I just--I'm just hopeful that
11 we can move forward as a community and really embrace
12 this new planning process which, I think, is going
13 to--should be a radical shift from the
14 developer-driven kind development that we've had so
15 far. Thank you for your time.

16 BLOOM: Thank you.

17 PETERS: Mr. Van Gilder, I've got just one question.

18 Van GILDER: Sure.

19 PETERS: And I appreciate you taking the time to come
20 up and address us today. It seems to me, with
21 respect to the Honeysuckle project, there were three
22 alternatives.

23 Van GILDER: Uh-huh (affirmative).

24 PETERS: One was to do-pass, one was to defer, and
25 one was to not pass.

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1 Van GILDER: Uh-huh (affirmative).

2 PETERS: In not passing it, don't you believe that
3 the idea behind total non-regulation is outweighed by
4 some regulation in terms of the Department of Natural
5 Resources, IDEM, and some of the others. I mean, it
6 seems to me if we had voted "Do not pass," then you
7 run the risk of metes and bounds developing,

8 willy-nilly, to your point, in a more erratic way--

9 BLOOM: Uh-huh (affirmative).

10 PETERS: --than perhaps our way of planning does
11 right now.

12 Van GILDER: Generally, that would be true. In this
13 particular property, what I see is that, first of
14 all, it was landlocked. It was isolated. The only
15 way that--that the individual who sold the access
16 from Devall Road would do that is if he was dealing
17 with a developer, all right. So that--that's number
18 one. So without that--that part of the sale, this
19 development would have never come before the Planning
20 Commission or this--this body. That's number one.

21 Number two, with respect to how much control is going
22 to be having, you've just given up your control. You
23 know, you passed the rezoning, you don't have any
24 control anymore what goes on out there. And--and I
25 like the Planning Commission and Michelle does a
0076

1 great job and the others--you know, the others on the
2 Staff do a great job, but here it is. He's now got
3 this thing rezoned, and he can do anything with it
4 now.

5 BLOOM: Nuh-uh (negative).

6 Van GILDER: And you won't have--well, almost
7 anything, really. Now, getting back to your
8 question, metes and bounds, if indi--if--if the--the
9 developer ended up with that entire property and then
10 tried to sell it off over the course of time in metes
11 and bounds, each one of those individuals would had
12 to seek a septic permit which is becoming--

13 BLOOM: Right.

14 Van GILDER: --darn near impossible--

15 BLOOM: Right.

16 Van GILDER: --in this county, especially on that
17 kind of land. So, I don't know that I could predict
18 whether they would--we would end up with 60 houses or
19 four houses or five houses--

20 BLOOM: Right.

21 Van GILDER: --but I bet it wouldn't be 60. If I
22 would guess--if I was going to lay money, I'd say it
23 wasn't going to be 60. And so what you're doing is--
24 this is the push-me, pull-me--now you've got people
25 saying, "Well, we think we can provide them water or

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1 help them with their wells and we're pretty sure
2 we've got some sewer capacity to extend out there,"
3 but now once you do that, you're in the Canyon Run
4 situation again. You're in the Sunshine Lake
5 situation again.

6 IRVING: That's right.

7 Van GILDER: You've got, "Well, wait a minute, you
8 just extended services out to those folks out in the
9 middle of nowhere, why can't I hook in? And once I
10 can hook in, why can't I sell my property here which
11 heretofore wasn't very marketable, but now I can sell

12 it to a developer because his 30 houses can hook in."
13 And you've got this--this growth out here that maybe
14 you didn't intend. So, I'm not--
15 BLOOM: That may what?
16 Van GILDER: You--maybe you didn't--
17 PETERS: We didn't intend.
18 Van GILDER: --intend to happen. Yes--
19 IRVING: I think that--
20 Van GILDER: --I mean, I just went to a meeting last
21 week ago--or last week and they had this beautiful--
22 this kind of a development in a sensitive area,
23 nice--they got a lot of waivers so they didn't have
24 to put sidewalks in. They could do trails through
25 the forest.

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1 IRVING: Uh-huh (affirmative).
2 Van GILDER: Really great. But where that happens is
3 important too. Whether it happens in the course of
4 planned development or whether it happens out in the
5 middle of nowhere, that's an important issue too. So
6 I don't know, I mean it--
7 BLOOM: But don't you think that there were enough
8 restrictions or--I mean, first of all, nothing can be
9 done until there's approval from IDEM, the DNR, the
10 Army Corps. I mean--
11 Van GILDER: Except they never not approve things.
12 BLOOM: Oh no, that's--
13 Van GILDER: Twin Eagles got approved.
14 BLOOM: Well, look--look at Aboite. Look at that
15 moratorium that went on out there that was going to
16 be six months and ended up five years.
17 Van GILDER: That was the--
18 BLOOM: I mean--
19 Van GILDER: --that was the sewer moratorium you're
20 talking about?
21 BLOOM: Absolutely. No development. I mean--
22 Van GILDER: That was--
23 BLOOM: --IDEM was stamping everything.
24 Van GILDER: I understand. But I--I--just in my
25 experience with wetlands development particularly,

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1 the Army Corps of Engineers has backed significantly
2 off from four or five years ago because of the whole

3 issue of how wetlands can be controlled under the
4 Clean Water Act. And so to say--

5 BLOOM: Yeah.

6 Van GILDER: --"We're okay with it because we've got
7 IDEM backing us up," or DNR or the Army Corps, I'm
8 not sure that that is the way to go because--for
9 Indiana.

10 IRVING: And I think there's a couple of other issues
11 that I know that since I've become Commissioner that
12 I have fought with. First of all, the construction
13 industry, the contractors, there's a huge part of our
14 economy.

15 Van GILDER: Uh-huh (affirmative).

16 IRVING: But then today's news, Indianapolis is the
17 number one for repossessed homes. Okay? Fort Wayne
18 was 18th.

19 Van GILDER: Uh-huh (affirmative).

20 IRVING: And there was a huge discussion with Todd
21 Rokita on the radio even about that. Plan-it Allen!,
22 you're talking about that, our comprehensive plan?
23 They talk about it being that we are overbuilt in
24 this area. And then we turn around and then it puts
25 a very tough situation when--when developers want to
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1 purchase property, they want to develop, which is the
2 American way that you should be able to do. It's
3 free enterprise. It's like me telling you, there's
4 900 attorneys in Allen County, why should you get to
5 open up your--and shang your--hang your shingle out?

6 Van GILDER: I can go ahead and answer that. But--

7 IRVING: Yeah, why would any of us want to do any of
8 this? But it makes is--

9 Van GILDER: Because we're crazy.

10 IRVING: --very tough because when--

11 Van GILDER: Yeah.

12 IRVING: --you know, when the comprehensive plan came
13 back, it said that--that we are so overbuilt. But
14 yeah, it--and then we talk about--you know, it--it
15 makes it tough. You sit on Planning Commission like
16 I did and then you're involved in economic
17 development--

18 Van GILDER: Uh-huh (affirmative).

19 IRVING: --and you know, it's like, "Well, you can't

20 do that," just like the plan from--from Barry
21 Sturges. I mean, there are so many different factors
22 that go into it. This was a tough one. This was a
23 real tough one--
24 Van GILDER: Uh-huh (affirmative).
25 IRVING: --because it's out in the middle of nowhere.

0081

1 And as several farmers have said, "How can you put
2 that out there?" Well, you know, let's turn it
3 around and say, "How could your neighbor have sold
4 it?" Because if your neighbor did not sell their
5 farm land--
6 BLOOM: Exactly.
7 IRVING: --it can't be developed. And we have been
8 in meetings--I don't know if Nelson has, but I know
9 that Commissioner Bloom and I have been--that we have
10 been out on an agricultural sale, a property, and--
11 and the farmer is going, "No, we don't want to, you
12 know, sell it," and the children are sitting behind
13 him going, "Sell it, sell it," you know. And--
14 Van GILDER: Yeah.
15 BLOOM: Oh, yeah.
16 IRVING: --it's really--it's really tough. I--
17 Van GILDER: Yeah.
18 IRVING: --the comprehensive plan should have been
19 done at least a year ago. I think that that would--
20 Van GILDER: Well--
21 IRVING: --would make delineations of some of the--
22 the nature areas that we need to keep. But it's also
23 going to--as the developers and contractors were not
24 happy when we first started the comprehensive plan
25 because they said, "Okay, now you're going to

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1 designate this is the area for growth which means the
2 price of the agricultural land is going to go up."
3 BLOOM: Sky high.
4 Van GILDER: Uh-huh (affirmative).
5 IRVING: So--
6 Van GILDER: I'll make two points because I know you
7 guys have a lot of--a lot of other things you want to
8 do. Number one, with regard to the lawyers--
9 PETERS: I was wondering if you were to address that.
10 Van GILDER: I'm going to. I'm going to--I'm going

11 to--I'll say this publicly, since Cindy is here,
12 there are not too many lawyers in this community.
13 There are too many lawyers not doing what they ought
14 to be doing. Okay?
15 IRVING: Now quote him on that. Don't say--
16 Van GILDER: You can quote me on that.
17 IRVING: --I said that. Okay?
18 Van GILDER: There's too many lawyers--and what I
19 mean by that is there's an awful lot of public
20 service that can be done by lawyers that's not being
21 done. Likewise, and this is where I--the parallel is
22 to the development. Yes, it's sort of the American
23 way, "It's my private property. I get to do with it
24 what I want to do with it." But doesn't--isn't there
25 a responsibility? There's a responsibility there to
0083

1 rational development for the community's benefit, not
2 just for my pocketbook. I mean, it--the way I
3 practice law is totally inefficient, you know.
4 Somebody would come in and say, "What are you doing,
5 Van Gilder? You're wasting your time at the
6 Commissioners meeting for two hours and you're not
7 going to get paid a dime for it." And they're right,
8 that's inefficient. But I do it because I think it's
9 important. At some point, Legislative bodies in this
10 community are going to have to say, "Developers, turn
11 your sites away from farmground and look at Fort
12 Wayne. Look at the City. Look at the housing stock.
13 Look at that land. Look at where there's already
14 services."

15 IRVING: You're right.

16 Van GILDER: "You don't have to build a new sewer.
17 You don't have to build a new lift station. The
18 electricity is there. Figure out a way to do that."
19 And I think the community has to do that. And that
20 goes to Commissioner Bloom's point about the cost of
21 farmland. There's going to have to be some incentive
22 that makes it useful for farmers to say, "I don't
23 need to sell this land."

24 BLOOM: Uh-huh (affirmative).

25 Van GILDER: "I've just--I've--I've got some tax
0084

1 incentives or I've sold my development rights to a

2 nature organization."

3 BLOOM: Uh-huh (affirmative).

4 Van GILDER: "And now I can live on this land. My
5 kids can live on this land. And I don't have--I
6 don't have to have somebody dangle \$20,000.00 an acre
7 in front of me, or more, and say, 'I've got to take
8 that for my kids, for my grandkids.'"

9 BLOOM: So in other words, you're saying if property
10 isn't sold, if there is some kind of an incentive, if
11 Legislative bodies do not rezone--

12 Van GILDER: Sure.

13 BLOOM: --then they'll have to come downtown and do
14 this?

15 Van GILDER: It's economics. The pressure is, "I'm
16 in the business of development. What's the easiest
17 thing for me to develop?"

18 IRVING: Green space.

19 Van GILDER: Green space. Tabula rosa.

20 IRVING: You're right.

21 Van GILDER: I can just do whatever I want with it.

22 IRVING: You're right--in meeting after meeting
23 trying to--

24 Van GILDER: It's too complicated--

25 IRVING: Uh-huh (affirmative).

0085

1 Van GILDER: --to deal with, "Oh my gosh, this
2 neighborhood"--

3 BLOOM: Isn't that interesting?

4 Van GILDER: --so anyway, I've taken enough your
5 time. I do--

6 BLOOM: Well, I know it's right, but--

7 Van GILDER: --appreciate your time though.

8 BLOOM: Thank you.

9 Van GILDER: Thank you.

10 PETERS: Thank you.

11 IRVING: Thank you. Come see us anytime.

12 Van GILDER: All right. I will.

13 VENDERLY: I don't know if--

14 IRVING: Yes, you can come and tell us anything you
15 want.

16 VENDERLY: Well, I appreciate it. I know you're busy
17 and--this is--

18 IRVING: Introduce yourself.

19 VENDERLY: I'm Kara Venderly. I'm the one that gave
20 you all that--
21 IRVING: Yes.
22 VENDERLY: --reading material. So--
23 BLOOM: Hi, Kara.
24 IRVING: No, you didn't. You spoke from the heart.
25 VENDERLY: But--and I know it's a done deal. We
0086

1 figured it would be. We just felt like this is our
2 part. But after talking to the agencies nonstop, I
3 don't--they say they're hands are tied.
4 BLOOM: Whose ha--
5 VENDERLY: The agencies.
6 BLOOM: --whose hands?
7 VENDERLY: The agencies, IDEM, Army Corps, DNR,
8 water, DNR Biology. They say if it's within the law,
9 they know the law is not good enough, the laws aren't
10 changing fast enough, silt fencing does not work.
11 Okay? That's what Sarah at IDEM said. You know, it
12 may help. This is--this is not from her, this is
13 from me, you know, assuming--
14 BLOOM: Uh-huh (affirmative).
15 VENDERLY: --within the words she gave me. It may
16 help. But when you have it on such a fragile piece
17 of land that you're tearing down trees on top of
18 hills that--right there, wetland. Silt fencing, if
19 you've got something there, it's got to work 100%.
20 It doesn't work 100%, but it's within the law. Their
21 hands are tied. They--they, only if--if something
22 falls within the little speck that they're supposed
23 to look at, they can do something about it, but
24 there's a lot they don't control. That's why passing
25 the buck today--it--it sounds good, "Well, we'll"--I
0087

1 mean, it sounds--I'm sitting there saying, "Hey, that
2 sounds great. You know, leave it up to the people
3 who are going to be looking at this area." But the
4 people who are going to be looking at this area say
5 they're hands are tied. Even though they know it's
6 wrong, they have to go within, obviously, the laws.
7 We all do. But they know the laws aren't good enough
8 to protect areas such as this. Like DNR of Biology--
9 I'm sorry, I talked to him recently, I don't have his

10 name in my head as I do with the others as well--I
11 said, "Well, there are--what I hear is proposed are
12 two retention ponds for the stormwater and then the
13 water will go into the wetland." First from IDEM,
14 any rise or fall that's unnatural will affect that
15 area, like the shrubbery, very--they have not even
16 been able to grow shrubbery in mitigation ponds
17 because it's so tricky on--
18 BLOOM: Uh-huh (affirmative).
19 IRVING: The height of the--yeah.
20 VENDERLY: --you know. So any rise or fall is going
21 to make a difference. Going back to the--the
22 retention ponds, it's still--yeah, it's much better,
23 but it's still too polluted for this fragile of an
24 area. That isn't just we're losing that area for the
25 plants that are being set forth to be done to it and
0088

1 the agencies say that their hands are tied. I mean,
2 yes, they'll be able to maybe look at that little
3 speck that they regulate, but they aren't able to
4 look at the whole--they aren't able to protect with--
5 out of that little speck that they're in charge of.
6 Or if it's within the law, like I said, with the silt
7 fencing, they've got to pass it even though they know
8 it's not going to work, according to Sarah. And this
9 pond is owned by other people. So, I--I don't
10 understand how it can be left to the developer to do
11 as he will because I'm--I'm assuming, you know--
12 obviously, I have my fingers crossed that something
13 will come up and the agencies will be able to do
14 something to protect this land that's owned by other
15 people. But I still don't understand how it can be
16 just, "Let the developer do what he wants to," this
17 area that is owned by other people. It's not like
18 land where you can put a fence and say, "Okay,
19 everything I'm doing is in this area and it won't
20 affect anybody else." It will. So--but I approve
21 your time--or I mean, I appreciate your time. I
22 appreciate, you know, you at least putting this into
23 consideration what we have written. You know, so I
24 do--
25 BLOOM: Any development--and we appreciate your
0089

1 comments. I hope that you're not right about the
2 public entities that have to be in control of this
3 and give direction to the developer and the Planning
4 Department. Any developed property in our county or
5 anywhere affects other people--

6 VENDERLY: Uh-huh (affirmative).

7 BLOOM: --because that's why we have stormwater
8 management and that's why--we're dealing right now
9 with several older additions that as the new ones are
10 building, they're getting--they're flooding their

11 property. Any property that develops affects--

12 VENDERLY: Uh-huh (affirmative).

13 BLOOM: --others around them.

14 VENDERLY: Uh-huh (affirmative).

15 BLOOM: And I'm surprised if this is such a fragile
16 area as it is that there hasn't been some kind of a--
17 a request, a plan--even the owner--because the owner
18 could even make it, like, a park, like a wildlife--

19 IRVING: Natural habitat.

20 VENDERLY: That's what I was hoping, that it would be
21 left alone.

22 BLOOM: That--

23 VENDERLY: At least the surrounding area or something
24 because it sounds like you really can't protect it
25 with the plans that are put forth.

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1 BLOOM: No, it--it would have to be requested.
2 Someone would have to say--because we do have several
3 in our community that have just become wildlife
4 nature preserves, and--

5 IRVING: Habitats.

6 BLOOM: --yeah, the habitats. I--I'm sad that--

7 VENDERLY: I'm sorry, I didn't get that last point.

8 BLOOM: --you've had this communication. I'm really
9 sad because I always thought after what we went
10 through with IDEM and the Army Corps, I mean, with
11 bridges, and farmland, and streams with the DNR and
12 the Army Corps--

13 VENDERLY: Uh-huh (affirmative).

14 BLOOM: --they're really strict--

15 VENDERLY: It might.

16 BLOOM: --on the County.

17 VENDERLY: If it lands in that little spot, like

18 actually putting fill in or actually putting, you
19 know, like a--something solid into the water, you
20 know, then the Army Corps takes care of that.
21 BLOOM: Well, we've got a road right now that the
22 school--a new school is there and they think it's
23 going to flood because Army Corps won't give us
24 permission to correct it. And I--I hope that what
25 you're saying isn't accurate--

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1 VENDERLY: I hope it--I know what--
2 BLOOM: --because--
3 VENDERLY: --I'm saying is accurate. But whether it
4 will fall outside the bounds of what they can be
5 looking at, I--I hope I'm wrong. But I know--
6 BLOOM: I hope you're wrong too.
7 VENDERLY: --that they do--they're hands are tied and
8 they do have to pass things that they know aren't
9 correct. And that comes straight from Sarah.
10 IRVING: Okay.
11 VENDERLY: So--but anyway, I appreciate it. I--you
12 know.
13 IRVING: Thank you, and join us anytime.
14 VENDERLY: Thank you.
15 IRVING: Is there any other public comment? Hearing
16 none, we'll adjourn the meeting, and please have a
17 nice week.

(Adjourned at 11:35 a.m.)

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF ALLEN)

3

4 REPORTER'S CERTIFICATE

5 I, Kimberlee M. Adams, a Notary Public in and
6 for the State of Indiana, County of Allen, do hereby
7 certify that the above and foregoing is a true and

8 accurate transcript of the Board of Commissioners of
9 the County of Allen, Legislative Session, held before
10 me on May 31, 2006 in the Allen County Commissioner's
11 Courtroom, Room 200, City-County Building, 1 East
12 Main Street, Fort Wayne, Allen County, Indiana; that
13 I am not related to, employed by or interested in any
14 of the parties to this cause of action.

15 IN WITNESS WHEREOF, I have hereto affixed my
16 hand and seal this 6th day of June, 2006.

17
18 _____
19 Kimberlee M. Adams, Notary Public
20 Residing in Allen County, Indiana

My Commission Expires:
21 December 2, 2011