



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

Citizens Square Suite 410 · 200 East Berry Street · Fort Wayne, IN 46802

Phone: 260.449.7555 FAX: 260.449.7568

LINDA K. BLOOM THERESE M. BROWN NELSON PETERS

AGENDA

**Commissioners' Legislative Session
10:00 AM Friday, July 7, 2017
Council Chambers Courtroom – Citizens Square**

- 1. Consider approval of the minutes of June 23, 2017.**
- 2. Consider approval of agreement between the Board of Commissioners and Maverick Energy Consulting for natural gas consulting services.**
- 3. Consider approval of 2017-2018 property and casualty insurance.**
- 4. Consider approval of Rezoning Petition #REZ-2017-0019 to rezone 85 acres on the north side of the 100 to 300 blocks of West Cedar Canyons Road and on the east side of the 16400 to 17000 blocks of Kell Road from A1/Agricultural to R1/Single Family Residential for a 93-lot single family residential subdivision.**
- 5. Consider approval of Contract between the Board of Commissioners and Butler, Fairman, Seufert, Inc. for Construction Inspection Services for Tillman Rd-Minnich Rd Roundabout, Project # 1200113. In the amount of \$151,800.00.**
- 6. Consider approval of Change Order # 1 for Bid Ref # 03-17 for Winters Road Extended , Project # 0700416. In the amount of \$\$411,447.18.**
- 7. Consider approval of Warranty Deed for Washington Center Rd Bridge # 95 over Spy Run Creek, Project # 0100113**
 - a. Parcel 6 – JRM Realty, LLC**
- 8. Consider approval of preliminary resolution supporting the dissolution of the Allen County Solid Waste Management District.**
- 9. Consider approval of agreement between the Board of Commissioners and Stephen J. Kelley for examination of decorative iron in the Courthouse rotunda.**
- 10. Consider approval of grant agreement between the Board of Commissioners and the Foellinger Foundation on behalf of Allen Superior Court. DEFERRED**
- 11. Consider approval of claims submitted for payment.**
- 12. Other Business:**
 - Approval to Proceed with Closing on the W. Berry Street property.**
 - Accept land transfer from the Jail Building Corp. to the Commissioners for small amount of land at intersection of Superior and Clinton.**
 - Approval of the 2018 Holiday Schedule**
 - Approve appointment to the Plan Commission**

13. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of July 7, 2017.

14. Comments from the Public

15. Motion to Adjourn.

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 200 East Berry Street, Suite 380, Fort Wayne, IN 46802, or by phone at (260) 449-7217.



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

Citizens Square Building Suite 410 · 200 E. Berry Street · Fort Wayne, IN 46802

Phone: 260.449.7555 FAX: 260.449.7568

NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

Commissioners' Legislative Session
10:00 a.m., Friday, June 23, 2017
Council Chambers Courtroom – Citizens Square

Commissioners Present: Therese Brown and Nelson Peters
Commissioners Absent: Linda Bloom

Others Present:

Chris Cloud	Commissioners Office
Jenni Overman	Commissioners Office
Andrew Applegate	Commissioners Office
Bill Fishering	County Attorney
Bill Hartman	Highway Director
Dave Gong	JG
Kevin Leininger	News Sentinel

Commissioner Brown called the meeting to order at 10:05 AM. Commissioner Brown led the meeting with the Pledge of Allegiance and a moment of silence.

1. **Consider approval of the minutes of June 16, 2017.** Commissioner Peters made a motion to approve the minutes of June 16, 2017. Commissioner Brown seconded the motion. Motion carried 2-0.
2. **Consider approval of Construction Inspection Contract between the Board of Commissioners and A & Z Engineering, LLC for Liberty Mills Rd/CR 900 S (West County Line Rd), Project # 05-210. In the amount of \$ 172,458.80.** Bill Hartman, Highway Director, stated this is the next phase for this project. Nearly all the right of way has been acquired and we will soon go to construction. This will be the inspection phase. This is 80/20 so our portion is \$34,491.76. Commissioner Peters made a motion to approve the Construction Inspection Contract between the Board of Commissioners and A & Z Engineering, LLC for Liberty Mills Rd/CR 900 S (West County Line Rd). Commissioner Brown seconded the motion. Motion carried 2-0.
3. **Consider approval of Sign Request for "Stop" sign at Distant Hills at Devall Rd for Honeysuckle Subdivision. Requested by Brian Sechler.** Bill Hartman, Highway Director, stated this is the entrance to the subdivision at Devall Road. It's been there quite a while with no stop sign at that intersection. This will make it official that everyone must stop. Commissioner Peters made a motion to approve "Stop" sign at Distant Hills at Devall Rd for Honeysuckle Subdivision. Commissioner Brown seconded the motion. Motion carried 2-0.
4. **Consider approval of dedication of right of way on Union Chapel Rd, West of Coldwater Rd from McIntosh Energy Company, Inc. for Tim Horton's.** Bill Hartman, Highway Director, stated this was a change of use for the property. A Tim Horton's was constructed there and an island was constructed east and west along Union Chapel to make a right in / right out at that entrance. It required some additional right of way and some widening of the road. Commissioner Peters made a motion to approve dedication of right of way on Union Chapel Rd, West of Coldwater Rd from McIntosh Energy Company, Inc. for Tim Horton's. Commissioner Brown seconded the motion. Motion carried 2-0.
5. **Consider approval of Warranty Deed for West Hamilton Rd Bridge # 221 over Beal Taylor Ditch, Project # 00-026.**
 - a. Parcel 2 – Probst

Bill Hartman, Highway Director, stated this is the last parcel. Soon we will be proceeding to bid that for construction. Commissioner Peters made a motion to approve Warranty Deed for West Hamilton Rd Bridge # 221 over Beal Taylor Ditch. Commissioner Brown seconded the motion. Motion carried 2-0.

6. **Consider approval of Change Order # 10 for Gump Rd from SR 3 to Coldwater Rd, Project # 03-296. In the amount of \$ 20,488.36.** Bill Hartman, Highway Director, stated this is due to a change in property owners. The original property owner asked for a chain link fence around a detention pond that was put on the property as part of the project. This property owner would like a farm field type fence. This will eliminate Change Order # 4 that was a \$29,000 increase so actually this will be about a \$9,000 net decrease in the contract. Commissioner Peters made a motion to approve Change Order # 10 for Gump Rd from SR 3 to Coldwater Rd, Project # 03-296. In the amount of \$ 20,488.36. Commissioner Brown seconded the motion. Motion carried 2-0.
7. **Consider approval of 60/40 agreement between the Board of Commissioners and Cedar Lakes Subdivision for HMA Resurfacing.** Bill Hartman, Highway Director, stated the engineers estimate for this is \$98,000. The subdivisions 40% will be \$39,320 and ours will be \$58,980. As soon as this gets into escrow we will proceed and get that into a bid. Commissioner Peters made a motion to approve 60/40 agreement between the Board of Commissioners and Cedar Lakes Subdivision for HMA Resurfacing. Commissioner Brown seconded the motion. Motion carried 2-0.
8. **Consider approval of settlement agreement and release of all claims.** Chris Cloud, Executive Assistant, stated there were 2 lawsuits filed with the Sheriff's Department. County Attorneys John and Spencer Feighner worked on these cases and they recommend settlement in the amount of \$5,000 each. Commissioner Peters made a motion to approve the settlement agreement and release of all claims. Commissioner Brown seconded the motion. Motion carried 2-0.
9. **Consider approval of appointment to the Three Rivers Ambulance Authority.** Chris Cloud, Executive Asst., stated the name before them is Brett Steffen. Commissioner Nelson Peters made a motion to approve the appointment of Brett Steffen. Commissioner Brown seconded the motion. Motion carried 2-0.
10. **Consider approval of amendment to the Allen County Code Title 7 (Purchasing) – Article 2 (Purchasing Department).** Chris Cloud, Executive Assistant, stated this codifies the action taken last week to have the Purchasing Department involved in the award administration of federally funded highway projects. Commissioner Peters made a motion to approve the amendment to the Allen County Code Title 7 (Purchasing) – Article 2 (Purchasing Department). Commissioner Brown seconded the motion. Motion carried 2-0.
11. **Consider approval of claims submitted for payment.** Commissioner Peters made a motion to approve the claims as submitted in the amount of \$1,419,543.88. Commissioner Brown seconded the motion. Motion carried 2-0.
12. **Other Business:**
13. **Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of June 23, 2017.** Commissioner Peters made a motion to approve the waiving of the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of June 23, 2017. Commissioner Brown seconded the motion. Motion carried 2-0.
14. **Comments from the Public.**
15. **Motion to Adjourn.** Meeting adjourned 10:13 a.m.

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet

#2

INDEPENDENT CONSULTING AGREEMENT

This Independent Consulting Agreement, entered into as of this 7 day of July, 2017 by and between The Board of Commissioners of the County of Allen, Indiana ("Allen County"), an Indiana Government Entity, and Maverick Sales Solutions, Inc., d/b/a Maverick Energy Consulting ("Maverick"), an Illinois Corporation.

RECITALS

A. Maverick is a corporation, duly organized and existing under Illinois law, and maintains its principal place of business in Naperville, Illinois.

B. Allen County is a county government entity, duly organized and existing under Indiana law and maintains its principal place of business in Fort Wayne, IN.

C. The parties have determined that it is in their respective best interests to enter into a formal agreement, setting forth their rights and obligations to each other.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

ARTICLE ONE INCORPORATION OF RECITALS, the above Recitals are hereby incorporated into and made a part of this Agreement.

1. **APPOINTMENT.** Allen County hereby appoints Maverick as a non-exclusive independent consultant of Allen County with respect to the duties described on Exhibit A. Maverick agrees to be so appointed in accordance with the terms and conditions set forth in this Agreement, including Exhibit A. Exhibit A may be amended from time to time, so long as both parties agree to such amendment as indicated by the signatures of both parties to this Agreement on said amendment. Maverick shall receive assignments and report on its activities to the responsible person(s) of Allen County.

2. **TERM.** Maverick will provide consulting services commencing on November 1, 2017 and continuing for a period of 60 months unless terminated as described below. If neither party terminates this agreement as described below, it will automatically renew on a year to year basis.

3. **COMPENSATION.** Maverick shall be compensated according to Exhibit A attached hereto. Payments for services are due within thirty (30) days of receipt of an invoice.

4. **TERMINATION.** This Agreement may be terminated with immediate effect by either party upon breach of the Agreement by the other party. Either party may terminate this Agreement with or without cause by giving sixty (60) days written notice to the other party. If Allen County terminates this Agreement, Maverick shall be entitled to all compensation earned and due and shall be paid as provided in paragraph 3. If Maverick terminates this Agreement, Maverick will deliver services as provided in Exhibit A up to the termination date and entitled to all compensation earned up to the termination date. The termination of this Agreement shall not

relieve or release either party from making payment of any obligation owed the other party arising under or from a breach of this Agreement.

5. LEGAL STATUS. Maverick is not an employee of Allen County, but shall be an independent contractor as that term is defined in the Internal Revenue Code and the Fair Labor Standards Act. Maverick will not be granted the rights or benefits conferred upon employees of Allen County. Under circumstances regarding natural gas purchasing decisions, Maverick shall be deemed agent of Allen County. Maverick shall have the authority to bind Allen County in any natural gas price transaction with a third party natural gas provider that is approved by Allen County.

6. NOTICES. Any notices required or permitted to be given under this Agreement shall be made by certified mail-return receipt requested and shall be deemed to have been made at the time the notice is delivered or deposited in the U.S. Mail to the address identified below:

Russell Paluch
Secretary and Treasurer
paluch@maverickec.com
Maverick Energy Consulting
4228 Chaparral Drive
Naperville, Illinois 60564

Dawn Rose
Purchasing Director
Dawn.Rose@co.allen.in.us
The Board of Commissioners of the County of Allen
200 E. Berry St., Suite 495
Fort Wayne, IN 46802

7. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties and supersedes all prior and contemporaneous statements, promises, or agreements.

8. SEVERABILITY. Should any part of this Agreement, for any reason, be declared by a court of competent jurisdiction to be invalid, unenforceable, or void as against public policy, such decision shall not affect the validity of any other portions and such remaining portions shall remain in full force and effect as if this Agreement had been executed with the invalid portion eliminated.

9. WAIVER. Neither the failure, delay, nor partial exercise on the part of any party to exercise any right, power or privilege hereunder shall operate as a waiver thereof.

10. AMENDMENTS. Amendments to this Agreement shall be valid only if set forth in writing, duly executed by each of the parties hereto.

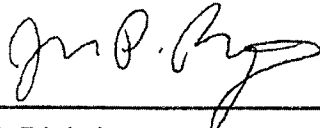
11. ASSIGNMENT. Neither party to this Agreement may assign its rights under this Agreement without the prior written consent of the other party.

12. **ATTORNEY FEES.** In the event of either party's breach of any material condition or covenant contained herein which breach reasonably results in legal action being instituted, the prevailing party shall be entitled to its costs and reasonable attorney's fees, in addition to any other recovery made.

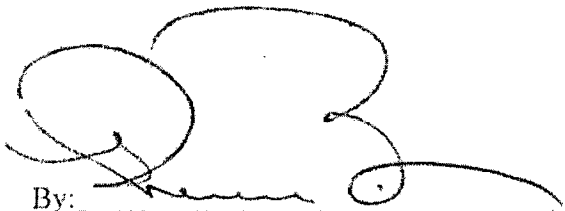
13. **CHOICE OF LAW.** This agreement shall be enforced and interpreted in accordance with the laws of the State of Indiana and by the Courts of the County of Allen, State of Indiana.


Maverick Sales Solutions, Inc.


The Board of Commissioners of the
County of Allen, Indiana

By: 

John P. Righeimer
Purchasing Director

By: 

By: 

By: 


Attest: 

EXHIBIT A

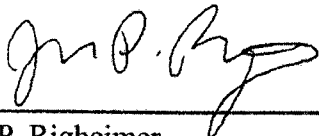
1. Description of Services to be Provided: Maverick will be retained by Allen County for a period of 60 calendar months (November 1, 2017 — October 31, 2022), known as "the retainer period," to conduct an agency program for Allen County to manage their natural gas procurement and act on Allen County' s behalf with their natural gas provider to negotiate and execute the Allen County approved natural gas procurement strategy.
 - a. Maverick will conduct strategy sessions and meet with Allen County on a quarterly basis or as requested by Allen County to review, update, and track the procurement program and natural gas market. If Allen County deems it necessary, Maverick will assemble, issue, and evaluate a request for proposal process.
 - b. Maverick will provide periodic market updates regarding the fundamental factors affecting natural gas pricing and provide unlimited market consulting over the phone regarding these weekly updates.
 - c. Maverick will maintain records of transactions and agreements made by and between Allen County and their natural gas supplier.

2. Compensation: Allen County agrees to pay Maverick a fee of \$4,410.00 per year during the retainer period. Maverick will submit a yearly invoice of \$4,410.00, net 30 days, in advance of work performed.

Maverick Sales Solutions, Inc.

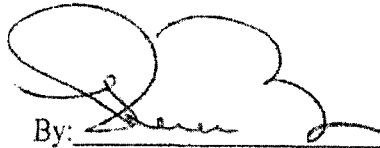
**The Board of Commissioners of the
County of Allen, Indiana**

By: _____

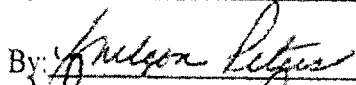


John P. Righeimer
Purchasing Director

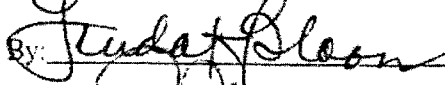
By: _____



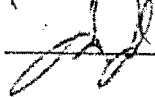
By: _____



By: _____



Attest: _____



Non-Appropriation Clause

1. **Funding Intent** Customer believes that funds will be made available to support all of its future natural gas needs and hereby covenants that it will do all of the things lawfully within its power to obtain, maintain and properly request and pursue such funds, including making provisions for such payments to the extent necessary in each budget submitted for the purpose of obtaining funding, using bonafide best efforts to have such portion of the budget approved and exhausting all available administrative reviews and appeals in the event such portion of the budget is not approved.
2. **Non-appropriation of Funds** If all the following shall occur: The governing body fails to appropriate monies in any fiscal year for the purchase of natural gas in support of its facilities and as duly require to by law; Other funds are not available for such payments, and; The non-appropriation of funds did not result from any act or failure to act on the customers part, then a non-appropriation shall be deemed to have occurred.
3. **Result of Non-appropriation** It is agreed between the parties that if funding for the term of this agreement is not obtained as the period of this agreement progresses, this agreement shall terminate with no penalty to either party as of the date of said funding is terminated. Should a non-appropriation occur, customer shall give the vendor at least sixty (60) days notice of the date of said funding.



Allen County Board of Commissioners

Description of Coverage
PEPID

Policy Period

Expiring	Renewal	Accept or Reject Indication
PEPID & Safety National	PEPID & Safety National	
2016-2017	2017-2018	

7-1-2016 to 7-1-2017	7-1-2017 to 7-1-2018	
\$ 544,021,581	\$ 544,761,308	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Total Property Premium	\$221,364	\$215,423

Commercial Property
 Island Marine
 Equipment Breakdown / Boiler & Machinery
 Flood & Earthquake - \$25M
 Pollution - \$2M
 Cyber Liability - \$2M
 250,000 Notified Individuals*
 Certified Acts of Terrorism

Safety National

Policy Period

7-8-2016 to 7-8-2017	7-8-2017 to 7-8-2018	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Included	Included	
Total Liability Premium	\$207,002	\$209,653

General Liability - \$2M Each Occurrence/\$4M Aggregate - 100K per Claim SIR
 Employee Benefits - \$2M Each Employee/\$4M Aggregate
 Auto Liability - \$2M Liability Limit - \$250K per Claim SIR
 M/UIM - \$500K Liability Limit - \$250K per Claim SIR
 Auto Physical Damage
 \$5,000 Comprehensive Ded - All Vehicles
 \$5,000 Collision Ded - 5 Leased
 Access Liability - \$3M Each Occurrence/Aggregate
 \$750,000 Annual Aggregate Retention - All Lines

Hanover Insurance Company

Policy Period

7-8-2013 to 7-8-2016	7-8-2016 to 7-8-2019
\$8,932	\$9,399

Time (Fidelity) Premium - 3 year annual installments

Provident Benefits

Policy Period

7-14-2016 to 7-14-2017	7-14-2017 to 7-14-2018
\$3,072	\$3,240

Accident & Health -
 Homeland Security and Community Service Members



Lupke Rice



INSURANCE & FINANCIAL SERVICES

SINCE 1917

Lupke Rice Insurance Fee	\$10,584	\$11,000	
Total Property, Liability & Crime Premium	\$447,882	\$448,715	


Excludes TPA Fees	Excludes TPA Fees
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Excess Cyber Option I

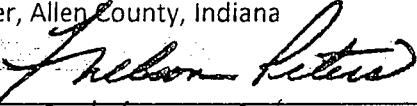
\$1M Excess over \$2M (Included limit above)

Total Option I

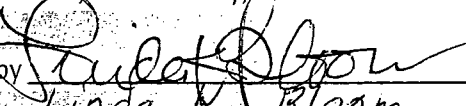
		\$6,560
		\$6,560


 Signed by _____
 Name: Therese Brown
 Commissioner, Allen County, Indiana


Dated 7-7-17


 Signed by _____
 Name: F. Nelson Peters
 Commissioner, Allen County, Indiana

Dated 7-7-17


 Signed by _____
 Name: Linda K. Bloom
 Commissioner, Allen County, Indiana

Dated 7-7-17


 Approved by _____
 Name: Nicholas Jordan
 Auditor, Allen County, Indiana

Dated 7-10-17

#4

COMES NOW the Board of Commissioners of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

**Allen County Code Title 3:
The Allen County Zoning Ordinance
Amendment No.**

WHEREAS petitioner Chestnut Group, filed Petition REZ-2017-0019 with the Allen County Department of Planning Services; and,

WHEREAS the Allen County Plan Commission held a public hearing on this Petition on the 11th day of May, 2017; and,

WHEREAS, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the approximate 84.97 acres of real estate referenced in the Petition be reclassified to R1/Single Family Residential; now, therefore,

BE IT ORDAINED by the Board of Commissioners of the County of Allen, State of Indiana, that the Board concurs with the Plan Commission's recommendation and approves this Petition;

BE IT FURTHER ORDAINED that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Board;

ENACTED THIS 7 day of July, 2017.

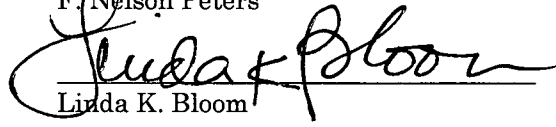
THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ALLEN,
STATE OF INDIANA



Therese M. Brown

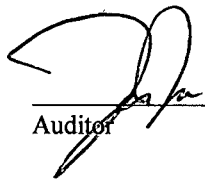


F. Nelson Peters



Linda K. Bloom

Attest:



Auditor

COMES NOW the Advisory Plan Commission of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7-4 et.seq. and Allen County Code Title 3, both as amended, and adopts the following resolution.

**Resolution of the
Allen County Plan Commission
Regarding Zoning Map Amendment**

WHEREAS the Allen County Department of Planning Services received a proposed map amendment to Title 3 of the Allen County Code (the Zoning Ordinance) on April 4, 2017 which it designated subsequently as Rezoning Petition REZ-2017-0019; and,

WHEREAS the Allen County Department of Planning Services provided for publication of a public hearing notice on the proposed map amendment in both *The Journal Gazette* and *The News-Sentinel* according to law; and,

WHEREAS the Allen County Plan Commission conducted a public hearing on the proposed map amendment on May 11, 2017; and,

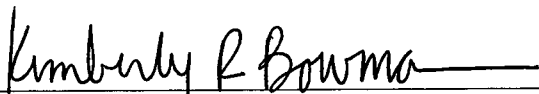
WHEREAS the Allen County Plan Commission considered the petition in light of comprehensive plan and the zoning ordinance requirements; now, therefore,

BE IT RESOLVED by the Allen County Plan Commission, meeting in open session, that a resolution and proposed ordinance be sent to the Allen County Board of Commissioners recommending that the proposed map amendment Do Pass, approximately 84.97 acres to R1/Single Family Residential;


BE IT FURTHER RESOLVED that the Allen County Plan Commission's Findings of Fact setting forth its reasons for this recommended action be included with the resolution and proposed ordinance resolving Rezoning Petition REZ-2017-0019; and,

BE IT FINALLY RESOLVED that the Executive Director of the Allen County Department of Planning Services be directed to execute this Resolution on behalf of the Allen County Plan Commission and to present a copy of it to the Allen County Board of Commissioners;

ADOPTED THIS 18th day of May 2017.



Kimberly R. Bowman, AICP
Executive Director, ACDPS
Secretary to the Allen County Plan Commission



Date of Signature

REZONING FACT SHEET

Petition #REZ-2017-0019

Project Start: April 2017

PROPOSALS:	Rezoning Petition REZ-2017-0019 and Primary Plat -- PP-2017-0010, The Quarry
APPLICANT:	Chestnut Group
REQUEST:	To rezone property from A1/Agricultural to R1/Single Family Residential; and approve a primary plat for a 93-lot single family residential subdivision.
LOCATION:	The property is located on the north side of the 100 to 300 blocks of West Cedar Canyons Road and on the east side of the 16400 to 17000 blocks of Kell Road. A portion of Creekside at Twin Eagles Subdivision Section 1 lies to the south of the site (Section 9 of Perry Township).
LAND AREA:	Approximately 85 acres
PRESENT ZONING:	A1/Agricultural
PROPOSED ZONING:	R1/Single Family Residential
PROPOSED WATER:	Town of Huntertown
PROPOSED SEWER:	Town of Huntertown

11 May 2017 Public Hearing

- No one spoke at the hearing in support.
- 5 ▪ ~~One~~ resident had concerns at the hearing.

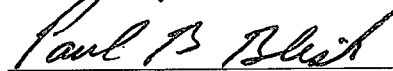
18 May 2017 Business Meeting

Plan Commission Recommendation: Do Pass

- A motion was made by Renee Fishing and seconded by Jeff Sorg to return the ordinance to the Board of Commissioners for their final decision.
- **6-0 MOTION PASSED**
- Susie Hoot and Therese Brown were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
1 June 2017

Reviewed By:



Paul Blisk, Deputy Land Use Director

PROJECT SUMMARY

The applicant is proposing to rezone approximately 85 acres of land for a new 93-lot single family subdivision. The site is located on the northeast corner of Kell and East Cedar Canyons Road just north of Twin Eagles. The property is bordered to the south by Twin Eagles, to the east, west, and north and by metes and bounds residential and farm ground.

Access to the subdivision is gained from two new entrances. One entrance will serve a cul-de-sac of six lots off of Kell Road. The second entrance will serve the balance of the 93 lots and will come from East Cedar Canyons Road. After discussion at the business meeting, the applicant agreed to provide an interconnection to the east. The property to the north is fully developed. Because of the size of the development, the Zoning Ordinance requires a sidewalk on all streets within the subdivision, and sidewalks on Kell and East Cedar Canyons Road. The applicant is showing internal sidewalks but not showing the exterior walks. The applicant is apparently working with a trails group to run the Pufferbelly Trail along the Kell Road frontage. The applicant has stated that there are two large wetlands within the right-of-way along the East Cedar Canyons Road frontage and is discussing with the Highway Department the engineering feasibility of installing a walk along this frontage.

The proposed plat shows several common areas within the subdivision for stormwater management with a series of stormwater basins. Sanitary sewer and water service will be provided by the Town of Huntertown. The primary plat has been approved for both sewer and water.

As mentioned the applicant is not proposing interconnections to the west and will discuss in more detail at the hearing the reasoning for not interconnecting to the east.

The property contains extreme grade changes and wetlands and does not currently show a looped street system. As a result the applicant is in discussion with Northwest Allen County Schools on a street design that would allow safe ingress and egress for buses within the plat.

The applicant has not requested any variances of Ordinance development design standards with the Board of Zoning Appeals. The plat has existing subdivision development to the south of East Cedar Canyons Road. The rezoning request can be supported by the Comprehensive Plan for infill development, compatible land uses, and the presence of utility infrastructure. Staff is supportive of the request as it will provide additional lot options at different price points in proximity to schools and services using existing infrastructure.

PUBLIC HEARING SUMMARY:

Presenter:

Roger Delagrance, developer and David Brown, project engineer.

Mr. Delagrance presented the project to the Plan Commission as outlined above. He confirmed that land is being reserved for the future Pufferbelly Trail piece along Kell Road.

Comments in Support:

Mrs. Kell, owns property to the west. They own Kell Drilling and want to be sure this addition will not affect their use of Kell Road for bringing trucks and equipment for their business.

Kent Castleman, Fort Wayne Trails – appreciates the consideration for the trail.

Dr. Fisher, developed Forest Glade – in support.

Comments in Concern or Opposition:

Scott Ellison, Creekside subdivision – concerned about Cedar Canyons and Coldwater intersection.

Mark Roussel, north of the lake – Willow Creek can raise 4 feet during a storm event, the lake probably cannot take additional water, there is no outlet. How will this affect the clarity of the lake?

Nicole Carmody, Creekside subdivision – concerned that headlights will face into her living room.

Grant Gumbert, 124 W. Cedar Canyons – lives immediately east, concerned about traffic, animals, his farmer losing access through the project property.

Jessica Gumbert, 124 W. Cedar Canyons – concerned about noise and light, fertilizer. Would like a privacy fence.

ALLEN COUNTY PLAN COMMISSION • FINDINGS OF FACT

Rezoning Petition REZ-2017-0019

APPLICANT: Chestnut Group
REQUEST: To rezone property from A1/Agricultural to R1/Single Family Residential; and approve a primary plat for a 93-lot single family residential subdivision.
LOCATION: The property is located on the north side of the 100 to 300 blocks of West Cedar Canyons Road and on the east side of the 16400 to 17000 blocks of Kell Road. A portion of Creekside at Twin Eagles Subdivision Section 1 lies to the south of the site (Section 9 of Perry Township).
LAND AREA: Approximately 85 acres
PRESENT ZONING: A1/Agricultural
PROPOSED ZONING: R1/Single Family Residential
PROPOSED WATER: Town of Huntertown
PROPOSED SEWER: Town of Huntertown


In preparing and considering proposals for rezoning, I.C. 36-7-4-603 states that the Plan Commission and legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

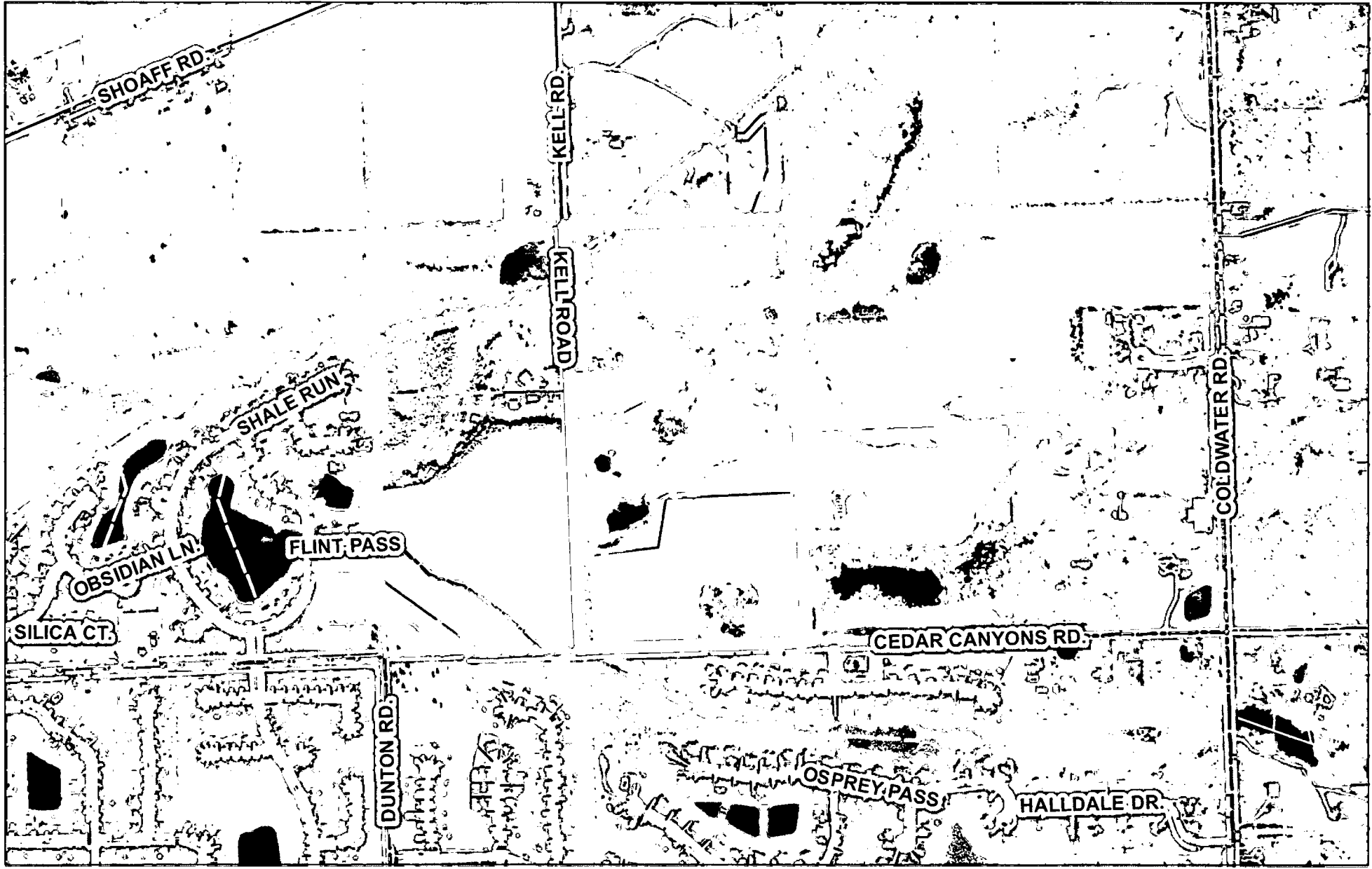
The Plan Commission recommends that Rezoning Petition REZ-2017-0019 be returned to the Board of Commissioners with a recommendation of "Do Pass" for the reasons stated below:

1. Approval of the rezoning request will be in substantial compliance with the Allen County Comprehensive Plan, and should not establish an undesirable precedent in the area. The proposed rezoning is compatible with zoning districts in the general area.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Plan review from the Plan Commission and staff will ensure a compatible development that complements the surrounding land uses. The associated primary plat meets the Ordinance development design standards.
3. Approval is consistent with the preservation of property values in the area. This proposal provides for additional single family residential inventory on the northeast side of Huntertown.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by County departments indicates that the site can be developed for the intended uses and adequate infrastructure is available to service the site.

These findings approved by the Allen County Plan Commission on May 18, 2017.



Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 4/19/2017

