



Plan Commission Hearing March 5, 2025 Minutes

Called to Order:

Meeting was called to order at 5:01 pm

Roll Call

Present: Attendance: Austin Budreau, Karen DeForest, Jeff Rhodes, Jake Bryant, Colt Ridenour, Landon Brown, Andy Laughlin, Christina Cress and Jeff Peters (City of Angola Liaison).

Staff: Director Clinton W. Knauer, Assistant Director Charlie Pettibone, Administrative Technician Tara Lee, and Attorney Don Stuckey.

Absent: Jim Slabaugh and Code Enforcement Officer Cody Wentz.

Minutes: 2/5/2025 minutes approved as presented.

Old Business:

New Business:

REPORTS OF OFFICERS

- **Chairman Report**
 - Reading and outline of policies and procedures for new Plan Commission members.
 - Plan Commission gave thank you to previous Plan Commission members.
 - Welcome of new Plan Commission members:
 - Jake Bryant
 - Colt Ridenour
 - Councilwoman Christina Cress
 - Commissioner Andy Laughlin
 - Update on Danford project. Meeting for primary approval of the major subdivision “Shores of Crooked Lake” will be held on April 2, 2025.
 - Plan Commission meeting and hearing conduct review.
 - Live streaming unavailable for February and March Plan Commission meetings due to technical issues.

REPORTS OF COMMITTEES

- **City/County Liaison Report**- no February or March meeting.
- **Drainage Board**- none
- **Plat Committee**
 - Meeting 1st week of March had many plats reviewed and approved.

- **Board of Zoning Appeals**
 - Meeting March 10, 2025 has three variances on docket.
 - Setback updates discussion.

UNFINISHED BUSINESS

- **Extra Territorial Jurisdiction (ETJ)/Inter-local Agreement Draft**
 - February 10th meeting with City of Angola members made no progress on inter-local agreement draft.
 - Andy Laughlin will have a discussion with Mayor Martin on inter-local agreement draft. More information TBA.
- **Storm Water Ordinance Draft**- No updates, more information TBA.
- **Floodplain Ordinance (DNR CAV)**
 - DNR/FEMA meeting February 6, 2025, results:
 - 1 violation for elevation certificate. Property owner is working on getting correct elevation certificate.
 - Plan Commission needs guidance before signing FEMA insurance for Steuben County.
 - Plan Commission was advised to hold off on signing due to responsibility issues.
 - The plan is to go the Legislative route moving forward for clarification.
 - If DNR wants Steuben County Planning to enforce issues funding for additional staff would be required.
 - Attorney Don Stuckey stated that the DNR are trying to transfer the cost of regulation to local governments without offering funding for additional staff.

NEW BUSINESS

- ***(PUD-25-01) Kiracofe Homes*** petitions for ***a primary approval of a Planned Unit Development.*** Proposed PUD includes twenty (20) existing lots. Property is located at Ln 520 Lake James, Section 33 of Jamestown Township. (Map#76-03-33-230-317.020-006)

Jim Kiracofe, 300 LN 650 AD Snow Lake, Fremont, IN 46737 stated that there are currently 4 existing condo units in the Coves of Lake James Association. Kiracofe gave details about what his future plans are for the property and gave selling details. Kiracofe stated that with the building of the new homes and additional condo units a Planned Unit Development (PUD) would be beneficial for financial and insurance reasons. Kiracofe stated that the current condo association bylaws are outdated and the PUD will update current covenants and rules. Kiracofe stated that eliminating the condo association and implementing the PUD will clean up a lot of those issues just like any other subdivision. Plan Commission Board members were given a copy of the dissolving of the condo association and the new proposed PUD. Kiracofe mentioned that having the PUD in place will allow for easier accessibility for home loans. Kiracofe stated that the 4 current homeowners have no issues with changing from a condo association to a PUD.

BZA Committee questions

Christina Cress: Did you change the number of units?

Jim Kiracofe: There are only 18 planned units not 20, units 15 & 16 were deleted due to permitting requirements. The two homes on the main road will have a shared driveway coming into their

parcels and they will share the common area. From the HOA meeting, those two homes will pay monthly \$100 HOA fee, even though those two homes are part of Phillips Bay HOA, not The Coves of Lake James. Since those two homes will have the same usage to common areas, snow removal and yard maintenance as the homes in the Coves of Lake James, that is why they will pay the monthly \$100 HOA fee.

Plan Commission members discussed the orientation of homes in The Coves of Lake James.

Austin Budreau: Is units 7 & 8 completed currently?

Kiracofe: Units 5, 6, 7 & 8 are completed. Units 17 & 18 are framed & sold. Units 19 & 20 are ready for foundations to go in and the current 4 have been there for a long time. If you look on the map the road will extend to access the other 6 units.

Landon Brown: Are you putting in tri-plexes?

Kiracofe: No, we are not putting any more units in. We have approval for 6 units.

Budreau: So, you are clear for units 9-14, correct?

Kiracofe: Correct.

Budreau: That is what you are currently approved for or is that what you are asking for tonight?

Kiracofe: Yes, that is currently approved. It was approved with two three-unit buildings but it didn't fit so we just added two two-unit buildings.

Plan Commission members discussed orientation and number of units.

Budreau: There is currently a condo association and you want to change to a PUD, correct?

Kiracofe: Correct.

Budreau: After tonight you want to make it into a PUD for mixed units, correct?

Kiracofe: Correct.

Budreau: What is the purpose of requesting the PUD?

Kiracofe: For lending and insurance purposes and how the 300 pages was put together by Walbrick. Nothing made sense and nothing was clarified with the old condo association HOA.

Budreau: In chapter 18 about PUD's, I have one question. The PUD shall provide two (2) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Plan Commission: You have to meet two out of the five criteria. Do you know what those criteria are that you meet?

Kiracofe: I will get with Clint and the Planning office to see.

Budreau: The five criteria are:

- (1) Preservation of significant natural features or farmland.
- (2) A complementary mixture of uses or a variety of housing types that provides a benefit to the County over conventional development.
- (3) Common open space for passive or active recreational use.
- (4) Mitigation to offset community impacts such as public roadway improvements.
- (5) Redevelopment of a nonconforming site where creative design can address unique site constraints.

Clint Knauer: Two and five for sure, three and four are marginal.

Budreau: Are you doing any common areas?

Kiracofe: We have an area where the entry sign is and a common dumpster pad area.

Budreau: Is there going to be a sidewalk?

Kiracofe: There is a little section on the right (pointing to the map that was provided to Plan Commission members.) Where the road ends and a new road will start is where the common dumpster area will be located and is part of the HOA maintenance.

Jeff Peters: Is the HOA going to maintain the grounds of the common areas?

Kiracofe: Yes, it will maintain yard maintenance, street maintenance and landscaping.

Brown: Will the deeds for each condo need amended?

Kiracofe: Doesn't need to be since most of the units are owned. There is only one or two people who have mortgages. If they don't have a mortgage then the deeds don't need amended. With the new PUD any deed owner will need to agree and sign for approval.

Brown: You will need 100% agreement of current owners to approve this PUD, correct?

Kiracofe: Yes, and they would have to agree to dissolving the condo association and accepting the new HOA.

Jeff Rhodes: Have you had a discussion with the current owners?

Kiracofe: Yes, we had a meeting to see if they wanted to proceed forward with implementing the new PUD. All current owners have received a packet for review. An official meeting TBA to talk about final draft and signing of PUD.

Brown: Wouldn't have made more sense to get 100% approval before coming in front of the Plan Commission? If some people don't agree then you wasted our time.

Don Stuckey: This is primary approval and they will need to come back in front of this Board for final approval once 100% has been achieved.

Knauer: You can make them come back like an Administrative in the past but either way is fine.

Stuckey: Today is to approve the concept and make them come back upon 100% approval from all owners.

Kiracofe: Yes, once we get everything signed and recorded is the plan.

Knauer: If this is approved, please make a motion to have this as a secondary to come back in front of Plan Commission as part of your motion.

Brown: Lot A & B, since they are not part of this subdivision, how will enforcement work for them to pay the HOA fee?

Kiracofe: Once the units are sold the agreement will be a recorded document in their mortgage. They will assume that since they are using the common areas the \$100 HOA fee will apply to them.

Stuckey: They will have covenants that will be recorded for those two lots.

PUBLIC PORTION:

OPPOSITION:

Tammy Miller	275 LN 530 Lake James	Fremont, IN 46737
Ryan Schoenefold	355 LN 530 Lake James	Fremont, IN 46737
Bill Schmidt	260 LN 498 Lake James	Angola, IN 46703
Latriealle Wheat	(Rep for current owners in the Coves of Lake James)	
=	107 W Maumee St	Angola, IN 46703

IN FAVOR:

Chris Hedrick	25 LN 520B Lake James	Fremont, IN 46737
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END OF PUBLIC PORTION

Attorney Don Stuckey stated that tonight’s meeting is for the primary approval to the concept of the PUD. Kiracofe will need to return with a signed statement from each property owner that they consent to the transfer from a condo association to a planned unit development or it can not occur.

BZA Committee questions

Plan Commission members, Planning Department staff and Attorneys discussed the commercial aspect of the PUD and other alternatives to the PUD.

- ***(PUD-25-01) Kiracofe Homes*** petitions for ***a primary approval of a Planned Unit Development.*** Proposed PUD includes twenty (20) existing lots was approved with conditions that on the secondary hearing Kiracofe will need to return with a signed statement from each property owner that they consent to the transfer from a condo association to a planned unit development. Must have 100% of owners consent for secondary approval.
- **AFO Ordinance Draft**
 - Draft is completed and ready for Plan Commission review for edits, additions and input.
 - Draft was created to better define the definition to the Animal Feeding Operations.
 - The AFO draft discussion was tabled until April 2, 2025 Plan Commission meeting to see if Senate Bill 14 passed at the end of March.
 - The Steuben County Planning Committee has exhausted all their political capabilities, time and resources in continuing with the sub-committee. Steuben County Plan Commission encouraged the sub-committee to continue their efforts with Commission Rick Shipe and other entities in Steuben County.

ANNOUNCEMENTS- Next Plan Commission meeting April 2, 2025.

ADJOURNMENT

Meeting Adjourned 7:30 pm

Clinton W. Knauer
Steuben County
Planning/Building Director

Date