

ROLL CALL

Dan Baumgardner	Jerome Markley
Harry Baumgartner, Jr	Keith Masterson
Larry Owen	
Bill Horan	Tim Rohr
Richard Kolkman	John Schuhmacher
Finley Lane	

Michael Lautzenheiser, Jr., Director

The March 5, 2015 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Ten members were present for roll call.

APPROVAL OF MINUTES:

Tim Rohr made a motion to approve the minutes from the February 5, 2015 meeting. Bill Horan seconded the motion; the motion carried 9-0-1. Larry Owen abstained since he was not at the February meeting.

OLD ITEMS:

A 14-12-28 HARRISON TWP. NW/4 3-26N-12E RTT Investments, LLC. requests approval for a hoop storage addition 7,494 sq. ft. The property is located at 3110 E SR 124, Bluffton, IN 46714 and is zoned B-3/I-1.

Brett Miller, MLS Engineering on behalf of RTT, said that they are still working with the DNR. He said that it is not easy getting information from them and they will continue to try to get what is needed. Jerome Markley asked if 30 days would be enough. Mr. Miller asked if 60 days would be possible as he isn't sure how much longer this will take. Michael Lautzenheiser, Jr. said that 60 days would be ok; however, this is the last continuance available. Mr. Miller officially asked for a 60 day continuance to be heard at the May meeting.

Conditions:

Motion to Continue to May 7, 2015 Meeting: John Schuhmacher

Second: Keith Masterson

Vote: 10-0

NEW ITEMS:

A 15-03-03 LANCASTER TWP. NW/4 27-27N-12E Larry Hiday (Hiday Motors) requests approval for a 27,440 sq. ft. building and parking lot. The property is located at 1791 N Main St., Bluffton, IN 46714 and is zoned B-3.

Jerome Markley made mention of Michael Lautzenheiser, Jr. and Mike Morrissey's conflict of interest and how they were both not here to this portion of the meeting.

Brett Miller, MLS Engineering, said that he was there to talk about the project and answer any development questions. He said that Greg Hiday, Hiday Motors, was there to answer any business related questions. Mr. Miller described the development plan for a new 27,440 sq. ft. building, sign, and additional parking. He said that the entrance would remain the same. The lighting that is to be installed would be directed towards the building so it doesn't interfere with neighborhood surrounding the lot. Mr. Miller mentioned the landscaping buffer to help with the addition as well. He talked about the new detention basin that would be created and increased in size 4 times to help with storm drainage. He said that he talked to Jarrod Hahn that he was satisfied with the plans made. Jerome Markley asked Larry

Owen regarding Jarrod Hahn's opinion. Larry Owen said that Mr. Miller was correct in regards to Jarrod Hahn's opinion. He mentioned the intention of cleaning up the one detention area. Mr. Markley asked Doug Sundling if the City had any problems with the plan and made mention of the sign off sheet the office received regarding the plan. Doug Sundling mentioned the inherited problems and said that the proposed plan is the best possible solution. Mr. Markley asked Bill Horan regarding the Plat Committee's comments for this petition. Bill Horan said that it's positive that the drainage was addressed and that the vegetative landscaping is nice as well. John Schuhmacher asked about direction of lights. Mr. Miller stated that they would be focused towards the building. There were no comments or questions from the public.

Conditions:

Motion to Approve: Bill Horan

Second: John Schuhmacher

Vote: 10-0

A 15-03-04 UNION TWP. NE/4 04-28N-11E Zanesville Lions Club request rezoning approval for an 80 x 80 leased area to be zoned A-R. The property is located at 3088 W. Van Horn St., Zanesville, IN 46799 and is zoned R-2.

Russell Brown, on behalf of Skyway Towers for Verizon Wireless, talked about the rezoning request from November 2014 and that they were requesting for another favorable Do Pass Recommendation to be sent to The Town Board of Zanesville. He said that they decided to refile due to a couple of new town council members. He mentioned that the land owners are willing to make a written commitment that it will only be used for the communication tower. Mr. Brown said that the initial tenant for this tower would be Verizon Wireless and that there would be 3 additional tenant locations available on the tower. He said that the Fort Wayne market is increasing and that there were already 5 relief towers in Wells County. He talked about how these are relief towers and would help to off-load traffic from 2 nearby towers. Mr. Brown said that he believed the nearest tower was approximately 1.75 miles away from the corporate limits of Zanesville. He talked about the handout that they provided to all the board members. He mentioned that they had met with The Town Board of Zanesville to notify them that they would be refile for the rezoning request again. He said that they would normally apply for a variance of use; however, our ordinance doesn't allow that and this is their only option. He again asked for a Do Pass Recommendation with the commitment that it be a communication tower only.

Jerome Markley asked if this was the first time we've been asked to rezone. Michael Lautzenheiser, Jr. said that it was the second time and we had given a Do Pass Recommendation last time and approved the development plan conditionally. Russell Brown said that the development plan wasn't effective until the rezoning happens. He said that was the reason they were there tonight. Bill Horan asked if the original rezoning request was for A-R zoning as well. Mr. Lautzenheiser, Jr. said it was the same.

John Schuhmacher asked to read a written statement. He mentioned how The Town Board of Zanesville turned down the original rezoning request and the reasoning behind it. He said that they felt it didn't follow the ordinance and felt it needed to remain in the guidelines of the ordinance. Mr. Schuhmacher asked about the hidden costs and who was responsible for those. He also talked about how the roads have just been redone and how if they were to approve this then the roads would get damaged from heavy trucks and equipment. He asked who pays for it when it's no longer used. Mr. Schuhmacher talked about how it's a relief tower and they don't feel this is necessary. He mentioned that they feel the only reason Verizon wants to put the tower in Zanesville is due to the cheap rent. He said we have the ordinance for a reason and if we do not follow it then we might as well go home because our jobs are irrelevant. He asked everyone to really consider their decision since this petition has come up again. Mr. Schuhmacher urged everyone to oppose this request by stating that this should be about the ordinance and not about the lease.

Jerome Markley asked Michael Lautzenheiser, Jr. if he wanted to address any of the items from John Schuhmacher's speech. John Schuhmacher said that he was referring to page 57 in the ordinance book. Mr. Lautzenheiser, Jr. mentioned the difference between the different sections under Article 15.5 #2 (page 69). He thought John was referring to letter A, which is the only one that has boundaries compared to letter D which has setbacks. However, the setbacks were taken care of by the waivers. Mr. Schuhmacher said that if they would have fully understood what was in ordinance then they would have denied it. Mr. Markley asked John Schuhmacher if he thought the distance for the large WECS applied to the towers too. Mr. Schuhmacher talked about how he thought the distance applied to all of the items in that section.

Michael Lautzenheiser, Jr. said his opinion on the project for rezoning to A-R or I-1 could be considered spot zoning and how it needs to be in the community's best interest. He said that one tool they had was restricting the use for that area by commitment for communication tower use only. Mr. Lautzenheiser, Jr. said that they are requesting that by asking for A-R zoning and throwing all the uses out for that area of land by stating that it will only be used for the communication tower. Mr. Horan just wanted to confirm that what we vote on tonight is just a recommendation send to The Town Board of Zanesville. Mr. Schuhmacher said that it was already voted down once and now they have to vote it down again. He asked who pays for the road damage. Mr. Lautzenheiser, Jr. said that there isn't any decommissioning written in for a communication tower. Mr. Schuhmacher asked who pays for it when it's no longer used. Mr. Brown said that there is a 90 day agreement. He said that some counties require written commitments that are recorded and some request a bond. Mr. Schuhmacher asked to confirm that The Lions Club isn't protected by a bond or recorded commitment. Mr. Brown said that the tower company would be in breach of their agreement if it wasn't removed within the 90 days of tower no longer being used. He said that if removal is an issue then they could possibly get a removal bond to help with removal of tower. Mr. Schuhmacher asked how many times this petition could be heard. Mr. Lautzenheiser, Jr. said that if APC denies it, then they must wait 12 months to refile.

Jerome Markley opened discussion up to the public. Laura Brothers asked if this was the same Verizon tower that was turned down for Coventry Road in Fort Wayne. She wanted to know who the agreement was with for The Lions Club and how it could be rezoned to an agriculturally zoned property when it's in the city. Mr. Markley asked what source she used for the Fort Wayne tower. Ms. Brothers said it was on the Facebook page for Bluewater Estates. She said it was just a relief tower and who pays for the emergency equipment. John Schuhmacher asked to clarify who is buying the equipment for the Emergency Alert System for the tower. Melba Edwards handed out an editorial she wrote for Zanesville. She said The Lions Club needs the money. She also mentioned that she never said there wouldn't be a Lion's Club, but that they would have to cut back on items. Mrs. Edwards talked about how cell phones don't always work around there and that she has waivers for the surrounding properties for the setbacks needed. She told the board that they would be receiving \$800/mo for 30 years. She said that the Lions Club organization has been there since 1947. She talked about needing to ask local businesses for help if this doesn't get approved. Mrs. Edwards said that there are lots of empty houses and lots of foreclosures. Elaine Schuhmacher said that a reliever tower doesn't make a difference. She said that she talks to family located in multiple places and that AT&T does fine. She mentioned that the siren is very loud currently. She talked about the research she's done regarding areas around San Diego, Northern Wells, and Allen Co. on health issues and value decreasing. Mrs. Schuhmacher mentioned the \$800/mo and how some others receive more than that amount. She said that she felt some of the items Melba Edwards said weren't true. Robin Phillips asked why people are complaining about the amount of money. She said that the siren isn't just for Zanesville but for the community. She talked about how some people don't know what the Lions Club does and how the ones complaining haven't helped or participated in anything to do with the club. Bob Scharf said that the Lions Club is a community service organization and that there would be nothing left for the community if they end. He mentioned how he felt The Town Board of Zanesville is anti-community. Kenneth Werling wanted to clarify tower information. Mr.

Schuhmacher said that he has helped out with The Lions Club and The Town Board of Zanesville isn't anti-community; they are just trying to follow the ordinance. Ms. Phillips corrected her statement about how John Schuhmacher has helped The Lions Club; however, the other that spoke against it hasn't helped.

Russell Brown said that they did have a tower denied on Coventry Road. He talked about how Fort Wayne is the state's 2nd largest market. He said that the tower being a relief tower isn't a luxury; it's there to provide reliable service and availability. He talked about wireless only households and the need for emergency response and how a person wants to call anytime and not just during non-peak times. He said that if this is denied then there is a potential for more towers. He addressed the health concerns and how things are in compliance with the FCC. Mr. Brown said there isn't a study showing value depreciation that has occurred after the home market crash. He said that he believed it was a necessary petition. John Schuhmacher asked about the 5 other possible locations that were turned down. Mr. Brown said that weaknesses were possibly found in the other properties. He talked about how Verizon will send someone out to find ideal properties and how they get narrowed down from there. Mr. Schuhmacher referenced research done and his source used which was Steel in the Air. He said that he felt that things need to be kept in line with the ordinance. Mr. Brown said that the building was already approved. Mr. Schuhmacher said that he was talking about the rezoning and not the building.

Michael Lautzenheiser, Jr. wanted to review with the board what is needed for a rezoning petition. He talked about the 5 items that need to be looked at – Comprehensive Plan, Current Condition, Most Desirable Use, Property Values, and Responsible Development. Jerome Markley said that the options that could be sent to The Town Board of Zanesville are: Do Pass, Do Not Pass, or No Recommendation. Michael Lautzenheiser, Jr. said that a commitment could be done along with the Do Pass and that the final decision is still up to The Town Board of Zanesville. Mr. Markley mentioned some of the possible conditions/commitments – communication tower use, emergency system, and decommissioning bond. John Schuhmacher asked if a Do Not Pass recommendation would still go before the town board.

Mr. Markley said the board is just voting on which decision we are sending to The Town Board of Zanesville. Kenny Edwards asked which reference book was the right one – Blue Book vs Black Binder. Mr. Markley talked about how everyone had the black binder which is the official copy of the documents for the meeting. He said that the one John Schuhmacher was referring to possibly an ordinance dated from a year or two ago. Mr. Lautzenheiser, Jr. talked about how the wording is similar if not the same and the location of items could have moved causing the confusion in page numbers. Melba Edwards mentioned the tornado siren again. Mr. Schuhmacher said it was the height of utility pole on top of a hill. Mrs. Edwards said that in the future they have permission for siren to be placed. She mentioned that Southwest Fire told her that the nearest siren is in Yoder and that she never said that Zanesville would have to foot the bill.

Conditions:

Motion to send a Do Not Pass Recommendation: John Schuhmacher

Second: Harry Baumgartner, Jr.

Vote: 5-5 (Tied - Vote didn't pass and needs to be voted on again)

Bill Horan made a motion to send a No Recommendation to The Town Board of Zanesville. Larry Owen asked if this triggers a meeting for Zanesville. Keith Masterson asked if they were able to come back since it wouldn't be denied. Michael Lautzenheiser, Jr. said that it would still go to the town board and that they could come back again since it's not a denial.

Conditions:

Motion to send a No Recommendation: Bill Horan

Second: Dan Baumgarder

Vote: 6-4 (Dick Kolkman, Finley Lane, Jerome Markley, Keith Masterson)

A 15-03-05 JEFFERSON TWP. SE/4 21-28N-12E Inotec USA Corp.(Haldrup USA). requests approval for an industrial building 30,000 sq. ft. with parking and storage areas. The property is located at 425 Industrial Parkway, Ossian, IN 46777 and is zoned I-1. This is a modification of an existing plan.

Jerome Markley talked about the email that was received by the Area Plan Office. He said that they were asking for the petition to be continued 30 days.

Conditions:

Motion to Continue to April 2, 2015 Meeting: Tim Rohr

Second: Dick Kolkman

Vote: 10-0

OTHER BUSINESS:

V2013-023: Rex Bates

Michael Lautzenheiser, Jr. said that Mr. Bates has done significant work and has moved out of the 2nd mobile home. It's ready to be removed from the property and they are very close to being done. He said that it should be completely removed in 30 days.

Conditions:

Motion to Continue to April 2, 2015 Meeting: John Schuhmacher

Second: Tim Rohr

Vote: 10-0

V2014-016: RTT Investments LLC

Michael Lautzenheiser, Jr. said that this violation is tied to the Development Plan which was continued 60 days to the May meeting. He recommended doing the same for this.

Conditions:

Motion to Continue to May 7, 2015 Meeting: Keith Masterson

Second: Finley Lane

Vote: 10-0

V 2014-023 Jason N and Dawn D McGrew

Michael Lautzenheiser, Jr. said that we haven't had any response back from the property owners regarding the violation. He suggested moving this violation to the attorney and have them send a letter.

Conditions:

Motion to turn violation over to Attorney: Tim Rohr

Second: John Schuhmacher

Vote: 10-0

V 2014-026 Home America Fund/Shane Brown

Michael Lautzenheiser, Jr. said that Mr. Brown has yet to come into the office to get the permit for the shed or above ground pool. He recommended sending a 2nd violation letter and to continue the violation for 30 days. Tim Rohr asked if we could move past the 2nd letter and send to the attorney. Mr. Lautzenheiser, Jr. said that we delayed the violation in-house trying to work with Mr. Brown. He said that the next step is sending the 2nd violation letter and then if we still do not receive a response or any action then it can be moved to the attorney.

Conditions:

Motion to Send 2nd violation letter and continue to April 2, 2015: Bill Horan

Second: Richard Kolkman

Vote: 10-0

V 2014-033 Kevin Thiele

Michael Lautzenheiser, Jr. said that the office has had communication from both the contractor and the property owner. He said that they have plans to fill the pit in this spring. Mr. Lautzenheiser, Jr. recommended the violation be continued until the May meeting. John Schuhmacher asked how we keep it from turning into a dump fill. Mr. Lautzenheiser, Jr. said that they are planning on taking down a tree fence row on the property and plan to use that to help fill in the borrow pit. Kenneth Werling asked the nature of this complaint. Mr. Lautzenheiser, Jr. said it was a violation due to not filling in the borrow pit when they dug to get the clay that was needed for the building they had a permit for. Mr. Werling asked if the inspector filed the complaint. Mr. Schuhmacher said that it had turned into a pond of sorts. Mr. Lautzenheiser, Jr. said that they had a permit to build a building not a 30' x 80' hole which is a size of a pond. He said that he was able to issue the violation due to being there to inspect the building for the building permit and notice the large hole. Mr. Werling asked what's wrong with having a pond. Jerome Markley said that you need a permit to build a pond. Keith Masterson added that it would have to meet setback requirements as well. Mr. Markley asked if continuing to May meeting would be enough time. Tim Rohr asked what would happen 5 years down the road when the trees start to decay and the ground settles. He was informed that it would be dealt with again at that time if needed.

Conditions:

Motion to Continue to May 7, 2015 Meeting: Bill Horan

Second: Dan Baumgardner

Vote: 10-0

DISCUSSION:

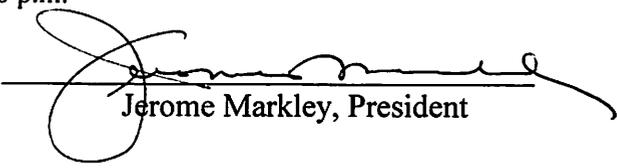
Jerome Markley asked about the appeal case. Michael Lautzenheiser, Jr. said that they case had been handed over to one of the three judge groups. He said that he was told on the phone that there is no standard timeline. Mr. Markley asked when it was turned over. Bill Morris said that it was in November 2014.

ADVISORY:

Michael Lautzenheiser, Jr. talked about the 2014 Steering Committee Annual Report. He talked about wanting board recommendations and possible changes regarding the first and third points on the report. He mentioned items regarding the CFO/Oil Bills at the state level. Mr. Lautzenheiser, Jr. talked about how the Area Plan staff offered their services to Bluff Now to assist them in making sure the direction they wanting to go follows along with the county ordinance. Jerome Markley asked if both towns (Bluffton and Ossian) were working together. Mr. Lautzenheiser, Jr. said that they are completely separate. He also talked about reaching out to the Chamber of Commerce to see what might be available. He mentioned Bluffton Now and how they want to brighten up the downtown. Mr. Lautzenheiser, Jr. said that they are trying to get the youth involved with Bluffton NOW. They want to create a group of youth to sit in on committees so we can have a wide range of views. He said that each school had groups such as school councils and also dollars for scholars which might be able to open up other avenues. Mr. Lautzenheiser, Jr. said that the redraft committee is still working on items. Mr. Markley asked about the number of people needed for the new committee. Mr. Lautzenheiser, Jr. said around 3-5 board members and the public.

ADJOURN:

Tim Rohr made a motion to adjourn the meeting. John Schuhmacher seconded the motion. The March 5, 2015 Area Plan Commission meeting adjourned at 9:28 p.m.



Jerome Markley, President

ATTEST:



Michael Lautzenheiser Jr., Secretary