

ROLL CALL

Dan Baumgardner	Jerome Markley
Harry Baumgartner, Jr	Mike Morrissey
Todd Fiechter	Tim Rohr
Jarrold Hahn	John Schuhmacher
Bill Horan	Becky Stone-Smith

Michael Lautzenheiser, Jr., Director

The July 7, 2016 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. Dick Kolkman was absent.

APPROVAL OF MINUTES:

Mike Morrissey made a motion to approve the minutes from the June 2, 2016 meeting. Tim Rohr seconded the motion; the motion carried 9-0-1. Dan Baumgardner abstained from voting.

OLD ITEMS:

NEW ITEMS:

A 15-07-10 WELLS COUNTY Ordinance Amendments

- **Zoning Ordinance**
 - **New & Adjusted land uses.**
 - **Special Exception requirement amendments.**
 - **Sign Ordinance amendments.**
 - **Recreational Vehicle regulation amendments.**
 - **Development Plan expiration regulation amendments.**
 - **Additional and updated ordinance definitions.**

Jerome Markley explained to the board and the audience that they would hear board comment and questions 1st then it will be opened to the public for comments and questions. Michael Lautzenheiser, Jr. started with the 1st Amendment presented. He explained that it would be adding Farmers Markets (both permanent and temporary), Food Production & Processing, and Slaughter House to the definitions and land use allowance sections.

Michael Lautzenheiser, Jr. explained the 2nd Amendment regarding Special Exceptions and the use of an existing accessory structure getting remodeled in order to be used as a second dwelling in the family and medical need section. Mike Morrissey asked how we would know it was being done. Mr. Lautzenheiser, Jr. said that it would still go thru the BZA. Todd Fiechter asked if it would have to be removed once it was no longer needed. Mr. Lautzenheiser, Jr. said that just the residential function of the structure would have to be removed.

Michael Lautzenheiser, Jr. said that the 3rd Amendment was just adding the 2nd Amendment in a different area of the ordinance. Jerome Markley said that #2 and #3 are the same and that it was just in ~~different~~ places. **different**

Michael Lautzenheiser, Jr. talked about the 4th Amendment regarding signs. He explained that federal laws were passed stating that a sign cannot be regulated based on the signs content. He also talked about another part of the sign ordinance that would allow sign and awnings in downtown areas without BZA

approval as long as they had an acknowledgement letter from the right-of-way owner stating they gave permission.

Michael Lautzenheiser, Jr. suggested updating the Type III Manufactured Homes section in the 5th Amendment. He explained that the change would be the timeline on when an RV is changed to have the status of a Type III Manufactured Home. The suggested change is from 180 day to 30 days unless it is located in an approved RV park/campground.

Michael Lautzenheiser, Jr. talked about the 6th proposed change. It would add a 2 year expiration date to the petition for the permit to be issued and that the project would need to be finished in 10 years. He also explained the 7th amendment which was updating and adding the definitions.

Jerome Markley asked the board members if they had any questions or comments. Todd Fiechter said that the slaughter house section seemed vague. Michael Lautzenheiser, Jr. explained that it was broad coverage, but that it didn't include if animals slaughtered were raised on the property. Bill Horan suggested adding commercial to the slaughter house section. Jarrod Hahn referred to the 5th change and talked about the times a camper has been used if a house was on fire. He suggested changing it to 60 or 90 days if used for a remodel/rebuild. The board discussed when a RV became a Type III Manufactured Home. They also talked about timelines for remodels. Mike Morrissey asked where the definition came from regarding campgrounds. Mr. Lautzenheiser, Jr. said that it was the standard dictionary version.

Jerome Markley opened the meeting to public comment and questions. William Morris voiced his concern about the slaughter houses. He asked the board to consider breaking slaughter houses out like what was done with wind towers and make different categories. Mr. Morris asked what the setbacks would be in the A-1 zoning district. Michael Lautzenheiser, Jr. said that it would be that same as it is now, 40' from the right-of-way and 20' from side and rear property lines. Mr. Morris asked to confirm that a home and a slaughter house could each be 20' from the property line. He suggested making it only I-1/I-2 if that was the case. Mr. Morris asked the board to look into the options. Mr. Markley confirmed Mr. Morris's requests on the items to look at. Jarrod Hahn mentioned the Zanesville and Craigville slaughter house/processing facilities and mentioned that neither of them seems to cause issues. Mr. Morris really wanted the board to look at the setbacks regarding slaughter houses. He suggested different zoning districts for different types. Mr. Markley asked how they were regulated. Bill Horan said that it was by the state. Todd Fiechter said that EPA & IDEM is also part of regulations. Chuck Brooks said that it is the APC's job to look out for the public not state requirements. Mr. Lautzenheiser, Jr. said that he would look into it and check with the existing facilities to see how many animals are processed. Mr. Hahn looked up the zoning of existing facilities and found that Zanesville was I-2, Craigville was S-1, and Ossian was I-1. Tim Rohr asked if A-1 zoning needed to be taken out regarding this proposed change. Mr. Hahn said that he was interested in knowing the number processed on a given day before making a decision.

Doug Sundling on behalf of Forget-Me-Knot Subdivision (not the City of Bluffton) voiced his concern regarding the 5th proposed amendment. He referred to minutes of previous BZA and APC minutes regarding the Bluffton KOA Campground. Mr. Sundling said that he felt it will become a mobile home park if the KOA is allowed to use the PMRV's year-round. Doug Williams said that there isn't a buffer between homes and campground. He said that the patios are close to RV's and that they are having trouble selling homes due to campground. Mr. Sundling said that everyone is happy to have a KOA Campground around however they don't like that it allows permanent residence options. Deidre Light, BKM Realtor, said that she felt it wasn't a good selling point for the homes that back up to the campground since they are permanent residence structures. Kori Liechty & Ignatius Mackenzie said that there weren't any PMRV's when they purchased their home. They have since added a 6' privacy fence, but feels that it hasn't helped block the view. They feel their property value has decreased since PMRV's have been placed. Amos Schwartz, home builder, talked about owning a home that isn't selling.

He said that the homes use to sell before construction was done and that this home isn't selling due to PMRV's. He said that he wouldn't buy any more lots along that road to build on due to the problem of selling this home. John Schuhmacher asked about letter F under the proposed amendment. Michael Lautzenheiser, Jr. said that the item has been in the ordinance for some time. Ryan Crismore, General Manager of Bluffton KOA, asked the board what their questions or concerns were regarding the campground. He explained that the people living in these units are contract workers, GM workers, construction workers that have permanent residences elsewhere, but need a place to stay without staying in an apartment or hotel while they are in town working. Mr. Crismore said that it is not a trailer park. Todd Fiechter asked if it was just certain lots that are being used for PMRVs. Mr. Crismore said that they are all back-in sites that have deep water lines for winter use. If they had to move them then the whole infrastructure would need redone. He said that the people staying there don't want to be limited on number of days they can stay. He explained that by allowing people to stay there its bringing additional people to Bluffton. Mr. Crismore explained the history of the KOA campground. Mr. Fiechter asked is they could be moved. Mr. Crismore said that it would be extremely costly. Jarrod Hahn asked if the change was for all campgrounds. He went on to explain that we can't make a change for one and have it not work for the others. Mike Morrissey asked about protecting the homes. Mr. Hahn went over the current ordinance stating that if an RV is used for 180 days then it becomes a type III manufactured home. Ms. Liechty asked to confirm that if a PMRV is lived in starting January 1st then it could only be occupied for 6 months before needing to sit vacant for 6 months. Bill Horan said that it could only be occupied for 6 months or 180 days per the ordinance. Mr. Crismore explained that this was the first year that the KOA was in the black. He said that the people staying there are here for work with another home elsewhere. He told the board that the goal isn't to have people "living" there. Mr. Markley asked is there could be some kind of compromise. Mr. Crismore said that he would be open to some type of fence that would block each other's properties. Mr. Hahn said that we weren't here to solve this problem. Tim Rohr asked if it was complaint driven. Mr. Fiechter asked how many complaints there have been over this type of issue. Mr. Lautzenheiser, Jr. said that there are a number of RV complaints every year. He explained that this amendment was drafted to bring up discussion to provide extended stays at all campgrounds. Mike Morrissey mentioned that adjacent homeowners view these as apartments for rent. Mr. Hahn said that the rule needs to make sense for entire county. Mr. Sundling agreed with Mr. Crismore that they both want to make money. He wanted to know what prevents the campground from turning into a mobile home park. My Sundling would like to discuss alternate solutions instead of changing the ordinance. Mr. Hahn said that even if they are only lived in seasonally that they can sit there year round. Mr. Lautzenheiser, Jr. said that the KOA is not a seasonal campground and that they are open year-round. Mr. Crismore asked for a chance to go back and talk with the owner of the campground since he does not have the authority to give some of the answers they are looking for. Mr. Lautzenheiser, Jr. said that if something can be worked out between the owners that would be great. Mr. Hahn said that we need to look at the safety of using a PMRV year-round not just because the neighbors don't care for them. Mr. Lautzenheiser, Jr. reviewed the items he needed to look into further before the next meeting.

Conditions:

Motion to Continue to August 4th Meeting: Mike Morrissey

Second: Jarrod Hahn

Vote: 10-0

OTHER BUSINESS:

V2012-036: Andrew Price

Michael Lautzenheiser, Jr. explained that Mr. Price is going to be applying for a Special Exception thru the BZA and that we wouldn't know anything until the petition is heard. He recommended continuing to the September meeting.

Conditions:

Motion to Continue to September 1st Meeting: Mike Morrissey

Second: Jarrod Hahn

Vote: 10-0

V2014-004: William Farabee & Rachel Trumps

Michael Lautzenheiser, Jr. informed the board of a 2nd violation that has been added to the original violation which was turned over to the attorney. He asked that the board forward this to the attorney as well so that it can be added to the case.

Conditions:

Motion to Send to Attorney: Jarrod Hahn

Second: Mike Morrissey

Vote: 10-0

V2015-007: Dean Lloyd

Michael Lautzenheiser, Jr. explained the violation stating that it was a manufactured home on the property that was no longer being used as a residence. Dean Lloyd told the board that he had 2 quotes and was waiting on the 3rd quote before deciding who to go with to remove the trailer. Jerome Markley asked Mr. Lloyd if he had a timeline in mind. Mr. Lloyd said that he would like 6 months. Mike Morrissey said that the APC needed a timeline. Mr. Lloyd said that he would call the office with a timeline.

Conditions:

Motion to Continue to August 4th Meeting: Mike Morrissey

Second: Jarrod Hahn

Vote: 10-0

V2015-012: Kerry & Dennis Miller

Michael Lautzenheiser, Jr. explained to the board that the mobile home has been in a state of disrepair since 2012. The violation was sent to our office since the mobile home was no longer being used as a residence. Kerry Miller said that it is still on the property. Jerome Markley asked when it would be moved off property. Mr. Miller mentioned that neither he nor his brother Dennis Miller thought that they owned the trailer and how they always thought there was a different owner of the trailer. Mr. Lautzenheiser, Jr. said that the trailer is in the brothers names. Mr. Miller asked if there was a title showing they owned it. Mike Morrissey asked about who paid the property taxes. Mr. Lautzenheiser, Jr. said that it was transferred into their names in 2014. Mr. Markley asked if they were paying the taxes. Mr. Miller stated that he was but they don't have anything showing the trailer is in their name. Mr. Lautzenheiser, Jr. said that per the violation that since it is on their property they need to get rid of the trailer. Mr. Markley asked if Mr. Miller didn't want trailer to leave property. Mr. Miller said that he wouldn't have any hard feelings if it left property. Jarrod Hahn asked what the violation was and if it was grandfathered. Mr. Lautzenheiser, Jr. explained that it lost the grandfathered in status after it sat unoccupied for over a year. Mr. Hahn asked if there was a remedy other than to remove the trailer. Mr. Lautzenheiser, Jr. said that the only option was to remove it from the property. Mr. Miller asked if a farm hand could live in it. Mr. Lautzenheiser, Jr. explained that it wasn't allowed per the ordinance. Mr. Miller asked if they could find out who owned the trailer. Mr. Lautzenheiser, Jr. told him that he could contact the treasurer's office. Mr. Markley suggested continuing 30 days until the next meeting. Mr. Morrissey said that would give Mr. Miller time to find ownership and see if previous owner would want it. Mr. Miller said that if old owner wanted it she could have it.

Conditions:

Motion to Continue to August 4th Meeting: Mike Morrissey

Second: Todd Fiechter

Vote: 10-0

V2015-019: Michelle Helmick

Michael Lautzenheiser, Jr. explained that they are working on getting the contents removed from the trailer so that they can tear it down. He suggested giving them 60 days to resolve the violation.

Conditions:

Motion to Continue to September 1st Meeting: Jarrod Hahn

Second: John Schuhmacher

Vote: 10-0

V2015-020: William & Marsha Thomas Trust & V2015-021: Dennis Thomas

Dennis Thomas explained that his sister has the power of attorney for the trust and that she had advised him to move into the house when their parents went to live in the nursing home. He said that he removed one of the trailers and that he was planning on fixing the other one up. Mr. Thomas talked about having Mr. Holbrook lined up to remove it once crops are off the field. Jerome Markley asked if he wanted to sell it. Mr. Thomas said that it was approved by the BZA 25 years ago and would like to keep it but didn't think that was an option. Mr. Markley asked the board their thoughts. Mr. Thomas told the board that he didn't pay taxes and that was probably the reason it was turned in as a violation. Mr. Markley asked Todd Fiechter when beans came off the field. Todd Fiechter said that they are usually off in October if all went well. Jarrod Hahn said that he would like an update by the November meeting. Mike Morrissey asked if removing was the only option. Michael Lautzenheiser, Jr. explained that it was since it hasn't been used as a residence in over a year. Mr. Thomas said that he does business there on the property in the barnyard. He also talked about how he wanted to fix the trailer up. Mr. Markley explained that he could fix it up to sell but not to live in on the property.

Conditions:

Motion to Continue to November 3rd Meeting: Jarrod Hahn

Second: Mike Morrissey

Vote: 10-0

2017 Budget

Michael Lautzenheiser, Jr. talked to the board about the upcoming budget for 2017. He explained that the board member pay could change based on what the commissioners decide. He asked for raises for all office employees due to work performance and cost of living. He went on to describe which line items stayed the same, increased, or decreased. He asked the board for their blessing regarding the APC budget.

Conditions:

Approval to Send to Commissioners: Jarrod Hahn

Second: Mike Morrissey

Vote: 10-0

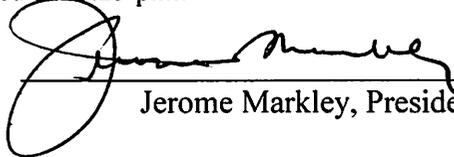
DISCUSSION:

ADVISORY:

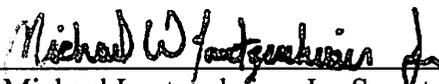
Jerome Markley confirmed the August 4, 2016 meeting.

ADJOURN:

John Schuhmacher made a motion to adjourn the meeting. Mike Morrissey seconded the motion. The July 7, 2016 Area Plan Commission meeting adjourned at 10:23 p.m.



Jerome Markley, President

ATTEST: 

Michael Lautzenheiser Jr., Secretary