

ROLL CALL

Dan Baumgardner	Jerome Markley
Harry Baumgartner, Jr.	Mike Morrissey
Tyson Brooks	Tim Rohr
Kip Bunch	John Schuhmacher
Jarrold Hahn	Becky Stone-Smith
Bill Horan	

Michael Lautzenheiser, Jr., Director

The December 7, 2017, meeting of the Area Plan Commission was called to order at 7:30 p.m. by Jerome Markley. All members were present.

APPROVAL OF MINUTES:

Mike Morrissey made a motion to approve the minutes with changes from the November 2, 2017, meeting. Jarrod Hahn seconded the motion; the motion carried 10-0-1 (Kip Bunch abstained).

OLD ITEMS:

NEW ITEMS:

A 17-12-15 LANCASTER TWP. NE/4 28-27N-12E Lawrence Purcell requests an approval for a zoning change to B-3. The property is located at 200 N west of SR 1, Bluffton, IN 46714 and is zoned R-3.

Jody Holloway, Coldwell Banker Holloway, represented the petition. He said that the idea was to rezone the property across from Walmart which is currently R-3 to B-3. He talked about the surrounding properties and how he felt this fit in with the area. Michael Lautzenheiser explained that it was only a portion of the property that needs rezoned and the retention pond for the addition would not be rezoned. Mr. Holloway said that the pond will be deeded to the homeowner association. Jerome Markley asked the board if there were any questions or comments. Tyson Brooks asked about a barrier. Mr. Holloway explained that the pond has a wooded area and fence line that acts as a barrier. Mike Morrissey said that during the development plan process that a buffer would be looked at then as well. Mr. Holloway explained where items on the property would be after the property lines would change. Mr. Markley asked if the board had any additional questions. Mr. Morrissey wanted to confirm that the pond was still residential. Mr. Lautzenheiser it was in the plat plans. Mr. Markley asked if there were any questions from the public. There were none. Mr. Markley asked if there were any final questions. He also reminded the board of the motion options- Do Pass, Do Not Pass, and No Recommendation.

Conditions:

Motion to Send a Do Pass to Bluffton City Council: Kip Bunch

Second: Mike Morrissey

Vote: 11-0

A 17-12-16 HARRISON TWP. SW/4 8-26N-12E Rhonda K Vandentop requests an approval for a zoning change to A-1. The property is located at Adams St & 200 S, Bluffton, IN 46714 and is zoned I-1.

Jody Holloway & Rhonda Vandentop represented the petition. Mr. Holloway talked about the properties and how they are currently zoned I-1 (Light Industrial). Mrs. Vandentop gave a history for the property. She mentioned listing the property on the market twice and being unable to sell based on the zoning. She said that there is an offer on the table if the rezoning of the property is passed. They talked about 3 other homes within 500' of the property. Mr. Holloway said that they are selling as one property. Jerome Markley asked if there was anything the board needed to be made aware of regarding this petition. Michael Lautzenheiser explained the location of the property and that there was some concern regarding possible wetlands on the property. Jarrod Hahn mentioned needing to avoid building on certain areas. He also talked about how the home must tie into city utilities. There was some discussion over the need to hook up to utilities. Michael referred Mr. Holloway to Jon Oman with the City of Bluffton. Mr. Markley asked the board if there were any additional questions or comments. Bill Horan asked if the petition would need to be postponed until word is received from Mr. Oman regarding city utilities. Mr. Lautzenheiser said that the Common Council of Bluffton can delay if needed. Mr. Hahn talked about the buffer of the woods for business zoned properties. He said that if a buffer was needed now due to the rezoning then he felt it wouldn't be the business's responsibility. John Schuhmacher said that it wouldn't hurt anything by sending a recommendation to the council. Mr. Markley asked for comments from the public regarding this petition. Leslie Lindsey said that she still spoke in favor and that they have done research of items mentioned earlier. She said that they are still interested in the property if rezoned. Chad Kline said that normally he wouldn't be for a rezone petition similar to this, however, with the main property being Green Plains and since they aren't opposed and the Economic Development Office feels that it's not able to be developed for business use, then he didn't see a reason to not approve.

Conditions:

Motion to Send a Do Pass to Bluffton City Council: Jarrod Hahn

Second: Mike Morrissey

Vote: 11-0

A 17-12-17 JEFFERSON TWP. NW/4 20-28N-12E Dan & Rita Mitchell requests approval for a 6.831 acre division of a minor subdivision. The property is located 900 N between 100 E & 150 E, Ossian, IN 46777 and is zoned A-1.

Caroline Kracium represented her mother at the meeting. She mentioned how they want to separate the home and outbuildings from the farm ground. Jerome Markley asked if there was anything from the Plat Committee. Michael Lautzenheiser said that during the initial Plat Committee Petition it was found that the property had no remaining sell-offs. He talked about how the property met the requirements for a division of a minor subdivision 1 time exemption. Mr. Markley asked Jarrod Hahn if there was anything regarding the drainage on the property. Jarrod Hahn said he didn't have any concerns. Mr. Markley asked if the board had any additional comments or questions. There were none. Mr. Markley asked the public if there were any questions or comments regarding this petition. There were none.

Conditions:

Motion to Approve: Bill Horan

Second: Harry Baumgartner, Jr.

Vote: 11-0

A 17-12-18 JEFFERSON TWP. SE/4 8-28N-12E Jason & Cassandra Meyer request an approval for a zoning change to B-3. The property is located at 10350 N SR 1, Ossian, IN 46777 and is zoned R-1.

Jason Meyer explained the petition and how he wants to rezone the property to commercial for a building to be built for work. Jerome Markley asked Michael Lautzenheiser if he had anything to add to this petition. Michael Lautzenheiser informed the board of restrictive covenants and how they are not in place for these parcels. He explained this property and how far away it was from other commercial properties. Mr. Markley asked Mr. Lautzenheiser to explain how it wasn't included in restrictive covenants. Mr. Lautzenheiser said that it more than likely was sold at a different time. Mr. Meyer said that he can build tomorrow, and that if the rezoning of the property happened then the neighbors wouldn't have to pay anything. Mr. Lautzenheiser said that there could be some public discussion after the board is done discussing before voting. Jarrod Hahn said that the development plan is subject to this rezoning petition being approved. Mr. Lautzenheiser explained to the board that the Area Plan Commission is giving a recommendation to the County Commissioners. Mr. Markley gave the 3 options for a motion – Do Pass, Do Not Pass, and No Recommendation. Mr. Meyer said the building would be used for work storage and personal use. He said that his business wouldn't be run out of it and if he had to build residentially then it would end up costing neighbors as well. Mr. Markley asked the board if they had any comments or questions regarding this petition. Dan Baumgardner asked about the abstracts on the lots. Mr. Lautzenheiser said that they are only for the home lots and that these 3 lots in question are not required to follow them. He said that a title search was done to confirm that too. John Schuhmacher asked what type of storage. Mr. Meyer said that it would be for storage only, no pollution. He also stated that there would be no foot traffic and it would be strictly for self-use. Mr. Hahn and Tyson Brooks asked about the frequency of deliveries. Mr. Meyer said that it would be a box truck maybe twice a month. Mr. Schuhmacher asked about water in the building. Mr. Meyer said that it would only be a pump outside and he can't put water inside. Mr. Lautzenheiser talked about the community well and how there are approx. 20 properties that currently use the well. Mr. Schuhmacher asked about flooding. Mr. Meyer said that the building would be raised and a two-stage ditch would help it. Mr. Hahn said that flooding is in a different area and unrelated to the rezoning. He felt it would be better to discuss this with the development plan. Mr. Meyer said that he had talked to a number of neighbors and they do not want to pay. Mr. Hahn asked if a perk test had been done yet. Mr. Meyer said that one hasn't been done. Mr. Schuhmacher asked about sewage. Mr. Hahn said that a perk test is to see if an on-site system would work. Mr. Baumgardner asked Mr. Meyer hypothetically if he would want something similar to this going in next to his home. Mr. Meyer said that he felt it was unable to be compared since he lives in a neighborhood. He said that he's talked to 2 realtors and that rezoning the property wouldn't affect the value on other properties. Mr. Lautzenheiser asked who the realtors were. Mr. Meyer said that Sam Haiflich with BKM Realtors was one and he didn't want to share the name of the other realtor. Tyson Brooks mentioned how he's said wanting to save the neighbors money and asked for further explanation. Mr. Meyer said that if he isn't able to build here then he would move his company to Fort Wayne and out of Ossian. Mr. Baumgardner asked about moving south of Ossian instead. Mr. Meyer said that he didn't want to move south of Ossian. Mike Morrissey asked to confirm the current

zoning for the property. Mr. Lautzenheiser said that the 3 combined properties are currently R-1 zoning. Mr. Meyer said that he received a reduction for the setback of the pole barn to be 40' instead of the 75' required setback from a ditch. Mr. Hahn confirmed that and said that it was for the pole barn only and if the plans changed then it would need to be looked at again. Mr. Morrissey asked if it were to stay R-1 what would be needed. Mr. Lautzenheiser said that a single family home could be built and that there would need to be a soil test to check for a septic system. Mr. Morrissey asked if it would have any effect on adjacent properties. Mr. Lautzenheiser said that there could be costs if there isn't a sufficient septic site and sewer lines would need to be put in. Mr. Hahn asked what was needed if it was a warehouse building like proposed. Mr. Lautzenheiser said that there couldn't be any indoor plumbing, no public or employees allowed. He said that it would have to be warehouse/cold storage without plumbing if there wasn't a good site for septic. Mr. Morrissey, Mr. Lautzenheiser, and Mr. Hahn discussed different uses allowed in the B-3 zoning district. Mr. Meyer said that he started this business with his wife and would like to pass it down to his kids. Kip Bunch asked if the zoning was changed would they need to come back for changes to property. Mr. Lautzenheiser explained the differences in development plans vs permits. Mr. Markley asked if the zoning change should be looked at for possibility or current request. Mr. Lautzenheiser explained that the rezoning request should meet certain requirements including following the comprehensive plan. Mr. Hahn said that it's not up to this board to make a final decision. He said that the County Commissioners have the final say.

Jerome Markley asked if there was anyone from the public that had anything to say regarding this petition. Leonard Brainer, president of the well association, talked about being concerned regarding the welfare of the well and the development of this property. He said that the hook-up is not automatic and that any future tap-ins is on a case by case basis. Mr. Markley verified location of well on the map. Chad Kline, Wells County Economic Director, said that he isn't going to be for or against this petition. He said that he would probably agree that it is considered spot zoning. He also said that there isn't anything available on the south side of Ossian. He felt that there might be other spot zoning requests in the future for the north side of Ossian and development progresses. Phil Stein said that it is spot zoning and doesn't want to see a business there. He thought it was going to be for storage and mentioned the property owner talking a lot about how the others will have to pay if this isn't passed and felt that as being a threat. Ron Heyerly was contacted before the meeting and told that it was going to be used as a cabinet manufacturing facility. He said that he's unsure what it will become if it were to be changed to B-3. He said anything could come in that fits that zoning classification. Mr. Heyerly talked about if the building needs to be raised to prevent flooding then that would affect the well even more. Mr. Markley asked if there has been any contact to the health department regarding the well. Michael Lautzenheiser said that no contact regarding the well has been made. Kirk Johnson said that his backyard borders this property. He is concerned with drainage as he already needs 4 sump pumps to keep his basement dry. He said that he didn't see anything in the plans regarding trees/fence. Mr. Johnson said that there have been many options for this property mentioned which were manufacturing, storage, and apartments now too. He said his main concern isn't the structure itself rather than the rezoning because once rezoned it can become anything that is allowed under that zone. He asked why they would want to place a business between two homes. He said that he felt that there is more support for a home to go on that site rather than a business. Mr. Markley went over the uses under the B-3 zoning district and mentions how a warehouse was allowed, however, manufacturing wasn't. Faye Stein asked if

there had been a perk test done for septic options. Mr. Lautzenheiser said that there hasn't been a soil test done on the property. They board discussed the setbacks that would be needed. Cathy Brainer asked if it could be done as a variance for the pole building. Mr. Lautzenheiser explained state laws and this petition. He said that there has to be a primary use structure there prior to an accessory structure. Robin Gingerich asked about the run-off for the proposed pole barn. Mr. Hahn explained the calculations needed and how MLS Engineering completed the study. Ms. Gingerich asked what would happen if building was expanded. Mr. Hahn said that the same procedure would be needed. Ms. Gingerich asked the board to do their due diligence before voting and look at all the options. Mr. Markley said that the items mentioned would be looked at during the development plan petition and that this was for a recommendation for the rezoning. Ms. Gingerich said that she feels like this is a bait and switch. Mr. Markley asked if there was anyone else from the public who wished to speak regarding this petition. There were none. The public portion closed at this time.

Jerome Markley asked Jason Meyer if he had and responses to the questions, comments, and concerns mentioned. Jason Meyer said that he planned on building the same building either with cost for everyone or no costs based on the zoning of the property. Jarrod Hahn said that rezoning petitions look at the potential use of the property and that most would require sewer/water. He said to say that it would never require sewer would be hard and that the board needs to look at everything. Bill Horan asked if the cost was because sewer line would need to be placed. Mr. Hahn said that these plans don't require it. Mr. Horan said that neighbors might need to hook-up based on other factors. Mr. Markley asked if there were any additional questions or comments. Mr. Hahn said that he felt that sewer shouldn't weigh-in because it could happen either way. Mr. Markley asked for any final discussion regarding this petition. Tyson Brooks asked what the amount would be per home. Mr. Lautzenheiser explained that if the line was installed by petitioner then it would be tap fees only. He also said that he felt sewer wasn't part of this petition. Tim Rohr asked if the residence would need raised as well if they went that route. Mr. Hahn said that nothing would be needed if used for a residence since the detention area wouldn't be required. Mr. Lautzenheiser said that the fill for the building would have to come from the property. The board discussed 1:1 ratio for fill. Judy Kaehr asked about the dirt being taken from the creek and used for pad. She felt that it could possibly contaminate the well. Mr. Markley asked the board if there were any additional questions. Becky Stone-Smith asked if there was waste in the ditch. Mr. Morrissey said that there is going to be issues either way. Mr. Lautzenheiser informed the board that the ditch/sewer weren't part of this petition. Mr. Hahn said that other rezoning petitions were clear on a recommendation. He said that to him this one is unclear and gave a motion to send a no recommendation to the commissioners. Mr. Brooks asked if the motion wasn't approved then would it be redone. Mr. Lautzenheiser, Jr. said that there would be another vote if one doesn't carry.

Conditions:

Motion to Send a No Recommendation to County Commissioners: Jarrod Hahn

Second: John Schuhmacher

Vote: 7-4 (Dan Baumgardner, Tyson Brooks, Bill Horan, Jerome Markley)

A 17-12-19 JEFFERSON TWP. SE/4 8-28N-12E Jason & Cassandra Meyer request an approval for a 4800 sq. ft. Storage Building. The property is located at 10350 N SR 1, Ossian, IN 46777 and is zoned R-1 currently.

Michael Lautzenheiser reminded the board that this petition is based on the rezoning petition getting approved by the County Commissioners. Mike Morrissey said that cleared up his question about the two petitions. Jason Meyer said that he wants to build this building as commercial to save everyone money. He asked Jarrod Hahn to explain the fill dirt portion. Jarrod Hahn explained other projects and the balance on the site. Jerome Markley asked if there was anything from Plat Committee regarding this petition. Mr. Hahn talked about the drainage requirement and how it's harder for smaller sites. He explained the two-stage ditch options and explained how it benefited others as well. Mr. Markley asked the board if there were any questions or comments regarding this petition. John Schuhmacher asked about well protections. Mr. Hahn thought it was out of their hands. He said that it may be investigated further but not regulated by us. Mr. Markley asked the board if there were any questions or comments. There were none

Jerome Markley asked for public comment, questions, or concerns. Judy Kaehr talked about how Mr. Meyer says that he's trying to save everyone money. She asked why they should have to pay to further his progress. Mr. Markley asked how this is handled. Michael Lautzenheiser and Jarrod Hahn explained that it would be handled thru the Health Department and the Regional Sewer District. They then talked about the rules within the county regarding this item. Mike Morrissey said that the board is looking at the development plan for a B-3 zoned property. He said that he understands the concern but it's not for this board to answer. Mr. Markley asked if there was anyone else from the public who wished to talk. Phil Stein asked if it would only be a commercial building if it was rezoned. Mr. Morrissey explained that it will only be happen if both this petition and the rezoning petition are approved. He talked about how this plan didn't require sewer drainage. Lonnie Lonensmith talked about how during the last rain that the whole lot was under water. She didn't understand how the drainage would work. Mr. Hahn explained the drainage calculations and how previsions would be made to prevent the flooding to happen again. Mr. Markley talked about the two-stage ditch. Mr. Hahn and Mr. Lautzenheiser talked about how the plan was lacking the grading plan for around the building and how it needed to show eater direction to well. Mr. Hahn said a condition would be to show grading and how it wouldn't affect other properties. Mr. Lautzenheiser mentioned the need for a 6' privacy fence and how it wasn't required in the front yard setback. Leonard Brainer talked about the water association and how there was a 6' easement down the water line that runs along the south property line. Mr. Lautzenheiser said that the fence would need to be outside of the easement. The board had a discussion on fence location. Linda Heyerly asked how it would obstruct the view. Mr. Hahn said that the fence isn't currently there. Mr. Morrissey asked about the requirements when it came to the fence. Mr. Lautzenheiser reviewed the conditions for a fence. Mr. Lautzenheiser talked about the buffer possibly needing to be closer to the building. He also mentioned possibly waiving the requirement or giving recommendation for location of buffer. Mr. Hahn said that an earth mound wasn't an option. Mr. Markley asked for final comments or questions. Mr. Hahn asked which direction the overhead doors were facing. Mr. Meyer confirmed the location of the doors. Mr. Morrissey asked about parking. Mr. Lautzenheiser said that no parking needs to be addressed due to no employees in the building. Mr. Morrissey asked about if the employees needed to be in the building. Mr. Lautzenheiser explained that a state design release would be needed along with water and sewer due to the occupancy. He said that this plan doesn't show employees. Mr. Morrissey asked about problems with growth. Mr. Hahn said that Mr. Meyer needs to understand that he can't just expand the building if it's commercial without going thru the process again. Mr. Markley talked about the items needed for a motion.

Mr. Lautzenheiser gave a recap of the conditions and requirements that would be needed. Tyson Brooks said that we can bend a little but this was like bending in half. Mr. Lautzenheiser said that the board could always continue the petition to another meeting. Mr. Morrissey said that he felt that the public needs to see and be aware of changes. Mr. Meyer said that he thought the decision needed to be made tonight. Mr. Markley said that the board has the right to continue the petition. Mr. Hahn said that we can try to continue vs deny the petition and unless there are major changes there would be a 1 year waiting period.

Conditions:

Motion to Continue to January 4, 2018 Meeting: Mike Morrissey

Second: John Schuhmacher

Vote: 10-1 (Tyson Brooks)

OTHER BUSINESS:

V2016-026 Dennis & Sandra Dunsmore

Michael Lautzenheiser said that the violation has been taken care of. Nothing further is needed.

2018 BZA Appointment

Jarrold Hahn made the motion to reappoint Harry Baumgartner, Jr. to the BZA for the 2018 year.

Kip Bunch seconded the motion. Vote was 11-0

2018 Calendar Approval

Michael Lautzenheiser mentioned the September and October meetings being held on the 2nd Thursday. Jarrod Hahn informed the board that he wouldn't be at the February, March, or April meetings due to classes for school.

Motion to Approve: Jarrod Hahn

Second: Tyson Brooks

Vote: 11-0

2018 Attorney Contract

Michael Lautzenheiser said that the current attorney Colin Andrews was willing to continue serving the board at the same rate.

Motion to Approve: Bill Horan

Second: Becky Stone-Smith

Vote: 11-0

2017 End of Year Report & 2018 Plan of Operations

Motion to Continue to January 4, 2018 meeting: Kip Bunch

Second: Jarrod Hahn

Vote: 11-0

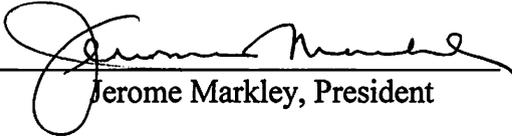
DISCUSSION:

ADVISORY:

Jerome Markley confirmed the January meeting next month and the new start time of 7pm. John Schuhmacher wanted to recognize Pearl Harbor Day.

ADJOURN:

John Schuhmacher made a motion to adjourn the meeting. Kip Bunch seconded the motion. The December 7, 2017, Area Plan Commission meeting adjourned at 10:02 p.m.



Jerome Markley, President

ATTEST:



Michael Lautzenheiser Jr., Secretary