

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 June 1, 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 May 4, 2017, meeting. Jarrod Hahn seconded the motion; the motion carried 11-0.

OLD ITEMS:

A 17-05-04 WELLS COUNTY Ordinance Amendments

- **Zoning Ordinance**
 - **New & Adjusted land uses.**
 - **Establishment of Power Plant Overlay District.**
 - **Additional and updated ordinance definitions.**
 - **Cost estimate for permits.**
- **Subdivision Control Ordinance**
 - **Primary Parcel Right-of-Way Grant for Minor Subdivisions.**

See item A 17-06-08 for minute details.

NEW ITEMS:

A 17-06-05 JEFFERSON TWP. NE/4 18-28N-12E Bills Roofing & Siding requests approval for a 3.0 acre division of a minor subdivision. The property is located 9628 N 100 E, Ossian, IN 46777 and is zoned A-1.

Joel Hoehn, Stoodly Associates, explained that the petitioners wanted to take the building off farm ground. When the previous split was done this large parcel wasn't given any sell-off rights. Jerome Markley asked if there was anything from the Plat Committee. Michael Lautzenheiser said that it was reviewed and the committee gave their ok on this petition. Mr. Markley asked if there were any board or public questions or comments. There were none.

Conditions:

Motion to Approve: Bill Horan

Second: Jarrod Hahn

Vote: 11-0

A 17-06-06 JEFFERSON TWP. SW/4 15-28N-12E Karen Buskirk requests an approval for a zoning change to R-2. The property is located at 102 S Metts, Ossian, IN 46777 and is zoned B-1.

Karen Buskirk talked about the residential history of the building. She was unsure when the zoning changed on the property. She mentioned properties near this location that have duplexes on it. Jerome

Markley reminded everyone about the color coded zoning map that was in front of them. Michael Lautzenheiser explained that there is currently residential space upstairs, along with the east side of building downstairs being setup as a residence. He talked about the west side of the downstairs was a salon. Ms. Buskirk said that she would like to be able to use the east side as residential. Mr. Lautzenheiser told the board that the salon would become a grandfathered status for the use. Mr. Markley asked Dan Baumgardner if he has heard anything from the Town of Ossian regarding this petition. Dan Baumgardner said that Ossian is ok with it. Mr. Markley asked if the board had any questions. Mike Morrissey asked about the off-street parking. Mr. Lautzenheiser said that it was pre-existing. Mr. Markley asked if there were any questions or comments from the public. There were none

Conditions:

Motion to Send a Do Pass Recommendation to Town of Ossian: Jarrod Hahn

Second: Harry Baumgartner, Jr.

Vote: 11-0

A 17-06-07 LANCASTER TWP. SW/4 31-27N-12E Tri-Hard Farms, Inc. requests approval for 295' Communication Tower. The property is located at North side of SR 124 between Meridian Rd and CR 100 E, Bluffton, IN 46714 and is zoned A-1.

Will Goodin, representative for Verizon, described the proposed tower and the items provided to the board. He talked about the self-support tower structure and anti-climb device to be used. He also mentioned they were working on getting the letter from the FAA that they knew would be required. Jerome Markley asked Michael Lautzenheiser if he had any comments regarding the petition. Michael Lautzenheiser talked about the FAA letter that would be needed and the one time exemption that they are requesting on using. He also mentioned the approval needed by the drainage board. Jarrod Hahn said that it's been filed with the drainage board and would be heard the following Monday. Mike Morrissey asked for the one time exemption to be explained. Mr. Lautzenheiser talked about the items regarding the exemption and the requirements that are needed. The board discussed how drainage wouldn't be an issue. Tim Rohr asked about tab #5 and why the height was different. Elizabeth Williams explained that it was the original letter from the first time they applied for this location. The board discussed the height of the tower and how the total height was 295'. Mr. Markley asked the board and public if there were any additional comments or questions. There were none. Mr. Markley reminded the board of the conditions that would be needed if it was approved.

Conditions: FAA Approval, 1-time exemption for storm water, and Drainage Board approval.

Motion to Approve with Conditions: Kip Bunch

Second: Jarrod Hahn

Vote: 11-0

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A 17-06-08 WELLS COUNTY Ordinance Amendments

- a. **Zoning Ordinance**
 - i. **Setback measurements.**
 - ii. **Central Business District Residences Special Exception**

iii. Updated ordinance definitions.

Michael Lautzenheiser talked about the changes made to Amendment #1 regarding the solar items proposed last month. Tim Rohr asked how many KWs it would take to power a home. Mr. Lautzenheiser, Jr. said that it would be approximately 10KW. Jerome Markley asked the board and public if there were any additional questions or comments. There were none.

Michael Lautzenheiser talked about the changes made to Amendment #2 for the Wineries, Breweries, and Distilleries vs the micro forms. He explained that he updated the definitions as well. Mike Morrissey talked about how the only difference from micro and full size operations was the quantity produced. Jerome Markley asked the board and public if there were any additional questions or comments. Mr. Morrissey said that it looked clean.

Michael Lautzenheiser said that there weren't any changes from the last meeting regarding Amendment #3 in regards to cost estimates. Jerome Markley asked about small add-on vs remodel. Mr. Lautzenheiser said that it would just be for the portion being permitted. Mr. Markley said that the contractor should be able to help with cost estimate. He asked the board and public if there were any questions or comments. There were none.

Michael Lautzenheiser said that there weren't any changes from the last meeting on Amendment #4 for the kennels. Jerome Markley said that some of the wording had been cleaned up. He asked if there were any questions or comments from the board or the public. Mike Morrissey asked about B-2 zoning. Mr. Lautzenheiser said that it is currently only proposed for B-3 but that B-2 could work. Jarrod Hahn suggested possible special exception for B-2. Mr. Lautzenheiser said that kennels need to use some outdoor space but that B-2 could be looked at. Tyson Brooks asked what Pet Supply was zoned. Mr. Lautzenheiser said that it was B-3. Bill Horan asked what B-2 stood for. Mr. Lautzenheiser said that B-2 stood for service business district. Board discussed permitted use vs special exception. Board majority said to add B-2 as a permitted use zone. Joel Hoehn asked if a development plan would be needed. Mr. Lautzenheiser said that if there was hard surface expansion then yes.

Michael Lautzenheiser talked about Amendment #5 and how setbacks were to be measured. He said after checking with other counties that there is a mixed opinion in ordinances regarding this topic. He suggested allowing a standard overhang and that the setback can be measured to the foundation as long as the overhang is under a certain amount. Mr. Lautzenheiser asked Joel Hoehn how he measures setbacks from the survey drawings. Joel Hoehn said that they are to the foundation unless the overhang is over the property line. Jarrod Hahn said that it may play a part in the BZA variances. Mr. Lautzenheiser said that it would be less than state code. Jerome Markley asked if the board or public had any additional questions or comments. There were none.

Michael Lautzenheiser explained the request for Amendment #6 and allowing residences in the 1st floor or basement for businesses in the Central Business District (B-1). He explained that it would be a special exception done thru the Board of Zoning Appeals (BZA) and that it would be a case by case thing. Kip Bunch asked about fire codes. Mr. Lautzenheiser said that they would have to comply with those codes. Mike Morrissey asked about alleys and side streets. Mr. Lautzenheiser said that the special exception allows everything to be looked at. Mr. Morrissey said that the BZA has a lot of latitude in deciding judgements. Mr. Lautzenheiser said that the goal is to not remove any store front usage. Mr. Morrissey asked about the finding of facts. Jarrod Hahn talked about how they act more like a judge and that they have the final say unless taken to court. Mr. Morrissey asked if this was for only the B-1 zoning district. Mr. Lautzenheiser confirmed that it was for B-1 only.

Michael Lautzenheiser talked about Amendment #1 for the Subdivision Control Ordinance. He said that it's been changed to not include the primary parcel and only look at the minor subdivision. Joel Hoehn

asked how it'd work. Mr. Lautzenheiser said that the 30' right-of-way would be surveyed and then within 10 day waiting period the documents would be finalized. The board discussed wording for letter B under 4-05(11). They decided to strike letter B from the amendment.

Michael Lautzenheiser said that the changes from the above amendments need to be included in the motion.

Conditions:

Motion to Send Do Pass Recommendation to the Boards to include changes: Bill Horan

Second: Becky Stone-Smith

Vote: 11-0

OTHER BUSINESS:

V2016-007 – Jack Roller Trust (flood filler)

Michael Lautzenheiser gave a history of the property and violation. He said that last year the property was cleared and the trees were pushed up against the river. He explained the Floodplain Ordinance and the steps required to store items on the property. Jack Roller said that he had cleared 1 acre of dead ash trees which were rotted. He said that he now understands about getting permission now. Mr. Roller talked about trying to burn the trees in December and how there was still some brush and stumps remaining. He said that he felt it had been cleaned up a lot. Jerome Markley asked if that remedied the violation. Mr. Lautzenheiser said that the rest of the material needs to be removed as well. Mr. Markley asked if he could try burning it again. Mr. Roller stated again that he felt it was cleaned up compared to the rest of the river bank. Jarrod Hahn talked about the DNR regulations and how there isn't a lot of leeway. Mr. Markley asked Jarrod Hahn if he thought the remaining was burnable. Mr. Hahn said that maybe 80% would be but they would need a machine to get the remaining out. He explained that there is limited funding to clear log jams which is why they are strict about man made fill in the floodplain. Kip Bunch asked if the 30 days was set timeline. Mr. Roller asked if three months would be ok. Mr. Lautzenheiser said that he would be ok with that timeline. Mr. Markley asked the board if they were ok with timeline. Mike Morrissey asked about the source of the violation. Mr. Lautzenheiser explained that the state actively looks for violation unlike the county. The board discussed natural versus man made destruction.

Conditions:

Motion to Continue to September 14, 2017, Meeting: Kip Bunch

Second: Mike Morrissey

Vote: 11-0

DISCUSSION:

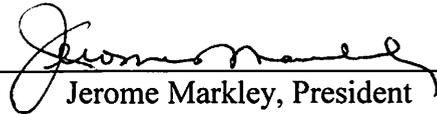
Jerome Markley mentioned Jarrod Hahn's request to discuss a possible new start time.

ADVISORY:

Jerome Markley informed the board that there are not any petitions turned in currently for the July meeting. He confirmed the August 3, 2017, meeting. Michael Lautzenheiser informed the board that the number of new homes are continuing to rise and how there may be a possibility of a new subdivision in the future. He said that the office has been very busy. He also mentioned that the previous rezoning petitions have been approved by the boards they were presented to.

ADJOURN:

John Schuhmacher made a motion to adjourn the meeting. Kip Bunch seconded the motion. The June 1, 2017, Area Plan Commission meeting adjourned at 9:02 p.m.



Jerome Markley, President

ATTEST: 

Michael Lautzenheiser Jr., Secretary