

ROLL CALL

Dan Baumgardner	Jerome Markley
Harry Baumgartner, Jr	Keith Masterson
Jarrold Hahn	Mike Morrissey
Bill Horan	
Richard Kolkman	John Schuhmacher

Michael Lautzenheiser, Jr., Director

The July 2, 2015 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Nine members were present for roll call. Finley Lane and Tim Rohr were absent.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the June 4, 2015 meeting. Harry Baumgartner, Jr. seconded the motion; the motion carried 9-0.

OLD ITEMS:

A 15-06-12 WELLS COUNTY Ordinance Amendments

Michael Lautzenheiser, Jr. gave the board a recap of the previous meeting and listed 3 options to help with the Large WECS discussion. The 1st option is to removed Large WECS from permitted use, 2nd option would be to create a large WECS overlay use, and the 3rd option would be to remain the same. Jarrold Hahn asked if there was a lease agreement and something in the works would it follow the rules from previous ordinance which it was approved under. Mr. Lautzenheiser, Jr. confirmed that it would be based off of the ordinance in effect when the project was approved. Bill Horan asked if an overlay district would be held to the same procedures as a rezoning. Mr. Lautzenheiser, Jr. said that it would be the same.

Michael Lautzenheiser, Jr. talked about the setbacks for wells around CFO's. He talked about IDEM's water well regulations for CFOs. Bill Horan explained the difference in liquid and solid manure storage. Jerome Markley told the audience that it would be on page 8 in the packet for article 14 draft. Mr. Lautzenheiser, Jr. explained the IDEM standards vs the proposed changes. He also talked about the manure staging setbacks. John Schuhmacher asked about not having a regulation. Mr. Lautzenheiser, Jr. said that if it is made, composted, and applied it does not apply under state chemist regulations. He said that it is not an issue when it comes to CFOs since it is a too large of a number of animals to keep application of manure all on the one parcel of land. Mr. Horan mentioned item 6.4.2.11 and asked about adding 1000 foot setback for public water supply. Mr. Lautzenheiser, Jr. said that he didn't feel it was needed in ordinance since IDEM would require it to be met. He talked about how it we were to increase what IDEM standards were then we would need to include that in the ordinance. Mike Morrissey explained it would be similar to the 300 ft. required IDEM setback to our 500 ft. setback. Mr. Markley said that if we were looking at making it more than 1000 ft., then we would need to list it as such. Jarrold Hahn said that it is technically already in the ordinance stating setbacks from churches and public use areas and how they could be greater than 1000 ft. Mr. Lautzenheiser, Jr. agreed by explaining how it was all based on well location from parcels.

Michael Lautzenheiser, Jr. asked board members if they were able to get feedback from the town boards regarding semi-trailers. Harry Baumgartner, Jr. said that Vera Cruz doesn't want them. Mike Morrissey said that Bluffton liked the ordinance as it's proposed. John Schuhmacher said Zanesville was the same. Dick Kolkman said that he wasn't at the meeting.

Jerome Markley opened it to the public comment and questions. Kenneth Werling asked about composting. He said that he's seen some farmers receive loads of chicken and turkey manure and it just sits in the field

for months at a time. Bill Horan said that it is called staging when manure is placed in a field. He said that it needs to be covered or surrounded with something to keep water from rain that may fall from spreading across field. He also gave setbacks for the staging process. He said that if it can be proved to be there more than 90 days then he can contact the state chemist office due to being in violation. Mr. Horan explained that it is staging not composting. Mr. Markley explained a little bit of history regarding the staging process. He said that the State Chemist's rules and regulations should cover all any violations. Tamara Dunmoyer gave feedback from the County Commissioners stating that they want Option 1 which removes Article 14 Section 9 from the ordinance. She circled option 1 and wrote the initials of all three commissioners next to it. Mr. Markley asked if there were any other comments or questions from the public.

Jarrold Hahn asked what was decided with semi-trailer body. Michael Lautzenheiser, Jr. said that A-1, I-1, and I-2 zoned properties they are allowed with a permit. He stated that A-R, S-1, B-1, B-2, B-3, and C-1 would need to be approved as a special exception. He also stated that R-1, R-2, and R-3 did not allow semi-body trailers at all. Mr. Hahn asked the board to confirm their feelings on the matter.

Jerome Markley asked about the removal of Large WECS from the proposed changes. He asked about existing projects and possible future projects. Michael Lautzenheiser, Jr. said that any existing plans are based on the ordinance when it was approved. Jarrold Hahn said that it was a legislative decision and right now the legislative body has said they want it removed and it's their decision to make. Mike Morrissey said that we could make a motion to leave as is and then they would vote down the changes we send to them. Mr. Markley said that if we take it out then they don't have to. Mr. Morrissey said that the steering committee came up with the changes and that we have one of the legislative bodies stating that they don't want this one part. He asked what happened if we presented a plan that they didn't want. Mr. Lautzenheiser, Jr. said that it would come back before the board to be looked at again. He said that by taking their recommendations into consideration we can hopefully get it approved. Mr. Markley mentioned the group of people who worked a long time to come up with suggestions for changes to the ordinance. William Morris wanted to confirm that any new wind project would have to meet the 1800 ft. setback and there are only 2 existing projects that would be grandfathered in with the past ordinance. Mr. Lautzenheiser, Jr. confirmed the 2 existing projects.

Michael Lautzenheiser, Jr. explained how things would change with the ordinance if things went with Option 1. Jarrold Hahn asked if the commissioners discussed industrial zoning and allowing Large WECS in that zoning district. Tamara Dunmoyer said that it wasn't specifically talked about zoning districts and that they didn't want them in Wells County. Jerome Markley asked if there was any discussion regarding Medium WECS and Small WECS. Ms. Dunmoyer stated that they didn't want to address that differently than what the ordinance already covers. Mr. Lautzenheiser, Jr. talked about removing the X's under the zoning districts on the Permitted Use Table 9-14. He also said that Section 9: Large WECS would be removed all together. Mike Morrissey asked to verify that section 9 was just regarding Large WECS. Mr. Lautzenheiser, Jr. confirmed that. Jerome Markley asked how Michael Lautzenheiser, Jr. how he would recommend a motion for the amendments. Mr. Lautzenheiser, Jr. recommended trying to make sure everyone was ok with changes to the Large WECS section and confirms that the other amendments were ok as well. He said that if everyone was on the same page then he would suggest motioning them all together. Jack Pace asked about semi-bodies in agriculture and if they were exempt. Mr. Lautzenheiser, Jr. said that they are a permitted use with a permit in the A-1 and Industrial zoning districts. Mr. Pace asked if it is for all of A-1 not just the farmers. Mr. Lautzenheiser, Jr. confirmed that it was based on zoning and any property in that zoning district. Mr. Markley wanted to confirm that the only change in the proposed amendments is where Large WECS is concerned. Mr. Lautzenheiser, Jr. said that was correct. Kenneth Werling said that he can't believe the truck body issue and how there isn't anything in the ordinance to control industrial zoning. He said that his neighbor, Ormsby Trucking, has multiple trailers half torn apart in the yard. He asked if there was anything to do about that and mentioned how Hiday's has 3 trailer bodies sitting behind the building. Mr. Lautzenheiser, Jr. said that they have to be permitted now to help with keeping them so far from the property lines. Mr. Werling asked about upkeep and if the permit requires that.

Jarrold Hahn said that there isn't anything in the rules for a permit for a shed, a house, or anything that would be permitted and how it needs to be kept a certain way. Mr. Lautzenheiser, Jr. said that it would be building code and not planning and zoning. Mr. Werling handed in a list of trailer violations.

Mike Morrissey made a motion for a Do Pass Recommendation. He motioned to removed Section 9: Large WECS from Article 14 along with removing permitted use for Large WECS on the Permitted Use Table 9-14. He stated that all the other proposed changes were to remain as written. Jarrod Hahn seconded the motion.

Conditions:

Motion for Do Pass Recommendation: Mike Morrissey

Second: Jarrod Hahn

Vote: 9-0

NEW ITEMS:

A 15-07-13 HARRISON TWP. Section 4 & Section 9 JaSun Industrial Park TIF Area

Michael Lautzenheiser, Jr. explained process of approving a TIF district. He talked about the different zoning areas involved. Jerome Markley asked what the role of the board is in regards to this petition.

Bill Horan asked if making a TIF district affects the tax rates for involved properties. Mr. Lautzenheiser, Jr. said that the new taxable items would be the only taxes involved. Mike Morrissey mentioned the other TIF district and asked about the Greenfield Addition. Mr. Lautzenheiser, Jr. confirmed the other TIF district and confirmed that Greenfield Farms was not included in proposed TIF district.

Conditions:

Motion for Do Support: Mike Morrissey

Second: Richard Kolkman

Vote: 9-0

A 15-07-14 HARRISON TWP. NW/4 3-26N-12E Kingdom Academy of Bluffton, Inc. requests an approval for additional 36 space and 28 space parking lots. The property is located at 225 Ferguson Park Court, Bluffton, IN 46714 and is zoned R-1.

Aaron Isch, Engineering Resources and School Board Member, explained the reasons behind additional parking needed. He also, talked about adding a second drive to help with traffic patterns. Mr. Isch explained the storm water detention area. Michael Lautzenheiser, Jr. talked about the City of Bluffton with curbing on second drive and how they would prefer to have more detail on grading and swales. He also mentioned the hose that needs to go under the road. Jarrod Hahn explained detention ponds and floodzone areas. He explained that the water needs to be able to leave but also have an area for storage if needed. Mike Morrissey wanted to confirm that with being closer to the river the water flows away faster and that the detention pond is a best alternative. Mr. Hahn agreed. Mr. Lautzenheiser, Jr. mentioned dust control and how it needs to be taken care of at time of motion if desired. Shane Curless, owns neighboring property, wanted to address easement on property that hasn't been taken care of by removing. He explained the traffic and parking issues that currently happen and is happy with the new parking plans. Mr. Curless would like to have the easement released as it was agreed to when Kingdom Academy was built. Mr. Isch said that he had been made aware of it at the plat committee meeting. He was going to contact property owner. Mr. Curless said that he had sent registered letters to Mr. Fiechter and wasn't able to get Kingdom Academy board member names. Mr. Hahn said that the easement is thru 2 private parties and Kingdom Academy needs to be willing to vacate the easement. He said that it's not up to the Area Plan Commission to vacate the easement. Mr. Morrissey asked about the APC adding a condition regarding the easement. Mr. Lautzenheiser, Jr. said that it isn't up to the board. Jerome Markley agreed that it wasn't the APC's job to vacate the easement. John Schuhmacher said that the plan will help with the parking issues.

Conditions: If 2nd driveway is put in that it meets city's requirements with extension of curb 40'. Provide detailed survey with updated dust control and detention area. Hose that runs across road be relocated under the road.

Motion to Approve with Condition: Jarrod Hahn

Second: John Schuhmacher

Vote: 9-0

A 15-07-15 NOTTINGHAM TWP. SE/4 15-25N-12E Petroleum United Methodist Church requests an approval for a 24' x 40' Pavilion and a 8'x 8' Bell Tower. The property is located at 3625 E 2nd Street, Petroleum, IN 46778 and is zoned R-2 and A-1.

Joel Hoehn, Stoodly Associates, explained to the board the location of Pavilion and the drainage system that will allow for new hard surface. He also talked about the Bell Tower and mentioned that it will be 34' tall.

Michael Lautzenheiser, Jr. told the board that they are asking for the one time exemption for the drainage.

Jarrold Hahn said that there weren't any drainage concerns. John Schuhmacher asked what type of pavilion it would be. Bill Morris asked that a microphone be placed in front of Jarrod Hahn so that the public can hear his statements. Jack Pace said God bless them and go forward.

Conditions:

Motion to Approve: Bill Horan

Second: Jarrod Hahn

Vote: 9-0

OTHER BUSINESS:

V 2013-023: Rex Bates

Michael Lautzenheiser, Jr. informed the board that the violation is in the process of tearing down 2nd mobile home and is now closed.

V 2014-004: William D. Farabee

Michael Lautzenheiser, Jr. talked to the board about the fence getting replaced once the ground dries out and suggested a 30 day extension.

Conditions:

Motion to Continue to August 6, 2015 Meeting: Mike Morrissey

Second: Keith Masterson

Vote: 9-0

V 2014-016: RTT Investments LLC

Michael Lautzenheiser, Jr. said that they have hired the engineer needed. Jarrod Hahn confirmed that he spoke with someone at the company and that they are under contract and suggested 90 days.

Conditions:

Motion to Continue to October 1, 2015 Meeting: Jarrod Hahn

Second: Richard Kolkman

Vote: 9-0

V 2014-018: Kenneth W. Werling, etal

Kenneth Werling said that the trailer is plated, registered, and insured. Michael Lautzenheiser, Jr said that the violation is now closed.

V 2014-019: Ronald and Jacqueline Yoss

Michael Lautzenheiser, Jr. explained to the board that they were making progress and suggested a 60 day extension.

Conditions:

Motion to Continue to September 3, 2015 Meeting: Jarrod Hahn
Second: John Schuhmacher
Vote: 9-0

V 2014-034 Kevlin Geske

Michael Lautzenheiser, Jr. informed the board that the violation was taken care of and is now closed.

Andrew Price – Ossian

Andrew Price, making progress however vandalism has happened and delayed the progress. He said that he was currently getting it back on track and would be happy to get updates whenever needed. The board discussed continuing it for 6 months with updates throughout the months up to that date.

Conditions:

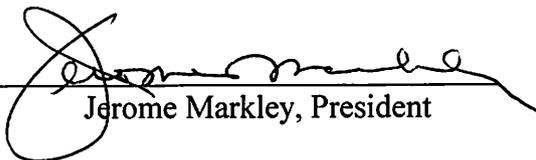
Motion to Continue to January 7, 2016 Meeting: Jarrod Hahn
Second: Bill Horan
Vote: 9-0

DISCUSSION:

ADVISORY:

ADJOURN:

Mike Morrissey made a motion to adjourn the meeting. Jarrod Hahn seconded the motion. The July 2, 2015 Area Plan Commission meeting adjourned at 9:15 p.m.


Jerome Markley, President

ATTEST: 
Michael Lautzenheiser Jr., Secretary

ORDER OF THE WELLS COUNTY AREA PLAN COMMISSION DETERMINING THAT A DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN APPROVED AND ADOPTED BY THE BLUFFTON REDEVELOPMENT COMMISSION CONFORM TO THE COMPREHENSIVE PLAN AND APPROVING THAT RESOLUTION AND THE ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Bluffton Redevelopment Commission (“the Commission”) has selected an economic development area, a portion of which is within the jurisdiction of the Wells County Area Plan Commission (“the County Area”); and

WHEREAS, the Board of Commissioners of Wells County did on June 15, 2015, assign the County Area to the jurisdiction of the Commission; and

WHEREAS, the Commission will, on July 7, 2015, initially approve an Economic Development Plan (“the Plan”) for the JaSun Industrial Park Economic Development Area (“the Development Area”) under the jurisdiction of the Commission and adopted a Declaratory Resolution declaring that the Development Area is an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto (“the Act”); and

WHEREAS, the Act requires approval of the Declaratory Resolution and the Plan by the Wells County Area Plan Commission;

NOW, THEREFORE, BE IT ORDAINED by the Wells County Area Plan Commission, as follows:

1. The Plan for the Development Area conforms to the Comprehensive Plan of Development for the County.
2. The Plan is hereby in all respects approved, ratified and confirmed.
3. The secretary of the Wells County Area Plan Commission is hereby directed to file a copy of the Declaratory Resolution and the Development Plan with the permanent minutes of this meeting.

Passed by the Wells County Area Plan Commission this 7th day of July, 2015.


President,
Wells County Area Plan Commission

Attest:

