

ROLL CALL

Dan Baumgardner	
Harry Baumgartner, Jr	Keith Masterson
Jarrold Hahn	Mike Morrissey
Bill Horan	Tim Rohr
Richard Kolkman	John Schuhmacher
Finley Lane	

Michael Lautzenheiser, Jr., Director

The July, 2014 meeting of the Area Plan Commission was called to order at 7:32 p.m. by Vice President Mike Morrissey. Ten members were present for roll call. Jerome Markley was absent.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the June 5, 2014 meeting. Tim Rohr seconded the motion; the motion carried 10-0.

NEW ITEMS:

A 14-07-09 HARRISON TWP. NW/4 04-26N-12E City of Bluffton requests rezoning approval for Lots 131 & 132 of West Bluffton to be zoned R-2. The property is located at 805 W. Market St., Bluffton, IN 46714 and is zoned I-1.

Ted Ellis, Mayor of Bluffton, gave the history of the property and how the city acquired it. He explained that it has been vacant for 20 years and that the request to rezone is to change the property into a dog park. He stated that the adjacent properties to this site are zoned R-2.

Mike Morrissey advised the board that the park project was well received by Bluffton City Council because it seems like a good use for this property. He then informed the public on how the rezoning process works with the board and the legislative bodies.

Conditions:

Do Pass Motion: Jarrod Hahn
Second: Bill Horan
Vote: 10-0

A 14-07-10 LANCASTER TWP. SW/4 03-27N-12E Felger Investments LLC requests rezoning approval for the 2.30 acres addition to be zoned B-3. The property is located at 5049 N. State Road 1, Ossian, IN 46777 and is zoned A-1.

Tom Felger stated that they recently purchased this business site that is currently zoned B-3. Then they purchased additional property around the existing business, which is what the rezoning request is for. The use of the site is for their heating and air business.

Michael Lautzenheiser, Jr. explained that the total property that the Felger's own is 3.60 acres. He stated that everything around this site is A-1 until the corner of US 224 and State Road 1.

Mr. Felger stated that everything at the site will remain the same as they currently are. He explained that they will be adding a bull pin around the building to store some of the equipment behind. They are not planning on expanding the building at this time.

Mark Sauer commented on the potential traffic increase and flow of traffic that the rezoning of land on State Road 1 could cause.

Mr. Felger stated that the flow of traffic into and out of their site would be less due to the fact that there is no retail service at the site. He stated that the only vehicles in and out of the property would be their service vans and equipment.

Conditions:

Do Pass Motion: Jarrod Hahn

Second: John Schuhmacher

Vote: 10-0

A 14-07-15 ROCKCREEK TWP. SW/4 15-27N-11E Helena Chemical Company requests rezoning approval for 3.95 acres to be zoned I-1. The property is located at 2875 W 300 N, Bluffton, IN 46714 and is zoned A-1.

Jim Stoffel, Helena Chemical, stated that the Liberty Center business has expanded over the last 8 to 10 years so much so that it outgrew that location and needs to move to a larger facility. He explained that the site property was purchased by Helena had done business as CNS Production. He stated that the structure on the site is about triple the space of the Liberty Center facility. He advised the board that the business is a bag agricultural and lawn fertilizer and herbicide distribution company. Mr. Stoffel stated that the business was located in Liberty Center for the last 17 years and advised that before it was owned by Helena that the site was occupied by Riverside Chemical.

Mr. Lautzenheiser explained that the rezoning request was for the purpose of warehousing. He advised that the Liberty Center site location is zoned I-1.

Mr. Stoffel advised that Helena has other location within Wells County, but that those locations don't do whole sale. He stated that the other locations only do retail. He explained that the site would strictly be for the whole sale of liquid and dry chemical in a variety of sizes from 2 gallon cases to 5 gallon cases and other packaging sizes.

Mr. Lautzenheiser stated that the site had previously been used by Precision Soya as part of their production. He explained that this location and Precision Soya's main location were initially zoned A-1, and that the main location was rezoned to I-1 when they expanded. He commented on the fact that the size of the site wouldn't necessarily limit what could be done at the location, but there are setbacks which need to be met so that could limit the building size.

Dan Weinstock, neighbor across the road from site, provided a letter to the board. He stated that he took a petition around and has about 100 signatures of community members that are against this rezoning. He stated that he was going to discuss the five points that the board looks at when determining a rezoning. He then quoted from Article 9-13 of the ordinance. He addressed his concerns about spot zoning and stated that there are no similarly zone properties in this area. Mr. Weinstock listed additional concerns of having more traffic in the area, semi-trucks blocking the road to get to the dock, and the fact that the existing building was not constructed for the holding and mixing of chemicals. He stated that there are health and safety concerns about chemicals being there with 7 to 12 families living within a mile of the site. He explained that with this business there, the property values would decrease. He explained that the potential use of a visual buffer of trees between zoning districts would not be effective of keeping the truck lights from shining in their house at night. Mr. Weinstock expressed more concern with the fact that once this site was rezoned that this business or any other could change it into anything that is permissible in and I-1 zoning. He questioned what chemicals would be over there, how they would handle a spill, and who would monitor the company's activity. He would like, for safety reasons, to have periodic water

testing because of the community's shallow wells. He also commented on the noise disturbance of semi-trucks hulling product to the facility and sitting there at all hours of the day and night. Then Mr. Weinstock quoted from Article 9-07 about Industrial zoned districts. He advised the board that he spoke with an employee at the site, and stated that there was not a list of chemicals at the site so that firefighters would know what they would be dealing with if a disaster were to occur. He requested that the board not pass the rezoning.

Jen Weinstock stated that the petition has the signatures of community members that surround the site area. She believes that this rezoning would be spot zoning due to the fact that it would only benefit the property owner and not the community. She expressed her concerns on what could occur in the future at that site if it were rezoned to I-1. She also stated that their well is located 60ft from the road across from the site.

Jarrold Hahn commented on the permitted use chart in the ordinance. He stated that the retail sale of farm fertilizer, seeds, and chemicals is allowed in an A-1 zoned district along with I-1. He explained that the fact the petitioner is requesting to construct a warehouse is what is forcing the request for the I-1 rezoning.

Linda Broman explained that she was the realtor that sold the Weinstock's their house. She also stated that she lives a mile and a quarter away from the site. She expressed her concerns on what could occur at the site if it were changed to an I-1 zoning. She compared what uses could be done in both the A-1 and I-1 zoning and stated one fear was that a research and testing laboratory could go in, which has the potential for a more hazardous situation.

Joyce Roberts stated that her property was in her family for the last 100 years. She did not want the farm ground to be broken up because the petitioner wants to run a tile through it.

Todd Graft, Ms. Roberts' son-in-law, elaborated on her concerns about the proposed tile. He advised the board that he and his wife agree with what the Weinstock's stated. He stated that there is flooding issue currently on his property where it goes over his driveway and the road, and he is concerned with the additional water from the tile trying to go into the ditch. Mr. Graft provided the board with a picture of the flooding. He stated that there is a 3-4ft drop from the road to his driveway because of the washout.

Melissa Graft addressed more worries of theirs about the tile and how much additional water would be flowing to the ditch. She stated that the flooding also occurs in the rear of their neighbor's house as well due to the natural slope to the ditch. She also is concerned about the site having a detention pond and the possibility of smells due to stagnate water. Mrs. Graft addressed additional concerns about more semi-trucks coming into the area, which will cause disturbance to the neighbors. She also stated her worries about their property value, the possibility of chemicals mixing, spilling and contaminating the water and soil. With the chemicals in the area, she expressed her concern about theft in order to make drugs with the chemicals. She advised the board to vote against the rezoning.

Frank Gaier stated that the ditch in which the culvert goes into is not big enough handle the existing water, which is why there currently is flooding that occurs. He explained that if the site puts in a larger parking lot or more buildings, which would create more hard surface and that additional water run off would be adding to the flooding problem. He questioned how the existing building could be used as a warehouse for many years in an A-1 zoned area. Mr. Gaier reiterated that the houses in the area older and have shallow wells, which are only 19'-20' deep.

Shirley Gaier addressed concerns that she has with the site being rezoned. She told of how the Corning plant coming into the area caused potential chemical contamination to the area. She then commented on Precision Soya's dumping and burning practices. She addressed worries on additional traffic in the area

with the road conditions and number of drives off of the road. Mrs. Gaier commented on the farm ground and that the agricultural area shouldn't have houses or businesses on it. She also addressed the issue of the roads and ditches flooding.

Matt Christman questioned if the rezoning would change what is currently being stored at the site. He stated that he is with the Uniondale fire department and questioned what chemicals are at the location because the department doesn't have a list. He also questioned if the run off has to be completely contained.

Mike Satterthwaite commented on the houses and families within close proximity to the site.

Mark Sauer stated that the spot zoning seems irrational and unfair. He expressed that it seems like the site is already violating the zoning laws. He said that the structure was built as a farm barn and should be used as such. Mr. Sauer advised the board that the neighbors do not approve of the rezoning.

Jack Pace commented on the amount of people in the meeting room.

The board discussed the number of people and the options.

Mr. Graft questioned who monitors the use of structures and that the site currently seems to be in violation.

Mr. Lautzenheiser explained how the office handles violations and that the investigation of violations is complaint driven. He stated that there are actions taken if a property is found to be in violation of the ordinance.

Michelle Moon stated that her well is about 40ft from the proposed tile and shallow, which is a concern of hers. She also addressed worries about the project and her children. She advised the board that the culvert has not been replaced since 2003.

Phil Quackenbush lives directly west of the property. He advised the board that there have been truck drivers knocking on his door because there is no one on the site and there are no contact numbers for the drivers at the building. These incidences are a nuisance to the neighbors. He expressed his concerns about the value of his property decreasing.

Don Newman addressed his concerns that this could bring more crime into the area because of the chemicals stored there and people using it to make meth.

Mr. Hahn commented on the rezoning of the Rockford stone quarry that occurred a few years ago. He then stated that with the location of the site that the county commissioners have the final say of the rezoning because the APC only makes a recommendation to the commissioners. He questioned if there could be conditions placed with the recommendation, which would limit what business could be conducted at the site if it were to be rezoned.

Mr. Lautzenheiser stated that Indiana Code IC 36-7-4-1015 allows for the APC to recommend commitments to the petitioner, which could be anywhere from the type of uses permitted on the site to the hours of operation. Commitments are an option that the board could take as part of a rezoning request, which would cause more restrictions above the ordinance. He explained that the commitments could only be enforced if the commissioners choose to pass the rezoning with those restrictions. Mr. Lautzenheiser advised the board on the merit of sending a commitment along with the recommendation to the county commissioners. He went on to discuss spot zoning and whether it was in the interest of the

public or just the individual owner. He gave examples of when spot zoning was deemed okay and when it wouldn't be.

Bill Horan commented on the permitted use table in the ordinance and stated what types for use that could currently be allowed in the A-1 zoning. He explained the additional uses that could occur if the site were to be rezoned to I-1. He reiterated that the board doesn't make the final decision, but a recommendation to the county commissioners, who have the final say on the rezoning request.

Mr. Stoffel requested that the board continue the petition to the next meeting due to the need for additional representation from the company.

Conditions:

Motion to Continue: Bill Horan

Second: Richard Kolkman

Vote: 8-2 (Dan Baumgardner & Tim Rohr)

A 14-07-16 ROCKCREEK TWP. SW/4 15-27N-11E Helena Chemical Company requests approval for a development plan for a 32' x 52' office and a 66' x 100' warehouse. The property is located at 2875 W 300 N, Bluffton, IN 46714 and is zoned A-1 requesting I-1 rezoning.

Due to the continuation of the rezoning request, this petition was also requested to be continued.

Conditions:

Motion to Continue: Jarrod Hahn

Second: Bill Horan

Vote: 8-2 (Dan Baumgardner & Tim Rohr)

A 14-07-14 HARRISON TWP. NE/4 09-26N-12E Randy & Cynthia Harnish requests approval for a development plan for 3 - 30' x150' self-storage structure. The property is located at 1247 S. Main St., Bluffton, IN 46714 and is zoned I-1

Randy Harnish stated that there would not be any utilities on the property other than electricity for security lights. He explained that there would not be any storm water detention requirements for the first phase of the project because it was hard surface before. He stated that there is currently a storm sewer system on the property with 6in PVC that was placed in the 1970s. The 6in storm sewers are connected to three bases, which will run to the rear of the property and tap into a 6in sewer line drain that runs northeast. He explained that they located that the sewer line flows into the storm sewer on Spring Street. Mr. Harnish stated that he spoke to the previous owner of the property, who said that he couldn't remember any flooding issues at the site. He explained that they are still going to go ahead and put a detention basin in which would basically be a borrow pit in the back corner with a swale running into. He stated that this would be just in case the storm sewer couldn't handle the water flow at any time. He advised the board that the storage structures would be similar to his existing units, which are at a different location. He stated that the building pads would be at least 6in above the existing grade. Mr. Harnish explained that if phase 2 on the project ever comes to fruition, then the storm water retention calculations would be done. The official storm water detention basin would be located where the borrow pit would be.

Mr. Hahn stated that the drainage was discussed at the Plat Committee meeting and there were no concerns due to the fact that it's existing hard surface that they will be covering. He explained that there are no detention requirements.

Conditions: Provide the office with specs for the swale and pit
 Motion to Approve: Bill Horan
 Second: Jarrod Hahn
 Vote: 9-0 (Finley Lane left the meeting before this petition)

A 14-07-12 LIBERTY TWP. SE/4 16-26N-11E Liberty Center Volunteer Fire Department requests approval for a development plan for a 70' x 90' fire station. The property is located at 2600 S 300 W, Liberty Center, IN 46781 and is zoned A-1.

Brett Miller, MLS Engineering, explained that the fire station would be a 6300sqft structure with a gravel parking lot and drive, which will be lined up to the existing farm lane. He stated that the drainage will flow to the northeast to a detention basin and then slowly releasing the water back into the county right-of-way, which is where the property is currently draining. He advised that the erosion control plan was submitted to the Wells County Soil and Water and was approved. Mr. Miller stated that there would not be any free standing light poles, and the only source of light would be coming from downward facing wall packs.

Mr. Lautzenheiser questioned where the project was with their septic approval.

Brent Arnold, Arnold Construction, stated that the septic plans were at the state for review and they would get back to the petitioners at the end of next week with their comments. He advised that it would be a standard finger system, but due to the fact that it's a commercial building facility the state may have it be a little larger than usual.

Mr. Hahn commented on the drainage, which was discussed at the Plat Committee. He stated that the site currently is a farm field which is systematically drained. They believe that the subsurface tile is running west and then north. He advised that that tile will continue minus whatever is cut off and run to the detention pond. The surface water will continue to go where it has always flow, which is sloped one direction and tiled the other.

Conditions:
 Motion to Approve: Jarrod Hahn
 Second: Keith Masterson
 Vote: 9-0

A 14-07-11 JEFFERSON TWP. SW/4 15-28N-12E Northern Wells School Corporation requests approval for a 100' Nello freestanding communication tower. The property is located at 213 S. Jefferson St., Ossian, IN 46714 and is zoned R-1.

Dave Hadley, Wireless Networking Solutions, stated that there is an existing 72ft tower at the school that they are wishing to replace, due to the fact that technology is changing and the existing tower was not designed to withstand some of the higher winds. He explained that the safety reasons were the same for the tower that was recently replaced at Norwell High School. The tower is rated for up to 9mph winds with a half inch of ice on it. He stated that the reason for the additional height of the tower is because at some point in time the school may want to create a ring link between the schools. The old tower is going to be removed. The new tower will be constructed about 10ft from where the existing tower is located at. Mr. Hadley advised that there will be fencing and an anti-climb device that will be used, which is the same style as what was used at the high school. He stated that the tower is registered with the FAA, but do to the height it does not require any lighting.

Mr. Lautzenheiser stated that the only thing that came from the Plat Committee was the need for the information on the anti-climb device, which the petitioner has since provided, and the end result specs for the tower, which would be the construction and specification document.

Conditions: Provide the office with specs for the tower

Motion to Approve: Tim Rohr

Second: John Schuhmacher

Vote: 9-0

A 14-07-13 LANCASTER TWP. SW/4 31-27N-12E Tri-Hard Farms/Verizon Wireless requests approval for a 295' communication tower with lightening rod. The property is located on the north side of State Road 124 between Meridian Road and Adams Street, Bluffton, IN 46714 and is zoned A-1.

The petitioners contacted the office and have requested the petition to be continued to the next meeting.

Conditions:

Motion to Continue: Jarrod Hahn

Second: Harry Baumgartner, Jr.

Vote: 9-0

OTHER BUSINESS:

Unpaid Intern – Cody Sprunger

Mr. Lautzenheiser advised the board that Cody Sprunger contacted the office with interest in interning at the office before classes started back up. He contacted Cody to inform him that there would be no pay for the internship and Cody was still interested. He explained to the board that they have final say over all staffing, even though this is not permanent paid staff. He advised that the hours would be discussed between him and Cody, and that it would be more of a job shadowing opportunity for Cody.

Conditions:

Motion to Approve: Bill Horan

Second: Harry Baumgartner, Jr.

Vote: 9-0

2015 Budget

Mr. Lautzenheiser stated that budget the deadline to submit next year's budget is coming up and he is requesting the approval for the board to submit the budget that he has provided for the board. He did an overview of the budget, and stated that it was the same budget request that was made last year with the addition of the Planning paid intern, which is a want but not a need. He stated that in the line item for Other Supplies, the funds would be for a computer replacement along with the purchase of Microsoft Office. He explained the requested increase is due to the fact that there will be an additional conference so that he can obtain his certification as a flood plain manager and maintain accreditation. Mr. Lautzenheiser advised that the funds for the printing of the ordinance were going to be reallocated between office supplies and the copier because of the books being printed in house. He then explained how the budget for 2015 will equal the total budget for 2014, which includes all of the additional appropriations. He stated that we are again requesting \$10,000 for legal services, but the board needs to be aware that Andy Antrim will not be available as the board's attorney. He advised the board that they need to start the process of finding new legal counsel. He suggested that as part of the approval that the

board get a few members together to meet and discuss the options for future legal counsel. Mr. Lautzenheiser stated that the salaries that are being requested are with the same raise request as last year.

Conditions:

Motion to Approve: Bill Horan

Second: Jarrod Hahn

Vote: 9-0

Legal Counsel Search

The board discussed the number of members that should be in the search committee along with Mr. Lautzenheiser. They also talked about who to use as search committee members.

Conditions:

Motion to have the Plat Committee search and make an attorney recommendation to the APC: John Schuhmacher

Second: Harry Baumgartner, Jr.

Vote: 9-0

DISCUSSION:

Mr. Lautzenheiser advised the board that the decision of the appeal of the Wells County Wind II petition has been appealed to the State of Indiana Court of Appeals. He advised that he is currently unsure of a timeline. He explained that the appeals court is a three judge panel, which would review the local judge's decision.

ADVISORY:

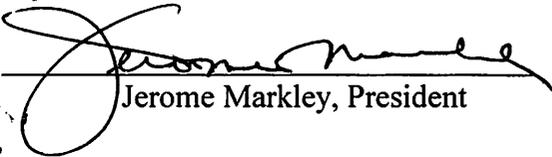
ADJOURN:

John Schuhmacher made a motion to adjourn the meeting. Jarrod Hahn seconded the motion. The July 3, 2014 Area Plan Commission meeting adjourned at 10:09 p.m.

ATTEST:



Michael Lautzenheiser Jr., Secretary



Jerome Markley, President