

ROLL CALL

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

Michael Lautzenheiser, Jr., Director

The March 6, 2014 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Jerome Markley. Eleven members were present for roll call.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the February 6, 2014 meeting. Harry Baumgartner, Jr seconded the motion; the motion carried 10-0-1 with Mike Morrissey abstaining.

NEW ITEMS:

A 14-03-04 CHESTER TWP. NE/4 21-25N-11E Southern Wells Community Church, Inc. requests approval for a development plan for a 140' X 50' church building and 30' X 32' Canopy. The property is located at 300 W between 900 S & 950 S, Poneto, IN 46781 and is zoned A-1.

Joel Hoehn, Stody Associates, stated that the plan is for the construction of a new church, which would seat between 175-180 people. He explained that there will be a detention basin for this project that will be behind the fire station on the church's property. The outfall for it will go into a 10" tile, which is north of the fire station, and drain over to 300W. Then the water would travel east and eventually deposit into the Salamonie River. He advised at this time the project will not have any exterior lighting. However, in the future there could be some and they would be along the north and east side of the parking lot with the lights directed into the lot. Mr. Hoehn discussed the existing sign's current location in the road right of way. He stated that the church is going to request a variance to move the sign 5' out of the right of way. They would like to add to the existing sign and have it be a maximum of 10' tall. He advised that at this time the parking lot will be stone and would have 77 spaces, which is above the 36 spaces required. There will be either concrete or asphalt under the canopy for the drive up. Mr. Hoehn stated that after talking with Ed Herman at the Highway Department that a culvert really wasn't needed for the drive, but they are suggesting putting an 8" culvert just to make sure that there is drainage both ways.

Michael Lautzenheiser, Jr. brought up the fact that the existing sign was not permitted at its existing location. Therefore the board should review this as if a new sign were going to be placed on the property at the location. He advised the board that a waiver could be done to grant the 40' front yard setback not being met.

Jarrold Hahn stated that 300W has a large right of way and where the sign currently is would not cause any traffic hazard. He also commented on the differences in sign setbacks in the different zoning areas, along with how often sign setback variance requests are brought to the BZA.

Conditions: With waiver setback for 5ft off of the road right of way for the sign due to it being out of the sight triangle.

Motion to Approve: Jarrold Hahn

Second: Keith Masterson

Vote: 11-0

A14-03-05 HARRISON TWP. NE/4 05-26N-12E Bonnie Wall requests approval for a development plan for a 5,760 sq. ft.- 20 unit storage building. The property is located at Beth & W. Wiley Bluffton, IN 46714 and is zoned B-3.

Joel Hoehn, Stoodly Associates, stated that the 20 unit storage building will have a 30'x32' garage type structure with two overhead doors attached to it. The storage units will be 10' wide with their overhead doors facing to the east. The building is peaked north and south, and will have downspouts and gutters on both sides. There will be a detention basin on the west side of the building. The drive area on the site will be stone and part of that will flow to the north to a catch basin which will empty into the detention basin. The rest of the drive will flow to the south to a catch basin and will go to the outlet in the southwest corner of property. The city is requiring a concrete driveway approach, and then the rest of the parking and drive area will be stone. It will not go to the property line due to the fact that there are existing pine trees on the north and west sides that will be kept. Mr. Hoehn commented on the locations of other businesses in the area. He also stated what types of properties that were directly surrounding the site. He advised that there will be lights on the property; however, they will not be flood lights.

Tom Wall, son/representative of the petitioner, stated that there will be no set hours of operations. He advised the board that with observing other storage facilities that hardly anyone goes at night. There are no lights in the unit. He stated that there will be security cameras on the property. Mr. Wall stated that the 30'x32' attached structure is for his father's personal storage use. He advised that there will not be any exterior storage allowed.

Michael Lautzenheiser, Jr commented that the board and the BZA have seen the site prior to this petition due to a rezoning request and a variance request. He advised that Bluffton City Council did approve the B-3 rezoning request, and the BZA granted the variance for the front yard setback to be 20' along with the sign to be constructed on the right of way line.

Conditions:

Motion to Approve: Mike Morrissey

Second: Jarrod Hahn

Vote: 11-0

OLD ITEMS:

A14-02-03 Comprehensive Plan Sec. 11-12 Plan Commission Rural Representation

Michael Lautzenheiser, Jr. brought up the options that were previously discussed. He stated that options 3, 4, & 5 are fixed by Indiana code; therefore, their makeup is unable to be changed. Options 1 & 2 are able to be changed, but there does need to be a minimum of 7 members (one representative from each of the legislative bodies) and anything above that number is flexible for design. He brought up the cost to change, which was questioned at the last meeting, to advisory planning law could be anywhere from \$40,000 to \$100,000 for each individual community in order to create and draft a comprehensive plan and zoning and subdivision control ordinance.

Jerome Markley expressed his thoughts on the board's make up. He stated that he liked the 11 members due to the fact that if there are conflicts of interest the board doesn't get too small. He favored Option 1 or 2. He commented that he didn't like the point in Option 2 where it stated that one member was either the county surveyor or the county extension agent. He stated that the opinions of the people in those positions are valuable. He stated because of that Option 1 is more favorable. However, there has been an issue filling the schools' superintendents' appointment the last few times, and it's not an appointment from an elected body. Therefore, Mr. Markley advised that appointment should be done away with and add one of the County Commissioners or their designee, which would keep the number on the board the

same and allow for one more appointee from an elected official. He stated that it would keep the expenses similar.

Jarrold Hahn commented about the Indiana code spelled out versions of board membership. He stated that maybe a County Council person or their designee rather than the schools' superintendents' appointment. Since the APC does make some decisions that could affect the county's budget, this could be another option. He also commented on having representatives from the towns rather than an appointee from another town, which is what would occur in Option 3. Mr. Hahn questioned how and if the ordinance could specify that the County Commissioner's and Council's appointees reside from the rural area.

Mr. Lautzenheiser explained that it would need to be specified in the ordinance.

The board discussed the schools' superintendents' appointment and if it was required by Indiana code. They also talked about the County Council being affected by what the APC does and why the Council may want an appointee. The board further discussed potential future changes and the need for rural representation.

Mr. Lautzenheiser commented on the Indiana code's definition of citizen member, which would be a rural representative. He also advised that for the County Council members' appointment, it should say citizen member rather than designee because the term designee could mean any person rather than just a rural representative. Mr. Lautzenheiser advised the board that this is not ready for the ordinance yet. He stated that this is just for a recommendation to the legislative bodies okay, and towards the end of the year when the ordinance is ready to be amended it would be added. He stated that this was just more a straw vote.

Bill Morris questioned Option 3 and how the appointee from the Advisory Council of Town Affairs would be determined. Mr. Lautzenheiser explained that an appointment from each of the town boards would form the council, and then the council would appoint one of their members to be on the APC. Mr. Morris also questioned if the Advisory Council appointee could be rotational to cover the area that was being discussed due to a petitions. He commented that he felt like the current town representatives have too much power on the board to sway votes. He stated that he did like Option 1 with the proposed changes that Mr. Hahn and Mr. Markley suggested.

John Maddox commented that the township trustees should be on the board with their advisory board members as alternate if there is a conflict of interest. He stated that he would rather see people on the board that were elected officials or their appointment. He advised that this would be a better representation of the county.

Mr. Lautzenheiser explained that this could not occur due to Indiana code. He also stated that the only way to get that to potential change would be to talk to state legislatures. Mr. Hahn commented that a person can't be forced to be on the board. He also advised that the state is trying to get rid of the township trustee; therefore, they would not want the trustees to have more responsibilities.

Mr. Lautzenheiser commented that from the board's talk it appears that Option 1 is the direction that everyone was leaning, and that members 4-11 in that option would not change. What needs to be determined is if members 1-3 should be a County Commissioner or County Council member or their designee or citizen member appointment. He clarified the definitions of designee and citizen member.

Mr. Markley advised the board that they could recommend that the board membership stay the same or recommend one of the new variations of Option 1:

1. Leave the board as is.

2. 3 County Commissioner citizen member appointments OR 1 County Commissioner and 2 citizen member appointments from the commissioners
3. 1 County Council member or a citizen member appointed by them with 1 County Commissioner and 1 citizen member appointment from the commissioners OR 2 citizen member appointments from the commissioners

The board did a straw vote:

#1 – 0 votes

#2 – 2 votes

#3 – 9 votes

This will be what is presented to the County Commissioners and Council as the board's suggestion on membership.

OTHER BUSINESS:

Hofstetter Violation

Michael Lautzenheiser, Jr explained the violation, and that it was due to junk accumulation, a box truck being used as a storage structure, and a fence that was in the right of way. The BZA granted a variance to transform the box truck into a shed, but it was not completed within their time frame. The fence has been moved out of the road right of way. There is still junk accumulating on the property and now there is a camper on the property that looks like it is being lived in. He stated that there were 60 days since the last communication was sent out and there was no response. The time frame has expired and no legal action has occurred yet. He explained that there has been no formal violation notification on the camper. There was no complaint about the camper yet. His recommendation would be to have Andy Antrim go before the court, on behalf of the APC, to get an injunction.

Conditions:

Motion to have Andy Antrim proceed with court action: Mike Morrissey

Second: Tim Rohr

Vote: 10-1 (Jarrod Hahn)

Barkley Violation

Mr. Lautzenheiser stated that the violation was due to acreage that was not transferred with a piece of property that it was added to during a foreclosure. This acreage is land locked. He explained that the board previously gave Andy Antrim the authorization to send a letter, which stated what their options are. Mr. Antrim stated that the Barkley's could sell the land to the current owner of the property that it was added to, which is where it was supposed to go. Or they could talk with one of the other neighboring property owners and have it added to theirs. After talking with the Barkley's, nothing occurred and Mr. Antrim sent out a second letter, which did not generate a response. Mr. Lautzenheiser explained that if court action is taken the judge would be asked to enforce the deed restriction. He then explained why this could happen and Indiana law on this subject matter.

Conditions:

Motion to have Andy Antrim proceed with court action: Mike Morrissey

Second: Keith Masterson

Vote: 11-0

Redraft Committee

Mr. Lautzenheiser stated that there was a basically a resolution to the first topic brought up by the Comprehensive Plan, which was board membership. He explained that he would like as many changes as

possible to be done to the ordinance in order to comply with the Comprehensive Plan before the ordinance is amended in either October or November of this year. In order to get this done, he would like a committee set up review the current ordinance, discuss possible changes, and then draft the suggestions to be presented to the APC. He stated that it would be set up just like the Steering Committee for the Comprehensive Plan. It would be a sub-committee of this board and have an unlimited number of members. He explained that the committee could meet as much as they needed to and could work on as many topics from the Comprehensive Plan as they could handle.

Mike Morrissey suggested on giving the redraft committee some guidelines for topics to focus on and a time frame for them.

Mr. Lautzenheiser proposed that the committee focus on the development plan requirements first, which are articles 14, 15, &16 in the ordinance. He then explained the goals of the Redraft Committee.

Conditions:

Motion to start process to form the committee: Mike Morrissey

Second: Finley Lane

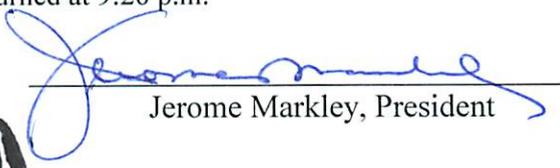
Vote: 11-0

DISCUSSION:

ADVISORY:

ADJOURN:

John Schuhmacher made a motion to adjourn the meeting. Mike Morrissey seconded the motion. The March 6, 2014 Area Plan Commission meeting adjourned at 9:26 p.m.



Jerome Markley, President

ATTEST: 

Michael Lautzenheiser Jr., Secretary