

ROLL CALL

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

Michael Lautzenheiser, Jr., Director

The April 5, 2012 meeting of the Area Plan Commission was called to order at 7:30 p.m. by Vice-President Mike Morrissey. Ten members were present for roll call. Jerome Markley was absent.

**APPROVAL OF MINUTES:**

John Schuhmacher made a motion to approve the minutes from the March 1, 2012 meeting; Jarrod Hahn seconded the motion, the motion carried 9-0-1, with Mike Morrissey abstaining.

**OLD ITEMS:**

**A12-02-01 JEFFERSON TWP SE/4 15-28N-12E Bee Creek Development is in violation (V2011-001) for failing to maintain a maintenance and performance bonding for an approved major subdivision development. Property is located at Bridges Subdivision, Ossian and is zoned R-2.**

Keith Huffman and Larry Heckber were present representing Bee Creek Development. Mr. Huffman stated that the Bonding requirement for the remaining street work will be covered through a letter of credit through the Huntington Bank. He discussed the bonding requirement for the remaining legal tile repair project. The financing for this project would be handled by placing a set amount of funds into an escrow account at Ossian Bank, when any new lots are sold. The escrow account would be held jointly by the County Drainage Board and Bee Creek Development. \$1,000.00 would be put in for the first 10 lots sold. Then, \$2,000.00 would be put in for the remaining 28 lots when sold. This would easily cover the \$30,000.00 estimated repair cost needed to fix the county's legal tile. The amount to be entered into the escrow account would be \$65,000.00, if all of the lots would sell. Mr. Huffman also advised that this agreement was submitted to the county attorney for review. He also advised that there are potential sales that are on hold due to the drainage and maintenance bond issue.

Jarrold Hahn commented on the agreement that was submitted to the county attorney and stated that he had spoken with Trent Patterson on the matter.

Michael Lautzenheiser Jr. discussed the escrow account set up and how it would help fix the violation.

Conditions: Provided that the agreement that the county attorney is reviewing is satisfactory, the said agreement would need to be signed and recorded

Motion to Drop Violation: Jarrod Hahn

Second: Bill Horan

Vote: 10-0

**NEW ITEMS:**

**A12-04-06 JEFFERSON TWP SE/4 4-28N-12E Dennis D. Johnson is in violation (V2011-009) of the ordinance in Section 11-01(4): semi-truck trailers being used as accessory structures and Section 9-14: a junk yard in a business zoned area. Property is located at 11020 N State Road 1, Ossian, IN 46777. Property is zoned B-3.**

Michael Lautzenheiser Jr. advised the board as to why the violation was issued. The issue was brought up in October 2011, due to semi-trucks and other equipment scattered on the property. He stated that some clean-up to the property had been done, but that the property was still in violation.

Denny (Dennis) Johnson stated that he had sold the property outside of Ossian and had moved to Tennessee. He advised that he had returned for three months to clean up the property. During that time, he purchased two semi-trucks to load his belongings in. While he was going through items to scrap, the trucks got stuck in the property due to the weather. The items that he has behind the fence, with a tarp over them, are going to be loaded in the trucks and taken to Tennessee. He advised the board that he no longer owns any property in Wells County and would like to haul the rest of his belongings to Tennessee. Mr. Johnson stated that he does not have any written agreement with the new land owner as far as a time line to remove his property from the land. He does want to be moved out by spring, the beginning of June. He also commented on communication that he has had with the office, after receiving the first violation letter. He then further explained what exterior items were his and which items were the new owners. He also wanted to clarify that the violation was for the exterior item and not the items that were stored in the building.

Conditions:

Motion to Continue until the June 7<sup>th</sup> Meeting: Jarrod Hahn

Second: John Schuhmacher

Vote: 10-0

**A12-04-07 HARRISON TWP NW/4 4-26N-12E Mack F. and Karol K. Stewarts are in violation (V2012-001) for having a home occupation outside of the primary structure, for conducting a business that does not qualify as a home occupation, and for constructing two building additions to a detached garage without a permit. Property is located at 828 W. Market St., Bluffton, IN 46714. Property is zoned R-2.**

Michael Lautzenheiser Jr. advised the board that this violation would be skipped for this meeting, due to some movement on it. He also stated that after some of the items were removed from the property, they reappeared a few days later. This could be discussed further at a future meeting.

**OTHER BUSINESS:**

**Flood plain map amendment**

Michael Lautzenheiser Jr. discussed the new flood plain maps that the office received and commented on how the original maps from 1983 were strictly paper and the new maps are digital. He also informed the board of an important meeting on May 1<sup>st</sup> for information regarding the new flood plain maps that is to be presented by the Indiana DNR. The biggest effected area

with the new maps is the 8-Mile Ditch as it runs through Ossian. Mr. Lautzenheiser stated that 40-50 homes could be impacted. He further explained the mapping process that was done through FEMA that then went to the DNR, along with the process that each county has to go through to get the map adopted. He also explained how the map could be amended, with a flood plain elevation survey and information sent to FEMA.

The board then discussed programs to lower flood plain insurance, along with county rankings. What could be done to get a better ranking and what Wells County's current ranking is also were talked about.

Michael Lautzenheiser Jr. then discussed the hard hit areas in Bluffton, which are Main Street and the Dutch Mill Plaza. He also stated that a letter from the DNR would go out to any property owner, where there was change in the flood plain and explain that there is an informative meeting on May 1<sup>st</sup>.

Jarrod Hahn explained the difference between the flood plain and the flood way. He advised on what would possibly have to be done before construction could occur in these areas. This included which agencies that would need to be contacted.

### **Comprehensive Plan**

Michael Lautzenheiser, Jr. advised the board that the comprehensive plan is a 20 year development plan for the county along with the city and towns, which was last done in 1993. Therefore, that comprehensive plan will end in December of 2013. He listed the items that have been completed from the 1993 comprehensive plan. Then explained that the approval process for the comprehensive plan is similar to the zoning ordinance, where the APC would make a recommendation to the County Commissioners, County Council, and Town Boards. Mr. Lautzenheiser then went on to explain the steering committee and who would be involved in the subcommittees and their jurisdiction. He also explained what role the office would take during the steering and subcommittee meetings. He further explained what information the office would provide to the subcommittees, along with the items that need to be in every comprehensive plan. He then advised the board on what would need to occur in order to formally kick off the comprehensive plan.

Conditions:

Motion to present before Council for additional funds to formally start the comprehensive plan:

Jarrod Hahn

Second: Angie Dial

Vote: 10-0

### **WECS setbacks**

*(Not Discussed)*

Marilyn Maddox questioned why the setbacks weren't going to be discussed and she also questioned if they were going to be discussed after the public left the meeting.

Michael Lautzenheiser, Jr. stated per the APC's attorney's request the board would not discuss any WECS information due to the pending appeal. There would not be any discussion by the board about WECS setbacks.

**Adult Business**

Michael Lautzenheiser, Jr. advised the board on how the adult business licensing ordinance was going. Bluffton has already adopted and Ossian's is being written. He also stated that potential changes to the zoning ordinance could be possible due to changes to the zoning requirements. An adult business would currently be considered retail. However, it must meet the licensing requirement buffers and also meet the zoning area. No location currently would meet both.

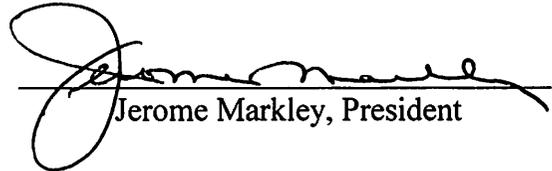
Jarrold Hahn questioned whether it could be considered a special exception and be heard by the BZA. He stated that the BZA could add more condition and that they are able to do more discretionary decision making. He asked to have the BZA look into it.

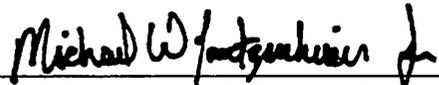
**Ordinance Revision**

Michael Lautzenheiser, Jr. stated that revisions to the ordinance will need to occur due to a clean-up bill that changed the Indiana Code to amend the appeal process to match a lawsuit process. Also there allows for a potential single meeting for a petition that would need a variance with the development plan. There is another possibility for minor projects to be approved by Plat Committee. These meetings would still be public and the decision could be appealed to the whole APC. There is also an extension of the appeal process for a minor subdivision to 14 days from 10 days. Any ordinance change would need to be done after the comprehensive plan is finalized.

**ADVISORY:**

John Schuhmacher made a motion to adjourn the meeting. Harry Baumgartner, Jr. seconded the motion and the motion passed with a vote of 10-0. The April 5, 2012 Area Plan Commission meeting adjourned at 8:46 p.m.

  
Jerome Markley, President

ATTEST:   
Michael Lautzenheiser Jr., Secretary