

ROLL CALL

Harry Baumgartner	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 September 1, 2011 meeting of the Area Plan Commission was called to order at 7:30 p.m. by President Bill Horan. Seven members were present for roll call. Angie Dial, Finley Lane, Mike Morrissey, and John Schuhmacher were absent.

APPROVAL OF MINUTES:

Jarrold Hahn made a motion to approve the minutes from the August meeting with the correction to the word "slope" taken care of; Tim Rohr seconded the motion, the motion carried 7-0.

NEW ITEMS:

A11-09-21 JEFFERSON TWP., NE/4 16-28N-12E Joseph Welches requests approval of development for a new 50' X 48' building. Property is located at 403 N Jefferson, Ossian, IN 46777 and is zoned B-1.

Representing the petition were Joseph Welches, owner, and Joel Hoehn, with Stody and Associates. Mr. Welches stated that his plans are to build a 50' X 48' building, between the two existing buildings on the property, for automotive repairs. There will be a 12ft overhead bay door on the north side of the building, between the two existing buildings.

Joel Hoehn advised that there is already existing stone on the site where the building will be. The roof of the building will drain to the south through down spouts. The current flow off of the property goes south/southwest. There is a break on the north end of the parking lot where part of it flows east on to Jefferson Street. The other part goes to the west towards the existing building. There is an existing inlet on Ogden Street and part of the ground water would get over to that inlet. Mr. Hoehn stated that there is a zero setback on this property, but that the structure will be 6ft off of the property lines.

Conditions: N/A

Motion to Approve: Jarrod Hahn

Second: Harry Baumgartner

Vote: 7-0

A11-09-20 JEFFERSON TWP., SE/4 09-28N-12E Jason Meyer requests rezoning of Lots 5, 6, 7, & 8 Hoopingarner Addition to B-3. Property is located south of 1050N, Ossian, IN. Currently zoned R-1.

Representing the petition were Jason Meyer and Dennis Meyer, property owner. Jason Meyer stated that they would like to put a sign up for 6 advertising spots with 3 on the front and 3 on the back. The height of the sign will be 30 ft and the width will be 12 ft. He stated that he met with the Ossian Revitalization Committee because he would like to put a "Welcome to Ossian" and "Thank you for visiting Ossian" sign on the top; and they might want to do the same on the other side of the road. The sign will be located in the center of the 4 lots. He already has local parties interested in placing their business logo and name on the sign.

Dennis Meyer commented that he has kept the 4 lots nice and very esthetically pleasing. He advised that there is no dwelling on the lots and that the lots are not used for agricultural purposes. The size of the lots total about 2.3 acres.

Bill Horan advised what uses are permitted in an R-1 zoning and what uses are permitted in a B-3 zoning.

Michael Lautzenheiser Jr explained that a residential sign has one size requirement (20ft high and 16 sq ft per face) and a commercial site sign has another size requirement (20ft high and 100 sq ft per face) He advised with a business zoning, it allows for a larger sign to be petitioned with a variance request. He stated that the variance is the second phase of Meyer's project.

Jason Meyer stated that he could put up 4 residential size signs (one on each lot), but that he wants the project to look nicer and represent the town better.

Michael Lautzenheiser Jr explained that any business that would like to go into that site would have to pass a development plan and have an INDOT road cut permit, which would be very difficult to get due to the location of the property and a guard rail on State Road 1. The obstacles would limit what type of business that would be located at the site. He stated that it would also be difficult to put a house at the location because of the access points. He advised that the closest B-3 zoning is at PNC bank, which is south of the location and on the opposite side of the road, and Ossian Furniture, which is also located south of the proposed site. Both locations are about a quarter of a mile from the site.

Jason Meyer stated that the reason for the business rezoning is just for the sign. He stated that they have not thought about any future plans, but currently, the site is just for the sign.

Dennis Meyer added that they have not thought about any building being placed there. They just want the sign to go up. He advised that the sign would be placed on the second lot from the south.

Michael Lautzenheiser Jr stated that as the ordinance is written it implies that a business size sign (100 sq ft face or greater) should be zoned business. However, a variance can be applied for anything. As the ordinance states, an area zoned business can have a sign of 100 sq ft per face and that the property that is zoned business can apply for a variance for additional square footage and height. As its nature is a commercial sign and not a residential sign.

Bill Horan explained the Board's role in the rezoning process and the way the rezoning decision is made.

Tim Kaehr, neighbor to south, stated that his concerns were for the lighting of the sign and if the property sells, what would happen to it since it would be zoned business. He was also concerned about the north bound traffic that turns into the neighborhood being distracted by the sign and possibly causing an accident.

Jason Meyer stated that the sign would be lit from within. There would be no spot lights on the sign.

Bill Horan explains that if the property is rezoned to business that it would remain a business zoning until it was petitioned to be zoned back to residential.

Kathy Braner, neighbor to the southwest, stated that Ossian Furniture is 13 properties away from the proposed site and that PNC bank is 9 properties away. She advised that the rezoning of the property would not be contiguous. She also questioned who would maintain and own the property.

Dennis Meyer stated that he would still own and keep the property manicured.

Jason Meyer stated that the Town of Ossian would not be leasing the sign. He advised that the Ossian Revitalization Committee would be helping to pay for the top part ("Welcome to Ossian") of the sign.

Jerry Mahnensmith, neighbor directly to the south of the proposed site, questioned why the petitioner wants to put a sign up in the neighborhood.

Linda Heyerly, neighbor directly to the north of the site, commented about her concerns about business in a housing addition. She also stated that the public well on the property services about 25 different families and her concern is about it being contaminated. Mrs. Heyerly also questioned the need for another welcome sign for Ossian.

Leliani Mahnensmith, neighbor directly to the south of the proposed site, stated her concerns about property value if the rezoning passes.

Robin Gingerich questioned why there was a need for the property to be rezoned. He questioned whether a variance could be granted without a rezoning. He also questioned whether a lit sign would be a distraction to drivers. Mr. Gingerich also commented about the sign south of Ossian for the industrial park. He stated that the south sign was near the stop light and that traffic was slower in that area due to the stop light.

Michael Lautzenheiser Jr stated that in the ordinance any requirement can be applied for with a variance to change it. It is possible for a variance to be filed for a large commercial sized sign in a residence, but it is not the way that the ordinance was set up. The ordinance was designed to have the bigger signs for business areas and then from there, if an individual wants a larger sign,

a variance can be applied for. He also advised that no conditions or restrictions can be placed on a rezoning.

Michele Pulfer stated her concerns for her property value. She also stated that her house was the first one built in the neighborhood in 1955.

Lorraine Gardner commented that a smaller sign would look better in a residential area. This might cause less of a distraction to drivers and therefore cause fewer accidents than a larger sign.

Judith Jackson questioned the reason for an Ossian sign outside of the city limits.

Judith Kaehr stated her concerns about the high traffic in the area and that a lit sign might cause drivers to be distracted and cause an accident.

Jason Meyer commented that the sign at the Ossian industrial park is lit with a spot light and his proposed sign would be lit internally. He also advised that the industrial park sign is larger than his proposed sign.

Jarrold Hahn questioned if there was an active home owners association that maintains and owns the well. The crowd responded in the affirmative.

Dennis Meyer stated that the home owners association would still have access to the public well if the property were to be rezoned.

One of the neighbors, to the proposed site, provided the Board with a copy of restriction that was provided at the time their property was purchased.

Issac Pena, local business owner, questioned if there was any consideration of having the sign constructed on the east side of State Road 1. He also commented on the 60 ft from the road restriction.

Michael Lautzenheiser Jr restated the size restriction for signs in both R-1 and B-3 zoning. He advised that without a variance or rezoning, the petitioner could put up a 20 ft high; 16 sq ft per face sign on each one of the 4 lots as long as it met the setback requirements and did not have strobe lights. The sign would also have to be 60 ft off of the west side of State Road 1 to be in accordance with the restrictions that were stated at the time of purchase.

Jarrold Hahn commented that if it were to go to BZA, they could put restrictions on how big the sign could be and if the lights could be animated.

Dennis Meyer stated that if the BZA would grant a variance for the size and height of the sign, then they would not request the property to be rezoned.

The Board discussed the other businesses in Ossian and the distance their signs are from State Road 1, along with their signs height. When the signs were erected and what the possible regulations were at the time was also debated.

Michael Lautzenheiser Jr explained the APC rules on public notification for a rezoning petition.

Bill Horan advised that the petitioners have already filled a variance with the BZA, which will meet on Tuesday, September 27th at 7pm.

Jarrold Hahn explained how the Board advises the County Commissioners with a recommendation of "Do Pass/Don't Pass/or No Recommendation" and the County Commissioners have the final decision.

Michael Lautzenheiser Jr explained the difference between the APC board and the BZA board. He advised on who made up the 2 boards and how the members were selected.

Conditions: N/A

Motion to Continue: Jarrod Hahn

Second: Jerome Markley

Vote: 7-0

OTHER BUSINESS:

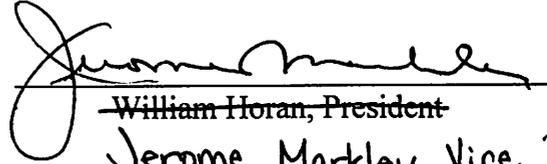
Michael Lautzenheiser Jr advised that there would be wind tower project filings within the next six months for both companies. Each company has multiple phases. With the amount of paperwork for each petition and the amount of discussion needed for each filing, the Board debated how many meetings would be needed. Would it be best to have them at the regular monthly meeting times? Would it be better to have an additional meeting a week after the normal monthly meetings?

The Board discussed the amount of people that would be attending the meeting and talked about locations that the meeting could be held at. The first phase, for both companies, is located in the Southern Wells School District and the best place to hold the meeting would be a Southern Wells School. The school stated that the rental fee for the elementary cafeteria would be \$25.00 for a 3 hour session. The school board voted not to waive the rental fee. Another venue option would be the 4-H park; however it is not as close to the proposed locations as the Southern Wells School is.

The Board debated on having one meeting with written statements and questions being answered and then having a second meeting as a "normal" meeting with members of the public asking questions and making comments. The meetings have to be open to the public. This type of forum could be a problem for the public. However, the written statements could offer a chance to better understand what individuals are trying to say. Plus, it could give more individuals a chance to be heard. It was also discussed having a time limit for each member of the public that chose to speak. The Board debated on ways to decrease the repetitive comments and questions.

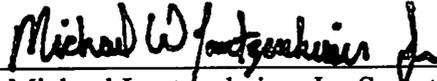
Michael Lautzenheiser Jr stated that there have been no wind tower project filings yet. Therefore, the next possible meeting that they could be heard at is the November meeting. He also advised that there were no filings for October. Therefore, there might not be a meeting next month depending on the outcome of the BZA petition for Meyer.

The September 1, 2011 Area Plan Commission meeting adjourned at 9:12 p.m.


~~William Horan, President~~

Jerome Markley, Vice. President

ATTEST:



Michael Lautzenheiser Jr., Secretary