

**AREA PLAN COMMISSION
MINUTES
December 7, 2015**

THE MEETING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, December 7, 2015 at 7:00 PM at a regularly scheduled meeting on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana.

Members present: Bob Bothwell, Myron Brankle, Mike Burton, Rex Maynard, Jim McWhirt, Bob Monroe, Tyson Nuckols, Karen Owen, Dick Treon and President, John Bonham.

Members absent were: Stacy Clupper, Chuck Draine and Tony Manry.

Staff present: Executive Director Steve Niblick, and Recording Secretary Debbie Wallace.

John Bonham opened the meeting with the Pledge of Allegiance and a moment to reflect on Pearl Harbor Day.

Minutes: Jim McWhirt moved Rex Maynard seconded to approve the October 5, 2015 minutes of the regular meeting and the executive sessions. All members present voting yes, vote 10-0, motion carried.

Docket: 02Z-15 **Public Hearing** **Name:** Kelly Sells

Address: south side of 900 S (State Road 26) immediately east of 824 N Barclay St., Fairmount, Grant County,

Zoning District: Residential-1

Legal Description: being 3.07 acres more or less and located in the Northeast Quarter of Section 29 in Fairmount Township, Grant County, Indiana.

Request: rezone from Residential-1 to General Business

Andrew Rossell with AR Engineering present representing Kelly Sells – requesting to rezone property just East of Barclay Street. This will be a standalone site that abuts Fairmount Town limits on the West and is on the south side of State Road 26. He has met with the town of Fairmount to discuss utilities; has also spoken with INDOT and the County Surveyor.

Dick Treon stated that Fairmount held a council meeting to go over specifics.

Bob Bothwell questioned where the ingress/egress would be located.

Rossell – the entrance will be directly across from the mattress store; this will be a retail use.

Steve Niblick – there have been a few calls in general but no specific questions. Gordon Gouge did question drainage issues, prior to the meeting, but the office has not received any specific site plans. Board should pay reasonable regards to the 5 criteria and at the end give a recommendation to the Grant County Commissioners.

- 1) Comp Plan – growth was anticipated to go west toward State Road 9. Landscaping, parking etc. would all be reviewed and approved during the permitting process.
- 2) Current conditions and character of uses – north is zoned Agriculture (AG) and General Industry (I2); crop field northeast of property across SR 26 and general retail both across and northwest from property; South is crop field, east and west are single family residences; zoning is Residential-1 and Residential-3.
- 3) Most adapted use for district
 - a. Immediate effect of rezoning on property, possible that other property to the east could request rezoning and promote commercial growth to the east of town.
 - b. Many other uses that would be allowed in a General Business zone district if rezoned; APC could consider restricting or limiting the types of business.
- 4) Conservation of values of surrounding property – no information received by the office
- 5) Responsible development & growth; the field to the south does drain across this property, and it is important to consider a site's future development.

APC staff does recommend a favorable recommendation to the Grant County Commissioners.

Audience:

David Lamb, 824 N Barclay, Fairmount – already have drainage problems, any development will contribute to more drainage issues; also concerned about traffic along State Road 26.

George Musser, 730 N Barclay, Fairmount – water does not drain properly and backs up onto his property; concerned about traffic safety because of the use of golf carts and bicycles; also as traffic leaves Fairmount the speed limit increases at this spot.

Jon Bair, 2174 E 1550 N – he farms the land south of the proposed rezoning and there are already issues with the drainage. If it is stopped up it will funnel to the west or stand in the farm field.

Gordon Gough, 4851 W 900 S, Fairmount – a member of the Grant County Drainage Board, since the farm field is inside Fairmount Corporate limits the Grant County Drainage Board has no authority over the drainage issues.

Response:

Andrew Rossell has spoken with Jim Todd (County Surveyor) and Steve Deal with Fairmount Utilities; all county ordinances will be complied with. Site plan will consider all issues.

Dick Treon, this is not the proper forum to discuss drainage issues, board should consider only issues pertaining to the rezoning.

Jim McWhirt questioned what the forum to address drainage issues is and do they hold public meetings.

Treon – the town of Fairmount has never accepted responsibility for drainage issues; has never been an issue with the Town, they do not have a drainage board. One solution would be to run a proper sized drainage tile to a county ditch.

John Bonham – APC makes recommendation to proper jurisdiction, they make the final decision.

Rossell – he understands the drainage would be addressed with the building permit and must conform to all county ordinances.

Bothwell – board has three options 1) favorable recommendation; 2) unfavorable recommendation or 3) no recommendation to the County Commissioners and they make the final decision.

Niblick – the APC office has ten days to certify to the County Commissioners; who then have sixty days to take action or it reverts back to the recommendation given by the APC.

McWhirt questioned if Dick Treon shared the traffic concerns

Treon – does not feel that traffic would be an issue; the current businesses located across the street have no problems. Golf carts are regulated by state laws and not allowed on state highways.

John Bonham asked the audience members if drainage and traffic concerns were resolved would there be any objections to the development, most responded no.

No one voiced any further objections.

Bonham questioned the board if they felt any consideration for restricting uses needed to be discussed

Treon – does not feel any restriction would be necessary for this rezoning.

Motion: Bob Bothwell moved Tyson Nuckols seconded to give Docket #02Z-15 a favorable recommendation to the Grant County Commissioners. All members present voting yes; except Myron Brankle and Karen Owen who voted no. Vote 8-2; motion carried.

Commissioner Mike Burton stated this petition will go in front of the Commissioners on December 15, 2015.

Docket: 02Z-15 **Public Hearing**

Name: Kevin & Jamie Cates, Millwright Riggers

Address: 2800 W 9th Street, Marion

Zoning District: Residential-3

Legal Description: Being 14.95 acres more or less and located in the Northwest Quarter of Section 11 in Franklin Township, Grant County, Indiana.

Request: rezone from Residential-3 to General Industry (I2)

Andy Miller with Millwright Riggers was present representing Kevin Cates. Currently there are two businesses to the east of this property inside Marion city limits; the rezoning is needed in order to expand those businesses.

Steve Niblick – the Comprehensive Plan identified this area to be industrial; property to the North, East and West are all currently zoned industrial although current use of land is farm fields. No information related to land value has been received. Staff recommends a favorable recommendation to the Grant County Commissioners.

No objectors were in the audience or on file.

Motion: Jim McWhirt moved Myron Brankle seconded to give Docket #03Z-15 a favorable recommendation to the Grant County Commissioners. All members present voting yes; vote 10-0; motion carried.

Commissioner Mike Burton stated this petition will go in front of the Commissioner on December 8, 2015.

Other business:

Bonham announced that an executive session was held to prior to tonight's meeting to discuss personnel issues.

Discussion was held regarding Chris Duckwall applying manure from his AFO without first notifying APC; a letter will be sent to Mr. Duckwall reminding him of the restrictions and limits when his development plan was reviewed and approved by the APC. The board members will be notified of when the letter is mailed and sent a copy.

Dick Treon moved Rex Maynard seconded to adjourn; meeting adjourned at 8:40 PM.

John Bonham, APC President