

**AREA PLAN COMMISSION
MINUTES
December 5, 2016**

THE MEETING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, December 5, 2016 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, Chuck Briede, Mike Burton, Stacy Clupper, Rex Maynard, Jim McWhirt, Bob Monroe, Tyson Nuckols, Karen Owen, Dick Treon and Vice-President, Bob Bothwell.

Members absent: Myron Brankle, Tony Manry, and John Bonham.

Staff present: Executive Director Larry Strange.

Bob Bothwell opened the meeting with the Pledge of Allegiance.

Minutes: Jim McWhirt moved Rex Maynard seconded to approve the minutes from the November 7, 2016 meeting. All members present voting yes; vote 10-0; motion carried.

Docket: 01Z-16 (**Public Hearing**) **Name:** Kevin Miles

Address: 570 South Main Street, Upland, Indiana

Zoning District: Residential-1 (R1)

Legal Description: Being lots 1 – 6 in Linders Addition to the Town of Upland and located in the southwest quarter of Section 03, Jefferson Township, Upland Corp, Upland, Grant County

Request: rezone from R1 to General Business (GB)

Andrew Rossell, A R Engineering, 4664 Campus Drive, Kalamazoo, Michigan; was present representing the owner and also the potential purchaser of the property. He has met with a few of the Town officials; has not contacted any of the adjacent property owners. The intent is to rezone this parcel to allow general retail; they have been looking for a location in Upland for several years and feels comfortable to go forth with this request and take it to the Upland Town Council to make a decision on the rezoning. He is asking for a favorable recommendation to the Upland Town Council.

Bob Bothwell stated any recommendation would be made to the Upland Town Council who makes the final decision; four actions available for the board to make: 1) continue petition till next meeting; 2) favorable recommendation; 3) unfavorable recommendation; or 4) no recommendation. Bothwell questioned if any of the neighbors had been talked to about this request.

Rossell stated that neighbors have not been contacted regarding the proposed rezoning.

Bothwell voiced concerns about possible drainage problems; ingress/egress issues. The right-of-way to the south is an unimproved road. If the park was developed to the west would that possibly be an entrance into the park? Wanted to know if the meeting has already been set with the Upland Town Council to consider the rezoning.

Rossell stated that possible ingress/egress to the park had been discussed but they are not to the point of discussing plans. He does feel the petition has progressed enough to pursue the rezoning.

Jim Bittner, 725 Dresser Dr., Anderson; commercial real estate broker for ReMax in Anderson; he has been working with Andrew Rossell since 2007 or 2008 trying to find a location in Upland. They have had accepted offers on four separate properties that never got to this point. Once INDOT stopped them, once there was a sewer that could not be relocated. They have been trying for a long time to develop something in Upland.

Bothwell questioned if INDOT has any problems with this spot and has DNR, EPA been contacted, do they have any issues with this site.

Rossell stated that a preliminary plan had been submitted to INDOT there have been no issues or concerns. He has talked with the town about a drainage swell that comes through the property and if this goes forward they will work with the town engineer on the drainage.

Stacy Clupper questioned if the notices went out to the neighbors as required.

Larry Strange confirmed that all the noticing was sent as required.

Audience:

Mike Howard, 557 Main Street, Upland, is opposed to the rezoning; this is spot zoning. Mr. Howard is also representing two of his neighbors that are also opposed to the rezoning. There is business zoning to the north of this site and also to the south which have empty store fronts that could be utilized. Mr. Howard has looked over what type of businesses that could go into a General Business zoning. There is an existing small grocery type store already in town that could potentially go out of business because of this. He did speak to John Bonham who advised him to attend this meeting to voice his objections.

Kevin McCall, 618 S Main Street, Upland, lives directly to the south of proposed rezoning. Wonders what the people who created Jefferson Memorial park think about a retail business being located there. This is the first time he has heard about the proposed ingress/egress to the west, which the school owns; has also had problems with the water shed in his front yard. There is presently a cave-in on the north side of the drive that poses a potential danger to children or animals that could fall and drop several feet. Mr. McCall is against this rezoning.

Meeting recessed to allow the board to review Larry Strange's research on this property; will reconvene at quarter till.

Bob Bothwell reconvened the meeting and asked what Larry's recommendation is.

Larry Strange stated he evaluated the proposed rezoning based on the change of zoning from Residential-1 to General Business, should something happen and the business fails this opens up the area for a lot of other uses. Has looked at Comprehensive plan for the town of Upland and it does stress economic development is desired, however, the Comprehensive Plan and future land

use shows this area as residential. Based on that and the whole corridor currently being very residential the staff recommendation is unfavorable.

Motion: Bob Monroe moved Mike Burton seconded to give an unfavorable recommendation to the Upland Town Council for Docket #01Z-16. All members present voted yes; vote 10 - 0; motion carried.

Went over the Director's report and the monthly reports; no comments were made.

There being no other business, Bob Monroe moved Rex Maynard seconded to adjourn the meeting; meeting adjourned at 8:09 PM.

Bob Bothwell, APC Vice-President