

**AREA PLAN COMMISSION MINUTES
AUGUST 2ND, 2004**

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, August 2nd, 2004 at 7:00 P.M. on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. The following members were present: Dick Trobridge, Tom Walters, Kim Windle, John Woodmansee, Myron Brankle, Dick Treon, David Glickfield, Dennis Fox, Rana Vetor and Tony Manry. Absent were John Bonham, Keith Roorbach & Karen Owen. Staff present was Tanya Ford, Executive Director and Betty Jones.

Dick Trobridge moved; Richard Treon seconded that the minutes from the previous meetings be approved as submitted. All members present voted yes.

Tanya read the rules and procedures. She then asked Board members if they had any contact with any petitioner, or with anyone else regarding any of the petitions. Tony Manry stated yes he had been contacted by several people and asked for directions on what they should be doing. However, no one asked him to change his vote. Myron Brankle stated he was contacted by several people and asked what was going on. They had concerns about Hummel Creek but no one asked him to change his vote. John Woodmansee was contacted by voice mail and stated there was a group of people voicing their opinions on the Hummel Creek petition. They had some concerns that they wanted to address prior to the meeting. He tried to call them back to let them know that those concerns needed to be addressed to the entire Board but he did not get an answer. Tanya stated there should be nothing to worry about on those. They should be able to be heard and everyone should be able to vote.

Docket: #04P-2004 (Continued)

Name: Prewitt Farms

Address: 6721 S. Fairmount Ave., Fairmount

Zoning District: Agricultural

Legal Description: Being 92.24 acres and located in the Southeast Quarter of Section 08 in Mill Township.

Request: To create a 6 lot residential subdivision. (Changed to 3 lots)

Larry Manship 401 South Washington Street, Marion represented the petition.

Mr. Manship stated that after the auction took place there was a perspective purchaser for lot #2. Lot #2 is located in the NE corner and is called the "swing lot". It also has a strip that is 150 wide that meets the frontage as stipulated in the Zoning Ordinance. It extends down to 700 S. as the frontage for that lot. Lot #1 is a 38 acre tract in the SW corner. Both lots will remain AG. The smaller lot #3 will have approximately 15 acres; however, most of that 15 acres is chewed up with a ditch.

David Glickfield arrived at 7.07 p.m.

Tanya stated that the Highway Department requested that if this petition is approved, a plat restriction be placed on lot #1. It should state that the lot must have its access off of 700 S. (only). She also informed Mr. Manship that before he brings in the final plat, he needed to delineate the flood plain. She informed the Board that the original petition was for a 6-lot subdivision, which was a major subdivision. Since then the petitioners have gone down to 3 lots, which is a minor subdivision.

Proof of publication is in the file.

No objectors were in the audience or on file.

MOTION: Richard Treon moved, Dick Trobridge seconded to approve the preliminary plat for Prewitt Farms with the stipulation (made in the form of a plat restriction), that lots 1 & 2 must have access off of 700 S. All members present voted yes; motion carried.

Docket: #05P-2004 (Public Hearing)

Address: 4203 E. 650 N., Marion

Legal Description: Being 34.41 acres and located in the Northwest Quarter of Section 02 in Washington Township.

Name: Hummel Creek

Zoning District: Agricultural

Request: To create a 7 lot residential subdivision.

Larry Manship 401 South Washington Street represented the petition.

Mr. Manship stated he was at the meeting with the owner Mr. Schabo. They have addressed several of the issues that were reference to storm water management, driveway entrances and additional easements. When asked by the Board what water would be going in the pond, Mr. Manship responded that the pond would be connected to whatever tiles that are found in that area. They are treating sub-surface water that's in existing tiles and surface water run-off generated from the development to get directly to the ditch and in the pond. Any tile in the area would have to be diverted to the pond. Mr. Manship stated he had knowledge of at least four tiles and could see the outlets in the ditch, (various sizes). As with most subdivision approvals, if a tile is discovered that's operational, they would need to reroute it. The responsibility of rerouting would fall upon the Neighborhood Association.

Tanya informed the Board that reconstruction of that ditch or the flow of it should be addressed to the Surveyor's Office and Drainage Board. The Drainage Board did approve it at the June 14th meeting.

Mr. Manship stated that the barn would be used temporarily until the lots are sold or until the subdivision is platted. It would then be demolished because he couldn't establish a new property line that would go through a building.

Tanya informed him that it needed to be demolished before the final plat or money put in an escrow account set aside for the demolition.

OBJECTORS:

Carolyn Kindley – 3876 E. 650 N. stated that the major concern that several of them had was finding water, and finding enough water for this many homes in the area. The people that live there have very deep wells and have been told that it was a difficult area for finding water. A neighbor wanted to use geothermal and couldn't because there wasn't enough water flow in his well. They are able to get about 5 gallons per minute, which is not a huge amount. This adds to her concern about adding more wells. If there is an addition of 7 more five-inch wells within .08 of a mile, she felt that it would be the equivalent to a 6-inch city well. She is especially concerned about who would be liable if the well would go dry. She stated that she has concerns about the drainage.

Tanya stated there is nothing we can do on the well issue; we don't have any regulations in this county. The County Health Department does not issue permits for wells. It was Tanya's opinion that if the well would suddenly dry up, the owner would probably be responsible for whatever expenses were incurred to drill the well deeper.

Dale Patterson – 6260 N. 400 E. stated that he has the property straight south on the adjacent side of Hummel Creek. He shared his concern over notices not being sent out informing the adjacent property owners of the drainage board approval or denial. **Tanya** explained that the drainage board is entirely separate from Area Plan. State law requires that for this type of meeting (APC), she has to notify adjacent property owners. She didn't think that the drainage board had to do that; however, she stated that it is a public meeting. They have not and still do not notify the adjacent property owners that the meeting is coming up. Additionally, Mr. Patterson shared that he is extremely concerned about his property value.

Cynthia Clark – 4203 E. 650 N. stated that her main concern is the well and drainage. She commented that she had moved away from town because she loved living in the country, and now feels that the town is moving to her.

Roger Miller – 4193 E. 550 N. stated he is representing Susan Stutler. Mr. Miller stated that Mrs. Stutler is concerned about the well also and that she is on a fixed income and can't afford to pay for digging a deeper well.

Tanya stated there is a petition on file with 22 signature on it stating they are against Hummel Creek Subdivision. She also read a letter from Lowell King stating that he felt there would be a problem with water access, septic system, and the price range of homes going in.

Lowell King – 3600 E. 650 stated his main concern was mainly the water source. Also, he revealed his concerns about the power outages in the area.

John Kindley – 3876 E. 650 N stated that he had lived there since 1962 and had a well drilled in 1966. The well was drilled at 211 feet, which nets 5 gallons per minutes; that's nothing compared to the demands of today. If you have a geothermal heating system, it claims 10 gallons per minute minimum. He has great concerns about the well.

Jill Duggan – 5952 E. 650 N. Van Buren stated that her only concern is the well. She is on a budget and can't afford to put in a new well if hers should go dry. She stated she moved here about a year ago.

Tanya asked her if she had any trouble putting in her well. She replied, no.

Thomas Schabo – 1221 N. Sheridan stated his family wouldn't want to live in a community where the people weren't concerned. He stated that he has discussed having covenants to maintain property value. He does not want any trailers or any smaller homes to go in to depreciate the value of the properties out there. He further stated that he has done research with Helvie & Sons and was told that the wells are running around a hundred fifty feet deep. He hopes that since Grant County is in a recession and in desperate need of some growth this could help. He stated that he and his wife and his in-laws have plans to build in the subdivision. They would have a joint piece of property that they would build a pond on. There would potentially be six lots that would have buildings on them. The one lot (lot 7), would be a kind of community lot where they would have a pond or some type of recreational area. The numbers would be down by one from their plan scope.

Tanya stated that they should label lot 7 as a common area because if they didn't designate it or put common open space, it would be considered a buildable lot and could be sold as such.

Charity Schabo – 1221 N. Sheridan Road stated that their plans are not to build on lot 7. Her parents and she and her husband jointly own the lot. Their plans are to put in a pond, and have a recreational area, but it wouldn't be common ground for the entire subdivision. They will build their homes on lots 5 and 6.

Tanya stated that if their plans were not to build on lot 7 that perhaps they could combine the three lots thus eliminating one of the lots and making the remaining two lots bigger. Mrs. Schabo stated that the home that they plan on building will not be a small home; it will be a mid-sized to larger home to help increase the property value in that area. It is their hope to build some nice homes that the adjacent property owners would want to have built next to them. They didn't want to be intrusive and would love to have the peace and quiet that living out in the country provided.

Tanya stated that the Board has a couple of options: They could approve the preliminary plat with certain stipulations or continue until the next month and require that certain testing or documentation be submitted by the petitioners to answer those questions.

Dick Treon stated that he was concerned that it goes back to, "marketable dictate." If a person is going to buy that size of property and is a responsible property owner, he/she would have done their homework to see if they could put a well in or get a perk test. He didn't feel it was the Board's responsibility to dictate whether they could have a well or not. It was the responsibility of the person investing in the property to look at these issues before they invested.

Myron Brankle stated that he was concerned about no covenants. He wants to see covenants in place where people will have to keep properties decent. He is also concerned about the drainage issues.

Tony Manry informed Mr. Brankle that the Board could not require or have control over covenants. Thomas Schabo – stated that they will have covenants and would be happy to put something in writing to that effect.

Elmer Hicks – 4742 E. 650 N. stated he was concerned about the intersection at 400 and 650. It's probably one of the most dangerous intersections in the county. The road makes a turn and the corn blocks your view. There will be an increase in traffic; and, he shared concerns over the safety of the children in the area that played and traveled those roads.

The Board questioned, “what method can they employ to determine some scientific facts regarding this well issue in that area? Tanya stated that the Board could make it a part of their motion to require that the petitioner must provide information that the Board would feel comfortable with (i.e. drill testing wells, compile data from the local well drillers in the area, obtaining information from the state).

Mr. Manship stated that he is required to send out notices to a list of people inviting them to the Technical Review meeting for input on easements and subdivision proper but none showed up.

MOTION: Dick Treon moved to approved the preliminary plat as presented with the barn to be demolished or escrow money set aside to cover demolition, Richard Trobridge seconded. Three members, (Treon, Trobridge & Woodmansee) voted yes; Seven members, (Brankle, Fox, Glickfield, Vctor, Walters, Windle & Manry) voted no; motion failed.

MOTION: David Glickfield moved to continue the preliminary plat until the petitioners give additional information on the wells, Tom Walters seconded. All members except Richard Trobridge voted yes; motion carried.

OTHER BUSINESS:

The letter, which the Board asked Mrs. Ford to write to the Commissioners on setting precedent, was discussed. The Board eventually decided to rescind the letter.

There being no other business Dick Trobridge moved to adjourn the meeting, Richard Treon seconded. All members present voted yes; motion carried.

Tony Manry, President