

**AREA PLAN COMMISSION MINUTES
NOVEMBER 8TH, 2004**

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, November 8th, 2004 at 7:00 P.M. on the fifth floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. The following members were present: Kim Windle, John Woodmansee, John Bonham, Tom Walters, Dick Trobridge, Karen Owen, Myron Brankle, Dick Treon, Dennis Fox, Tony Manry, Keith Roorbach, Rana Vetor and David Glickfield. Staff present was: Tanya Ford, Executive Director and Betty Jones.

John Bonham moved, Dennis Fox seconded to approve the minutes from the previous meeting as submitted. All members present voted yes.

Tanya asked the Board members if they had any contact with any petitioner, or with anyone else regarding any of the petitions. All members present answered no.

Docket: #05P-2004 (Continued)

Name: Hummel Creek

Address: 4203 E. 650 N., Marion

Zoning District: Agricultural

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

Request: To create a 7 lot residential subdivision.

Larry Manship, 401 South Washington Street, represented the petition. Mr. Manship stated that the retention pond had been moved and the typographical error had been corrected.

Tanya Ford stated that all the requirements have been met.

Karen Owen remarked that the neighbors needed to approach the City of Marion about their wells. This is not an issue for the Board rather it's a fight with the City.

David Glickfield stated that the situation was similar to the Bureau of Motor Vehicle not issuing a license; even though an individual may meet all the requirements you are not given a license because the Bureau did not want to give you one. He noted that if the system needs to be changed then it should be done legislatively.

Richard Treon agreed with Mr. Glickfield and reminded his fellow Board Members that when the rules are mandated, they need to be followed.

Myron Brankle stated that he disagreed with the License Bureau Theory. This could become a slum area, if the houses are left standing vacant. Mr. Brankle feels that the Board should be able to deny the petition no matter what the law states. He does not want to see this as an extension of a slum. The buyers should be required to build homes and nothing else. He shared his concerns about field tiles running underneath the homes; this is another reason why he felt the subdivision should not be developed.

Tanya Ford stated that it is not up to the Board to anticipate that someone is going to bring in a 'shady' development into an area; they do not have that authority. The market is going to dictate if they can sell these lots or not. If they don't sell them, then they are stuck with them and have to pay taxes on them. Tanya suggested that there are quite a few vacant homes in Grant County because the unemployment rate is extremely high. She said that the Board couldn't deny a subdivision because they think that the purchaser is going to go bankrupt, and the house is going to be vacant. They do not have that legal right. They are mandated to approve the subdivision if all the requirements are met. It is my job as advisor to the Board to make sure all laws are met, and the Board does things legally.

Keith Roorbach questioned that if all the rules and regulations are met, why is it before them and why does the Board have a say if they are mandated to do X,Y, Z.

Tanya stated she could not answer that. He would have to go to the State, if he did not like the rules and regulations. The Board could not change the law tonight; however, they could go to the Senate and the House of Representative because they are the ones that made the law with the Indiana Codes. The Code has been in place for sometime.

Richard Treon stated that the reason this petition is still before the Board is because they have been debating issues that they have no authority over. If they had stayed within their authority, it wouldn't have lingered on. The Board did give the public the opportunity to express their opinions at a public hearing.

Tanya added that the Board also used the continuance to mull over and investigate the well issue.

Tom Walters inquired of Mrs. Ford that if once the subdivision is approved if they had to pay taxes on it? Does the zoning change the tax rate? **Tanya** answered that the taxes would be based on lots not acreage. The zoning would not change.

Tony Manry remarked that there have been two public hearings on this petition, and if there was anyone in the audience that has a new reason why the Board should not approve the subdivision, come forward and speak. If the objections were because of the wells, the fact that they do not want the subdivision to go in, or the traffic, it has all been heard.

OBJECTORS:

Roger Miller once again stated his concern about the wells and how they would affect the area.

Carolyn Kindley – 3876 E 650 N stated that she agrees with the well issue. She said that if the City wells caused a 6 feet drop who knows what six more well within an .8 of a mile of their properties would do to them. She realizes that the Board is required to give approval to the subdivision, but why have a vote at all if that is the case; it makes no sense. She further stated that she appreciates the fact that this is a democratic process and the property owners have had a chance to express their concerns; the Board has listened to them. Once again she mentioned the petition bearing the 60 names that are against the subdivision and the fact that the Schabo's agreed to draw up some covenants for the subdivision, but to her knowledge they have not been done. She asked the Board to reconsider denying the petition because she does not feel the law prohibits it.

Richard Trobridge requested that Tanya share with the Board what she found out from the State (DNR) on wells. **Tanya** complied, explaining about 'high capacity wells vs. low capacity wells, and their affects on each other.

Myron Brankle stated that there is a subdivision at 450 N. and 600 E. and one of the houses in this subdivision has had to redrill their well.

Larry Yeager – stated that professionals generally handle well issues. There are no guarantees that the existing wells were put in correctly; therefore, the new wells could affect the existing ones. The whole well issue is outside the realm of the commission. **Roger Miller** questioned if the issue of the wells was outside of the realm of the commission who would they go to? Mrs. Ford explained that they would contact DNR.

John Bonham in his final statement commented that it had been helpful to him to realize what the Board has to go through in order to approve subdivisions. There are ramifications as far as well usage with DNR; however, those aren't areas that the Board deals with. The Board deals with properly submitted plats for subdivisions; that's all they have authority over. There are other avenues that can be taken to get the assistance they need.

MOTION: Richard Trobridge moved to approve Docket 5P-2004, Richard Treon seconded. All members except Myron Brankle, Dennis Fox, Keith Roorbach and Kim Windle voted yes; motion carried.

Docket: #06Z-2004 (Public Hearing)

Address: 511 & 517 W. 6th St. Jonesboro

Legal Description: Being .015 acres and .185 acres located in the Northwest Quarter of Section 04 in Jonesboro Corporation, Mill Township.

Request: To change zoning from Local Business to Residential-3.

David Pierson, 415 N. Washington St., represented the petition. Mr. Pierson stated that he had previously gotten approval for the zone change but did not record it so it expired.

Name: David Pierson

Zoning District: Local Business

Chip Summitt, 604 Gulick Street, Jonesboro stated there are conflicting stories on what Mr. Pierson is doing with the property so he wants to know for sure.

Tanya explained he could not put a business in a residential zoning. He could not have any business under that zoning classification other than a Customary Home Occupation, which requires him to live on the site. There was discussion as to whether a mobile home could go in the town of Jonesboro and Tanya informed Mr. Summitt that it could not.

Natalie Pruitt, 607 Gulick Street asked if Mr. Pierson would be required to get a survey. A survey was in the file. She was concerned about the setbacks.

Mrs. Ford explained that based on the survey there was no encroachment. She further stated that Mr. Pierson was going from Local Business to Residential-3, which is more restrictive. With the present zoning, a business could go in there; however, if it's rezoned to Residential-3 a business could not go in there and neither could a mobile home.

Barbara Laughlin, 602 Gulick Street inquired of Mr. Pierson if the building would have garage doors on it. She stated he has cleaned up the property nicely. Mr. Pierson responded yes it would have doors and he does believe in having a nice place free of junk.

MOTION: David Glickfield moved to give Docket 6Z-2004 a favorable recommendation to the Jonesboro City Council to rezone the property from LB to R-3, Keith Roorbach seconded. All members present voted yes; motion carried.

Docket: #06P-2004 (Public Hearing)

Name: Rolling Acres

Address: Intersection of 1000 E. & 825 S., Upland

Zoning District: RS

Legal Description: Being 5.02 acres and located in the Northwest Quarter of Section 23 in Jefferson Township.

Request: To create a 1 lot residential subdivision.

Randall Miller, 145 E. 3rd Street, represented the petition. Mr. Miller stated that he has been through a Technical Review meeting and a revised drainage requirement and got approval. He is now requesting preliminary approval from the Plan Commission. He stated the reason he had to apply for a subdivision was because there were a lot of small splits done on the property.

MOTION: Richard Treon moved to approve Docket 6P-2004, Richard Trobridge seconded. All members present voted yes; motion carried.

Randy Miller informed the Board that a Drainage Ordinance is required by the State. It stipulates all the criteria. Presently the county does not have any criteria. We are fortunate to have Larry Yeager who is a hydrologist. He understands these issues. The Drainage Ordinance will set forth the criteria that we are required to do. It will go hand in hand with the Ordinance and the Drainage Board Ordinance. He spoke about user fees to pay for the cost of coverage of reviewing plans by professionals. It's an additional fee that would go to the general fund. In his opinion, the reviews should go mostly through the Area Plan Commission.

OTHER BUSINESS:

Richard Trobridge moved to approve the meeting schedule for 2005 with the correction (January 2006 instead of January 2005), John Bonham seconded. All members present voted yes; motion carried.

There being no other business to come John Bonham moved to adjourn the meeting, Richard Trobridge seconded, motion carried.

Tony Manry, President