

**AREA PLAN COMMISSION MINUTES
SEPTEMBER 6TH, 2005**

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Tuesday, September 6th, 2005 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: Kim Windle, John Woodmansee, Dick Treon, Tony Manry, Keith Roorbach, Rana Vetor, Myron Brankle and Mark Bardsley. Absent were Dick Trobridge, Dennis Fox, Robert Highley, John Bonham and Karen Owen. Staff present was Betty Jones and Deborah Wallace.

There were no Minutes to be approved.

Betty Jones read and explained the procedures then asked the Board members if they had any contact with any petitioner, or with anyone else regarding any of the petitions. Tony Manry stated he had been contacted but only in the content of being asked what time the meeting was to be held. All other members present answered no.

Docket: #2PUD-2005

Name: William Taylor Foundation/
Randy Miller & Associates

Address: N/sd 600 S. (Berry St.)

Zoning District: RS

Approx. 1070 ft. E/SR-22 (Main St.) Upland

Legal Description: Being 12.66 acres located in the SE quarter of Section 03 in Jefferson Township.

Request: To allow phase one (1) of a residential planned unit development, which will have single family and duplex dwelling units.

Randy Miller, 145 E. 3rd Street, Marion represented the petition. Ken Smith, Vice President of Taylor University accompanied Mr. Miller. Mr. Miller stated that he and Mrs. Ford decided to do a PUD because of the mixture between single family and duplexes or multi-family. The benefits are that you get to see exactly what's going to transpire on the site and you are able to have some reductions in setbacks. There will be six single-family residences, and seven duplex units. The seven duplexes, plus the six units would equate to 20 new residences. The units will be served with utilities from the Town of Upland. The drainage Board has already given their approval. There is a common area (3 acres) that will be used for drainage and possible expansions if necessary, (in case there is another phase). He further stated that The Homeowner's Association would be responsible for collecting a maintenance fee and maintaining the common area.

On August 23rd they applied for a sewer permit which has been passed by the state. They are now able to proceed with the sewer. A flow test has been conducted which reveals that there is adequate water supply.

There were no objectors in the audience or on file.

Proof of publication in the file.

Deborah Wallace stated there were informal meetings between representatives from Taylor University, the Town of Upland, Triad, Randall Miller & Associates, and Area Plan Department and for the record the following was agreed upon: a Public Utility Easement will run along the west property line of the entire parcel. The second proposed entrance to Kershner's Commons would line up with the second entrance into Robbins Glen Subdivision, should it expand at some point in the future.

Chip Long, 435 W. North Street, Upland represented the Town of Upland stated that they compiled a letter on July 15th to the William Taylor Foundation that they were in favor of the project, (there is a copy in the Area Plan file).

There were no objectors in the audience and none were on file.

Proof of publication is in the file.

MOTION: Keith Roorbach made a motion to suspend the rules and accept the PUD as presented, Myron Brankle seconded. All members present voted yes, motion carried.

MOTION: John Woodmansee made a motion to approve Docket 2PUD-2005, Mark Bardsley seconded. All members present voted yes; motion carried.

MOTION: Rana Vetor made a motion to give a favorable recommendation to the Upland Town Council, Keith Roorbach seconded. All members present voted yes; motion carried.

Docket: #2Z-2005

Name: Fairco, Inc./Vic Withers

Address: 1691 E. 900 S., Fairmount

Zoning District: Industrial-2

Legal Description: Being 0.76 acres located in the SE quarter of Section 20 in Fairmount Township.

Request: To change the zoning from Industrial – 2 to General Business.

Vic Withers, 1691 E. 900 S. Fairmount represented the petition. Mr. Withers stated that he wants to open a mattress store on his property.

Richard Treon stated the Fairmount Town Council would welcome this business. There were no objectors in the audience and none were on file. Proof of publication is in the file

MOTION: Richard Treon made a motion to give a favorable recommendation to the Fairmount Town Council for Docket 2Z-2005, Rana Vetor seconded. All members present voted yes; motion carried.

Docket: #3Z-2005

Name: Darrol Les Korporal

Address: NE Corner 400N & 900 E. (SR-5) VB

Zoning District: Residential-1

Legal Description: Being 7.18 acres located in the SW quarter of Section 15 in Van Buren Township.

Request: To change the zoning from Residential – 1 to General Business.

Les Korporal, 754 S. 400 E., Marion represented the petition.. The business started out in 1998 in his garage. In 1999 he moved into Van Buren with three employees. He now has twelve employees in two small buildings in downtown Van Buren. They have outgrown their facility. He wishes to stay in Van Buren and if everything goes as planned he hopes to hire at least three or four more employees in the next few years. The new building would be in approximately the same location as the conservation club which will be demolished.

Mr. Manry stated that this request comes with a favorable recommendation from the Van Buren Town Council. The area is residential at this time, however, they are hoping that the area east of the proposed building will consist of all businesses since there are no residences in that area.

Mr. Brankle stated that he has contacted all the residents around the area and he hasn't received one unfavorable recommendation. In fact, they are very excited about the business coming in.

John Woodmansee questioned whether the Town wants this area is to be expanded to business? Mr. Manry responded yes, as far as the machine shop and that type of expansion but probably not for retail.

Byron Brankle, 501 South 4th Street, Van Buren stated on behalf of the citizens of Van Buren, the Popcorn Festival Committee and the Lions Club, they recommend that the Board change the zoning. Van Buren does not want to loose the business due to lack of space..

There were no objectors in the audience and none were on file
Proof of publication is in the file.

MOTION: Myron Brankle made a motion to give a favorable recommendation to the Van Buren Town Council, Keith Roorbach seconded. All members present voted yes; motion carried.

Docket: #4Z-2005

Address: 8935 E. 500 S., Upland

Legal Description: Being 1.04 acres, (lot 2) in Colleen Subdivision located in the SE quarter of Section 33 in Monroe Township.

Request: To change the zoning from Agricultural to General Business.

Robert Breese, 8935 E. 500 S., Upland represented the petition.

Name: Robert/Jeanette Breese

Zoning District: Agricultural

Mr. Manry questioned if that this petition was because of a violation. Deborah Wallace responded that it had. Mr. Breese was operating a small engine repair shop for which the Area Plan Commission Office had received a complaint.

Mr. Breese stated he wished to rezone so he can continue operating the business. He is the only employee however, he has a young man that come in to help him occasionally.

There was much discussion by the Board with questions being asked and answered by the petitioners and the Area Plan Staff prior to the vote.

SUPPORTERS:

Harry Huffman, 273 Indiana Avenue, Upland stated that he is 100% in favor of the lawn mower repair Business being there because he can't afford to pay the higher prices for a new lawn mower. This shop provides affordable prices for senior citizen and others who are on fixed incomes.

Sheridian Stevens owns the property on the west and east side states that he doesn't have a problem with the shop being there. We need to encourage all the small business we can in Grant County.

OBJECTORS:

Don Herring owns the property to the north (4782 S 900 E). He stated that this is spot zoning. He passed out pictures that he had taken Monday morning. He further stated that his daughter's house is immediately north and she is against the petition. He doesn't think that spot zoning in a residential area is a good idea so he is against it.

Chip Long, Upland Town Council stated that he doesn't think the Town Council is against anyone starting a business, however, they are against this request. The Council is presently addressing some situations whereas residents are requesting to change residential zonings to business. He presented minutes from the Council's last meeting showing that they gave an unfavorable recommendation to this request. (This petition would go to the Grant County Commissioners for approval or denial)

Renda Plummer, 4814 S. 900 E. Upland stated that she is not against the Breese having their livelihood close to their home, however, this is residential and she is not in favor of seeing it zoned business. She stated that there are a lot of empty buildings in Upland that would welcome the business and make it more convenient for the residents in Upland.

SUPPORTER:

John Thurman, 490 E. Bragg Avenue stated that he is in favor of any small business especially small engine repair. This business is a benefit to Upland because they have to travel out of town to find a place that would provide this service at the same prices. He cited heighten gas prices as another reason for not wanting to drive out of town.

Jeanette Breese stated they do not have the means to rent a building in Upland. They are doing this to make a living not to depreciate anyone's property.

Mr. Breese stated it wouldn't be practical for him to rent a building because he couldn't keep the prices down. Because of medical reasons, he can't work 8 hours straight, therefore, he needs the business to be at his home.

Anthony Bair, 10531 E. 500 S stated he is in favor of the request. He helps Mr. Breese from time to time and feels this is a need rather than a want. It's his opinion that Mr. Breese has to have this otherwise he could be crippled, financially.

Kim Windle questioned if this is not classified as a business by the state, how does the Plan Commission determine it's a business entity, legally? **Deborah Wallace** responded that regardless of the number of lawnmowers repaired, anytime money is paid for services rendered, that constitutes a business. Disregard the business aspect; the outdoor storage of that many lawnmowers is a violation of the Nuisance Ordinance.

The Board discussed other possible options that the Breese's could take but none provided a solution before deciding to continue this request so the Area Plan Commission Office can try to find an alternative solution for them. They all agreed that this is a very difficult situation and they would like to find some type of a workable solution.

MOTION: Richard Treon made a motion to continue Docket 4Z-2005 until the October 3rd meeting contingent upon proof of publication being submitted to the Plan Commission Office, Keith Roorbach seconded. All members present voted yes; motion carried.

Docket: #IPVAC-2005

Name: John Boucher/Aaron Lawson

Address: S/sd Howard bet Lincoln & Washington, Sims

Zoning District: Residential-3

Legal Description: Being Lots 6 thru 9 inclusive; Lots 12 thru 17, inclusive; Lots 28 thru 33, inclusive, containing 3.13 acres, more or less in Laura J. Haines' First addition to the town of Sims, Indiana, Sims Township.

Request: To vacate part of Laura Haines First Addition to the Town of Sims.

John Boucher, 212 E. Howard Street, Sims represented the petition. He stated that he has 16 lots plus the street and a couple of the alleys. He had the streets and alleys vacated and would like to vacate the lots to turn them into one parcel.

There were no objectors in the audience and none are on file.
Proof of publication is in the file.

MOTION: Richard Treon made a motion to give a favorable recommendation to Docket 1PVAC-2005, Mark Bardsley seconded. All members present voted yes; motion carried.

OTHER BUSINESS:

Tony Manry updated the Board on the Executive Director's position. He informed the Board that they are still waiting on the Council to okay the budget. The budget hearing is Thursday night and the salary hearings are Friday.

There being no other business to come before the Board, Richard Treon moved to adjourn the meeting at 8:20 p.m., Keith Roorbach seconded; motion carried.

Tony Manry, President