

**MINUTES
AREA PLAN COMMISSION
AUGUST 6TH, 2007**

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, August 6th, 2007 at 7:00 P.M. in a regularly scheduled meeting on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. The following members were present: Myron Brankle, Dennis Fox, Bob Highley, Gary Johnson, Dick Trobridge, Kim Windle, John Woodmansee, Tony Manry, Jim McWhirt, James Dickey, and John Bonham, President. Members absent were David Glickfield. Staff present was Kenneth Ellis, Executive Director, Dale Carr and Brenda Harrison.

The meeting was brought to order with the Pledge of Allegiance and a moment of silence.

John Bonham stated that there have been changes to the Board and that in the remaining months there would be a meeting whether there are petitions or not. Tony Manry commented that had been put into a form of a motion in January, to meet regardless of petitions, and the Board has met three times in seven months. Mr. Bonham stated that there have been changes and working in the Office to correct that.

Motion was made by Dick Trobridge to approve the October 2nd, 10th, 19th; November 6th, and 27th, 2006 minutes and the April 2nd, 2007 minutes as written, Tony Manry seconded. All members present voted yes; motion carried.

Docket: 3Z-2007 (Public Hearing)

Name: Town of Sweetser

Address: 218, 212, 206 N. Greenberry and 118 W Greenburg, Sweetser, IN 46987

Zoning District: General Business

Legal Description: Being Lots 3, 6, 7, & 10 of the Original Plat of Sweetser

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

Kim Rogers, Corporate Council for the Town of Sweetser, on behalf of the Town represented this petition. Mr. Rogers stated this rezoning was to correct an error that happened a long time ago, that the powers to be had zoned the area General Business. He stated that originally they had asked to be rezoned to Residential-1. There had been some questions about it being rezoned Residential-1, when there was Residential-4 zoning in the area. That is why he asked for a continuance from the June meeting, so he could look into it further and also talked to the Town Council about changing the rezoning to Residential-4, instead of the Residential-1. Mr. Rogers stated that the Town Council and the home owners feel that Residential-4 is appropriate.

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

Proof of publication is in the file.

Motion was made by Gary Johnson to give Docket 3Z-2007 a favorable recommendation to the Sweetser Town Council, Dennis Fox seconded. All members present voted yes; motion carried.

Docket: 4Z-2007 (Public Hearing)

Name: Toby Ailes/Marty Shanks

Address: immediately east of 1805 E. 38th St., Marion, IN 46953

Zoning District: Residential-3

Legal Description: Being Lots 20 & 21 of Inman's Subdivision of Hollingsworth and located in the Southwest Quarter of Section 16 in Center Township

Request: To change the zoning from Residential-3 to General Business

Marty Shanks, 604 S. Water Street, Jonesboro represented this petition. Mr. Shanks stated this property was larger at one time, and that this remaining lot has a garage on it. Mr. Shanks stated that he was going to use the existing building on the property for a hobby shop. He restores vintage automobiles and does custom paint work, and does not generate a lot of revenue with this venture. Mr. Shanks stated that he spoke to the neighbors and they were in favor of it. He also stated that there wouldn't be any vehicle storage there. The only vehicles that are outside are his, and will be stored inside. He plans on building a larger building and landscaping in the future.

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

Proof of publication is in the file.

Motion was made by Bob Highley to give Docket 4Z-2007 an unfavorable recommendation to the Grant County Commissioners, Dick Trobridge seconded. All members present voted yes; motion carried.

After the motion was voted upon by the Board, Mr. Shanks told the Board that he was withdrawing his petition.

Docket: 5Z-2007 (Public Hearing)

Name: Collins Electric Group, LLC/ Michael Collins

Address: 2525 S. Miller Avenue, Marion, IN 46953

Zoning District: Neighborhood Convenience

Legal Description: Being 3.08 acres located in the Southwest Quarter of Section 12 in Franklin Township.

Request: To change the zoning from Neighborhood Convenience to Industrial-2.

Michael Collins, 11225 S 600 E, LaFontaine, IN represented this petition. Mr. Collins stated that he and his father had looked at the property several times, and did not realize it was as large as it was. They own Rex Collins Electrical Contracting and plan on moving their business from Poplar Street to this location. The existing building is perfect for their offices and is about 3000 sq. ft. and they will build an additional 8,000 to 10,000 sq. ft. of storage in the future. They employ approximately 7-8 electricians, and would like to continue working in this county. There will be 5-8 semis coming to the site in a week during their heavy season, and during the light season 1-3 semis. There are I-2 and Agriculture zonings around this property. Their current location is too small for them now.

Ken Ellis stated that he found a conflict in 2002 when the zoning ordinance was repealed and the new ordinance was adopted. Could not find reference to Accommodation Business to what it was to be changed to, Tanya told the staff the closest possible zoning was Neighborhood Convenience. Neighborhood Convenience is not the same as Accommodation Business. This petition was advertised as Neighborhood Convenience.

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

Proof of publication is in the file.

Motion made by Tony Manry to give Docket #5Z-2007 a favorable recommendation to the Grant County Commissioners, Bob Highley seconded. All members present voted yes; motion carried.

Docket: 6Z-2007 (Public Hearing)

Name: Smitty's Truck Wash, Inc. /James Smithson

Address: 6050 E 500 S, Gas City, IN 46933

Zoning District: Agricultural

Legal Description: Being 5.16 acres and located in the Northwest Quarter of the Northwest Quarter of Section 6 in Jefferson Township.

Request: To change the zoning from Agricultural to Industrial-1

Phil Stephenson, Attorney, 122 E 4th Street, Marion, IN represented this petition, on behalf of James Smithson. Mr. Stephenson stated that the property owner James Smithson was present, and that he plans to build a commercial truck wash and the facility would not be equipped to handle cars. This property is located on SR 22 east of Gas City on a parcel that is 1.16 acres. The current zoning for this property is Agriculture, and Gas City boundary surrounds this property. The process for annexation has

been started and Mr. Stephenson has a letter from Mr. Schroeder regarding this. This is a benefit to the county. There would be eleven employees to start with and if everything goes well, may hire four more later on. Gary Johnson asked what will happen to the house. Mr. Stephenson replied that will remain temporarily and be used as the office to the business. John Woodmansee asked if there were city utilities. Mr. Stephenson answered that there are. Tony Manry asked if they would be reusing the water. They will have the capacity to recycle most of the water. Wastewater will go into city sewer.

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

Proof of publication is in the file.

Motion made by Dick Trobridge to give Docket #6Z-2007 a favorable recommendation to the Grant County Commissioners, Myron Brankle seconded. All members present voted yes; motion carried.

Docket: 7Z-2007 (Public Hearing) Name: Guy M. Duckwall

Address: Approximately 9968 E 500 S, Upland, IN 46989

Zoning District: Residential-1

Legal Description: Being 5.0 acres and located in the Northwest Quarter of the Northeast Quarter of Section 6 in Jefferson Township (Upland Corporation).

Request: To change the zoning from Residential-1 to Residential Suburban.

Guy Duckwall, 9655 E 500 S, Upland, IN represented this petition. Mr. Duckwall stated that he purchased this property 5 years ago, with the plan to place mini-warehouses. He will be planting trees to buffer the buildings from the roads. When traveling on 500 S, the property will not be seen, and if traveling from town it will not be seen. There is a need in the community for this and has 15 signatures that are for it.

Mr. Bonham stated that the Town Council has had meetings with the Town Manager. He also stated that the town doesn't want to discourage business there. Concerned about signage and entering the property. Could we come up with something to allow Mr. Duckwall to do as he wants, but limit the use of the property for future owners, similar to what we did a quarter mile west with the machine shop.

Objectors:

Andrew Whipple, 9477 E 500 S, Upland

Mr. Whipple stated that he had been at that location for 23 years. Feels there is nothing to be gained by rezoning the property. Mr. Whipple had an aerial view of the property which was marked with Residential locations, Business/Municipal locations, and the proposed commercial rezoning. Mr. Whipple tried to make a point that the proposed commercial rezoning is in the middle of the residential zoning. Concerned of spot zoning and what will happen to property with another owner. Mr. Whipple asked if there had been any economic studies done.

Mr. Ellis replied that we have a weak vegetation ordinance. Then there's Schwartz Ditch, which the Surveyor stated that they have maintained the ditch and all the vegetation they were going to take out, has been taken out. Mr. Ellis suggested going one step further and having another row of trees, so that if there weren't any trees at the ditch, then they could have a row of trees to fall back to, such as arborvitae.

Mr. Whipple suggested the scenario that the property is rezoned, then a commercial business goes in for a specific purpose, and it doesn't work out. How firm are all of these restrictions on the property that's zoned RS and can not be used by certain businesses, such as a kennel?

Mr. Ellis explained that the Plan Commission Attorney explained deed restrictions for another case as: an attorney would have to be hired, and then documents would be drawn up. Then the property would be sold to a "straw person", such as a wife or husband, and then puts a deed restriction on it that says the only

nonresidential use of the property is for that certain type of business. Then the property is sold back to the property owner, and the deed restriction would run with the property forever more. To remove the deed restriction you would have to go to court.

You Ying W. Whipple, 9477 E 500 S, Upland

Mrs. Whipple stated that she was a retired Colonel. She had been deployed to Bosnia, and Iraq. Was hired by a company in Virginia to help in Louisiana after Katrina, and had finally moved back to Upland on July 16, 2007. She was set to come back to the nice quiet country and saw the public hearing notice sign at Mr. Duckwall's property. Their four children have grown, and graduated from college. She just started a job at the VA in Marion. She is concerned about the business being across the street, and would possibly have lighting for security.

John Bonham stated that the Town Council has been discussing how this could be a win-win situation. Could they find ways that this would work? Mr. Duckwall had spoken to the Town Manager, and the Whipple's, and found that there were concerns.

Ken Ellis stated that he stopped short of recommending a deed restriction, because he wanted Mr. Duckwall to have discussion with the Plan. Mr. Duckwall did not have legal council present, he had told Mr. Duckwall he had the right to have council present for the meeting. Mr. Ellis stated that he felt Mr. Duckwall needed to understand deed restrictions. Mr. Ellis stated that he felt that drainage wasn't a problem and that the entrance on the south side of the property needs to be of concern since it crosses over someone else's property. Also looking at the light for the mini-warehouses and maybe making them a softer light, instead of what would normally be used.

Rebuttal:

Mr. Duckwall stated that he wasn't interested in the deed restriction, but was interested in a plat restriction. Appreciated that the Whipple's came and stated that their opinions. Property is perfect for what he is proposing and the noise factor and traffic would be to a minimum. Mr. Highley asked about lighting. Most of the lighting would be facing south toward town, but the property sits so low that you would not be able to see it. As for a sign it would be on SR22.

Proof of publication is in the file.

Motion made by Tony Manry to continue Docket #7Z-2007 to the September 10th meeting, Dick Trobridge seconded. All members present voted yes, except Bob Highley and John Woodmansee; motion carried on a vote of 9-2.

Other Business will be continued to the September meeting.

Motion made by Tony Manry to adjourn the meeting, Dick Trobridge seconded. All members present voted yes; motion carried.

Meeting adjourned at 8:54 pm.

John Bonham, APC President