

**REGULAR MEETING MINUTES
AREA PLAN COMMISSION
August 3, 2009**

THE REGULAR MEETING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, August 3, 2009 at 7:00 PM in a regularly scheduled meeting on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. Members present: Mary Asher, Myron Brankle, Robert Couse, Gary Johnson, Jim McWhirt, Tony Manry, Dick Trobridge, John Woodmansee and John Bonham, President. Members absent: Jim Dickey, Dennis Fox, and David Glickfield. Staff present: Ken Ellis, and Recording Secretary Debbie Wallace.

Due to the Board of Zoning Appeals meeting running over; the Area Plan meeting started at 7:10 pm.

John Bonham brought the meeting to order with the Pledge of Allegiance.

Motion: Tony Manry moved Jim McWhirt seconded to approve the June 1, 2009 minutes as written. All members present yes; motion carried.

Docket: 04Z-09 (Public Hearing)

Name: Robert E. Jarrett

Address: 8845 E 400 S, Upland, IN

Zoning District: Residential Suburban

Legal Description: Being 68.92 acres more or less and located in the Northwest Quarter of Section 34 in Monroe Township

Request: To change the zoning from Residential Suburban to Agricultural

Robert Jarrett was present; he wants the rezoning because of the benefits that may be obtained if the property were zoned Agricultural (i.e. government incentives, possible lower rates for loans). There were several neighbors in the audience in support of this petition.

Proof of publication is needed.

Motion: Tony Manry moved Gary Johnson seconded to give Docket #04Z-09 a favorable recommendation to the Grant County Commissioners with the stipulation that proof of publication be submitted. All members present voted yes; motion carried.

Docket #05Z-09 (Public Hearing)

Name: Interurban Pizza Depot, LLC

Address: 110 S Main Street, Sweetser, IN

Zoning District: Residential-1

Legal Description: Being south 63' of Lot #23 & south 63' lot #26 in the Original Plat of Town of Sweetser, and located in the Southeast Quarter of Section 31 in Sweetser Pleasant Township

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

Attorney Joe Certain was present along with George Weaver (buyer of property) and Jason Miller from RMA. The property is the south end of lots 23 and 26 which are currently zoned residential. The existing building would be expanded onto these lots and would also provide 30 parking spaces.

Board member Mary Asher questioned what the time frame was to have everything completed.

Joe Certain stated it should be completed within a four month time frame.

Mary Asher stated that the Town of Sweetser is in favor of the rezoning and would like to welcome Mr. Weaver to the community.

Bob Highley, Vice-President of the Sweetser Town Council welcomes the expansion and improvement and is in favor of petition.

There were no objectors in audience or on file.

Proof of publication is on file.

Motion: Jim McWhirt moved Dick Trobridge seconded to give Docket #4Z-09 a favorable recommendation to the Sweetser Town Council. All members present voted yes; motion carried.

Docket: 06Z-09

Name: Barbara Shephard PR Eleanor McLouth Estate

Address: 1825 E Old Kokomo Rd, Marion, IN 46953

Zoning District: Residential-1

Legal Description: Being 5 acres located in the Northwest Quarter of Section 33, Mill Township

Request: To change the zoning from Residential-1 to Residential-3

Ann Zobrosky was present and representing Barbara Shephard. A variance was approved in 1971 to allow the mobile home to be placed on the property; a second variance was approved in 2003. The property is currently in an estate and they would like to sell the property. They would obtain a better value for the property and it is consistent with the neighborhood. The owners are in agreement with the deed restrictions.

Ken Ellis would like to see the following deed restrictions: 1) no more than two single family dwelling units; 2) prohibit subdivision; 3) restrictive covenant keeping the two single family dwellings owner/tenant occupied. With these restrictions the purchaser would not be allowed to rent both structures; they would have to live in one and then the other could be used as a rental. If one of the structures were removed they would be allowed to rent the remaining one. The deed restriction should be recorded within sixty days of the rezoning being recorded. This helps to protect the neighbors.

No objectors were in the audience and none are on file.

Proof of publication is in the file.

Motion: Tony Manry moved, Dick Trobridge seconded to give Docket #06Z-09 a favorable recommendation to the Grant County Commissioners with the deed restrictions presented. All members present voted yes, motion carried.

Docket: 07Z-09

Name: Hendricks Family Trust/CLADCO

Address: 5105, 5121, 5125 S Adams Street, Marion, IN

Zoning District: Residential 1 & 2

Legal Description: Being 16.14 acres located in the Southwest Quarter of Section 20, Mill Township, Grant County, Indiana

Request: To change zoning from Residential 1 & 2 to Mobile Home/PUD

This petition was withdrawn.

Other Business –

APC Memo Disclosure Amendment

Ken Ellis stated that the Executive Committee instructed him to create an amendment to the rules; the amendment has been reviewed by our attorney. The baseline for this is to insure the identity of the individual(s) and corporation (s) having financial interest or ultimate ownership of the subject real estate are known to the Plan Commission or Board of Zoning Appeals so members can knowingly and fully comply with conflict of interest and ex parte rules prior to issuing their decision.

Bob Monroe questioned if this would violate the Limited Liability Company.

Bruce Elliott, APC's attorney, stated that it depends on how the LLC is stated. We need to have full disclosure in order to act upon it properly.

John Bonham stated that he feels that if this is passed and the petitioner is reluctant to do this they would be in negotiation with the office; and also places an obligation on the board to keep the information private.

John Woodmansee questioned if this would violate any privacy rights or anything like that.

Bruce Elliott stated that would depend on how the LLC was established.

Ken Ellis stated that would have to be investigated on a case by case basis; if someone comes to us and asks for us not to disclose particular information we would have to look at that.

Motion: Dick Trobridge moved Bob Monroe seconded to approve the amendment to the rules as presented. All members present voted yes; motion carried.

There being no other business, meeting adjourned.

Motion: Tony Manry moved Dick Trobridge seconded to adjourn the meeting. All members present voted yes; motion carried. Meeting adjourned at 8:06 pm.

John Bonham, GCAPC President