

The Madison County Plan Commission met on the above date at 9:00 A.M. with Wesley Likens, President, presiding.

Members Present: Pat Manship, Phil Isom, Mark Gary, Wesley Likens, and Rex Etchison. Steffanie Owens arrived at 9:06.

Members Absent: John Simmermon, John Orick, Rick Gardner

Also Present: Ken Ellis, Planning Director, Elizabeth Bruns, Board Secretary and Gerald Shine Board Attorney.

**Current Business**

1. Pledge of Allegiance
2. Prayer – Pat Manship
3. Roll call taken with three members, John Simmermon, John Orick and Rick Gardner being absent.
4. Member Gary made a motion to approve the November 13, 2012, minutes, Member Isom seconded the motion. Vote was unanimous in favor of the motion. **The November 13, 2012, minutes were approved.**

**New Business**

1. The Board requested that Director Ellis revisit the Staff Recommendations for the **Racetrack and Private Off-Road Track Ordinance**, and present an example of how we might be able to treat an owner occupied real estate for someone wanting to use the recreational equipment for their own personal use. I am proposing to add an owner occupied real estate for non organized personal amusement and recreational enjoyment.

No remonstrators were present.

Member Gary made a motion to approve 2012-T-001 to add the 1.5 Provision plus the 11.8 provision per staff recommendations, forwarding this to the County Commissioners for their approval. Member Etchison seconded the motion. Roll call taken.

5 - Yes: Rex Etchison, Phil Isom, Mark Gary, Wes Likens, Steffanie Owens

1 - No: Pat Manship

Motion passed. **2012-T-001 to County Commissioners for approval.**

2. **Petition:** 2012-Z-002 Public Hearing  
**Address:** 3890 North 50 West, Anderson, IN  
**Location:** East side of 50 West approximately 1/8 mile north of CR 375 North intersection  
**Petitioner:** Melissa Capshaw

**Request:** Rezone 2.0 acres from Manufactured Home Park (MHP) district to the R2 Single Family Residential classification to legally establish residential as a permitted use for the existing legally nonconforming home with existing well and septic.

Director Ellis presented his Staff Report recommending approval.

**STAFF RECOMMENDATIONS:**

MCPC forwarded a favorable recommendation to approve the rezone request.

Staff recommends approval of the zoning request and the adoption of staff findings.

Technical Review Committee recommends approval.

**FINDINGS OF FACT:**

1. *Does the proposal comply with the Comprehensive Plan?* No. The site has been used for residential purposes over the years. The Comprehensive Plan recommends Manufactured Home Park (MHP) zoning for this site. The residential site was developed legally prior to the update to the Comprehensive Plan in 2002. Now zoned (MHP), standards for Manufactured Home Park (MHP) are very restrictive. A single-family residence is a special use in the (MHP). This legal nonconforming lot of record does not meet the lot specific development standards for the (MHP) district. Rezoning the subject parcel to R2 establishes residential development standards and is no longer a nonconforming lot of record. It could then be developed to the needs and desires of the owners as allowed under R2 zoning.
2. *Would the proposed classification be consistent with current conditions, the character of current structures and uses in the immediate districts?* Yes. The character of the neighborhood is residential and agriculture. The existing structures were all legally constructed for single family residential.
3. *Would the proposed classification be consistent with the most desirable use for which the land is adapted?* Yes. The highest and best use is the existing single family residential. Although the Comprehensive Plan recommends manufactured home park-based development for this site, it is more likely that this site would be used for residential purposes due to the existing conditions.
4. *Does the proposal substantially conserve property values throughout the jurisdiction?* Yes. This property has been used for residential purposes for a number of years and no negative impacts have resulted.
5. *The proposal is reasonable in regard to responsible development and growth?* Yes. As previously stated, the property has been used for residential purposes for decades. The rezone corrects a future land use mapping error. The site is residential and does not change the character of the neighborhood. The use of the site for Manufactured Home Park is unlikely.

Melissa Capshaw – 3890 North 50 West, Anderson, IN. We would like to have the zoning of our property returned to R-2 Single Family Residential.

Member Owens made a motion to approve Petition 2012-Z-002 per Findings of Fact on Staff Report. Member Gary seconded the motion. Vote was unanimous in favor of the motion. **2012-Z-002 to be forwarded to the Commissioner’s with a recommendation for approval.**

3. **Petition:** 2012-Z-003 Public Hearing  
**Address:** 3974 North 50 West, Anderson, IN  
**Location:** E. side of 50 W. approximately 1/8 mile north of 375 North intersection.

**Petitioner:** Michael & Michelle Johnson

**Request:** Rezone 2.5 acres from Manufactured Home Park (MHP) district to the R2 Single Family Residential classification to legally establish residential as a permitted use for the existing legally nonconforming home with existing well and septic.

Director Ellis presented his Staff Report recommending approval. Mr. & Mrs. Johnson were not able to be here today due to a family conflict and I feel I can answer any questions you may have.

**STAFF RECOMMENDATIONS:**

MCPC Commissioners present, voted unanimously to support a favorable recommendation to approve the rezone request.

Plan staff recommends approval of the zoning request and the adoption of staff findings.

Technical Review Committee recommends approval.

**FINDINGS OF FACT:**

1. *Does the proposal comply with the Comprehensive Plan?* No. The site has been used for residential purposes over the years. The Comprehensive Plan recommends Manufactured Home Park (MHP) zoning for this site. The residential site was developed legally prior to the update to the Comprehensive Plan in 2002. Now zoned (MHP), standards for Manufactured Home Park (MHP) are very restrictive. A single-family residence is a special use in the (MHP). This legal nonconforming lot of record does not meet the lot specific development standards for the (MHP) district. Rezoning the subject parcel to R2 establishes residential development standards and is no longer a nonconforming lot of record. It could then be developed to the needs and desires of the owners as allowed under R2 zoning.
2. *Would the proposed classification be consistent with current conditions, the character of current structures and uses in the immediate districts?* Yes. The character of the neighborhood is residential and agriculture. The existing structures were all legally constructed for single family residential.
3. *Would the proposed classification be consistent with the most desirable use for which the land is adapted?* Yes. The highest and best use is the existing single family residential. Although the Comprehensive Plan recommends manufactured home park-based development for this site, it is more likely that this site would be used for residential purposes due to the existing conditions.
4. *Does the proposal substantially conserve property values throughout the jurisdiction?* Yes. This property has been used for residential purposes for a number of years and no negative impacts have resulted.
5. *The proposal is reasonable in regard to responsible development and growth?* Yes. As previously stated, the property has been used for residential purposes for decades. The rezone corrects a future land use mapping error. The site is residential and does not change the character of the neighborhood. The use of the site for Manufactured Home Park is unlikely.

Member Owens made a motion to approve Petition 2012-Z-003 per Findings of Fact on Staff Report to be rezoned to R-2. Member Isom seconded the motion. Vote was unanimous in favor of the motion. **2012-Z-003 to be forwarded to the Commissioners with a recommendation for approval.**

Member Owens made a motion to approve the Planning Commission Calendar and the 2013 Plat Committee Calendar. Member Gary seconded the motion. Vote was unanimous in favor of the motion. **2013 MCPC and Plat Calendars Approved.**

Board Attorney Shine stated that there are several areas in the County that have zoning issues like this and these will continue to surface and should be handled on a case by case basis. We may want to consider having the Council of Governments Office redo the Official County Zoning Map so that we can hand it out as people have questions.

Mr. Shine updated the Board on the Wyant violation case.

Member Owens made a motion to adjourn, seconded by Member Isom.

Adjournment 9:34:51 a.m.

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Wesley Likens, President

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Elizabeth Bruns, Board Secretary