

The Madison County Plan Commission on the above date at 9:30 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, John Orick, Mark Gary, Brad Newman and Wesley Likens.

Members Absent: Esche, Tischler and Randall.

Also Present: Michael Hershman, Executive Director. Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

### Current Business

1. Roll call was taken and three members, Alan Esche, Scott Tischler and John Randall were absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Mr. Orick made a motion to approve the minutes with the correction to be made. Mr. Wilson seconded the motion. The vote was unanimous in favor of the motion.
3. **Petition #461 of Michael Hart for a waiver of subdivision regulations, more particularly, relief from lot width requirement.** This property is zoned AG and is located on the east side of Co. Rd 250E approx. 1/8 mile south of Co. Rd. 950S in Adams Twp. and containing 10 acres, more or less. This petition was tabled at the May 9, 2006 Planning Commission meeting.

Michael Hart and Ben Chaiser from Ward Surveying were present representing this request.

Mr. Hershman said, both petition #461 and #463 were tabled because they did not give sufficient notification. That has been corrected and the applicant has submitted a revised copy of who they sent the letters to. The only hitch is, the ad in the newspaper did not run until yesterday.

Mr. Shine informed the board, the ad has to be run x number of days so the newspaper needs to re-run the ad again next month at their own expense. Proper notification must be given ten days before the hearing.

Mike Hart, 8833 S 50W, Pendleton.

Mr. Hart said, I would have no problem with this being tabled but there are some people here today that was at the last meeting and maybe they would like to speak today.

Tracey Mitchell, 2675 E 950S, Markleville.

Mr. Mitchell said, I am concerned with drainage and I don't want any trailers moving in, as that would depreciate the value of my home.

Lee Thompson, 9726 S 250E.

Mr. Thompson said, I am also concerned with drainage. There are expensive homes in this neighborhood and I would also not like to see any mobile homes come into the area. Also, I think there is a legal drain. And sometimes the water stands in that area.

Mr. Hart presented the board with some pictures of the area in question. Pictures are on file in the Plan Commission office.

After some discussion by the board Mr. Wilson made a motion, seconded by Mr. Newman to table Petition #461 of Michael Hart for a waiver of subdivision regulations, more particularly, relief from lot width requirement until the July hearing. The vote was unanimous in favor of the motion. **Petition #461 of Michael Hart for a waiver of subdivision regulations, more particularly, relief from lot width requirement has been tabled until the July 11 hearing.**

4. **Petition #463 of Michael Hart for a waiver of subdivision regulations, more particularly, relief from width to depth ratio.** This property is zoned AG and is located on the east side of Co. Rd 250E approx. 1/8 mile south of Co. Rd. 950S in Adams Twp. and containing 10 acres, more or less. This petition was tabled at the May 9, 2006 Planning Commission meeting.

As this goes along with the above petition, Mr. Wilson made a motion, seconded by Mr. Orick to table Petition #463 of Michael Hart for a waiver of subdivision regulations, more particularly, relief from width to depth ratio until the July 11 hearing. The vote was unanimous in favor of the motion. **Petition #463 of Michael Hart for a waiver of subdivision regulations, more particularly, relief from width to depth ratio has been tabled until the July 11, hearing.**

5. **Petition #450 of D.B. Mann Development for Detailed Development Plan Approval for Summerlake Retail Center at Summerbrook.** This property is zoned "PD" and is located on the southwest corner of 800S and St. Rd. 13 in Green Twp. and contains 7.705 acres, more or less. Forwarded from Technical Review Committee with conditions. This petition was tabled at the May 9, 2006 Planning Commission meeting.

No one was present representing this request.

Mr. Hershman said, D.B. Mann has requested these items be continued until the next hearing. A letter was submitted in the board's packet requesting this to be tabled. Letter is on file in the Plan Commission office.

Mr. Wilson made a motion, seconded by Mr. Orick to accept their request for continuance. The vote was unanimous in favor of the motion. **Petition #450 of D.B. Mann Development for Detailed Development Plan Approval for Summerlake Retail Center at Summerbrook has been tabled until the July 11 hearing.**

6. **Petition #451 of D.B. Mann Preliminary Plat Approval for Summerlake Retail Center at Summerbrook.** This property is zoned "PD" and is located on the southwest corner of 800S and St. Rd. 13 in Green Twp. and contains 7.705 acres, more or less. This plat contains three (3) lots. Forwarded from Technical Review Committee with conditions. This petition was tabled at the May 9, 2006 Planning Commission meeting.

No one was present representing this request.

Mr. Hershman said, D.B. Mann has requested these items be continued until the next hearing. A letter was submitted in the board's packet requesting this to be tabled. Letter is on file in the Plan Commission office.

Mr. Wilson made a motion, seconded by Mr. Orick to accept their request for continuance. The vote was unanimous in favor of the motion. **Petition #451 of D.B. Mann Preliminary Plat Approval for Summerlake Retail Center at Summerbrook has been continued until the July 11 hearing.**

### **New Business**

1. **Petition #469 of Herb and Darlene Likens for a waiver of subdivision regulations, more particularly, relief from minimum lot area.** This property is zoned "AG" and is located on the north side of Co. Rd. 200N approx. ½ mile east of Co. Rd. 600W in Lafayette Twp. and containing 83.634 acres, more or less.

Wesley Likens, board member excused himself and left the room.

Mr. Shine said, now we have five members present so it's going to take everybody's vote to approve, deny or table this request.

Mrs. Likens said, the board could continue with her petition.

Darlene Likens and Patrick Manship from John Manship and Associates were here representing this request.

The board was informed proper notification was given.

Mr. Manship said, the lot is a full one-acre with an existing house, which the Likens want to sell.

This will not be for any new building site it just for the existing house on one acre to be sold.

Homer Paulman, 5478 W 200N.

Mr. Paulman said, I live just east of that. I built a new home 1993 and I was told at that time that a lot of water stands on that ground. I don't want a lot of houses built to the west of me.

John Cunningham, 5886 W 200N.

Mr. Cunningham said, my only concern is, the ten-inch county tile runs right behind the house that drains as far north as the McCord's property. If they have to come in with a septic system the possible run off will drain off to the south in to Indian Creek which is a subsidiary to White River. I feel this should meet the minimum requirement of two acres. I feel like the waiver should be denied.

Some of the concerns of the board was, if something happened to that home then it would not meet the county standards for set backs to build a new one, and then if you have to move it there won't be enough ground for new laterals of possibly a new septic system. Also, the board does not want to sit precedence.

Mr. Wilson made a motion, seconded by Mr. Gary to deny Petition #469 of Herb and Darlene Likens for a waiver of subdivision regulations, more particularly, relief from minimum lot area per the Findings of Fact.

The vote was unanimous in favor of the motion. **Petition #469 of Herb and Darlene Likens for a waiver of subdivision regulations, more particularly, relief from minimum lot area per the recommendation of the Planning Department and the Findings of Fact has been denied.**

Wesley Likens board member returned to the meeting.

## 2. Miscellaneous

### Ordinance Amendments:

Mr. Hershman informed the board there would be a hearing in July on the amendments to the ordinance.

The first item is, proposed Ordinance amendments. We will be having the hearing in July for this.

The first change is, the current ordinance requires all potential lots be shown on preliminary or rural concept development plan. The new change would make the showing of the proposed lots optional instead of mandatory.

Mr. Wilson said, there will be something recorded on the final plat that would indicate the remaining numbers of splits that are available? That seems to me to make more sense rather than show a lot that probably have no intention of putting on there. But, some how or other 20 years from now there needs to be a way for them to come back to it and show how many splits are still available under the ordinance.

John Richwine, Commissioner said, I would concur with Paul on that. I think it goes against the concept of the Comprehensive Plan, which is supposed to be conservation agricultural. In that sense it some what promotes more sells of lots. I would agree with this change.

Mr. Hershman said, so that change will be written in to the ordinance. The seconded change is, to change the Administrative Plat process. The procedures will be amended per the letter you received that Brad and I complied together. This is just for some procedural changes on the Administrative Plat.

Changes three, also involves Administrative Plats. Proposed amendments involve private roads, easements, drive ways and access drives. Where ever the words access drives, easements, drive way, and private drives is found in the ordinance they would be changed to private roads so we can consistently call them private roads all the way through. This would clarify the section and tie it in to the definition of the ordinance.

The next change is, adding a statement to the definition of road private and for wording it would be, a driveway that serves only one lot and contained on the lot shown a private road.

The fourth area is, mini warehouses. Currently the ordinance allows these types of businesses in the GC, General Commercial, Highway Commercial, and Industrial Districts. Several recent zoning cases have brought to light problems with allowing these facilities permitted in all three zoning districts. Namely they aren't compatible with highway residential development and may not be the highest and best use in the General

Commercial and Highway Commercial. Especially with the GC zoning district they may not fit with the rest of permitted uses in that district.

There are several potential changes. First is, to only allow warehouses as Special Use in the General Commercial and Highway Commercial as permitted use and the Light Industrial. It would move them from permitted uses in to Special Uses in the General Commercial and Highway Commercial district.

The second solution is, only allow them in the Light Industrial districts and deleting them from the General Commercial and Highway district.

The third option is, allow them in the Highway Commercial and Light Industrial zoning district and deleting them from General Commercial.

Mr. Hershman said, last Monday Nancy came before us and put in her two week notice. She will be a great loss and a hard person to replace on staff. We need to start the process of replacing her. We need to form a committee and start reviewing the applicants. We have to post the ad in the building for ten working days. We can cut that down to five people, have a subcommittee formed to go through the file review, then bring it down to two people and then we would include Beverly and Judy on this as well. Do the final interview. Then have you make a recommendation to the Plan Commission.

I have made changes to the job description.

It was decided that Mike Hershman, Jerry Shine, Brad Newman and Bill Maxwell be on the subcommittee.

Mr. Wilson said, those changes need to be brought before this board before the job is ever posted because in the County Handbook it requires the posting and job description. That issue needs to be taken care of before we can move forward.

Mr. Wilson informed the board he had to leave the meeting.

The board then went on to Lapel Building Inspections.

Mr. Wilson informed the board he had to leave the meeting.

After some discussion by the board Mr. Newman move that since Lapel mentioned temporary inspections by the County Building Inspector that negotiations with Lapel and at our current rate structure not to exceed 60 days on a temporary bases and subject to approval of the County Commissioners. Mr. Orick seconded the motion. The vote was unanimous in favor of the motion.

Mr. Orick made a motion, seconded by Mr. Newman to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 11:31:17 A.M.

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Bill Maxwell, President

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Beverly Guignet, Secretary