

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, Brad Newman, John Orick, and Mark Gary.

Members Absent: Alan Esche, Scott Tischler, John Randall and Wesley Likens.

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

Current Business

1. Roll call was taken and four members, Alan Esche, Scott Tischler, John Randall and Wesley Likens were absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Mr. Wilson made a motion to approve the minutes. Mr. Orick 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.

Mr. Hershman informed the board Petitions #461 and #463 are interrelated.

Mr. Hershman said, these petitions were tabled because of insufficient notice. Staff has received proof of proper notification. This includes the newspaper ads and the certified letters that were sent.

Ben Chaiser from Ward Surveying was present representing the petitioner.

The board was informed this is a vacant ten acre piece of ground and the way the land is there is no way to get the 200 foot of required lot width.

Mr. Newman said, I think the board needs to be aware there are some water problems in that area. The only access they will have is off of 250E. By putting a drive there, no matter how you do it, it's going to some degree create somewhat of a dam. It could adversely affect the neighbors.

Lee Thompson was present and informed the board he lives at 9726 S 250E.

Mr. Thompson said, he is very concerned with the water problem.

Mr. Thompson presented the board with pictures of how the water stands when it rains quite a bit. (Pictures are file in the Plan Commission office).

Mr. Wilson said, I make a motion to deny Petition #461 because it does not comply with the Madison County Zoning Ordinance, the waiver for Administrative Subdivision.

Mr. Newman seconded the motion.

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 was denied.**

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.

Ben Chaiser from Ward Surveying was present representing the petitioner.

Mr. Newman said, I make a motion to deny Petition #463 since it does not comply with the Zoning Ordinance.

Mr. Gary seconded the motion.

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 was denied.**

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.

Mr. Hershman said, Petitions #450 and #451, we have received a letter from Brian Tuohy asking that these petitions be continued until the August 8, 2006 meeting.

No one was present representing this petition.

There were no remonstrators present.

Mr. Orick made a motion, seconded by Mr. Wilson to table Petition #450 of D.B. Mann Development for Detailed Development Plan for Summerlake Retail Center at Summerbrook until the August 8, 2006 meeting. The vote was unanimous in favor of the motion. **Petition #450 of D.B. Mann Development for Detailed Development Plan for Summerlake Retail Center at Summerbrook has been tabled until August 8, 2006.**

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 petition.

There were no remonstrators present.

Mr. Orick made a motion, seconded by Mr. Newman to table Petition #451 of D.B. Mann Preliminary Plat for Summerlake Retail Center at Summerbrook until the August 8, 2006. The vote was unanimous in favor of the motion. **Petition #451 of D.B. Mann Preliminary Plat for Summerlake Retail Center at Summerbrook has been tabled until the August 8, 2006 meeting.**

7. Moratoriums:

Mr. Hershman said, there has been a request presented to us regarding moratoriums. This would involve us doing moratoriums on applications and on permits when there is pending ordinance amendments. What you have before you is a temporary cession of permits, which is roughly the same thing. This has been adopted from another county's ordinance.

This would give us the ability to order the Planning Director to not take in applications and/or issue permits on items that are pending, when there are ordinance amendments pending. You could make the resolution and it would be affective for no more than six months.

This would amount to three amendments to our existing ordinance they would be in the basic provisions 13.13, Section 13, Processes, permits and fees, Section 3.7, so they would just be additions to give us the ability to do so.

Mr. Shine said, the State of Indiana has issued several opinions on moratoriums. Those opinions have been very limiting stating that a local or state government, unless it's for the safety and welfare of their constituent.

There does appear to be some, what we call dictum, some wording in one of the last Supreme Court decisions that does authorize an agency to, if they have a bases in their own ordinance to authorize the Planning Director not to accept any permits for a temporary time period while that specific issue is being studied. If their current ordinance does not cover that specific area. There has been no case law in Indiana on that point. That has not been raised by anybody. This is some that is relatively new. By your considering these three changes it does allow us, the Planning Commission, to have a provision in our Planning Ordinance to, after a public meeting to not accept any permits if the Planning Commission is studying a certain project or process and if it is determined to be in the county's best interest or the public's safety. We do not have that in our current ordinance. This gives us a step where we could if this is approved to have a public meeting and then make a direction to our planning director not to accept any request. It gives us a better bases than we have now.

The planning commission would conduct a public meeting and at that meeting it would be determined that there is a public health and safety issue in regards to a certain area according to the planning commissions majority vote and they would recommend that pending a further study of this by the planning commission that there would be no further permits accepted by the planning commission department.

We need to set a public hearing and a special meeting. Whenever you want to do it. It needs to be advertised.

I have talked to a member, Wesley Likens and he is for this and he is favor of your considering at your earliest connivance this proposal.

I made some changes as follows; I changed will to may, I put in a couple of may's, I took the word violate out and put in circumvent, I put authorized in a public meeting, I took the building and planning department out of it and put the planning director so that we will be consistence throughout the planning ordinance. Those are basically the changes that I made. Those have been incorporated in to what you see before you.

Mr. Wilson said, I make a motion that Planning Commission set a public hearing considering temporary cessions on permits as a proposed amendment to the Madison County Zoning Ordinance for Tuesday July 25 at 1 P.M. here in the Commissioners Court.

Mr. Newman seconded the motion.

The vote was unanimous in favor of the motion. Special Hearing is set for Tuesday July 25 at 1 P.M. in the Commissioners Court.

8. Miscellaneous

a. Committee Report on Confined Feeding Operations

Mr. Hershman said, a subcommittee of the Planning Commission plus a BZA member has been working on some changes to our regulations regarding feeding operations. They have come up with a series of ideas regarding limitations on confined feeding both with how we will handle them and with manure application.

The changes are quite extensive and there will be added about seven additional definitions.

Mr. Shine said, after the subcommittee report was, these were the changes that they reviewed and that they wanted to have a public hearing on the 25th at 1 o'clock. Just previous to these discussions we just set a hearing for 1 o'clock on the 25th and we are going to be talking about some other changes with the planning commission. Do you want to have this one at the same time?

Mr. Wilson said, I feel we should have two separate meetings and that the CAFO should be in the evening.

After some discussion Mr. Orick said, I move that we have this public hearing concerning changes to the ordinances for CAFO operations on August at 6 P.M.

Mr. Wilson seconded the motion.

Mr. Newman said, why don't we just say August 8th sometime in the evening after 4 o'clock and let Mike come up with the time for the 4-H fair. Not set an absolute time at this point.

Mr. Orick replied, I accept that amendment.

After some discussion it was decided that August 8 at 6 P.M. at a site yet to be determined would be accepted for the hearing on the CAFO public input. The vote was unanimous in favor of the motion.

Mr. Hershman said, I would like to inform the board that Nancy rescinded her resignation and will still be a part of the office staff.

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

Adjournment: 10:29:47 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary