

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 Randall, Jr., Gary Gustin, John Simmermon, Mark Gary, Brad Newman, John Orick, and Wesley Likens.

Members Absent: None.

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 all members were present.
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. Newman seconded the motion. The vote was unanimous in favor of the motion.

Minutes for the January 9 and the Special Hearing January 17, 2007 will be heard at the May meeting.

New Business

1. **Petition #526 of Jeff Hollon, landowner and petitioner. Applicant is seeking a waiver from the lot width requirement.** This property is zoned GC and is located on the East side of SR 13 just south of the new Ricker's Station in Green Township, containing 1.533 acres, more or less.

Mr. Hershman said a mix of uses characterized the surrounding area, including a convenience store, mobile home park, and a cemetery. The site is a lot 2 in Shepherd's Crossing commercial plat.

Staff has received proof of proper notification.

The applicant is proposing a lot width of 110 feet. The Ordinance requirement is 150 feet. The lot was shown with 200 feet of width on the preliminary plat for Shepherd's Crossing, which was approved in February 2004. The applicant is making the request in order to build a Waffle House.

Ultimately, the landowner would like to increase the size of the lot to the south to 2 acres. The applicant is reducing the size of this lot in order to increase the size of the lot to the south. On commercial/industrial plats, the Ordinance allows flexibility in going from a preliminary plat to the final plat. The applicant can shift lot sizes, width, depth, number of lots, etc. However, the final lot must continue to meet Ordinance requirements. In this case, the proposed lot does not meet the minimum lot width for the GC zoning district.

The Board of Zoning Appeals granted variances for the sign height, side setback and roof requirements at the March 27, 2007 meeting. The final step is approval of a site plan and final plat of the lot from the Technical Review Committee.

Jeff Hollon, Dick Donnelly and Steve Servies were present representing this request.

(Not approved)

Mr. Hershman gave the board members the Plat to Shepherd's Crossing.

Mr. Donnelly said, the only issue today is, the waiver from the lot width requirements.

This is one of the few ordinances around that has new lot width for business. That's why I would like to start out with that. For example, residential uses always have 60-foot lots, 40-foot lots, and that was to get so many houses in an area. Businesses vary so greatly on the width and size requirements. Most zoning ordinances don't have width requirements. And when they do they are 100 feet. Fifty foot wide is a business lot in many places.

When this ordinance was written rules and regulations were put in for everything. If you think about the variety of businesses width is less consistent in business impact application. There are many uses that go on lots far less than 150 feet wide.

Even at 110 feet we have 17-½ feet side yard on one side and between the parking and the lot we put a green buffer so we don't even run the parking clear to the edge. So, 110 feet wide more than satisfied the use of this. You could actually cut it down to 100 feet and have a decent proposal.

There are two reasons to get the lot width down. The first one is, the subdivision was laid out that if we can save an extra 40 feet here we could get two acres from the lot to the south. And Jeff Hollon talking with at least one person who's building a small strip, which will be a multi, use facility. The Waffle House is the seed for the strip mall out there. You usually get off an Interstate where they are multiple things to get to.

Reason two being, it's a waste of land to set a small building on a large lot. We more than met your green space requirements. And with a lot of developments you have sewer, water, electric and gas that runs along the side of the lot line but here all the utilities are either in front or back. So there will be no common utilities to come down the side yard. We have adequate room for dentition for drainage.

We are going to use one common driveway that's there. The one that's with Rickers. If you look at the subdivision plan there is about eight tenths of an acre that not owned by Mr. Hollon. There is one approved exit according to the subdivision north of that cut out. So, there will be one additional exit north of that cut out. When you approved the primary plat you approved two exits. The State is okay with whets been approved and we are not asking for any more.

Mr. Hollon said, originally when you guys approved that there were three entrances on 13. Out thought was, on most frontage situations you have cross access so people from Rickers could go all the way to the far south on to that entrance are go all the way through to Rickers. It's kind of a cross access and that's normally the way these are done. The way you approved it was, two on the north side of that notch and one to the south and then potentially one on to 800.

Mr. Donnelly said, what you do today will not change any access points and this will use the access point that's all ready there. There will be no new access created by this. Also no future access points will be added.

We met the front lot requirement. We are asking for are asking for a waiver on the lot width requirements. This will still have to go through Tech Review for site plan approval, for final plat and before the Drainage Board.

We are looking for a 40-foot reduction in the front on the lot width.

Mr. Hershman said, staff recommendation was for denial and that was simply because I am in a position where I have to up hold the ordinance. But, I don't really have any problems with their request.

There were no remonstrators present.

Mr. Wilson said, I make a motion that we approve Petition #526 finding that it would not be detrimental to public safety, health, morals or welfare of the community. It would not be injurious to the public and it is a reasonable use and development of the property. The conditions of this request are unique to this specific property and would not hurt the other properties adjoining. The applicant would not cause a practical difficulty in the permitted use of the property and finally would in its self not contradict the over all general Comprehensive Plan.

Mr. Newman seconded the motion.

The vote was unanimous in favor of the motion. **Petition #526 of Jeff Hollon, landowner and petitioner. Applicant is seeking a waiver from the lot width requirement was approved.**

It was brought to the board's attention they had not acted on the minutes for the January 9 and the Special Hearing on January 17, 2007.

Mr. Wilson said, I make a motion to table those for consideration until the scheduled meeting.

Mr. Newman seconded the motion.

The vote was unanimous in favor of the motion.

2. Miscellaneous:

Discussion of proposed ordinance changes in the following areas:

Mr. Hershman said, we are looking at some ordinance changes.

1. Special Uses in the CR and AG Zoning Districts
2. Corridor Development Overlay District
3. Rules & Procedures

At the last meeting, the Board asked to look into several Ordinance changes. The first change was adding special uses to the CR/Conservation Residential zoning district. I have come up with several additions for your consideration

- 1) Landscaping/tree trimming business
- 2) Single-family dwellings as an accessory second dwelling. This would be for ailing family members and will have to be removed when no longer being used by family member. The Ordinance has this provision in the AG zoning district.
- 3) Boat/RV storage facility. These types of uses normally need larger amounts of ground
- 4) Child/adult day care centers. The smaller versions are a permitted use. Allowing for the centers would be good for working caregivers who live in the rural areas.
- 5) Cemetery. Cemeteries are not allowed either in AG or CR zoning district. The county already has these scattered throughout the countryside. Allowing cemeteries in both zoning districts with a special use would allow the existing ones to expand
- 6) Veterinarian offices are not allowed in either AG or CR zoning district. Allowing the facilities would let the vets who treat farm animals to be closer to the animals. Further, the offices are agricultural related use.

The second area the Commission asked me to look at is, modifications to the Corridor Development Overlay District. In your packet, you will find sections of the Boone County Overlay Districts requirements. There are differences between the Boone County and the Madison County ordinances, mainly in the amount of detail.

One of the differences is that the overlay districts in Boone County are limited to specific sections of specific roads, namely Michigan Road and I-65 (see pages 2, 13,14). The Boone County Ordinance does establish separate overlay districts for both. I've included, and drawn from both. Second, they do allow some flexibility in regards to building material, especially with the façade of the building (pages 5,6,7,16,17). Further, they do allow for flat roofs, if consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the building. The Ordinance continues by stating that in no case shall rooftop mechanical equipment be visible from adjoining residential districts or US Highway 421 (pages 5,16).

Madison County Ordinance does not address items that the Boone County does. First are awnings. Boone County allows fixed or retractable awnings if they complement a building's architectural style, materials, colors, and details: do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair façade composition; and are designed as an integral part of the façade. Metal, plastic, or aluminum awnings are prohibited (pages 6,16).

Another item is drive-thru windows. In the I-69 corridor overlay district Boone County addresses drive-thru windows, another element that the Madison County ordinance does not. The Boone County ordinance states that drive-thru windows shall be designed as a related, integrated architectural element and part of the overall design composition of the building. Stacking for drive-thru lanes shall be confined to the side or rear of the tract or parcel with outlet from such lines also being to the rear of the building. Lines for drive-thru facilities shall not be permitted along the front and sides of structures within the Overlay District, nor permitted to spill onto adjoining properties (page 16).

A final proposed change in the Corridor Development Overlay District are to the pedestrian walkway requirement. Currently, the Ordinance requires the walkways to be concrete and 10 feet in width. A proposed change would be to either reduce the width to 5 feet and/or allow asphalt to be used.

The third area is a change in the Rules for Procedures for the Planning Commission. The staff needs the ability to review legal notices that the applicant runs in the newspaper. There have been problems with the notices being incorrect or early. In Article 5-Public Hearings-5.2 Notice Requirements-b legal notice, add f. **Planning Department to review and approve legal notice prior to publication.** The change can be done by resolution and will have to be done by the Board of Zoning Appeals as well.

Mr. Wilson said, there was an interest by the Board of Commissioners in reference to the amendments to the CR District.

Mr. Hershman said, if you want to look at the changes in the CR District I can get that going for the next meeting. We can do the Corridor Overlay District at that time.

Mr. Shine said, we would have to give proper notification on that and there are probably some other groups that we would want to get some input from.

Mr. Wilson said, if we take an agenda item to the next meeting that we are not going to pass, and then we don't have to advertise it as a hearing on it. Why don't we get it on the agenda and then the next meeting take it to a public hearing.

Mr. Shine said, the last item on notice requirements, we need some kind of control on that so it could be run through us first. Some people have been placing their ads way to early.

Mr. Wilson said, I feel there should be something between us and the newspaper that nothing will be ran unless we sign off on it first. That way the office staff could check the legal notices before being published.

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

Adjournment: 10:02:25 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary

