

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

Members Present: Bill Maxwell, Paul Wilson, John Randall, Jr., John Orick, Brad Newman, Wesley Likens, and John Simmermon.

Members Absent: Mark Gary and Gary Gustin.

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

Current Business

1. Roll call was taken John Simmermon absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Member Newman made a motion to approve the minutes. Member Simmermon seconded the motion. The vote was unanimous in favor of the motion.
3. Election of Officers:

President Maxwell turned the meeting over to Jerry Shine for nomination for president of the board.

Mr. Shine asked for nominations for President of the board.

Member Randall said, I make a motion that we nominate Bill Maxwell to continue in his position as President of the Plan Commission. Member Simmermon seconded the motion. Member Wilson made a motion, seconded by Member Randall to close the nomination. The vote was unanimous in favor of the motion. Bill Maxwell will serve as President of the Plan Commission for 2008.

Mr. Shine turned the meeting back to Bill Maxwell.

President Maxwell asked for nominations for Vice President.

Member Newman stated I nominate Wesley Likens as Vice President. Member Wilson seconded the motion. Member Wilson made a motion, seconded by Member Randall to close the nominations. The vote was unanimous in favor of the motion. Wesley Likens will serve as Vice President of the Plan Commission for 2008

President Maxwell asked for nominations for secretary of the board.

President Maxwell stated I nominate Beverly Guignet as Secretary. Member Likens seconded the motion. Member Likens made a motion, seconded by Member Randall to close the nominations. The vote was unanimous in favor of the nomination. Beverly Guignet will serve as Secretary to the Plan Commission for 2008.

President Maxwell asked for nominations for the attorney.

Member Maxwell stated I nominate Jerry Shine as Attorney for the board. Member Likens seconded the motion. Member Simmermon made a motion, seconded by Member Likens to close the nominations. The vote was unanimous in favor of the motion. Jerry Shine will serve as Attorney for the Plan Commission for 2008.

Mr. Shine stated we probably should have a motion to appoint Cory as our Director even though we hired him at the last meeting. We do have a review with him in six months as we also stated at the last meeting. At the first of the year this will be done on a regular basis.

It was the consensus of the board to appoint Cory Wilson, Director of the Plan Commission, with review in six months and then on a regular basis at the start of each new year.

New Business

1. Petition #571 of Terence Gray Ayers Trust, landowner, and petitioner. Applicant is seeking a waiver for Minimum Lot Frontage of Proposed Lot 1 of Admin. Plat 07-282. The property is zoned “CR” and is located on the south side of Eighth Street Road, approximately ¼ mile west of County Road 400W (Layton Rd.) in Jackson Township, containing 18.975 acres +/-.

Mr. Wilson stated the site is mostly a field, with the southeast portion heavily wooded. To the north and east are large residential lots containing single-family dwellings, to the southeast, abutting the large wooded area, is a single-family dwelling subdivision (Hickory Heights) containing approximately 30 lots. To the west and south are farm fields.

Staff has received proof of proper notification.

The purpose of this filing is to create two new lots for residential development. Each lot is required a minimum of 100 feet of street frontage.

This is the first step in the process. If the request were approved, the applicant would then proceed with an administrative plat. The applicant is also seeking this same type of waiver for Lot Two in this proposed subdivision.

Actually there will be three lots total but at this time they are only seeking two lots. The requirement is for 100 feet of road width and they are only proposing to have 90 feet. The access to these two lots is being proposed through Hickory Heights Subdivision. That subdivision was platted in the 1950’s. The two lots that I believe are available are lots 16 and 20. The northern lot on this cul-de-sac, on the west side, is the proposed access drive.

The staff is recommending approval of this request, however, with one commitment that would be in writing and would be recorded with this petition. The staff would like for the driveway to be hard surface. The staff believes a hard surface driveway should be either asphalt or concrete as the preferred material. The residents have told me that very seldom does the county do any type of maintenance along this road. So, in order to prevent the residents of Hickory Heights from having to patch this road on their own, the staff believes this is a very reasonable request.

The area is zoned “CR” with large lots and large homes. There would be a narrow strip from the road back to the larger lot. There should be no issues with regards to emergency vehicles getting back to this area. I don’t think there would be any harm to the public safety, welfare of the general community as a whole. We want to make it known that there could be access off of 8th Street Road. That would be an ideal access point for this; however, there is significant grade change because of the intersection of 8th Street and Layton Road. That may make an access difficult.

The lots through Hickory Heights would be 90 feet wide instead of the required 100 feet. So they are asking for a waiver of ten feet for the width reduction. There are some covenants for the subdivision. Obviously the Plan Commission does not enforce these however, it does need to be made a matter of record that there are some covenants out there and a grant of this could affect those. There will be one access drive with a common driveway with hard surface.

Steve Servies from Rayl Engineering was present representing the landowners.

Mr. Servies stated we have had these two lots before the Plat Review Committee and they have asked that we incorporate into the lots themselves a portion of lot 16 and 20 and replat them into lots one and two. What we have here is a residual of lot 16 and lot 20 that would be 50 for each lot. This would be on the west side of the regulated drain. That will move the building line quite a bit to the west. The reason we are here to ask for the waiver is, because we are incorporating part of lot 15 and part of lot one. Lots 16 and 20 will not be big enough to build on but they could be sold to the neighbors and incorporate them into their property.

I would like to ask for some consideration on the covenants as far as taking the hard surface back to the building line, which would be more regulated drain which gets it to the woods area rather than having a hard surface all the way back to the building site. We would have to go to the Drainage Board if we crossed the regulated drain. We have been to the Drainage Board and presented this and have obtained a verbal tentative approval. We haven’t gone through with the construction plans yet. There is no intent to plat lot three at this time.

Member Simmermon asked, what if they don’t want to buy that lot. You’ve got just this little parcel there --- they are out in the middle of nowhere and who is going to take care of that; mow it or whatever needs to be done. You are assuming that 15 and 19 are going to buy those lots but we can’t assume that.

Mr. Servies informed the board they have been before the Plat Review Committee several times and had not obtained any approvals as they felt there were still some issues that needed to be worked on. We would still have to try for the waiver from the Plan Commission even if we had obtained their approval.

Member Wilson asked, if this were granted back here, then at some future date there could be (not audible) 50 foot egress and ingress could be done away with. It would not be land locked at that point. If this were granted today could we end up with a situation where this would go away and actually the only way we could cut through there would be through the addition (not audible).

Mr. Wilson stated if approval is granted, staff would also recommend, that only one access be allotted per lot because staff is concerned that future requests could yield more than one access per each ingress/egress. I think if it were granted it should be stated that only one lot would be used for the access per each one of those lots in

Hickory Heights. One lot per private drive. And it should be hard surface all the way to the dwellings not the building line.

Mr. Servies stated they would be willing to table this to talk to Mr. Ayers, as he couldn't be here today.

The board was informed there are people here today who wish to speak on this.

William Carroll, 870 Hickory Drive, Lot 21 Hickory Heights.

Mr. Carroll state he had some concerns. His concerns are, cutting the trees down, wear and tear on the roads with their machinery, and why access can't come off of 8th Street Road.

Carol Arnold, 4070 (not audible).

Mrs. Arnold stated she had some concerns. Her concern is the access. It was said the access coming off of Layton Road could be dangerous. Layton Road that comes by our addition is at the same grade. I have lived there for 30 years and have had no problems. Mr. Carroll is correct. Our streets are concrete and cracked with the sewers falling in. We have major problems out there now without bringing heavy equipment. The 8th Street access would be a very fine access to this project.

Steve Passwater, lot 15 Hickory Heights.

Mr. Passwater stated if access to the new Lot one is through Hickory Heights Lot 16, much of that through Lot one is tillable, it's still being farmed, would the farm machinery go through Hickory Heights. Of course access today is off of 8th Street Road and there is farming all around it.

Ted Wainscott, 878 Hickory Drive, Hickory Heights.

Mr. Wainscott stated his concerns are that the roads in the subdivision are not in good condition. He further stated I couldn't see that with access to 8th Street that another cut off of 8th Street should not be a problem when there are all ready two or three lots. Being in a residential neighborhood we have houses, a long road going back, as far as I am concerned, going to no where back there, to me it appears to be a devaluation of the entire neighborhood.

Mr. Servies stated on behalf of Mr. Ayers I would ask again that this be tabled.

Member Wilson stated all the people in this room are aware of when this meeting was going to be. The surveyors and the petitioners are the ones that started this. This will be about the fourth or fifth public meeting that has taken place on this issue. It is my personal opinion as one member of this board trying to decide what to do with this so that it goes forward. I don't know what his schedule is. But he is not in this room today and all the people in the addition that he wants to make this adjustment to have shown up. So, it is my personal opinion that we need to get on with this petition.

Member Wilson stated I would make a motion that this commission denies Petitions #571 and #572. The reason for denial would be, there is an alternate access to the development of this property in another location other than through the addition that is not being used typically as a street for access back there. That means

there was another way in and there is another way in and that can be altered to make it a safe access off of 8th Street Road.

Member Simmermon seconded the motion.

The vote was unanimous in favor of the motion. **Petitions #571 and #572 were denied.**

2. **Petition #572 of Terence Gray Ayers Trust, landowner, and petitioner. Applicant is seeking a waiver for Minimum Lot Frontage of Proposed Lot 2 of Admin. Plat 07-282.** The property is zoned “CR” and is located on the south side of Eighth Street Road, approximately ¼ mile west of County Road 400W (Layton Rd.) in Jackson Township, containing 10.230 acres +/-.

As this goes along with the above Petition it was also included in the motion for denial. **Petition #572 has been denied.**

3. Miscellaneous: Nothing was presented.

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

Adjournment: 11:40:47 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary