

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., Larry Crenshaw, John Orick, John Simmermon Brad Newman, Mark Gary and Wesley Likens.

Members Absent: None.

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 and all members were present.

Mr. Shine informed the board, on Monday March 17 at 1:30 P.M. the Madison County Planning Commission was in an Executive Session in Room 108 in the Court House. Notice was given. Those in attendance were, Planning Commission members, Jim Wilson, Madison County Attorney and myself. Ingalls annexation and the D.B. Mann matters were discussed.

Attachment: The following is a memorandum of the Executive Session held March 17, 2007 concerning Ingalls annexation and D.B. Mann.

2. The minutes of the preceding meeting were distributed to each member. Member Likens made a motion to approve the minutes. Member Orick seconded the motion. The vote was unanimous in favor of the motion.

New Business

Director Wilson presented to the board commitment forms that had been previously discussed. There will be a few petitions today that will have written commitments associated with the request. On this first petition there are two commitments that have been recommended for approval and if the board chooses to approve these they can be recorded along with the legal description once the County Commissioners approve the request.

We are also changing the numbering system for all the petitions. If it is a petition for rezoning a letter “Z” will appear after the number and if it’s a variance a letter V will appear and so forth.

- 1. Petition:** #579-Z
- Address:** Southeast corner of SR 67 & CR 580 West
- Location:** Fall Creek Township
- Petitioner:** Wilson, William & Dolores
- Request:** Rezone from AG (Agriculture) to GC (General Commercial) classification.

Director Wilson commented that there was an issue with regards to proper notification on this petition. State Statue states that Planning Commission has the right to wave legal notice requirements. This did get forwarded to all the adjoining property owners by March 27, 2008, which is what was required. A sign was also placed on

the property, however it did not make it into the Herald Bulletin in the appropriate time. It appeared five days prior to today's meeting.

Member Randall stated, I don't think this will set precedence, and if this will be put in the paper by the office from now on and we check it, I would move that we wave that and go a head on this request before us today.

Member Orick seconded the motion.

The vote was unanimous in favor of the motion.

Director Wilson stated staff **recommends approval** of the zoning request, subject to the following commitments:

No off-premise advertising signs (billboards) shall be permitted on site.

No adult-oriented businesses, such as an adult bookstore or strip-clubs, no automobile salvage yards, and no automobile repair or service, as the primary use, shall be permitted on site.

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is an approximately 22-acre parcel located along the south side of SR 67, opposite and adjacent to the Pendleton Reformatory Complex. This request would rezone the parcel from Agriculture (AG) district to the General Commercial (GC) classification to provide for commercial development. The Comprehensive Plan recommends agriculture, institutional and commercial development for this area.
- ◇ The General Commercial (GC) District is intended to provide a land use category for most general business uses. This district can be located adjacent to all other commercial and industrial districts as well as multi-family and other residential areas. This zoning district should be used to encourage strong and stable retail development in areas with adequate access. Whenever possible, development in this zoning district should be clustered so that resources, such as public utilities and services, may be shared. Further, the Plan Commission should strive to minimize lighting, large parking lots along SR 67 and should pay special attention to possible traffic conflicts along SR 67.

SITE PLAN

- ◇ According to the petitioner, no user has been identified at this time. This rezoning request is based off of speculation so that the property is more marketable to potential retail tenants. It is important to note that if a retail development exceeding 25,000 square feet in size is proposed, the *Madison County Land Use and Development Code* has a number of requirements pertaining to site plan design, architectural standards, and building materials. This information can be found in section 6.27, page 141-142.
- ◇ Additionally, once the petitioner is prepared to submit an application for an Improvement Location Permit (ILP), the Technical Review Committee would need to review the site plan to determine if it was consistent with all applicable requirements of the Ordinance. The Technical Review Committee shall forward the

plans to the Plan Commission for public hearing if the proposal includes any improvements to be dedicated to the public or includes any additional commitments or conditions.

FINDINGS OF FACT:

1. Does the proposal comply with the Comprehensive Plan?

Yes. The site is along SR 67, a primary arterial, with the Pendleton Reformatory Complex located to the north and east. Commercial development in southwest Madison County should be focused along the primary arterials.

2. Would the proposed classification be consistent with current conditions, the character of current structures and uses in the immediate districts:

Yes. The Pendleton Reformatory complex is adjacent to this site and by zoning this property to the general commercial classification; this site could function as a transition from institutional/commercial development to possible residential development towards the south and west.

3. Would the proposed classification be consistent with the most desirable use for which the land is adapted?

Yes. This site is located along SR 67 and is classified as a primary arterial by the Madison County Thoroughfare Plan. General Commercial uses, according to the County's Ordinances, should be located along primary arterials.

4. Does the proposal substantially conserve property values throughout the jurisdiction:

Yes. By improving the site with a new commercial development, and investment in the site would help to conserve property values within the immediate area.

5. The proposal is reasonable in regard to responsible development and growth?

Yes. As previously stated, this site is located along SR 67 and the Comprehensive Plan recommends commercial development for this site.

Member Newman informed the board there is a regulated drain that actually crosses through this parcel and it's the Levi Harger Drain. It's not in the best of conditions but it is currently in the process of going to a reconstruction hearing.

Monica Neff, 2473 E (not audible) Realtor was present representing the petitioners.

Mrs. Neff stated this has nothing to do with Ingalls annexing property; this is to make the property more marketable.

Director Wilson read to the board permitted uses in the General Commercial (GC) Section 3; 3.23, page 73 of the Comprehensive Plan.

Mrs. Neff stated they would have no problems with the commitments that were stated.

There were no remonstrators present.

Member Newman made a motion to pass on a favorable recommendation to the County Commissioners based on the submitted Findings of Fact. This proposal does comply with the Comprehensive Plan. The proposed

zoning is consistent with the current conditions, character and uses in the immediate district. The proposed classification is consistent with the most desirable use (not audible). The proposal substantially conserves property value throughout the jurisdiction, and the proposal is reasonable in regard to development and growth and shall include the commitments supplied by the staff.

Member Wilson seconded the motion.

The vote was unanimous in favor of the motion. **Petition #579-Z will be forward to the County Commissioners with a favorable recommendation.**

- 2. Petition:** #577-W
- Address:** 8330 & 8328 South 750 West, Pendleton
- Location:** East side of CR 750 West, between CR 800 South & CR 900 South
- Petitioner:** Ronnie Norris
- Request:** Relief of more than three (3) residential dwellings on Private Road.

Director Wilson stated Staff **recommends denial** of the waiver request.

The following issues were considered in formulating the recommendation:

LAND USE

The subject site is an approximately 9.5-acre parcel located along CR 750 West and currently improved with two (2) single-family dwellings. Single-family dwellings surround the site with the Comprehensive Plan recommending agriculture (AG) and conservation residential (CR) development for this area.

This request would provide for the subdivision of this lot into two lots, creating a separate lot for each dwelling. However, the subdivision of this parcel will result in a total of five (5) lots (dwellings) gaining access off of a private road. Currently, a total of four (4) lots access the existing private road.

SITE PLAN

According to *Madison County Land Use and Development Code*, no private road shall be permitted which provides the only means of access to more than three (3) lots. A private road shared by more than three (3) lots must be created in the form of a public road. If a public road is required, the development shall be considered a major subdivision and shall follow the “major subdivision process” established in Article 4 of the Ordinance.

FINDINGS OF FACT:

- 1. *Would the approval be detrimental to the public safety, health, or general welfare?***
 Yes. By providing for more than 3 single-family dwellings off of one private road, it is conceivable that during an emergency situation, an emergency service provider may have difficulty locating the site with the emergency, resulting in wasted time. Further, during a tornado or other strong wind event, a telephone pole or tree could block the access from CR 750 West making it difficult for emergency service providers to access all of the properties that utilize this particular private road.

2. *Would the approval of this petition be injurious to the reasonable use and development of other property?*

Yes. Currently, the private road already provides access for 4 lots. By granting this waiver, the surrounding lots will be limited in their ability to subdivide.

3. *Are the conditions of this request unique to this specific property, which would not be applicable to other property?*

Yes. However, only because there are two dwellings on site now.

4. *Would the strict application of the regulations of the ordinance result in a practical difficulty in the permitted use of the property?*

No. The lot is zoned for and developed with two single-family dwellings.

5. *Would approval of this request contradict the intent of the Comprehensive Plan?*

No, this proposal would be consistent with Comprehensive Plan as well as the current zoning classification.

Director Wilson told the board there would be no new splits off of this ground. Mrs. Brook's brother would like a guarantee if something would happen to her, he would be able to remain, and therefore they would like to split this parcel. This would legally establish the existing conditions there and not provide for any new structures.

The grant of this waiver would allow Mrs. Brooks and Mr. Norris to continue using the private road. However, if one of the adjoining property owners had their house burn down or some other circumstance where a dwelling was destroyed, they may not be able to obtain an ILP to rebuild without first addressing the private road issue. Further, if any adjoining property owner wishes to subdivide/split they would need to go through the major subdivision process which would include improvements to this private road.

The recommendation for denial was made because there is no hardship that would warrant a favorable recommendation. Staff needs to be consistent.

(Discussion of the road by board and staff).

The width of the driveway varies. The Norris's have agreed to donate the front portion of their property to provide up to 25 feet. The county is no way responsible for maintaining any private road. That would be via a maintenance agreement that would be recorded with the deed once this split, if approved, is recorded.

Ray Melton, 8316 S 750W, Pendleton.

Mr. Melton informed the board there is a legal recorded easement from the road all the way back, at least 2000 feet. Mr. Norris does maintain the road. I have no objections to him plotting that off.

Member Wilson stated the people who have the other adjoining ground that utilize the private road cannot build any more residential units. If this was passed it would not allow any future owners the ability to rebuild.

There were no remonstrators present.

Member Newman made a motion to approve Petition #577 based on the Findings of Fact. It would not be detrimental to public health, safety and general welfare. The approval would not be injurious to the original use and development of the property. The conditions are unique to this specific property, which would not be applicable to other property. The strict application and regulations of the ordinance resulted in practical difficulty with the permitted use of the property, and the approval of this request does not contradict the intent of the Comprehensive Plan.

Member Orick seconded the motion.

The vote was unanimous in favor of the motion. **Petition #577-W was approved.**

- 3. **Petition:** #574-Z
- Address:** Southwest corner of CR 900 North and CR 200 East (Approx. 1577 East CR 900 N)
- Location:** Monroe Township
- Petitioner:** Cecil Duane Knotts
- Request:** Rezone 36.843 acres from the Agriculture district (AG) to the IS classification (Institutional) to legally establish an existing airport/airstrip.

Director Wilson stated Staff **recommends approval** of the waiver request with commitments.

- 1. The parking area shall be hard-surfaced and striped and all landscaping shall be installed with the issuance of any Improvement Location Permit (ILP).
- 2. All signage shall be in compliance with Section 7.5, PS-03, page 152 of the *Madison County Land Use and Development Code*. No pole or pylon signs shall be permitted.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is an approximately 37-acre parcel located along the south side of CR 900 North, just west of CR 200 East. This request would rezone the parcel from Agriculture (AG) to the Institutional (IS) district to legally establish an existing airport/airstrip. The Comprehensive Plan recommends agriculture for this area. This site is surrounded by undeveloped farmland.

LEGAL NON-CONFORMING USE

- ◇ According to the *Madison County Land Use and Development Code*, any lawful use of structures and/or land established prior to effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Non-conforming Use (LNU).
- ◇ The Alexandria Airport has continuously operated since at least 1974. This would qualify the use as a LNU and could continue to operate without the approval of this rezoning request, so long as the conditions outlined on page 177 are met. However, the petitioner has indicated that in order for a potential buyer to secure financing, the proper zoning must be in place.

SITE PLAN

- ◇ The potential buyers of the airport have indicated that they intend to make improvements to the facility at some point in the future. The site plan indicates two additional hangars, both 5,512 square feet in size, are proposed. These hangars would be the same size as the existing hangar currently on site. The construction of these hangars would require an Improvement Location Permit (ILP) and Staff is requesting that when an ILP is issued for either one of the new hangars, the required landscaping as well as the hard-surfacing of the parking area be required.

FINDINGS OF FACT:

6. Does the proposal comply with the Comprehensive Plan?

No, the area is designated for agricultural uses. However, this airport has been in operation since at least 1974 and this request would legally establish and provide for the possible construction of two additional hangars.

7. Would the proposed classification be consistent with current conditions, the character of current structures and uses in the immediate districts:

Yes. The Alexandria Airport has been in operation since at least 1974 and contains a number of structures associated with an airport; including a runway, aircraft hangars and an office building. The surrounding area is farmland and would not be affected by the continued operation of the airport.

8. Would the proposed classification be consistent with the most desirable use for which the land is adapted?

Yes. The site has been utilized as an airport for over 30 years and substantial demolition would be required to redevelop the site for anything other than an airport use.

9. Does the proposal substantially conserve property values throughout the jurisdiction:

Yes. The property values within the area will not be adversely affected by the approval of this request. The airport has been in operation for over 30 years with no negative impacts to the community.

10. The proposal is reasonable in regard to responsible development and growth?

Yes. As previously stated, the airport has operated for decades. A new buyer will be making substantial improvements to the facility that will increase the viability of the operation.

George Saunders, President the Central Indiana Soaring Society, 4301 W Riverside, Muncie.

Also present, Duane Knotts, landowner.

Mr. Saunders stated the Soaring Society was founded in 1960 at the Ace Airport in Anderson. Ace Airport has been sold and when we heard Mr. Knotts was selling the Alexandria Airport they decided this would be a good location.

We fly on the weekends and the gliders do about 20 to 30 flights per day on Saturdays and Sundays. Sometime we fly during the week but that is just from April 1 to October 31. There are approximately 60 glider pilots from all over the state that utilize this facility.

We don't foresee making any major changes. We will continue to be a public use airport with plans to build a couple of new hangers.

Debra Buck, 1216 E 900N.

Mrs. Buck stated their concern is with landing and take off. The tow planes are noisy. There are plenty of open fields that they could fly over other than our home.

Several people in the audience voiced the same concerns.

Mr. Saunders replied that the FAA regulates a lot of what they can and cannot do. The flight patterns are determined by the FAA as well as the wind direction.

Member Orick moved to forward Petition #574 with a favorable recommendation based on the Findings of Fact. The proposal does comply with the Comprehensive Plan. The classification will be consistent with current conditions and the character of current structures. The proposed classification would be the most desirable use of the land. The proposal does substantially conserve property values throughout the jurisdiction and is reasonable with regards to reasonable development and growth.

Member Newman seconded the motion.

The vote was unanimous in favor of the motion. **Petition #574-Z was forwarded with a favor recommendation to the County Commissioners.**

4. Miscellaneous:

Mr. Shine stated there was some confusion at the hearing concerning commitments and conditions. Conditions are defined by our ordinance. If we want to approve a petition and we want to put conditions on it for rezone that is called a condition. Our statute, by Indiana Code 3714, Section 613, defines commitments. Commitments are only authorized to be done to development plans. They only concern the use for the development of a certain parcel. Development plans are not rezoning. On rezones everything has to be conditions. On the development plans any stipulations are called commitments.

The board was informed the Ethanol Plant is having an open house. The county inspector has informed us a final inspection has not been done. Various permits have not been obtained that have been requested. We will be required for our own liability to make a final inspection. The State has also made some inspections. The Planning Commission office will not issue any Certificate of Occupancy until final inspections are completed. Member Wilson made a motion, seconded by Member Simmermon to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 10:24:47 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary