

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., Scott Tischler, John Orick, Alan Esche, Brad Newman and Mark Gary.

Members Absent: Wesley Likens.

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 one member, Wesley Likens was absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Mr. Randall made a motion to approve the minutes as corrected. Mr. Orick seconded the motion. The vote was unanimous in favor of the motion.

Mr. Maxwell informed the board there has been a request to change the order of the agenda. Items 6 and 7 under New Business, Petitions #450 and #451. The petitioners would like to continue these until next month.

Brian Tuohy, Attorney for the petitioners was present.

Mr. Tuohy said, we would like a continuance on this matter to the June hearing. I was just recently retained in this matter and we have had a couple of meetings with our engineer and I think if we had the time now and the time between the next hearing it would give us a better chance to be better prepared.

Mr. Randall said, I move to accept their request to continue Petitions #450 and #451 until the June meeting.

Mr. Newman seconded the motion.

The board was informed they needed to ask if there was anybody in the audience who wishes to speak on this matter.

There were several people who said they had taken off work today to be here on this matter and would like to be heard.

Mr. Hershman also informed the board he had received a complaint form.

Mr. Tuohy said, I was just retained on this matter and there is an issue about this site involving a curb cut on St. Rd. 13. I think the fact is, the curb cut in question has been reserved by INDOT. I don't have that information fully in my hands yet. I have a deed that shows that that curb cut area was reserved as an open area. But, I believe there is some information that I could share with the board once I get my hands on it that would further prove that curb cut was approved.

There has also been four traffic studies done on this site and those studies, two of those involved, an analyses of the traffic at 800 and 13 in that curb cut and I don't have those in my hands.

Mr. Hershman said, we did review this at the Technical Review Committee. We did discuss the entrance off St. Rd. 13 at that meeting.

Mr. Tuohy said, three of the traffic studies have not gone before the Technical Review Committee.

If this new study has to go back before the TRC, that would be no problem if that is what the Plan Commission would want me to do.

Mr. Randall said, I would move to withdraw my motion for continuance.

It was the consensus of the board to accept Mr. Randall's motion.

New Business

1. **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.

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

Mr. Hershman informed the board Petition #461 and #463 are interrelated and could be acted on together but voted on separately.

Mr. Hershman said, fields with scattered houses characterize the surrounding area. The site is field.

There is a problem with the notification. An adjoining property owner did not get a letter. Further, the notice letter mentioned a pre-meeting at 8:15. Mr. Hart is also seeking approval of the maximum lot depth requirement. The Ordinance requirement for minimum lot width is 200 feet. The proposed lot would be 194 feet wide at the front building line. The waiver is making the request in order to divide a 10-acre off of a 55-acre tract. If the waiver were granted, the applicant would then proceed with an administrative plat. The applicant plans on selling the 10-acre tract.

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

John Brase, 2555 E 950S, adjoining property owner was present.

Mr. Brase informed the board he did not get notification but learned of this from other neighbors.

Mr. Brase said, I would move at this time this be tabled until the next meeting to give us time to find out what the petition is for.

I have talked to several other neighbors, Eric Watts, and Lee Thompson and they also informed me they did not receive notification.

The board was informed the petitioners sent notification to Eric Watts, Lee Thompson and Mr. Bostick. The addresses are obtained through the County Auditors office.

Tracy Mitchell a neighbor was also present and told the board there was a sign and he did receive notification.

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. 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.**

2. 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.

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

Mr. Orick made a motion, seconded by Mr. Randall to table Petition #463 of Michael Hart for a waiver of subdivision regulations, more particularly, relief from width to depth ratio as it goes along with the above petition. 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 tabled.**

3. Petition #462 of James and Denise Simon for a waiver of subdivision regulations, more particularly, relief from lot width to depth ratio. This property is zoned AG and is located on the south side of Fall Creek Dr. approx. 1/3 mi west of Co. Rd. 650W in Green Twp. and containing 10 acres, more or less.

Mr. Hershman informed the board Petition #462 and #464 are related.

Denise Simon and Steve Servies from Rayl Engineering were present representing this request.

Mr. Hershman said, large lot residential development characterizes the surrounding area. The site is a house on a large lot.

Proper notification was given.

Mr. Simons also applied for a waiver of the minimum lot depth requirement. The Ordinance requirement for maximum lot depth is 3.5x the width at the front building line. The proposed lots are 1344 feet deep. The waiver is making the request in order to divide an existing 10-acre tract into two 5-acre tracts. The property is being divided in order to build a house on one of the 5-acre tracts. The existing residence would be on the other 5-acre tract. If the waiver were granted, the applicant would then proceed with an administrative plat.

Mr. Servies said, what we are proposing to do with the Administrative plat is, the property immediately west of the existing house, the ground is high and that is where the house would be built.

There were no remonstrators present.

Mr. Wilson made a motion, seconded by Mr. Orick to approve Petition #462 of James and Denise Simon for a waiver of subdivision regulations, more particularly, relief from lot width to depth ratio per the Finding of Facts. The vote was unanimous in favor of the motion. **Petition #462 of James and Denise Simon for a waiver of subdivision regulations, more particularly, relief from lot width to depth ratio was approved.**

4. Petition #464 of James and Denise Simon for a waiver of subdivision regulations, more particularly, relief from lot width requirement. This property is zoned AG and is located on the south side of Fall Creek Dr. approx. 1/3 mi west of Co. Rd. 650W in Green Twp. and containing 10 acres, more or less.

Denise Simon and Steve Servies from Rayl Engineering were present representing this request.

There were no remonstrators present.

Mr. Newman made a motion, seconded by Mr. Gary to approve Petition #464 of James and Denise Simon for a waiver of subdivision regulations, more particularly, relief from lot width requirement as per the Finding of Facts. The vote was unanimous in favor of the motion. **Petition #464 of James and Denise Simon for a waiver of subdivision regulations, more particularly, relief from lot width requirement was approved.**

5. Petition #454 of Tony & Velma Harrison Revoc Living Trust for rezoning from “AG” to “GC” for retail use. This property is located on the west side of SR 13 approx. 1/3 mile south of Co. Rd. 800S in Green Twp. and containing 3 acres, more or less. Forwarded from Technical Review Committee with conditions.

Richard Donnelly, Jeff Swackhammer and Jerry Armington, Realtor were present representing this request.

Mr. Hershman said, houses and fields characterize the surrounding area. There are several proposed commercial developments in the near vicinity. The property has houses to the west and the south. Beech Grove church is immediately to the north. The site is a house with several out buildings.

The site does have public sewer and water available. The applicant has several potential uses in mind. The applicant is aware that any building will have to meet the Corridor Development Overlay District requirements. The property is divided into 3 lots in a mini plat, approved by the Commission March 27, 1989. The plat was recorded March 28, 1989. Once property has been bought, the property should be replatted into 1 or 2 lots.

The Technical Review Committee heard this on April 18, 2006. The applicant did agree to cross access easement agreement on the property and any development that would occur on adjacent property. The applicant also agreed to replat the lots. The applicant is aware that the property is in the Corridor Development Overlay District and will have to meet the requirements. The Commission will make a recommendation for approval or denial to the County Commissioners.

Mr. Donnelly said, Jeff Swackhammer is the potential buyer.

This property is about 220 feet wide and about 620 feet deep. There was a trailer that has been removed and there is also an existing house on the property. This is part of a strip about a quarter of a mile long along St. Rd.

13 that is south of the church and north of Rafert Farms, in front of Summerlake and across from where Centex is going to build. If things go as they are now it looks like there could be over 2,000 homes in this area. There is some retail in the PUD to the north and a little bit across the street and along I-69. There is going to be a great need for retail in this area.

This has sewer and water. It can be drained. It has access on St. Rd. 13 and the petitioner realizes that he has to follow all the county ordinances. And to follow the rules from the State Highway for a single curb cut.

We anticipate this property and the property to the south highest and best use is commercial. Obviously, for commercial, three acres is too small to do anything. It's narrow and long to do anything residentially with except for the single house.

Your rules require cross access easements to build a common connector off of the street. And at the time we submitted the development plan that's why we agreed to it.

There is currently two driveway cuts there although one went back to the trailer. Obviously when there is commercial use it will all be combined in to one driveway. They have to meet the decell and excell requirement of the State Highway. We will do the ten feet walk way and any streetlights that are required at the development plan stage.

It does require a 25-foot buffer and we are aware of that and we will be glad to do it. There will be screening and a lot of planting that will comply with the ordinance.

It is possible that if this develops it might be split in to more than one lot. It is a deep lot. So, the front part would be good for the retail uses and the back for something else. At that time we would have to go through the platting process.

Mr. Swackhammer would like to put on the back of the property mini warehouses but at the present time this is just a concept.

Mr. Hershman informed the board the petitioner could do a voluntary commitment to limit certain uses in the GC zoning.

Mr. Wilson said, since this is next door to a church and behind some houses I would like to read the permitted uses for GC zoning: **See the following: Part "A" - Zoning Ordinances, Article Three, Page 72, GC - General Commercial District.**

Mr. Hershman said, the one thing, under Adult Use, they may be prohibited from it because of the proximity to the church.

Mr. Donnelly replied, that is one thing we would agree not to let go in. We would put that in a voluntary commitment that it shall not be allowed. Also, even though your ordinance is strict we would agree to, no outside storage, proper screening and lighting. Also, there will be no outside storage, all lighting will be inward facing, that it will not spill over, there will be no outside speaker systems, and we will screen, or berm or buffer in what ever reasonable that we can all agree on.

Board member Scott Tischler left the meeting (9:58:36 A.M.).

The board was informed that proper notification was given.

Mr. Donnelly said, the State has to give one driveway per parcel. The larger tract to the south will get one driveway for that and this will have one driveway. What we are coveting to is, we are going to interconnect our property to their property. To get from one to another there will have to be an access area as opposed to going out on to 13.

John Steffen, 8118 S. Lodge Lane, Summerlake.

Mr. Steffen said, I would like to speak on behalf of the homeowners adjacent to this property.

I have lived there approximately four years and in that time property value has declined. Having commercials purposed behind my house at this point, at the northeast corner of this view, property value is going to decline ever more with this purposed commercial building. I would like to see a lot of vegetation, retention pond toward the back of the property. Also, we are concerned with the noise it could generate.

Mr. Donnelly said, we will definitely agree that before we submit a development plan for the first building, that we will meet with the residences, work a reasonable plan for either fencing, berming, a dense planting screening, or some type of fencing, that we will gladly meet with the property owners to do what is required. We will work an agreement with your attorney to present before the Commissioners that stipulate that these conditions will be met. And we will agree to your development standards and exceed in terms of directional lighting, sound, pollution and those kinds of things.

Proper notification will be given to the Homeowners Association to let everyone in the development know what is going on.

Mr. Newman said, I would move to forward Petition #454 of Tony & Velma Harrison Revoc Living Trust for rezoning from “AG” to “GC” for retail use to the County Commissioners with a favorable recommendation per the Finding of Facts, the staff recommendation and a covenant to be prepared about what we talked about, the adequate buffering, no adult uses, access, no outside storage, lighting and speakers.

Mr. Orick seconded the motion.

The vote was unanimous in favor of the motion. **Petition #454 of Tony & Velma Harrison Revoc Living Trust for rezoning from “AG” to “GC” for retail use has been forwarded to the County Commissioners with a favorable recommendation.**

6. 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.

Mr. Hershman informed the board Petition #450 and #451 are interrelated. They would need separate votes.

Brian Tuohy, Attorney for the Petitioners was present.

Mr. Tuohy said, I would respectfully ask the board for a continence of this matter. We have met with the folks that came here this morning from Summerlake. They would like to meet with us and talk about landscaping, and berming that will separate these properties. They would like to schedule a meeting in couple of weeks. We will meet at the church and invite all the neighboring property owners to look at the plan. We would also agree to any commitments that have been discussed this morning.

John Steffen, 8118 S Lodge Lane.

Mr. Steffen said, we would agree to the continence and that we do hold a meeting with the developers.

Mr. Hershman read a letter of complaint submitted by, Thomas Hutchinson, 8080 S. Lodge Lane, Pendleton, IN 46064. A copy of this letter is on file in the Planning Commission office.

After some discussion by the board it was decided this should go back to the Technical Review Committee.

It was suggested to the board a letter be sent to the Technical Review Committee indicating the board would like to have this scheduled before the TRC and what you information is.

Mr. Tuohy replied that he would send a letter to that effect.

Mr. Wilson said, after having gathered all this information and with the agreement as stipulated by the Petitioner concerning the Tech Review Committee and their willingness to meet with the homeowners I would move that Petitions #450 and #451 be tabled until the next Plan Commission meeting.

Mr. Newman seconded the motion.

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.**

7. 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.

As this was included in the above motion, **Petition #451 of D.B. Mann Preliminary Plat for Summerlake Retail Center at Summerbrook has also been tabled until the next Plan Commission meeting.**

8. Miscellaneous:

Mr. Hershman said, in our current ordinance under, Subdivision Regulations, under, Section 7.17, on transferring to adjoining property owners. It currently reads, a division of land for the transfer of track or tracks between adjoining properties providing no additional building sites are created and no additional public

improvements are required on subdivision and resulting lots meet all development standards of the zoning ordinance.

We have a situation where somebody was trying to transfer property from a 19-acre tract to an adjoining tract leaving about 4 or 5 acres. The way I interrupted the ordinance was, they do not have to go through an Administrative Plat because they are not creating a new lot.

There could be a loophole in this. They could transfer property and ultimately wind up with a couple two-acre tracts. There could be three or four property splits on one particular tract without ever going through an Administrative Plat.

It was the consensus of the board to have their legal council take a look at this and see what needs to be done.

Mr. Hershman said, the changes on amendments to the ordinance are still being looked. This is in reference to CAFO's and Administrative Subdivisions. These were handed out at a previous meeting for the board members to look over.

Concerning the CAFO's there are some modifications that will need to be placed in the ordinance.

Mr. Wilson said, I make a motion that this board directs the Plan Director to proceed with the appropriate schedule so this board can make a recommendation to the Board of Commissioners as to amendments to the County Zoning Ordinance with the second meeting of the Board of Commissioners in August.

Mr. Randall seconded the motion.

The vote was unanimous in favor of the motion.

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

Adjournment: 10:53:29 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary

