

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

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

Members Absent: Mary Gary and Paul Wilson

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 with Mark Gary and Paul Wilson 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 Likens seconded the motion. The vote was unanimous in favor of the motion.

New Business

1. **Petition: #08-Z-006**
Address: 970 East Broadway, Ingalls
Location: Ingalls, Green Township
Petitioner: Donald Breck Terheide
Request: Rezone 0.915 acre from General Commercial (GC) to Residential 2 (R-2) to legally establish a single-family dwelling.

Director Wilson informed the board members proper notification was given.

Donald Terheide, 8697 E 650N, Wilkinson, IN was present representing this petition.

Mr. Terheide stated his father passed away and they have listed two properties from his dad's estate. They have an interested buyer. The buyer is going through FHA and because the property is zoned business with a dwelling on it they could not obtain financing, unless it goes back to residential. So, for FHA to approve the financing the property has to go back to a residential zoning.

Member Randall was concerned with this going back to residential as all along that corridor are commercially zoned properties and with growth in Ingalls and Pendleton he felt it should remain commercial.

Director Wilson informed the board that most of the growth from Ingalls is along St. Rd. 13 and up to I-69. It does not look like Pendleton will be going in that direction. There are several houses located beside the proposed zoning change. This is to legally establish a house that was permitted to be reconstructed as a house back in the early 80's. It was originally built as a restaurant then converted into a dwelling.

Director Wilson stated staff recommends approval of the zoning request.

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is an approximately 0.915-acre parcel located along the south side of SR 67, just north east of the Town of Ingalls. This request would rezone the parcel from General Commercial (GC) district to the Residential 2 (R2) classification to legally establish a single-family dwelling. The Comprehensive Plan recommends commercial development for this site.

BACKGROUND

- ◇ According to the petitioner, this property was initially developed with a restaurant. However, sometime in the 1980's, the structure was converted to a residence and has remained as such. The petitioner initially contacted the Planning Department in an attempt to receive a "Legal Non-Conforming Use" (LNU) Certificate so that financing via FHA could be obtained. However, a structure that has received a LNU designation may not be reconstructed if 50% or more has been damaged. This was not sufficient to secure a loan from FHA. Therefore, the petitioner is seeking the rezoning of the site so that the use will match the zoning classification and permit the reconstruction of a dwelling, if needed.

FINDINGS OF FACT:

1. *Does the proposal comply with the Comprehensive Plan?*
No. The site is along SR 67, a primary arterial, just north of the Town of Ingalls. However, the site has been used for residential purposes for nearly 30 years and single-family dwellings dominate the development pattern of the area.
2. *Would the proposed classification be consistent with current conditions, the character of current structures and uses in the immediate districts:*
Yes. The structure was converted to and used as a residential dwelling since the 1980's.
3. *Would the proposed classification be consistent with the most desirable use for which the land is adapted?*
Yes. The structure is a residence and the surrounding properties are also being used for residential purposes. Although the Comprehensive Plan recommends commercial development for this site, it is unlikely that any of the surrounding properties would be developed commercially.
4. *Does the proposal substantially conserve property values throughout the jurisdiction:*
Yes. This property is surrounded by residential uses and this will guarantee that those properties will continue to be bordered by a residence.
5. *The proposal is reasonable in regard to responsible development and growth?*
Yes. As previously stated, this area is developed with single-family dwellings.



EXISTING LAND USE GC Single-family Dwelling

LEGAL NOTICES

Post-marked July 28, 2008

There were no remonstrators present.

Member Newman made a motion to forward Petition #08-Z-006 to the County Commissioners with a favorable recommendation based on the Findings of Fact. Even through this proposal does not comply with the Comprehensive Plan; the proposed classification is consistent with current conditions. The proposed classification is consistent with the most desirable use of the land. The proposal does conserve property values and the proposal is reasonable in regards to development and growth.

Member Orick seconded the motion.

The vote was six yes: Maxwell, Likens, Newman, Orick, Simmermon and Crenshaw. One no: Randall. The motion carried. **Petition #-Z-006 will be forwarded to the County Commission with a favorable recommendation.**

- 2 **Petition: #08-Z-005**
- Address: 5234 South SR 67
- Location: Anderson, Fall Creek Township
- Petitioner: Joshua L. Johnson
- Request: Rezone 0.51 acre from General Industrial (GI) to General Commercial (GC) to provide for a commercial office.

Director Wilson informed the board proper notification was given.

Joshua Johnson was present representing this petition.

Mr. Johnson told the board he purchased the property with the intent of relocating his current office into this structure. The property he is purchasing is zoned General Industrial and according to the Comprehensive Plan his business belongs in the General Commercial zoning classification. The building in question has always been used either as a dwelling or commercial.

Director Wilson stated this could be considered spot zoning but commercial activity has occurred in a portion of the structure for a number of years. The IMI property is located adjacent to this so at the time I guess it made sense to square off the area and zone it Industrial, which took in this dwelling. As this is located close to the I-69 Interchange it does make sense to have some type of business zoning in the area. There are two churches in the area along with the IMI property.

It is my understanding that he does not plan on living here. It does appear to have a separate entrance for a commercial business towards the rear. We need to look at the parking situation. I would recommend this be hard surfaced and the parking spaces need to be marked.

Mr. Johnson told the board he is on city sewer and water is available across the street but at the present time we are using a well. There is plenty of room in the house for my business and there is no problem with parking. We have plenty of space to accommodate customers and employees. I have even considered leasing out a space in the house to realtor or mortgage broker. The seconded story will be used as storage.

Our next-door neighbor, who is IMI, has no problem with this request. I have talked to some of the neighbors and they also have no problems this request.

Parking will not be an issue. Some time in the future I plan on hard surfacing the parking area but, at the present time it is gravel and as there was a business there before the parking was never an issue. There will be some landscaping done.

I plan on having a double-stacked sign. It will meet the standards that are set forth in your ordinance. Our hours will be Monday through Friday from 9 A.M. to 5 P.M. and occasionally Saturdays.

David Baker, 5208 S St. Rd. 67.

Mr. Baker told the board the church last year ran a water line across the road. For them to get water they will have to come up to where Pendleton Ave. come up to 67 and tie in over there or they will have to go in with Mustin.

Director Wilson staff recommends approval of the zoning request.

- ◇ The subject site is an approximately 0.51-acre parcel located along SR 67, just south and north of the IMI facility. This request would rezone the parcel from General Industrial (GI) district to the General Commercial (GC) classification to provide for a commercial office use (insurance office). The Comprehensive Plan recommends industrial development for this site.
- ◇ The property is currently developed with a single-family dwelling and an accessory structure. This site has been used for commercial purposes in the past. At one time a health food/vitamin store (Frisk's) was located in a portion of the structure while the remainder was used as a dwelling. According to the site plan, it appears as if the petitioner plans to only use the structure for an office use.
- ◇ A site inspection determined that there is sufficient space available for parking. According to the *Madison County Land Use & Development Code*, one parking space is required for every 250-square foot of space used for the commercial activity as well as one space for each employee at the largest shift. Since this is to be a commercial

office use, it is anticipated that the hours of operation would be during typical business hours. The site plan indicates that 810-square feet of the structure will be used resulting in (4) parking spaces (3 spaces for square footage, 1 space for employee).

FINDINGS OF FACT:

- 6. *Does the proposal comply with the Comprehensive Plan?*
No. Due to this sites proximity to the IMI facility, the Comprehensive Plan reflects an industrial recommendation.
- 7. *Would the proposed classification be consistent with current conditions, the character of current structures and uses in the immediate districts:*
Yes. A mix of uses including churches, heavy industrial, and residential, characterizes this area.
- 8. *Would the proposed classification be consistent with the most desirable use for which the land is adapted?*
Yes. The property is located along State Road 67, a major thoroughfare, with I-69 in close proximity.
- 9. *Does the proposal substantially conserve property values throughout the jurisdiction:*
Yes. The existing structure will remain residential in nature and the improvements to the outside should help conserve the property values in the area.
- 10. *The proposal is reasonable in regard to responsible development and growth?*
Yes. With the location along a major thoroughfare, it makes sense to zone these parcels to a commercial classification.

GENERAL INFORMATION





EXISTING LAND USE GI Single-family Dwelling / Commercial Space

LEGAL NOTICES Post-marked July 30, 2008

There were no remonstrators present.

Member Orick move to forward Petition #08-Z-005 to the County Commissioners with a favorable recommendation based on the Findings of Fact and the recommendation by staff. It does meet the classification and will be consistent with current conditions, and character of current structures, and uses of the area. The proposed classification will be consistent with the most desirable use of the land and the proposal does substantially conserve property values throughout the jurisdiction. The proposal is reasonable in regard to development and growth. Although it does not comply with the Comprehensive Plan based on these other four recommendations, I recommend approval if they comply with the standards of General Commercial district.

Member Randall seconded the motion.

The vote was unanimous in favor of the motion. **Petition #08-Z-005 will be forwarded to the County Commissioners with a favorable recommendation.**

3 Miscellaneous

A. Fee Schedule Revisions:

C. Accessory Structure Prior to Primary Structure Policy

Director Wilson told the board he would recommend to change the agenda and discuss item C first as it should go rather quickly. This had been discussed by the board and I *was asked to* before the Commission and the BZA as a policy to adopt by the office. It is not necessarily an ordinance revision but will be an office policy that would be in writing.

Mr. Shine stated this would come under “Enforcement” and the keeping tract of it. At least this way we are requiring that they get a permit. The permit is then of record and it’s good for two years. There is a list of

the permits and can then keep track of it. I think if you make a change it needs to be an ordinance change. If you want to make it a written policy now and then when we make our ordinance changes then it could be added at that time.

Director Wilson informed the board that we require the construction of the dwelling to be started within a year to the date of the permit with completion within two years.

Member Newman asked if this was stated in the ordinance that they cannot build an accessory structure without a home first. Why don't we just end the policy and require them to come in for a waiver to put the accessory building on first. Then we can attach our own conditions to it and record it.

Member Newman made a motion to do away with this policy and require anybody that wishes to construct an accessory building prior to a residence to request a waiver.

Mr. Orick seconded the motion.

The vote was unanimous in favor of the motion.

It was the consensus of the board to take a five-minute recess (10:05:56 A.M.).

The board was called back to order (10:17:24 A.M.).

A. Fee Schedule Revisions:

Director Wilson told the board what they are looking at user base fee increases. I don't feel a decision has to be made today. I think this is something that we need to seriously consider. If you would look over the chart that was prepared and compare our prices with some of the other surrounding counties you will see we are significantly under their rates. I would like the board to take a good look at this and get back with Jerry or me with any suggestions and we will continue this next month. I would like to see this implemented at the start of next year.

B. Wind Farm Ordinance – Benton County

Director Wilson stated that as we continue to "thinking green", we should look at developing an ordinance to address the increase in renewable energy sources, specifically wind energy. These are starting to pop up and we are going to be dealing with them. I feel we should start educating ourselves on this.

After some lengthy discussion Director Wilson told the board he would like to set something up for the board members to go to Benton County on a field trip and observe actual wind farms and see how they have handled the influx of this on their community. Director Wilson stated he would look in to making the arrangements and get back with the board.

D. Director Review

Mr. Shine told the board when the director was hired it was stated he would be up for review in six months. There was a committee meeting that reviewed Mr. Wilson's performance and they are to make a recommendation to this board concerning pay increase for Mr. Wilson.

Member Newman stated there were three members on that board, Mr. Maxwell, John Randall and myself. The three of us all felt that the pay increase was deserved at this time. So, it would be our recommendation to the board to go ahead with the pay increase.

Mr. Shine stated the pay increase was to go from \$53, 500 to \$55,000 (and increase of \$1,500) and after passing the A.I.C.P. it will increase by \$5, 000 and this will increase the pay to the allotted \$60,000. The testing for the A.I.C.P. certification will be sometime in November. Just for the board's information the \$1,500 increase if approved will go on the director's next pay.

Member Randall moved the board accept the committee's report and grant the \$1,500 increase for the next pay period.

Member Orick seconded the motion.

The vote was unanimous in favor of the motion.

Director Wilson stated he anticipates the \$5,000 pay raise if he passes the test. I don't expect another \$5,000 raise in January of 2009 so, I want it to be known that I would be willing to for go any increase on my salary assuming I pass the A.I.C.P. in January. So, if I pass that and making the \$60,000 I would like for my staff to receive the three percent increase in their salary.

Member Maxwell told the board he would like to say something on opening procedures. Member Maxwell stated he would like to see it opening with Director Wilson stating what the petition is for, the petitioner speaking, then the Director's staff report and followed by audience participation.

Mr. Shine replied that would be reviewed at our next meeting.

Mr. Shine also informed the board the KCCA has filed another round of litigation and will be venued to another county. I just wanted to make the board aware.

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

Adjournment: 11:41:14 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary