

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

Members Present: Wes Likens, Mark Gary, Phil Isom, Pat Manship, John Simmermon, Steffanie Owens, Lisa Hobbs, Kathleen Sprouse, and Amanda Bousman.

Members Absent: None

Also Present: Brad Newman, Director, Jeff Graham, Attorney, and Elizabeth Bruns, Board Secretary

**Current Business**

1. Prayer – John Simmermon
2. Pledge of Allegiance
3. Roll call taken with all members present (Steffanie Owens arrived at 9:03:12).

Director Newman asked for nominations for President. Member Manship nominated Wes Likens, seconded by Member Gary. Vote was unanimous in favor of the motion. **Wes Likens will be the MCPC Board President for 2015.**

President Likens asked for nominations for Vice President. Member Simmermon nominated Member Gary, seconded by Member Hobbs. Vote was unanimous in favor of the motion. **Mark Gary will be the MCPC Board Vice President for 2015.**

President Likens asked for nominations for Director. Member Owens nominated Brad Newman, seconded by Member Hobbs. Vote was unanimous in favor of the motion. **Brad Newman will be the Planning Director for 2015.**

President Likens asked for nominations for Board Secretary. Member Owens nominated Elizabeth Bruns, seconded by Member Gary. Vote was unanimous in favor of the motion. **Elizabeth Bruns will be the Board Secretary for 2015.**

President Likens asked for nominations for Board Attorney. Member Owens nominated Jeffrey Graham, seconded by Member Manship. Vote was unanimous in favor of the motion. **Jeffrey Graham will be the MCPC Board Attorney for 2015.**

Member Manship nominated Member Bousman to represent the Planning Commission on the BZA Board. Member Gary seconded the motion. **Amanda Bousman to be the 2015 BZA Member from the Planning Commission Board.**

President Likens asked if anyone had any corrections or additions to the October 14, 2014 minutes. Member Simmermon made a motion to approve the minutes as presented, seconded by Member Owens. Vote was unanimous, **minutes approved.**

Member Simmermon made a motion to approve the proposed 2015 MCPC Calendar. Member Owens seconded the motion. Vote was unanimous in favor of the motion. **2015 Calendar Approved.**

1. Petition: 2014-W-002 Waiver  
Address: 0 Fall Creek Drive  
Location: South side of Fall Creek Drive, approximately ½ mile east of SR 13  
Petitioner: Michael DeBoy  
Request: Relief of the Width to Depth Ratio on a proposed split.

Director Newman presented the Staff Report for Petition #2015-W-002 with a favorable recommendation.

Mike Deboy - 501 S 9<sup>th</sup> Street Noblesville. I'm here on behalf of the owner Cochran Trust. They are looking to sell this to another party who wishes to develop a subdivision. We realize that the back half of the property will not be developed because it is in a floodway not just the flood plain. Another portion is in the flood plain. I am not aware of any concrete on the property at this time.

Board Members inquired about the base flood elevation, possible connection to public sewer, Drainage Board process, possibility of building with a septic system, and would all adjoining property owners be required to hook up or pay a fee for it going past their property.

Director Newman stated that it is a Zone A and it would be determined when the Administrative Plat process takes place. They would have to get the septic plans approved by the Board of Health before we would issue any permits on the property.

Mr. Deboy said that they are talking to Fall Creek Regional Waste about running a line to connect to their sewer line.

Attorney Graham stated that this Board does not have the ability or authority to override an ordinance that the Commissioners adopted. The Commissioners could file a violation against the property/owner.

Greg Valentine – I represent Fall Creek Regional Waste and we have met with this client 3-4 times and jotted down an agreement that he and our development committee came up with. We are not looking at forcing anyone to tie into this even though the law says 300 feet. We told Mr. Verble that we would have to enter in to an agreement with him on the sewer main extension, install 3,000 feet of two inch sanitary, it's a forced main and everybody would have a grinder over there to our specifications on the south side of Fall Creek Drive connect to our existing two inch main at County Road 800.

Member Hobbs made a motion seconded by Member Isom to approve this Petition per the revision of the Findings of Fact (see attached).

Roll Call taken with seven yea and one nay – Pat Manship. **Petition 2015-W-002 Approved.**

2. Petition: 2 Waivers 2015-W-003 and 2015-W-004  
Address: 1000 South (East Parcel)  
Location: South side of 1000 South approximately 1,332 feet west of 750 West.  
Petitioner: Thornberry Real Estate by Miller Surveying  
Request: Relief of the maximum number of splits allowed on a parcel, and relief of the maximum number of drives you can have on a private road.

3. Petition: 2 Waivers 2015-W-005 and 2015-W-006  
Address: 1000 South (West Parcel)  
Location: South side of 1000 South approximately 2,726 feet west of 750 West  
Petitioner: Thornberry Real Estate by Miller Surveying  
Request: Relief of the maximum number of splits allowed on a parcel, and relief of the maximum number of drives you can have on a private road.

Director Newman presented the Staff Report for Petition #2015-W-003, 004, 005, and 006 with four favorable recommendations.

Board Members discussed sanitary sewers, driveway cuts for additional traffic,

Dale Thornberry with Thornberry Real Estate in Indianapolis – 15006 Prairie Baptist Road, Noblesville. Hoping to sell affordable lots for possible mini farms without the cost of subdivision regulations.

Regi Holt – 8293 W 1000 South – I know that we cannot prevent urban sprawl, but I would like to see larger lots with fewer homes.

Teresa Wolfgang – Concerns with trash being dumped over the fence, the land becoming a park, and the traffic that 18 homes would create.

Jennifer & Glen Scheck – Concerns of a dump and possible change in the area with adding 18 homes.

Greg Valentine – Fall Creek Regional Waste. Everyone on this road is now hooked up to Fall Creek all the way to SR 13. Concern as to 18 wells and the waste plant that used to be there.

Pat Manship stated that there were contaminated wells out there.

There are currently test wells out there. IDEM was out there last week and their test wells have been clear for the last three years.

Michael Crouse – 8228 West 1050 South. My concern is people changing the floodplain.

Al Stewart – 7699 W 1000 South. Are there any specifications on the homes that would be built. The Private Roads going back who will maintain them.

Member Simmermon made a motion seconded by Member Owens to deny 2015-W-003 per the revised Findings of Fact attached to the end of these minutes. Roll call vote was unanimous in favor of the motion. **2015-W-003 Denied.**

Member Simmermon made a motion seconded by Member Owens to deny 2015-W-005 per the revised Findings of Fact attached to the end of these minutes. Roll call vote was unanimous in favor of the motion. **2015-W-005 Denied.**

Member Owens made a motion seconded by Member Simmermon to deny 2015-W-004 per the revised Findings of Fact attached to the end of these minutes. Roll call vote was unanimous in favor of the motion. **2015-W-004 Denied.**

Member Owens made a motion seconded by Member Simmermon to deny 2015-W-006 per the revised Findings of Fact attached to the end of these minutes. Roll call vote was unanimous in favor of the motion. **2015-W-006 Denied.**

Member Owens made a motion to take a 5-minute recess, seconded by Member Manship.

President Likens reconvened the meeting.

4. Presentation of the proposed Ordinance changes.
  - a. Fee Schedule Changes (see attachment)
  - b. Land Use Matrix/Zoning Classification Corrections
  - c. HI (High Impact) Zoning

**Miscellaneous:**

1. Discussion
  - a. 2 Acre Definition/Total Splits
  - b. Chicken Coop
  - c. Change Meeting Day –After a discussion with all Board Members, it was decided to keep the meetings on the Second Tuesday of each month.
  - d. Comprehensive Plan – Director Newman discussed the need to update the Comprehensive Plan and the cost involved.

**Adjournment:**

Member Owens made a motion to adjourn, seconded by Member Hobbs. **11:23:17 a.m.**

See all attached Findings of Facts on following pages

MEMBER (UNSATISFACTORY) CASES

FINDINGS OF FACT: 15-W-002

- 1. *Would the approval be detrimental to the public safety, health, or general welfare?*  
No. Staff cannot identify any potential hazards by granting this request.
- 2. *Would the approval of this petition be injurious to the reasonable use and development of other property?*  
No. The property is and will continue to either be used for residential or agricultural purposes
- 3. *Are the conditions of this request unique to this specific property, which would not be applicable to other property?*  
Yes No. The conditions are not unique to this specific property. *the property's geographic location is unique* *owing to vicinity*
- 4. *Would the strict application of the regulations of the ordinance result in a practical difficulty in the permitted use of the property?*  
Yes No. *The property could still be used for residential purposes*
- 5. *Would approval of this request contradict the intent of the Comprehensive Plan?*  
No. This proposal is consistent with the Comprehensive Plan, as well as the development pattern of the immediate area.

*to Full Creek and its accounts flooding*

RECOMMENDATIONS

Staff recommends approval of the waiver request.

Prepared by: Brad Newman

*Was Likens, President*

Approved  Denied

*strict compliance will result in a development of the real estate which is undesirable compared to the proposed development as it would render large portions of the site practically unusable to the developer.*

FINDINGS OF FACT: 15-W-003

surroundings

1. *Yes.* Would the approval be detrimental to the public safety, health, or general welfare?  
No. *The aesthetics of the properties is detrimentally affected*  
No. Staff could not identify any potential hazards by granting this request.

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

No. The property is and will continue to either be used for residential or agriculture purposes.

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

Yes. The topography of this property is somewhat unique in Madison County. The topography and the current ordinance requirements for property splits does not address proposals of this kind.

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

*Yes.* No. *having the owned go through the entire Ptd process is not feasible*  
The property could still be used for residential purposes.

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

*Yes.* No. This proposal is consistent with the Comprehensive Plan, as well as the development pattern of the immediate area.

*The number of proposed lots as well as the relatively small size of the lots contradicts the intent of the Plan.*

RECOMMENDATIONS

Staff recommends approval of the waiver request.

Approve \_\_\_\_\_ Deny ✓

*Wesley*  
Wesley Linder, President

The findings of fact were adopted <sup>as added</sup> by the Commission on 4/14/15 (3)

15-W-005

FINDINGS OF FACT:

The restriction of the surrounding properties are would be detrimentally affected by an approval.

1. *Would the approval be detrimental to the public safety, health, or general welfare?*  
 No. Staff could not identify any potential hazards by granting this request.
2. *Would the approval of this petition be injurious to the reasonable use and development of other property?*  
 No. The property is and will continue to either be used for residential or agriculture purposes.
3. *Are the conditions of this request unique to this specific property, which would not be applicable to other property?*  
 Yes. The topography of this property is somewhat unique in Madison County. The topography and the current ordinance requirements for property splits does not address proposals of this kind.
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 property could still be used for residential purposes. *giving the owner go through the entire plat process is not feasible.*
5. *Would approval of this request contradict the intent of the Comprehensive Plan?*  
 No. This proposal is consistent with the Comprehensive Plan, as well as the development pattern of the immediate area. *The number of proposed lots as well as the relatively small size of the lots contradicts the intent of the plan.*

RECOMMENDATIONS

Staff recommends approval of the waiver request.

Approve \_\_\_\_\_ Deny \_\_\_\_\_

  
Wesley Likens, President

The findings of fact were adopted, as edited, by the Commission on 4/14/15

FINDINGS OF FACT: 15-W-004

- 1. *Would the approval be detrimental to the public safety, health, or general welfare?*  
No. Staff could not identify any potential hazards by granting this request.
- 2. *Would the approval of this petition be injurious to the reasonable use and development of other property?*  
No. The property is and will continue to either be used for residential or agriculture purposes.
- 3. *Are the conditions of this request unique to this specific property, which would not be applicable to other property?*  
Yes. The topography of this property is somewhat unique in Madison County. The topography and the current ordinance requirements for private roads does not address proposals of this kind.

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

Yes: Having the owner so through the entire plot process  
No- The property could still be used for residential purposes

5. *Would approval of this request contradict the intent of the Comprehensive Plan?*  
No. This proposal is consistent with the Comprehensive Plan, as well as the development pattern of the immediate area.

Yes: the number of proposed lots as well as the received small size of the lots contradicts the intent of the plan  
not feasible for this development  
(4)

RECOMMENDATIONS

Staff recommends approval of the waiver request.

MCP S

Approved \_\_\_\_\_ Deny ✓ \_\_\_\_\_  
Wally J. \_\_\_\_\_  
Web Likens, President

The Commission adopts the findings of fact as stated above on 4/14/15

FINDINGS OF FACT: 15-W-006

1. *Would the approval be detrimental to the public safety, health, or general welfare?*

No. Staff could not identify any potential hazards by granting this request.

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

No. The property is and will continue to either be used for residential or agriculture purposes.

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

Yes. The topography of this property is somewhat unique in Madison County. The topography and the current ordinance requirements for private roads does not address proposals of this kind.

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

10. ~~No.~~ *Yes. The property could still be used for residential purposes. However, the owner is through the entire plot across is not feasible*

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

~~No.~~ *Yes. This proposal is consistent with the Comprehensive Plan, as well as the development pattern of the immediate area.*

*The number of proposed lots as well as the relatively small size of the lots contradicts the intent of the Plan.*

RECOMMENDATIONS

Staff recommends approval of the waiver request.

~~MCPC~~ *MCPC*  
Approves — Denies ✓  
(6)

*Wesley Likens, President*  
The Commission adopts the findings of fact as stated above on 4/14/15.

Wesley Likens, President

Elizabeth Bruns, Board Secretary