

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

Members Present: Pat Manship, Phil Isom, Mark Gary, Wesley Likens, John Orick, Rick Gardner, and Rex Etchison.

Members Absent: John Simmermon, Steffanie Owens, and Gerald Shine.

Also Present: Ken Ellis, Planning Director, and Elizabeth Bruns, Board Secretary

Current Business

1. Pledge of Allegiance
2. Prayer – Pat Manship
3. Roll call taken with two members, John Simmermon and Steffanie Owens being absent.
4. Member Manship made a motion to approve the October 9, 2012, minutes, Member Orick seconded the motion. Vote was unanimous in favor of the motion. Rick Gardner abstained as he was not present at the last meeting. **The October 9, 2012, minutes were approved.**

New Business

Director Ellis presented the **Exempt Agricultural Structure Text Amendment**. I would like to codify this resolution into a zoning ordinance to set up a process for these exemptions. Our Attorney has reviewed the amendment for agricultural structures and I have added the following addition to the definition. ***Any building or structure customarily used in connection with a farm other than a residence is an agricultural building or structure.***

The process only consists of a person filing for an improvement location permit with a \$40 fee, and basically all we do is check the setbacks, flood plain area, and right of way. If they want plumbing, heating, sewage or electrical those are all separate permits.

The certificate of compliance that I would issue at the time of completion will protect the County from any liabilities and will become a recorded document and will run with the deed.

There were no remonstrators present.

Member Orick made a motion to adopt the text changes to the improvement location permit 13.7Q Agricultural Structures in our ordinance according to staff recommendations. Member Gardner seconded the motion. Roll call taken, vote was unanimous in favor of the motion.

Director Ellis presented the **Exempt Residential Structures (Log Cabin Rule) Text Amendment** process that he would like adopted. This is all new construction, this is not an existing home that you come in later and try to claim it is under the Log Cabin Rule. It would have to have been originally identified and made eligible under the Log Cabin Rule. We would like to set up a paper process with a recorded document.

Member Gardner asked if there is an existing home and they do a substantial add on can they claim the Log Cabin Rule.

Director Ellis stated they cannot.

Jason Cox stated, from his seat, that he does not understand the Log Cabin Rule to which Director Ellis explained.

Pat Manship made a motion to follow with the Staff Recommendations on Petition 2012-T-001 text amendments in regards to exempting residential structure. Member Isom seconded the motion. Vote was unanimous in favor of the motion.

Amend Racetrack and define Private Off-Road Track, Motor Cross Track, Go-Kart Track, and Car Racetrack

Director Ellis presented his proposal stating that this is a request that started with a hearing with the Board of Commissioner's and a neighborhood that was having a problem with a racetrack being constructed. I was asked to research this and come up with a simple to administer ordinance that protects certain districts and allows it in other districts as a special use.

I am proposing today that we amend the definition of race track to include car racetrack, go-cart track, motor cross track, and private off-road track. These tracks shall be permitted as a special use in the AP, AG, CR and PR zoning districts.

Discussion held with the Board Members and remonstrators (Barry Jackson living at 3580 North 50 West, and Jason Cox living at 363 West 375 North), regarding personal use versus commercial use.

Member Gardner made a motion to table this until next month and allow Mr. Ellis to look and see if he could put some type of wording into it to protect the homeowner as an individual. Member Manship seconded the motion. Roll call taken as follows:

Yes - Rick Gardner, Pat Manship, Wes Likens

No - Rex Etchison, Phil Isom, John Orick, Mark Gary

Board had further discussion that Mr. Ellis should research this further.

Member Etchison made a motion to continue this until the next meeting. Member Manship seconded the motion. Roll call taken as follows:

Yes – Rex Etchison, Rick Gardner, John Orick, Pat Manship, Mark Gary, Wes Likens

No – Phil Isom

Racetrack and Private Off–Road Track Ordinance tabled until the next meeting.

9:59:40 – President Likens stated that we would take a five minute break.

10:06:05 – President Likens reconvened the meeting.

Petition: 2012-Z-001 Public Hearing

Address: TBA

Location: N side of CR 375 N approx. ½ mile W of SR 9

Petitioner: Countryside Village 1 LLC.

Request: Rezone 11.307 acres from Manufactured Home Park (MHP) To Agriculture (AG)

Director Ellis presented his Staff Recommendations for Petition 2012-Z-001. The Petition in front of us today is only to rezone this property from Manufactured Home Park to Agriculture. The Petitioner wishes to turn this property into a seasonal campground, which will be heard by the Board of Zoning Appeals as a Special Use Petition. If this rezone is approved by the Planning Commission and the Board of Commissioners, then under the AG zoning district a Special Use to run a recreational campground can be granted by the Board.

Brad Rayl – 2036 Melody Lane, Anderson. I am one of the owners of this property. Mr. Rayl explained that he is only here today to get the property rezoned to the AG zoning classification. He explained his intent for the 11 acres including the public use of the pond and his barn. There would be no improvements to this property except for a dump station for sewer, water station, and a gravel drive. We would be limited by the state as to the number of camping spaces we could have before having to install a bathhouse and restroom facilities that are required by the state for any campground having 10 or more sites. We would have long term leases on these sites, but would not be selling any sites.

John Capshaw – 3890 North 50 West. I live in the house right next door to the property he wants to do this to. Our concerns are with no wanting to see this next door and the possibility of a privacy fence. If this is approved, we want a privacy fence put up so that we don't have to see it. We live in the country for a reason and that's privacy. We are also concerned with the drive being right next to our property.

Brad Rayl – I feel that this all needs to be talked about, but not at this meeting. We are just asking for a rezone at this time.

Barry Jackson – 3580 North 50 West. One of my concerns has always been that this property could possibly be sold and that the mobile home park would increase in size and run along the back of my property. We live in a dying town and a dying county. If there are no covenants on this property, we are going to end up with 1962 not Air Stream trailers on this lot for eight or nine months of the year creating an unsightly neighborhood. There are plenty of campgrounds around here and we don't need another one. This is an unwarranted need, use or abuse of the property and of the landowners around there. This is something we don't need. This owner has connections in this county, and I don't really want to have to become a problem, but believe me I'm willing to and I will leave it at that.

Jason Cox – 363 West 375 North. I bought my house from the Bolts, and my big thing is we have enough traffic with the mobile home park and I think if we put a motor home park out there it is going to increase the traffic. I have a concern about my go-carts and riding them. They will probably complain about my go-carts and then you are going to come out and see me and I'm not going to be happy. I don't think I should have to put up with that considering I live out in the country. I can understand if it was in the city limits, but I live in the country and shouldn't have to deal with someone like you coming out at telling me that we cannot ride our go-carts in my yard. I pay the property taxes on that so that's all I got. I don't want someone who lives out there only 8-9 months out of the year calling the law on me because I'm making noise in my yard.

Paul Johnson – our property backs up to Tom Wood Honda. I'm behind the Johnson Motel, no relation. I live at 3802 Crystal Street. My concern is with the traffic. It's not unusual for me to have to pick up a TV set along the road; we get a lot of trash thrown out along here. I don't need a lot of extra traffic. If you can guarantee me that it could be patrolled, you can buy my vote, but otherwise I'm satisfied with it the way it is. I have a water problem out there, and 50 years ago they were supposed to fix a tile out there. I know how promises are, and we don't need more than we can control. If you can get my water problem fixed I don't have a problem with it.

Mike Johnson – 3974 North 50 West. I agree with Mr. Jackson, what kind of trailers are we going to get in there; I don't like to look at old trailers. My other concern is with the water. If I understood, is that drainage ditch from the pond legal?

Member Manship stated that this would have to go in front of Drainage Board. But the only thing we are supposed to be discussing is the zoning request. Our road is not in that good of shape and the campers are heavy. We just really don't want to see this in our back yard.

Member Manship suggested that maybe they should consider hiring someone to prove that their property will be devalued versus the current use. That would give us some proof that this would not be the best thing in the neighborhood.

President Likens stated that they were kind enough to come in and tell us up front why they are requesting this to be rezoned, they didn't have to give us any other information as to why they want it rezoned. We can't negotiate any terms in this meeting; we can only recommend approval or denial for this rezone.

Member Etchison stated that we have to think about how this gentleman's property use is most valuable to him. This property is not at its best use right now.

Member Isom made a motion to approve Petition 2012-Z-001 request for rezone of 11.307 acres from Manufactured Housing back to Agriculture that this request per staff's recommendations and forward to the Commissioner's Meeting. Member Etchison seconded the motion

Member Gardner explained to the remonstrators that they need to go to the BZA meeting to put up any road blocks or express their concerns, because that is the time conditions will be placed on the property if it is approved.

Member Manship stated that we will vote on this matter, at which time it would go in front of the Board of Commissioners and they would have to rezone the property before the Petitioner would be able to present his proposal to the BZA Board.

Barry Jackson, Remonstrator said you guys might as well go ahead and vote yes on this and get it over with instead of beating around the bush. I'm gonna just tell you right now though from where I sit and where I stand the good ol boy network in Madison County is not going to go through with this one. So I'm putting myself on the record, I'm going to do whatever it takes, we'll expose whoever we have to expose and we will go from there.

President Likes said if no one else has anything we will go ahead with our roll call.

Roll taken, vote was unanimous in favor of the motion. **2012-Z-001 Approved with a favorable recommendation to be brought in front of the Board of Commissioners.**

Member Orick made a motion to adjourn, seconded by Member Gary.

Adjournment 11:18:27 a.m.

Wesley Likens, President

Elizabeth Bruns, Board Secretary