

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

Members Present: Wes Likens, Mark Gary, Jerry Alexander, Denise Spooner, Lindsay Brown, Rob Steele and John Simmermon (Via TeamViewer)

Members Absent: Olivia Pratt, and Tom Shepherd

Also Present: Larry Strange - Director, Jeff Graham - Attorney, and Stacey Hinton - Board Secretary

Current Business

Prayer – Jerry Alexander

Pledge of Allegiance

Roll call : 7 – Present, 2 – Absent (Olivia Pratt and Tom Shepherd)

Vice President Nomination: Member Spooner nominated Member Gary as Vice President. Member Gary accepted. The motion was seconded by member Brown. Roll call vote take and was unanimous. **Member Gary nominated as Vice President.**

Approval of the December 13th, December 19th, and January 10th board minutes. Member Brown made a motion to accept the minutes as presented for December 13, December 19th and January 10th. Seconded by Member Spooner. **Roll call vote taken. 2 abstain (Rob Steele and Mark Gary) 5 – Yes. Motion approved.**

Old Business

1. Petition: 2022-Z-005
Address: 705 E School Street, Anderson
Location: Richland Township, District 3 Commissioner
Petitioner: Kelly Drews
Landowners: Kelly Drews
Zoning: LI – Light Industrial
Request: A Rezone from LI to GI to bring into compliance in the Light Industrial (LI) Zone District

Director Strange indicated that this a continuation of the petition 2022-Z-005. He stated that he has provided an update in their packets and pointed out that this petition was originally filed in July of 2022 and has been heard a number of times beginning November 7, 2022, and December 13, 2022. Both of these meetings were continued. The February meeting was not held because of missing a 60-day notice which is in the rules that he missed. We have readvertised this petition and have also conducted a Technical Review Committee meeting, so the hearing continues that. Director Strange also gave an overview of the history of the property and several agreements that have been agreed upon by Mr. Drews and the planning department. He also

stated that the planning office classified the operation as a junkyard/salvage yard and determined that Drew's Parts was not in conformance with the zoning code for that property. The petitioner challenged this in an administrative appeal to the Board of Zoning Appeal, who upheld the planning staff determination. The petitioner then applied for a rezoning to General Industrial which would make the business eligible for a special exception to operate under a special use from the Board of Zoning Appeals. The staff position for this rezoning is for an unfavorable recommendation to be sent to the planning commission. Staff does not feel that a General Industrial zoning district is appropriate for this site in a long-range planning perspective. Discussion was had between Director Strange and board members.

After much discussion was had, Member Spooner made a motion for an Unfavorable Recommendation to the Board of Commissioners. Seconded by Member Brown. Roll call vote taken. 4 – No (Rob Steele, Jerry Alexander, John Simmermon and Wes Likens) 3 – Yes (Mark Gary, Denise Spooner and Lindsay Brown) **Motion Fails – Must have 5 votes to pass.**

Discussion was had among Director Strange and Member Alexander and fellow board members regarding favorable recommendation and how it works. After much discussion was had, Member Alexander made a motion, based on the Technical Review boards favorable recommendation, he is proposing that it be passed on to the board of Commissioners for a vote. Seconded by Member Simmermon. Roll call vote taken. 3 – No (Mark Gary, Denise Spooner, Lindsay Brown) and 4 – Yes (Rob Steele, Jerry Alexander, John Simmermon and Wes Likens) **Motion Fails – Must have 5 votes to pass**

Member Alexander made a motion to continue to the April 11th Meeting. Member Brown indicated he would second the vote but wanted to amend the motion to add that the fining process begin since the property has yet to be in compliance. Attorney Graham indicated to Member Brown that he would not be able to add a rider to the motion. Member Brown indicated he would not second the motion then. Member Steele seconded Member Alexanders motion. Roll call vote taken and was unanimous. **Motion Approved. Continued to April 11th.**

Member Brown made a motion that the board start initiating fines on the property that is out of compliance until the next board meeting or until it's brought into compliance. Motion seconded by Member Spooner. Question was raise by board members how to start the process. Director Strange explained the fining process. He indicated that the process does take a while. He went over the timeline in detail. He said based on his staff recommendations, he recommends that once the Board of Commissioners has acted on the rezone petition and following any action by the BZA , then staff proposes the following conditions: All conditions placed on the property, outstanding complaints, review of buffering, landscaping and other site related code issues, other uses on the property, environmental concerns. After discussion, Member Brown withdrew his motion.

New Business

1. Petition: 2023-Z-001
 Address: 5353 North State Road 9, Anderson
 Location: Richland Township, District 3 Commissioner
 Petitioner: Pete Schmitt
 Landowners: Paul e Schmitt II
 Zoning: LI – Light Industrial
 Request: A Rezone from LI to GI to bring into compliance in the Light Industrial (LI) Zone District

Director Strange began going over the next petition when a member of the crowd approached Member Spooner. A brief recess was taken at 10:00 am to take care of the situation and then reconvened at 10:04 am.

Director Strange indicated that the Petitioner for the next petition had taken his daughter out to his car and that he was coming back in. While he was gone, Director Strange went over miscellaneous items on the agenda.

Solar Ordinance update: Director Strange has been meeting with a Sub Committee that includes John Simmermon, Denise Spooner and Olivia Pratt on a revision or new creation of the Solar Ordinance for Madison County. The county currently has an ordinance that was adopted in 2017. A moratorium was put in place by the County Commissioners in 2021 & the moratorium was extended in 2022. Director Strange was then asked to redevelop or revise a new ordinance and has been working with the sub committee on this. They are planning to have 4 open houses to get public input from the Solar Ordinance. Three (3) nights from 4 – 7 and 1 night 3:30 to 6:30. Locations will be Alexandria 4-H fairgrounds, Anderson Library, Pendleton Library and the Lapel Library. The dates for the Open Houses are April 10, 11, 12 and 13. Director Strange indicated that his goal is to have the draft to the County Commissioners by late summer or early fall. His hopes is to have the draft ordinance to them by June or July.

Director Strange indicated that the Petitioner was present and that they could continue with their petition. The request is to rezone 1.17 acres from Conservation Residential to Highway Commercial. In early 2023 petitioner entered into a lease with a pre-manufacture shed company. The property was previously vacant. Under the current use, this use is not a permitted use. Property owner was notified of the violation. The Petitioner came into the office to resolve the situation and was advised that rezoning was required to allow the use. Staff recommendation is based on the information, staff recommends forwarding this petition for the rezoning to the Commissioners with a favorable recommendation if the petitioners agrees to the proposed conditions. Petitioner was present and answered any question they had regarding the pond, what it was used for in the past and what his plans are for it. Remonstrators were present and spoke.

After discussion was had among board members, petitioner and Director Strange, Member Alexander made a motion Favorable Recommendation from the plan commissioner to the Board of Commissioners along with the staff report. Seconded by Member Spooner. Roll call vote taken and was unanimous. **Motion approved.**

FINDINGS

- a. The Madison County Comprehensive Plan and any other applicable, adopted planning studies or reports -
The recommendation on the Future Land Use Map in the Comprehensive Plan is to be a Conservation Residential area, which is intended as described in the plan to be a transition zone from residential and commercial uses to agricultural uses. This project meets that requirement.
- b. The current conditions and the character of current structures and uses in each district – The property is located in a corridor which has a variety of commercial, industrial, and residential uses. It appears that it this use would not conflict with other past and current uses in the corridor.
- c. The most desirable use of which the land in each district is adapted – A viable commercial enterprise on this site would be a desirable use.
- d. The conservation of property values throughout Madison County – The outcome of this project should not have an impact on countywide property values. The current values of neighboring property already reflect the current use of the parcels subject to this petition, and granting this rezone petition should not lower current property values in the proximity.
- e. Responsible growth and development – Taking the project through the rezoning and subsequent planning process supports responsible growth and development with the anticipation of more restrictions on activities being initiated by the Board of Zoning Appeals if the rezoning is approved.

Conditions:

1. An improvement location permit, including a site plan approved by the director, should be acquired after any action by the Board of Zoning appeals as referenced above.
2. The existing house on the property cannot be used for residential purposes without a variance from the BZA.
3. Any site work, including filling the pond on the south end of the property, cannot be done without approval of the Drainage Board.
4. Any future buildings built to be used for office or maintenance must comply with local codes and acquire a state Commercial Design Release (CDR) from the Department of Homeland Security if required. A letter or email stating that a CDR is not needed would satisfy this requirement.

Member Alexander asked if he could be excused, President Likens said yes. Attorney Graham indicated that the petition would go in front of the Commissioner the following week for approval.

Miscellaneous

Director Strange said that the second thing under miscellaneous was the development standards update. When he first started, there was a subdivision proposal that came through and following the resolution, he was asked to create some development standards for the county that would specifically reflect how subdivisions get developed, how they look, what kind of siding they had and all kind of things. Not necessarily just subdivisions, but development standards but the idea

was subdivision. He contacted Rachel Christensen, the former director, HWC is a Consulting Firm. They work with a zoning firm that helps update stuff. He is looking to them for some support and development of standards. They have given him a proposal that he is going to look over. He will pay for it out of Professional fees. Like the Solar Ordinance, he would like to get this completed and the Commissioners by the end of the year. Discussion was had among board members and Director Strange.

Third item is the presentation to bring Nikki Wood to full time. She has been working 3 days a week. Over time he has determined that it is necessary to have a full-time person for the staff. We have applied with the personal committee to hire her full time. We will be transferring money over in order to keep her on part-time until we can get approval to hire her full-time. He experienced first-hand how busy our office can be when Stacey had to take a few days off. There is a process to hire her full time. No approval is needed by the Planning board, this is just for informational purposes. Member Spooner voiced her support for trying to get Nikki hired full-time.

Proposed Pendleton initiative to extend their planning area boundaries. He was invited by Jeff in his role as the Pendleton Attorney to this meeting. Attorney Graham provided the board with more information regarding this meeting. He stated that it would require 4 bodies to approve it. Approval from the Planning commission, approval from the Madison County Board of Commissioners, Pendleton Plan Commission and the Pendleton Town Council. Discussion was had among board members, Director Strange and Attorney Graham. This is all in the discussion stage of things.

Member Spooner made a motion to adjourn, seconded by Member Brown. **Motion approved.**

Meeting Adjourned 10:32:38 a.m.



Wes Likens, President



Stacey Hinton, Board Secretary