

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

Members Present: Wes Likens, Cory Bohlander, John Simmermon, John Richwine, Tom Shepherd, Lindsay Brown, Jerry Alexander and Denise

Members Absent:

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

Current Business

Prayer – Cory Bohlander

Pledge of Allegiance

Roll call : 9 – Present (7 attended in person and 2 via WebEx)

Approval of the September 13th, 2022 board minutes. Member Spooner made a motion to accept the September 13th, 2022, Board Minutes. Second by Member Richwine. Voice call vote taken and was unanimous. **Minutes Approved.**

Approval of the October 11th, 2022 board minutes – Member Brown made a motion to approve the October 11th, 2022 board minutes. Seconded by Member Gary. President Likens indicated he was not at the October meeting so he would not be able to vote on them. Voice call vote taken. 8 – Yes and 1 – abstained. **Minutes Approved**

President Likens indicated that they were going to move items around on the agenda and that they would like to start with the 2nd petition first.

New Business

- 1. Petition: 2022-Z-011
- Address: 0 N State Road 9, Summitville
- Location: Van Buren Township, District 3 Commissioner
- Petitioner: Rhonda Hall, Todd & Stacey Hinton
- Landowners: Rhonda Hall, Todd & Stacey Hinton
- Zoning: AG - Agriculture
- Request: A Rezone from AG to GC to allow for a general retail building to operate in the Agriculture (AG) Zone District

Director Strange presented the Staff report with a Favorable Recommendation to the Board of Commissioners. Director Strange indicated that the petition is a Rezone from CR to GC to allow for a general retail building to operate in the Agriculture Zone District. Staff recommends approval based on the information provided. Director Strange did indicate that if the project is approved by the Board of Commissioners that the following conditions would be suggested:

- 1. Consider restricting use to only those uses allowed in Retail Uses (small and medium scale), which is where in the staff opinion this retail use would be categorized.

2. If the rezoning is approved, the conditions associated with the rezoning should be recorded before a building permit is issued.

Petitioner and Petitioners representative, Andrew Russell, was present and answered questions that board members had. Remonstrators were present and spoke as well.

Attorney Graham did indicate that Stacey Hinton who is the board secretary is co-petitioner on the property and she has no authority.

Discussion was had among board members, Director and Petitioner's representative. After much discussion was had, Member Alexander made a motion to continue Petition 2022-Z-011 for 1 month to explore what the ordinance is regarding golf carts in Summitville and look at the readiness for Fire and Police. Seconded by Member Spooner. Member Spooner would like to know if the developer looked at any other sites for this development. Director Strange will look into this. Member Simmermon would like to know how far from town limits is the location of the proposed development. Answer was 1.2 miles from town limits Roll Call vote taken and was unanimous. **Motion Approved. Petition 2022-Z-004 continued until the December 13th meeting.**

Old Business

1. Petition: 2022-Z-010 – **Continued from July, August & September**
 Address: Multiple Addresses
 Location: Green Township, District 2 Commissioner
 Petitioner: Gradison Land Development, Inc
 Landowners: Gradison Land Development, Inc
 Zoning: AG - Agriculture
 Request: A Rezone from AG to R3 and MC for proposed residential development in the Agriculture (AG) Zone District

Director Strange indicated that this petition has been tabled several times since July. Gradison Land Development has revised their plans and has taken out the apartments and replaced them with town homes. They are also proposing a higher-grade vinyl siding then originally proposed. The Staff's recommendation is for an Unfavorable Recommendation to the Board of Commissioners until the infrastructure questions are more clearly answered and more detailed vision for South Madison, including architectural design standards for zoning districts, is defined. Director Strange did indicate that in the Comprehensive Plan, it was recommended that develop reviews or committees be established for different areas of the county. A South Madison group has formed and has begun that process. Member Shepherd asked if this group would be members of the community. Director Strange indicated its an informal group of government people who have begun talking about it. Some of the people who are in the group are Pam from the Community Foundation of Pendleton, Jessica Bastin, Larry Strange and some representatives from the Town of Pendleton. Petitioner Mark Gradison and Attorney Adam Mears who has been working with Mark Gradison was present and spoke to board members going over the changes to the plans they have made. Several remonstrators were present and spoke.

After much discussion was had between Director Strange, Attorney Graham, Petitioner's and board members, Member Richwine made a motion for an Unfavorable Recommendation to the Board of Commissioners with Staff Recommendations. He also indicated there will be citizens from the county who will be on the South Madison group. Seconded by Member Gary. Roll Call vote taken and was

unanimous. **Motion Approved for an Unfavorable Recommendation to the Board of Commissioners.**

Member Spooner made a motion to direct our Planning Director Larry Strange to reach out to at least 2 members of the community to be added to this board in South Madison County. She suggested Greg Valentine, Lisa Robby and Brian Wiglum (sp). Seconded by Member Brown. Discussion was had among board members. Voice call vote taken was unanimous. **Motion Approved**

New 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 the current petition 2022-Z-005 is a Rezone from LI to GI. The Petitioner is seeking a rezone from Light Industrial to General Industrial so the Petitioner may continue running his existing business (a salvage yard) on this site. If the Petitioner is granted a rezone of the subject parcel, his next step will be to seek a Special Use for a Junk Yard from the Board of Zoning Appeals. Petitioner was present and spoke to board members and answered any questions they had. Several remonstrators were present and spoke as well.

The staff recognizes that this situation has evolved over a decade with complaints from residents, agreements between the petitioner and county, and continuing administrative wrestling over the issues. We are also cognizant of past use, which includes operation of a rail foundry from 1976 – 1999. We believe it unlikely that residential development will occur on this site. It is also recognized the petitioner has dedicated time and money to address the various issues that have come up over this use.

Essentially, there are three options:

- 1. Forward the rezoning request to the Commissioners with an unfavorable recommendation
- 2. Forward the rezoning request to the Commissioners with a favorable recommendation
- 3. Table the request and request the petitioner to apply for a Planned Unit Development (PUD) District. The process involves application to the Plan Commission and is processed through a technical review process as outlined in Section 9.1 of the county code. If the applicant is successful, the district would be zoned as a PD district, with only those uses permitted as are defined in the applicant’s approved development plan. Additionally, performance bonds could be included for the project.

Based on the above, staff recommends that the planning commission consider the third option. It is felt that the PUD would provide an opportunity to work with the developer to create an overall development plan that allows the developer to achieve their business objectives while minimizing community detriment.

If the rezone is approved, staff recommends the following conditions of Rezone (to be recorded with the County Recorder's office):

- Install a Type 3 Buffer yard or equivalent around the entire property exclusive of existing vegetation, subject to the approval of the planning director.
- There shall be no operations outside the hours of 7 a.m. to 7 p.m.
- Drainage issues associated with the operation shall be handled in accordance with existing agreements with the Drainage Board and surveyor's office.
- If the petitioner removes the existing wooded area along the west/southwest/southern property boundaries, the petitioner shall install a Type 3 Buffer yard within one year of the removal.

Much discussion was had among board members, Director Strange, Attorney Graham and Petitioner regarding the PUD and continuing issues with the property. After discussion was had, Member Brown made a motion for an Unfavorable Recommendation to the Board of Commissioners on the General Industrial based:

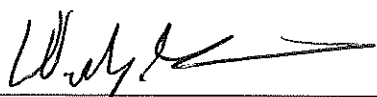
1. It does not fit the comprehensive plan
2. It does have a negative impact on the community and neighbors
3. Property values will decrease
4. There are safety concerns that were brought up by remonstrators

Seconded by Member Spooner. Member Brown indicated he wanted to amend his motion to include the information Member Spooner provided when seconding the motion. Roll call vote was taken. 4 – Yes (Brown, Spooner, Gary & Bohlander) 5 – No (Alexander, Shepherd, Richwine, Simmermon and Likens)

Member Richwine made a motion to continue the petition to the December meeting for the Rezone and have Larry work with the Kelly and the neighbors to come up with a proposal. Then have Larry email that proposal to board members and then discussion at the next meeting. Seconded by Member Shepherd. Roll call vote take and was unanimous. **Motion Approved**

President Likens asked for a motion to adjourn. Member Brown made a motion to adjourn, seconded by Member Shepherd. **Motion approved.**

Meeting Adjourned 1:56:01 a.m.



 Wesley Likens, President



 Stacey Hinton, Board Secretary