

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, John Simmermon, Olivia Pratt, , Tom Shepherd, Denise Spooner, Lindsay Brown and Rob Steele.

Members Absent: Jerry Alexander

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

Current Business

Prayer – Rob Steele

Pledge of Allegiance

Roll call : 7 – Present and 2 – Absent Lindsay Brown and Jerry Alexander

Approval of the October 16, 2023 Board Minutes –

Member Pratt made a motion to approve the October 16th minutes. Second by Member Steele. Voice call vote taken. 6 approve and 1 abstained (Wes Likens). **Motion Approved**

Approval of 2024 Meeting Calendars –

Member Spooner made a motion to accept the 2024 calendar as presented. Seconded by Member Gary. Voice call vote taken and was unanimous. **Motion Approved.**

Old Business

1. Petition: 2023-Z-005
Address: 3313 East State Road 236, Anderson
Location: Union Township
Petitioner: Steven L. Due
Landowners: Steven L. Due
Zoning: AG – Agriculture
Request: A Rezone from AG to HC for retail use and to bring into compliance in the (AG) Agriculture Zone District

Director Strange indicated the first petition is 2023-Z-005. The request is for a rezone from agriculture to highway commercial for retail use and to bring into compliance. Director Strange received remonstrations and read them to board members. Staff's recommendation is a favorable recommendation to the board of commissioners. Petitioner was present and spoke to board members. Remonstrators were present and spoke.

After discussion was had among board members and Director Strange, Member Gary made a motion for a favorable recommendation to the Board of Commissioners with Findings of Fact. Seconded by Member Shepherd. 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 comprehensive plan strongly supports agriculture and agriculture support operations in Madison County.
- b. The current conditions and the character of current structures and uses in each district – The proposed use will not change its relationship with the character of the surrounding area.
- c. The most desirable use of which the land in each district is adapted – A viable commercial enterprise on this site is 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. With the proximity of SR 9 and the general commercial activity along that corridor there is no evidence that this project will have a negative impact on property values.
- e. Responsible growth and development – Taking the project through the rezoning and subsequent planning process supports responsible growth and development if the rezoning is approved.

- 2. Petition: 2023-Z-011
 Address: 7427 West San Marco Drive, Fortville
 Location: Green Township
 Petitioner: Kyle Keith & Jessica Roberts
 Landowners: Kyle Keith & Jessica Roberts
 Zoning: CR – Conservation Residential
 Request: A Rezone from CR to AG in the (CR) Conservation Residential Zone District

Director Strange indicated the next petition is 2023-Z-011. The request is for a rezone from Conservation Residential to operate an existing tree business. Director Strange received remonstrations that he read to the board members. Staff’s recommendation is a favorable recommendation to the board of commissioners. Petitioner was present and spoke to board members. Remonstrators were present and spoke.

After discussion was had among board members and Director Strange, Member Gary made a motion for a favorable recommendation to the board of commissioners with Findings of Fact. Seconded by Member Shepherd. Roll call vote taken and was unanimous. **Motion Approved**

FINDINGS

- f. 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 targets this area for a for a mix of low density residential and some commercial and agricultural activity.
- g. The current conditions and the character of current structures and uses in each district – The location of the property keeps any visual evidence of a business operation at a minimum and with landscaping such as suggested by the petitioner there should be no conflict with the current character of the district.

- h. The most desirable use of which the land in each district is adapted – A viable commercial enterprise on this site is a desirable use.
- i. The conservation of property values throughout Madison County – The outcome of this project should not have an impact on countywide property values. Because a special use will be required for the operation there will be oversight in the future in the event a change in ownership or some other event occurs there will be a process to correct the situation and thereby preserve property values.
- j. Responsible growth and development – Taking the project through the rezoning and subsequent planning process supports responsible growth and development if the rezoning is approved.

- 4. Petition: 2023-TA-001
 Petitioner: Planning Department
 Request: Text Amendment regarding Sewer & Water Requirements

Director Strange stated that the text amendment to the Madison County district standards is to allow businesses to operate without public sewer and water where it is not available. The Health Department already has requirements that you have to operate with appropriate water and septic. Staff's recommendation is a favorable recommendation to the Board of Commissioners. Member Shepherd made a motion for a favorable recommendation to the Board of Commissioners. Seconded by Member Gary. Roll call vote taken and was unanimous. **Motion Approved**

- 5. Petition: 2023-TA-002
 Petitioner: Planning Department
 Request: Text Amendment for Solar Ordinance

Director Strange stated the text amendment to the Madison County zoning ordinance is regarding Solar. The proposed ordinance will replace the existing ordinance if adopted by the County. Staff's recommendation is a favorable Recommendation to the Board of Commissioners. Director Strange read a remonstrator letter. Discussion was had among board members and Director Strange. Remonstrators were present and spoke.

10:47 a.m. Secretary Hinton let President Likens know that Member Lindsay Brown had to leave the meeting and that he left at 10:22.

After discussion was had among board members and Director Strange, Member Spooner made a motion to amend the Solar Ordinance Property Value Guarantee section with the following amendments:

Page 15,

1. Insert "nonparticipating" in the first sentence of the property value guarantee between the words "all" and "residents".
2. Adding a mechanism that states "No permit for construction shall be given by any department until all property value guarantees have been filed with the Planning Department of the county".
3. A bond shall be required in the amount of 3% of the assessed values of these properties in a three-mile range for the life of the project.

Seconded by Member Pratt. Roll call vote taken and was unanimous. **Motion Approved**

Member Spooner made a motion to amend the language on pages 16 and 17 to reflect the proper setback of 400 feet and 450 feet only for nonparticipating homeowners of the entire project. Seconded by Member Simmermon. Roll call vote taken and was unanimous. **Motion Approved**

Member Spooner made a motion to adopt a 3 mile no SES Commercial Medium and Commercial Large shall be within 3 miles of a floodplain, rivers, creeks, streams or natural flowing well. Seconded by Member Pratt. Roll call vote taken and was unanimous. **Motion Approved.**

Member Spooner made a motion to strike the newly added language regarding variances on page 3 of the ordinance. Seconded by Member Pratt. Roll call vote taken and was unanimous. **Motion Approved.**

Member Spooner made a motion to accept the ordinance and make a favorable recommendation to the Board of Commissioner's with changes made as of November 14, 2023 the draft as present to the commission ordinance number 2023-BC-0. Seconded Member Pratt. Roll call vote taken and was unanimous. **Motion Approved**


Miscellaneous:

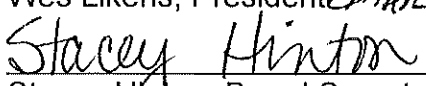
No other business

Adjournment

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

Meeting Adjourned 12:00:18 p.m.



 Wes Likens, President *MARK GARY, V.P.*


 Stacey Hinton, Board Secretary