

AREA PLAN COMMISSION MEETING

JUNE 9TH, 2021

6:00P.M.

**ROLL CALL:** Jeff Amos, Kenny Aulbach, Denny Corn, Vice President, Ron Jarman, Kelly Land, Tom Monka, Justin Orme, Mary Richardson, Marvin Rees, President. Also present were Geoff Wesling, Attorney, Gregg Duke, Director, and Linda Ashwill, Assistant.

**APPROVAL OF MINUTES:** May 12th, 2021 Marvin asked if there were any corrections or additions to the minutes as presented. Hearing none, Denny makes the motion to approve the minutes as written. Seconded by Ron. All were in favor. Minutes approved for May.

**NEW BUSINESS:**

**1. APC-2021-21 Richey Trust** and agent Andy Scholle requested a one-lot subdivision located at 4,000 block West 900 South in Orange Township. Parcel # 70-14-16-400-001.000-005. The original parcel of land is 98.7 acres. The proposed subdivisions from the original parcel would be 2.143 acres leaving the parent parcel with 96.557 acres. The land is being subdivided for a new building lot. Staff recommendation since there a variance is not required is to recommend primary and secondary plat approval. Andy Scholle was representative for the Rickey's. There were no Board or audience questions. Jeff made the motion for approval for this primary and secondary plat approval. Seconded by Ron. All were in favor. Motion carried for this subdivision.

**2. APC-2021-22 Barry and Bobbi Linville** requested a rezone for property at 114 South Pillsbury Street in Milroy. Parcel # 70-14-13-201-008.000-001. Presently this parcel is zone Manufacturing. The Linville's want this zone to Residential. The Linville's potentially would like to have a dwelling on the lot. Manufacturing designation prevents this. When platted, it was likely expected to be a residential neighborhood based on the size of the lots. The purpose of planning and zoning in Rush County is to improve the health, safety, convenience, and welfare of the citizens and to plan for the future development. Staff recommendation was to recommend this rezoning. Denny asked Mr. Linville if he had ever used the property for anything commercial. Mr. Linville stated he had not. He and his wife had just purchased it in March. Gregg stated the Linville's would have to go before the BZA if rezoned to residential for a special exception to be used as a commercial property. There were no further questions from the Board and none from the audience. Mary made the motion for a favorable recommendation to go to the Commissioners. Seconded by Ron. All were in favor for the favorable recommendation.

**3. APC-2021-24 Barbara Dishman** is requesting a two-lot subdivision located at 1521 East 1000 North in Center Township. Parcel #70-03-16-200-002.000-002. The original parcel of land is 16.996 acres. The proposed subdivisions from the original parcel would be 3.832, and 8.644 acres leaving the parent parcel with 2.359 acres. The land is being subdivided for estate planning. Planning recommended primary and secondary plat approval. Mrs. Dishman stated she wanted this divided for her children for when she passes. She is just trying to get things taken care of. Mary did have a question if this was currently farm ground. Mrs. Dishman stated she only had six acres tillable which she did rent out. This subdivision would include some farm acreage, but it will still be farmed for the present time. Mrs.

Dishman said it would be quite a while before one of her sons builds a house and it would and it would be on the back side of property. Ron made the motion to approve this two lot subdivision or primary and secondary plat approval. Seconded by Kenny. All were in favor. Subdivision was granted.

**4. APC-2021-25 Christopher Hadley** requested a property rezone of two parcels at 717 Henley Avenue in Ripley Township. Parcels # 70-01-24-477-004.000-009 and 70-01-24-477-005.000009. Mr. Hadley requested this rezone from Mobile Home (MH) to Residential (R). Mr. Hadley would like to construct a dwelling on one of the parcels, but a Mobile Home District does not allow a dwelling. Gregg stated this property was originally zoned Residential in 1974. Planning recommended rezoning these parcels to Residential. Gregg also pointed out there are two houses built in this mobile home district which currently is not allowed. After discussion from the Board and no discussion from the audience, Kelly makes the motion for a favorable recommendation to the Commissioners to rezone these parcels to residential. Seconded by Ron. All were in favor. A favorable recommendation to get send to the Commissioners.

**5. APC 2021-26 Marcia Jarman and Larry Wilson** with agent Andy Scholle requested a one lot subdivision located in the 4,000 block of South 365 South East in Noble Township. Parcel # 70-11-26-400-005.000-004. Ron recluses himself from this participation. The original parcel of land is 108-5 acres. The proposed subdivision from the original parcel would be 3.204 acres leaving the parent parcel with 105.296 acres. The land is being subdivided for a new building lot. Staff recommendation since there will be no variances is to recommend primary and secondary plat approval. Justin asked if the north left hand corner location from the barn is currently farm ground. Marcia stated it was pasture area. There were no further questions form the Board. No questions from the audience. Denny made the motion to approve primary and secondary plat. Seconded by Jeff. All were in favor. Primary and secondary plat approval was granted for this one lot subdivision.

Tom made the motion and seconded by Kelly to close the public hearing. All were in favor.

#### **Old Business:**

**Attorney:** Geoff said he had nothing.

**Director:** Gregg pointed out to the Board Surveyor Andy Scholle's picture that shows the flood plan. Currently there is no underlying zoning in this zone. There is no area, frontage or anything like that. In essence there is nothing that regulates the size shape or anything in a flood zone. This is not even though the Subdivision Control Ordinance. What Gregg is asking for and what he plans to do, which he and Cathy, GIS administrator, have talked about, and what he is requesting, is to pay an outside consultant to come in and help him correct the entire county flood plan. What they would do is to strip away the flood plain and see where the areas are that don't have zoning listed. They would go parcel by parcel and list of parcels and rezone all the property that currently have no underlying zoning. Most of this would be paid by Sidwell's contract in which we have a certain amount of hours every year for maintenance that we usually don't use. Gregg stated he has in the budget for planning and operations, etc., if it exceeds Sidwell's time. He just wanted to give the Board a heads up to see if there were any objections to this. Geoff said he didn't hear any objections, so he was good to go with this project. The other thing Gregg bought up was to discuss the red line document with the zoning changes. He aid we have three options: 1. further discuss tonight. 2. We can put it back and study a little bit more individually. He stated no one had sent anything to him recommending anything. 3. We could set a

public hearing for next month for the proposals. Tom brought up about the height of a fence and sign language. He stated it's usually the small things that create problems. Gregg said he would ask anybody else that has suggestions to please give them to him. He stated the Board had done the major changes in this book. The A-3 zone changes, wireless changes, and alternate energy changes. Jeff asked if the solar panels proposed if they are still talking about is not going to turn into something like the windmills. Denny said the meetings he had been to it hasn't been. Jeff stated he didn't want the county to be split up again. Gregg stated everything he has seen people in county are not against solar. He feels pretty comfortable going forward. There is nothing that has come across his desk that says red flag so far.

**Adjournment:**

Marvin asked for a motion to adjourn. Ron makes the motion to adjourn. Seconded by Tom. All were in favor. Meeting adjourned 6:42 P.M.