

THE SHELBY COUNTY COMMISSIONERS MET AT 1:00 P.M. ON MONDAY APRIL 7, 2008. PRESENT WERE COMMISSIONERS NEWTON, LAIRD, MOHR, COUNTY ATTORNEY AND COUNTY AUDITOR.

MINUTES:

MOTION TO APPROVE MINUTES FROM MARCH 31, 2008 WAS MADE BY MOHR SECOND BY NEWTON APPROVED 2-0-1 (LAIRD).

CLAIMS:

N/A

TRANSFERS AND ADDITIONALS:

N/A

PLAN COMMISSION:

AMY DILLON PRESENTS THREE REZONING REQUESTS:

1. BOWEN ENGINEERING CORP. @ 3854 W 400 N, FAIRLAND, IN BRANDYWINE TWP. BOWEN ENGINEERING PETITIONED THE PLAN COMMISSION TO REZONE THIS PROPERTY. AT THE PRESENT TIME THEY HAVE SPLIT ZONING M-1 FOR ONE HALF AND M-2 FOR THE OTHER. THEY WOULD LIKE TO HAVE THE ENTIRE PROPERTY A M-2 ZONE. ON MARCH 25, 2008 THEY APPEARED BEFORE THE PLAN COMMISSION FOR THEIR PUBLIC HEARING AND WE HAD 8 MEMBERS PRESENT. TONY CROWE AND DYLAN LAMBEROMONT OF MD WESSLER AND ASSOCIATES WERE PRESENT TO GIVE A FORMAL PRESENTATION. PUBLIC COMMENT WAS SOLICITED AT THE MEETING ONE LADE MRS. ROBERTSON HAD A COUPLE OF QUESTIONS AND THEY ANSWERED THEM AND SHE WAS HAPPY. AFTER SOME DISCUSSION PLAN COMMISSION VOTED TO FORWARD A FAVORABLE RECOMMENDATION TO THE COUNTY COMMISSIONERS. THAT WAS APPROVED WITH A VOTE OF 8-0. THERE WERE NO STIPULATIONS ATTACHED TO THE RECOMMENDATION. MOTION TO APPROVE REZONE MADE BY MOHR SECOND BY LAIRD. APPROVED 3-0 ORDINANCE NUMBER 2008-09

2. CARL MOHR @ 2959 E. BLUE RIDGE ROAD, SHELBYVILLE, IN ADDISON TWP. CARL AND BEVERLY MOHR PETITIONED THE PLAN COMMISSION TO REZONE THIS PROPERTY FROM AGRICULTURAL TO RESIDENTIAL DEVELOPMENT R-1. ON MARCH 25, 2008 THEY APPEARED BEFORE THE PLAN COMMISSION FOR THEIR PUBLIC HEARING. AT THIS TIME WE HAD 7 MEMBERS TAYLOR SUMERFORD EXCUSED HIMSELF FROM THE HEARING DUE TO A CONFLICT OF INTEREST. TOD MOHR P.E. OF ENGINEERING VISION AND STEPHEN BONIFIELD WERE PRESENT TO FIVE A FORMAL PRESENTATION. PUBLIC COMMENT WAS SOLICITED AT THE MEETING FIVE INDIVIDUALS MADE FORMAL COMMENTS. AFTER SOME DISCUSSION BY THE PLAN COMMISSION WITH STIPULATIONS AS FOLLOWS:
 - a. SHOULD THE DEVELOPMENT OF THE SUBDIVISION NOT COMMENCE WITHIN TWO YEARS, THEN THE PROPERTY SHALL REVERT TO ITS ORIGINAL A, PRIME AG. CROPLAND, ZONING DESIGNATION.
 - b. THE PROPOSED DEVELOPMENT SHALL BE BUILT WITH SANITARY SEWERS AND CONNECT INTO THE CITY OF SHELBYVILLE'S SANITARY SEWER SYSTEM.
 - c. NO MORE THAN THIRTY LOTS SHALL BE CREATED ON THE OVERALL PROPERTY.
 - d. THE LOTS SHALL NOT BE SMALLER THAN 0.8 ACRES IN SIZE
 - e. THE PETITIONERS SHALL BE RESPONSIBLE FOR MODELING THE FLOODPLAIN AND THE FLOOD ELEVATIONS FOR LEWIS CREEK IN RELATION TO THE SUBJECT PROPERTY.

LAIRD THEN ASKED WHAT WERE THE PUBLIC COMMENTS ON THIS PROPERTY. DILLON REPLIED THAT THERE WERE A LOT OF DRAINAGE CONCERNS, WHICH WILL BE ADDRESSED DURING THE PLATTING PROCESS. NEWTON THEN ASKED IF THE ONLY ACCESS ROAD WOULD BE ON BLUE RIDGE ROAD; AT THIS TIME YES (DILLON). NEWTON THEN ASKED AT THIS TIME ARE THERE ANY PLANS FOR ACCESS TO MICHIGAN ROAD. DILLON SAID NOT AT THIS TIME. THEY ARE ONLY ASKING FOR DEVELOPMENT OF THE WEST AND NORTH SIDE OF THE CREEK. MOHR ASKED IF THE TILE THAT RUNS THROUGH THERE HAD BEEN ADDRESSED? DILLON SAID THEY ARE AWARE THAT THIS IS A LEGAL DRAIN AND THEY WILL TAKE THAT INTO CONSIDERATION DURING THE PLAT PROCESS. NEWTON ASKED IF THEY ARE PLANNING ON PUTTING CITY WATER IN THERE, YES. MOTION TO APPROVE MADE BY LAIRD SECOND BY MOHR. APPROVED 3-0 ORDINANCE NUMBER 2008-10

AT THIS TIME KENNETH ROELL ASKED IF THERE WAS ANYTIME FOR PUBLIC COMMENT. MY SISTER AND I OWN LAND DIRECTLY NORTH OF THIS. HE PRESENTED THE COMMISSIONERS PICTURES OF LAND OVER THE LEGAL DRAIN AND TO THE NORTH. THERE ARE WATER ISSUES HERE; THIS FARM HAS BEEN IN HIS FAMILY FOR OVER 120 YEARS. WHAT I'M CONCERNED OVER IS THAT DRAIN. THE MAP SHOWS THE NEW DRAIN HAVING MULTIPLE OWNERS. WHAT IS GOING TO HAPPEN THEY WILL PLANT TREES AND BUILT BUILDINGS OVER THIS DRAIN? THIS WILL CREATE ALL KINDS OF PROBLEMS AND WHO WILL TAKE CARE OF THIS AND FIX IT. THIS IS A COUNTY LEGAL DRAIN AND THERE WILL BE EASEMENTS AND THEY WILL NOT BE ABLE TO PUT ANYTHING WITHIN THE EASEMENT OF THE DRAIN. WHAT MR. ROELL CAN SEE HAPPENING IS FIVE YEARS FROM NOW THE SECOND OWNER WILL COME THROUGH AND SAY I DIDN'T KNOW ANYTHING ABOUT THIS. WHAT THEY CAN DO IS, THEY HAVE TO COME BACK TO US AGAIN, BECAUSE THE SUBDIVISION HAS NOT BEEN APPROVED YET, JUST THE REZONE. EVERYTHING WILL HAVE TO BE APPROVED CONTINGENT UPON DRAINAGE REVIEW AND EVERYTHING ELSE. NEWTON SAID THEY COULD PROBABLY PUT A STIPULATION IN THERE TO MAINTAIN THAT DRAIN. MOHR THEN ASKED HOW BIG THE TILE WAS. IT IS 10" MOHR SAID THAT IS TOO SMALL. ANOTHER PROBLEM WITH THIS TILE IS THAT IT IS VERY SALLOW. NEXT CHRIS DENNIS SPOKE OF HIS CONCERNS ABOUT THE DRAINAGE AND ALSO OF BEING ANNEXED INTO THE CITY. THEY LIVE ON BLUE RIDGE ROAD DIRECTLY ACROSS FROM THIS PROPOSED SUBDIVISION. NEWTON SAID HE DIDN'T THINK THAT THEY CAN ANNEX THIS INTO THE CITY BECAUSE THIS PROPERTY IS NOT CONNECTED TO THE CITY. MY ONLY OTHER CONCERN IS THE ROAD ISSUES, THIS ROAD IS VERY NARROW AND IF YOU MEET A TRACTOR THERE IS NO PLACE TO PULL OFF OF THE ROAD, AND THE BLIND BEND IN THE ROAD. NEWTON ADVISED EVERYONE THAT TODAY WAS JUST A REZONE AND THEY WILL HAVE TO COME BACK AGAIN. YOU WILL BE NOTIFIED AGAIN WHEN THIS ISSUE COMES BACK BEFORE US.

3. MIKE BOWMAN PETITIONED THE PLAN COMMISSION TO REZONE LAND AT 2750 SOUTH MILLER STREET, SHELBYVILLE IN SHELBY TOWNSHIP FROM PRIME AGRICULTURAL TO DESIGNATION R1. ON MARCH 25, 2008 HE APPEARED BEFORE THE PLAN COMMISSION WITH JEFF POWELL, L.S. FOR THEIR PUBLIC HEARING EIGHT MEMBERS WERE PRESENT AND PARTICIPATED IN THE HEARING. JEFF AND MIKE PRESENTED THEIR PRESENTATION TO THE BOARD. PUBLIC COMMENT WAS SOLICITED AND THIS TIME THERE WERE EIGHT INDIVIDUAL MADE FORMAL PUBLIC COMMENT. AFTER THE PUBLIC COMMENT THE COMMISSION ASKED LOTS OF QUESTIONS OF THE PETITIONER AND HIS REPRESENTATIVE. A MOTION WAS MADE TO VOTE ON THE PETITION AND TO FORWARD A FAVORABLE RECOMMENDATION ON TO THE COUNTY COMMISSIONERS. WITH SEVERAL DIFFERENT STIPULATIONS:
 - a. SHOULD THE DEVELOPMENT OF THE SUBDIVISION NOT COMMENCE WITHIN TWO YEARS, THEN THE PROPERTY SHALL REVERT TO IT ORIGINAL A, PRINT AG. CROPLAND ZONING DESIGNATION.
 - b. THE PROPOSED DEVELOPMENT SHALL BE BUILT WITH SANITARY SEWERS AND CONNECT INTO THE CITY OF SHELBYVILLE'S SANITARY SEWER SYSTEM.
 - c. NO MORE THAN THIRTY LOTS SHALL BE CREATED ON THE OVERALL PROPERTY.

- d. THE LOTS SHALL NOT BE SMALLER THAN .75 ACRES IN SIZE.
- e. ONLY ONE INGRESS/EGRESS SHALL BE PERMITTED TO THE DEVELOPMENT FROM MILLER STREET/COLUMBUS ROAD.
- f. THE PLAN COMMISSION STIPULATED THAT THE ENTIRE PROPERTY SHOULD NOT BE REZONE TO R-1. ONLY THE WESTERN HALF OF THE PROPERTY SHOULD BE REZONED TO R-1. THE PETITIONER WILL PROVIDE A LEGAL DESCRIPTION AND A DRAWING SHOWING THE AREA THAT SHOULD BE REZONED TO R-1 (THIS WILL BE PROVIDED TO THE COMMISSIONERS AT THE COMMISSIONERS MEETING).

NEWTON ASKED IF WE MAKE IT 25 FEET FROM THE TILLABLE ACREAGE CAN THEY STILL MEET THE ¼ ACRE LOT SIZES. DILLON RESPONDED THAT THEY WILL. MOHR THEN ASKED IF THEY WOULD HAVE CITY WATER OR WELLS. DILLON SAID THE PLAN COMMISSION DIDN'T ADDRESS WATER OR WELL, PRIMARY CONCERN WAS SEWER OR SEPTIC. THEY WILL HAVE TO DESIGN DRAINAGE. THEY WILL HAVE TO GO THROUGH THE FULL PROCESS. NEWTON ADVISED THAT THE PLAN COMMISSION NEEDS TO START LOOKING INTO SOME OF THESE ADDITIONS ROADS. HE WAS TOLD THAT THE SHELBYVILLE FIRE DEPARTMENT IS LOOKING INTO A NEW FIRE TRUCK AND THEY ARE ALREADY HAVING A HARD TIME WITH THE OLD TRUCKS GETTING THEM TURNED AROUND IN THE ADDITIONS. AMY ADVISED THEY ARE LOOKING INTO THIS. THE PUBLIC AT THIS TIME ASKED TO SPEAK. FIRST WAS GARY WILKINSON 2942 S MILLER STREET, DID YOU SAY THEY PURPOSED THIRTY LOTS DILLON THEN SAID NO MORE THIRTY. HE IS AGAINST THE THIRTY LOTS. ALSO HE IS CONCERNED ABOUT THE WELLS. HE WOULD LIKE THAT THEY PUT A STIPULATION ON STORM SEWERS AND WELLS. IF WE GET 18 MORE HOMES AND THE PEOPLE OUT THERE HAVE SHALLOW WELLS THEY WILL BE IN TROUBLE. NEWTON ADVISED MR. WILKINSON THAT HE CAN'T DO AT THIS TIME. THEY WILL HAVE TO WAIT UNTIL PLANS ARE PRESENTED. MOHR TOLD MR. WILKINSON THAT MAYBE WHEN THEY COME BACK WITH DRAINAGE ISSUES MAYBE THIS CAN BE A JOINT EFFORT TO FIX THE WATER ISSUES. NEXT RITA KOCHER 2900 S. MILLER STREET, THAT WATER DRAINS DOWN RIGHT IN FRONT OF OUR HOUSE LIKE A RIVER. WE MAINTAIN THE BOTTOMS JUST TO KEEP IT LOOKING NICE. THERE IS A DEEP GULLY GOING DOWN TO THE BOTTOM. SHE IS NOT SO CONCERNED ABOUT THEM BUILDING THERE, BUT THEY NEED CITY SEWAGE AND WATER. NEWTON ADVISED HER THEY HAVE TO HAVE CITY SEWAGE, BUT THEY CAN'T STIPULATE THE WATER AT THIS POINT. DILLON WANTED TO CLARIFY THAT THE INTENT THE TOP PART IS ONLY TEN ACRES, PLAN COMMISSION MADE IT VERY CLEAR THAT YOU CANT FARM THE SLOPE OF THIS PROPERTY, SO THE COMMISSION SAID THAT TO THE TOE OF THE SLOPE AND DOWN INTO THE TILLABLE ACREAGE SO THERE IS A USEABLE BACK YARD. DEVELOPERS WOULD LIKE TO HAVE WALKOUT BASEMENTS. DILLON THEN LET THE COMMISSIONER KNOW THEY CAN STIPULATE THAT THEY MUST HAVE CITY WATER. MOTION MADE TO APPROVE WITH A STIPULATION OF THEY MUST PUT CITY WATER IN AND USE THE 25 FEET OUT INTO THE TILEABLE ACREAGE BY LAIRD, SECOND BY MOHR. APPROVED 3-0. ORDINANCE 2008-11

DILLON THEN REQUEST APPROVAL AUTHORIZATION TO PROCEED ON THE CARL MOHR PROJECT AND THE MIKE BOWMAN PROJECT. THIS WILL BE AFTER THE PRELIMINARY PLAT CONSTRUCTION PLANS ARE SUBMITTED, TO GO AHEAD AND FORWARD THESE ON TO GREG. MOTION TO APPROVE MADE BY MOHR SECOND BY LAIRD. APPROVED 3-0

MISCELLANEOUS:

N/A

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD. A MOTION TO ADJOURN WAS MADE BY MOHR SECOND LAIRD. APPROVED 3-0

AYE

NAYE

Sydney
David Mohr
David Laird

ATTEST:

Amy L. Glackman
AMY L. GLACKMAN
SHELBY COUNTY AUDITOR