

Decatur County Area Plan Commission
May Minutes 2019
1st Floor Meeting Room of Decatur County Courthouse

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Jay Hatton at 7:00 p.m. on Wednesday, May 1, 2019. There were 8 board members present with Jeff Hermes absent. Also attending was Melissa Scholl – APC Attorney, Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant and Rick Nobbe – Decatur County Commissioner.

Jay Hatton opened the meeting and read the following: *To comply with Title VI of the Civil Rights Act of 1964, Decatur County requests that participants in this meeting complete a voluntary, anonymous survey that is available on the table in the back of the room.*

A copy of the meeting agenda and the attendance registrar is attached to these minutes and incorporated by reference. By consensus, the APC Board approved the minutes for the meeting on March 6, 2019 as written and mailed.

* **APC Petition 2019-5 – Johannigman Rentals LLC / Bob Johannigman** is petitioning to

1. **“Rezone”** 5.963 acres from an A-1 zoning classification to a B-2 zoning classification to use for his business.
2. **“Rezone”** 0.321 acres from an A-1 zoning classification to a B-2 zoning classification to rent existing office space.

These requests falls under the Decatur County Ordinance **Section #1125**. The property is owned by the petitioner and is located at 1121 E Main Street, Greensburg in **Washington Township**.

Paul Stone abstained from hearing and voting on this petition and left the meeting. Bob Johannigman stated that he wished to rezone 5.963 acres to use the area as an off-site from his current business site to have a place to store his equipment and materials to be close to job sites in Greensburg and Indianapolis and also for future investments. Will store some stone and dirt there. **Ryan**; is it your intent to fill and make this lot level? **Bob**; yes. **Ryan**; I wasn’t involved in a past decision but have taken a lot of what was done down on Hwy 46, I’m concerned with what is allowable and what is not. **Bob**; I’m hoping to get permission first instead of asking for forgiveness. **Ryan**; I just needed some clarification. **Melissa**; I don’t think the ordinance speaks specifically about what you can use to bring a property to a higher grade, we have drainage ordinance requirements that will impact the grade or changes to the contour of a piece of property. There is environmental issues, depends on what you are bringing in, is it allowed by State agencies, there is a lot of factors, it’s not a one and done. **Krista**; he can’t do anything in the flood plain area unless is gets approved by DNR. If they change any part of that it will have to be sent to DNR and FEMA to change the flood plain area. **Andy**; even in the area of flooding and bringing in the stone and concrete you cannot raise it down in the flood area. **Jay**; are you planning water retention ponds? **Bob**; at this point no because I’m not going to put a building in, we will keep in grass for now. **Jay**; if you do build you will have to get a building permit for that. I’m a little confused going back on the Leising deal, when it went through you couldn’t change what was already done, I’m confused with why that was even an issue to fill, what

Leising did, and are we setting a precedent that any piece of ground that doesn't fall in a flood plain, you can haul in there whatever you want as long as IDEM says it's ok. **Melissa**; Leising came back to re-zone, his use was not appropriate for the zoning and the drainage issues because of the way it was filled, there was a contour of how the water flowed. **Jay**; the LP Gas sales also put it in a different zoning. **Tom**; is the purpose to build or just to dump material? **Bob**; no, yes and no. I'm not planning on just dumping there, I will be building it up so that it is something that can be buildable, more usable space. My intention is to get the flood plain out or at least know where it is so that I don't make sure that I don't get into the flood plain. We are just trying to be proactive. **Jay**; I can see the benefit of keeping supplies closer to town and easier access.

Audience: Janet Colson; I live on Main Street and was wondering how this will hurt property values of our homes and the flood plain does come up farther than they are acting. As far as access to the property, when you turn by the old beauty shop it's hard to see around the corner with a dump truck. Will there be another access down by our houses, the noise, dirt, sound, dust, etc. **Andy**; when we talk about flood plain, we are talking about FEMA's flood classification, the water may come closer behind your house but based upon FEMA's mapping, the flood plain does not go that far. There is a little bit of a difference there. **Janet**; is it worth putting that kind of project there behind people's homes here in town? **Jay**; I will ask Bob if he could address some of her questions. **Bob**; the access will be from the old beauty shop, no other entrance, we will clean up some brush to eliminate blocking the view from pulling out. As far as the land fill goes we are not putting a landfill in there, hope to store stuff mainly behind our property and to the east. We won't have trash and piles of asphalt there, it will mainly be dirt, gravel, pipe and material for our business. We are not into having a landfill. **Jay**; it won't be any different than the Dec. Co. Hwy. department across the road. **Andy**; I know your business and the Hwy. Dept. has the area where they keep their pipes and materials, that is what I am picturing what you would have over on this property. **Bob**; yes. **Janet**; do you agree it's going to hurt property values? The highway garage I can see that, there are no homes around it. I'm sure you won't want this in your backyard either. **Jay**; are you going to be changing the use of the land Bob behind those two homes? You said you would leave that in hay, you don't need all of that. **Bob**; no. **Jay**; he is trying to do his due process to have it rezoned, to utilize the land for the purpose he bought it for. To say it is not important for him to be disturbing of you, I think that is a very good point, he has to be a good neighbor and **Janet**; do you see it hurting property values? **Jay**; I think everyone has a different opinion on that, everyone reacts differently so I can't say yes or no because I'm not a realtor and I don't see what he is doing in his current location has changed those property values. He has a location on 421 south. There are houses close to him. **Ryan**; there is one on the corner and one to the south. The unfortunate thing for you ma'am is that you are living right between businesses. If your house had no businesses to the east, we would probably not be zoning businesses there. I do agree that Bob does has to be a good neighbor and has to clean things up, if he brings fill in there, he needs to grade it and make it look like a parking lot. He will have a hard time getting a landfill in this location.

Jay; so for the second part of the petition for the 0.321 acres. Bob stated that he would like to rent the space out as a beauty shop (it has been 10 years since it's been occupied) or some type of business or office space. **Jay**; you are trying to correct the zoning since you now own the business. **Bob**; yes. **Ryan**; was it always under a special exception? **Krista**; it was grandfathered in. **Jay**; so this just clears up the zoning so it is current. **Krista**; after the business has been closed for ten years it reverted to an A1, so he needs to rezone it to the proper zoning classification.

Ryan Kennelly made a motion to vote on APC 2019-5 on Part 1 consisting of 5.963 acres from A-1 to B-2; Todd Mauer seconded the motion. With Paul Stone abstaining from hearing and voting on this petition, the vote for part 1, the remaining 7 members present voted yes. And for Part 2 consisting of 0.321 acres from A-1 to B-2, with Paul Stone abstaining from hearing and voting on this petition, the vote for Part 2, the remaining 7 members present voted yes.

*** APC Petition 2019-6 – Dan Schwering is petitioning to “Sub-divide” and “Re-zone” approximately 12.76 acres out of 70.72 acres from an A-1 zoning classification to an I-1 zoning classification to move his sawmill business. This request falls under the Decatur County Ordinance Section #1206. The property is owned by the Steve & Jane Hockaden and is located at 1092 S CR 600 E, Greensburg, in Salt Creek Township.**

Andy Scholle abstained from hearing and voting on this petition and left the meeting. Dan Schwering stated that he is requesting to move his sawmill business to this location from 400 S in Decatur County to 600 E. He has been in business for about 20 years and has outgrown the current location. Has been looking for a place to relocate for the past 4-5 years. We would like to move the sawmill production and our log yard to this proposed site. **Jay;** there would be no more sawmill business on your current locations? **Dan;** that is correct. **Jay;** this property meets your requirements for electric and water and accessibility is definitely enhanced from where you are at. If you know where he currently is, he is buried in our county. **Dan;** yes. **Jay;** currently a farm field and buildings there that you are attracted to for your business. **Ryan;** is there a reason why this is laid out right in the middle of the field. We are interested in conserving farm ground, maybe put it in the corner from 100 and come back vs. Hockadens still owning on both sides. **Dan;** it has been a request that Mr. Hockaden retain the corner piece, just east of 600 S and 100. That is at his request, another reason is for efficiency, we like to keep the log yard and the lumber as close to the production building as we can. We are proposing a 2 acre log yard and it will be under gravel. The rest we will maintain as a farm field as long as we can. There is a new septic system that has to go in and we have to stay out of the septic field. There is drainage that goes from the main building and a catch basin drains southeast to the corner of the property, again why we laid it out that way so it drains. To maximize efficiency and take advantage of the drainage. **Jay;** I believe that the building has to be state inspected, and a state approved septic so you are under a completely different set of rules than the normal person. **Ryan;** so you are talking about using 5 acres? **Dan;** yes, the current gravel lot, probably a shop or storage area, the main facility is a 48' x 130' that we plan on turning into our main sawmill site for production. It does have office, restroom and breakroom already set up. **Paul;** so the remainder of it then, where does the 12.76 acres come from? **Dan;** it leaves room for us to expand. **Paul;** basically the current plan would be to operate out of the entrance and exits that are there. **Dan;** yes, we have talked to Mark Mohr about it and he has approved the good line of site, his comment was that he would rather see us there than our current location. We are a 15 minute drive from any highway. They are looking at a little bit of storm water runoff under the road that could be a potential issue and the county is well aware of that. **Jay;** how will you address the runoff from your lot to the perimeter of this field? **Dan;** there will be a catch basin put at the center or the corner of the property, because of the fall it will likely go on the southeast corner. There is currently 2 - 8" tile that run the whole length of that. I have met with ASCS office, they ran the numbers and feel they can handle that. We have quotes on 15" tiles that will run the

length of the field and/or a retention pond. **Jay**; what about a perimeter drain around this, again we are learning because mistakes have been made, how do you feel about a perimeter drain to ensure that the property that is going to remain into agriculture doesn't have the run off onto it? **Dan**; for one we won't have the near the buildup. There is decent amount of fall, close to 10' elevation change from just north of the property to the southeast corner. Also our log yard will be set up in gravel, at similar height as the building, looks like the septic will have a perimeter drain, we will run a 6" main into an 8" main that runs southeast and then run laterals from that under the log yard. **Jay**; I would also make the comment that if you could keep your fill back from your property lines, keep your fill back from the line to where if required, you can place a perimeter drain on your own property. **Dan**; we allow plenty of room for that. **Ryan**; this may be a question for Steve, how will a farmer access what's left of that field if Dan used all of the 12.76 acres? **Steve Hockaden**; they will be coming in through the gravel area between the woods and the shop there. You can even access the field from the corner of 600 E and 100 S too. **Ryan**; the other question, being 589' deep, is it possible to do the same acres and take him to I74, because that little triangle in there seems a little useless. Just trying to get land squared up so we don't have this waste land. **Dan**; again, this goes back to production efficiency. There is also an overpass there and no room for an entrance, we want to keep away from the housing as far away we can. Out of all the options, we have laid it out several ways and this is the best option. **Jay**; speaking of noise, what is the proximity of the closest home to your current log yard and operation? **Dan**; one house is about 400' from the corner of our log yard. **Paul**; what are your hours, the earliest and latest that you will operate? **Dan**; current operating hours are 6 a.m. to 3 p.m. Trucks can roll in as late as 8-9 at night if needed, but that is fairly rare. **Jay**; unloading logs would be similar to agricultural noise that would take place on that place as well. **Dan**; you would have back up alarms. **Jay**; so the electricity will allow you to do more sawing at this location than you currently do? **Dan**; we are currently converting single phase to 3 phase, there is an efficiency loss with this, we can expand upon what we have as far a production, put in similar machinery and use direct 3 phase. Brian Keith from REMC has assured me that we will have all the power we will ever need. **Jay**; so sawing will take place inside a building? **Dan**; yes, it is insulated and has perforated metal in in for sound deadening. **Jay**; that is a big improvement over your current location. **Paul**; does the I zoning require trees, some type of buffer? Either staggered cedars or evergreens or a berm. Is that something you are aware of Dan? **Dan**; there is a residential property within 600' or is that city? **Krista**; I think that is city. **Jay**; I think we have to have them regardless of the distance.

Audience:

Marsha Hausman; read a letter that she had prepared, it is on file in the office.

John Wallpe; I'm a neighbor, I've had a repair business there since 1982 and one after another things has come and trashed our community. I wish they would move down by Leising. I would like to see something done with the trucking company across from me, they block my driveway over and over, they are noisy, the building shouldn't have been there to start with. They should be moved to the east away from the power lines and intersection.

Jane Hockaden; I think all the neighbors know how well I keep our yard, the farm, we even mow the overpass and weed eat both sides of the guardrail on both sides of the interstate. We keep it nice. Dan has assured me that he will not let it become an eyesore, that was my concern

also. I don't have a problem with it, we would be the first to complain because it will be closest to our property.

Chuck Miller; we don't want the sawmill there because of the traffic, the noise and the eye sore east of us. There is property for sale by Leasing's that is industrial, why can't they move there. Leising has several things there for sale and it was not supposed to be that way. I have lived there for 30 years and it has been quiet, the only thing we contend with is the train.

Matt Linkmeyer: I live along 46, my concern is on runoff, I have a basement and my concern is will the runoff change more water going to the creek. It swells more than it ever used to. The way the land breaks up for the 12 acres leaves 2 offset, that is being called undesirable areas, in the future could those be rezoned for something else? **Jay;** so you are talking about the small parcel up on county road 100 S and below? **Matt;** yes. **Jay;** Steve can you address that? **Steve Hockaden;** I just want to maintain my own property there, originally was going to sell the tillable ground and Dan approached me with interest in the shop. I wanted to keep the property next to the wood, didn't want someone to build on the corner. We want to maintain the property for ourselves. **Jay;** and then down by the interstate, I know Dan's reason is to condense his yard with proximity to the building and efficient. Do you think that is going to hurt the ability of that farm ground in the lower section to be farmed? **Steve;** no, the way the log yard is set up there now, the vision right now is that it will be farmed for several years. I don't know what to do about the truck traffic, 600 E is a main thoroughfare with people hauling grain down to the river. There is a boat load of trucks coming out there. There is a bit of discrepancy with the buildings being close to the corner, that is not something that we are addressing here today, that has been an existing problem for years. We have addressed the culvert pipe, the county highway department will be addressing that issue. There are a lot of improvements that will come along with this. As for the noise, the interstate makes noise with the jake brakes on the trucks. I cannot hear the stone quarry every day and don't even hear the train anymore. Down by the pond there are pond trees that will block the view and deaden the sound. I want to make it understood that I had talked to Dan for a long time on how he was going to do things, I think he will do things the right way and be a good neighbor. I'm pretty particular of how things are kept around there. **Matt;** also with the question of the drainage, where Vernon Fork Creek starts and travels, it swells more and more, with this being added will it add more runoff? **Jay;** if this goes through we have drainage ordinances that are active in our county and the release of water from what would be this A-1 field into that creek, it cannot be exceeded. He would have to control it, I heard him say he was putting in containment measures. It sounds like he has been studying that. Our county has been inundated with water problems from December on, you can pick any creek but they are all full and they continue to be full. That is mother nature and we cannot do a lot about that but what we can do is enforce our drainage ordinance. Our attorney is here and if she saw something that would be a red flag, she would address the board with those with us. Our county is constantly upgrading our ordinances and enforcement of those, trying to get buildings not close to the road, if you attend here regularly you will see that we are particular with our setbacks. Some buildings that got put in before the ordinances are problems but we address them as much as possible. You are welcome to call Krista at the office and she will assist you.

Joe Stein; I farm just North of Steve's property. A few concerns I have, the corner at Stonebridge off of 46 is a hazard and the box culvert in front of the old house is insufficient both in water holding capacity and width for vehicle traffic. I think Dan will need help from the county to address that issue. One thing that is of concern that hasn't been thought of, with the

modern gps in the trucks now, if you are at the truck stop and plug in the address at Steve's, they send you down frontage road and down the narrow road of 100 S, there is no way 2 semis can possibly meet on that road. We get along with it with our neighbors, we alternate either by the day or the way we go out but we darn sure don't meet two semis on CR 100. Jay; is that road posted NO Semis? Joe; no it is not. There have been problems on a pretty regular basis on the east end of 100 where it meets 700 E, that corner is just about really tough to get the longer rigs around. In the winter trucks get lost and try to turn around and get stuck, pretty much a monthly basis. We farmers get by just fine. Mr. Kennelly's concern on how it's mapped out, I respect his opinion (this is pretty much supposed to be somewhat of a farmer friendly county) and having corner like that, it's tough with 100' sprayer booms, 40' planters, and you realize with the size of the equipment it is hard farm it. If it could be replanned, extended all the way to the interstate as a straight line it would be helpful. The Comprehensive Plan, is this under the plan, is it on this side of the interstate? Jay; currently the I zoning is about 1/2 mile away, it is close to our current zoning that we draw in for a guide. This is much, much, much improved over where his current location is and there is no I zoning. So, yes it is in proximity. **Ryan;** one thing I just noticed Joe and to the rest of the public, everything to the east of Hockaden's property is owned by the Stone Quarry, so at one point in time that will be mined. **Joe;** maybe yes and maybe no, a significant stream goes through there and the field that joins that property would possibly disrupt that. **Ryan;** it understand that, it's not that we are guessing that they may purchase it, they currently own it. I see that future happening at some point in time. Once you start getting an occasional blast from the quarry, the dust would be ten times worse at a stone quarry than a sawmill, I could be wrong. **Joe;** my latest comprehensive plan did not show anything north of the interstate. **Jay;** it is not, even the stone quarry would definitely be mining and would fall under I zoning. **Joe;** just because they own it? **Jay;** not because they own it but where they currently mine, that should be I zoning. **Joe,** this is over a mile removed and they haven't rezoned any of their property. **Jay;** I cannot answer that question. **Ryan;** the comprehensive plan is a guide for us, it doesn't take your property that you own on 46 and say you no longer can use it for ag, it now has to be I zoning because it falls in there, it's a guide to get close and keep things within a close proximity to the comprehensive plan, that is my understanding of how I should interpret it. Joe; well, I complement Dan Schwering on his success. He is literally outgrown his place and I can understand that he needs to upgrade. **Dan;** thank you Joe. **Jay;** I have a question for Dan, where our current I zoning is on 46 and next to Leising there is a lot for sale.... **Dan;** it's a question everybody here has got, I have a rather long list and for the sake of time I won't go into it. The just of it is that economically we cannot make it happen. **Ryan;** so it was entertained? **Dan;** we were the first to contact them about it. Joe was nice enough to bring over the owner and again we could not get anywhere on the pricing, there is no infrastructure, there is a list. **Jay;** I just wanted it stated for the record, you have called me in the past and I know we had talked about other properties a few years ago and I think you have been under a search for quite some time, if anyone knows where you are located, there are a lot of pieces that are a lot better than where you are at. **Todd;** how much traffic are we talking? **Dan;** expect 6 truck in and out every day, we average 1.5 brokered trucks a month. I hear their concern about truck getting lost but we have no reason to go down CR 100, I currently own 2 semis, one of which drives it home everyday. The other two semis I only have 1 active driver for. They are typically in and out 3 times a day, one drive is part-time. **Paul;** the drivers are employees of yours? **Dan;** yes we employ them, we maintain cb radios in the trucks and keep in constant communication to make sure we aren't getting two down the road at the same time. We may add a trailer to haul the scrap material offsite. Currently the sawdust would be blown through a cyclone to keep the dust down and blown into a new building, dry storage, or directly into a semi-trailer. **Jay;** you don't intent to

have a sawdust pile outdoors. **Dan**; no, for one the outdoor sawdust has next no market. We may put in a chipper or a hog, it's a small electric grinder that would take care of it in line as far as the slabs and edgings, that would be blown into a truck and hauled directly out. So truck traffic would increase but only probably about 2 extra per week. **Jay**; would that eliminate a debris pile that you would normally have? **Dan**; wouldn't be as big, there may be some storage, weekly or possibly a monthly basis but will be hauled off site as soon as we can. **Jay**; how big do the piles get? **Dan**; our current intention is to keep a flatbed trailer there to load, as it fills up we would haul it off. **Paul**; you don't intent of having a permanent pile? That is something that would be loaded on a trailer and hauled out? **Dan**; if mulch markets change, I don't know, as of right now it's not feasible. **Jay**; we are just getting the scope of the project and what this looks like. **Dan**; for us it is logs in and lumber out. Our business is focused more on reselling logs so there will be piles of logs that will constantly move, we are going to have logs laid out, buyers will come in and typically we deliver those logs, sometimes they truck the logs for us but typically it is drivers that recirculate around. Our sawmill production is relatively small compared to sawmills around, that is a marketing tool for us, we would rather sell the logs and saw what is left over. **Jay**; thank you for that synopsis of your business plan. **Chuck Miller**; will this be a 5 or 6 day operation? **Dan**; 5 days, the trucks may roll when the weather is favorable. **Ruth Ann Hessler/Realtor**; I represent Dan and Steve on this property. It is my understanding as to why this was drawn out like this is to accommodate the septic, is that correct? **Dan**; yes, the septic is currently exiting the building on the north end. **Chuck Miller**; are we going to address the Leising issue? It is getting out of hand. **Jay**; we can address that and you can talk to Krista and she can put you on the agenda and we can go talk about that at another time. We don't want another one behind our house. **Jay**; we don't want that to take place either. Things get started and then they grow out of hand. **Cheryl Miller**; if this gets rezoned to the I-1 and two years down the road is it going to be a "I can do what I want", kind of like the Leising deal? **Jay**; he is asking for I-1 zoning..... **Chuck Miller**; what happens 5 years from now and all of a sudden he's outgrown this 12 acres and he wants 5 more? **Jay**; he will have to get more, he is trying to do what he can do to protect his business. **Chuck Miller**; I'm not here to hinder anyone, I'm here to protect my interest and I have lived there 30 years and the biggest thing we content with is the train, now we have the train noise, the interstate noise, the smell from Leasing's and a sawmill. Put yourself in our prospective. **Todd**; I think the interstate will be noisier than the sawmill. **Chuck Miller**; it doesn't matter how noisy the interstate is, the sawmill is going to add to that. It will be decibels added. **Jay**; I see your concern, you make your point that the board has to here. **Chuck Miller**; I'm not up her to criticize anyone, any homeowner or landowner, everyone wants to make money. **Marsha Hausman**; should Dan decide to go out of business there and had to move, who is to say that something worse will not come in? It's not something we want to sit on our back porch and listen to. **Jay**; it's a valid point, we have I-1 zoning in our county that people don't even know of, things happen in our county that again, it's up to the office staff to keep the board informed of what is currently happening and changing, but it's the intent to do this correctly and I think you make a point that has merit, it could happen, it could be, if it gets abandoned and farming looks like that is what is should go back to, the board has the ability to covert that back to an A-1 zoning. There are options there but I can't tell you what the crystal ball looks like.

Josh McKinnley; any concerns have been answered and I'm a truck driver, I'm aware of safety concerns in driving, my primary concern is safety when a log truck can roll over, not to disparage Mr. Schwering's drivers in any way but I feel the corner needs addressed to allow trucks to make easier turns. How long are your trailers Dan? **Dan**; longest one is 44', it's a set

back axle. **Josh**; I've turned a 53' trailer onto 600 going northbound before and if there is a vehicle going southbound you have to wait for them to clear. There is still a margin for human error. My main concern would be if it goes through is to possibly address the flow of traffic there to allow trucks to make easier turns. **Jay**; I would highly encourage you to contact Krista at the Area Plan Office and she can bring that concern up to our Commissioners and see what can be done to make that safer, I don't think this board has any intention for a log truck to damage John Wallpe's property or any other property her, we are trying to have due process about rezoning this petition. The whole audience has made strong points, our director and Commissioner is sitting in the room. **Ryan**; Mark Mohr can also assist with concerns with roads and traffic. **Jay**; the courthouse is open, you can contact Krista, the objective is to make it safer. Dan's current location, if you don't know where it is, you should go look and see how many turns the trucks make and how unsafe that is. **Paul**; it's a huge improvement without a doubt. **-Ryan**; he has been at his currently location for 16 years and no reported accidents. If you drive down SW 60 and 20 W to find him you will see the roads. **Josh**; as a truck driver and assuming top notch driving on Mr. Schwering's guys, I see vehicles running over the overpass like it is a drag strip. That is my biggest concern, is safety. **Jay**; I think the neighborhood needs to try to look at the intersection and see if there can be improvements made to that, regardless if this passes, overall there has been a fair amount of interest in that corner being improved, I can't make it happen but you can certainly talk to the people who can.

Lisa Wallpe; my main concern is the amount of traffic, right not you run 6 trucks a day with the intent to possibly increase, when they come over that overpass they fly and hit brakes hard at 46, when you are coming from the interstate heading west, lights go into my home. The 6 a.m. start bothers me, I don't need to start my day at 6. The noise level at my house will increase tremendously, I have a pool and would like to enjoy it, don't want the extra noise. The increase in traffic, the noise, the lights coming into my house, just different things like that from our point of view.

Ron Thomas; speaking for my dad Richard Thomas, basically reiterating what others have spoken here tonight is the traffic up and down 600 E. Also you mentioned a berm or tree line being put up because of the view across the interstate. I know someone who lives next to a sawmill in Napoleon and her house is full of dust all the time, it is a big concern. **Jay**; again, under our I-1 zoning, there is a list that he will have to go to. He will have to follow that, if he were to ask for an exemption from any of that this board will be held accountable for any of that. I think you are always in a conflict when you have residential next to industrial and businesses, we try to do as much as we can to isolate those two zonings. Everyone deserves to live where and how they want to live, most on the board here are sensitive to that within the manner in which our ordinances are written. **Ryan**; if that becomes an issue if this passes, it is spelled out that that can't be a problem. I'm a believer in speaking to Dan personally about the problem and then if he doesn't take care of it then go in and talk to Krista.

Todd Mauer made a motion to vote on APC 2019-6; Paul Stone seconded the motion. With Andy Scholle abstaining from hearing and voting on this petition, 5 members voted yes and 2 voted no.

Jay; Dan please stay in contact with the Area Plan Office, County Commissioners and County Highway Dept. to get that up to speed. Good luck.

* **APC Petition 2019-7 – Area Plan Commission** is petitioning to “**Rezone**” **approximately 3 acres** from an I-1 zoning classification to an A-1 zoning classification to more accurately reflect the land use. This request falls under the Decatur County Ordinance **Section #1200 & #900**. The property is owned by James & Marietta Hagerty and is located at 3456 W CR 1100 S, Westport in **Sand Creek Township**.

Krista stated that we are looking at the map of the county and have identified a couple of areas, just one today. Down on 1100 S and 350, Sand Creek Township, owned by the Hagerty’s and is currently zoned I-1. Years ago Mr. Kearney had some kind of a shop there and it is no longer in business. There is a residential dwelling on the property, our current ordinance states that a residential is not allowed in an I zoning. I am requesting to administratively rezone this back to A-1, I have notified all of the adjoining property owner, spoke to Mr. Hagerty and Mr. Kearney. They are fine with it and no others have responded. **Jay**; would we not want to put an A-2 zoning on the house and separate the lot as A-1? **Krista**; no, this is grandfathered. **Jay**; we have done this with other areas of our county, when zoning is no longer being used as intended for the I zoning, this is an example of that happening. **Melissa**; we will be doing more of this, what happens over time is things get rezoned and then aren’t used for those purposes, if you have something that’s there and operating then it needs a certain zone. If it was prior to our zoning, we will be working on getting proper zoning applied and get these areas cleaned up as far as zoning classifications.

Paul Stone made a motion to vote on 2019-7; Todd Mauer seconded the motion with all 8 members present voting yes.

With no other business before the board the meeting was adjourned at 8:45 p.m.

ATTEST

Secretary, Andy Scholle

Decatur County Area Plan Commission

President, Jay Hatton

Decatur County Area Plan Commission