

Decatur County Area Plan Commission Minutes
October 5, 2016 at 7:00 P.M.
1st Floor Meeting Room of Decatur County Courthouse

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Albert Armand at 7:00 P.M. on Wednesday, October 5, 2016. Absent from this meeting was Bill Dieckman and Blake O'Mara giving us 7 members present. Also present at the meeting were Krista Duvall--Decatur County Area Plan Director, Debbie Martin - administrative Assistant and Melissa Scholl – BZA & APC Attorney.

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 September 7, 2016 as written and presented.

APC Petition 2016-14 – Paul Dunagan and James Thomas are petitioning to **“rezone”** approximately 4.60 acres in an A-1 Zoning Classification to a B-2 zoning classification to operate an eating and/or drinking establishment. This request falls under Decatur County Ordinance Section **Number 1125 (1)**. This property is located at **420 W Washington Street, Westport, In 47283 in Sand Creek Township.**

Mr. Dunagan stated that he went before the Westport Town Board as requested and was given support for his rezoning of his property from an A-1 zoning classification to a B-2 zoning classification. He has received a quote to hook up a grinder and items to hook onto the Westport sewage system. **Albert;** And you are intending to hook onto Westport's City Sewer? **Paul;** Yes sir. Rick Adams came out and met with the water company and they went over things and made measurements. **Albert:** As long as you know and that is what you are going to do. **Paul;** Yes sir.

Board; what is the number of parking spots that you have? **Paul;** the building capacity is 125. I have been working on killing grass and putting down stone. **Board;** my point was that you are not going to be needing to park on the roads? **Paul;** depends on the type of vehicle. **Board;** so there is ample parking? **Paul;** yes. **Bryan Gatewood;** Paul brought his rezone request to the Westport Town Board and the vote was 2:1 in favor of the B-2 zoning classification. I still do not think this is the right idea for Westport, in terms of B-2 zoning and the flexibility of what the land can be used for in the town of Westport. I am glad that he has the sewer and parking taken care of. The only condition that I put on the resolution is that we consult with the county highway department and our street department about the road going by there in both directions and any improvements that need to be made in the future. Thank you for your patience. In the future, when things come up like this I would be happy to do resolutions so that you know what the Westport Town Boards decisions are. **Board;** has there been any contact with the highway department? **Krista;** not that I am aware of, I have talked to Tim and he said that he had not heard anything but was concerned with the intersection of Washington Street and CR 500 W. It is hard to see when they pull out there so they really need to look at that. **Board;** they also have the dump out there and the town sewage so there is already a lot of traffic in the area. **Delores**

Honeycutt; my only concern now is the possibility that Mr. Dunagan will want to access the business from the residential streets as in South Lincoln and South Elizabeth Streets? **Paul**; I don't know why, can't get there can we? **Delores**; yes, you can. **Russell Wilson**; the north section of the property is strictly a swamp. It would not be feasible. The legion operated there for 40 years and never accessed those roads. **Board**; Westport would be empowered to install streets in their city limits. **Andy Scholle**; I've looked at that sub-division plat where Lincoln Street comes down and makes the cul-de-sac and it does not meet up with Mr. Dungan's property. The owners of the lots at the cul-de-sac would have to sell land to Mr. Dungan in order to put a road there. **Albert Armand**; This vote is about zoning for a business District (B-2) and not about whether it is a good place for a drinking establishment.

Joey Roberts made a motion to vote on APC 2016-14; Jay Hatton seconded the motion. A vote was taken with all 7 members present voted yes.

Joey Roberts thanked Mr. Gatewood for going back to the council and doing as we ask. We want to work together in this process and I appreciate what you did.

APC Petition 2016-15 – Nathaniel & Dana Boyd are petitioning to **“Rezone”** 2.99 acres out of 5.12 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under the Decatur County Ordinance **Section Number 920 (7)**. This property is owned by the petitioners and is located just **South of 10290 S CR 350 W in Westport, IN. Sandcreek Township.**

Connie Weber presented the petition on behalf of her daughter. Stated that they wish to rezone so that they can move back to Greensburg and build a home.

Board; there are houses all around this area so it seems appropriate. **Board**; I visited the site and see no reason why this wouldn't be a good area to build. **Board**; what is the water source? **Connie**; plan to drill a well.

Joey Roberts made a motion to vote on APC 2016-15; Jeff Hermes seconded. 6 members voted yes, Andy Scholle abstained. Petition passed.

APC Petition 2016-16 – Capital Telecom Holdings, LLC, by Clark, Quinn, Moses, Scott & Grahn, LLP are petitioning to **“Rezone”** 10,000 square feet out of 37.46 acres from an A-1 zoning classification to an A-2 zoning classification for a wireless communications tower. This request falls under the Decatur County Ordinance **Article 15**. This property is owned by Larry & Sandra Bredewater and is located just **North of 5655 S CR 550 E in Greensburg, IN. Marion Township.**

Russell Brown stated that Capital Telecom is the applicant and that they are installing a custom Verizon co-locate facility and they will be the tenant. Request to rezone from A-1 to A-2 to place a 260' wireless communications facility, approximately 37 acres in size, utilized for agriculture except for the corner there where there is an existing stand of trees. The location was chosen to decrease

disruption to the ground and use the trees to the west to shield the equipment, and to hug the property line with the easement. Tower design is a self-supported structure with no guy wires. There will be an emergency generator that is propane fed.

Board; you have located that nicely on the property. Do you have a plan for debris removal should this tower become obsolete. **Russell;** There is a letter in the file to that effect. **Board;** Does that include removal on concrete to a depth of 5'? **Krista;** yes.

Andy Scholle made a motion to vote on APC Petition 2016-16; Kevin Fleetwood seconded the motion with all members present voting yes.

APC Petition 2016-17 – Jeff Britton & Donju Taylor are petitioning to **“Rezone”** 2.99 acres out of 8.62 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under the Decatur County Ordinance **Section Number 920 (7)**. This property is owned by the petitioners and is located at **3109 S CR 1050 W, Greensburg, IN. Clay Township.**

Donju Taylor stated that they would like to build a barn with living quarters on their fruit farm that they have purchased.

Board; No existing house on this property? **Donju;** no, there used to be a mobile home on the property for camping but it is no longer there. There is also a viable well. **Board;** will you continue to operate the fruit farm? And are you going to have signage? **Donju;** yes. Nothing significant on the sign but possibly one on the side of the barn.

Andy Scholle made a motion to vote on APC Petition 2016-17; Jeff Hermes seconded. All members present voted yes.

APC Petition 2016-18 – Dave Wilson is petitioning to **“Rezone”** 2.99 acres out of 7.71 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under the Decatur County Ordinance **Section Number 920 (7)**. This property is owned by the petitioner and is located just **East of 3715 N Old US HWY 421, Greensburg, IN. Adams Township.**

Dave Wilson stated that they wish to build a home on the 7.71 acres and are requesting to rezone 2.99 acres.

Board; doesn't look like you will be taking up any cropland. **Dave;** no, there has been no crops on this parcel for 20 years. **Board;** where does your driveway come in at? **Dave;** right now there is not one. It will be back by the little row of trees. **Board;** who maintains the driveway? **Dave;** the cooperative. It's a private drive. The entire area there was owned by one family and they shared the common drive. There are easements on each deed for the drive. **Board;** so it's not a county maintained road? **Dave;** no, it is a private drive. **Board;** there are restrictions or provisions

for maintenance in the easement or deed? **Dave**; not that I know of. **Board**; it has to be maintained to a minimum of 50', who is in charge of that? **Dave**; I do not know that. **Board**; so we didn't have to have anything from the County Highway Department for the driveway? **Krista**; no, it is existing. **Board**; has this ever been a county road? Unknown; yes. **Board**; our ordinance requires that the road be maintained and suitable for emergency vehicles. **Dave**; I will definitely maintain what is mine, there is three other houses beyond that, I can't speak for them. **Andy Scholle**; I looked at this property and these were all subdivisions done by Pace Engineering. Maybe in the mid 90's, back then it wasn't talked about the driveways and maintenance agreements. **Board**; does the county have any legal obligation since there is multiple houses there? **Melissa**; it's not a road. What I am hearing it's that it was vacated and the county does not have any responsibility. **Board**; but the county also has a situation where a property owned wanted to build at the end of a vacated road and at the requested the county pick the road back up again and maintain it. **Melissa**; you can do that. **Board**; I just think there is enough people on there that they can do it. **Board**; by our ordinances, what are we obligated to do? **Melissa**; where are the existing houses? **Board**; a lot of times it is not put on the survey, it would be put on the deed. **Melissa**; there is already approval, it is an existing access from Hwy 421 so he doesn't have to get a highway permit or access. As long as he is agreeable to maintain his driveway to the specifications that we have, he is the first house, the others are already there and existing so we have on issue to deal with them. **Board**; so you are agreeable to maintain your section of driveway to our standards? **Dave**; what are the standards? **Board**; suitable, all weather access for emergency vehicles. **Krista**; the easement is 30' **Board**; you are probably going to need to maintain 20' wide to the highway, to allow two cars to pass. Are you ok with maintaining that? **Dave**; yes, I agree to do that.

Joey Roberts made a motion to vote on APC Petition 2016-18, Kevin Fleetwood seconded. All members present voted yes.

The next meeting will be Wednesday, November 2nd at 7:00 p.m.

P.O.P. (People over Pigs)--They have nothing for this meeting.

With no other business, the meeting was adjourned at 7:45 P.M.

Respectfully submitted by Debbie Martin, Administrative Assistant.

ATTEST

Secretary, Andy Scholle
Decatur County Area Plan Commission

President, Albert Armand
Decatur County Area Plan Commission