

## **PUTNAM COUNTY PLAN COMMISSION MINUTES**

The Putnam County Plan Commission met for its regular monthly meeting on November 10, 2021, at 6:30 p.m. in the Putnam County Courthouse, 1 West Washington Street, 1<sup>st</sup> Floor, Greencastle, IN 46135. Wendell Underwood called the meeting to order at 6:30 p.m. A roll call was taken to determine a quorum. The following members were present: Wendell Underwood, Eric Hayman, Rick Woodall, Jenna Nees, Kevin Scobee, and Ken Heeke. Randy Bee, David Pentruf, and Jay Alcorn were not present. Also, present was Jim Ensley, County Attorney; and Lisa Zeiner, Plan Director. Audience present see attached sign in sheet.

### **REVIEW OF MINUTES**

Lisa Zeiner stated that the October 12, 2021, meeting minutes were not complete and would be ready at the next meeting.

**OLD BUSINESS:** No old business.

### **NEW BUSINESS:**

**2021-PC-43: BRIAN NASH – REZONE:** Rezone Lot 4 Tall Oaks Subdivision, Phase 1 from Commercial General (CG) to Planned Unit Development (PUD) to allow for a single-family residence in this subdivision; Cloverdale Township; 32/13N/4W (located on the west side of State Road 243 just west of the Marathon at the intersection of 243 and I70 – Parcel #67-12-32-100-013.004-002).

Brian Nash, petitioner, and Robert Jones, property owner, approached the board. Mr. Jones stated that Mr. Nash was purchasing the two lots consisting of 12 acres along I70 that he owns. Mr. Jones explained that the wooded lot had been land locked for forty years when he worked out a deal with Mr. Sinclair to purchase lot 4 of Tall Oaks for access to the 12-acre parcel. Mr. Jones stated that he sold the property to Mr. Nash, who is wanting to build a home on lot 4 but since it is zoned commercial general, residential uses were not allowed. Mr. Jones explained that road leading to the lot is gravel. Mr. Jones stated Mr. Sinclair at one time wanted to build a motel or commercial property behind the Marathon gas station. Mr. Jones explained that the road does not have the strength nor is it properly maintained to handle the traffic a motel would require. Mr. Jones stated that Mr. Nash already has ordered his house to build on lot 4, however, if the property is denied rezoning Mr. Nash will build his house on the 12-acre wooded parcel. Mr. Jones explained that on the other side of the property is a 40-acre parcel that has a pond. Mr. Jones stated that the owner of the 40-acre parcel uses it for recreation. Mr. Jones explained that in the green act, to keep everything green, Mr. Nash would like to build on the flat parcel rather than to cut all the trees down. Mr. Jones stated that on the 12-acre parcel is an oak tree that is 300 to 500 years old and is one of three trees in the state of Indiana classified as the oldest tree. Mr. Jones explained that the neighbors would not be affected because the neighbors around him have a dwelling on a primitive, wooded lot. Mr. Jones stated that Mr. Nash was a 23-year retired Master Chief veteran with six combat missions and would be building the dwelling for himself, his wife and his mother-in-law who is ailing. Mr. Jones explained that development of the property would increase property taxes since this property has been vacant for over 40 years.

Mr. Underwood thank Mr. Nash for his impressive service.

Mr. Woodall asked if the gravel road was a county road or a private road.

Mr. Jones stated that the road was private that was maintained by all people on both sides of the road.

Mr. Underwood asked if that was the only ingress/egress.

Mr. Jones stated that it was.

Mr. Underwood asked what would be going up on the 12-acre parcel.

Mr. Jones stated that it would be kept primitive and wooded.

Mr. Underwood asked about the parcels behind the gas station.

Mr. Jones stated that those are two vacant parcels that the gas station owns and does not have anything to do with this petition.

Mr. Hayman asked if a septic system would be installed or tied to municipal sewer.

Mr. Nash stated that they would tie to the municipal sewer.

Mr. Underwood asked why a planned unit development.

Lisa Zeiner stated that it did not make sense to rezone one lot in a commercial subdivision to residential because everything else would still be commercial. Mrs. Zeiner explained that by rezoning to a planned unit development it would allow mixed uses in the area. Mrs. Zeiner stated that just south of Lot 4, there is a lot within the commercial subdivision that has a pole barn on it that is being used as living quarters. Mrs. Zeiner explained that in 2012 the lots five and 8 was rezoned to plan unit development, but in 2016 it was rezoned back to commercial general.

Mr. Underwood asked if the PUD was only for the 2 acres.

Mrs. Zeiner stated that was correct.

Mr. Jones stated that a dwelling being constructed would fit in with everything on the west side of the gas station while leaving the lots on the east side commercial. Mr. Jones explained that the owner of the gas station has purchased the other lots to keep out any competition.

Mr. Underwood asked about the ownership of the road.

Mr. Jones stated that all the owners of the lots in Tall Oaks are responsible for the maintenance of the road.

Mr. Underwood asked if the owner of the front access lot could stop access from the other owners.

Mr. Jones stated that he could not. Mr. Jones explained that just passed the gas station the road becomes gravel and is community property among all owners of the lots.

Jim Ensley stated that there is an agreed driveway maintenance recorded with the plat.

Mr. Underwood explained that he had a property that had access through an easement, but the owner of the property that the easement ran through put up a fence so that the property could not be accessed. Mr. Underwood wanted to make sure this would not happen on this property.

Mr. Jones stated the reason he bought lot 4 was for access to the 12-acre parcel.

Mr. Ensley stated that most title companies will not close on a property that does not have access or an agreement in place for access.

Mr. Jones stated that it was written in the deed for lot 4 that everyone is responsible for the road so that no one can cut anyone else off.

Mr. Hayman asked if PUD was the property thing to do.

Mrs. Zeiner stated that it makes the most sense. Mrs. Zeiner explained that by rezoning the parcel to PUD would also allow Mr. Nash to sell the property to a commercial developer in the future.

Mr. Underwood asked if all other criteria had been met.

Mrs. Zeiner stated that it had.

Mr. Woodall asked if everything was good on this rezoning.

Mrs. Zeiner stated that it was. Mrs. Zeiner explained that one letter in opposition was submitted. Mrs. Zeiner read the opposition letter from Sat Singh "This is in regards to the application made by property owner to the Putnam County advisory plan commission for approval of a zoning amendment from the current classification of commercial to the proposed classification of PUD in Cloverdale section #32 located on tall oaks subdivision phase 1 lot 4. I strongly object to the zoning amendment from CG to PUD. SLB Properties LLC is the owner operator of Marathon Gas Station and also owner of commercial property next to the above-mentioned phase 1 lot 4. SLB LLC corporation has future plans to convert this empty lot into a truck stop and having a residential property next to it will hinder with it."

Mr. Jones stated that those lots are only 3 acres, and the gravel road would not handle a truck stop.

Mr. Heeke asked if there were houses on lots 6 and 7.

Mr. Jones stated that those lots are vacant. Mr. Jones stated that the owner of lot 5 is in favor of this request.

Mr. Ensley showed the board the picture of the pole barn that is more of house than a barn.

Mrs. Zeiner stated that there is a septic system, and the structure has 2 or 3 bedrooms, so it is a residence.

Mr. Underwood asked if there was any other discussion.

Mr. Hayman made a motion to approve 2021-PC-43: Brian Nash Rezone from CG to PUD.

Jenna Nees seconded the motion.

**2021-PC-43: BRIAN NASH – REZONE** was approved with all in favor.

Mrs. Zeiner informed Mr. Nash and Mr. Jones that the next step was to go before the County Commissioners. Mrs. Zeiner will let Mr. Nash and Mr. Jones know the date of the next meeting. Mrs. Zeiner stated that she would present the petition to the commissioners on their behalf.

**2021-PC-44: PUTNAM COUNTY PLANNING– REZONE:** Rezone from Mineral Extraction (ME) to Agricultural (A2) to update the zoning map that incorrectly marked this property as ME; Russell Township; 5/16N/5W (Located at the NE corner of the intersection of CR 1300 N and CR 750 W – also known as Public Road – Parcel #67-03-05-403-021.000-015 & 67-03-05-403-020.000-015).

Mrs. Zeiner stated that the property was located in Russellville. Mrs. Zeiner explained that the 1992 zoning map shows these parcels as being zoned mineral extraction. Mrs. Zeiner stated that these parcels have always been farmed. Mrs. Zeiner explained that the owner is wanting to add on to the existing residential dwelling. Mrs. Zeiner stated that since the zoning ordinance states it is mineral extraction the owner can not add on to a legal nonconforming use unless it is rezoned. Mrs. Zeiner explained that the A2 zoning would create a buffer between these parcels and the parcels located within the Town of Russellville.

Mr. Woodall asked if the property was owned by the stone quarry years ago.

Mrs. Zeiner stated that it did not appear to have been owned by the stone quarry in the past. Mrs. Zeiner explained that the map showed the entire area as ME instead of just the parcel owned by the stone quarry.

Mr. Scobee asked when the dwelling was built.

Mrs. Nees stated that it was built prior to 1992. Mrs. Nees asked if this was just to correct an error.

Mrs. Zeiner stated it was to correct something that should not have been zoned Mineral Extraction.

Mr. Underwood asked if that would make it one parcel.

Mrs. Zeiner stated that the parcels would remain split as shown on the GIS map.

Mr. Hayman asked if the narrow strip was zoned ag.

Mrs. Zeiner stated that the narrow strip was also zoned mineral extraction.

Mr. Underwood asked about the odd shaped area above the narrow strip.

Mrs. Zeiner stated those were dwellings and located within the Town of Russellville.

Mr. Woodall asked if all this came about because they wanted to add on to the house.

Mrs. Zeiner stated that was correct.

Mr. Underwood asked if there was any reason to not rezone, any issues with the septic.

Mr. Ensley stated that the house is already there. Mr. Ensley explained that as is, the property is a non-confirming legal use, but now they want to add on to the house a permit cannot be issued.

Mrs. Zeiner stated that a new residence was not being constructed, they were just wanting to make the existing dwelling bigger.

Mr. Hayman stated that if it is not rezoned to ag and they want to parcel any of the property off it would have to come back to the board anyway.

Mrs. Zeiner agreed. Mrs. Zeiner stated that no one had called or sent letters on this petition.

Mr. Woodall committed on the long list of owners that were notified.

Mrs. Zeiner stated that the list was long to make sure no property was left out. Mrs. Zeiner explained that more than the minimum required was notified.

Mr. Woodall made a motion to approve 2021-PC-44: Putnam County Planning Department from ME to A2.

Mr. Heeke seconded the motion.

**2021-PC-44: PUTNAM COUNTY PLANNING– REZONE** was approved with all in favor.

### **RULES OF PROCEDURES**

Mr. Underwood stated that the at the last meeting the rules of procedures was continued in hopes that more members would be present.

Mr. Ensley stated that it could be approved to take effect January 1<sup>st</sup>.

Mr. Underwood stated that he was in favor of the rules, it is very comprehensive, and long overdue. Mr. Underwood explained that it is for the board to follow and know. Mr. Underwood stated that there was a lot of details. Mr. Underwood explained that it was continued because at the October meeting there were just enough member to have a quorum.

Mrs. Zeiner stated that Hendricks County's rules of procedures was used as a template for this document.

Mr. Hayman asked if it was extended to the next meeting could it take effect January 1<sup>st</sup>.

Mrs. Zeiner stated that it would take effect whenever the board wanted it to.

Mrs. Nees asked if there was anything submitted for the next meeting.

Mrs. Zeiner stated that a conservation subdivision request was file. Mrs. Zeiner explained that a couple of ordinances for wind farms/solar farms and an ordinance for development plan review may also be on the agenda pending review from Mr. Ensley.

Mr. Underwood stated that there is a risk of not having enough board members at the December meeting for a quorum.

Mr. Heeke stated that it is time to move on with it.

Mr. Underwood requested that a copy of the rules be at every meeting and a PDF version sent to each board member once passed.

Mrs. Zeiner stated that the cover would be changed to say 2022 instead of 2021.

Mr. Heeke made a motion to approve the Rules of Procedures as submitted to take effect January 1, 2022.

Mr. Scobee seconded the motion.

Rules of Procedure was approved with all in favor.

Mrs. Zeiner stated that Mr. Underwood was up for reappointment. Mrs. Zeiner asked if Mr. Underwood would be willing to continuing serving on the board.

Mr. Underwood stated that he would.

Mrs. Zeiner asked Mr. Hayman if he knew when his term was up.

Mr. Hayman stated that he was not sure when it was up, but he was originally appointed in 2013.

Mr. Scobee stated that he had all that information.

Mr. Ensley stated that he also had that information.

There being no other business, Mr. Hecke made a motion to adjourn the meeting.

Mr. Underwood seconded the motion.

Meeting adjourned at 7:00 p.m.

**Minutes approved on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.**

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**Wendell Underwood, President**