



Minutes

May 5, 2022

Tipton County Plan Commission

The Tipton County Plan Commission held its regularly scheduled meeting on Thursday, May 5, 2022, in the 1st floor meeting room of the Tipton County Courthouse, 101 East Jefferson Street, Tipton, Indiana.

President Jason Henderson called the meeting to order at 6:00 p.m.

Roll Call

Members in attendance: Tracey Powell, Jason Henderson, Matt Tebbe, Jim Purvis, Doug Heron, Carroll CoHee, Gary David, Jeremy Bennett, and Michelle Owens (non-voting city liaison).

Members absent: Jovon Rayl

Staff in attendance: Steve Niblick, David Langolf Smith, and Judy Coker.

Staff absent: none.

Modifications to agenda

Jason Henderson asked for two modifications: 1) to switch the order of the public hearings, and 2) add overlay discussion under new business. Carroll CoHee made a motion to make these modifications; seconded by Matt Tebbe. Motion carried 8-0.

Minutes

Jim Purvis made a motion to approve the minutes of April 7, 2022, as presented; seconded by Gary David. Motion carried 8-0.

Public Hearings

b) CO-S-09-22 Althouse – Sharp minor subdivision

Jason Henderson opened the public hearing.

Steve Niblick provided an overview of the minutes from the Plat Review Committee meeting.

Nathan Althouse came forward to present the petition for a minor subdivision. No others came forward.

With no further discussion, Matt Tebbe made a motion to close the public hearing; seconded by Doug Heron. Motion carried 8-0.

Jim Purvis made a motion to approve CO-S-09-22; seconded by Carroll Cohee. Motion carried 8-0 by roll call vote.

Tracey Powell - yes
Jason Henderson - yes
Gary David - yes
Matt Tebbe - yes

Jim Purvis - yes
Doug Heron - yes
Carroll Cohee - yes
Jeremy Bennett - yes

a) CO-Z-07-22 Rittman – Aperture rezoning
Jason Henderson opened the public hearing.

Wyatt Johnson came forward to present the petition to rezone the property from B-4 General Business to I-1 Light Industrial.

Gary David asked if the road along the petitioner's property would be hooked to CR 550 North. Wyatt Johnson stated that it would be, if INDOT does not make it impossible. Wyatt Johnson stated that the petitioner would need to purchase the one property that is left on CR 550 North. Wyatt Johnson stated that if the petitioner can purchase that property, they will. Gary David asked who owns that property, Wyatt Johnson responded that the property is owned by Michael and Jackie Myers.

Jason Henderson asked if the proposal would be to connect the Dirt and Turf property to the existing parking lot. Wyatt Johnson confirmed and stated that the petitioner does not want to go through the subdivision because it would be much easier to go three or four hundred feet north or south.

Carroll CoHee asked how many employees could end up in the Dirt & Turf building. Wyatt Johnson stated that he is unsure because he initially believed that the extra 25 employees that are slated to be hired by the end of the year would end up in that building but was incorrect.

Carroll CoHee asked if the old Dirt & Turf building would be more storage than manufacturing. Wyatt Johnson stated that they might store things there, but the petitioner foresees needing the building in the near future.

Gary David asked if there was access through the subdivision to get to the property in question. Wyatt Johnson stated that they do have access through the subdivision, but the better access would be directly south on the property.

Carroll CoHee asked if there is a driveway currently along the north road, or would a drive need to be made. Wyatt Johnson stated that there is a private road call Commerce Drive. Wyatt Johnson stated that they will not have access from U.S. 31, only to 600 N. by way of Commerce Drive.

Chris Kelly came forward to express concern about the rezoning. Chris Kelly stated that when the commercial part of the subdivision was developed, the commercial traffic and residential traffic were never meant to mix. Chris Kelly stated that if the county could barricade off Wood Drive, he would feel better about the rezoning.

Eric Juliot came forward to speak in opposition of the rezoning, citing concerns about traffic.

Larry Blades come forward to yield his time to Robert Keisling.

Tamara Wiggington came forward to speak in opposition of the rezoning, citing concerns about traffic.

Tony Blades came forward to speak in opposition of the petition, citing concerns about traffic. Tony Blades conceded the remainder of his speaking time to Robert Keisling.

Chris Swales came forward to speak in opposition of the rezoning, citing concerns about lies that were told about the original plan by the business owner.

Opal Gappens came forward to speak in opposition of the rezoning, citing concerns about the extra traffic on the roads as well as the conditions of the roads.

Lindsey Keisling came forward to ask how the petitioner plans to connect the road from the loading dock to what was formerly the Dirt and Turf location.

Daniel Thomas came forward to yield his time to Robert Keisling.

Robert Keisling came forward to speak in opposition of the rezoning, citing various points. Robert Keisling provided the board with copies of the documents he used to make his arguments.

Jane Harper came forward to speak in opposition of the rezoning, citing concerns that agreements that were made with the Commissioners during the initial zoning and development were unkept by the property owner.

Debbie Lamb came forward to speak in opposition of the rezoning, citing the exhaust vents and fans that were supposed to face west but are facing east, and semi-trucks that drive through the neighborhood and idle all night long.

With no further discussion, Carroll CoHee made a motion to close the public hearing; seconded by Gary David. Motion carried 8-0.

Wyatt Johnson came forward to answer some of the questions and provide a rebuttal to the concerns that were raised during the public hearing.

Carroll CoHee asked if the board would be able to provide their recommendation, contingent on the blocking off of Wood Drive. Wyatt Johnson stated that Wood Drive is a county road, which would take Commissioner action.

Carroll CoHee asked if the Dirt & Turf project was approved by the drainage board. Jason Henderson confirmed that the Dirt & Turf development did receive drainage board approval.

Michelle Owens asked if Wyatt Johnson had knowledge about why requirements made by previous Commissioners for the original development were not met. Wyatt Johnson stated that he never heard those recommendations from the Plan Commission. Wyatt Johnson stated that he did not attend the Commissioner's meeting where the requirements were made.

Michelle Owens asked why the petitioner did not attend the meeting to answer some of the questions raised by members of the subdivision. Wyatt Johnson stated he did not anticipate this level of opposition to the rezoning and added that the property owner lives in Florida.

Gary David asked if there was ever an ordinance to keep the semi-trucks out of the subdivision. Jason Henderson stated that the Board of Commissioners controls all the roads and can do a restriction on certain traffic, however, the Sheriff's Department is the enforcement authority, which has limited resources. Jason Henderson stated that the Commissioner's could pass an ordinance creating a No Truck Route and increase fines for anyone who violates that ordinance. Jason Henderson noted that the Plan Department was not involved in the initial commitments or restrictions that were placed by the Board of Commissioners during the initial development, which could have led to a lack of enforcement.

Michelle Owens asked if there is a time limit on retroactively enforcing the prior commitments and restrictions. Jason Henderson stated that some of the requirements, such as venting, cannot be enforced because the building construction has already occurred, but noted that the requirements are probably recorded somewhere.

Gary David asked who maintains the roads inside the subdivision. Jason Henderson stated that the roads are county roads and are maintained by the Tipton County Highway Department. Gary David asked if trucks are allowed unless someone goes to the Commissioners to complain. Jason Henderson confirmed that trucks are allowed unless the BoC restricts truck traffic.

Steve Niblick asked Wyatt Johnson to provide a paper copy to the Planning office of the two digital documents that have been provided to the board.

Wyatt Johnson provided rebuttal to the concerns raised about drainage and employee and truck traffic through the subdivision.

Jason Henderson asked Steve Niblick if the buffer yard requirements would be for an I-1 zoning area that abuts a residential area. Steve Niblick confirmed. Wyatt Johnson stated that the buffering that would be required is the most stringent requirements in the ordinance.

Jason Henderson asked Robert Keisling to confirm which lots are number 68 & 69. Jason Henderson noted that lot 68 & 69 are a part of the platted subdivision and not a part of the commercial properties that were platted or the metes and bounds description that was the former Dirt & Turf.

Discussion ensued concerning the Prairie Acres covenants and which lots the covenants affect.

Jason Henderson noted that he believes access to Wood Drive should be restricted from the former Dirt & Turf property.

Doug Heron asked if the five items were stated by Mrs. Harper were written down somewhere and do we know for a fact that they were ignored and not enforced. Jason Henderson stated that he believes they were recorded. Doug Heron clarified that the items were just not enforced. Jason Henderson stated that the problem is that the Planning Board lost control and were never given an opportunity to oversee the project.

Matt Tebbe confirmed that there is a lot of traffic from Functional Devices going through the subdivision. Jason Henderson asked Matt Tebbe if he believed that Wood Drive should be closed

off so that Aperture traffic would not have access through the subdivision. Matt Tebbe stated he believes blocking off Wood Drive would be a good idea.

Steve Niblick brought the board's attention to Tipton County Zoning Ordinance, Section 905.04.

Discussion ensued concerning the activities that could occur in an area zoned industrial and the previous agreements that were not kept by the business owner.

Jim Purvis made a motion to give a non-favorable recommendation for CO-Z-07-22; seconded by Matt Tebbe. Motion carried 6-2 by roll call vote.

Jim Purvis - yes
Jeremy Bennett - yes
Tracey Powell - yes
Carroll CoHee - no

Doug Heron - yes
Matt Tebbe - yes
Gary David - no
Jason Henderson - yes

Reports

a) Staff Reports

Jason Henderson noted that he has received a draft of the 2021 Annual Report. Steve Niblick presented the permit report for April. Judy Coker presented the complaint report for April.

Old Business

None.

New Business

a) Overlay District Discussion

Jason Henderson provided a document from the overlay district ordinance and asked the board to look over the prohibited uses to determine if there are other uses that should be added. Jason Henderson also asked the board to look over the overlay district boundaries in consideration of extending the area along S.R. 28.

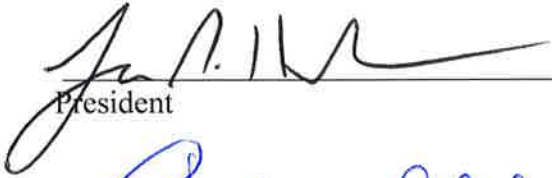
Public Comments

Bob Edinger asked what the progress is on the solar ordinance. Jason Henderson and Tracey Powell stated that they are looking at some of the ordinances passed by surrounding counties.

Melissa Alfont came forward to ask about a possible quarry near Nevada. Steve Niblick stated that there is no status update, but that there is a company drilling for mineral rights, which they have the right to do without a permit. Steve Niblick stated that a quarry is a special exception in the zoning ordinance, which would require a public hearing and neighbor notification.

Adjournment

There being no further business, Matt Tebbe made a motion to adjourn the meeting at 8:08 pm; seconded by Doug Heron. Motion carried 8-0.



President

6-2-22
Date



Executive Director

June 2, 2022
Date