



Minutes

October 6, 2022

Tipton County Plan Commission

The Tipton County Plan Commission held its regularly scheduled meeting on Thursday, October 6, 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, Jeremy Bennett, Doug Heron, Carroll CoHee, Gary David, Jovon Rayl, Jim Purvis and Michelle Owens (non-voting city liaison).

Members absent: Matt Tebbe.

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

Staff absent: none.

Modifications to agenda

a) Jason Henderson moved Item d) under Public Hearings to the first public hearing.

Minutes

a) Jeremy Bennett made a motion to approve the September 7, 2022, Regular Meeting Minutes; seconded by Carroll CoHee. Motion carried 8-0.

b) Tracey Powell made a motion to approve the September 22, 2022, Plan Commission Sub-Committee Executive Session Memorandum; seconded by Jeremy Bennett. Motion carried, 8-0.

Public Hearings

d) CO-ZO-35-22 Quarry Moratorium

Jason Henderson provided an explanation of the reason for the Quarry Moratorium request.

Gerald Shuck came forward to speak in favor of the quarry moratorium, citing weak county ordinances.

Megan Marden came forward to speak in favor of the moratorium, citing concern for small children.

Mark Dye came forward to speak in favor of the moratorium, citing concerns for his well and septic system.

Michael Julian came forward to speak in favor of the moratorium, citing concerns for the community.

Kevin Bucheict came forward to speak, pointing out the section of Indiana Code that prevents Plan Commissions from forming ordinances that prevent mineral extraction outside of urban areas.

Gloria Brown came forward to speak in favor of the moratorium, citing concerns for her grandchildren.

Shannon Maus came forward to speak in favor of the moratorium, citing concerns for the community.

Jim Leffler came forward to speak in favor of the moratorium, citing the opinion that this is ideal building land.

With no further public comments, Jovon Rayl made a motion to close the public hearing; seconded by Jim Purvis. Motion carried 8-0.

With no further discussion from the plan commission, Jim Purvis made a motion to forward the Quarry Moratorium Ordinance to the County Commissioners with a favorable recommendation; seconded by Doug Heron. Motion carried 8-0 by a roll call vote.

Roll Call Vote:

Tracey Powell - yes

Jason Henderson - yes

Jeremy Bennett - yes

Doug Heron - yes

Carroll CoHee - yes

Gary David - yes

Jovon Rayl -yes

Jim Purvis -yes

a) CO-Z-32-22 Zaremba Group LLC Rezoning

Whitney Pizzala came forward to present the petition for rezone from I-1 to B-4.

Tom Cowen came forward to explain that Dollar General typically leases their locations, however, Dollar General will own this location.

With no further public comments, Jovon Rayl made a motion to close the public hearing; seconded by Jeremy Bennett. Motion carried 8-0.

Doug Heron asked what is special about this location. Tom Cowen stated that Dollar General would like to control the site and would like to stay in this location for a long period of time.

Carroll CoHee asked if Dollar General owns the other two locations and how will this location affect the other two locations. Tom Cowen stated that Dollar General does not own the other two locations, and nothing will change with how the other locations operate. Tom Cowen stated that market research shows that this is an underserved area for grocery retailers so Dollar General feels that this area would be a good fit.

David Smith clarified that his rezone will only pertain to a small piece of property that has not yet been subdivided and will not include the remainder of the larger parcel.

Gary David asked the petitioner if they own the property yet. Tom Cowen stated that they have a purchase agreement that is contingent on the outcome of the hearings.

Gary David asked if the Plan Commission would be rezoning the entire parcel since Dollar General does not own it yet. David Smith clarified that the petitioner has permission from the property owner to seek rezoning and the rezoning would only be for the specified portion of the larger parcel.

Jason Henderson noted that the Board of Zoning Appeals denied the development standard variance to reduce the number of parking spaces and asked if they were able to fit the required number of parking spaces on the lot without having to acquire more land. Tom Cowen stated that they were able to fit all required parking spaces on the original footprint without having to acquire more land.

With no further discussion, Carroll CoHee made a motion to forward the rezoning request CO-Z-32-22 to the County Commissioners with a favorable recommendation; seconded by Jovon Rayl. Motion carried 7-1 by a roll call vote.

Roll Call Vote:

Tracey Powell - yes	Carroll CoHee - yes
Jason Henderson - yes	Gary David - no
Jeremy Bennett - yes	Jovon Rayl - yes
Doug Heron - yes	Jim Purvis - yes

b) CO-S-33-22 Zaremba Group LLC Minor Subdivision

Tom Cowen came forward to present the petition for a minor subdivision.

There were no public comments. Jovon Rayl made a motion to close the public hearing; seconded by Doug Heron. Motion carried 8-0.

Gary David asked how much more land they needed to acquire to fit in the required parking spaces. Tom Cowen stated that they did not have to acquire any additional land because they were able to fit all required parking on the existing footprint.

With no further discussion, Jovon Rayl made a motion to approve the minor subdivision for CO-S-33-22; seconded by Carroll CoHee. Motion carried 8-0 by a roll call vote.

Roll Call Vote:

Tracey Powell - yes	Carroll CoHee - yes
Jason Henderson - yes	Gary David - yes
Jeremy Bennett - yes	Jovon Rayl - yes
Doug Heron - yes	Jim Purvis - yes

c) CO-DP-34-22 Zaremba Group LLC Development Plan

Tom Cowen came forward to present the petition for a development plan.

Michelle Owens asked if the petitioner felt that they would need a deceleration lane added to State Road 28. Whitney Pizzala stated that does not believe they will need one, but that they will put one in if the State requires them to. Michelle Owens asked if there is room to accommodate a deceleration lane. Whitney Pizzala stated that there is space in the right-of-way.

Jason Henderson clarified that the Dollar General has been denied access to tie into the infrastructure across the road from this location, which is why Dollar General is being forced to put in a well and septic system.

Roy Burkhart came forward to express concerns that the Dollar General development would attract other development in this area.

David Kelly came forward to speak in opposition of the petition.

Jim Purvis made a motion to close the public hearing; seconded by Carroll CoHee. Motion carried 8-0.

Tom Cowen came forward to explain why Dollar General would like to open a store in this location when there are already two other stores in the area.

Michelle Owens asked for clarification on what type of fresh items or if they would have fresh items at this location. Tom Cowen stated he does not know exactly what items they will be stocking but based on the corporate literature and the fixture schematic they have received; Dollar General is putting in more refrigerator locations to supply refrigerated foods.

Discussion ensued concerning the number of semi-truck deliveries the store will receive each week, as well as how semi traffic would maneuver on the property.

Jim Purvis asked if the new footprint affects the landscaping plan, specifically, do they have room on the west side for the deciduous trees since the detention pond had to be shifted west to accommodate the additional parking spaces. Whitney Pizzala stated that they still have room for the buffering trees and that the trees will be planted on the top elevation of the detention area.

Discussion ensued concerning emergency response and what jurisdiction would be responding to any emergency calls at this location.

With no further discussion, Jim Purvis made a motion to approve the development plan for CO-DP-34-22; seconded by Carroll CoHee. Motion carried 7-1 by a roll call vote.

Roll Call Vote:

Tracey Powell - yes

Carroll CoHee -yes

Jason Henderson - yes

Gary David - no

Jeremy Bennett -yes

Jovon Rayl - yes

Doug Heron -yes

Jim Purvis - yes

Meeting was adjourned for a recess @ 7:13 p.m.

Board reconvened @ 7:22 p.m.

e) CO-ZO-36-22 Solar Moratorium Extension

Jason Henderson provided an explanation for the need for a two-month extension on the Solar Moratorium.

Stephanie Wells came forward to speak in support of the solar moratorium extension.

Andy Buroker came forward to speak in favor of the moratorium extension.

Tristan Wheeler came forward to speak in favor of the solar moratorium extension.

With no further public comments, Carroll CoHee made a motion to close the public hearing; seconded by Jovon Rayl. Motion carried 8-0.

With no further discussion, Jovon Rayl made a motion to forward the Solar Moratorium Extension Ordinance to the County Commissioners with a favorable recommendation; seconded by Jeremy Bennett. Motion carried 8-0 by a roll call vote.

Roll Call Vote:

Tracey Powell - yes

Jason Henderson - yes

Jeremy Bennett - yes

Doug Heron - yes

Carroll CoHee - yes

Gary David - yes

Jovon Rayl - yes

Jim Purvis - yes

Reports

a) Staff Reports

Steve Niblick presented the permit report for September. Judy Coker presented the complaint report for September.

Old Business

a) CO-ZO-37-22 Solar Energy Conversion Systems proposal

Jason Henderson gave a brief overview of the changes that were made to the previous solar ordinance draft.

Stephanie Wells came forward to speak in favor of the solar ordinance proposal.

Jane Harper came forward to speak in favor of the solar ordinance proposal but asked for a few points of clarification.

CJ Taylor came forward to ask if communities could develop in the ½ mile buffer area around a municipality. Jason Henderson responded that the setback from a municipality is not reciprocal.

Since the public hearing was closed on September 7, 2022, there was no closing of the public hearing.

With no further discussion, Jovon Rayl made a motion to forward CO-ZO-37-22 Solar Energy Conversion Systems proposal draft no. 3 to the County Commissioners with a favorable recommendation; seconded by Carroll CoHee. Motion carried 8-0 by a roll call vote.

Roll Call Vote:

Tracey Powell - yes

Jason Henderson - yes

Jeremy Bennett - yes

Doug Heron - yes

Carroll CoHee - yes

Gary David - yes

Jovon Rayl - yes

Jim Purvis - yes

b) CO-ZO-38-22 Prospect Overlay District proposal

Jason Henderson provided an overview of the proposed overlay ordinance and area.

Stephanie Wells came forward to state she appreciates that the board has tried to make accommodations.

Tristan Wheeler came forward to express concerns about the size and location of the proposed area.

Jane Harper came forward to ask for clarification on the different areas of the provided map.

Jim Leffler came forward to ask for clarification on where large-scale solar would be permitted within the overlay map.

George Tebbe came forward to express concerns that the government is limiting property owner rights.

Chase Bess came forward to express concern that the area Castle Creek has been notched out to allow for large-scale solar installations.

Jim Ashley came forward to express support for the restriction on large-scale solar in the overlay district.

Mike Bess came forward to express concern that Castle Creek has been notched out to allow large-scale solar installations.

Phil Overdorf came forward to express concerns about the overlay district in general.

April Overdorf came forward to speak in opposition of the overlay district, citing concerns of government overreach.

Nancy Cline came forward to ask that the board table the decision to allow for more discussion.

Paul Hale came forward to speak in favor of solar but stated that the county should be mindful of the size.

Discussion ensued concerning the overlay district.

Since the public hearing was closed on September 7, 2022, there was no closing of the public hearing.

With no further discussion, Jim Purvis made a motion to table CO-ZO-38-22 Prospect Overlay District proposal with the condition that a recommendation would be made in November; seconded by Carroll CoHee. Motion carried 8-0.

Jason Henderson asked for volunteers for a Quarry subcommittee. Jovon Rayl, Michelle Owens and Gary David volunteered to serve on the committee.

New Business

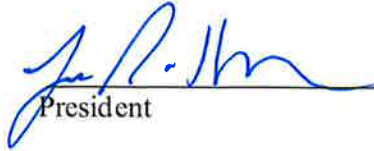
None.

Public Comment

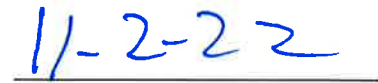
None.

Adjournment

There being no further business, Gary David made a motion to adjourn the meeting at 8:58 pm; seconded by Jeremy Bennett. Motion carried 8-0.



President



Date



Executive Director



Date

