



Special Meeting Minutes

City of Tipton

Planning Commission

April 16, 2020

The City of Tipton Plan Commission held a special meeting on Thursday, April 16, 2020, at 6:00 p.m., via teleconferencing.

The meeting was called to order by President Jim Purvis at 6:00 p.m.

Roll Call

Members present: Stan Kowaleski, Mike Dollens, Jade Crawford, Sophie Hufford, Aaron Coe, Jackie Cardin, Michelle Owens, Dan Kappesser and Jim Purvis (non-voting member).

Members absent: Lindsey Ogden, Cory Mahan and Adrian Roach.

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

Staff absent: None.

Modifications to Agenda

None.

Approval of Minutes

None.

Public Hearings

a) CTI-DP-01-20 TMU Development Plan - Continuation

Steve Niblick summarized the development plan. Steve Niblick informed the board that both the development plan review committee as well as the Tipton County Drainage Board gave this project a favorable recommendation.

Mike Dollens made a motion to close the public hearing; seconded by Stan Kowaleski. Motion carried 7-0 by roll call vote.

Roll Call-

Jackie Cardin – Yes

Jade Crawford - Yes

Michelle Owens – Yes

Stan Kowaleski – Yes

Aaron Coe – Yes

Dan Kappesser – Yes

Mike Dollens – Yes

Jim Purvis clarified that at the last meeting it was stated that it was the Big Cicero Creek Drainage Board that was requiring planting to be moved out of their easement, but it is actual the Tipton County Drainage Board that is requiring the planting to be eliminated or moved.

Stan Kowaleski expressed his opinion that anytime there is a development that abuts a drain, the Drainage Board easements should supersede any landscaping requirements that the city might have. David Smith disagreed.

Steve Niblick responded that the development plan could be approved subject to receiving any necessary variances from the City Board of Zoning Appeals. Steve Niblick also explained that if the Board of Zoning Appeals approved the variance, he could then go back and approve the necessary minor changes to the development plan, per the zoning ordinance.

Stan Kowaleski made a motion to approve the development plan as presented, subject to BZA approval of any variances that might be required; seconded by Mike Dollens.

David Smith offered his objection, in that the motion should be that the development plan approval is subject to approval of a variance that is required because the development plan is not in compliance with our ordinance, not if the variance is required.

Discussion ensued concerning the idea of modifying the ordinance so that in the future, the board does not have this issue; however, the pressing matter is what to do about the development plan that is presently before them.

David Smith disagreed that the ordinance needs to be changed. David contended that it is not the ordinance that is flawed, but the design of the parcel of land that makes it difficult for the development standards to be met, and that the Plan Commission does not have the authority to grant variances. David stated that this is the reason why there is a mechanism in place for getting approval to make development standard changes like this, but that approval cannot come from the Plan Commission; it must come from the Board of Zoning Appeals.

Stan Kowaleski asked how we move forward to get this approved. David Smith responded that the way to move forward is by doing what Steve Niblick said, and filing for a variance. David Smith stated that the petitioner needs to be told that they must get a variance because what they want or need to do does not comply with the buffer yard requirements.

Discussion ensued concerning the process that the petition would need to follow once the development plan has been approved so that the proper variances are obtained from the appropriate board. Jim Purvis began the roll call vote again.

Roll Call-

Jackie Cardin – Yes

Michelle Owens – Yes

Sophie requested clarification on the verbiage of the motion. Judy Coker restated the motion, “Stan Kowaleski made a motion to approve the development plan, subject to BZA approval of the variance.”

Steve Niblick stated that he thought there was language in the motion that stated, “if needed.”

There was discussion concerning whether the motion included the words, “if needed.”

Judy Coker repeated that the motion being voted on is, "Stan Kowaleski motioned to approve the development plan subject to BZA approval of the variance."

Sophie Hufford voted yes.

Michelle Owens requested that the vote be started over because the motion was different than the assumption was.

Discussion ensued concerning what the original motion was, as well as a restatement of the votes that had already been made.

Michelle Owens asked if the vote could be restarted because the motion is not what she thought it was. Jim Purvis responded that the vote could not be restarted, or that the motion could not be changed mid-vote. Jim Purvis stated that the only recourse would be for Michelle to change her vote to no.

David Smith confirmed that Michelle's option would be to change her vote to no.

Jim Purvis began the roll call vote again.

Roll Call-

Jackie Cardin – Yes
Sophie Hufford – Yes
Michelle Owens – No

Stan Kowaleski – Yes
Aaron Coe – Yes
Jade Crawford - Yes

Mike Dollens - Yes
Dan Kappesser - Yes

Motion carried 7-1.

New Business

None.

Public Comment

None.

Adjournment

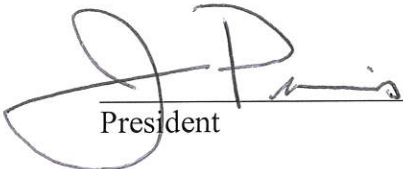
There being no other business, Mike Dollens made a motion to adjourn the meeting at 6:30 p.m.; seconded by Stan Kowaleski. Motion carried 8-0 by roll call vote.

Roll Call-

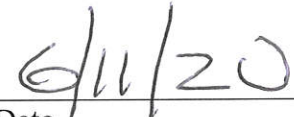
Jackie Cardin – Yes
Sophie Hufford – Yes
Michelle Owens – Yes

Stan Kowaleski – Yes
Aaron Coe – Yes
Jade Crawford - Yes

Dan Kappesser – Yes
Mike Dollens – Yes



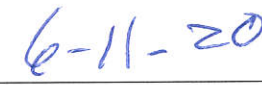
President



Date



Executive Director



Date