

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION
BOARD MEETING MINUTES

JULY 2, 2019

**Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

Board Members: Curt Campbell, Randy Curless, Jeff Dawes, Patty Godfroy, Doug Rice, Christian Rosen, David Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Curt Campbell, Randy Curless, Jeff Dawes, Patty Godfroy, Doug Rice, Cheri Slee, Joe Vogel, Larry Thrush, Mike Howard Libby Cook, David Wamsley, Dave Snavely, Robert & Leslie Patterson, John & Donna Wendt, Ron & Jennifer McColley, Travis & Melissa Boggs, Rita DeBoard, Phil Wilcox, Andrew Rossell, Jerry Dunn, Trent Powell, Mitchell Oetken, Don & Judy Yocum

Board Chairman, Randy Curless called the July 2nd meeting of the Wabash County Plan Commission Board to order at 7:00 pm. Mr. Curless asked for a motion on the minutes of the June 6th meeting. Joe Vogel made the motion to approve the minutes as written, this was seconded by Jeff Dawes, motion carried the minutes will stand approved.

The first item on the agenda, Mr. David Wamsley. Mr. Wamsley thanked the Board and Mr. Howard for the work done on the amended CFO Ordinance, and getting a whole lot of protections in place. The reason I have asked to speak tonight is I came in to thank Mike for his help after the Commissioners vote on the CFO ordinance and he mentioned that he wasn't sure the 1,000 feet from off-site water wells as well as the 300 feet from surface waters of the state would apply to a grandfathered site. Obviously that concerned me greatly because I know that the whole reason for the 1,000 setback for the offsite water well was to protect everyone's water especially those that weren't able to have the 1,320 feet setback that is the normal setback for the county. Mike sent me an e-mail stating that in fact these setbacks do apply to the grandfathered sites and that set me at ease quite a

bit. It made me wonder if Mike who had been involved in the drafting through all of the language all of the drafting throughout all of these months was confused temporarily by it whether or not the 1,000 setback or the 300 feet setback would apply to the grandfathered sites concerned me. If he was confused I was concerned that someone in the future, perhaps an attorney who wanted to argue the other side could use that as an arguing point in court. All I am asking for hopefully is a clarification, just a few words added to the document as a correction or term it what you will to clarify that in the grandfathered section 6:25 G that the 1,000 feet from offsite water wells and the 300 feet from surface waters of the state that that be included so that there can be no confusion in the future on the language going forward. I believe as I read it and as I have read it throughout the whole evolution it made sense it was inclusive and it was good. But after worrying for several days as to whether it was included it made me reread the document and have others reread it and it is just a bit vague. I have suggestions on how to clean it up, but I am not an attorney, I think about 4 or 5 words that could be added and make it very clear. I will stop right now and open it for discussion and go from there.

Mr. Howard: I think it was a misinterpretation in our discussion. I simply stated the fact when you came in, that I finished it that Thursday night and I rewrote the edits they asked for on Friday morning and left on vacation, when I got back I stated that I wanted to look through it because I wanted to be sure it stated what we wanted it to say in that context. If you go back to section 6:25 D -it is very clear it states "any Confined Feeding Operation (new site construction or existing site expansion)", that covers all of them and states exactly what the board wanted. That was my contention, that is what I told you that day, that I wanted to make sure that was in there. It is, and in my mind there is no confusion to it at all, but I will let the Board speak for themselves.

Mr. Wamsley, to take the other side of it, and I don't really want to take the other side of it but when you look at section 6:25 G (B) it says "such expansion meets or exceeds the written setbacks currently required by IDEM per 327-IAC-19-12-3, as amended". Those setbacks are very minimal 100 feet from a property line and 300 feet from an offsite water well so that is my concern that at some date in the future some attorney could argue the way it is scripted because the existing CFO 6:25 G is set off into, separate in the document, that somebody could make a case that it wasn't inclusive, that the 1,000 feet from offsite water wells isn't applicable to an existing CFO I don't believe that is the intent of anyone here who voted for all of these things I wanted at a minimum to bring it to a public forum for everyone to see and hear and sense the concern.

Mr. Vogel - The one refers to IDEM's but our ordinance would supersede theirs as long as it is more restrictive, is that correct Mike. Mr. Howard replied yes, it can be more restrictive. Ms. Godfroy asked if that could be put in after the as amended, say in provisions set forth. Mr. Howard stated that he felt if the word "meets" is taken out, then it wouldn't have to meet it, it would say that such expansion would have to exceed it; it

would have to exceed IDEM's. You can do that or you take part B out, the whole thing. Mr. Wamsley stated "that gets it done".

Mr. Howard, I would prefer not to do it at this time but that it be in the new Ordinance, but that is up to the Board. Ms. Godfroy asked, so you are saying not to change it now but when new Ordinance is passed. Mr. Howard replied that if we change this it would mean having another public hearing and going through the whole process again. Mr. Dawes asked, if we wait until after the Ordinance is approved it would all be done. Mr. Howard replied that it would be incorporated into the new plan; I would eliminate that in the new plan. Ms. Godfroy asked if that will be done in 2019, Mr. Howard answered that he certainly hopes so, we are to the point now that we are going to be meeting with the incorporated towns (Lagro, Lafontaine and Roann) to verify that they are satisfied with the way the zoning is set since they are their own entity.

Mr. Wamsley - Could I add one additional possible thought? As we look at 6:25 G the grandfather clause, section B, we have the IDEM regulations, if we, if you remove the period at the end of the sentence and just simply say "and provisions set forth in section 6:25 D, whichever is more restrictive" and call it a Scribner's error or a correction or clarification, I have read a fair bit, I am not a lawyer but it shouldn't require a public hearing if it is just simply a restatement, and correction or clarification. Mr. Thrush replied that we can't correct the Commissioner's Ordinance. Mr. Wamsley asked if a new ordinance correcting this ordinance could be done. Mr. Thrush stated that if you want to amend it you would have to go through all the steps, and that does require a public hearing.

Mr. Dawes asked Mr. Howard, are you aware of any situation that is in violation of that at the present time. When we changed it from the 100 to 1,000, because of the setbacks from a residence I think that has kind of taken care of that.

Mr. Howard - I think pretty much any new CAFO ordinance that we issued since the original ordinance that went into effect in 2007 would have to be 1,320 feet from a residential structure, being 1,320 feet from a residential structure is pretty much going to keep it 1,000 feet plus from the well. Where it would maybe not have had an impact prior to this ordinance would be on any existing facilities such as Midwest Poultry, if they came in tomorrow and wanted to expand at one of their sites, they would be grandfathered from the point of being an existing structure, but to meet that 1,000 feet we would have to check and verify what the distance is from a residential structure. Mr. Wamsley asked 1,000 from residential water well to clarify, you said structure and I am just trying to clarify. Mr. Howard answered yes.

Mr. Howard - There is always the possibility, and we realize that, but the current existing pre 2007 facilities in the county continue to diminish and the chance of somebody actually coming in and wanting to expand at an existing site, because of the way the livestock is

being handled now compared to what it was years ago is pretty minimal. That is not to say that there could never be one but it is getting less and less likely. Mr. Dawes stated that that is how he interprets it.

Mr. Wamsley - Just being open and straightforward here if someone does apply for one of these sites and does succeed in getting it put in then the 1,000 feet that you all tried to put as protection for these people that were not protected by the 1,320 feet went away for these people. If those water wells are poisoned and those people get sick and die as some people have from those contaminated water wells then all this hard work we have put forth was in vain for those people.

Mr. Dawes - I think you are making a jump here, when you are talking about people being poisoned from contaminated wells, I don't know that there have been any from Confined Feeding Operations to my knowledge. Mr. Wamsley stated throughout the country. Mr. Dawes replied that he is talking about Wabash County. Mr. Wamsley stated that he does know that it happened in Huntington County, Wabash he doesn't know about. Mr. Dawes asked if Mr. Wamsley had direct proof that it was from the Confined Feeding Operation. Mr. Howard stated that we often try to put it on the building, but was it because of a leak in a pit, was it because of poor management, or manure application. Mr. Wamsley stated from what he has been told that it was either a leak in the confinement structure or possibly the manure application, don't know, you can't prove it. What we are trying to achieve tonight is closure, I was ready to be done with this Mike and everybody was ready to be done with this, eager to be done with it, I thought we were done with it until I came in to talk to you, to thank you. It appears to me that it would be a fairly straightforward correction to clarify this to mean what everyone in the room voted on when that vote was taken.

Mr. Howard - In my opinion and I understand what you are saying, you can do one of two things, if you take that out, it says it meets or exceeds and it exceeds is what it does. And that is exactly what that is saying, it either meets or exceeds and it does exceed it, the written setbacks.

Mr. Wamsley - So everybody in the room is clear that if in the future if somebody comes in and wants to apply for a grandfathered site and there is a water well within a 1,000 feet arc of that proposed site expansion on grounds that exist in 6:25 D that expansion is going to be denied, am I hearing everyone correctly?

Mr. Howard: If they are less than 1,000 feet I would deny it based on 6:25 D, yes.

Mr. Wamsley: I like the words guys, that is all good and you are willing to go to court and defend it? Mr. Howard replied yes. Mr. Wamsley asked, with teeth. Mr. Campbell asked Board Attorney, Mr. Thrush if that is right, we are okay. Mr. Wamsley asked if you guys are ready to go to court and defend 6:25 D as it applies to the grandfathered for all

the setbacks, the 1,000 feet and the 300 feet from the surface waters of the state. Mr. Thrush replied that he would think so. Mr. Wamsley stated, give me an affirmative yes and I will be done. Mr. Thrush stated if they want me to go to court and defend that, then yes I would do it. Mr. Wamsley, you as the Plan Commissioner are willing to back that?

Mr. Vogel - We would turn the application down, Mike would turn it down automatically when it comes in. They could request a Special Exception. Mr. Howard stated that if they came in to apply and it was denied, if they wanted to continue it they would go before the Board of Zoning Appeals. The Board of Zoning Appeals would hear it and if they deny it then it would go to the court.

Mr. Wamsley - But the county will defend it vigorously? Mr. Vogel stated that if we implement it we will defend it. Mr. Wamsley stated that he just wants to be clear that everybody on the Plan Commission is willing to.

Cheri Slee - Are you still thinking that when we do the ordinance we would still make these slight corrections?

Mr. Vogel - I think anything that will make it clearer and easier to read and to interpret, yes.

Doug Rice - I don't know why defending this ordinance would be any different than defending any other ordinance.

Mr. Wamsley - I am just saying that since we are not clarifying it at this moment as a stop gap measure until it does get perhaps cleaned up where it reads more clearly, my community and myself can rest more easily and know that everybody in the room will back a vigorous defense of anyone that tries to take this to court.

Mr. Dawes - I think that is why the Planning Commission and the Commissioners went ahead at this point. They could have waited and handled all of this when the plan comes but because of your concern and we understood that and that is why this went ahead. Mr. Wamsley stated that he appreciates that. Mr. Dawes stated that he thinks we would back the ordinance as it is stated. Mr. Wamsley stated, thank you we are done, I appreciate it.

Mr. Curless - the next item on the agenda is David Snavelly, SE #4, request to operate a business in an Ag zoned area in Noble Twp. Mr. Howard stated that Mr. Snavelly is seeking to operate a firearm repair, cleaning, coating business and possible sell accessories from his property located at 7880 W 200 S, Wabash. Mr. Snavelly owns 22.46 acres in Noble Twp. Mr. Snavelly has provided an outline of plans for the business.

Mr. Snavely stated that he has to have a Federal Firearms license to conduct the business, when he applied for the license he was told by the ATF agent that the area was not zoned properly to operate the business. The license he is applying for through ATF is no different than a gunsmith license; it does have provisions for dealing guns as well, that is not my intent I have no intent of being a gun shop or having an inventory for sale. His primary interest is the coating business, not unlike spray paint, it is a ceramic based coating it is not a hazardous material, and there are no regulations as far as disposal any different than a can of paint. The equipment I would be using I call it an industrial oven, I could do it in a kitchen oven but it is just not big enough, the temperatures will not exceed 350 degrees. At this time there is no other business locally that does the coating, people send their firearms off to Indianapolis, Chicago, or Missouri to get them coated, and I saw a gap in the market around here and wanted to get involved. I went to training, I have taken gunsmith classes, I do not intend to be a gunsmith, that is not something you can read out of a book, it is experienced based but I do want to have that certificate. Mr. Snavely is asking permission to do business in his barn, to get the license he has to be zoned, that is the main objective today.

Mr. Howard stated that it would have to be zoned properly or requires a Special Exception, the county allowing that business in that particular location before the State could issue his licensing. One thing I would ask is that once you are established that you notify the local fire departments and police to let them know what is being stored/used in your building, where ammunitions are stored. Can you give us a little better example of what accessories you are talking about?

Mr. Snavely gave an example of accessories that he would be offering, AR 15's there is an upper and lower receiver we will call the action, there are several accessories that go on an AR 15, hand guards, butt stock, pistol grips, all of these items could be coated with this process, I could buy a set of hand guards, spray them and put them on a shelf to sell. I could do that without the FFL, but any firearm with a serial # that I coat is regulated by the ATF, any accessories to the firearm are not.

Mr. Vogel asked if someone buys a gun online, it is sent to you and they apply to you to do their background check.

Mr. Snavely - That is called a transfer, they buy a gun at a shop, and then have it sent to my address and basically I would do the work that a gun shop would do without the inventory. There is the background check, the log, the details of the transfer including the name of the person, their license and their social. Then I have a document showing the traceability of that gun. It is really no different than a licensed gun shop buying the gun and putting it on their shelf. The background check, no different than a gun shop, buying a gun.

Mr. Vogel - When you do the paperwork how long does that take, can you do that online?

Mr. Snavelly replied that this can be done online or by phone, same information is transferred. Either way the same information is transferred.

Mr. Vogel asked if guns are shipped UPS would you be open and have hours to where they could be put in your hands or where would they be stored if you are not available to receive them.

Mr. Snavelly stated that he can't answer that accurately because he is not exactly sure how that works. I have been told by people who have done this type of business that it is treated just like any other package. If it is left on the porch and somebody takes it there are ways to track it. Yes, I will have operating hours hopefully the deliveries will be within those hours. They treat it like any other package; the drivers don't know what is in it. I do have a safe that I plan to use for storage, whether it is for my own or for others. That is part of the requirements that the ATF has as well.

Mr. Vogel asked do they require the building to be locked and secured. Mr. Snavelly replied, correct and it has to have alarms, which I have. Mr. Vogel then asked Mr. Snavelly if he will be there full time or does he have other employment. Mr. Snavelly, I work contracting now and hope to phase out of that once I have the business up and running.

Mr. Howard asked Mr. Snavelly if he has any idea of what the business hours will be. Mr. Snavelly replied that his business hours will be 9:30am - 2:30pm as he also drives a school bus part time. Evenings and weekends would be by appointment.

Mr. Howard asked if any test firing would be done, would it just be personal use for recreational shooting.

Mr. Snavelly - typically if I disassemble a firearm the general practice is to test fire it after it is reassembled, I want to stay away from that but if I need to I have a location where I could do that. I do not plan to have a range that customers could use. I specifically want to focus on the coatings; anything I could put in the oven could be coated. The business is not all about firearms.

Mr. Curless asked if there were any further questions or comments, there being none Mr. Curless asked if there was motion to give a favorable recommendation to the BZA. Mr. Dawes made that motion to give a favorable recommendation to the Board of Zoning Appeals; this was seconded by Mr. Vogel, the motion carried.

Mr. Howard informed Mr. Snavelly that the BZA meeting will be held on Tuesday, July 23 at 7:00 pm. The Plan Commission office will send out the legal ad and the necessary mailers.

Mr. Curless – the next item on the agenda is the Scott & Lisa Hauptert rezone request to change a parcel zoned as Ag to general business in Paw Paw Township.

Mr. Howard stated that we have a request for the zoning change of a parcel at the intersection of St. Rd. 15 and St. Rd. 16, the northeast corner of the intersection; Section 32; Township 29; Range 6; 4.19 acre parcel in Paw Paw Township. The Huppert's are requesting a rezone of the parcel from Ag to General Business. The Hauptert's are not present tonight; Mr. Andrew Rossell from AR Engineering is representing the Hauptert's.

Mr. Rossell stated that he is here representing the Hauptert's who couldn't be here; they are the owner and the potential developer of the general retail business. What we are asking is for a rezone from agriculture to general business for the parcel that Mike had described. The intent is to develop a general retail store approximately 9000 sq. ft. with 30 parking spaces. The drive would be located off of from 15. We are looking at more does this retail fit? The company had looked at the site to the northwest of the State Road 15 and State Road 16 intersection which is zoned General Business, however that property was not for sale. We had looked at the closest to that intersection that is what they call the STA Point, that is the point where they (the tenant) does the market analysis to tell us, us being our client, the developer where they direct their broker to research properties and acquire property as close to that STA point as possible. That is kind of the background of how we arrived at this location. The intent for those back parcels would be to not develop those; the Hauptert's own the two parcels. Typically, this is a little bit larger site than we are used to having to develop, usually we are on 1 - 1/2 acres, so we have a little bit of room to develop the well and septic.

Mr. Campbell asked Mr. Rossell if he was at liberty to disclose the name of the retail business at this time.

Mr. Rossell replied that he was not, but that many have probably heard rumors of what the business would be and those are probably correct. It will be a general retail store a national retail chain that would sell general merchandise.

Mr. Rice asked, similar to a Family Dollar or Dollar General? Mr. Rossell replied yes similar.

Mr. Campbell asked if the entrance would be off of St. Rd. 16 and a distance from the intersection.

Mr. Howard told Board members they would be voting by vote sheet.

Ms. Godfroy asked how far the business would be from the town of Roann. Mr. Rossell replied 2 miles (+/-).

Mr. Vogel asked if there is a big County drain that goes through the property.

Ms. Slee replied that there is and there is also a 75 feet right of way from the center line on each side.

Mr. Howard reviewed a survey of the property which was completed by Surveyor, John Stephens in 2017. It shows the drain and the 75 foot easement on each side of the drain.

Ms. Slee stated that the drain would need to be field verified on location. Also, it appears that there are some private laterals that come into it that would need to be located and taken care of.

Mr. Rossell replied, those old tiles there are no maps of it, during construction if they found any they would make the effort to reroute them and tie those back in depending on where they are at.

Ms. Slee stated that no permanent structures can be put in the right of way without Drainage Board reducing the easement, if they decide to reduce the easement. They don't have to reduce that easement.

Mr. Rossell replied correct, and we would want our structures to be located outside of that easement. It is shown a little bit better on the stated that GIS maps are relatively accurate but they can be 10 to 15 feet off on the right of way. We would do our due diligence to actually locate that in the field because even on this survey it is approximate

Ms. Slee, we put the drain on there through written description is how that is put on the GIS map.

Mr. Rossell - typically GIS maps are relatively accurate, they are not survey accurate.

Mr. Dawes, the Drainage Board discussed this and there were some concerns about the right of way, it would be a tight fit. You/your client may need to be aware that you may have to relocate drains if possible. The drainage, there is some concern on that parcel. It could very well require you to have to move those drains.

Mr. Vogel, did that meeting go well, could this drain be moved?

Ms. Slee - I am not going to say for sure that it can be done; field work would need to be done.

Mr. Vogel, to proceed on that to see if you can locate it, does the County Drainage Board go out there and tell them they can or do they fund the cost of digging it up.....

Ms. Slee – They will have to field dig it up.

Mr. Vogel- I just want to be sure that everyone is aware of what is going on, that the expense of locating around so they are not on top of the building and so that they are 75 feet away so you can work on it anytime later and they are willing to do that. I think it is a big point before we go on.

Mr. Dawes stated that you may want to get some estimates on the expense, we don't have any idea what that will entail. If you have to relocate that you might want to be aware of what the expense would be.

Mr. Rossell discussed the path that the drain takes. He told the Board that the site plan that they have in front of them is a concept. The first step is always if the property is not zoned is to get it rezoned because we will not do the design if the property is not going to be rezoned. The owner and developer he actually does the builds so he is on site doing the site work. Often he will go out, whether it is a tile that the owner knows about or some other feature or structure on site he will investigate that before they sign their lease, that way they know what they are up against.

Mr. Rice asked therefore they are fully aware that they may have to move the drainage and take care of that?

Mr. Rossell, I don't think that we would necessarily move the drain but we would relocate the building so that it is outside of the easement. What we are talking about is the finger drains or smaller tiles if we intercepted those we would route them around the actual structure to tie back into the drain. Mr. Rossell then reviewed the maps with the Board members. He stated that they are trying to locate the drive as far to the east as possible because of the stop controlled intersection; they feel that INDOT would look more favorably on that than the non-stop controlled portion.

Mr. Vogel asked if the proposed sign will interfere with visibility. Mr. Rossell replied that it is way outside of the right of way and outside of the clear vision triangle. That will all have to comply with INDOT and the County Ordinance.

Mr. Rice asked if the county right of way is 75 feet on each side of the drain, so within that 75 feet they could not have a septic field, is that correct. I could see that being a big issue because they would have to relocate that septic somewhere else.

Ms. Slee stated that no permanent structure can be in the right of way. We wouldn't want to be out working on the ditch and getting into their septic field.

Mr. Rice, I was trying to think how this would work into that parcel with the drainage, the building and the septic and everything.

Mr. Rossell, like I said we have a lot of acreage out here to work with.

Ms. Slee presented Mr. Rossell with a map showing the overlays of the drainage that the drainage Board had reviewed.

Mr. Dawes stated that was what the Drainage Board looked at. Mr. Rossell replied that he wasn't aware of that otherwise they could have been there to answer any questions.

Ms. Slee, we want you to know all possibilities before going forward.

Mr. Rossell, This is a great depiction of an overlay, he asked Ms. Slee if the PCB members have a copy of it, she replied that they haven't seen it. You can see how we could shift that building over depending on the actual location of the drain

Ms. Slee - I drew it out

Mr. Rossell

Mr. Dawes: There does appear to be to the south a private drain coming in. If that was depicted in that picture you would probably have to move it.

Ms. Slee - a mutual drain

Mr. Rossell asked if Ms. Slee thinks that is a tile. Ms. Slee replied that there is a good possibility, she is not saying that there is or there isn't, she hasn't talked to Mr. Merrick to see if he knows if there is a tile running that direction. The septic you would want to know where it could be place.

Mr. Rossell, again this is real preliminary.

Mr. Howard, the initial application process we were trying to encourage a Special Exception application process instead of a rezone. We have done some rezone, the majority has been in incorporated towns, once the request came to us they wanted us to do this for them. The property he is talking about to the west of the intersection was zoned general business in the 1965 ordinance with the rest of the area being zoned agriculture. To say that we do a lot of spot zoning, we don't. With that in mind in talking with Andrew, I think it would be safe to say that if the Board does not approve the rezone I anticipate that they will come in and ask for a Special Exception to operate a business in an Ag zoned area.

Mr. Rossell explained why they don't like to do a Special Exception is because them being the landowner and the developer, if for some reason the tenant which has a 15 year lease with 5 five year extensions in the event that they were to go away it would then allow the

owner to repurpose that building without having to go through the Special Exception, or make it more saleable in the event that they went away.

Mr. Howard: If the owner comes in and applies for a Special Exception, the ownership of the retail business can change as long as it remains a retail business. But if the retail business leaves and somebody else wants to come in and put in who knows what then they have to apply for a Special Exception again.

Mr. Rossell - If a SE were granted, it would go with the property or the owner? Mr. Howard stated that he believes that the SE would go with the land owner which would be the Hauptert's. Mr. Rossell stated that the Hauptert's would sell the property and our client would own and lease it to the tenant. Mr. Rice asked if there are 3 entities involved. Mr. Rossell stated, the sale is contingent on the rezone and the permits, at the point of the sale then they would be out of the picture then it would just be with the landlord and the tenant.

Mr. Thrush stated that zoning is not to confer a privilege on a particular person it would go with the land as long as you are not trying to repurpose it. If you are trying to change the purpose drastically then it might. Mr. Rossell, I would just like to clarify that the SE stays with the land no matter if it was sold or not, as long as it goes with the title.

Mr. Rice - a Special Exception is more about the purpose, so as long as that purpose doesn't change. If General Business zoning was approved then they could use it for any type of general business.

Mr. Curless then opened the floor for comments or questions from the audience.

Don Yocum, adjoining property owner stated that they feel it should be left as Ag Zone.

Ron McColley stated that they own property to the southwest of the intersection and he has concerns about runoff as they already have water problems. How big is the building and the parking lot? Mr. Rossell replied that the building will be approximately 9,000 feet, 18,000 parking area, fully developed hard surface will cover approximately 7/10 of an acre. Mr. McColley asked Ms. Slee how much runoff he could expect on his property. Ms. Slee replied that would have to be determined. Mr. McColley asked if there would be a gas station with this. Mr. Rossell it is just a store slab on grade, and a dumpster. Mr. Rossell stated that he could kind of speak to the drainage; we can only release a certain portion of what would be drainage. Mr. McColley asked if it would be a retention pond.

Ms. Godfroy asked if the main concern is water.

Mr. McColley asked how far off of St. Rd. 15 is the driveway. Mr. Rossell replied that the DOT would regulate that, approximately 300 feet.

Trent Powell stated that he has traffic concerns.

Mr. Rossell stated that he understands that, the tenant, they would draw from the traffic that is there, it is not really a destination, people would still come there to get goods that is why they position themselves on highways. I don't disagree that there won't be more traffic because you have another place where people are going to go.

Ms. Godfroy, State Road 16 stops, is there a flashing light at the intersection? Mr. Campbell stated that maybe if this goes through it would need to be but that would be up to INDOT.

Melissa Boggs - We will be right beside this store, there are already enough accidents in this area.

Jennifer McColley asked Mr. Rossell if he has been to the site, he replied that he had. She stated concerns over the hills in the area and over the traffic in the area.

Mr. Rossell, I can't disagree with you on the traffic, that is where retail wants to be.

Travis Boggs, (lives to the east of the property) the retaining pond, will it be fenced. Mr. Rossell explained that given the layout of the area, they are typically shallow ponds, they are designed to drain. Mr. Boggs stated that they have small children. Mr. Rossell explained their requirements for how much drainage they would be able to release.

Mr. Boggs then asked if any thought has been given to the small businesses in Roann.

Mr. Powell stated that he doesn't see the need for a big chain to come in the town has gotten along fine for all these years, he doesn't see the point in this.

Mr. Boggs stated that he doesn't want the trash in his yard.

Judy Yocum stated that she lives on St. Rd. 15, adjoining property. She is concerned about the water already, what will this do?

Ms. Slee - they would have to prove to us that their storage capacity is enough to handle this additional hard surface and runoff.

Mr. Rice - One thing to think about is the location of the retention pond, Wabash County has 100 feet setbacks.

Mr. Campbell asked if this is something that we should postpone for a month. Mr. Howard replied, if you approve the zoning change that can be taken care of tonight, he

will know the things he has to do, if we don't approve it most likely they will come back and apply for a Special Exception they can apply for a SE immediately.

Mr. Campbell: As a Board do we want to stay away from spot zoning?

Mr. Vogel stated that he would feel more comfortable with this request as a Special Exception rather than rezoning. Mr. Howard informed the Board that they have to act on the rezone request before they could move on with the Special Exception. This request was not legally advertised as a Special Exception request. Mr. Rossell said that he agrees as far as changing it from a rezone to a Special Exception.

Mr. Boggs asked how this would affect the value of his property and his property taxes. I moved into the country to have a country life, not live in the city. Mr. Rossell said that in some areas retail can bring up the values, it depends on which side of the fence you are on, if I was going to buy your house and I wanted a store beside me or not.

There being no further discussion Board members voted on the request, using vote sheet form WCPC1043. Mr. Thrush tallied the votes; the rezone request did not pass.

Mr. Howard reviewed with Mr. Rossell some items that would need to be addressed if they are considering filing an application for a Special Exception. Mr. Rossell said that he respects the Boards decision and the input from the property owners.

Mr. Howard then gave the Board the following updates:

- Working on getting scheduled with the incorporated towns in the county to review the draft of the new County Ordinance.
- Parcel Review Committee (PRC), Rules of Procedure needs to get back with County Attorney, Steve Downs
- Todd Custer, campground in Chester Twp., he is still working with the State on permitting.
- Currently have 31 complaints we are working on.
- The Moser property in Urbana, the structures have been razed
- The Shelton property in Urbana, working on razing the structure
- Unsafe premise order, Barbara Nelson went to the courts and was given a 30 day extension to have property in Lagro Twp. cleaned up.
- NorAg Elevator in Speicherville - I forwarded information to IOSHA and IDEM. IDEM did an inspection report, then I received an e-mail from IDEM stating that they don't control spoiled grain. IOSHA, I had sent photos, and then had to resubmit because they couldn't find the original information. Mr. Dawes asked if Mr. Howard had talked with Jennifer Scott at the Health Department. Mr. Howard stated that Ms. Scott had gotten orders for baiting for rodents and spraying for mosquitos. We might have to file an unsafe premise order. Mr. Curless asked what happens then. Mr. Thrush replied that the court could order

the cleanup of the property. Mr. Campbell stated that he thinks we should file an unsafe premise order. Board members agreed.

There being no further business Mr. Curless asked for a motion to adjourn. Mr. Vogel made the motion to adjourn; this was seconded by Ms. Godfroy. The meeting adjourned at 9:45 pm.

Libby Cook
Secretary, Wabash Co. Plan Commission Board
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