

MINUTES
CASS COUNTY PLAN COMMISSION
MONDAY, June 11, 2012

Jenny Clark called the regular meeting of the Cass County Plan Commission to order at 6:30 PM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

ROLL CALL:

Members present: Jenny Clark, Jim Sailors, Fred Seehase, Tamara Ogle, Stacy Odom and Allen Paschen.

Member absent: Brian Reed, Brad Johnson and Chris Frey.

Staff present: Arin Shaver, Chris Gaumer, Peggy Dillon and legal council Jeff Stanton.

Public in attendance: See sign in sheet.

ACTION ON MINUTES:

Tamera Ogle made a motion to approve the minutes of May 14, 2012 as presented. Jim Sailors seconded the motion and all were in favor.

PUBLIC HEARING:

#12-01 Rezone of the Anderson's 825 E. SR 35:

Arin Shaver explained that the correct address of the property is: south of 8086 E. CR 900 S. Mrs. Shaver presented the rezone with the following information:

- Approximately 19 acres, adjacent to existing Anderson's business to be rezoned.
- Current zone: AG Agricultural.
- Proposed zone: AB Agribusiness.
- AB zoning encourages expansion of business and manufacturing for the local agricultural community .
- Rezone would enable The Anderson's to expand without petitioning the Board of Zoning Appeal.
- Future land use map in the Comprehensive Plan is proposed to be changed from Agricultural to Industrial.
- Properties surrounding this area are typical agricultural land and this proposed zoning did not conflict with current uses of the area.

Jim Sailors made a motion to approve this rezone request.

Jenny Clark asked if there were any further questions or comments from the board, there were none. Mrs. Clark asked if there were any questions or comments from the public, there were none.

Fred Seehase seconded the motion, roll call vote was unanimous to approve rezone #12-01.

#12-02 Comprehensive Plan FLUM amendment:

Jim Sailors made a motion to approve the Comprehensive Plan amendment to re-classify the future land use map designation from Agricultural to Industrial. Mrs. Clark asked if there were questions or comments from the board or the public, there were none. Mr. Seehase seconded the motion, roll call vote was unanimous to approve #12-02.

#12-03 Fee Schedule:

Mrs. Shaver explained that the fee for confined feed operations has always been calculated as a commercial or industrial use. Mr. Shaver explained that this use is agricultural, not as intense as industrial and this change lowers the fee of confined feed operations. Mr. Sailors questioned whether the use of roads by these operations could be regulated due to excessive use by equipment from confined operations. Mrs. Shaver stated that confined feed operations could be considered as a Special Exception petition to the Board of Zoning Appeals and conditions of approval would be added to the operation, this would require a zoning ordinance amendment. Mrs. Shaver stated that the Plan Department can review this possibility.

Mrs. Clark asked for questions or comments from the board or the public, there were none.

Mr. Sailors made a motion to approve this petition. Tamera Ogle seconded the motion and roll call vote was unanimous to approve #12-03.

REPORTS:

Unsafe Building Ordinance: Mrs. Shaver explained that amendments to the Unsafe Building Ordinance will be taken to the Commissioners in July. Amendments to be proposed:

- Plan Commission will be hearing authority for implementation of ordinance
- Health related issues will be deferred to Health Department
- Indiana Code Chapter, 36-7-9, Indiana Unsafe Building Law, will be adopted
- The unsafe building definition is adopted except the provision relating to a tract of real property that does not contain unsafe structures
- Plan Commission will be considering unsafe properties along with their premises

- The guidelines have been deleted because the state code contains guidelines
- The Cass County ordinance will not contain provisions to evaluate agricultural properties
- Violations will be addressed according to state code
- Emergency action was deleted due to being in state code
- If court rules portions invalid, the remaining provisions would still be legal

Mrs. Clark asked for comments or questions, there were none. No further action was needed.

Unsafe properties in Hoover:

Mr. Gaumer explained that staff has received complaints of properties in Hoover and these will be handled as citation violations.

OLD BUSINESS:

Unsafe Buildings LIENS:

Mrs. Shaver reported the following:

- #07-05 13417 S. Main St. *Young America* was sold at the Commissioners sale and no fines will be collected
- 120 Beal St. a fine of \$5000 was collected and property is cleaned up
- 64 N CR 950 E was sold at the Commissioners sale and no fines will be collected

Unsafe Buildings:

Mr. Gaumer reported the following:

- #12-01 1217 N 600 E *Livingston*: The garage was torn down but not removed. Tamara Ogle made a motion to delay the \$1500 fine until Aug. 10, 2012 and to extend the order until the same time due to progress being made on the property. Fred Seehase seconded the motion and all were in favor.

#12-04 *Cliff Drive Davis*: Property has no improvements and property owner has stated that she will not be making any improvements. Jim Sailors stated that the Commissioners office is able to take action for a clean up and he will investigate that possibility.

#12-05 50 N. btwen 550 & 600 W *Banta Farms*: Property has been cleaned up.

#12-03 463 E. PR 325 S *Hedger.*: No improvements; Aug 1, 2012 is the deadline for clean up.

#11-05 10126 *Walnut St. Ingold*: Structure is down and owner has asked for a deadline extension. Jim Sailors made a motion to extend the cleanup deadline until Aug. 10, 2012 and to place a fine of \$1500 on the property if it is not cleaned up. Fred Seehase seconded the motion and all were in favor.

#10-01 918 SR 17 *Mallott*: No improvements, the clean up deadline is Aug. 12, 2012. Jim Sailors made a motion to send a letter reminding the property owner of the deadline and that there will be a fine of \$1500 if there are no improvements by then. Mr. Seehase seconded the motion and all were in favor.

#11-10 10215 S. *Lincoln Walnut, Butcher*: The structure is down and some debris is cleared. No action was taken.

PUBLIC IN ATTENDANCE:

Larry Robertson, 105 S. Sycamore Galveston, explained that he has purchased the property at 10215 S. Lincoln Walnut but does not have the title. Mr. Roberts stated that he wishes to clear the property but is asking a 90 days extension for the clean up from when he receives the title. Mrs. Shaver explained that planning staff will monitor the situation and if after 90 days, there is no clean up, a letter stating issues will be sent.

Mrs. Clark asked for further questions from the board or the public, there were none.

The meeting was adjourned at 7:16 pm, June 11, 2012.

Jenny Clark, President

Chris Frey, Secretary

Peggy Dillon, Recording Secretary