

MINUTES
CASS COUNTY PLAN COMMISSION
Tuesday, July 7, 2020

Stacy Odom, President, called the regular meeting of the Cass County Plan Commission to order at 8:30 AM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

ROLL CALL:

Members present: Josh LeDonne, Jon Guy, Jim Sailors, Brian Reed, Krista Pullen, and Stacy Odom

Member absent: Jim Donato, Fred Seehase and 1 member to be appointed

Staff present: Arin Shaver, Eric Servin, Jeff Stanton, legal counsel and Peggy Dillon.

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of March 3, 2020 were presented. Mr. LeDonne motioned to approve as presented. Mr. Sailors seconded the motion; all were in favor.

PUBLIC HEARING:

None:

REPORTS:

2nd Quarter ILP report:

2nd Quarter Financial report:

Mrs. Shaver presented both reports, no questions were asked.

Unsafe Property:

1821 Grant St. – Your 1st Choice

Mrs. Shaver explained that a lien has been recorded for \$5,000 to pay for the demolition of the mobile home.

1411 N. US 35 – Pollard

Mrs. Shaver explained that before the property owner could be notified of the 1st Plan Commission order, the property was sold and is going to an auction on July 16, 2020. Mrs. Shaver stated the lien on the property was in the process and she can investigate whether the lien can still be put on the property. Mrs. Shaver explained that an estimate for demolition was received for \$30,000; a request for more money would need to go to Council for the demo. Mrs. Shaver stated if the property is sold at the auction, the process will start from the beginning with a 1st order.

4016 W. Vandalia – 2019 Castle LLC

Mrs. Shaver explained that letters were sent for this meeting, but the property has since been sold. Mr. Koppe stated that the structure has been demolished; owners are working on the property and staff recommends giving the new owner time to do something and send a staff letter if no clean up happens. The Board was in agreement.

OLD BUSINESS:

Unsafe Properties:

51 N. 400 W. - Musselman: Trash; Debris; Vehicles

Mr. Koppe explained that the owner has moved a lot of items, re-organized and created stock piles; it looks better.

Mrs. Shaver explained that there have been multiple complaint calls and gave the following information:

- There is a semi-truck trailer being used as a storage container; it is set too close to the road; in violation of the zoning ordinance setbacks
- Staff recommends the container to be 22ft from the road; the same as the house
- The Health Department has investigated and determined that the piles are items that are not a health issue
- Questioned whether stock piles are too close to the road

Robert Musselman, 51 N. 400 W. Logansport, explained the following:

- The curved road in front of his house is a gradual curve; people drive too fast
- Container is full of items; oil, parts, tires and he measured it to be 12ft. from the road
- The property is not very large and 22ft off the road would take a lot of his property away; he has roughly an acre
- Metal on the property can be sold as scrap but prices are too low currently

Mr. Odom stated that a permanent container should not be this close to the road.

Mrs. Shaver explained that the issue of the container can go to the Board of Zoning Appeals.

Mr. Guy asked if he could use common sense and keep items off the road.

Mr. Odom asked for questions or comments from the public.

Mr. Musselman stated that the wagon is parked in the location temporarily, not permanently.

Mr. Guy stated that he does not see an issue with the property and motioned to deny the order.

Mr. LeDonne seconded the motion and all were in favor.

Mr. Odom asked that items be kept off the road and address the issue of the container setback going to the BZA.

271 W. SR 16 – Lopez: Roof damage and doors not secured

Mr. Koppe explained that some work is being done, the roof has new felt paper and decking is being installed.

Mr. Lopez, 2000 Erie Avenue, Logansport, stated that he is working on the roof, gutting the inside and is getting the work done.

Mrs. Shaver explained that this Board put a possible \$2,000 fine on the property and a \$1,000 fine is in the process, 30 days until being assessed; this can be held at this time from being put on the property

Mr. Odom asked for questions from the Board, there were none.

Mr. Lopez stated that most of the windows are new; doors have locks on them now and he plans to continue working on this.

Mr. Reed motioned to put a hold on the \$1,000 fine; review the property on August 26, 2020 and bring to the Sept. 1, 2020 meeting with the fine to be assessed if no improvements are completed.

Mr. Sailors seconded the motion and all were in favor. Mr. Lopez stated this is reasonable.

2842 S. 475 E. – Lopez: Roof needs repaired; windows rotted

Mr. Lopez stated that he has not worked on this property much but plans to put a new roof on and clean up the property.

Mrs. Shaver explained that a fine of \$3,000 is in the process of being assessed; the Board has stated there may be an additional fine of \$2,000 .

Mr. Koppe stated that windows are rotted; soffit and siding need to be repaired.

Mr. Sailors motioned to put the \$3,000 on hold; review on August 26, 2020 for the September 1, 2020 meeting. Mr. Guy seconded the motion and all were in favor.

4031 Quincy - Wingard: debris; trailers being demolished

Mr. Koppe explained that the property has been cleaned up but there are some piles of debris remaining.

Mr. Reed stated that this has gone from unsafe to slightly unsightly, not a problem anymore.

Mr. Guy stated that we asked the owner to clear the property and he did it.

Mr. Wingard, 3935 S. 400 W., stated that he can have the rest of the debris cleared soon.

Mr. Reed motioned to deny the order and remove this from the unsafe property list. Mr. Guy seconded the motion and all were in favor. The Board thanked the owner.

5002 W. 50 S. – 2019 Castle LLC: Structures falling down and debris on property

Mr. Koppe explained that the structures are falling down and this was condemned in 2017 by the Health Department. Pictures showing the issues:

- Structures are falling down
- People use this property to dump trash
- Weeds are covering the property
- Unsafe trailers are on the property
- Mattresses are piled up
- Tires and debris are on the property
- House is not livable

Staff recommends putting a fine and give them 60 days to begin clean up.

Mr. Guy motioned to fine the owner \$3,000; review it on August 26, 2020 and bring to the Sept. 1, 2020 meeting. Mr. Sailors seconded the motion and all were in favor.

6219 S. 600 E. – Browning: Unsafe, no windows in barn, porch falling in

Mr. Koppe explained that the property is secured with paneling but this is not a long-term solution; it is not weather resistant.

Ms. Browning, 6219 S. 600 E. stated she will install the plywood for a permanent fix.

Mr. Koppe stated a lot has been done to the property to improve it.

Mr. Reed motioned to deny the order and take the property off the unsafe list. Mr. Sailors seconded the motion and all were in favor.

8138 S. US 35 – Wyant: Unsafe, debris, tall weeds & grass

Mr. Koppe reported that the property looks good, cleaned up and debris is gone.

Mr. Sailors motioned to deny the order and the fine accessed. Mr. LeDonne seconded the motion and all were in favor.

NEW BUSINESS:

Unsafe Property:

1474 Sadler Rd.- Roberts: Fire in past, pile of debris and a hole where the basement was

Mr. Koppe stated that nothing has been done since the first pictures in March; debris needs to be removed and a slope to the basement put in or whole basement filled in to prevent someone falling into the basement.

Mr. LeDonne motioned that if all debris is not cleared and the slope to the basement or the basement is not filled in, there will be a fine of \$2,000 assessed to the property; the property to be reviewed on August 26, 2020 before the September 1st meeting. Mr. Reed seconded the motion and all were in favor.

Development Plan Review minutes:

Mrs. Shaver presented the minutes for the Development Plan Reviews: #20-01: #20-02, #20-03 for the Waelz Sustainable Products, LLC.

Mrs. Shaver explained that this is in the County Gateway Overlay District which has additional standards over the standards of the Zoning Ordinance.

#20-01: Construction of the facility; reviewing setbacks, lot coverage and minimum square footage

#20-02: Principal office; exterior details and aesthetic look; fenestration and landscaping

#20-03: Other elements, height, continued landscaping, parking lighting, fencing, gate

All meet overlay standards.

Mr. LeDonne motioned to approve the Plan Review minutes as presented. Mr. Reed seconded the motion and all were in favor.

FLOOR IS OPEN TO THE PUBLIC:

Lora Redweik, 5524 N. 600 E., asked what the co-applicant means concerning the Waelz Sustainable Products. Mrs. Shaver explained this to be a public/ private partnership between the Redevelopment Commission and Waelz; thus they not required to go through the Board of Zoning Appeal process. Maximo Gutierrez, 2716 S. 375 W., stated that he bought his property thinking it was zoned Agricultural and now it is Industrial and no one notified him.

Mr. Sailors replied that the Industrial Park was established several years before Mr. Gutierrez bought his property.

Mr. Gutierrez spoke against the Waelz development with concerns of the noise; it will be hard to sell this property and it is hard to find another property.

Mr. Gutierrez questioned the parking requirements for Agricultural and for Industrial zones; Mrs. Shaver compared the requirements.

Mr. Gutierrez stated his concern was that no one notified him personally of this development.

Mrs. Shaver explained that the Future Land Use Map in the Comprehensive Plan showed this area to be zoned industrial for many years. In 2014 the area to the west and southeast of the property was rezoned CG, County Gateway and only a small area NE was rezoned and added to the CG district. Mrs. Redweik asked if the recent amendment to the zoning ordinance eliminated this development going to the Board of Zoning Appeals. Mrs. Shaver stated that the wordage for a co-applicant was in the Overly requirements in 2014; in February 2020 the amendment presented was just to restate in another section of the ordinance what was in the ordinance already.

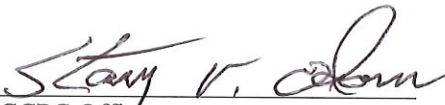
Mrs. Gutierrez, 2716 S 375 W., explained that the development did not reach out to her family and in January her husband had to contact the county for information; they had no idea what was being built. Mr. Gutierrez returned and stated that this property is not safe to live on; Waelz has offered to buy his property but he doesn't want to sell to Waelz.

ADJOURNMENT:

There were no further questions and the meeting was adjourned at 9:56AM July 7, 2020.



CCPC Officer



CCPC Officer



Peggy Dillon, Recording Secretary