

**FRANKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
FEBRUARY 9, 2022 @ 7:00pm
COMMISSIONERS/COUNTY COUNCIL PUBLIC MEETING ROOM**

THOSE PRESENT; Robert Braun, President; Christine Rains, Vice-President; Ed Derickson; Patrick Bedel; Ruthie Mannix; Gus Adams, (via zoom), Rob Seig, (absent); Tammy Davis, Commission Attorney, Cindy C. Orschell, Executive Director; Glenn Bailey, Recording Secretary.

Pledge of Allegiance

Roll Call

Approval of Minutes from January 12, 2022: Ed Derickson moved, Christine Rains 2nd MC 5-0-1, Ruthie Mannix abstained.

Hearings

RZ-1-21-22164 for Adam Moehlman to change the present zoning designation from Secondary Agriculture to Local Business in Section 33 of Brookville Township located at 16145 US 52, parcel # 24-03-33-300-001.004-003 containing 11.101 acres. This application was continued from the January meeting.

Bob Braun asked for Adam Moehlman to address the Commission. He was not present. Bob Braun then asked Tammy Davis if they should allow public comment at this time. Tammy Davis said that would be appropriate. Don Vonder Meulen came forward to express his concerns representing the Board of the Whitewater Canal Trail which has property across the road from the site at issue. The concern is focused on two issues. First, the request doesn't fit the local business criteria, based on what the petitioner want to do on the property, it should be Industrial-1 if rezoned not Local Business. Industrial-1 has more stringent guidelines that would have to be met. Secondly, Don Vonder Meulen said to review this request properly, the APC should use the County Comprehensive Plan as an outline of what is accepted or rejected. That would mean to look at five step criteria that includes 1. Looking at the proposed uses and how that meets the guidelines set out in the plan, 2. Consider the current conditions and current uses in the district in area is in, which in this case is A-2, with a lot of residential area, 3. most desirable uses of land consistent with the district, which in this case is not consistent with this request, 4. Consider property values of the area and the county and how it could effect taxes, 5. Responsible development and growth in the area. Don Vonder Meulen ended with the conclusion that this request is asking for spot zoning and should be denied. Next to speak was Mary Lou Hertel who lives near the planned site. She spoke of the historical value of the home on the property, it being built with the last bricks delivered on the Whitewater Canal and her living in it as a child years ago. Mary Lou Hertel requested the APC not approve of the plan and leave the area as is. Bill Hale then spoke as a neighbor also and was concerned about extra car parts laying around, piled up above barriers, fluids be drained on the grounds potentially becoming a super fund site. Leave the present operation in the Laurel area. At this point Bob Braun asked if there was anything else, if not he was opened for a motion.

Motion: Bob Braun made a motion to continue the hearing for Adam Moehlman until the March meeting, Christine Rains 2nd. Vote taken was 6-0 MC.

Mike Peters then asked if that meant the public would need to come back. He felt that at the last month meeting Adam Moehlman was to come forward with new survey, right-of-way of the county on the road in front of the plan site and notify the state of his intentions. Adam Moehlman said he would do those and be here this evening. Cindy said the agenda is set weeks in advance and Adam had done the paper work, the notices in the newspaper etc. before and those didn't have to be resubmitted. Cindy Orschell said she had not heard from Adam Moehlman but expected him here tonight. Tammy Davis said Cindy Orschell will reach out tomorrow but that the agenda had been set in advance the APC had to hear it tonight. There was some discussion among the APC voicing their displeasure that Adam Moehlman had not shown. Tammy Davis said if next month it isn't resolved the APC could tell Adam Moehlman he would have to resubmit his plan. Ed Derickson then had a question for the Board and Cindy Orschell. If a spot zone doesn't meet the Comprehensive Plan, can Cindy Orschell just deny it? Then they appeal or what happens? Tammy Davis said she wasn't clear on what the exact procedure was at this point. Bob Braun said the Comprehensive Plan had a hierarchy that starts with Cindy Orschell. Don Vonder Meulen added that if there is a problem it then goes to the APC. It is important that Cindy Orschell knows what the board wants. Ed Derickson said we want small business in the county and the Comprehensive Plan as an outline of what to do.

Unfinished Business: Bob Braun then opened discussion on changes the APC wanted to make on the Franklin County Citizens Zoning Code that had been advertised for publication from last month. Those included the following:

80.05.04: PETS AND DOMESTICATED ANIMALS

A. Household Pets

1. Allowed Without Permit. Household pets are domestic animals, generally, dogs or cats that are kept inside the home or in the yard. It also includes rodents, reptiles, and fowl that are generally caged inside the home. These animals are kept for pleasure and not for profit. The keeping of household pets, provided it is not construed as a kennel, is allowed without permit.

Deleted: fish

2. Requirements for keeping of domestic pets:

a. Indoor Pets. ~~Eight (8) is the~~ limit on the number of pets kept inside. (l) - Brookville, Cedar Grove, Mt. Carmel and Oldenburg ; Within the designated Towns, there shall be permitted no more than seven (7) indoor pets in any residence. (Ordinance # 1-2012, passed on 6/26/2012).

Deleted: There is no

b. Outdoor Pets. outdoor pets in all Zone Districts are limited to eight (8) per acre of confinement. Pets shall not become a nuisance to neighbors as a result of roaming.

Deleted: There is no limit on the number of outdoor pets in A-1, A-2 and RE Zone Districts;

Deleted: other

Motion: Christine Rains moved to send a favorable recommendation to the Commissioners. Ed Derickson 2nd it. Vote 6-0 MC.

Definitions 80.13;

Household Pets domestic animals, generally dogs or cats that are kept inside the home or in the yard in all districts. It also includes rodents, reptiles, and fowl that are generally caged inside the home. These pets are kept for pleasure and not for profit. 4-H project animals and other animals kept for recreational use (such as hunting, etc.) are treated as Household Pets under this code.

Deleted: residential

Deleted: fish

Kennel, Commercial Any lot or premises on which for commercial purposes are kept for breeding, boarding, or training purposes, or for sale, nine (9) or more adult dogs, cats, or other domestic animals more than one year of age. And, annual sales or service revenue generated by the Commercial Kennel is equal to or greater than \$ 5,000.00. Unless such are exempted by the Farm Exemption (80.01.05).

Deleted: five (5)

Deleted: 25,000

Kennel, Private Any lot on which for non-commercial purposes nine (9) or more adult dogs, cats, or other small animals at least one year of age, are kept in outside pens, unless such are exempted by the Farm Exemption (80.01.C.1). 4-H project animals, animals kept for recreational purposes (such as hunting, etc.) are excepted.

Motion: Ruthie Mannix made a motion to send no recommendation to the Commissioners. Patrick Bedel 2nd, discussion followed about exempting 4H and sporting from number of dogs, subject to nuisance ordinance. Vote 6-0 MC.

Section 80.11.08, E; Public Notification; Notification to Newspapers; 2 Display Advertising Required: "Delete" and replace with "Notices shall be per Indiana Code".

E. Notification in Newspapers.

1. Legal Notices. **DELETE:** **ADD:** As per Indiana Code.

2. Display Advertising Required. In addition to required legal notices, each APC and BZA public meeting or hearing, including special meetings or hearing, must be advertised via display advertising, in the paper of record in the county seat, at least (5) five days in advance of the meeting, stating the time and place of the meeting, general description of the meeting, and the agenda of the meeting **DELETE:** (Ordinance 2021-16, passed on October 19, 2021) **ADD:** "All other notices shall be per Indiana Code

Motion: Ruthie Mannix made a motion to send a favorable recommendation to the Commissioners to delete Section 80.11.08, 2. Christine Rains 2nd, vote 6-0 MC. Ed Derickson received a message that Section 80.02 would need to be revised to reflect this change.

Section 80.08.03, 6. Storage.

- a. No portion of any required yard shall be used for the permanent storage of unlicensed and/or inoperable motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats parts thereof, shipping containers (cargo) (freight), rubbish, garbage, junk, tent or building materials, except during construction. (I) - Town of Brookville, Cedar Grove, Mt. Carmel and Brookville; remove the words "required" and "setback". Ordinance 1-2012, passed on 6/26/2012

Deleted: setback

Motion: Ruthie Mannix made a motion to send no recommendation to the Commissioners. Patrick Bedel 2nd it. Discussion followed concerning deleting "shipping containers" and exempt farms. Vote 6-0 MC. Ed Derickson received a message that Section 80.02 would need to be revised to reflect this change.

Ed Derickson presented a list of areas he feels the APC needs to review and possibly make additions/changes to strengthen the Zoning Code. Ed Derickson would like to see some discussion to address these issues at a future meeting.

The following conditional use items & others are concerns & need to be discussed: (no action this month)

- Explosives – Except Consumer Fireworks
- Farm Equipment & Supplies, class 2
- Mini Whse & Self Storage, class2
- Produce Stands, allowed without a permit ? does that include driveway permits for vehicle ingress & egress
- Restricted Commercial Farm Enterprise (CAFO's & CFO's), Air pollution controls needs to be reinstated.
- Riding stables
- Seasonal Hunting & Fishing Lodges
- Welding Shops
- Do we need to create a CU for automotive repair & sales?
- What role should the comprehensive plan play when considering a CU.? Spot zoning has been a concern!

Violation Report: Mitchell & Kimberly Jones to get a letter from Tammy Davis. Michael & Many Riednour-Cindy Orschell to do a site visit before March meeting. Paula Godsey, Dwight Ball, Jimmy Ison, Chad Merrell are all still in progress. Michael Langford is in progress, Paige Hall has given no response, a second letter to be sent. Michelle Brandt was just sent a letter.

Bob Braun asked for comments from the public. Veronica Bullock, from Purdue Extension Office spoke in regards to a upcoming training session that APC members may be interested in attending.

Tammy Davis sent out an email to all APC members to look at in regards, to an ordinance on zoom the Commissioners have accepted and wants Board members to review.

Adjournment: Ed Derickson made a motion to adjourn, Christine Rains 2nd. Vote 6-0 MC @ 8:55pm.