

**FRANKLIN COUNTY AREA PLAN COMMISSION**

**MEMORANDUM & MINUTES**

**OCTOBER 13, 2021 7:00pm**

**COMMISSIONERS/COUNTY COUNCIL PUBLIC MEETING ROOM 203**

**Those present:** Ruthie Mannix, President, via zoom; Robert Braun, Vice-President; Ed Derickson; Connie Rosenberger, via zoom; Rob Seig; Christine Rains; Emily Ruffier, absent; Tammy Davis, Commission Attorney; Cindy C. Orschell, Executive Director; Glenn Bailey, Recording Secretary; Veronica Bullock, Purdue Extension.

**Pledge of Allegiance**

**Roll Call**

**Approval of Minutes from September 8, 2021.** Ed Derickson mentioned that he asked... with that addition Ed Derickson made a motion to accept the September 8, 2021 minutes, Christine Rains 2<sup>nd</sup>. AIF MC.

**Public Hearing**

CU-7-21-22057 for Shane Hammond as applicant, Martin Harmeyer as property owner to permit federally regulated firearm sales in Section 13 of Ray Township located at 1201 Three Mile Road containing 1.95 acres, parcel # 24-12-13-100-002.000-022. The property is located in a Secondary Agriculture District. The application was continued from the September meeting.

Bob Braun asked if all the paper work and notifications were in order, Cindy Orschell answered that they were. Bob Braun then asked for questions/comments from the Board. Ed Derickson asked about specific details concerning the name of the plan, parking, firing of arms, ammunition, and so forth. Shane Hammond responded as to the simplicity of the venture and that he may fire arms from time-to-time, but it would be into a pond dam and that there was nothing to worry about as far as being a nuisance to others. No clients would be firing guns at the property. Bob Braun asked if there were any other questions for Shane Hammond. Hearing none Bob Braun asked for a motion.

**Motion:** Rob Seig made a motion to send a favorable recommendation to the BZA. Christine Rains 2<sup>nd</sup> AIF MC.

CU-8-21-22017 for BAM Investments, LLC to permit self-storage facility, outside storage and less setbacks than permitted in Section 2 of Brookville Township at 8007 Pea Ridge Road containing 4.311 acres, parcel # 24-10-02-200-001.004-003. This was filed as a Class 2, and it was denied; therefore it gets forwarded onto the APC as per Section 80.06.02, D.

Bob Braun asked if all documents were in order. Cindy Orschell replied that yes they were as well as proof of notification. Bob Braun then asked Brian Bauman to summarize the application. Brian Bauman explained that he wanted approval to allow outside storage with less than expected setbacks, in part due to his owning adjoining property. Brian Bauman said he hopes to eventually build more storage building but first believes it prudent to test the demand before investing in more buildings. If the demand is there he will replace the outside storage with inside storage. Brian Bauman understood that to do so he would need to improve drainage, which he said he has Andy Murray working on currently. Christine Rains asked if the neighbors were okay with this. Brian Bauman said they are aware of the plans and have no issues

with them. At this point the discussion turned to issues of stormwater drainage and future expansion with a small amount of discussion on the setback issue. Rob Seig wanted Brian Bauman to follow new standards that Rob Seig had been working on that had not gone into effect. Brian Bauman said that he shouldn't be held to future standards that weren't in place at the time, he had no control over those and it would be unfair to hold him to them. Rob Seig felt that Brian Bauman had avoided some issues concerning code violations in the past. Brian Bauman gave a brief history going back to the development over the last 4-5 years. Rob Seig stated he is just trying to see that codes are followed as the county and state have in place. Brian Bauman reiterated he is just wanting permission to have outdoor storage with less setback requirements, if in the future expansion happens he will follow all codes and check all boxes the county ask for. Ed Derickson said he is okay with the outdoor storage but he will be looking for appropriate stormwater drainage control in the future. Bob Braun asked how much area is currently gravel. Brian Bauman stated roughly 3 acres of driveway. Bob Braun stated he was also concerned about runoff as there was evidence of some erosion currently from recent rains. Bob Braun said that with compact fill in the future an engineer may be needed to sign-off on building plans. Brian Bauman was okay with that but again pointed out at this time is he is only asking for outdoor storage with minimum setbacks. Ruthie Mannix asked about screening for the project which led to questions/discussion as to the Level of screening needed. Tammy Davis then stated that if Brian Bauman builds he will come to Cindy Orschell for permits and will have to follow all requirements at that time whatever they are. Brian Bauman understood that. Terry Duffy wanted to get at what part of the parcel was the front/side etc. and what road frontage was what. Brian Bauman said entrance to the property is on Pea Ridge Road. Cindy Orschell said that is what she accepts as the front of the development. More discussion focused on the type of screening needed to accomplish keeping some of the site from the view of the public. Rob Seig felt the site may have required a Rule 5 compliance, and that he is working to come up with construction standards that will be a first step before shovels hit the ground in the future. The discussion turned back to retention ponds, tiling of property to help with drainage, and concrete barrier to slow/force the flow of water to appropriate areas. Cindy Orschell gave the required setbacks of 25' since that was one of the initial issues. Bob Braun then reminded the Board that we are here to reply to the application of outdoor storage and smaller setbacks. Brian Bauman then explained which parcels he owned besides where the proposed outdoor storage is located. Terry Duffy asked about where a future building would set. Brian Bauman then went over with the board his future plans if they come about. Bob Braun then asked Brian Bauman if he gets a favorable recommendation would he agree now to a stormwater runoff study. Brian Bauman said yes. Bob Braun asked if there was anything else, if not he would entertain a motion.

**Motion:** Rob Seig made a motion to send a favorable recommendation to BZA to permit an outdoor storage facility with less setbacks with the condition that a stormwater drainage plan be done and followed including the retention pond that exist be improved. Christine Rains 2<sup>nd</sup>. Vote was 5-1 MC.

**Unfinished Business:** Public notice had gone out about a hearing on restructuring Fines, Advertising and Planned Business District. Tammy Davis asked if anyone in the audience was hear to address any of these issues. No one came forward. Tammy Davis asked if the Board wanted to send a recommendation to the Commissioners? Bob Braun asked for a motion.

**Motion:** Rob Seig motioned to sent a favorable recommendation to the Franklin County Commissioners on the changes to Fines, Advertising and Planned Business District as discussed at the September 2021 meeting. Christine Rains 2<sup>nd</sup>. AIF MC.

Cindy Orschell then said the Section 80.05.04 on Pets and Domesticated Animals and Section 80.08.02.03,6, Storage, as per Commissioner Wilson needs to have a Board member to work with her and Tom Wilson on changes in those areas. Rob Seig volunteered.

**Violation Report:** Cindy Orschell went over the report item by item. On Derryl Cregar survey that was holding up final decision on the matter was finished and given to Tammy Davis. Rob Seig reported that on Tuesday October 19, 2021 the Commissioners are to have all parties together to decide how to proceed with the violation. On Smith Cindy is looking into whether a fence is legal for the property. Whipple property has the Commissioners working on resolving it. Same with Matthews which the Commissioners had removed. D&J Homes is also involved in a possible illegal fence. Broering property is still in violation. Sturgell continues to clean up and reports weekly to Cindy Orschell for progress. There was a site visit this week at Branam's property by IDEM and they are working on a report for APC. Smith on Haytown Rd. still waiting on survey.

Building without a permit: Peters & Godsey have not applied, Bob Braun said to have another letter sent. Rose property was visited by State and Cindy Orschell it should be taken care of soon. Same with Ison property in Metamora. Merrell has been in and should be finished soon. Cooper, nothing has happened, can't find the owner. Schuler has been in contact and Kimberly Lewis was there to address the Board. She denied anyone lived in the barn and felt the complaint investigation needs changing. Bowling has not contacted the office. Marcum said they would file shortly but haven't yet, another letter will be sent. Force have contacted the office but no action, a letter will be sent again. Jones have contact with the office an another letter was sent to address different issues, waiting for a response. Reidnour has begun to clean up, we will wait to see how far it goes.

**Motion:** Rob Seig made a motion to accept the violation report, Ed Derickson 2<sup>nd</sup>. AIF MC.

**Motion:** Rob Seig made a moition to adjourn, Christine Rains 2<sup>nd</sup> AIF MC. At 9:04pm

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Ruthie Mannix, President

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Glenn Bailey, Recording Secretary