

MINUTES OF MEETING
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, August 28, 2012
7:30 P.M.

ROLL CALL: Present were Neal Kuhn, Brad Berkemeier, Joan Mull, Marsha Dyer, Ruth Geise, Marvin Rees, Mike Holzback, Jeff Slaton, Gilda Caviness, David Rogier, and Katherine Singleton.

MINUTES: from 7-24-12 were approved as presented on a motion by Rees and a second by Mull. All voted aye

SUBDIVISIONS: Primary Plat Approval

1. Herbert Allan Bowles, 2051 W Old 44, Rushville, is requesting a single lot subdivision of .717 acres from a parent tract of 8.99 acres and replat of the .717 acres to .51 acres for a total replat of 1.229, Rushville Twp, Section 2, T13N, R 9E, zoned A-1.

There were no remonstrators. Motion to grant primary plat approval was made by Rees and seconded by Slaton. All voted aye. Motion passed. Motion to grant replat by Kuhn, seconded by Berkemeier. All voted aye.

2. William & Janet Pike, 4924 E US Hwy 52, Rushville, are requesting a 2 lot subdivision and replat. Tract 1 subdivision of 23.147 acres from parent tract 91.93, Section 31, T13N, R11E; Tract 2 subdivision of 6.853 acres from parent tract 35.42, Section 36, T13N, R10E, and replat of tracts 1 and 2 for a total of 30 acres, Noble Twp, zoned A-3.

There were no remonstrators. Kuhn moved to postpone until a replat was done unlocking the landlocked tract. No second. Motion to grant primary plat approval with replat papers was made by Kuhn and seconded by Rees. All voted aye. Motion passed.

3. Decatur Airport Corporation, William R Fogg Loving Trust & Carolyn J. Fogg Loving Trust, 7461 W 525 S, Rushville, are requesting a 2 lot subdivision and replat. Tract 1 subdivision of 1.0206 acres from parent tract 21.653 acres; Tract 2 subdivision of 2.0994 acres from parent tract 124.732 acres, and replat of tracts 1 and 2 tracts for a total of 3.120 acres, Orange Twp, Section 36, T13N, R8E, zoned A-3.

There were no remonstrators. Motion to grant primary plat approval was made by Slaton and seconded by Mull. All voted aye. Motion passed. Motion to grant replat was made by Geise and seconded by Rees. All voted aye.

MINUTES OF MEETING
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, August 28, 2012
Page 2

4. Donald Niedenthal, 1953 S Flatrock River Road, Rushville, is requesting a single lot subdivision of 6.710 acres from parent tract of 29.512 acres, Section 12, T13N, R 9 E, Rushville Twp, zoned A-1.

Motion by Rees to continue until Dubois has survey updated, seconded by Berkemeier. All voted aye.

5. John & Barbara Abrams, 1544 W 450 S, Rushville, are requesting a 2 lot subdivision and replat. Tract 1 subdivision of 12.8828 acres from parent tract 33.126 acres, Section 12, T12N, R 9 E; tract 2 subdivision of 2.8016 acres from parent tract 72.0872 acres, Section 7, T12N, R 10E, and replat of tracts 1 and 2 for a total of 15.6844 acres, Anderson Twp, zoned R-1 and FP.

There were no remonstrators. Motion to grant primary plat approval was made by Rees and seconded by Dyer. All voted aye. Motion passed. Motion to grant replat by Rees and seconded by Geise. All voted aye.

6. Rodney & Kimberly Brown, 6800 N 700 W, Carthage, are requesting a single lot subdivision of 10.002 acres from parent tract of 108.25 acres, located at 7891 N 700 W, Section 25, T15N, R8 E, Ripley Twp., zoned A-2.

There were no remonstrators. Motion to grant primary plat approval was made by Geise and seconded by Rees. All voted aye. Motion passed.

7. Wissing-Norris Clear View Farms Realty Corp, 8451W 100 S, Rushville, are requesting a 3 lot subdivision from parent tract of 58.738 acres. Tract 1 is 28.996 acres; tract 2 is 27.995 acres leaving a remainder of 2.172 acres, Walker Twp, Section 11, T13N, R8E, zoned A-3.

There were no remonstrators. Motion to grant primary plat approval was made by Kuhn and seconded by Slaton. All voted aye. Motion passed.

SUBDIVISIONS: Secondary Plat Approval

1. Steven & Holly Jo Souder, 9416 N 200 W, Rushville, are requesting a single lot subdivision of 4.36 acres from a parent tract of 28 acres, Center Twp, Section 13, T15N, R 9 E, zoned A-3.

MINUTES OF MEETING
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, August 28, 2012
Page 3

There were no remonstrators. Motion by Rees, seconded by Geise, to grant secondary plat approval. All voted aye. Motion passed.

2. Country Acres, Jane Akers, Dean Smith & Barbara Smith, Becky Garner, Agent, are requesting a single lot subdivision of approx 2.81 acre retention pond from parent tract of 28.107 acres, Rushville Twp, Section 8, T13N, R 10E, zoned Residential.

There were no remonstrators. Motion by Geise, seconded by Berkemeier, to grant secondary plat approval. All voted aye. Motion passed.

3. RNP, LLC, Leigh Morning, Agent, is requesting a single lot subdivision of 31.968 acres from a parent tract of 149.541 acres, Noble Township, Section 29, T13N, R11E, zoned A-3.

There were no remonstrators. Motion by Slaton, seconded by Dyer, to grant secondary plat approval. All voted aye. Motion passed.

REZONES:

1. Joseph Criswell & Rachel Fox, 301 South Main Street, Carthage, .227 acres, rezone from R-1 to Commercial for an auto salvage business, Section 19, T15N, R9E, Ripley Twp.

Board-

Berkemeier asked what is the purpose of Strawboard Street and if it can be vacated?

Dyer reported that there have been spills and fires.

Mull said the issue is pollution and noise for the adjoining residential properties.

Audience-

Rick Bush said the property was on less than ¼ acre and was too small. It was in the Town of Carthage. They have vehicle storage and hazardous materials. They have ignored City, County, and State laws. People (firefighters) have been injured. I recommend unfavorable for this rezone.

Mr. Monker asked how long has this salvage yard been in business?

Rachel Fox answered 5 years.

Marvin Rees said Carthage still has final say in this matter.

Rick Bush said Strawboard is a Street not an alley.

Neal Kuhn – lot of complaints

Motion by Geise and seconded by Mull to give an unfavorable recommendation to The Carthage Town Board. All voted aye with Slaton voting nay. Motion passed.

**MINUTES OF MEETING
RUSH COUNTY AREA PLAN COMMISSION
TUESDAY, August 28, 2012
Page 4**

OLD BUSINESS: None

NEW BUSINESS:

1. George Huff, 939 W 3rd Street Rushville.
Singleton has authority to amend zoning maps. Bill Todd said he thought this was clarified 3 or 4 years ago, changing the zoning.
2. Design Review Committee for corridor overlay district.
Committee approved and appointed Brad Berkemeier, Jeff Slaton, and Joan Mull on a motion by Kuhn and seconded by Rees. All voted aye.

Motion by Rees seconded by Berkemeier to close hearing. All voted aye.

COMMUNICATIONS: None

REPORTS:

Director

Building Ordinance –

Singleton expressed a need for a local building ordinance to be adopted in order to have authority to do inspections on the construction of buildings. Current authority only allows inspections to cover zoning regulations.

Bill Todd was present and expressed his concern over unsafe buildings and the fact that banks and mortgage companies are requiring occupancy permits. Suggested the APC Board write a letter to County Commissioners and attend their meeting to express concerns.

Mull asked Singleton if she was willing and able to get training. Singleton explained she was not aware of this role as a duty of the Area Plan office when hired and that building inspection certification was not a career path of interest. Singleton also explained the duties of ADA Coordinator have been time consuming and finding classes to become certified to do building inspections will take time.

Singleton will email a copy of the state's sample building ordinance to interested board members.

ADJORN: Motion by Rees, seconded by Geise. All voted aye.