Hamilton County Plan Commission
April 13, 2004

Mr. Habig called the official meeting of the Hamilton County Plan Commission to order at 7:31 p.m.

Members Present: Jim Galloway, Frank Habig, Ron Hall, Steve Holt, David Musselman, Bill Rice, Steve Schwartz, and Kent Ward. Absent: Linda Williams. Also present: Charles Kiphart, Director; Randy Leerkamp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Habig declared a quorum with eight out of nine members present.

Guests: See sign-in sheet.

Communications/Reports: Mr. Kiphart stated he had nothing.

Approval of minutes: Mr. Habig asked if everyone had received a copy of last meeting's minutes. Any corrections?

Mr. Ward **moved to approve**.

Mr. Hall seconded.

With no comments or corrections... Mr. Habig called for the vote to approve the minutes of the March 09th meeting. **7 yes votes... 0 no votes... 1 abstention.** Mr. Schwartz was not at the meeting.
Public Comment: Mr. Habig asked if anyone wished to make a public comment. And with no one stepping forward to address the Board...Mr. Habig continued the meeting.

Correspondence: Mr. Kiphart stated everything had been passed out.

President's Report: Mr. Habig identified the kick off meeting for the comprehensive plan on March 31st. I think we had a lot of county and city officers but I was disappointed that we didn't have more of the public there. I wish there was some way we could get more of the public involved. I think the guys ran a great meeting and they had great ideas on how to get ideas.

Mr. Kiphart advised the board that when they did this the last time... we took every square mile of the township and then we picked the resident that lived in the closest northeast corner so that there was some semblance across the township. We sent those people a post card.

Mr. Galloway stated there were a lot more people at the meetings in 1989.

Mr. Hall stated that there was two things different. There isn't a big issue out there like putting in a dump, an amphitheater, a gun club, or something like that. So it is not high on people's radar. And the last time we did it it was a brand new thing.

Mr. Kiphart stated there would be another meeting for everybody and then they will go to each individual township. Maybe the closer it gets to them they may come. We will hold the meetings in the schools or places like that.

Mr. Hall suggested putting up posters in public places that are commonly frequented within our jurisdiction. ie. the libraries, Lockwood's in Arcadia, restaurants in Sheridan. That might generate some interest. Part of this is also our responsibility to get out and talk this up.

Mr. Kiphart stated that the next meeting should be in approximately five (5) weeks. They did give out some instant cameras to people to go ahead and take pictures. I think we had hoped to get the photographs by April 21st. That is what is going to generate the discussion at the next meeting.

New Business: Mr. Habig continued the meeting with **NBZA-S.U.-0003-04-2004** a Special Use recommendation to the North BZA concerning the use of land for recreational horse related activities including horse and livestock shows, approximately six (6) rodeo events each year, and related facilities.

Terry O'Brien stated his name for the record. I am here to propose a special use for 20 acres that adjoins my current retail business, the Buck-A-Roo Boot Company, to the north for the purposes you just described. We want to host rural horse show, equine events primarily with the occasion of about six (6) rodeos. Many of them being children or high school age kids with some of them being adult pro-rodeos. The real emphasis of the facility is to host activities that relate to the products that we sell at the store. The area is still predominately rural and what I am talking about doing is part of the life style of the residents in that area.

Mr. Galloway asked Mr. O'Brien if he currently owned the 20 acre parcel.

Mr. O'Brien stated he has a purchase agreement contingent on being able to use it for what I want to use it for. This is not a Conseco Fieldhouse being built up in northern Hamilton County. It's a horse barn with an outdoor arena. It is primarily a weekend event and primarily a daytime event. The outdoor events will be a May to September time frame.

Mr. Hall asked about the steel building. Will it only be used at the time of the horse show or do you have more year-round activities or uses other than related to the livestock shows? Will you be boarding horses there?

Mr. O'Brien stated that this was not a horse boarding facility. The function of the steel building is to allow us to have equine events through the winter. That building would incorporate an indoor arena and portable horse stalls would be set-up. We could do clinics and have experts come in and talk to people about training techniques or things like that. One third of the building is the arena and ½ of it would be stalls for the horses when they're not showing. I view this as a pretty low impact. This is a parcel that is on U.S. 31. There is a certain level of noise that already exists 24 hours a day. Mr. Rice asked if this was set back

out of the proposed future changes of U.S. 31.

Mr. O'Brien answered yes. There is a 185 ft. set-back from the center of U.S. 31. We've started at 200 ft. There isn't anything in the back 500 ft. of the 20 acre parcel. The access road that is not shown on the plans comes 15 ft. from the west edge of the property.

Mr. Holt advised Mr. O'Brien that the highway department indicated that it was a 25 ft. half.

Mr. Galloway asked if it wasn't 40 ft. on the back one for the frontage road.

Mr. Rice asked if the lighting was going to be directional lighting.

Mr. O'Brien answered yes. The outdoor facility is on the front end of the property. I'm not proposing that it is all daytime but it is predominantly a daytime facility.

With nothing further from the board... Mr. Habig asked for a motion.

Mr. Ward **made a motion** to forward this to the North BZA with a favorable recommendation.

Mr. Musselman seconded.

Mr. Hall stated he felt there were some issues here but the BZA could deal with them. This area is planned for commercial and we want to promote things with a rural implication to it and I think this would encourage horse uses in the county. I think it is compatible with the comprehensive plan.

Mr. Habig stated that from what he has seen of the Buck-A-Roo Boot Company he has cleaned up an eyesore and from what I hear from people that have done business there they have had nothing but good things to say.

Mr. Holt asked Mr. O'Brien if it was his intention before he went to the BZA to put the half right-of-way on that runs north and south on the west side of the property.

Mr. Galloway asked about the frontage road right-of-way.

Mr. O'Brien answered yes.

With nothing further... Mr. Habig called for the vote. **8 yes votes... 0 no votes.**

Old Business: Mr. Holt advised the plan commission on the status of the P.U.D. Ordinance. It has now been tabled twice. So far I have been unable to get a second.

Director's Report: Mr. Kiphart stated that at the comprehensive plan meeting they had asked that we

put the existing comprehensive plan on our website so people could become familiar with what we already had.

Legal Counsel Report: Mr. Leerkamp advised the board that the Indiana Court of Appeals handed down a decision which involves a comprehensive plan. This involved a town in northern Indiana. It has a series of lots along U.S. 41. [for the sake of explanation - Maple Street is the very next block which runs parallel to U.S. 41] A lot was split in half. The half along U.S. 41 was zoned commercial and the half along Maple Street was zoned residential and had a house on it. Like our zoning ordinance, they could only have one principal building on the lot. The owner of the lot wanted to re-zone the residential half of his lot to commercial so he could build a doctor's office. 52 remonstrators showed up at the hearing on the re-zone so the plan commission sent a recommendation to town council that they not re-zone the property. Town council decided to leave it the way it was. The lot owner appealed to the Indiana Court of Appeals. One thing the Court of Appeals said was the plan commission was supposed to consider their comprehensive plan. The comprehensive plan showed it all to be commercial. The court of Appeals said the decision to deny the re-zone was arbitrary and capricious because they violated their own comprehensive plan and ruled for the lot owner.

Mr. Kiphart stated that he thought he had gotten something over the e-mail from our organization which said the Supreme Court had decided to hear it and was going to accept our legal brief on it. We don't have a date on it. Mr. Leerkamp and I will let you know what happens on it. We have considered the comprehensive plan, as do all planners, as a guideline for community development. It is not absolute. The absolute decision is the zoning ordinance, input from the public, but it is a legislative decision. So this was quite unusual. While the comprehensive plan is very important on making an individual specific decision on a piece of property there are other things that need to be considered along with the comprehensive plan. I would like to be in the courtroom to hear their argument.

The next Plan Commission meeting with be held Tuesday, May 11.

With all items on the agenda being completed... Mr. Habig adjourned the meeting at 8:10 p.m.

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Frank Habig III, President

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Date

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Linda Burdett, Secretary

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Date