A meeting of the Jasper County Plan Commission was held Monday, August 19, 2019 at 7:30 pm in the Commissioners’ Room of the Jasper County Courthouse, Indiana. Members present: Kent Korniak, Vince Urbano, Bryan Overstreet, Steve Jordan, Justin Rodibaugh, Jim Walstra and Todd Peterson. Also present: William T. Sammons, Law Offices of Randle & Sammons P.C.; Mary Scheurich, Director of Planning and Development; Kelli Standish, Secretary. Absent were: Jim Martin and Dave Webb.

Meeting was called to order by Board President Kent Korniak. The first order of business was the call for approval of the July 2019 minutes.

Vince Urbano made the motion to approve the July 2019 minutes. Motion was seconded by Todd Peterson and carried unanimously.

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Rezone

Applicant: Julian Vasquez
Location: Sec.11-32-7 – Keener Twp. – Hwy 231 S. of 1600N. E-side
Use: Party Events

Public hearing held pursuant to notice published August 7, 2019 in the Rensselaer Republican, a newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners. All as shown by the affidavit of Brittany Shedrow, Clerk of the Rensselaer Republican.

Julian Vasquez was present and stated that he bought this property in June and the reason why he wanted this location was so he could start a venue on the property. This is a beautiful piece of property to do something like this here. He is planning on having weddings, graduation parties, reunions and church events there. He has wanted to do something like this for a long time. There is plenty of parking for events. They could use part of the second story of his home for the Bridal Suite and the groomsman can use the basement area. This will only be seasonal because of the weather.

Bryan Overstreet asked if he has spoken with the State Highway since you will have traffic in and out of there. He also asked if the applicant is going to put gravel down for parking.

Julian Vasquez replied affirmatively. He received a letter from Indiana Department of Transpiration (INDOT) and they stated that since he will have a Police Officer on site for the venue and that the events are most likely to take place at offpeak times and on weekends that they will not require a change or upgrade of the existing driveway. He replied that he is not going to put gravel down they will park in the grass. He stated that the capacity would be approximately 150 people they will leave by 11:00 pm.

Attorney Sammons asked the applicant if he had sent notices to David James & Brenda Kay Kingma and Wayne & Valerie Potts since they did not sign the certified mail
and the receipt does not have any names on them.

Julian Vasquez replied affirmatively to sending them both a certified letter. Mr. Potts refused to sign for it.

Kent Korniak asked if anyone present had any opposition to the application.

Wayne Potts was present and stated that he is concerned that the venues he will be having will keep him awake. His health isn’t the best and he doesn’t want that many people that close to his house. He is concerned if people have been drinking and the added traffic in and out on a busy Highway. The property is in a flood zone. He stated that there is an empty restaurant that is for sale and already set up for venues, why not purchase that building and do your business there? If he does obtain approval he would like a 6-8 foot fence put up.

John Heerema was present and stated that he bought some property around the proposed application about 3 years ago. He is in favor of the application. The property is kept very nice.

Julian Vasquez replied that he understands Mr. Potts concerns and will respect his concerns. He plans to have a Jasper County Police Officer on the property to make sure that the event is done by 10:00 pm and leaving the property by 11:00 pm. If he needs to get two officers he will.

Bryan Overstreet asked if there is a fence between the properties now.

Julian Vasquez replied that there is a split rail fence that is between the properties.

Justin Rodibaugh asked the applicant if he plans to construct any new structures on the property.

Julian Vasquez replied no permanent structures.

Vince Urbano stated that the only concern he has is the added traffic coming and going onto this busy highway and especially during the weekends, but he did check with the State Highway and they do not have an issue with this.

Todd Peterson stated that he agrees with what Vince Urbano stated about the safety of people and the applicant has stated that he will have 1 or 2 police officers available on the property so they can help direct traffic as well.

Steve Jordan made the motion to grant approval of the rezoning from A1 to A4 to the Board of County Commissioners. Motion was seconded by Vince Urbano and carried unanimously.

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Rezone Causé#PC-6-19
Applicant: Warrior Properties LLC
Landowners: Timothy & Lisa Clark, Dane Clark, Ross Clark
Location: Sec.25-28-7 – Jordan Twp. – 630W. & 1200S. NE corner
Use: Rezone A1 to A3

Public hearing held pursuant to notice published August 7, 2019 in the Rensselaer Republican, a newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners. All as shown by the affidavit of Marlene Taden, Clerk of the Rensselaer Republican.

Attorney Shelmon representing the applicant and landowners stated that this location has been known as Tip Top Pigs. This location has been an existing CAFO since 1976. There have been periods of times where the operation has been empty and others with animals. In 2017 the facilities were no longer in operation and the buildings and lagoons are in significant disrepair and not maintained. Approximately 18 months ago they removed all the buildings and left the foundations. They are requesting to rezone the property from A1 to A3. When the new zoning maps became effective around 2012 this facility did not get the A3 classification it should have. Since the facilities were removed and they sat empty for more than six months they have to reapply for Special Exception and obtain the proper zoning district. Their intentions are to construct new buildings on the existing foundations and start a new operation. They will be operating on an existing IDEM permit that expires January 22, 2020 and they have to use the same footprint that was existing. They have to submit a renewal by December 23, 2019. They will be pumping the manure straight from the lagoons to the fields for it to then be applied. The lagoons will only be used for dirty water. The odor is reduced because no manure is placed in the open pits. He went before the Board of Zoning Appeals tonight for a Special Exception application and Variances for the set-backs and have obtained approval for those applications. There was one issue that was brought up during the hearing which they would need to apply for another variance for the buffer set-back since there are two existing residences that are within the required 1320 feet from a CFO/CAFO.

Bryan Overstreet asked if the landowners that are too close for the buffer distance were notified of tonight’s hearing?

Attorney Shelmon replied in the negative. They were not within 300 feet of the application therefore they are not required to send them notice. He has spoke to the home owners approximately 1.5 to 2 years ago letting them know what they were proposing to do. They stated they did not have an objection at that time. He does have consent forms that have been signed by the adjoining landowners stating they are in favor of the proposed application.

Todd Peterson asked Mary Scheurich for some clarification. The property was never zoned to A3 but it did have the proper permits for the operation.

Mary Scheurich replied that she has found out today that back in 1976 they
constructed the farm and then came back before the board in 1986 to put a nursery barn up and then realized they never got any approvals from the county in the first place. They have found out that there were never any building permits for those buildings. In 1986 they did go through the motions and received approval then.

Vince Urbano stated that the property is currently a mess and he does not see any other use for this property. The applicant is proposing to clean the property up and add new buildings; therefore he feels this is a good thing.

Kent Korniak asked if anyone present has any opposition to the application.

Gary Clouse was present and stated that he lives in the area. They are proposing to have 10,050 animals on the property and there has not been that many animals previously on that property. They are saying that they are keeping the operation the same as what was previous, so does that mean they are adding more buildings to the property because the 10,050 animals were never on the property.

Attorney Shelmon replied that they are not adding more buildings to the property. They are using the same footprint that is there. He knows at some point in time they have ran that operation at the maximum they could with the number of animals, they may not always had the maximum amount in operation.

Vince Urbano made the motion to recommend rezoning from A1 to A3 to the Board of County Commissioners. Motion was seconded by Justin Rodibaugh and carried unanimously.

Discussion RE: Rules of Procedure and as builts

Vince Urbano stated that he knows this has been discussed before but wants to make sure under “P. Time Limits #2” that the time the remonstrators have be a little longer than what is currently in place.

The board members agreed to put the Rules of Procedure on the September’s agenda to go over the proposed changes.

Public Comment:

John Heerema was present and stated that he would like to Thank the Plan Commission for approving Julian Vasquez application. He’s going to be an asset to the community. There are a lot of semi’s in and out the fields so compared to the traffic that has been in question is nothing.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Kent Korniak, President