A meeting of the Jasper County Plan Commission was held Monday, February 24, 2020 at 7:20 pm in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Kent Korniak, Vince Urbano, Bryan Overstreet, Justin Rodibaugh, Jim Martin and Dave Webb. Also present: William T. Sammons, Law Offices of William T. Sammons P.C., Mary Scheurich, Director of Planning and Development; Kelli Standish, Secretary. Absent was: Jim Walstra, Todd Peterson and Steve Jordan.

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

Vince Urbano made the motion to approve the November 2019 minutes. Motion was seconded by Justin Rodibaugh and carried unanimously.

Election of Officers for 2020

Motion was made by Justin Rodibaugh and seconded by Dave Webb to retain the same officers from the previous year. Motion carried unanimously.

Officers for 2020 are as follows:

President -------------------------------- Kent Korniak
Vice President ----------------------------- Bryan Overstreet
Secretary ---------------------------------- Jim Martin

Rezone Cause#PC-1-20

Applicant: Primary Energy – Lee Magiera
Location: Sec.13-32-6 – Wheatfield Twp. – St.Rd. 49 & 1400N. NW Corner
Use: Rezone A1 to I2

Public hearing held pursuant to notice published January 22, 2020 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 Charlene Malinowski, Clerk of the Rensselaer Republican.

Mo Klefeker was present and stated that he is representing the applicant. He is the President of Primary Energy. They are proposing to rezone the property from A1 to I2 for a gas plant in place of when NIPSCO closes. They plan to use the infrastructure at the NIPSCO plant. They can tie into the existing gas pipeline at the NIPSCO substation as well. Since they are there as a primary back up system there hours there will be minimal.

Vince Urbano stated that there is a regulated drain that goes through the proposed property. They will need to stay 75ft away from that. They would need to obtain Drainage Board approval.
Bryan Overstreet asked if there is a place on the NIPSCO property where you could put this instead of the proposed property?

Mo Klefeker replied that when they put the bid in for the proposed project that wasn’t an option that was available. If they get selected for this they might want to talk to them about being on site.

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

Mike Dilling (?) was present and stated that he lives on St.Rd. 49. He wanted to know where this was located at.

Mo Klefeker replied that the proposed property is located on St.Rd. 49 at the “T” of 1400N. on the West.

Steve Eastridge was present and stated that he is with the Jasper County Economic Development Organization. Something his office is focused on is our revenue of our tax base and for our energy production to stabilize. We’ve talked about wind, solar and now natural gas. This is a relatively small impact project on 30 acres near NIPSCO.

Bryan Overstreet asked what the maximum height would be for the structures.

Mo Klefeker replied that the maximum height will be between 20-40ft. They have not filed for their air permit with IDEM at this time. As far as employment they could have anywhere from 6-10 people. There will not be a lot of traffic for this.

Justin Rodibaugh stated that according to your timeline it looks like this won’t happen until September 2023.

Mo Klefeker replied affirmatively because the retirement of the Shafer Station is in December 2023 if they can reutilize that interconnection then they have to be shut down so they can tie into that substation.

Jim Martin asked if he would explain what they are proposing to do, how it works. Are you generating steam to run this or is it direct drive?

Mo Klefeker replied that it fires on natural gas. It is a large jet engine that can start up in 10 minutes and hit full load. They are direct drive.

Bryan Overstreet asked if it is loud like a jet engine and would be a concern for the neighbors.

Mo Klefeker replied that we will have sound insulation. It doesn’t run all the time.

Kent Korniak asked what the expected life for this project is?
Mo Klefeker replied that it depends on how many hours it runs. They don’t expect to run it more that 1,000 to 2,000 hours which is what the air permit will allow them to do. They are proposing a 20 year contract. This plant could be here 40 to 50 years.

Jim Martin asked if there is any fuel storage on site other than the fuel you will use for the natural gas.

Mo Klefer replied that they expect the line pressure of the gas to be about 400 to 500 pounds that they will need to operate the gas turbine. There won’t be any need for compression and there won’t be any need for back up fuel.

Vince Urbano made the motion to recommend approval for the rezoning from A1 to I2 to the Board of County Commissioners. Motion was seconded by Justin Rodibaugh and carried unanimously.

Replat

Applicant: Michael and Barbara Ferguson
Location: Sec.22-31-6 – Walker Twp. – 800N. W. of 200W. S-side
Use: Primary Approval for a Replat of Lot 2 Mital’s Sub’d.

Public hearing held pursuant to notice published February 12, 2020 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 Charlene Malinowski, Clerk of the Rensselaer Republican.

Michael Ferguson was present and stated that he owns lot 2 in Mital’s Subdivision. This subdivision has two shared access easements for the 4 lot subdivision. He is asking for primary approval to replat his lot so he can put in another driveway and close the access off to the existing one. The new driveway makes better sense coming off the road into their garage area. There is a hill close to the existing driveway and with the proposed driveway they will be further away from it.

Mary Scheurich stated that since there is a “no access easement” along the front of the 4-lot subdivision that is the reason for the replat so he can then put a driveway where ever he wants to. The common driveways have never worked out well, which is the reason we no longer have them.

Kent Korniak asked if anyone present had any opposition to the application. There was none.

Dave Webb made the motion to grant primary approval for the 1-lot replat. Motion was seconded by Bryan Overstreet and carried unanimously.
Applicant: William Misch  
Location: Sec.12-32-6 – Wheatfield Twp. – 1600N. & 100W. SE corner  
Use: Rezone A1 to A4 - Wedding Event Venue  

Public hearing held pursuant to notice published February 8, 2020 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 Charlene Malinowski, Clerk of the Rensselaer Republican.

Breann Wilson with Turning Point Surveying stated that she is representing the applicant. The applicant is requesting to rezone 9.992 acres from A1 to A4 for a proposed wedding event venue. They are still in the design phase depending on if the applicant obtains approval. The traffic can enter/exit from 100W. & 1600N. There will be a retention pond at the front corner of the proposed Building. They are proposing to put a berm up between the proposed applicant and the landowners to the east of this.

Justin Rodibaugh asked how far off the proposed roads will the buildings be?

Breann Wilson replied that she is not sure how far off the property lines they will be since they are still in the planning phase.

Bryan Overstreet stated that William Misch owns 3 corners in that area why did he chose that corner since there is a house located next to this.

Vince Urbano asked since the proposed building is not set in stone will they have to come back before the board to get approval for the placement of the building.

Mary Scheurich replied that is a good question.

Attorney Todd Sammons stated that they would have to comply with all the zoning requirements for when they want a building permit, since it is not a Special Exception.

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

Douglas Crim was present and stated that he lives at 16345N. 100W. Wheatfield, he represents Morehouse Farms. He obtained copies of the application and there are no building plans that were included in the application. In the directions of the application it states there has to be certain items included in the application and there isn’t. He has heard there that they could hold anywhere from 250-500 people at one time. He is concerned with the traffic this will cause on the roads and the danger of this many people leaving at 11:00 pm or 1:00 am. It is hard for the neighbors to understand what is being proposed when they don’t have a complete application. We live in the country for the country life we do not want a commercial venue in the area. He was told that there will not be an alcohol permit or a kitchen facility. Is the proposed berm going to be 4ft. or 8ft. tall and will that help keep the noise away from the house that are next door to this? He
does not feel this property should be rezoned to A4 since everything in the A4 district is agricultural. This type of use does not fit in the Comprehensive Plan. Can someone explain to him why the public notice states this is a subdivision? He doesn’t know how the board can go any further with the proposed application since the application is incomplete. He is concerned about the septic for that many people in that area.

Breann Wilson replied that she is not seeing where it says this is going to be a subdivision. This is going to be a 9.99 acre split from a 38 acre tract of land.

Mary Scheurich replied that it is her guess that the newspaper cut and paste from other notices and got the bottom part mixed up.

Tammi Hamstra was present and stated that she lives at 16277 N 100 W, Wheatfield. She presented a petition from people who couldn’t come to the meeting stating they are opposed to the proposed application. She agrees with what Mr. Crim has stated. She doesn’t agree that the property should be rezoned to A4. She stated that she has pictures of the area so you can see that this is not an area for this type of business that is being proposed. There are no other businesses in the area.

Kent Korniak asked Tammi Hamstra if she would like for the pictures to be entered into the record.

Tammi Hamstra replied affirmatively.

Vince Urbano replied that there is an excavating business located in the area.

Breann Wilson replied that she disagrees with the statement from Tammi Hamstra that there are no business out there, there is an excavating business.

Jim Martin asked how close Mrs. Hamstra is to the proposed application.

Tammi Hamstra replied about ¼ of a mile, she can sit at her kitchen table with her family and see this.

Kerry Fitzpatrick was present and stated that he lives at 881W 1600N, Wheatfield, which is right next door to the proposed application. He just wanted to go on record and say that he strongly opposes to squeezing the building and the big parking lot next to him. It doesn’t make sense to him why the applicant would want to cram it right next door to a residence like they are proposing.

Vince Urbano asked Mr. Fitzpatrick if he would be okay if he moved the proposed building to another location and didn’t put it right on top of you.

Kerry Fitzpatrick replied in the negative because of the noise level and added traffic in that area, you can’t get away from that.
Thomas Misch was present and stated that he lives at 16460 N 100 W., Wheatfield. He has adjoining property to the proposed application and has hay on this proposed ground which is poorly drained. He is opposed to the added traffic like everyone else. We live in the country; we do not want the city life here. We have no problem if the applicant wants to have this type of venue in town where it belongs. He is concerned about the noise. If this is rezoned to A4 then this opens up the property for other things that are allowed in an A4 zoning district. What happens to it after it runs its course? They have had to put up with Baum’s Bridge people that have been drinking for 50 years. They couldn’t do anything about it when people would run through the houses in the area or go through the guard rails. This is in our backyard. We should do something about this now and prevent other things happening to the area. He asked how close to a property line can you build.

Mary Scheurich replied that for the A4 the front yard set-back is 70ft and the side set-backs are 40 ft and the rear set-back is 40ft.

Thomas Misch stated that he has property within 100 foot of the proposed application and he raises livestock and is concerned that some people might want to mess with his animals.

Breann Wilson replied that as far as the noise they are putting up a landscape berm to control the noise. As far as traffic she believes the route they would suggest is 1600N to St Rd 49.

Nicole Fitzpatrick was present and stated that she lives at 881W 1600N., Wheatfield. She has the same concerns with everyone else. She lives in the house right next door to the proposed application. Since she has kids she is concerned with people that are drinking and wondering over to their place and scaring the kids. They are also concerned about their dogs and the liability that could happen with strangers.

Mike Misch was present and stated that he lives at 16422N 100W., Wheatfield. He is opposed to the application since there will be noise. He is also opposed to the added traffic especially late at night and on weekends.

David Hawn was present and stated that he lives at 644W 1600N., Wheatfield. He wanted to say thank you, since he has moved here from the city, he wants the country life. When he heard about the application 2 weeks ago it kind of popped his dream for moving here. He understands what they are saying, that is why he left the city so he is opposed to the proposed application.

Crystal Misch was present and stated that she lives at 16422N 100W., Wheatfield. She and her husband live to the north of the proposed application. They are raising a family here and soon their children will be driving and she is concerned about the safety of them being on the same road with people that have been drinking.
Matt Jones was present and stated that he lives at 15343N 100W, Wheatfield. He is concerned about their kid’s safety when they ride the horses down the road. He is concerned about the added traffic and with the people leaving the venue that has been drinking.

Lauren DeKock was present and stated that she lives at 5882N. 900W., Fair Oaks. She stated that she is a “Misch” and grew up on that road. She is concerned about the people leaving an event after they may have been drinking. Her kids stay with her mom which is located south of the proposed application and is concerned for them.

Kay Misch was present and stated that she lives at 16460N. 100W., Wheatfield. Her concern is since they have a cow/calf operation that is located by the proposed application that people will not respect the animals that are there. She feels the noise will bother the animals and have them making noise themselves.

Kris Jones was present and stated that she lives at 15343N. 100W., Wheatfield. She stated that they have livestock as well. They have had problems in the past with people that think it is funny to honk the horn to get the horses to run. They may have a travel route in mind for the people coming to the venue but how do you make sure everyone follows it. You cannot stop people from driving down the other roads. They do ride their horses down the road and people don’t know they are a flight animal and are concerned that they would bother them.

Steve Gledich was present and stated that he lives at 1384W. 1700N., Wheatfield. He agrees with what everyone has said. There is a difference between A1 and A4. Is there a farm rate on that property? He is concerned that this might have an impact on the water in the area since they will be adding that many people a couple times a month. Has there been an environmental study done in the area?

Mary Scheurich replied that you are taxed on the use not on zoning. The zoning has nothing to do with what your taxes are. The taxes will not change until they put something there and use the property differently. A4 is commercial agricultural so they would pay commercial taxes if this is approved.

Breann Wilson replied that the septic system will not be used every day. They do have to obtain State approval and the state may require studies to be done.

Vince Urbano stated that he does not like the location of the proposed application being so close to the neighbor’s property when he owns other property and would not be so close to a neighbor.

Jim Martin stated that the applicant is proposing to rezone 9.99 acres which leaves the remaining acreage open up to other things being located there and that concerns him.

Kent Korniak stated that it is hard to look at an application without having a lot of details of what they are proposing.
Breann Wilson asked if they could ask for a continuance so they could get more information to the board.

Kent Korniak replied that, that is up to the board.

Dave Webb stated that he feels the proposed application should be requesting a commercial zoning rather than an agricultural zoning because the use is definitely not agricultural.

Jim Martin asked Mary Scheurich that you were advised by someone that the proposed application was the closest fit to an A4 zoning.

Mary Scheurich replied affirmatively.

Justin Rodibaugh stated that the other Venue they had before them was rezoned to A4, correct.

Mary Scheurich replied affirmatively. The only difference between the two applicants is the previous applicant had an existing building he was going to use.

Dave Webb made the motion of an unfavorable recommendation of the rezoning from A1 to A4 to the Board of County Commissioners. Motion was seconded by Jim Martin and carried unanimously.

Subdivision

Applicant: Thomas and Katherine Sarosy
Location: Sec.28-31-7 – Union Twp. – 600N. & 900W. NW corner
Use: Primary Approval for a 3-lot subdivision

Public hearing held pursuant to notice published February 8, 2020 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 Charlene Malinowski, Clerk of the Rensselaer Republican.

Breann Wilson with Turning Point Surveying stated that she is representing the applicant. She is asking for Primary approval for a 3-lot subdivision. Lot 1 is vacant with approximately 18.013 acres, lot 2 is vacant with 15.596 acres and lot 3 has an existing home located on it with approximately 6.128 acres.

Bryan Overstreet asked if there was a sign posted on site? He was by the property on 900W. but did not see one.

Breann Wilson replied that she believed there was one located there but she was not completely sure.
Kent Korniak asked if anyone present had any opposition to the application.

Larry Polomachak was present and stated that he received a letter regarding the proposed application but he did not see a sign located on the property and he drives down those roads daily.

Gwen Bulington was present and stated that she is the owner of the property located in the center of the proposed subdivision. This will be for single family residence and when she hears the word subdivision she thinks of many lots.

Breann Wilson replied that they will be for single family residence and they are only asking for a 3-lot subdivision. This is the same concept for a larger subdivision.

Kent Korniak stated that the board members need to go over the Findings of Facts in Article 9, Subdivision of Land (Primary Approval) 20.90.150 (7)(b)(i) through (iv) before a final decision can be made. He then read the factors.

(i). The subdivision of land is consistent with the Jasper county Comprehensive Plan.
(ii). The subdivision of land satisfies the development requirements of Chapter 20.60 JCC, Subdivision Standards.
(iii). The subdivision of land satisfies the standards of Chapter 20.70 JCC, Design Standards.
(iv). The subdivision of land satisfies any other applicable provisions of the Unified Development Code.

The Board members were all in favor of the Findings of Facts.

Justin Rodibaugh asked if we can proceed since we are not sure if the sign has been located on site?

Attorney Sammons replied that if there was no sign located on site then it was not properly advertised.

Dave Webb asked if it would be the proper thing to do is to continue the application to the next meeting date to find out from the property owners if a sign was placed on site.

Attorney Sammons replied that is an option for the board to do.

Mary Scheurich stated that there are 3 forms of public notice (letters to the adjoining landowners, newspaper and the sign).

Dave Webb made the motion to grant primary approval for the 3-lot subdivision. Motion was seconded by Vince Urbano and carried unanimously.
Discussion:

Kent Korniak stated that Scott Walstra has brought up Application Fee’s and Survey’s to the Board of Zoning Appeals last month. He would like to talk to the Plan Commission members regarding updates on the Fee’s and survey’s being done since the Plan Commission does the Amending to the UDO.

Scott Walstra stated that he has talked with other surrounding Counties to see what their application fees are and he found out that our fees are very low compared to other counties. He feels with our fees being so low that some applicants take advantage of asking for a variance since it doesn’t cost much. He also has checked with other counties and they require the applicant have a site survey done when they apply for a building permit. By the landowners having a survey done that shows where the structure is going will help the county surveyor’s office as well if there are any ditches located on the property. He is asking the Plan Commission to look into these concerns.

Public Comment: There was none.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Kent Korniak, President