

The Thorntown Plan Commission met in a regular meeting on December 11, 2023, at 6:00 PM in the Town Hall.

Members in attendance were as follows:

- Don Gray, President – Citizen Member.
- Eugene Doctor – Citizen Member.
- Erick Smith – Citizen Member.
- Drew Guenther – Town Employee.

Others in attendance: Oksana Polhuy, Planning Administrator.

President Gray calls the meeting to order at 6:00 PM.

*[Note: the sound recording of this meeting isn't good and parts of the conversations are hard to decipher. The written Minutes here are what could be deciphered.]*

**OPENING CEREMONIES**

President Gray leads the Plan Commission in the Pledge of Allegiance.

**DETERMINATION OF QUORUM**

President Gray states that four members are present and that there is a quorum.

**NEW BUSINESS**

**Item #1. Application REZ-01-2023 – Change of Zoning**

Subject:	Review of the application for rezoning the subject property from Residential to Business zoning district.
Location:	1213, 1215, & 1217 W Main Street
Petitioner:	John Strong, Stalcop Metal Forming
Property Owner(s):	Multitech Industries Inc.

Mrs. Polhuy describes the project. She states the subject site is comprised of five parcels addressed 1213, 1215, & 1217 W Main Street as displayed in the Staff Report’s Figure 1. She states the property is zoned “Residential” and the petitioner is requesting to rezone the property to a Business zoning district.

Mrs. Polhuy states this property has been used for commercial/industrial business, Stalcop, for many years, likely since 1970s. She states the zoning of the site has been Residential, making existing industrial use legal non-conforming. Stalcop would like to add to an existing building on site as illustrated in Exhibit 3 of the Staff Report. She states, per Thorntown Code of Ordinance §152.08.C.2, a legal non-conforming use “may not be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance”. For the business to build an addition, the zoning needs to be changed into the correct

district, which would be “Business”. Due to this, the applicant is requesting rezoning of the property from the Residential to the Business zoning district.

Mrs. Polhuy states that while the property is surrounded by the properties zoned Residential, the existing uses vary: commercial and residential to the north; residential and vacant to the east; residential, institutional and vacant to the south; and commercial, residential, institutional, and vacant to the west. She states, the proposed addition would be closer to the parcels that are currently vacant to the east or commercial to the west.

Mrs. Polhuy goes over analysis regarding consistency with the Future Land Uses. She states, the Comprehensive Plan shows light industrial use on the recommended future land use map, confirming that the vision for this property is to remain light industrial in nature. So, the proposed use and zoning district is consistent with the Comprehensive Plan’s Proposed Land Use.

Mrs. Polhuy goes over analysis regarding consistency with the Community Vision. She says, the community vision stated in the Comprehensive Plan is for Thorntown to be an economically sustainable town that can provide not only residential and recreational opportunities, but business opportunities as well. She states permitting this rezone would allow the applicant to keep his business location in town, which meets the community vision goal of being economically sustainable.

Mrs. Polhuy recommends forwarding a favorable recommendation of this rezone to the Town Council based on the findings of fact in the staff report.

Petitioner, Mr. Strong, explains that his business needs to be expanded by adding onto an existing building to the south, and he would like to be able to do it. He confirms that the property has been used for a business for a while and goes over the history of the business.

## **PUBLIC HEARING**

President Gray opens the public hearing.

Dan Garing, 1210 Wesley Court, asked whether there is going to be an addition of a drive at the south of the lot bordering his house. He asked for the hours of operation and whether the trees will be planted along the south border of the lot.

Mr. Strong replied that there won’t be a drive going south and that the hours of operation are 7 am to 5 pm. He states that the submitted site plan is the old plan used for an old permit, so it shows a drive that was never built. He states that they don’t intend to add it in the future. He states they are planning on using the existing paved surfaces to reach the addition and then drive towards SR 47.

Mrs. Polhuy asks petitioner whether there is an easement across his property where the drive is displayed on the site plan for the town to reach the water tower.

Mr. Strong believes that there may be one.

Mr. Cundiff, 1200 Wesley Court, expresses his concern that while he isn’t against the business and progress per se, he worries that if the property is rezoned Business, that means that a lot more business activity could be added to the site that could have negative impacts on his residential property. He says that he already can feel sometimes the ground tremors when large vehicles drive

there, hear truck beepers, see lights. He says that when he bought his house in 1999, it was because it was a nice quiet area with no industrial buildings close to his backyard. He worries that if the rezone is approved, there won't be a way in the future to prevent expansion of the business footprint south getting closer to his house.

Mr. Strong says that he has been running a business in a good way, trying to be a good neighbor and will do their best to continue being a steward in the future. He says that he doesn't know how the future would unfold and what the company decides to do.

Mr. Cundiff asked whether a southern portion of the lot could remain zoned Residential.

Mr. Gray asked if the company could add a dirt mound, maybe with landscaping, along the south of the lot to block the view and sounds.

Mrs. Polhuy states that the Plan Commission could request from petitioner to leave a certain area zoned Residential, or as another alternative to request to add a landscaped buffer, about 50 feet wide as a condition to approving the variance.

Mr. Strong responded... *[bad sound quality]*. He doesn't think that they would keep a portion of the property zoned residential, and he is not confident about being able to commit to adding landscaped improvements on behalf of the company at this meeting.

Mrs. Polhuy suggests to the Plan Commission that they could add a commitment to add landscaping to their recommendation to the Council, and then between now and the Council meeting, the petitioner could speak to his company about what they can commit to.

*[bad sound quality of a discussion about easements and landscape buffers between multiple people]*

Mr. Gray closes the public hearing.

#### PLAN COMMISSION DELIBERATION

Mrs. Polhuy reminds the Plan Commission of their options: recommend approval, recommend denial, continue to the next meeting. She also explains that commitments can be added to the recommendation as well.

Mrs. Polhuy recommends a landscape buffer as a good solution to provide visual and noise protection, but cautions that it is difficult at this time to recommend a specific size or location without knowing the extents of the easement in the same location.

Mrs. Polhuy confirms one Commissioner's belief that the property has long had light industrial use. She explains that in 1995 when the area was annexed to the city is when the zoning changed to residential despite existing non-residential use.

Mr. Smith says that to his mind this is a pretty simple case: the property has always been industrial and the only reason this is an issue is because of some kind of clerical error or something that saw it recorded as residential instead. Since the ordinance does not require a buffer, the petitioner

shouldn't be required to provide one, though it would be the neighborly thing to do. He doesn't think it's right to require the landscape buffer. He also says that a berm presents even more questions.

[Commissioners talk over each other discussing height of berm whether the soil will come from, if it needs to be hauled in, etc.]

Mr. Gray asks Mrs. Polhuy to explain the zoning history of the property again, and she does so, clarifying that the 1995 code created a business district downtown and then said everything not in the business district but still within town limits is zoned residential. Thus, when the property was annexed to the city, it was zoned residential.

Mrs. Polhuy further notes that the property card shows industrial use beginning in 1969, while the houses nearby were built after 1995, meaning the industrial use was there first and the developer knew it was there when they built the houses.

The Plan Commission asks if there are any records from when the property was annexed and the zoning changed.

[the response is unintelligible due to poor audio quality]

Mr. Strong says that his company hasn't had any discussions about providing a buffer on the property for the adjacent residential use.

Mr. Smith clarifies that the Plan Commission's decision is a recommendation and that Town Council has the final approval authority.

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**Motion by Mr. Smith, seconded by Mr. Doctor, to send a favorable recommendation to the Town Council for adoption of the Change of Zoning from Residential to Business zoning district for a subject real estate located at 1213, 1215, and 1217 W Main Street as per submitted petition REZ-01-2023, based on the following findings:**

1. The proposed business zoning district meets the community vision goal of retaining economic activity within Thorntown and using existing properties (infill) for it;
2. The proposed business zoning district is compatible with the proposed light industrial use for the subject site in the Future Land Use Map of the Comprehensive Plan;
3. The proposed business zoning district is the most desirable at this location with the proposed continuance of the light industrial use for the subject site;
4. The proposed business zoning district will retain its current use on the existing parcels where people would expect to see it without creating negative impact on the property values throughout the jurisdiction; and
5. The proposed business use is compatible with the surrounding uses as proposed by the applicant and is responsible growth by staying within the current site.

**AYES: Don Gray, Eugene Doctor, Drew Guenther, Erick Smith. NAYS: Zero. ABSTAIN: Zero. Motion carries 4, 0, 0.**

## **OTHER BUSINESS**

### **Item #2. 2024 Calendar of Meetings and Filing Deadlines**

Mrs. Polhuy presents a draft of the 2024 Calendar of Meetings and Filing Deadlines. She mentions that November 11, 2024 is Veterans Days and suggests moving the date to November 19, 2024.

**Motion by Mr. Smith, seconded by Mr. Doctor, to approve 2024 Calendar of Meetings and Filing Deadlines with potential changes for November 11 meeting.**

**AYES: Don Gray, Eugene Doctor, Drew Guenther, Erick Smith. NAYS: Zero. ABSTAIN: Zero. Motion carries 4, 0, 0.**

### **Item #3. Inquiry about Future Residential Use near Prairie Creek**

Mr. Rick Stevens, Lebanon, IN, wants to know how to go about getting his 4 acres along Prairie Creek south of SR 47 connected to sewer and water. He says that without water and sewer, he would need to build a raised septic field, which would take up a lot of the useable space on the property.

Mrs. Polhuy points out that this property is outside of the incorporated limits of the Town and therefore cannot be served by Town sewer and water.

Mr. Stevens explains that he would like to build a house on the property.

Mrs. Polhuy states that the property does not front on a street, which is a requirement for development per the UDO. She also points out that most of the property is in the floodplain where development is restricted.

[there is some crosstalk]

Mr. Stevens asks how he can get the annexation process started.

Mrs. Polhuy directs Mr. Stevens to see if there's an application for annexation or if the Town's legal counsel can draft one. She then says that before annexation can occur, she would like there to be a review of how to extend water and sewer to the property, and whether there is capacity. Mrs. Polhuy reiterates that her two concerns are: (1) is the space allowed for development outside of the floodplain on the property large enough to accommodate a house and (2) can the lot somehow be made to front a street/public ROW. She strongly recommends to Mr. Stevens that before he go about trying to get the property annexed that he makes sure he can address these concerns. Without frontage on a public ROW or a variance from that requirement, the property is undevelopable, and no building permit can be issued.

The Plan Commission examines Mr. Stevens survey, and Mrs. Polhuy notices that the easement on the survey is not in the same location as the driveway visible in the aerial photos. This is another issue that would need to be resolved.

Mr. Stevens says he will talk to the Town Council at their meeting the following week.

### **Item #4**

[The speaker is speaking too quietly for the microphone to pick up what she's saying, so it's unclear what the discussion is about.]

**ADJOURNMENT**

President Gray makes a motion to adjourn. Meeting adjourned at 7:38 PM.

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Donald Gray                      President

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Secretary

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(typed)