

Starke County Planning Commission
Regular Meeting and Two Public Hearings
February 17, 2010

Attendance: Butch Ritchie, president & citizen member; Jack Hudgens, vice president & citizen member; Judy Benninghoff, executive secretary & councilwoman; Daniel Bridegroom, commissioner; Dennis Estok, surveyor; Byron Walters, trustee; Don White, citizen member; Steven A. Dodge, commission counsel; and Pamla J. Starkey, clerk secretary. There were (8) eight visitors present.

1. Appointments:
 - a) Mr. Estok nominated Mr. Ritchie to remain president, seconded by Mrs. Benninghoff. Motion carried. (7-0)
 - b) Mr. White nominated Mr. Hudgens for vice president, seconded by Mr. Bridegroom. Motion carried. (7-0)
 - c) Mr. Bridegroom nominated Mrs. Benninghoff for executive secretary, seconded by Mr. Hudgens. Motion carried. (7-0)
 - d) Mr. Hudgens nominated Mr. White to Board of Zoning Appeal Board, seconded by Mr. Bridegroom. Motion carried (7-0)
 - e) Mr. White nominated Mr. Williams to remain administrator/inspector, seconded by Mr. Walters. Motion carried. (7-0)
 - f) Mrs. Benninghoff nominated Mr. Dodge to remain commission counsel, seconded by Mr. Hudgens. Motion carried. (7-0)
 - g) Mrs. Benninghoff nominated Mrs. Starkey to remain clerk/secretary, seconded by Mr. Walters. Motion carried. (7-0)
 - h) Mrs. Benninghoff nominated Mr. Ritchie, Mr. Estok, Mr. Bridegroom and Mr. Walters to the Technical Committee, seconded by Mr. White. Motion carried. (7-0)
 - i) Mr. White nominated Mr Estok to remain on the Starke County Development Board, seconded by Mrs. Benninghoff. Motion carried (7-0)
2. Approval of the minutes of the November 18, 2009 regular meeting and two public hearings: Mr. Bridegroom made motion to approve the minutes as written, seconded by Mr. Walters. Motion carried (7-0).
3. Second Public Hearing to consider approval of a Planned Unit Development for the Koontz Lake Clean Water Sewer Plant located on the west side of 1175 E. apx (800) eight hundred feet south of South Street in section 12 of Oregon Township 4.99 acres more or less, Property owner now being the Koontz Lake Regional Sewer District: Mr. Kenny Jones was present. Mr. Estok made a motion to open the public portion of the hearing, seconded by Mrs. Benninghoff. Motion carried (7-0). Mr Armstead was concerned that the pud ordinance was not being used correctly. Mr. Dodge explained to him that the state law says that you can have a single use, it does not have to be a group of uses and we are using it in this case so that the county will have more control of the property.

With no other public comment Mr. Bridegroom made a motion to close the public comment portion of the hearing, seconded by Mr. Walters. Motion carried (7-0) With no comments from the board, Mrs. Benninghoff made a motion to approve the Planned Unit Development Plat for the Koontz Lake Clean Water Sewer Plant and send it to the Starke County Commissioners with a favorable recommendation, seconded by Mr. Bridegroom. Motion carried. (7-0)

4. Public Hearing to consider an amendment to the Code of The County of Starke, Indiana dated 1991, Chart #1 by changing the maximum lot coverage from 30% to 40% in areas zoned R3 with public sewers and all setbacks are met. Mr. Bridegroom made a motion to open the public comment portion of the hearing, seconded by Mr. White. Motion carried (7-0) Mr. Nagai was concerned that maybe 40% may not be enough and we might want to consider 50%. Mr. White stated that he doesn't think we would need to go to 50%. Mr. Ritchie stated that there is already a problem with the water shed on some of the properties and that could possibly make it worse.

With no other public comment, Mrs. Benninghoff made a motion to close the public portion of the hearing, seconded by Mr. Walters. Motion carried (7-0). Mr. White made a motion to approve and send to the Commissioners with a favorable recommendation, seconded by Mr. Hudgens. Motion carried. (7-0)

5. New Business

- a) Annual Report: Mr. Ritchie read the reports aloud to the board.
- b) Monthly Report: Mr. Ritchie read the monthly reports to the board
- c) Tattoo parlors: Mrs. Starkey explained to the board that a tattoo parlor has opened up on U.S. Highway 30. The operator/owner did not come in and apply for the proper permits. Also we do not have an ordinance that pertains to a tattoo parlor. Mr. Dodge stated that he will talk to Bruce about the situation. Mr. Bridegroom made a motion to table until next meeting, seconded by Mr. White. Motion carried. (7-0)
- d) Wind Mill Farms and for personal use: Mrs. Starkey passed out information and ordinance from Benton County on the issue. Mr. Hudgens stated that he went to some classes and doesn't think that it will come to Starke County and to do research before we get to far into this. Mr. Bridegroom stated that it was highly suggested that we start looking into this by the Regional KRBC and we might not be the primary but they could go to the secondary on down and we need to have in place and ready just in case. Mr. Estok and Mr. Bridegroom stated that we do need to address the personal use. After more discussion Mr. White made a motion to table until next meeting, seconded by Mr. Bridegroom. Motion carried (7-0)
- e) Sean Combs 4640 N. 500 E. Hamlet: Wants to put in a fabricating and welding shop on his property which is zoned R2. Mr. Hudgens asked him to come to our meeting to see what he should do. Mr. Combs did not show. Mr. Dodge stated that he would either need to come before the planning commission to rezone or to the board of zoning appeal for a variance he would have to decide on his own the planning commission can not decide for him.

6. Old Business

- a) Dog Kennel did not get passed by the Starke County Commissioners: Mr. Bridegroom stated that the state has adopted one and you can't adopt one lesser or greater than the state. Mr. Bridegroom also stated that the commissioners did not agree with the fencing portion of our proposed ordinance. After more discussion Mr. Ritchie suggested that the board read through the ordinances and discuss next meeting. Mrs. Benninghoff made a motion to table until next meeting, seconded by Mr. Walters. Motion carried (7-0)
- b) Manufactured Housing Ordinance: Mrs. Starkey reminded the board that the reason that it did not pass is because the original ordinance stated that single wide mobile homes were only allowed in agriculture areas, mobile home parks and mobile home subdivisions. The new draft of the ordinance states that they would be allowed in all residential areas. Mr. Hudgens stated that wasn't their intent they were leaving that part the way it was before. We need to refer back to Table B. Mr. Dodge will have draft language for next meeting. After more discussion Mr.

Bridegroom made a motion to table the manufactured housing ordinance until next meeting, seconded by Mr. White. Motion carried. (7-0)

c) CAFO'S: Tech committee took a tour of some cafo's and were impressed. Mr. Nagai put a rough draft of an ordinance together for the board to look at. After discussion Mr. Hudgens made a motion for the tech committee to review and discuss, seconded by Mr. White. Motion carried. (7-0) **The Tech Committee will meet on March 5, 2010 at 9:00 a.m.**

Mr. Hudgens was concerned with not being able to get inspections done when the inspector is out sick or on vacation. Mrs. Starkey stated that she had told him previously that we have a release form for the property owner to sign so that they can get their electric or gas turned on until the inspector can inspect or they can hire their own inspector. Mr. Hudgens stated that he misunderstood. Mr. Dodge does not agree with the waiver. Mr. Ritchie stated that he thought that we talked about getting the inspector from Pulaski Co. to fill in when the inspector is out. It was suggested that maybe Mr. Williams could contact the inspector from North Judson or the council and work something out between them.

Mr. Ritchie stated that he wants to talk to Mr. Williams regarding the two mile jurisdiction as far as who is in control. Mr. Estok stated that as far as he knew the city is not in charge of violations. Mr. Dodge will do some research.

Mary Mix is concerned with an unsafe building located in Boa Shores. She was told to come in and see Mr. Williams and file a complaint.

7. Violations

a) Leon & Mariann Thomas, 3100 E. 400 N. Knox: Two letters were sent. Mr. Walters made a motion for Mr. Dodge to write a letter with authority to sue, seconded by Mr. Bridegroom.

Motion carried (7-0)

b) James D. & Michelle M. Thomas, 4220 N. 300 E. Knox: A letter was sent and was returned unable to forward. James has passed away and Michelle can't be found. Mr. Dodge said that he will talk to Mrs. Starkey about what to do.

Mrs. Benninghoff made a motion to adjourn the meeting, seconded by Mr. Walters. Motion carried. (7-0). Meeting was adjourned at 8:29 p.m.

This meeting was taped and will be on file in the Starke County Planning Commission Office. The next scheduled meeting will be held on Wednesday, March 17, 2010.

Pamla J. Starkey
Recording Secretary