

## **Leo-Cedarville Plan Commission**

Leo-Cedarville Town Hall 13909 Pony Express Run Leo, IN 46765

March 4, 2019

### **Minutes**

Attendance: John Clendenen, Plan Commission President  
Jan Linn, Plan Commission Vice Chair  
Greg Peck, Plan Commission Member  
Ray Pulver, Plan Commission Member  
Stuart Hepler, Plan Commission Member  
Patrick Proctor, Zoning Administrator

Meeting was called to order at 6:00 p.m.

#### **1. Review of previous Minutes**

The Minutes from the February 4, 2018 Plan Commission meeting were reviewed and approved.

#### **2. Review Sign Permit Application for AVDI**

Patrick Proctor introduced the Sign Permit Application for AVDI. It was discussed how the Sign Ordinance permits only one wall sign in a DC Zoning district. The applicant has three wall signs. Options were discussed. The issue was tabled to provide the Applicant to discuss options with the Zoning Administrator, and issue will be revisited at next meeting.

#### **3. Review of Application for Sign Permit By Edward Jones**

Patrick Proctor introduced Application for Sign Permit by Edward Jones. Discussion was had regarding Sign Ordinance prohibits lighted wall signs in a C-1 district, however, the applicants current sign (which is being upgraded) is lit as are many other signs in the same district and even another sign on the same building.

Ray Pulver made a motion to approve the application. The motion was seconded by Greg Peck and carried by unanimous vote.

#### **4. Review of Special Use Exception by Community Harvest Church**

Patrick Proctor introduced the Application for a Special Use Exception by Community Harvest Church, to allow the expansion of the pre-existing Church Use in an R-3 district.

Jan Linn questioned the amount of parking that would be provided and whether it was sufficient. Mr. Proctor stated that the Ordinance required 1 parking space for every 3 church

attendees plus one per each employee. The Applicant stated it would get to Mr. Proctor a verification of the number of church attendees.

John Clendenen expressed concern regarding the effect on surface water drainage due to pre-existing issues with water in the area. The applicant provided engineering designs for its drainage plan. Mr. Proctor stated that the Town Engineer was reviewing the same and was recommending an approval letter from the Allen County Surveyor.

Jan Linn questioned whether there would be a new sign, and it was discussed that any new sign would need to be approved by the Plan Commission through its ordinary Sign permitting process.

Jan Linn moved to make a recommendation to the Board of Zoning Appeals to accept the Special Use Exception conditioned on (1) verification of adequate parking under the provisions of the zoning code, (2) The storm water plan being approved by the Town Engineer and Allen County Surveyor; and (3) adequate screening being put in place to protect surrounding residences from increased noise and light from the use. Stuart Hepler seconded the motion. The motion passed by unanimous vote.

#### **5. Review of Dwight and Cheryl Silvers Special Use Exception**

Patrick Proctor introduced the application of Dwight and Cheryl Silvers. Mr. & Mrs. Silvers addressed the application. They want to operate a computer repair company out of the detached garage at the rear of the property. Mr. Silvers currently rents space out of Town for his business, but is looking to slow down in preparation for retirement. They estimated that they would have only 3 to 5 cars a week come to the property for the business. The Silvers state that they have spoken to their neighbor on the east side and the neighbor has no concern with the business. The neighbor to the east is building a privacy fence along the property line. There is a privacy fence already in place between the neighbor to the west and the subject property. To the north is farm land. The primary residence will block the business from the neighbors to the south across the local road. The property was used for commercial use in the past and already has a sufficiently large drive to accommodate off-street parking for any customers.

The Plan Commission encouraged the applicants to talk to all of their neighbors in person prior to the BZA hearing, and the applicants stated that they would and that they were going to hand deliver copies of the notice of the hearing.

Greg Peck made a motion to recommend approval of the Special Use Exception to the BZA subject to the applicant committing that all business parking will be off the street. Ray Pulver seconded the motion. The motion carried by unanimous vote.

**6. Review of East Allen County School's application for Waiver of Development Plan**

Mr. Proctor introduced the request by East Allen County Schools for a waiver of the requirement that it file a Development Plan prior to developing an egress drive from school onto State Road 1 across subject property. The applicant was represented by Diane Reynolds from Engineering Resources and Kirby Stahly from EACS. The Applicant presented plans which showed that there would be adequate screening between the subject property and the residential property to the south. There is already a privacy fence between the subject property and the property to the North which is being operated as a gas station. The Subject property is zoned C-1 but had previously been used as a residence.

Mr. Proctor explained that since the subject property was going to be used for an egress drive from the school, it was a "school use" which required a special use exception. The Applicant had not yet filed for a special use exception but would do so in the near future. Mr. Proctor stated that the process for obtaining the special use exception would provide the same type of review of the project and allow for sufficient conditions to be imposed to protect surrounding properties. Mr. Proctor explained that the Plan Commission could waive the requirement for a Development Plan under Article 10, Section 10.6 (A) of the Ordinance if the Commission found that (1) the proposed improvement would not have a significant impact upon adjacent land uses, or the street, utilities, storm drains or other public improvements that serve the real estate on which the improvement is to be located; and (2) The public convenience and welfare would not be substantially served by requiring the submission of a development plan for the proposed improvement.

The applicant indicated that it had already applied for a right of way permit from INDOT for the access onto State Road 1, the applicant indicated that it had obtained a traffic study for the egress onto SR1. Mr. Proctor requested a copy of the traffic study and Ms. Reynolds stated she would get it to him.

Jan Linn made a motion to approve the waiver of the Development Plan contingent on the applicant seeking a special use exception and the BZA approving that special use exception. Ray Pulver seconded that motion. The motion was passed by unanimous consent.

**7. Discussion of Committee for revising zoning code**

Patrick Proctor stated that the effort of revising the zoning code is ongoing, and the committee had met three times. The committee was currently focused on the organization and structure of the code, but would soon be moving to section by section revisions.

**8. Confirmation of next meeting**

The next meeting was set for April 1<sup>st</sup> at 6:00 pm.

The meeting was adjourned at 6:50 p.m.

Minutes prepared by Patrick L. Proctor, Zoning Administrator.

Approved by Plan Commission, at <sup>on</sup> April 4<sup>th</sup>, 2019

  
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John Clendenen, Plan Commission President