

Starke County Planning Commission
Regular Meeting and Two Public Hearings
November 18, 2009

Attendance: Butch Ritchie, president & citizen member; Lee Nagai, vice president & citizen member (arrived at 6:35 p.m.); Daniel Bridegroom, commissioner; Judy Benninghoff, council person; Dennis Estok, surveyor; Byron Walters, trustee; Richard Singleton, citizen member; Steven A. Dodge, commission counsel; Bruce W. Williams, administrator/inspector; and Pamla J. Starkey, recording secretary. There were approximately (24) twenty four visitors present.

1. Approval of the minutes of the October 21, 2009 regular meeting: Mrs. Benninghoff made a motion to approve minutes as written, seconded by Mr. Bridegroom. Motion carried (7-0)
2. 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. approximately (800) eight hundred feet south of South Street in section 12 of Oregon Township 4.99 acres more or less. Property owner being Arthur J. Borrelli Jr.: Mr. Kenny Jones with Wightman Petrie was present to talk on behalf of the Koontz Lake Regional Sewer District. Mr. Jones passed out a book of plans (which will be included in the original minute book) to the board members and explained to the visitors what was being planned. Mr. Dodge passed out a sheet explaining the process of a PUD along with the Findings of Fact PUD.

Mr. Estok made a motion to open the public comment portion of the hearing, seconded by Mr. Nagai. Motion carried (7-0)

Loretta Boch from Whiting Indiana, owns property next door of the property in question, voiced her opinion and read a letter from her brother, Mr. Maury Raycroft, PhD regarding some concerns (will be in original minute book). It was explained to her that this is not the appropriate body to address those concerns. We are planning and zoning only.

Bruce Huntington, attorney, 105 E Jefferson South Bend In. representing property owner to the south of the property, Patricia Markle, stated that he believes that the PUD ordinance is not the procedure that should be used.. Mr. Dodge disagreed stating that using the PUD ordinance the county will have more control over what occurs at that site. If they were to just rezone the property the county would not have any control now or in the future.

Michael Kuss 7915 N. 1200 E. Walkerton works with IDEM but is speaking on his own behalf as a private citizen, stating that he is concerned about the noise, light pollution, and odor.

Sue Pearce has a home appropriately 800 feet from the sight and is concerned about the odor as well and stated that it can be hazardous to ones health.

Paul Warnke, a member of the Koontz Lake Conservancy District Board, explained that they have had open meetings and everything is on record at the website and are available for public scrutiny at the public library. They hold their meetings at the Koontz Lake Conservation Club the third Tuesday of every month at 6:30 p.m. cst and have, for the last (3) three years. This is the meeting that you will need to go to for any questions other than zoning.

Mr. Jones, Wightman & Petrie, tried to answer some of the questions that were asked.

Mr. Nagai made a motion to close the public comment portion of the hearing, seconded by Mr. Walters. Motion carried (7-0)

Mr. Ritchie read the findings of fact to make sure everything is in order. Mr. Bridegroom is concerned that the PUD may not be the correct process to go through as the purpose includes residential as well. Mr. Dodge explained that we are not using the residential PUD. Mr. Nagai stated that the purpose of having a PUD in the ordinance is to allow you to look at land uses that are not specifically numerated in the rest of the ordinance and also to allow you to bury your specifications for the development for things that would not be specified else where. Mr. Bridegroom asked where it says we can bury it. Mr. Nagai & Mr. Dodge stated that is the purpose of the PUD. Mr. Nagai gave examples of using a PUD.

After discussion by the board Mr. Nagai made a motion to forward the PUD to the Starke County Commissioners with a favorable recommendation, seconded by Mrs. Benninghoff. Motion carried (4-3) against were Mr. Singleton, Mr. Walters and Mr. Bridegroom.

3. Public Hearing to consider approval of the proposed Dog Kennel Ordinance to the Code of the County of Starke, Indiana: Mr. Ritchie read the ordinance aloud.

Mr. Nagai made a motion to open the public comment portion of the hearing, seconded by Mr. Singleton. Motion carried (7-0)

Mr. John Johnson 4362 S. 600 W. North Judson, had some concerns regarding the fencing. With no other comments, Mr. Nagai made a motion to close the public comment portion of the hearing, seconded by Mr. Walters. Motion carried (7-0)

After discussion by the board Mr. Nagai made a motion to forward the Dog Kennel Ordinance with a favorable recommendation with amendments which include Section Five a, Section Six b and i and Section Nine, seconded by Mrs. Benninghoff. Motion carried (7-0)

4. New Business

- a) Monthly reports: Mr. Williams read the reports.

- b) Report from the Tech Committee: Mr. Ritchie gave a report on what they discussed, which was mainly regarding the PUD that was before us tonight. The tech committee set up a meeting for Thursday, December 10, 2009 at 9:00 a.m. at Mr. Nagai's property, 1755 E. 400 N., to discuss the CAFO ordinance.

- c) Possible change of lot coverage from 30% to ? In R3 zoning with approved sewers as long as setbacks are met. Mr. Williams suggested that a 40% lot coverage would help as long as they meet their setbacks. After discussion by the board Mr. Nagai made a motion to hold a public hearing for a 40% lot coverage in R3 single family zoning with approved sewers and setbacks are met, seconded by Mr. Bridegroom. Motion carried (7-0)

- d) Mr. Ritchie asked if the board would like to have a meeting in December. It was decided to advertise for a meeting and if we do not have business to cancel it then.

5. Old Business

- a) Manufactured Housing Ordinance: Mr. Dodge wanted to make sure that the board wants to allow all manufactured homes in all zonings as they were only allowed in designated areas prior to the ordinance change. After discussion by the board Mr. Bridegroom made a motion to

table for further discussion, seconded by Mr. Singleton. Motion carried. (7-0)

b) CAFO's: Mr. Nagai made a motion to table, seconded by Mrs. Benninghoff. Motion carried (7-0)

6. Violations

a) Benjamin Haut, property located at 0105 S. 800 E. Knox: Two letters were sent with no response. After discussion Mr. Nagai made a motion for Mr. Dodge to write a letter with authority to sue, seconded by Mr. Singleton. Motion carried (7-0)

Mr. Bridegroom let the board know that the properties in San Pierre are proceeding with their clean up. The properties are looking a lot better and seem secure.

Mr. Nagai made a motion to adjourn the meeting, seconded by Mr. Walters. Motion carried (7-0). Meeting was adjourned at 9:10 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, December 16, 2009 at 6:30 p.m. unless otherwise noticed.

Pamla J. Starkey
Recording Secretary