

PLANNING COMMISSION

MINUTES

June 2, 2009

Members Present: John Bruns Lynne Thomas-Roth
 Glynn Marsh

City Staff Members
Present John P. Applegate Denise Winemiller

Mrs. Thomas-Roth called the Planning Commission meeting to order. Attendance was taken and Mayor Goudy was absent.

1. Mrs. Thomas-Roth asked if there were any corrections or additions on the minutes from the April 7, 2009 meeting. There were no corrections noted so Mr. Marsh moved that the minutes be accepted as prepared. Mr. Bruns seconded the motion. All concurred and the minutes were accepted as prepared.

2. 09-02 - Change of zoning request from Tom and Jacqueline S. Bihn for 11995 and 11975 Frederick Drive, for the properties formerly known as Miller's Grove Pool and Heliport. The zoning request is to change from Light-Industrial (L-I) to Agricultural-Residential (A-R).

Mr. Applegate said that a request for a change of zoning is before the planning commission for them to make a recommendation or not to the city council to change the zoning.

Tom and Jacqueline Bihn were present at the meeting. The Agricultural-Residential zoning does allow the activities that they are proposing for their services. Some of the activities would fall under "conditional use" which is another step in the process but for this meeting, the planning commission would

need to decide whether or not to forward this to the city council. Mr. Applegate invited Mr. Bihn to address the commission.

Mr. Bihn said he was requesting this change of zoning as a condition before purchasing the property for entertainment, or family fun business.

Mr. Applegate asked if he had a similar operation in another location and he said that they had a place located in South Bend, Indiana. Mr. Bihn said they have lived in the area for thirty years.

Mr. Bruns clarified that they were being asked to recommend a change of zoning from Light-Industrial to Agricultural-Residential and the folks that were requesting the change were interested in putting in a business that is entertainment with horses, picnics, etc. He asked if that was an allowed use under the Agricultural-Residential Zoning. Mr. Applegate said there are principal permitted uses, accessory uses and some conditional uses. He added that a conditional use is another application or request once the zoning is changed.

Mr. Bruns said if they would recommend the change and it would be approved by the council, then it would come back to the planning commission for their approval on the conditional use. Mr. Applegate said that was correct.

Mr. Applegate said they would eventually be asking for additional details. Mr. Bruns said they do not have a lot of detailed information submitted.

Mr. Applegate said that the commission can forward this to the council to have a public hearing, without necessarily recommending it. It would be moving the process forward. Mr. Applegate said they might want to drive over and look at their operation.

At one time, part of the area was Agricultural and part was residential. At that time, they were operating a business there which is why it was changed to Light-Industrial. The surrounding area is agricultural and residential now.

On a map Mr. Applegate showed the commission where the office building is located on the property which follows the creek. This property is south of the Miller Brother's Office. Mrs. Thomas-Roth determined that it is the old pool and picnic ground area and Mr. Applegate said it was also the heliport area and the old drive in theater area. There is a storage barn and a shelter already on the property.

Mr. Applegate said if this is purchased, they will need a legal description and a site plan showing where all the structures are. Mr. Applegate said it would be a lot to ask for when they did not even own the property and the change of zoning has not taken place.

Mr. Bruns thought it was Agricultural-Residential before and it fits in with the area that it would go back to Agricultural-Residential. He said they would need to look at things more closely after the zoning was changed. He thought they should go forward with the public hearing and he did not feel anyone would object to changing the zoning from Light Industrial.

Mr. Marsh said some of the activities on the list looked more like a business. Mr. Applegate said it actually was, for instance, like a feed and tack store would be a business. Mr. Applegate said some of those actually have taken place in the past at that location.

Mr. Applegate said most of these things would fall under conditional use which would be up to the planning commission to approve. He said they will have to answer these questions if they would come back with requests after the zoning change.

Mrs. Bihn said that it was a beautiful area and she wanted it to be a family oriented business and she wanted it to be fun for families. She said they have done some tractor drawn hay rides and people have loved the shelter and the facilities. She thought horses would also be a big draw.

Mr. Marsh asked if they had a conditional contract to purchase the property and the Bihn's said they do. Mr. Applegate said he explained to the Bihn's about the process and also talked to Chad Miller. Mr. Applegate said if approved, this matter would go to the council to set a public hearing in thirty days. The hearing would be advertised twice and all the property owners contiguous to the property would be notified. The public would have a chance to speak at the hearing. The ordinance for a zoning change could be passed immediately or in three readings.

The earliest the public hearing could be held was July 13, to be in effect in August or if three readings, October because there are only two council meetings in July and August.

Mr. Applegate said he had explained this to Mr. Miller. These steps are all required by the city charter.

Mr. Marsh asked if the current order was agreeable to the zoning change. Mr. Bihn said yes, that it was under the estate of Thomas Miller and the three people, Chad Miller, Jeff Miller, and Chris Heizer had agreed.

Mr. Marsh explained that they would just be approving the zoning change, not the proposal for the business.

Mr. Applegate asked Mr. Bihn to provide the location of their facility in Indiana so they could see their current facility.

Mr. Bruns moved to forward the change of zoning request to the City of Union council for their June 8, 2009 council meeting to set a public hearing date. Mr. Marsh seconded the motion. All concurred and the motion was passed.

3. Open Agenda

There was nothing from the planning commission members for the open agenda.

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4. Mr. Bruns moved that the Planning Commission meeting be adjourned. Mr. Marsh seconded the motion. All concurred and the planning commission meeting was adjourned.