

**FOUNTAIN COUNTY
ADVISORY PLANNING COMMISSION**

**Minutes
March 27, 2025
6:00 P.M.**

Call to Order:

The Fountain County Planning Commission met Mar 27, 2025 at 6pm at the Fountain County Courthouse in the Commissioner's Meeting Room. Minutes were from the previous meeting: Feb 27, 2025

Motion to Approve Minutes	SECONDED	VOTE
KW Rice	Jim McKee	4-0

Jessica Andeson was not at the previous meeting.

The following members were present:

☒ Jon Shcrock
☒ Jessica Anderson
☒ Amber Roarks
☒ Jim McKee
☒ Kenneth Rice

Others in Attendance: See attached sign in sheet

Determination of Quorum - ☒ Yes ☐ No

Lexi Haddock was introduced to the APC. She will be filling one of the Democratic seats after her appointment the next commissioners meeting. Jim McKee asked Ethan Myers, legal counsel, if the board was legal and meeting requirements. It was stated that we were and had quorum.

Jon Schrock, Chair, explained that there will be a public Hearing on April 24th for the Solar Moratorium extension due to the readvertisement.

Old Business

No old business

New Business

Public Hearing: Rezoning Request ○ **Presentation of Rezoning Petition**

Opened at 6:04 pm

County residents, Rob Clodfelter and Jack Bolin, handed out a presentation for their company Vac Source. They were requesting a rezone from Agriculture to Commercial Business. They explained that they would strictly be a retail dealership selling new and used Vacuum Trucks not service repair. They explained

that today these trucks are not what most people typically think they are used for and they are used in a wide range of applications. Today they are popular for hydro exuviation. 5-7 jobs. The building is an agricultural style building that will be well kept. It will need approximately 2 acres for the building and parking. The rest will be left as agricultural use. They are actually buying 11.79 Acres because to the sellers drive way. The survey included with the rezone and advertisement included the full parcel. They were wanting to rezone the full 11.79 Acres. It was asked how it will be assessed. Amber explained its assessed by use. The building and parking lot will be commercial and the farm ground will be assessed as agriculture because it is different than zoning.

Jessicca Anderson informed that even if it was rezoned to Business, they would be required to do a variance with the BZA to allow the use for a dealership. Page 8 in the County Ordinances does allow for automobile sales but she does not think their dealership would not fall under that permitted use and would require a variance. They explained that their business license falls under automobile sells.

Public comment

Sue Anderson read a letter from a sister that is an out of state resident that is an adjacent landowner asking for the rezone to be denied because the county is losing farmland to housing and it is changing the county landscape.

Sue Ann Anderson said that she reached out to the neighbors and no one received notice that there was a rezone hearing except for 1. She stated that she and her neighbors don't want any development in the neighborhood and they want no changes. Development should only be allowed near town not encroaching on their rural lifestyles. She was also concerned that Mr. Bolin will only be developing 2 acres and that the remainder acreage could be sold for other business in the future. She is requesting a denial for the rezone to protect the countryside. She also had a petition from the neighborhood with signatures.

Jessica Anderson asked for some history on the property. Sue Ann explained that it was owned originally by her father and mother in the 60's and that it was in the family for 89 years. Jessica Anderson explained that she disclosed that she has a relationship with the surrounding property owners by marriage of her husband aunt, that she doesn't have any financial interest in this but if that's going to be a bias or something, she will recuse herself if she needs to. Ethan Myers explained that he didn't think if there was not any financial benefit that she would gain she should not have to recuse herself.

Bruce Martin owns 64 acres for hunting south of the rezone area. He has no problem with business but not with where it is. He was more concerned about the additional acres that could be sold to other business interests.

Dee Bentley, she understands the concerns of the neighbors, she sent a letter form Gary Pate and adjoining landowner said he was good with the rezone. Originally, they thought this land was in the Veedersburg Fringe. Jessica Anderson asked why they didn't file a variance vs. a Rezone. That way the ground would stay Agricultural. Roger explained that the Rezone is the proper way to do. Jessica thought it would be an easier process to have done a variance with the BZA for the Building and left all land as Agricultural and then there would have be a notice to the paper and letters sent. Amber Roarks explained that all adjoining land owners were sent a certified return receipt and that it is the same requirement as the variance. There was discussion on weather the owner could split the parcel and just rezone the 2 acres that were necessary for the business. Ethan explained that the APC is just a recommendation to the Commissioners as a Favorable, unfavorable or no recommendation.

Sue Ann Andeson commented that there is land in the Veedersburg fringe for sell.

Jon Schrock closed public comment. To move to commission discussion on what must Be considered to consider a rezone. Indiana Code for an amendment to the map members must give reasonable regard to the comprehensive plan. He read from the Comprehensive plan on the development for the County.

Jessica Anderson cited Article 4 of the comprehensive plan is to maintain and preserve farmland and that leaving it in Agricultural land doesn't stop business development because there are a number of businesses permitted in Agricultural district. She feels that a variance is the better way forward than a Rezone. She stated that Business needs to be closer to the municipal. Amber Roarks explained that there is no location on our Zoning maps for Business and asked where should they look to add business. Jon asked where this parcel is in relation to the Veedersburg Fringe. Amber stated the next parcel down, South, is in the Fringe.

Dee Bently Questioned the other businesses along 41 going North. It was explained these parcels are still zoned Agricultural because they were grandfathered in.

The board moved to discussion on the rezone decision. KW Rice explained that the County has 2 main corridors along 41 and 28 that would make since for future business development. Roger explained that a year ago a board was put together to update zoning maps and those areas were identified as potential business growth areas. KW also explained that business and jobs are important for the County. Members agreed that establishing places for business or corridors are important and could be used as opportunity to engaging with the residence. It was further discussed that there could be other options by using a variance process with the BZA that wouldn't require changing the zoning of the property and that it could remain Agricultural land with their building. Ethan explained that it shouldn't be done with a variance, and that the way the ordinance is wrote it could be left to interpretation but Indiana Code is clear that it is not the way it should be done according to IC 36-7-4-918.3. The applicants were asked if splitting off the acreage needed for the business verses rezoning the full parcel would be something, they may be willing to do if needed. They were also asked if the rezoned was required for their business licensing or lending approval. Applicant was going to check because if it was a requirement a variance may not be the best option. The Board worked thru the 5 items to consider in a rezone and felt they gave fair consideration in reference to the Comprehensive plan. Ethan explained that the board could give a recommendation to the commissioners for the "plan in hand" as requested, and that any revision to the plan would need to be resubmitted as a new rezone. The current plan is for the whole parcel zoning to be changed from agriculture to commercial and that is what the recommendation needs to be based on. If the Commissioners choose not to act on the recommendation of the APC the permit would be dead after a "no" recommendation or a "neutral" recommendation, or with a "yes" recommendation after 60 days it would be automatically passed as an approval.

Text amendment was read aloud by Jon Schrock

Jon Schrock made a motion to give a no recommendation because he felt the board needed more information to make an informed decision. Jim Mckee made a second. Vote 4-1

Jessica Anderson made a motion to add an addendum to the recommendation stating why the board came to the decision of a neutral recommendation. She asked to include the two primary reasons that the business owner indicated that they only needed 3 acres and not the whole parcel for the business, and that it was unclear whether the business would need a rezone for financing or licensing. Motion was seconded by Amber Roarks. Vote 4-1

Hearing Closed 8:01pm

The Board moved in to a Work Session addressing questions rereading the purpose of Zoning and Planning

There were 30 questions on the fundamental purpose for the APC for zoning in our county. It was agreed that it should protect the County's a governing body, its residence, and reasonable future development on what how our county will look. It was also discussed on what are the benefits on zoning are and how they protect residence. It was questioned why the county is checking specific requirements that fall under other department responsibilities. It was explained that our current building permits are used more a check point to be sure they have been completed. It was also discussed that the board needs to look at what the process is for some of the permits and individual roles. The process has been hindered by not dedicating individuals for specific roles by adding the responsibilities onto other jobs. It was agreed that the APC needs to beef up additional studies for some permit requirements and forward think on items that could come down the road. There was discussion on thinking about other things like Carbon Pipelines. It was explained that Indiana is one of 2 or 3 states that allow carbon to be pumped into old coal mines and the county has many old coal mines in the south part of the county. it was suggested that we use Warren County as a resource for a future ordinance on pipelines because they are way ahead of Fountain County.

Public Comments

Carli asked about the text alerts and why they are not going out for BZA. She also asked if there was a way to add the meetings to the website. She was told that if you go to planning and zoning on the county web site they are there.

Larry Schrock informed the Members about his concern that the State is considering taking over the renewable energy approvals and alienating citizens rights.

Sue Anderson said that she sat on the board for the comprehensive plan and they said they didn't want more business in the county, they just wanted to fix what was in the county to bring the people to our county. She does not feel that the APC should open 41 up for businesses. They need to stay in town. She also stated that the county should only do permits for Commercial not Residential.

Mr. Anderson stated we would be doing small business a favor keeping them in the municipal areas for septic and water.

Jim McKee made motion to adjourn meeting and was seconded by KW Rice. Vote 5-0. 9:10 pm

Meeting Adjourn

Motion Made by	Seconded	Vote	Time
Jim McKee	KW Rice	5-0	9:10 pm

Signature Page:









