

MINUTES
CASS COUNTY BOARD OF ZONING APPEALS
Monday July 28, 2014
6:00PM

Fred Seehase called the regular meeting of the Cass County Board of Zoning Appeals to order at 6:00 PM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

ROLL CALL:

Members present: Bob Barrett, Fred Seehase, Robert Heckard, Allen Paschen and Tracy Williamson.

Member absent: Stacy Odom, CCPC Alternate

Staff present: Chris Gaumer, Peggy Dillon, and legal council Jeff Stanton.

Public in attendance: See sign in sheets

ACTION ON MINUTES:

Allen Paschen motioned to accept the minutes of June 23, 2014 as presented. Motion was seconded by Bob Barrett, all were in favor.

Staff informed the Board that proof of notification has been met for this case.

Mr. Seehase asked if any board members had been in contact with any petitioners, all stated that they had not.

All wishing to speak were sworn in.

PUBLIC HEARING:

CCBZA Case #14-09: A petition of Engineering Aggregates Corp. requesting a Special Exception to allow for mineral extraction & various Variances from Development Standards. The property is located at 6066 E 175 S., Walton, IN and is zoned AG, Agricultural.

A letter was read from Jim Woodling and Scott Woodling, owners of the farm located between S. 650 E. and S. 700 E. north of E. 250 S. and south of E. 175 S. requesting that CCBZA #14-09 be moved to a further date so they may have time to plan an appeal in writing or in person stating that they did not receive a notice of this meeting.

Chris Gaumer explained that proper notification has been made explaining that the property owner of the land is the Woodlings father and he was notified using the address based off the Auditor's Office records.

Mr. Seehase presented the question to the Board: All in favor to continue with this hearing?

All voted in favor.

Chris Gaumer introduced the petition explaining the standards that a property owner must be subject to when extracting minerals; sited the location; and gave the following information and proposals:

- Operation will be a 2 phase sand and gravel extraction
- Phase #1 will be north of Bear Creek
- Phase #2 will be south of Bear Creek
- A rehabilitation plan is included
- Security lighting will be located on various buildings, equipment and parking areas
- Signage will be 4ft X 8ft (32 sq. ft.); variance for 2 sq. ft.
- Hours of operation to be 6:30 am – 4:30 pm Monday – Friday
- 4 Employee parking spaces are proposed, meeting standards
- 4 Customer parking spaces required, 2 spaces proposed; variance for 2 parking spaces
- Main entrance is from 600 E.
- Operation access to the site is from 175 S.

- Earthen berm will be 8ft. above natural terrain; excluding natural vegetation areas; as shown on site plan
- Cyclone fence will surround the property; as shown on site plan
- Proposed plantings will meet ordinance standards
- Before construction starts a woven wire fence will be installed around the operation
- Drainage plan was provided
- Reclamation plan was provided
- Sales will be open all year, production operations will be only 3 – 5 months per year
- Some production operations may last until 7:30 pm

Jim Austin, attorney for Engineering Aggregates, introduced Casey Jones, General Manager for Engineering Aggregates. Mr. Jones explained several issues as follows:

1. Products of sand and gravel are depleting in the operation at 500 E., Cass County
2. New operations will need to be located near a sufficient road system
3. This is the only sand and gravel operation in Cass County
4. Blasting is not necessary
5. Digging for product will only occur 3-5 months per year
6. Will operate outside the hours of operations for emergency purposes only
7. Water will be used to keep the dust down
8. Electric pumps will be used if water comes into the operation
9. Berms will be 20 ft. off the fence line; 3 to 1 slope with landscaping on the road side; 2:1 on quarry side that will then be 3:1 when reclamation plan occurs
10. Excavation will be an average of 35 ft. deep
11. If a well issue occurs, Engineering Aggregates will do the following:
 - (a) Get Department of Natural Resources (DNR) involved
 - (b) DNR will test the well on the property with the issue
 - (c) If Engineering Aggregates are at fault, they will replace the well for the home owner at no cost to them
12. Any additional right of way on C.R. 175 E. that is needed to accommodate the trucks will be donated by Engineering Aggregates

Mr. Seehase asked for questions from the Board, there were none.

Public Comments were as followed:

Christy Householder, Cass County Economic Development Director, presented a C.C. Project Assessment Summary and a Cost Benefit Analysis and spoke in favor stating this will benefit the county economically.

Max Waltz, 2328 S. 650 E. Walton, IN, spoke against the proposal stating that it would affect values of adjacent properties.

Robert Marlow, 6057 E SR 218, Walton, IN spoke against the proposal stating that the property values will decrease; a chain link fence will be in his front yard; equipment will be noisy and there will be an impact on Bear Creek

Shirley Shedron, 2119 S. 650 E. spoke in opposition stating that this will be in her front yard along with the noise, dust and dirt.

Ryan Preston, 1745 S. 650 E. spoke in opposition stating loss of a peaceful and safe lifestyle and of concern of the noise and air pollution.

Max Waltz returned and presented a petition with 35 signatures in opposition.

Jenna Robinson, 1642 S. 600 E. spoke in opposition with concerns of the large trucks adding to traffic safety issues, pollution of the wells and lower property values.

Ryan Preston returned stating there have been many accidents on 600 E. already.

Sharon Young, 1509 Hutchens Dr. Kokomo, IN. spoke in opposition with concerns of disturbing the wildlife and the environment.

Audrey Winegardner, 6235 E. 250 S. Walton, IN spoke in opposition stating this project will be devastating to property owners due to loss of the beauty of nature and wildlife in the area and concern of the health issues that may arise.

Jason Winegardner, 6235 E. 250 S. Walton, IN spoke in opposition due to loss of the natural environment.

Brad Bowes, 6417 E. 250 S. Walton, IN spoke in opposition stating the property values will decrease, there may be drainage issues and the loss of Indian artifacts on Engineering Aggregates property.

Sheila Knight, 8295 E 275 S. Peru, IN spoke in opposition stating concerns of increased traffic, dust and water pollution.

Brad Bowers returned and spoke his concern that the wildlife will be gone.

Sharon Young returned and spoke her concern of loss of wildlife in the area.

Audrey Winegardner returned and asked the Board to come and see the area before making a decision.

Max Walsh returned and noted to the Board that this project is a permanent situation.

Ryan Preston returned and asked what this area will look like after the project is completed.

Brad Bowers returned and questioned the access that equipment and trucks will be using.

Mr. Austin replied to the property values by presenting current assessments for properties in the area of the Engineering Aggregates operation on 500 E. that showed values have increased in the past 10 years.

Mr. Austin introduced Scott Johnson, 1750 E. 340 N. Logansport, Geologist and Environmental Specialist for Engineering Aggregates. Mr. Johnson addressed concerns and stated the following:

- Water used in the operations will be recycled and cleaned and then introduced back into the un-named ditch that flows into Bear Creek
- Water put into Bear Creek is tested quarterly and regulated under the Rule 12 industrial water permit
- SSOA agreement sets standards for air pollution and this operation will meet these standards and the dust will be controlled
- Noise is regulated by standards
- Inspections are regularly conducted to enforce all standards that Engineering Aggregates are held to by law
- The end use of the property will be recreational or residential

Joe Jones, 4 Forest Drive, explained that the operation at 18th street was started in the mid 1980's and when the operation was completed, the land was donated to build the Ivy Tech campus.

The following conditions of approval were read:

1. That all proposals of the petitioner be made conditions of approval.
2. That all other standards of the ordinance be met.
3. That all applicable state and local permits are obtained and proof be given to the zoning administrator.

The following commitments of approval were read:

1. Before each phase of the extraction of the sand/gravel, the earthen berm and all relative plantings, mulch and seeding be done.
2. No additional access and/or truck route will be off of 175 South, east of the primary entrance, 250 South or 650 East. Access to Phase 2 will be accessed through Phase1, over Bear Creek.
3. The tree line along Bear Creek be maintained.
4. That the county road is improved and maintained to County Highway Standards for semi-truck traffic from 600 East and 175 South intersection to the primary access of the facility.

The petitioner agreed to these conditions and commitments.

Mr. Seehase asked for further written commitments. A letter from Cass County Highway Department outlining the agreement that Engineering Aggregates has worked out with the county stating the following:

1. The necessary road widening and reconstruction will be funded by CEDIT money
2. Engineering Aggregates will provide any necessary road right of way and provide materials needed for the construction of the road at no cost
3. Ongoing maintenance of the improved road will remain the responsibility of Cass County

Mr. Barrett motioned to bring this petition to a vote. Mr. Williamson seconded the motion. The findings of fact for the Special Exception and the Variances from Development Standards for signage and parking were completed by the Board.

Roll call vote was as follows: Robert Heckard, yes; Allen Paschen, no; Fred Seehase, yes; Tracy Williamson, yes; Bob Barrett, yes. CCBZA #14-09 was approved.

Mr. Seehase explained that this decision may be appealed to the Circuit Court if within 30 days of today's date.

Mr. Barrett motioned to approve today's majority findings of fact. Mr. Williamson seconded the motion and all were in favor.

REPORTS:

None.

OLD BUSINESS;

None.

NEW BUSINESS:

None.

There being no further business to be brought before the Board, the meeting was adjourned at 7:49PM on July 28, 2014.

CCBZA Officer

CCBZA Officer

Peggy Dillon, Recording Secretary