FULTON COUNTY AREA PLAN COMMISSION

FULTON COUNTY OFFICE BUILDING COMMISSIONERS/COUNCIL ROOM OCTOBER 25, 2021 7:00 P.M.

CALL TO ORDER

PLAN COMMISSION MINUTES FOR: September 27, 2021

PUBLIC COMMENTS
(Comments Not To Pertain To Agenda Items)

OLD BUSINESS:

NEW BUSINESS: Rochester IN BTS Retail, LLC (#210775) Nickel Plate Trail Ferndale Replat

PLAN DIRECTOR REPORT:

PUBLIC COMMENTS:

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY AREA PLAN COMMISSION September 27, 2021

FULTON COUNTY AREA PLAN COMMISSION MEETING

MONDAY, SEPTEMBER 27, 2021

7:00 P.M. COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

AREA PLAN COMMISSION MINUTES FOR:

August 23, 2021

PUBLIC COMMENT (Not to pertain to Agenda Items)

OLD BUSINESS

NEW BUSINESS: Nickel Plate Trail

PLAN DIRECTOR REPORT:

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY AREA PLAN COMMISSION September 27, 2021

The Fulton County Area Plan Commission met on Monday the 27rd of September 2021, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Duane Border called the meeting to order at 7:00 P.M. The following members were present: David Roe, Crystal Weida, Phil Miller, Seth White, Kathy Hobbs, Randy Sutton, Rachael Moore, Cathy Miller and Duane Border. Also in attendance were: Plan Director, Heather Redinger; Board Attorney, Andy Perkins and Secretary, Samatha Hyde

It is duly noted Debbie Barts, Rick Ranstead, Mark Keppler, Ruth Gunter and Kim Gard were absent.

IN RE:

MINUTES

August 23, 2021

Duane asked for any additions, deletions or corrections to be made to the August 23, 2021 minutes. Phil Miller moved to approve the August 23, 2021 minutes as written. Randy Sutton seconded the motion. Motion carried as follows: David Roe, Crysta Weida, Raechael Moore, Phil Miller, Randy Sutton, Seth White, Kathy Hobbs and Cathy Miller being in favor and no one opposing.

IN RE:

NEW BUSINESS

Nickel Plate Trail (NPT)

Heather stated she received a request from the Nickel Plate Trail and all the Board members also received a copy. She then introduced Rick Ruppert and Dan McCarthy as representatives for the Nickel Plate Trail.

Dan stated they were there to talk about safety on the NPT. There are bollards on the trail, these metal post rise up out of the middle of the trail. In case of an emergency there is a key to be able to lay down these bollards in order for safety vehicles to go down the trail. We are asking to have these bollards removed for the safety of bicyclist. As a bicyclist is coming up to an intersection they first are looking at that bollard and then the intersection. When the bicyclist should be only looking at the intersection to see if there are any cars. Dan stated there have been injuries on the NPT do to cyclist running in to the bollards.

He then stated that the bollards have already been removed in Miami and Howard counties for the same safety reasons.

Seth White asked if any negative consequences in other counties after the bollards were removed.

Dan stated they have been removed for about a month in other counties. The only reason for the bollards is to keep cars from using the NPT as a road. There are other markings that say "no motorized vehicles", there are stripes on the ground and posts on either side. Theoretically, yes cars could access the NPT and use it as a road.

Dan stated in four years that he has been riding the NPT he has only seen a couple unpermitted vehicles on the trail, no cars.

Phil Miller asked if they were removing all bollards and only leaving signs to stop, will cyclist be more likely not to stop at intersections.

Dan stated as he rides the NPT often, without the bollards it's less of a distraction coming up to an intersection, if they were removed the cyclists attention would be looking for cars and not trying to move around the bollard.

Randy Sutton asked if Fulton County was the only portion with bollards.

FULTON COUNTY AREA PLAN COMMISSION September 27, 2021

Dan stated in Howard County a vandal with a truck broke 5 miles of bollards. They are approximately \$2,000, plus concrete to replace one bollard. The NPT board decided because of safety and cost, not to replace those bollards in Howard County.

Dan also stated at night you can't see the bollards because they are a dark color. In Fulton County you can ride the NPT at night with lights. He stated if you are an athlete you could be riding 15 – 20 MPH then it becomes a very dangerous obstacle course for the rider. He also stated the reason we have started riding the NPT is because the road ways have become dangerous.

Duane Border asked in the places where there are line of sight issues, can the brush and shrubbery be removed.

Dan stated they just received grants for cordless chain saws however, it takes volunteers. The NPT does not get any grants for maintenance.

Randy asked about liability, and if there were any issues or resistance in other counties.

Dan stated he did not hear of anything.

Randy stated he wasn't sure what the next step from here would be.

Andy stated to modify written commitment's it should be handled like a site development statuette. They would go before the Technical Review Committee, after their approval recommendation, the NPT Board would then go before the Plan Commission, who has to approve the change in commitments.

Heather stated she would ask commissioners to wave TRC Fees.

IN RE:	BOARD COMMENT

IN RE: PLAN DIRECTOR REPORT

IN RE: ADJOURNMENT

With no further business to come before the Board, Duane entertained a motion to adjourn the September 27, 2021 meeting. David Roe moved to adjourn the September 27, 2021 Fulton County Area Plan Commission meeting at 7:40 P.M. Randy Sutton seconded the motion. Motion carried as follows: David Roe, Crystal Weida, Phil Miller, Seth White, Kathy Hobbs, Randy Sutton, Rachael Moore, Cathy Miller being in favor and no one opposing.

Kim Gard, Administrative Secretary

Docket #PC 210775
Rochester IN BTS Retail, LLC
Zone Map Amendment
Industrial District (IN) to Suburban Residential (SR)

Zone Map Amendment

Rochester IN BTS Retail, LLC is requesting a zone map amendment of property located at (009-102075-00), N Old US 31, Rochester, 1.49 acres to be changed from Industrial (IN) to Suburban Residential (SR).

The Industrial District does not allow a retail store. In the Suburban Residential District a retail store is a special exception. Rochester BTS was granted a special exception for a retail store in the Suburban Residential District, contingent on a zone map amendment.

Adjacent Uses

Adjoining districts are the Suburban Residential (yellow) and Industrial (blue) as shown below.



Procedure

The zoning ordinance requires a zone map amendment to be reviewed by the Plan Commission based on the Comprehensive Plan. The zone map amendment is then forwarded to the County Commissioners where they review the application, all supportive material and the Plan Commission's recommendation.

Typically, it is stressed that a property that is rezoned can be many uses and therefore the Plan Commission needs to ensure the compatibility of all the uses within the requested district and how it complies with the Fulton County Comprehensive Plan.

In its review, the Plan Commission shall pay reasonable regard to:

A. The most recently adopted Comprehensive Plan

The Most Recently Adopted Comprehensive Plan States The Following Goals:

Fulton County Plan Commission - October 25, 2021

- Encourage orderly, responsible, development of land in order to promote the health safety and welfare of residents within Fulton County
- Manage and direct growth and development in Fulton County such that it maintains the highest quality of life for current and future residents.
- Provide a safe, appropriate and efficient transportation network for all common modes of transportation including pedestrian accessibility in and near towns.
- Provide responsive, quality, effective and efficient public facilities and services for the current and future citizens of Fulton County.
- Promote an ecologically sound community through the protection and enhancement of environmental resources.
- Develop and maintain a community identity for Fulton County, which will promote a positive and appealing community image
- Improve the local economy and upgrade the standard of living for all citizens of Fulton County.
- Develop and maintain a recreation opportunities and/or facilities to meet the current and future needs of Fulton County.
- B. Current conditions and the character of structure and uses in each district
- C. The most desirable use for which the land in each district is adapted
- D. The conservation of property values throughout the jurisdiction
- E. Responsible development and growth
- F. The public health safety and welfare

Interested Party Legal Notification

36 ralgreeneards

READ ALL ATTACHED SHEETS PRIOR TO PLACING YOUR SIGNATURE ON THIS SHEET

3pending

I the undersigned interested party, do hereby attest that I've read in complete and fully understand the Legal Notice of Public Hearing for a Zone Map Amendment Before the Fulton County Area Plan Commission supplied to you by the applicant of said public hearing,

Rochester IN BTS Retail, LLC PC # 210775

Located at: NOLD US 31 (009-102075-00) within the Industrial District (IN)

Legal Notification Requires:

- The legal notice of public hearing is sent via certified return receipt requested mail at least 25 days prior to the public hearing to all interested parties, and the receipts of said action are included in the application's supportive information to the Board; or
- Signatures written on a form supplied by the Plan Commission Office are
 presented with the application's supportive information to the Plan
 Commission Office verifying that each interested party received a copy of the
 Notice of Public Hearing.

The signature of any person on the form is not to be construed as a waiver or consent to the petition, but merely evidence that the person has received notice of the hearing.

MDW Enterprises LLC	1311 Lakeview Bend,	Green Card
Baker Kenneth W & Ann M	Rochester, IN 46975 1579 N Old Us 31, Rochester, IN 46975	Green Card
Van Horn Scot; Juliane; & Mark	8641 W 400 N, Rochester, IN 46975	Green Card
Pro Tree Service & Stump Removal of Rochester LLC	1550 Wentzel St., Rochester, IN 46975	Green Card
Finke Allen J Revocable Trust	20 N 75 E, Winamac, IN 46996	Green Card
Cable Thomas R Jr & Janice L	1576 Lucas St., Rochester, IN 46975	Green Card
Johnson Roy E	1588 Lucas St., Rochester IN 46975	Green Card
Cox Family Trust	8576 8th Rd., Rochester IN 46975	Green Card
Schaeffner Rebecca L	1638 Lucas St., Plymouth IN 46563	Green Card
Hummel Derek M & Rhonda J	1648 E Lucas St., Rochester IN 46975	Green Card
PLBG LLC	1508 Arrowhead Dr., Rochester IN 46975	Green Card
Eatmon Donald E	1519 E Lucas Street., Rochester IN 46975	Green Card
Spencer Christopher C	1555 E Lucas St., Rochester IN 46975	Green Card

Cox Nelson & Gloria J	1577 E Lucas Street.,	0 0
	Rochester IN 46975	Green Card
Cloud Pamela J; TOD Sutton Lee E &	1409 N Old US Hwy 31.,	
Sutton Lucas E T/C	Rochester IN 46975	Green Card
Gunter Ruth	530 Main Street.,	
	Rochester IN 46975	Green Card
Mote Michael L	1504 Monroe Street.,	
	Rochester IN 46975	Green Carol
Green Betty D	1554 N Old US Highway 31	
,	Rochester, IN 46975	Green Card
Lucas Street LLC	1552 E Lucas St.,	1
	Rochester IN 46975	Green Card
Fulton County Animal Adoption and	1540 Wentzel St.,	1
Education Center Inc	Rochester IN 46975	Green Card
Fulton County Association Of Retarded	344 E 18th St.,	· ·
Citizens Inc BTS	Rochester IN 46975	Green Card
Hammel Jon M & Teresa S	1601 E Lucas St.,	
Zamanov jon 2.2 od 2 okom o	Rochester IN 46975	Green Card
Gawaukee LLC	2922 E Country Club Dr.,	1
Gawadikee 1120	Rochester IN 46975	Green Card
Wentzel Street LLC	1552 E Lucas St.,	
Weither offer The	Rochester IN 46975	Green Card
Fulton County Solid Waste Dist	P O Box 721.,	Green Cara
Tulton County Sond Waste Dist	Rochester IN 46975	Green Card
Thompson Ricky A & Jennifer R	1576 N Old Us Hwy 31,	Green Cera
Thompson Ricky A & Jennier R	Rochester IN 46975	Green Card
Zeyen Patricia L		Green Card
Zeyen Patricia L	1584 N Old US Highway 31,	Carre Cood
IV-i Frie-P	Rochester IN 46975	Green Card
Heinzmann Fritz P	1612 N Old U S Hwy 31,	
H 136 7 0	Rochester IN 46975	Green Card
Townsend Marilyn C	1622 N Old U S 31,	
ATS	Rochester IN 46975	Green Card
Coston Veterinary Holdings	1634 N Old US Hwy 31,	Cara
C' OCR 1	Rochester IN 46975	Green Card
City Of Rochester	320 Main St.,	
W. '. L. D. L.	Rochester IN 46975	Green Card
Wright Rodney	1520 N 825 E,	
D of C 11wr	Rochester IN 46975	Green Card
Beattie Gerald W Jr	330 Monticello Rd.,	
D 0 1114 a 01	Rochester IN 46975	Green Card
Brown Gerald A & Chery	971 S Prairiewood Dr.,	
D 1 D 1D 1711	Rochester IN 46975	Green Card
Patriot Real Estate Holdings LLC	325 Monticello Rd,	
	Rochester IN 46975	Green Card
Tom Brovont & Son Builders &	145 Fulton Ave.,	
Developers Inc	Rochester IN 46975	Green Card
GlenDi Warehousing LLC	3015 E 200 N,	
	Rochester IN 46975	Green Card
Denton Timothy P & Darlene R	Po Box 105,	0 0 1
	Rochester IN 46975	Green Card
Hudkins Jason M & Amanda L	921 Clover Street,	
	Rochester IN 46975	Green Card
203 Monticello Land Trust	5414 W 1350 N,	A
	Nappanee IN 46550	receipt on sile
Overmyer Joyce E	1888 12B Rd,	
	Bourbon IN 46504	receipt on till
DNS Lawncare and Repair LLC	3448 E 400 N,	
•	Rochester IN 46975	regest on tile
Kiggins John A	179 Monticello Rd,	
	Rochester, IN 46975	Green Card

Nickel Plate Trail

The Nickel Plate Trail is requesting a modification to the existing commitments to be allowed to remove the bollards from the trail in Fulton County.

The Technical Review Committee met on October 13, 2021 regarding this request. The members present agreed to recommend the modification to be allowed to remove the bollards

FULTON COUNTY TECHNICAL REVIEW COMMITTEE October 13, 2021

The Fulton County Technical Review Committee met on Wednesday the 13th day of October 2021, at 10:00 a.m. in the commissioners/council room. Heather Redinger called the meeting to order at 10:00 a.m.

The following were present: Building Inspector, Gary Madlem; Area Plan Commission Member, David Roe; and Fulton County Sheriff, Chris Sailors, also in attendance: Executive Director, Heather Redinger and Administrative Secretary Kim Gard.

The following representation were present: Rick Ruppert, representative for the Nickel Plate trail

IN RE:

NEW BUSINESS

Nickel Plate Trail (#210853)

Executive Director, Heather Redinger stated the Nickel Plate Trail is requesting a modification to the existing commitments to be allowed to remove the bollards from the trail in Fulton County. She then stated if the TRC agrees to the modification she would present the Area Plan Commission with the recommendation to modify the commitments.

Rick Ruppert stated the bollards have been removed in Howard and Miami Counties. He stated there have been issues of vandalism, theft, and bicyclist injuries. He then stated they feel it would be safer for the bicyclists, as well as, easier for emergency vehicle access if the bollards could be removed.

Fulton County Sheriff, Chris Sailors, stated he was in support of removing them, he also stated he agreed, it would allow for faster EMT service on the trail.

Plan Commission Member, David Roe, recommended we remove the bollards for safety reasons.

Building Inspector, Gary Madlem, no comment, there are no building codes.

Rick stated they were looking into reflective markings to be put at intersections and there are also signs on the trail at the intersections.

Heather stated she would present the recommendation to the Area Plan Commission at the October 25th meeting.

Heather Redinger, Executive Director

ATTEST

Kim Gard, Administrative Secretary

To: Fulton County Plan Commission From: Nickel Plate Trail Board of Directors To whom it may concern:

The Nickel Plate board of directors is asking permission to remove the bollards at the intersections of The Nickel Plate Trail and where they cross roads in Fulton County. A Bollard is a metal post designed to keep motor vehicles off the trail. We have already removed all of the bollards in Miami and Howard County. These are the reasons we are seeking permission to remove the bollards:

- 1. The number one reason for removing the bollards is safety. Trail users have crashed into the bollards multiple times on the Nickel Plate Trail. Bicyclists travel 15 20 miles an hour and they need sight lines without metal posts in the middle of their path. While looking both ways for traffic, bicycle riders often can't avoid the bollards and will crash into them.
- 2. Emergency and law enforcement vehicles would have easier access to the trail. We provide keys to unlock the bollards, but we encourage our law enforcement representatives to use the trail for security. If a trail user is injured, emergency vehicles can get down the trail quickly without having to find the key to unlock the bollards.
- 3. Removing bollards will make trail maintenance safer. Our utility vehicles have to unlock all of the bollards or try to squeeze past them in order to gain access to the trail.

The current trend for Trail creation is to not include bollards any more. Again the main reason is for safety. People who wish to trespass with cars or ATVs will find a way to do that regardless. We have signage and stripes on the trail to alert motor vehicles that the pathway is not a roadway.

It is for these reasons that we are asking the plan commission to give us permission to remove the bollards in Fulton County.

Thank you for your consideration of this matter Dan McCarthy Nickel Plate board possibility in the future INDOT may give the county a portion of the INDOT ROW along U.S. 3 build the service corridor, however in a worse case scenario, the county would have to build its own road within this ROW and the trail would have to be moved. It is important for the Commissioners to understand that there is nowhere else between U.S. 31 and Lake Manitou to build a service drive that will access the homeowners along the southeast side of the Lake. This service corridor cuts off 5 to 10 miles of response distance for emergency response vehicles to access people who live on the north/east side of U.S. 31 and south/west side of Lake Manitou. The Plan Commission addressed this issue by recommending a commitment that states:

o If the trail is not built to ensure enough ROW to accommodate a future county service road, then in the event a county service road is constructed within the ROW, the county is not responsible for repairing or replacing the trail if it is damaged or destroyed.

Recommendation

Unfortunately, there are clear issues with this property from the stand-point of some of the adjacently owned property owners and the fact that people who are willing to break the law will do so with, or without, the presence of a trail along this railroad right-of-way. These are also issues that any county, township, city, or town park will face.

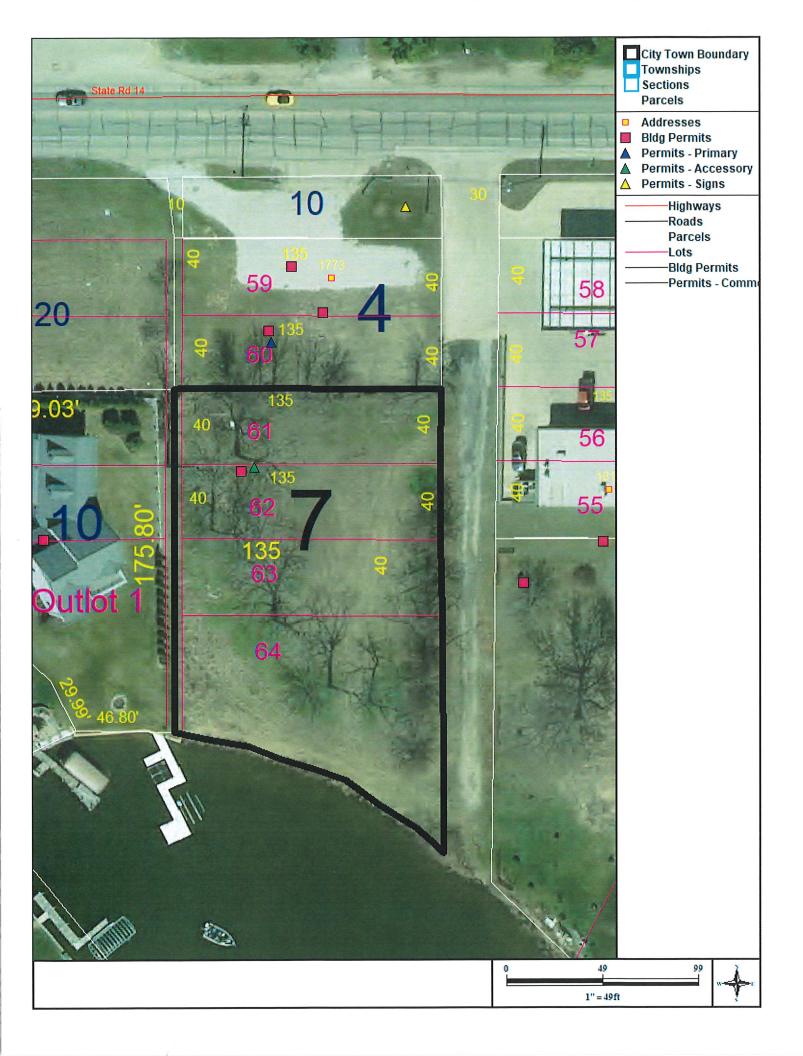
The Plan Commission passed the following motion with a vote of 11-0:

Motion to make a favorable recommendation to the Fulton County Commissioners for the request of a zone map amendment for a non-motorized walking trail on the Nickel Plate Rail line situated between Mitchell Drive and the Miami County Line, Rochester, IN, with the following conditions:

- 1.) The Technical Review Committee reviews a complete set of plans detailing:
 - All signage that includes but not limited to:
 - No trespassing signs set a specified number of feet apart along the private properties,
 - Statements of the presence of hunters in the area adjoining the Nature Preserve,
 - Littering fines, and
 - General trail rules
 - Trail closed signs predominately placed at each entrance to sections not open to the public along with a gate blocking the entrance to such sections off the county roadwaysthis shall be completed prior to the first section of the trail being opened to the public;
 - Trash receptacle placement;
 - 911 marker system development and approval by the 911 Director;
 - Trail maintenance plan;
 - Barricade/gate/chain placement plan at each private drive and road crossing; and
- 2.) If the trail is not built to ensure enough ROW to accommodate a future county service road, then in the event a county service road is constructed within the ROW, the county is not responsible for repairing or replacing the trail if it is damaged or destroyed.
- 3.) Use the Agricultural Fence Law, at most a hog tight fence, does not include privacy fences;
- 4.) No motorized vehicles allowed, with the exception of emergency vehicles;
- 5.) Clear the intersections to allow vision clearance;
- 6.) Signage posted at crossings of roads, warning traffic of trail crossing;
- 7.) Any existing tile lines and drive easements currently intersecting the Rail ROW are to be maintained in perpetuity; and
- 8.) The Zone Map Amendment is for the use of a non-motorized trail only.

Ferndale Park Replat

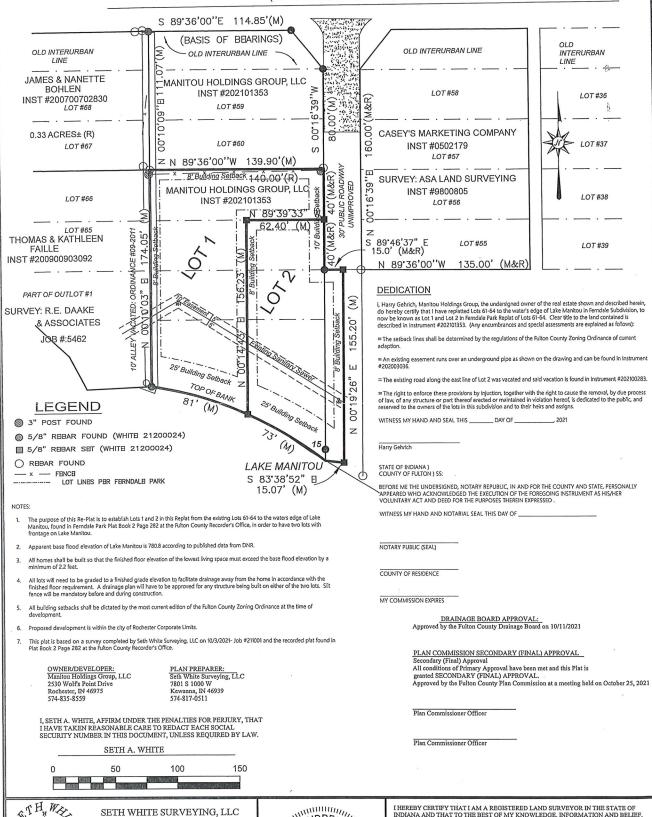
Ferndale Park is located south of 1773 E SR 14, currently consists of 4 lots. They would like to replat lots 61-64 into lots 1& 2. Attached is the map and survey of the replat.



FERNDALE PARK

REPLAT OF LOTS 61-64

STATE ROAD 14 RIGHT-OF-WAY (1931 STATE ROAD 14 PLANS)





SETH WHITE SURVEYING, LLC 7801 SOUTH 1000 WEST, KEWANNA, INDIANA 46939 PHONE: (574) 817-0511 SETH A. WHITE P.L.S.

П -	
DATE: September 21, 2021	PROJECT NUMBER: 210906
SCALE: 1" = 50'	AUTHORIZED BY: Seth White
SHEET 1 OF 1	JOB NAME: DillonCass



I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE WITHIN PLAT REPRESENTS A SURVEY MADE UNDER MY SUPERVISION SEPTEMBER 21, 2021 IN ACCORDANCE WITH IAC 565, 1.1-12. LDO NOT CERTIFY TO THE DETERMINATION OF OWNERSHIE, COMPLIANCE WITH BULLDING AND ZONING RESTRICTIONS OR SUITABILITY OF THE PROPERTY FOR ANY PURPOSE. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

REGISTERED LAND SURVEYOR'S

SIGNATURE _____





Fee Summary Paid Totals

09/01/2021 - 09/30/2021

Fee Name ‡	Fee ‡	Account Number 🕏	Total ‡	Total ‡
	Description		Amount	Fees
Group: 1001.0	3201.000.0036			
A. County, Akron, & Town of Fulton Residential - Inspection Fee	Enter Number of Inspections	1001.03201.000.0036	\$2,912.60	23
A. County, Akron, & Town of Fulton Residential - Permit Fee		1001.03201.000.0036	\$724.97	23
A-1. COUNTY, AKRON, & TOWN OF FULTON ELECTRICAL PERMIT		1001.03201.000.0036	\$360.00	9
A-2. County, Akron, & Town of Fulton COMMERCIAL - Inspection Fee	Enter Number of Inspections	1001.03201.000.0036	\$480.00	4
A-2. County, Akron, & Town of Fulton COMMERCIAL- Permit Fee		1001.03201.000.0036	\$280.50	4
			\$4,758.07	63

Group Total: 5

Group: 1001.03203.000.0036

B. City of Rochester Residential Permit Fee		1001.03203.000.0036	\$386.35	13
B-1. City of Rochester Residential- Inspection Fee	Enter Number of Inspections	1001.03203.000.0036	\$592.70	13
B-2. CITY OF		1001.03203.000.0036	\$80.00	4

ROCHESTER ELECTRICAL PERMIT			
		\$1,059.05	30

Group Total: 3

Group: 1001.07101.000.0036

BZA. Development Standard Variance		1001.07101.000.0036	\$1,225.00	7
BZA. Special Exception		1001.07101.000.0036	\$175.00	1
PC. Zone Map Amendment		1001.07101.000.0036	\$500.00	1
ZO. LIP		1001.07101.000.0036	\$1,800.00	36
ZO. Signs	Enter Square Feet	1001.07101.000.0036	\$597.00	6
			\$4,297.00	51

Group Total: 5

		\$10,114,12	144
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Total Records: 13 10/1/2021

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Fulton County Area Plan Commission

125 East 9th Street, Suite 012 - Rochester, IN 46975 Phone: (574) 223-7667 Fax: (574) 223-3652

www.co.fulton.in.us

Entity Fee

09/01/2021 - 09/30/2021

Fee Date \$	Account Number \$	Contractor \$ Name	Fee Name 🕈	Paid By \$	Fee \$ Amount	Payment \$ Type	Payment \$ Date	Receipt # \$
9/24/2021	1001.03203.000.0036		Plumbing Registration Fee	applicant	25.00	Card	9/24/2021	82
					25,00			

Total Records: 1 10/1/2021

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