

CLARK COUNTY PLAN COMMISSION

NOVEMBER 14, 2018

A regular scheduled meeting of the Clark County Plan Commission was held on November 14, 2018, at 5:00 p.m. in the Conference Room, Fourth Floor, Clark County Government Building, Jeffersonville, Indiana.

The following Board Members and Staff were present in the open meeting:

Wally Estes
Eric Morris
David Blankenbeker – County Surveyor
Stacia Franklin – Executive Director
Ilpo Majuri – Code Enforcement Officer
David Nachand – Attorney
Michael Killen
Connie Sellers
Jim Atcher
Terry Conway

The following Board Members and Staff were absent:

Simon Kafari
Dan Callahan

The following appeared on the agenda:

1. Call to Order. Michael Killen called the meeting to order at 5:00 p.m.
2. Approval of the prior minutes from the October 10, 2018 meeting. Wally Estes made a motion to approve. Connie Sellers seconded the motion. Motion carried 7-0.

David Blankenbeker recused himself at this time and left the room.

3. 2018-26-PC: J&J Development Co, LLC, 2709 Blackiston Mill Rd, Clarksville, filed a petition to amend the unrecorded final plat of Waters of Millan, Section 3 – 34 lots – SR 60, Silver Creek Township, Sellersburg, Indiana.

Bill Fisher, 2709 Blackiston Mill Rd, Clarksville represented J&J Development. Mr. Fisher explained the changes made to the final plat, reducing the number of lots to allow for larger lots. Terry Conway made a motion to approve. Jim Atcher seconded the motion. Motion carried 6-0.

David Blankenbeker returned to the room at this time.

4. 2018-25-PC: Joselito Millan, 208 Deer Haven Drive, Ponte Verde Beach, Florida, filed a petition to amend the Clark County Zoning maps from R-1 Single Family Residential to A-1 Agricultural to allow for the boarding of horses located at 10001 SR 60, Sellersburg, Indiana.

Chris Bauer represented Joselito Millan. Mr. Bauer stated the property housed two horse barns and the property is 12 acres and he wants 4-6 horses. Michael Killen stated the property was erroneously rezoned with the land rezoned for the subdivision of Waters of Millan from A-1 to R-1. Stacia Franklin read the list of adjoiners. No adjoiners or audience member spoke to the issue. Terry Conway made a motion for a favorable recommendation to the Commissioners. Connie Sellers seconded the motion. Motion carried 7-0.

5. 2018-23-PC: Leroy Guthrie, 5001 Pleasant Drive, Henryville, filed a petition to amend the Clark County Zoning maps from an unspecified zoning to B-2 Community and Roadside Business for the purpose of an auto sales lot located on Ferguson Street, Henryville, no parcel number known.
Leroy Guthrie explained the location of the land and how he wanted to expand his car sales business and mini warehouse business to this property. David Blankenkemper stated Mr. Guthrie has a quit claim deed and the origin of ownership is unclear. David Nachand stated Mr. Guthrie deeded the property to himself and rezoning should only occur if Mr. Guthrie can prove ownership. David Blankenkemper suggested Mr. Guthrie table the petition until he could prove ownership and Mr. Guthrie agreed. Terry Conway made a motion to table until the June 12, 2019, Plan Commission meeting. David Blankenkemper seconded the motion. Motion carried 7-0.
6. 2018-24-PC: Summit BHC, 389 Nichol Mill Lane, Suite 100, Franklin, TN, has filed a petition to amend the Restrictions and Covenants of Wooded Glen with the common address of 2602 Hebron Church Road, Henryville, Indiana.

Greg Fifer, Applegate Pulliam Fifer law firm, 428 Meigs Avenue, Jeffersonville, represented Summit BHC. Mr. Fifer explained the amendment to the covenants and the history of the covenants. Mr. Fifer also stated his client will volunteer a list of commitments, including specific areas of the proposed use. Scott Schweiger, general counsel for Summit Behavioral Healthcare, explained the nature of the facility and statistics for their other facilities. He stated the minimum stay for residents of the facility is 20-45 days. He discussed the staff and resident loads, as well as traffic for the facility. He stated the programs offered by the facility are in-patient and it is not a methadone clinic.

David Blankenkemper asked for the number of residents and staff and Mr. Schweiger stated around 30-50 residents at any given time and 20-30 staff. He also stated this facility is only for insured patients and patients are voluntary. Terry Conway asked about emergency response needed for the facility and Mr. Schweiger stated they are not an emergency facility, although emergencies do rarely occur.

Stacia Franklin read the list of adjoiners:

Daniel Kersey, 2605 Hebron Church Road, expressed his concerns regarding trespassing, 24 hour admissions and/or release times, property value, and curfews.

Mr. Schweiger answered there will be curfews for the residents and the residents will have use of the trails on the property but will have 30 minute checks by staff. He stated the facility will not have 24 hour admissions/releases, but they will be scheduled.

Angela Baird, 8001 Heil Road, expressed dislike for the covered bridge currently housed on the property and the noise it makes, property value, crime, and the narrow roads.

Mr. Fifer explained no structural issues have been discussed with his client, pending the decision of the Board and the Commissioners.

Keith Hanna, 7811 Heil Road, expressed concern over the traffic, safety, security, and stated he is "100% against it".

Gary Lemmons, 7711 Heil Road, expressed concern over 30 minute residential checks.

Bart Meyer, BAMCL LLC, 1429 Weaver Road, asked about access roads for the facility.

Phyllis Garmon, PO Box 387, Henryville, explained the original use of the property and how the covenants came about. She stated the bridge was constructed the way it is to force drivers to slow down when crossing it. She also discussed how Summit BHC came to them and the need in the County for such a facility. She also offered to host an open house for the property so residents can come and view the property and ask Summit BHC questions.

Elizabeth Stewart, 7903 Deer Run Drive, expressed her dislike of the covered bridge and the proposed facility.

Steve Heil, 6516 Heil Road, expressed concern over the 30 minute resident checks and property values.

Marilyn Greenwell, 203 Portage Trail, expressed approval for the facility due to a lack of same facilities locally.

The Board closed the public speaking portion of the meeting and opened up for Board discussion. Jim Atcher asked the location of the closest like facilities and it was believed to be in Columbus, Indiana. The Board continued their discussion, addressing issues such as traffic, resident load, the covered bridge, and other concerns.

David Blankenbeker made a motion to recommend approval of the amendment to the Commissioners subject to a map or legal description being prepared by the petitioner with a significant reduction of acreage for the use of the facility. Connie Sellers seconded the motion. Motion carries 6-1-0 with Terry Conway opposed.

7. Plan Commission Business

- a. Stacia Franklin requested permission from the Board to close the Office of Planning and Zoning at 2:30 pm on Friday, December 14th for the purpose of an office Christmas party. Terry Conway made a motion to approve. Michael Killen seconded the motion. Motion carried 7-0.
- b. Stacia Franklin requested permission to pay the invoice form 39 Degrees North for the Ohio River Parcel Alignment project. Wally Estes made a motion to approve. Jimmy Atcher seconded the motion. Motion carried 7-0.
- c. Stacia Franklin requested permission to pay the invoice from Taylor Siefker Williams for the initial work completed on the comprehensive plan. Wally Estes made a motion to approve. Eric Morris seconded the motion. Motion carried 7-0.
- d. David Nachand requested the Board to sign a contract verifying payment of his services, which was approved at the May 13, 2015 Plan Commission meeting. The contract is for record purposes only and payment has not changed. David Blankenbeker made a motion to approve the contract. Connie Sellers seconded the motion. Motion carried 7-0.

Meeting adjourned at 6:45 pm.



Dan Callahan, Co-Chairman



Stacia Franklin, Executive Director