

The Corydon Planning and Zoning Commission met on Monday, March 2, 2015 at 7:30 pm. The meeting was called to order by President Glenn Thienel with the following members forming a quorum: Fred Cammack, Judy Kennedy, John D. Kintner, Lester Rhoads and Jill Timberlake. Attorney Christopher L. Byrd also attended the meeting. Patricia Timberlake was absent.

The first item on the agenda was the approval of the minutes from the February 2, 2015 meeting. John D. Kintner made a motion to approve the minutes. The motion was seconded by Judy Kennedy and carried 6-0.

The second item on the agenda was the approval of signage within the Special Sign District for Red White and Blush located at 117 West Walnut Street. Co-owner Russ Hoehn presented signage renderings and a picture of the building to show placement of the signs. After a brief discussion Jill Timberlake made a motion to approve the new signage with a second by Fred Cammack. The motion passed 6-0.

The next item on the agenda was discussion of the possible violation of Schedule C of the Zoning Ordinance for the Town of Corydon, dated September 11, 1955 by Herd Pack, LLC. The property, owned by Catherine Buschemeyer, is located at 110 Hurst Lane.

SCHEDULE C: List of uses prohibited in all zones, except on appeal in a Heavy Industrial District (I-2), provided, however, that no such use shall be authorized within 100 ft. of any other zone:

Manufacture or refining of ammonia, bleaching powder, chlorine, asphalt, blacking or polish, brick, terra-cotta, tile or pottery (except in handicrafts), cement, gypsum, lime, plaster of paris, coke, creosote, dextrin, glucose, starch, sugar, disinfectant, or insecticide, dye, explosives or fireworks or storage in excess of 500 pounds fertilizer, gas (fuel or illuminating) in excess of one thousand cubic feet per day or storage in excess of 10,000 cubic feet, except in a municipal or public service plant, gelatin or glue or size from animal refuse or offal, hair, hydrochloric, nitric, picric, sulphuric, or sulphurous acid, lamp-black, linoleum, matches, oil, paint, or shellac, oil or rubber cloth, paper or pulp printing ink, pyroxylin or articles thereof or storage in excess of 500 pounds, unless in a vault approved by the state fire marshall, rubber or treatment thereof involving offensive odor, salt, soda, or soda compounds, soap, tar, turpentine, or varnish, blast furnace; coal, junk, or wood yard; drop forge; fat, grease, lard, or tallow manufacture, refining, or rendering; flour, grain or grist mill; hot rolling mill; incineration, reduction or dumping of dead animals, garbage, offal, or refuse except by the town or its agents or when accumulated and consumed on the same premises without the emission of odor; lumber yard or planing mill; metal or ore reduction or smelting; petroleum, and of its byproducts or other inflammable liquids—production or refining or storage above ground in excess of 12,000 gallons; piggery; slaughtering or stockyards except as permitted by the State Board of Health; tanning, curing or storage of raw hides or skins; tire recapping; wool scouring; any other use detrimental to a neighborhood because of emission of odor, fumes, dust, smoke, vibration, or noise, or other cause, or hazardous because of danger of fire or explosion.

Attorney Dave Layson, representing Ms. Buschemeyer voiced his concerns over the validity of the violation. He requested a definition of "raw hides" and stated in his opinion the operation is not a tannery therefore not in violation of the ordinance. He also requested a definition of "raw hides". Attorney John Colin was present to represent Herd Pack, LLC. He stated Herd Pack was only separating and grading hides. He requested all the wording in Schedule C be reviewed for interpretation.

Matt Gibson, President of Herd Pack, LLC said he does not want misconception and appreciated the neighbors concerns. He stated his business is a hide trading operation that in its' origination was only direct sales, but has now expanded into exporting. This expansion has allowed Herd Pack to hire five (5) employees and further develop his business. He said the hides are received from a processor and arrive salted. The hides are then graded and sorted by his employees and made ready to ship. Board Member Lester Rhoads said he had toured the facility earlier in the day and the operation was as Mr. Gibson had stated. President Glenn Thienel requested a detailed description be supplied as requested to the Commission. Mr. Thienel said per the ordinance the storage of hides within the Town of Corydon was illegal. Attorney Chris Byrd said while the wording of the ordinance may be open to interpretation, he would have to agree the operation was not allowable within the Town. Sarah Buschemeyer-Koetter questioned when the ordinance was adopted and if any of the original board members were available to clarify the meaning of ordinance language. Mr. Gibson said he had received a license from the Board of Health. He went on to say IDEM had toured his facility and other than the concern of the storage of salt in the outside bins they had no other problems with his operation. Mr. Gibson said the salt had been moved indoors March 2, 2015. President Glenn Thienel questioned the need for salt if the hides arrived salted. Mr. Gibson then stated approximately 10-20% percent of the hides need to be salted at his facility. He explained very little water was needed for this process and all wastewater was removed from the premises by D & H Environmental Services. Mr. Thienel requested Ms. Hofelich read an email she had received from Bridget Murphy, Section Chief with IDEM stating a letter regarding the requirement of Herd Pack, LLC to obtain a permit per 327 IAC 15-6 (Rule 6, Storm Water Discharges Exposed to Industrial Activity) would be sent out the following week. Upon a request by Mr. Gibson, Ms. Hofelich gave him the code to review. Cathy Buschemeyer questioned the zoning classification of her property. Ms. Hofelich confirmed it was I-2 Heavy Industrial. John Colin questioned if Herd Pack, LLC could operate if a variance was obtained from the Board of Zoning Appeals. Ms. Hofelich confirmed this could be requested, but must be done by the property owner not the tenant. Mr. Gibson invited the Commission or any other interested parties to tour his operation.

Attorney Chris Byrd addressed the third item on the agenda. He said he received an offer of a total of ten thousand (\$10,000) in fines from the Walther's attorney Bruce Brightwell to settle the case. Mr. Byrd countered the offer in the amount of fifteen thousand (\$15,000). The Walther's accepted the counter offer and requested to make payments in increments of one thousand (\$1,000) a month, with the remaining balance being paid in August of 2015. Mr. Byrd recommended the Commission accept the offer. President Thienel questioned if an agreement would be drawn up detailing the settlement and the Town's recourse if the Walther's did not abide by the agreement. Mr. Byrd assured the Commission the lien would not be released until the balance was paid. Lester Rhoads made a motion to accept the offer and have Attorney Byrd draw up the agreement. The motion was seconded by Fred Cammack and passed 6-0.

The fifth item on the agenda was reviewing the draft of Animal Control Ordinance 2015-1. Attorney Chris Byrd explained the County is the enforcement mechanism of the ordinance which was patterned after their ordinance with a few additional regulations that were specifically written for the Town. Ms. Hofelich mentioned Animal Control Officer Bruce LaHue had inquired as to the distance a dog could be placed adjacent to an adjoining property line. After a brief discussion the addition of additional wording to clarify all previous enacted zoning regulations not in conflict with the new ordinance shall remain in effect. Jill Timberlake made a motion to advertise the ordinance and notice of public hearing with the change. The motion was seconded by Lester Rhoads and passed 6-0.

The next item on the agenda was a review of the draft of the Zoning Violation Fee Ordinance 2015-2. President Glenn Thienel opened the floor for discussion. He explained the dollar amounts of the fines were out of date in comparison to today's economy. The fine range had been from ten dollars (\$10) to three hundred dollars (\$300) per day. The new ordinance raised the fine range from one hundred dollars (\$100) to one thousand dollars (\$1,000) per day. A motion to advertise the ordinance and notice of public hearing was made by Judy Kennedy. The motion was seconded by Jill Timberlake and carried 6-0.

A discussion was held regarding the maximum and minimum percentage of a lot to be occupied by buildings regulation in Section V. Zoning Schedule A in the Zoning Ordinance for the Town of Corydon. President Thienel suggested the committee meet to review this section of the ordinance.

There being no further business to come before the Commission, Judy Kennedy made a motion to adjourn the meeting, with a second by John D. Kintner. The motion passed 6-0.

DATE APPROVED: 4/6/15

ATTEST: Justin K. Prosser

WITNESS: Carolyn A. Hoffelich