



## BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

City-County Building Room 200 · 1 East Main Street · Fort Wayne, IN 46802

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NELSON PETERS LINDA K. BLOOM THERESE BROWN

### MINUTES

#### Commissioners' Legislative Session

10:00 a.m. Friday, April 8, 2011

Commissioners' Courtroom - City-County Building

Commissioners Present: Nelson Peters, Linda Bloom and Therese Brown

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Rhonda Rice	Commissioners Office
	Bill Fishing	County Attorney
	Michelle Wood	DPS
	Dan Allen	Highway Department
	Lara Dorsett	Highway Department
	Vivian Sade	Journal Gazette

Commissioner Peters called the meeting to order at 10:02 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of April 1, 2011.** Commissioner Brown made a motion to approve the minutes. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 2. Rezoning petition 1634/11 to rezone 82.8 acres at the northwest corner of the intersection of Winters Road and Smith road from RS-1/Suburban Residential to I-4(P)/Planned Industrial Park for a 17 lot industrial park.** Michelle Wood, DPS presented this item. She stated this is for Hensch Park which is a rezoning and development plan for an I4 industrial park and is located near the airport. It is adjacent to the Hensch Brothers greenhouse and the Hensch Brothers are the applicants for this petition. There is a small portion of this area that they were seeking to rezone for a business to relocate here. Because of all of the investments the Commissioners have put into the area around the airport, Staff discussed the greater area as they don't want to see piecemeal development such as a couple acres at a time. That is not very good planning for road cuts and for infrastructure. They met with the applicant and their attorney to discuss a wider zoning petition and to go to the I-4 because it is the most protective of the industrial zonings. It sets it up more like an office park and has higher design standards. There were some questions from the Dietrich's that live on the south side who have had some drainage problems. With any development, they will have to go through the Surveyor's office and do the proper drainage and retention. Overall Plan Commission felt this is the best way to handle this large of an area. The airport does not want to see planned residential development that close to the runways so Industrial turns out to be the best use in this location. Commissioner Brown asked about the signage restrictions in the area. Michelle stated that the signage in this area is very large. Industrial allows basically a billboard size sign for an entrance sign. They did ask the applicant to reduce that now. They were hesitant because they don't know who will be coming in and they don't want to set those limitations now. The end result at the Plan Commission was that when they come back in the signage restrictions will be reviewed at a secondary review when they have a tenant. There are 17 possible lots generally 2-3 acre lots. They can be combined for a larger user. Commissioner Brown made a motion to approve the Rezoning petition 1634/11 to rezone 82.8 acres at the northwest corner of the intersection of Winters Road and Smith road from RS-1/Suburban Residential to I-4(P)/Planned Industrial Park for a 17 lot industrial park. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 3. Rezoning petition 1635/11 to rezone 38.89 acres at the northwest corner of the intersection of Coldwater Road and Pion Road from A-1/Agricultural to RSP-2/Planned Multiple Family**

**Residential for a 176 unit, 97,785 square foot independent and assisted living facility.** Michelle Wood, DPS, stated that this is for Lutheran Life Villages and is a 4 story independent and assisted living facility with 176 units. It is located west of Coldwater and north of Pion. This area has been difficult to develop. It is wooded and has some low areas and wetlands. Lutheran Life was able to fit in this facility which is tucked back into the woods. This will be an upscale retirement area with walking paths and indoor recreation. There was no remonstrance received. Commissioner Bloom made a motion to approve the Rezoning petition 1635/11 to rezone 38.89 acres at the northwest corner of the intersection of Coldwater Road and Pion Road from A-1/Agricultural to RSP-2/Planned Multiple Family Residential for a 176 unit, 97,785 square foot independent and assisted living facility. Commissioner Brown seconded the motion. Motion carried 3-0.

4. **Rezoning petition 1636/11 to rezone 1.4 acres at the east side of the 11100 to 11200 blocks of Diebold Road from A-1/agricultural & C-1A(P)/Planned Professional and Personal Services to C-1A(P)/Planned Professional and Personal Services for an 8-building, 85,000 square foot office development.** Michelle Woods, DPS, stated this is for Northpark Professional Offices, Dr. Salam. The Commissioners have already approved the greater rezoning for this office park. Dr. Salam has purchased additional ground to the north and this will actually help quite a few things for storm drainage and access. Right now, Dr. Salam is planning to just build his office building now but it is set up for a maximum of 8 buildings. This area is only going to grow with medical related services around the Parkview Hospital campus. This fits the vision for the area. Commissioner Brown made a motion to approve the Rezoning petition 1636/11. Commissioner Bloom seconded the motion. Motion carried 3-0.
5. **Encroachment Agreement for Parkview Regional Medical Center and Campus for various directional signs and monument sign on Diebold Rd and New Vision Drive.** Dan Allen, Highway Dept., presented this item. The reason for the Encroachment Agreement is that in places the signs are on public right of way but they are private signs. If the need arises that a sign needs to be relocated or moved, we give a 30 day notice and the owner has to take care of it. Commissioner Bloom made a motion to approve the Encroachment Agreement for Parkview Regional Medical Center and Campus for various directional signs and monument sign on Diebold Rd and New Vision Drive. Commissioner Brown seconded the motion. Motion carried 3-0.
6. **Encroachment Agreement for Parkview Regional Medical Center and Campus for various internal street name signs and monument signs on Parkview Plaza Drive and New Vision Drive.** Dan Allen, Highway Dept., presented this item. The reason for the Encroachment Agreement is that in places the signs are on public right of way but they are private signs. If the need arises that a sign needs to be relocated or moved, we give a 30 day notice and the owner has to take care of it. Commissioner Bloom made a motion to approve Encroachment Agreement for Parkview Regional Medical Center and Campus for various internal street name signs and monument signs on Parkview Plaza Drive and New Vision Drive. Commissioner Brown seconded the motion. Motion carried 3-0.
7. **Warranty Deed – Gump Rd – SR 3 to Coldwater Rd – Project # 03-296**
  - a. **Parcel 13 – Webster**
  - b. **Parcel 17 – Walcutt**
  - c. **Parcel 21 – Tom**
  - d. **Parcel 46 – Rexroth**
  - e. **Parcel 54 – Duesel**

Dan Allen, Highway Dept., stated that 5 parcels have been acquired and there are 54 left. He stated the residents there will see vast improvements in drainage when this is finished. Commissioner Bloom made a motion to approve Warranty Deed – Gump Rd – SR 3 to Coldwater Rd – Project # 03-296. Commissioner Brown seconded the motion. Motion carried 3-0.

8. **Warranty Deed – Flutter Rd – St Joe Rd to Schwartz Rd – Project # 05-276**
  - a. **Parcel 23 – Caseldine**
  - b. **Parcel 31 – Bilger**
  - c. **Parcel 85 – Books**

Dan Allen, Highway Dept., stated that 3 parcels have been acquired and there are 64 left. Commissioner Bloom made a motion to approve Warranty Deeds – Flutter Rd – St Joe Rd to Schwartz Rd – Project # 05-276. Commissioner Brown seconded the motion. Motion carried 3-0.

**9. Allen County Highway Department Mileage Certification for 2010 to be submitted to Indiana Department of Transportation for 1,337.14.**

<b>2009 INDOT Mileage Certification</b>	<b>1334.48</b>
<b>New, Accepted and Maintained Streets</b>	<b>3.48</b>
<b>Huntertown Annexation</b>	<b><u>-0.82</u></b>
<b>Total Mileage</b>	<b>1337.14</b>

Dan Allen, Highway Dept., stated that last year we certified 1,334 miles and have since accepted another 3.48 miles to be maintained and due to Huntertown annexation we lost about .82 miles for a total of 1,337 miles. Commissioner Bloom made a motion to accept the new mileage total from the Highway Department for Allen County. Commissioner Brown seconded the motion. Motion carried 3-0.

**10. Change Order # 3, Towpath Trail, Phase IV, Project # 0005007. Reason for change order – error in plan design and additional work day request for contract completion. Total amount of change order #3 \$53,324 (increase).** Dan Allen, Highway Dept., stated that this change is due to a vertical design error. The consulting engineers finished grades were higher than the existing topography. In order to meet existing grades we had an additional common excavation or additional dirt to be removed. This is paid for by Aboite New Trails. Commissioner Linda Bloom made a motion to approve Change Order # 3, Towpath Trail, Phase IV, Project # 0005007. Reason for change order – error in plan design and additional work day request for contract completion. Total amount of change order #3 \$53,324 (increase). Commissioner Brown seconded the motion. Motion carried 3-0.

**11. Supplemental contract of lease between Allen County Juvenile Justice Center Building Corporation and the Board of Commissioners.** Bill Fishering, County Attorney, stated that a month ago the Commissioners approved a supplemental lease for the bond refunding at the Juvenile Center. When putting together the transcripts, bond counsel discovered there was an error in the rent payment exhibit and it was understated on the first 2 payments which are the ones due in June and December of this year. That error has been corrected and is what is being approved here. There is no change in the overall savings. It was just an error in that particular exhibit. Commissioner Bloom made a motion to accept the Supplemental contract of lease between Allen County Juvenile Justice Center Building Corporation and the Board of Commissioners. Commissioner Brown seconded the motion. Motion carried 3-0.

**12. Other Business:**

**13. Approval to waive the 2<sup>nd</sup> Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of April 8, 2011.** Commissioner Brown made a motion to approve waiving the 2<sup>nd</sup> Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of April 8, 2011. Commissioner Bloom seconded the motion. Motion carried 3-0.

**14. Comments from the Public.** Commissioner Peters stated that Mike Green has completed the County's Annual Report for last year and it is available online at [www.allencounty.us](http://www.allencounty.us) and it also available at libraries throughout Allen County.

**15. Motion to Adjourn.** There being no further business, the meeting was adjourned at 10:28 a.m.

*Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 1 East Main Street, Room 300, Fort Wayne, IN 46802, or by phone at (260) 449-7217.*