

The meeting of the Berne Plan Commission was held on the 9th day of December, 2013 at 6:30 pm. in the Conference Room at City Hall, Berne Indiana.

MEMBERS PRESENT

Phil Provost	Gregg Sprunger
Jerry Burke	Brent Lehman
Don Sipe	James Flueckiger
Greg Keller	Rod Mosser

MEMBERS ABSENT

Gwen Maller

STAFF PRESENT

Director, Shannon Smitley
City Attorney Jim Beitler

City Representatives Present
Mayor Bill McKean.

Guests present: Dave Baumgartner, Becky Sprunger.

After an opening prayer, Gregg Sprunger called the meeting to order and verified a quorum. The hearing was properly advertised and an agenda was posted at the door.

Public Hearing Proposal: To amend the City of Berne Zoning Ordinance, by adding a section entitled “The Commercial Architectural Controls Ordinance of the City of Berne, Indiana”

Gregg closed the public meeting and convened the Public Hearing. Discussion of Ordinance 649, which was distributed to the commission at their last meeting on December 12th, was chaired by City Attorney Jim Beitler. Jim explained that the presentation tonight is a culmination of meetings between himself, Dave Baumgartner, Building and Planning Director Shannon Smitley, Council President Gregg Sprunger and Mayor Bill McKean.

In recapping the reason for the ordinance, Jim stated that the ordinance would create architectural control districts for the purpose of requiring new construction and rehabilitation of buildings in commercial zones to have a Swiss style motif exterior.

Plans for these projects will need to be reviewed by a committee of 7 persons chaired by the Zoning Administrator (Shannon Smitley). The committee will consist of 2 members of the Plan Commission, 1 member of the City Council, 2 citizens of Berne appointed by the Mayor and the Mayor.

Jim noted that there have been many examples of projects that have gone to extra lengths and cost to put a Swiss style on the front of their buildings, but it is now time to make this

more mandated. There have been other occasions that commercial buildings did not go with a Swiss theme and there have been 3 recently that chose a more traditional style of commercial exterior. Jim said that the city simply wants a seat at the table, not to be heavy handed, but to be a partner in the design process and this is what the committee would do. Jim also said that this ordinance is not meant to stifle growth, but to strike balance.

Jim explained to the Plan Commission that tonight, they are being asked to recommend to the Common Council that they consider amending the City of Berne Zoning Ordinance by adding a section entitled “The Commercial Architectural Controls Ordinance of the City of Berne, Indiana” for the purposes explained in tonight’s meeting.

Phil Provost asked if any of the controls presented in this ordinance are in other city ordinance. Jim and Shannon confirmed that there are no such controls present in any other city ordinance.

Gregg Sprunger asked if there were any other questions before official action is taken. Phil stated that he is undecided and would like the ordinance to go to council for discussion before he considers voting for it in the Plan Commission meeting.

Becky Sprunger asked what recourse a commercial entity had if turned down by the committee. Jim noted that there is an appeals process in the ordinance that can be made to the Common Council as well as an opportunity to appeal to the Adams County Circuit Court.

Gregg Keller asked about the provision that read if a building is less than 20,000 sq.ft. it cannot have a metal roof and he questioned that logic. Jim said the ordinance states that a metal roof will be discouraged. Dave Baumgartner noted that metal roofing options are changing and are improving over the normal rolled metal roof of the past and the language in the ordinance can be looked in to.

Gregg Sprunger closed the Public Hearing and reconvened the meeting and read the Finding of the Facts:

BERNE CITY PLAN COMMISSION FINDINGS OF FACT TO AMEND THE CITY OF BERNE ZONING ORDINANCE BY ADDING ARCHITECTURAL CONTROLS FOR ALL COMMERCIAL ZONES PURSUANT TO ORDINANCE NO 649

The City of Berne Plan Commission hereby makes the following findings of fact after its deliberations on the proposal to amend the City of Berne Zoning Ordinance by adding a section on architectural controls for all commercial zones (C-1, C-2 and C-3).

1. The proposal is consistent with Indiana Code 36-7-4-601. *Yes*
2. The proposal is consistent with Indiana Code 36-7-4-601(d)(2)(E), regarding requirements to protect the historic and architectural heritage of the community. *Yes*

3. In the preparation and consideration of the proposal the Plan Commission has paid reasonable regard to:
- a) the City of Berne Comprehensive Plan; **Yes**
 - b) the current conditions and the character of current structures and uses in the entire City of Berne, Indiana; **Yes**
 - c) the most desirable use for which all property in the City of Berne is adapted; **Yes**
 - d) the need to conserve property values throughout the City of Berne; **Yes**
 - e) whether the proposed new zoning ordinance is consistent with the responsible development and growth in the City of Berne. **Yes**

On a motion by J. Flueckiger and a second by R. Mosser the Finding of the Facts were unanimously approved 8-0

Dated: December 9, 2013

Gregg Sprunger
President

James Flueckiger
Vice -President

Phil Provost
Member

Greg Keller
Member

Don Sipe
Member

Rod Mosser
Member

Jerry Burke
Member

Brent Lehman
Member

ATTEST:
Jerry Burke
Secretary

City of Berne Plan Commission Certification-Gregg Sprunger asked the board to consider a vote giving a favorable recommendation of the Berne Plan Commission to the City of Berne Common Council recommending the passage of Ordinance 649 :”An Ordinance Of The Common Council Of The City Of Berne, Indiana, Amending Chapter 152 Of The Berne City Code By Adding Section 152.064 Entitled Commercial Architectural Controls Ordinance Of The City Of Berne, Indiana”

Phil Provost stated that he wished not to vote on this until it goes before the council for further discussion. 7 yeas -0 Nays with Phil Provost abstaining.

Resolution 2013-12-1On a motion by J. Flueickger and a second by D. Sipe, Resolution 2013-12-1 Resolution Of The Berne City Plan Commission Approving Proposal To Amend The City Of Berne Zoning Ordinance By Adding Architectural Controls For All Commercial Zones Pursuant To Ordinance No 649 And Certification Of Proposal To The Common Council Of The City Of Berne, Indiana was unanimously approved. 7 yeas-0 nays with Phil Provost abstaining.

Regular Meeting

Approval of Minutes- On a motion by J. Burke and a second by P. Provost, the minutes of November 12, 2013 were unanimously approved as written. 8-0

New Business None

Old Business None

Closing of Meeting

Therefore, upon a motion by D. Sipe and a second by J. Burke and unanimously carried, the agenda was incorporated into the minutes and upon a motion by P. Provost and seconded by B. Lehman and unanimously carried, the meeting was adjourned. 8-0