

APC MINUTES

NOVEMBER 20, 2024

Members present: John Reece, Jim Hufford, Terry Alfrey, Coy Applegate, Abby Journay, Gary Friend, Don Calhoun, Jason Brewer, Tom Kerns

Members absent: Adrian Moulton, Amy Alka, Will Greer, Steve Hernly

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director, Recording Secretary, Kristi Halloran, Area Planning Administrative Assistant

Others present: Ed Thornburg, Ed Conatser, Nate Behrens, Benjamin Behrens, Ricky Ward, Jon Peacock, Jerry Warren, Ryan Chalfant, Delia Contreras, Steve Shoemaker

President Calhoun: I'd like to call to order the meeting of the Area Planning Commission. Approval of the minutes from the August 21st meeting and the October 23rd meeting.

J. Hufford: I'll make a motion that we accept the minutes in August 21st and then October 23rd, as presented.

G. Friend: Second.

President Calhoun: Moved and seconded. All those in favor, say aye.

All: Aye.

President Calhoun: All those opposed, no. Okay. Thank you. First on the agenda tonight is APC2024-31-Z. Delia Contreras. We're requesting a rezone from R-2 to C-2 for an event venue. Alright. Tell us what you're wanting to do. State your name and address, and we'll go from there.

D. Contreras: Hi. My name is Luz Delia Contreras, and my address is in Union City, 727 W Oak Street. Here's my help.

S. Shoemaker: I'm Steve Shoemaker, City Manager for Union City, 523 Park Avenue, Union City. She has purchased a piece of farm ground at the south edge of Union City on South Street. And it's her desire to build an event center on that parcel. And we need to obviously change the zoning to make that happen.

President Calhoun: Board member any questions?

J. Hufford: I got one. It's been brought to my attention that South High Street from South Street out does not belong to the city.

S. Shoemaker: That that is correct. It was never dedicated after that apartment complex was built in the late sixties or early seventies. We have been working diligently since the start of the year when we found that out—to make contact with the new owners—but they're nonresponsive.

J. Hufford: And that'd be something she'd want to get cleared up before she's does any construction.

S. Shoemaker: That is why we're working diligently that they're not compliant there. They don't respond.

G. Friend: Does that stop anything if you don't get it?

S. Shoemaker: No. She has enough frontage that she could come off of South Street. We don't need South High Street. But it would obviously create a longer drive access to the event center. She's wanting to build the event center as far south on the property as she can so it doesn't disrupt or disturb neighbors or any other properties.

G. Friend: She's not landlocked?

S. Shoemaker: No.

J. Hufford: That was my concern.

S. Shoemaker: Yeah. Coming in off of South High would be absolutely better. It'd be less of a drive, but she can come off South Street if we can't figure out how to fix the issue with South High.

J. Hufford: That is the only concern I had at this time.

President Calhoun: As for the size of the facility, how big are you planning?

S. Shoemaker: I didn't bring plans. The architectural drawings are basically sized to accommodate roughly 250 to 300 people. So it's a fairly good size building.

D. Johnting: 56 feet by 112 feet.

J. Hufford: Now is she going to try to get a liquor license or anything?

S. Shoemaker: She'll allow people to bring stuff in or caterers to come in, but she has no intention of opening up a liquor license in that area. I don't know if that's even remotely possible. It would probably have to be done with a caterer's license. There's not a liquor license available for Union City. And until our population grows, we don't stand a very good chance of getting an additional liquor license.

President Calhoun: Does the board have any other questions? Is there anybody from the audience that would like to speak for or against? Seeing none, I'll entertain a motion for favorable recommendation.

G. Friend: I'll make a motion for a favorable recommendation.

Vice President Applegate: I'll second.

President Calhoun: Okay, we need a roll call vote, please.

D. Johnting: Gary Friend? Yes. Jim Hufford? Yes. Jason Brewer? Yes. Coy Applegate? Yes. Terry Alfrey? Yes. Abby Journey? Yes. Tom Kerns? Yes. Don Calhoun? Yes. And Amy Alka, Adrian Moulton, Will Greer, Steve Hernly, and John Reece are absent. Favorable recommendation. And we'll send this stuff in tomorrow. And did you hear back from them?

K. Halloran: No. They did not confirm.

D. Johnting: They meet the first and fourth Monday. That'd be the 25th of November at 6 pm, and I'll send the stuff over tomorrow.

S. Shoemaker: Okay, perfect. Thank you.

President Calhoun: Next on the agenda is APC2024-35-Z. James Conatser, representing Nathan and Benjamin Behrens. Want to request to open a car sales lot. So it's zoned C-2 and we need to change it to C-3.

E. Conatser: Good evening. I'm Ed Conatser with FC Tucker Commercial Real Estate in Muncie, and, my clients are looking to purchase 211 East Jackson Street in Parker City. And, they're here tonight to request the zoning change from C-2 to C-3 and a little bit of historical information on that lot. Lou Morgan's son, Jerry, occupied a used car lot here for many years and then Johnny Morris out of Muncie operated the used car lot. That's where Johnny got his start in the business. So really there's no change in the type of occupancy but the buyers want to comply with that with that code and zoning. So I'll let, Nate take it over from here. So you want to introduce yourself.

N. Behrens: I'm Nate. I live in Muncie. And me and my brother Ben, we have been selling cars for probably the last two years under our personal names and looking to start a car lot. I've decided on a Parker City Auto Sales for this location. I plan on having seven to twelve cars on the lot. Typically in the five to twenty year old range. Typically, under 150,000 miles. Our focus is on affordable vehicles. Price from \$2,000 to \$15,000. We don't plan on doing any mechanical repairs on-site, just straight auto sales. So we will not maintain the service department, and we will not have any parts or scrap vehicles on the premises as well. Other things we intend on

improving the curb appeal of the property by resealing the parking lot and refreshing the signs. Any other questions?

President Calhoun: Do the board members have any questions?

G. Friend: What's the building next to it to the east?

E. Conatser: It's a commercial building. I'm not sure the type of operation, but it's a commercial building.

G. Friend: It's two blocks east of the transmission shop, basically?

J. Hufford: Will you be building a building on that lot?

N. Behrens: No. We'll be using the existing building.

J. Hufford: Okay. There's a building on the lot now?

President Calhoun: It's not very big but there's the building there.

G. Friend: And have you discussed this with Parker City at all?

E. Conatser: Yes. We have.

President Calhoun: Board members have any other questions? Is there anybody in the audience that has any questions for or against it? Seeing none we will proceed for a recommendation, positive or negative.

G. Friend: I think it fits in. I'll make a positive recommendation.

J. Hufford: I'll second.

President Calhoun: Okay. We'll have a roll call vote.

D. Johnting: Jim Hufford? Yes. Jason Brewer? Yes. Coy Applegate? Yes. Terry Alfrey? Yes. Abby Journey? Yes. Tom Kerns? Yes. Don Calhoun? Yes. Gary Friend? Yes. And Amy Alka, Adrian Moulton, Will Greer, Steve Hernly, and John Reece are absent. Favorable recommendation.

E. Conatser: Thank very much. I'm glad that we that you voted before I complained about the post. It wasn't my fault. We had no other choice but to put the post right here.

D. Johnting: I didn't tell them about you.

E. Conatser: And, so it's a good retrofit for this space being in operations. This was operating room number one. So, anyway, thank you both very much. Good to see you.

D. Johnting: The Parker City meeting is December 5th at 7 pm. But, you need to check that and make sure before that they're going to be meeting that night.

J. Conatser: Thank you very much.

President Calhoun: Next on the agenda is APC2024-36-VAC, Richard Ward. You want to come up and tell us what you're wanting to do.

R. Ward: I'm Ricky Ward from Dayton, Ohio. I'm trying to get this plat for the Government Isaac Gray Addition vacated that was done back in the early 1800. I think it was in plat book one. So I've already got my other plats already recorded. So this is just kind of been the only one little thing that's causing us to be here tonight. I think part of it is the Doty's Second Addition, Maple Heights First Addition, and the Jackson Park Addition that was done years ago.

D. Johnting: Just to vacate the plat.

President Calhoun: Okay.

J. Welch: You just need to make a motion to vacate the plat as requested by the commissioners. They've provided written findings, including his signature.

R. Ward: I'm pretty sure somebody from the 1800s probably don't mind.

D. Johnting: That just wasn't discovered when Isaac Gray was platted. So now it's all changed. So all we could do is identify what parcels were partially or wholly affected. Just vacate the old plats, so now Governor Isaac Gray is clear of any other plats.

President Calhoun: So basically, all we need is a motion to vacate.

G. Friend: What does that exactly mean? Vacate the plat?

T. Kerns: We have a new plat that overlaps the old plat. So basically, they didn't know the old plat was there. So the lots aren't quite laid out the way they used to be. So they just want to vacate the old plats.

J. Welch: Just cleaning up a mess is basically.

G. Friend: This is housekeeping. Right?

J. Welch: Yes.

T. Kerns: So we just need a recommendation.

J. Welch: We need a motion to vacate the plat as requested.

T. Kerns: I'll make that motion to vacate the plats.

J. Hufford: I'll second it.

President Calhoun: It's been moved and second. A roll call vote.

D. Johnting: Jason Brewer? Yes. Coy Applegate? Yes. Terry Alfrey? Yes. Abby Journey? Yes. Tom Kerns? Yes. Doug Calhoun? Yes. Gary Friend? Yes. Jim Hufford? Yes. John Reece? Yes. Motion approved.

D. Johnting: As soon as I get this filled out, you can have it.

R. Ward: Thank you, guys.

President Calhoun: We've got a little bit of business we need to attend to. We have a couple gentlemen that would like to talk to us about the solar farms. Jon and Jerry, if you want to come up.

J. Peacock: Jon Peacock. 3761 East Greenville Pike, Winchester, Indiana. And I guess just state the purpose?

President Calhoun: Yes.

J. Peacock: Okay. Guys, we are here as concerned citizens, I guess, of our county. I had a farmer bring up to me a month ago something we had discussed with some of our leadership here in the county. Is there, I guess, I'm concerned with how many solar and wind projects are being considered and where the end game is for our county. Do we want to be the top green energy county in the world, you know, as far as just allowing any project to come in anywhere? Or do we want to maybe put together, or have some thoughts about where we like this county to be in 40 years? Do we want to have wind farms or solar panels everywhere? Because right now, there's not, as I understand it, a lot of restrictions, compared to some areas, maybe some parts of the country. And, I think there's still time, I think to make sure we know where we want to go with how many is enough. I know it's helped our county have financial resources that we didn't have before, and that's important. I think it's also prudent to think through where we're heading before it gets too late. So that's I think and I was told by Jason (Welch) and Debra (Johnting) at a meeting a month ago for BZA, that this would be probably the best avenue to start a discussion process. So that's why I'm here. And Mr. Chalfant back there and Jerry, we're all independent, but we have similar concerns.

G. Friend: I think here the best next thing is to present to the commissioners. There's an ordinance for wind and there's ordinances for solar. And if those ordinances are followed to the "T", they don't have to come. So as long as Randolph County has a law on the books of how to develop this just like when we had them before the confined feeding operations. If you met the rule of the ordinance, you can build it. Right now, these companies, if they meet the rule of

ordinances, they can build it. So the best avenue for getting out to the public and concern it is to get to the commissioners, in front of the commissioners and start telling their concerns, I think, for me. I know the APC has a role in it. I believe I think it's ultimately the commissioners who will decide on those ordinances.

J. Welch: If it's going to be a change to the ordinance. What would have to happen is there would have to be a proposal for the APC just like any other of the proposals. So somebody would have to come to the a APC with their written proposal, or the APC would have to come up with a written proposal to modify the ordinance. And then if that got a favorable recommendation, that would then go to all the municipal bodies, mainly the county. And then it would ultimately be up to the county as to whether or not they wanted to implement whatever change was recommended by the APC.

G. Friend: Okay.

T. Kerns: Have you looked at any other counties around or your municipality that have restrictions in place to kind see any kind of template that's in place for that?

J. Warren: Deb might be the one to talk about that. Other counties restrictions, how do we compare?

D. Johnting: At the time we signed ours we were the only county, at least in Indiana and maybe further, that did not have a hearing before every one. It's not that they didn't want them. They wanted what we had last night was presentation. What's your screening? What's your setbacks? Where are you going to put it? We do not require a hearing.

J. Warren: And this has increased the number of companies wanting to locate here versus some of the, versus basically the other counties because there's less hoops that you jump through and they're just.

D. Johnting: I had one solar company say, well, we'd rather not have a hearing. We don't have to. We will, but we'd rather not.

J. Warren: I get it.

J. Peacock: I guess, Gary, my question was to begin with, is there a way to tap the brakes and at least or do we want unlimited acreage of ground that was good quality farm ground to be ending up with solar panels. And as a part of the BZA, I sat through hearing the justification around Modoc. And I have to tell you I have some questions.

G. Friend: I think this is the beginning on how to tap the brakes. I'm hearing it a lot now. Ten years ago, you didn't hear very much. I'll also try not to be hypocritical because they're getting close to me, and I was voting yes on abatements when they weren't. So I think the public's going

to have to start telling the leadership of the county what they think. And should we have an ordinance change, and it should come to the APC for a change. We don't hear it at the commissioner's meeting and Tom can probably vouch for the council meeting. We don't get anybody in a public hearing.

T. Kerns: No one shows up. When we do abatements, when we do it, nobody shows up and has a thing to say.

G. Friend: If you ask my wife, she thinks we're past the saturation point. So it's not like this is not a concern. So, you know, I think we need to have start beginning to have this discussion because, EDPR reported to commissioners that there's a 1.3 GW need for green energy power to make their quotas on some of these power generation. Well, that's extraordinary amounts. And I wouldn't want every corn field and bean field in Randolph County under solar.

J. Peacock: Also, we're just a little concerned how many each of our own neighborhoods. How many can be coming?

G. Friend: And I do struggle a little bit.

T. Kerns: We've all been contacted.

G. Friend: I struggle a little bit with the rights of land owners versus not. Because you hear that as well. "You know, it's my land."

J. Peacock: Gary, I agree. That's why I think but we need to have this. It needs to be a plan. I hate for us 30 years down the road to say why didn't we think through this?

J. Hufford: I guess what you're trying to say just like we did with the CAFO of this county. You can't stop it. There's no reason to stop it. But you can regulate it. And that's what we need to do.

G. Friend: There was a company, not EDPR, that approached the commissioners maybe six weeks ago. Somewhere there. I don't remember. That was wanting to do their own look and they needed some land and building solar. And then the answer to the question to them was, if you follow the ordinance that currently on the books today, you have every right in the world to do it. And so, according to what Jason said, I'll get with Jason on the side too so I better understand that.

J. Welch: So one option would be to have a committee assigned to look at the issue, and that could be done by this board and they could bring a recommendation back to the board if they thought that some kind of a change like a conditional use like we did with the non-commercial ones. We just change that ordinance to make all of those a conditional use, which means they have to come before the board. They have to present their plan, and they have to notify all the surrounding landowners, and there's a hearing on each one. So that's one option that can be done

with all of these if that's what the committee recommended and what the public wanted. I would. There are other options.

G. Friend: Sure. But that's the best if you have the option, I would think. And I think it would be better to put the committee together in our January meeting because there'll be two new seated commissioners too. So if there's any time, you know, to do it, it's probably in January.

J. Welch: I think it would be important to have one of the commissioners at least on it. That's why. I mean, if, Jerry wants to be on it or some citizens can be on it as well.

G. Friend: So, I think maybe we should bring it up on our agenda in January.

J. Peacock: My understanding from a current commissioner that is not in the room said that it would need to come before this group.

G. Friend: Well, Jason corrected me. I didn't understand how that processed worked.

J. Welch: Right. The commissioners have the final say.

T. Kerns: But this group would just do give a recommendation. Then it all comes back to our commissioners.

G. Friend: And I really like when the ten kW have to come to BZA to get approval. Then everybody is being heard. You give the public more time to get people to talk about it. Honestly folks, for the last ten years we've gotten very little push back. When I was on the council eight years of it, we wrote a lot of abatements. They can build without an abatement, but it sure does help. You know, none of the commissioners or the council rejected any of the presentations. And we did put a lot of funding towards Randolph County also, which was a lot of the driving force with all the other things we talked about on the side. But the saturation is getting real. And, I'm not being a hypocrite either to vote for ones down south and go to different ones up north where I live. I told my wife that she didn't accept it. She said if it was up to me.

D. Johnting: You know, you guys change the ordinance to have conditional use for the 10 MW. And but you don't hear you know, you don't sit in on hearings when they come forward. And I wouldn't say that the people would not have looked at these things. But by having to come to a hearing, there are things that we tell them they need to bring that they just wouldn't have thought of. Notifying neighbors, making sure that every single neighbor is notified. How far out do you go? What kind of fence are you going to have? Screening? Any of the things that might ask, it's not that that group would not have done that. They're focused on getting the panels in the ground, putting them up. That's it. All the things that we ask them to do and bringing a really good plan. It's like, well, we'll push this in there and see if it sticks. You know? And they came with a very well-drawn out, well thought out, environmental neighborhood approach to those solar panels.

And, you know, that may be at least a good start if they realize, hey. We're putting these on four sides of a home. Is that where you want to live? Surrounded by when you're talking the fourth side of a house with solar all the way around it, that's obscene. I don't know.

G. Friend: But I think coming tonight you guys was the first step too.

J. Welch: Are you guys volunteering to serve on our committee?

J. Warren: It looks like it.

J. Peacock: And there I know there's might be a couple of others that got this kind of pushed into starting again that would be interested in.

G. Friend: I would like not to be on it for the simple reason that I have voted yes on everything to do with these projects. And it would have appearance of it's close to my house now. So I would hope that maybe one of the two commissioners coming on would consider doing it.

J. Peacock: Gary, I give you a little credit though. I don't think anybody saw. I didn't. What could be coming. Right? What we've opened the door to.

G. Friend: Thank you.

J. Peacock: And that's where I'm not being I couldn't take any of these. I'm as guilty as anybody about not paying attention. It's just now it's not done yet. So is it time to think through this really well? And then we'll have to live with whatever we do and don't decide. Our grandkids will have to live with whatever we do and don't plan for this county. It's our job, I think, to try to think through things.

J. Warren: And I think when we become a magnet, we get more than our share if you will.

G. Friend: That's fair. I think so.

J. Peacock: Because there's very little other options.

T. Kerns: It's hard to watch productive ground.

J. Warren: It is for me.

J. Peacock: Well, it seems like as a country, we might want to think about that. Because food production is pretty easy right now. It won't always be. Things are happening.

T. Kerns: Using it to get fuel and everything else there is.

D. Johnting: Well, we've had this discussion in the office and in here before. I've said this before. I asked a bunch of kids in here one day, does everybody think they should do what they want to do on their own ground? And every hand went up. And I said, do you think your neighbors

should do what they want to do on their ground? Most of them went down. You can have a say so. There are a lot of things that are not appropriate for your neighbors to do, and they would be obvious. And do we want this on every bit of farm ground available?

J. Peacock: You're going to have 15 different opinions in this room. And that's okay. If we're thinking, we won't be identical. So okay. Come to, it's manageable. I don't know what the right word is.

G. Friend: I say we form a committee in January. Take the next step.

T. Kerns: I would be willing to be on the committee.

G. Friend: You would. Great, thank you.

D. Johnting: And you know, I think we may be needing an adjustment to the solar ordinance anyway because we've been approached for battery storage. And we do not have, I've not heard any opinions. I haven't asked anyone. I haven't done the research on it yet. It's a little scary in the first place, but because it wouldn't just be a semi out in the middle of a field with some batteries in it.

G. Friend: No. Probably not.

J. Warren: And the contracts do have that in it. That you know, when you sign that contract, you will be accepting if they decide to put batteries.

D. Johnting: And this one just wanted just battery storage on acres.

G. Friend: On the solar land contract?

J. Warren: That's right.

D. Johnting: This was just for battery storage on several acres. But screen it. We have not addressed that in the solar ordinance.

President Calhoun: So we're heading in the right direction?

J. Peacock: So the committee will be formed by this group?

J. Welch: Yes. There'll be a committee appointed by the APC.

J. Peacock: We going to wait till January to get things going on it?

D. Johnting: January is our next meeting.

J. Peacock: And there will be because there are holidays coming up.

D. Johnting: There'll be some board member changes.

J. Peacock: So Alright. Anything else from us?

G. Friend: No. Thank you for stepping up, bringing it forward and starting this. Thank you.

President Calhoun: Thank you. Is there anything else that needs to be brought up?

D. Johnting: No meeting in January, in December, I mean. No meeting in December, but we will meet in January.

G. Friend: Everything I read today I noticed that.

D. Johnting: No meeting in December. We've already got a request for January.

G. Friend: I understand, Jason, what you said. I just omitted that part. Thank you for correcting me. It'll ultimately end up with the commissioners.

J. Welch: It's their say. If they're not on board, then it's a waste of our time.

G. Friend: I think you'll see. They are willing to listen. Because I really like the 10 MW, the way we do it now. It gives everybody protection for stand up and say so. You might know how big 1.3 GW of power left the building. There's a lot. We're doing, you know, a 100 MW farms out here. I don't know. What is there? A 1,000 MW in a GW. So there's a lot. This is just to meet the requirement that AEP, let's say, has to get on board for the federal regulations that exist already. Yeah. I said, that's what you're not talking Randolph County, are you? They said, no. We'd have to have the whole county.

President Calhoun: We've roughly got 200,000 acres in Randolph County that's tillable.

G. Friend: 200,000?

President Calhoun: Yeah. And there's probably getting close to well, I know there's at least 2,000 acres or more that's got panels on it now.

T. Kerns: The first one, wasn't it 1,600 acres?

G. Friend: I don't remember.

T. Kerns: What was it? 1,200?

President Calhoun: I think it was 12.

G. Friend: It's big. The one over on 36.

T. Kerns: The original.

G. Friend: Modoc is a smaller one.

President Calhoun: It was right around 600 acres.

T. Kerns: There's 2 more in process right now. The number five at Jackson Township and South Salem.

President Calhoun: I'll entertain a motion. If there's nothing else?

G. Friend: So moved.

Vice President Applegate: I'll second it.

G. Friend: If you if you just don't get out there and make a motion, we could be here all night.

President Don Calhoun

Vice President Coy Applegate

Area Plan Director/Recording Secretary, Debra Johnting