

APC MINUTES
MARCH 22, 2023

Members present: Tom Kerns, Jim Hufford, Coy Applegate, Don Calhoun, John Reece, Terry Alfrey, Steve Hernly, Gary Friend, Abby Journey

Members absent: Amy Alka, Adrian Moulton, Bob Lahey, Will Greer

Legal Representation: Jason Welch

Staff Present: Debra Johnting, Area Plan Director, Rhonda Gard, Area Plan Administrative Assistant

Others present: Ed Thornburg, Claudia Thornburg, Ramona Pearson, Bryan Pratt, Beth Denton, Rick Sanders, Doug & Susan Jay, Cheryl Prescott, James Henley

President Calhoun: It's 7 o'clock, we'll call the January meeting of the Randolph County Area Planning Commission to order. Has everyone had a chance to look over the minutes from January 18th meeting? Any questions or concerns?

J. Hufford: I'll make a motion we accept the minutes as presented.

President Calhoun: Do I hear a second?

G. Friend: Second.

President Calhoun: It's been moved and seconded that we accept the minutes from the January 18th meeting. All in favor say aye, all opposed say no. The motion passes. On the agenda tonight is, first off is APC2023-5-Z Cheryl Prescott. Would you like to come up and state your case?

D. Johnting: I do have a correction the legal notice in the newspaper said from AG-Intensive to M-2. And it was C-3.

President Calhoun: Please state your name and address so that we know who you are.

C. Prescott: Cheryl Prescott, 2780 North 250 East, Winchester. I want to do store and locks on US 27, and it's right there across from, it's between 300 and 400 north of Winchester. I have a drawing here if you guys want to see it. And this drawing came from Richard Mote, and he did our water drainage so I wanted to make sure the water drainage got off to the right spot and then Ed will go over that to make sure that's ok I guess. And then I have also contacted the INDOT, because our driveway, I didn't feel was large enough. I spoke with Susie Hall and she told me that I was able to put a 40 foot driveway in there without a problem. Since we already have a driveway in there I just want to increase that driveway. I'm going to start with three buildings and one of the buildings is going to be a temperature-controlled building, and one building will be larger for RV and boat storage, and the other one will be just for regular storage. And I will have enough, I want to do 7 acres and then with that being said I do

have enough water drainage here to accommodate a few extra buildings if later on we decide to build a couple more. I did bring a brochure of the company that I have chosen so far, I have researched different companies. Troy and I have actually went to a couple of different storage units. I went to a storage unit that actually the buildings from this company. And this is the one that we have chosen to go with, so if you guys want to see any of their stuff I have that here as well. I don't know what questions you have for me.

President Calhoun: Well, we'll see. Do any of the board members have any questions?

J. Hufford: You say you're going to put up more buildings later on?

C. Prescott: I've got three to start out with, if those get completely full and there is a need for it, but only if there is a need. If there is not a need and these are completely full and we've got a waiting list for people to put them in yes. But these aren't full, no. So and then, the way it'll be on 27, is I will make it very appealing so that is my number one goal because I don't want anything to look bad. So, that's I want to make the driveway bigger because I want to be able to drive in and then turn off. It will be a gated facility as well. So there will be a code, you can't like, if you don't have a store and lock facility there, you will not be able to get in, well you shouldn't be able to get in. I better rephrase that, that is my goal.

President Calhoun: That was going to be my question is it going to be gated or basically self-serve?

C. Prescott: It'll be gated and self-serve to a point. After you know, they can come and go to their unit as long as they have their key fob to get in the gate. And with that key fob the company that I researched that as well, will have security cameras too. But with that key fob you'll be able to see, everybody will have their own number so whenever you use that, you'll know that that person is in the gate. So, you can't say, say Tom hit the building. And you know that he was the only one there that day and it wasn't done the day before, so Tom you were the only one that used your key fob today, I'm just putting that scenario out there. So that is one reason to do that or for theft. I don't know if that makes a difference or not.

President Calhoun: As far as lighting?

C. Prescott: We'll have lights all the way on the outside, they will stay on, they come on from dusk to dawn. And the temperature control, those units when you walk, the building will be, some of the units are on the inside too, so the temperature control you have to actually walk inside the building to open up the units but those lights will come on when you walk in the building and will stay on for so long. They will only stay on for 10 minutes and then you have to walk, but as long as you are in front of it, it will stay on but after you walk by it, it goes off after 10 minutes. These will not have electricity for them to use the electricity. It's definitely just storage and climate-controlled storage. And I think this is the only climate-controlled storage in Randolph County, but I'm not 100 percent.

G. Friend: I think there's one across 32 that you get to off of 900. They have a lane sensor that picks it up and then you type in a code or whatever.

C. Prescott: I'm thinking of using a fob thing so they can get in, but you actually are going to be, you pull in and then turn in so you're not, nobody will ever be on the highway. Because that's kind of a, US 27 is pretty busy. And that's one reason why I put it on 27 because it is a busy road. I looked at another location that because we own a farm right down the road and I tried to buy another place and it's kind of down in a hole so I chose not to do that one. And we did it here, but when you pull off the highway, I don't know if, do you want to see this, Gary?

G. Friend: No, I've seen those.

C. Prescott: ok but when you pull off the highway you won't actually be turning the gate will be off to the side. And then you turn onto the property.

President Calhoun: Plus, it is a good spot for marketing for you

C. Prescott: That's what I'm thinking. And I had someone else come out and that's got 2,700 of these and he came out and did a survey and told me what would be the best spot and he chose that spot.

President Calhoun: Do any of the board members have any more questions? Is there anybody in the audience that is for or against that would like to speak? Okay, I would entertain a motion.

J. Hufford: I would make the motion for a roll call vote.

J. Welch: That would be for a favorable recommendation.

J. Hufford: For a favorable recommendation.

G. Friend: I'll second.

D. Johnting: Steve Hernly, yes John Reece, yes, Abby Journay, yes, Tom Kerns, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Coy Applegate, yes, Terry Alfrey, yes. And Amy Alka, Adrian Moulton, Will Greer and Bob Lahey are absent. That is a favorable recommendation.

President Calhoun: Next on the agenda is APC2023-8-Z Doug and Susan Jay. If you'd like to come up? If you'd like to state your name and address for the record.

S. Jay: My name is Susan Jay and this is my husband Doug Jay and we live at 2042 Webster Road, Webster, Indiana.

J. Henley: I am their real estate agent, James Henley, I helped them with the purchase of the property that they are requesting a zone change on.

President Calhoun: Okay, you are requesting to rezone from R-1 to C-2?

S. Jay: We would like to amend it from C-2 to C-1. And Deb said that she would explain.

D. Johnting: I looked for tanning, beauty shop, and I missed barber shop and salon. So, it can go which is better to go lower anyway, so we'll amend that to Commercial 1.

President Calhoun: Go ahead and state what you are wanting to do.

S. Jay: We have a salon for tanning salon now, in Lynn. The building is right off 27 so we thought it's a lot bigger and we would like to be able to put more tanning beds in. We have three tanning beds now, we would like to put about six to seven beds and we'd possibly like to get a beautician or nail tech or not limited to either esthetician, make up, facials, massages, other activities found in a salon down the road. There's a lot more room there, we'd like to be able to use all of the rooms that are available. And we thought the location would be a lot better being right off US 27, so we could put a bigger sign stating offering our services. That's what we are shooting for.

J. Henley: The other thing that was suggested to us was to have that revert back to its current zoning if the property was ever vacated so they if they decide they are not going to run their business there anymore for whatever reason once its vacant and unoccupied it would revert back to the R-1 it currently is.

D. Johnting: Not necessarily if it's sold as is, it can continue on until it's ever a discontinued use as defined in the Unified Zoning Ordinance. That states that if all the equipment is removed and not used as a salon. Once its vacated it can be used for anything on the C-1 list. They would rather have it go back at that time to R-1 but not, you wouldn't want them to build up the business and then not be able to sell it.

S. Jay: We feel like there is more potential for growth in a larger building, we're pretty busy now.

D. Johnting: You might want to tell them where you are at now.

S. Jay: Right now, we are on 305 West Grant Street, in the old Lynn Elevator.

D. Johnting: The old Lynn elevator office. Some of you know how small that it, they are cozy

S. Jay: But we have made it super cute and nice.

President Calhoun: Does any of the board members have any questions?

G. Friend: How much traffic will you have there than Reid Hospital did?

S. Jay: I don't think it would be quite as busy as Reid was. And we would not be open very late, right now our hours are 12 pm to 6 pm.

G. Friend: The reason for that question is the area is used to the use of that building having multiple traffic going in and out. It doesn't change much at all, just what can be done in there versus what was.

J. Henley: I think for the most part it would be the same, there's an exterior sign there in the middle of the front yard that's just flipped backwards right now, I think you could make use of that but nothing else changes on that other than what it's been used for most recently.

G. Friend: That's how I feel.

President Calhoun: Is there anyone in the audience that would like to speak either for or against it? Seeing none, I would entertain a motion for a Favorable Recommendation.

J. Welch: If you're going to have a condition you need to make the condition first.

President Calhoun: Make the condition first then?

J. Welch: Right.

C. Applegate: I'll make the motion for Favorable Recommendation with the condition that it reverts back to R-1 if the tanning salon/beauty shop is ever taken out.

President Calhoun: Do we have a second?

J. Hufford: I'll second.

President Calhoun: We need a roll call vote.

D. Johnting: John Reece, yes, Abby Jounay, yes, Tom Kerns, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Coy Applegate, yes, Terry Alfrey, yes, and Steve Hernly, yes. And Amy Alka, Adrian Moulton, Will Greer and Bob Lahey are absent. Favorable recommendation with the condition

President Calhoun: Next is APC2023-10-Z Rick Sanders requesting to rezone two properties from C-2 to M-2.

R. Sanders: I'm Rick Sanders with Sanders Service, 210 North Main Street, Winchester. First of all, I would like to thank you guys for your time. I'm asking to rezone 418 North West Street from a C-2 back to its former M-2 zoning. All the properties on that same block are M-2 properties directly south are all C-3's. So right now, I am C-2 surrounded by M-2's and a C-3. And my property has a warehouse on it that has pretty much been a warehouse forever. And a warehouse can only be on an M-2 zoning so, in my understanding it should have never been zoned down to a C-2 because it has a warehouse on it. I bought the property from a gentleman from Pennsylvania who bought it as an M-2 and thought he needed to change to a C-2 to do what he wanted to do with that building and then found out he couldn't do what he wanted and couldn't afford it. So, he contacted me asking if I wanted to buy it and I bought it thinking that it wouldn't be too hard to get it changed back to an M-2. I know that my business is not a glamorous business, but it's a business that has to be done without my business junk cars would be in people's driveways, yards, and when people get pulled over for driving illegal vehicles they would have no place to tow them or impound them because there's not a towing

business. I understand that there is more than one towing business around but we all have a little piece of the pie and we all take care of it. I am also now the U-Haul dealer in town and my property at 201 North Main which is my dealership and my U-Haul property is now, I moved some of the worst cars that I had for sale, because you know not everybody can afford a new car. I had some beaters with heaters sitting there. I moved some of those out to make room for the U-Hauls so now that lot is three fourths U-Hauls and five to six cars for sale now is all that is on it. I definitely need more room for the vehicles I get stuck with. When I get stuck with a vehicle I have to send a letter to the registered owner giving them 15 days to pick up the vehicle. If they don't pick it up within 15 days, then I have to contact the newspaper to put ad in the newspaper, set up an auction date, have an auction to try to sell the car at the auction, nobody ever shows up at the auction, now I'm stuck with that car. Then I have to fill out more paperwork, send it to the state and wait for them to send me the paperwork back so I can get of that car whether I title it and sell it as a titled vehicle or get documentation to have it scrapped at a scrap yard. So, that all takes time. My main impound lot is at my building, actually kind of in the building but part of the roof has been gone for years. It's got a fence on the backside with a gate and it's still got building in the front with a garage door so my impounds go there. This lot is just for once I've impounded it and started the paperwork after the 15 days then I can take it over there and park it at the North West Street address waiting on all the paperwork to scrap it or title it to sell it. I do own property on Martin Street, unfortunately the problem with that is there is not enough security, I can't take vehicles down there that I don't actually own, that I don't want destroyed because I've already had umpteen converters cut off vehicles down there, after I put up a fence, they have cut into it. They stole converters they've stole batteries, they've stole headlight assemblies out of cars, they have stolen seats out of cars, and they have smashed windows out of cars out of, I think, 19 cars that were down there. I don't feel it's safe to put stuff that I don't want tore up down on Martin Street. It is fenced in and I do have gates up but they have cut into the fence in the back, I do have one security camera down there because there is no electricity. The West Street address does have electricity so I will be able to put in some nice cameras and all of that once I get all this going. I'm not sure what kind of fence I'm going to put up yet at this time, I was all for a metal barn fence down there on Martin Street myself, but after finding out that they can just cut in and jump over and whatever, and now no one can see them in there stealing you know. It makes me wonder what kind of fence do I really want to put around the West Street address. I do not like to brag about myself very much, but I do feel I am a good pillar of the community. I'm on a couple fire departments, EMT, fire fighter. I support a lot of organizations around here. I have three full time employees plus myself at this time. My wife and I eat out twice a day every day, minimum. And where do we eat, Winchester. Where do we grocery shop, Winchester, where do I buy the materials for the vehicles that I work on, Winchester. Where do I pay taxes, Winchester? So, I am asking that you guys give a favorable recommendation on returning it back to M-2. I've mentioned all the topics I wanted to bring up, anybody have any questions for me?

G. Friend: I have one Rick, I read in your statement that you are going to build a fence. That's absolute?

R. Sanders: Yep, there will defiantly be a fence.

G. Friend: And it will be a fence that can't be seen through?

R. Sanders: I don't know that yet.

G. Friend: The perception of building a fence and building a stock fence which doesn't block the view from the public isn't really a fence I think that the community is looking for.

R. Sanders: There are no stipulations or ordinances that say I have to put a fence up. I'm putting up a fence because I want a fence around it. But I'm not sure what kind of fence I want just because if I come with something like barn metal where you can't see in and people get in there and wreck the place and steal stuff then what good did it really do to put a fence up? Other than trading something better to look at than a car?

G. Friend: My only question is because I think your kind of selling the change with the fence being part of the sales package.

R. Sanders: That's why I'm also being very honest I am not sure what kind of fence I want to put up. If there is a certain fence I have to put up to get this done, I am willing to look at that and discuss that. But, and I get that someone doesn't want a chain link fence that they can see through but on the other hand sometimes I don't want a fence I can't see through, because people are in there stealing. I am hoping that if someone is in there messing around and someone drives by they will call the cops.

G. Friend: I get all of that, I'm just bringing up the possibility of the thought of the community is the perception that a fence would help block the view.

R. Sanders: I'm not opposed to particular sides being blocked in and one side being chain link. Like maybe whatever faces the railroad could be chain link and what's on the east and west side could be blocked in metal fence whatever.

G. Friend: So, is that something that would be required to be worked out with the City of Winchester?

R. Sanders: I don't know.

G. Friend: Because they don't have to accept our paperwork. Would they, if that's what you would get? Would that be something that the City has the final word on? Let me ask counsel. Jason is that so?

J. Welch: They can add conditions as well.

G. Friend: They can add conditions so we are really looking at it was an M-2.

R. Sanders: It was an M-2 before.

G. Friend: Yeah, I went down there and looked at it and everything you said about that is right. I went down and everything around you is M-2. And you did say it's not a glamorous business and it's not, it doesn't look good.

R. Sanders: It's just a business that has to done.

G. Friend: Okay, that's all the questions I have.

President Calhoun: Okay, anybody else?

J. Reece: Have you considered pit bulls? [laughter]

R. Sanders: Nope, not even going to go there, [more laughter] what do I need a pit bull for?

J. Reece: You got intruders. [more laughter]

R. Sanders: So, then my pit bull bites that intruder and then I get sued because my dog bit them. No way. Also, I don't believe in outside dogs, dogs are pets that should be loved and cared for and should be in your home. I'm not against a fence at all. Me personally, my decision a year ago, two years ago was barn metal. But after I got broken into down there and everything destroyed and stolen, I'm still doing this on which fence.

G. Friend: I'm still thinking that Winchester would have the final say over that more than we have. Stipulations can be put on but I personally don't think it's necessary when it's just a Favorable Recommendation and the City would make the final decision.

R. Sanders: I'll have to deal with them on this.

President Calhoun: Do you have any idea of how many cars you might have there at one time?

R. Sanders: No not really. I really haven't measured out how many you could put there or nothing like that. I try not to let them build up too much but I do pay attention to scrap prices. Because by the time I pay one of my employees to drag it in pay for some maintenance on trucks and all that stuff, the paperwork and pay for the advertisements and all of that, I have to make at least \$200 off of scrapping that car. So, when scrap is only \$100 a ton I lose money hauling them in. So usually try to hold them back until the price goes up again it always fluctuates all year long. I'm not a junk yard, I'm not selling parts off of them. I'm not letting people go take parts off them, they do it on their own without asking. I've literally had them jack them up at the barn/warehouse on Jackson Street they have literally taken the jacks out of trunks of cars, jacked them up and taken four rims off the car. Set it right back down on the ground. It's ridiculous what they can get away with when its nighttime and you can't see what they are doing. I can't say that if you did fence it in people would see them. It is what it is but. Anybody else?

President Calhoun: Anybody in the audience want to speak for or against, would you like to come up please and state your name and address.

R. Sanders: Thank you for your time.

B. Denton: My name is Beth Denton. I live at 405 North West Street. And the building in question is in direct view from the windows of my house. I brought this up at meetings before that we have had over

this. That the best predictor of future behavior is past behavior. And a lot of the places that he owns has not, has like he said they are not glamorous. It doesn't look good. And he also brings up himself that down on Martin Street there are people who come in and try to break into those cars and do that stuff. That's not that far down the street from where we live. And it's going to be the same thing there. The same thing in our neighborhood. And most of the houses right around there are, we own our houses. And we take care of them. There are some rental properties and kids in our area. I just don't think it's a good idea or a safe idea. I feel like he should have, he already owns properties, he knows about all this zoning stuff, he should have done due diligence before he decided to buy this property and he didn't. I mean I'm not for it, I know it has to go through the city and they are not for it, they haven't been for it. I'm going to get up and say what I've said the past two or three times I've been here. That's all I have to say.

President Calhoun: Okay, thank you. Is there anybody else that would like to speak up for or against? I see none.

R. Sanders: Can I bring up one more thing?

President Calhoun: Yes, can you come up here please?

R. Sanders: Beth talks about living down there, children and stuff. I believe that property was probably an M-2 when she moved down there. So, anybody could've done anything at that time. So really, I don't see where she has much to say about it because she moved down there buying that house, bought the house...

B. Denton: I didn't buy the house, I didn't buy the house. I inherited it.

R. Sanders: I'm sorry. But even though she inherited it, she didn't have to move down there knowing that everything around there was M-2 or C-3. And they could've done what I'm asking to do now or worse. They could've allowed a manufacturing plant right there. And they could still buy all the other M-2's around me and still do that with it. This is not going to be a place where we are running in and out all hours of the night. This is stuff that is done normally during business hours Monday-Friday normally. I'm not going to say I'm not going to be over there on a weekend moving stuff around, and cleaning stuff up 80-90 percent of the time maybe more, it's going to be during business hours Monday-Friday that anything is moved in and out of there. Like I said the stuff that we pick up, impounds for police at night they all go up town to the main building and be impounded there.

President Calhoun: More discussion from the board members?

D. Johnting: If you don't put a condition on the fence and Winchester does, it will come back here for a Favorable Recommendation to go back to the city to vote on. You're the initiator I understand you kind of want their input on what they want but if whatever you send they can amend it will come back here and then if it's just to say okay we'll say what they said. It'll go back to them and...

J. Hufford: And if we make a recommendation as putting a fence up just on the residential side, I notice everything else is either C-3 or M-2 all the way around there except one side. We could do that way. That way it wouldn't be an invisible fence where people could see in there if somebody was inside there doing anything but it would block the thing from the residence.

J. Welch: You can put a condition on it, but again when it goes to the city, they may want a different kind of fence.

J. Hufford: I know, I was just saying we could still at least say what type of fence and what the City does would be no difference.

J. Welch: you can put any condition on that you want to.

G. Friend: I think, I would suggest that we, however we vote, we vote and we let Winchester start the conditions. It's their community.

J. Hufford: They do that then it comes back to us.

G. Friend: Yes, but so then we have the full input from the community where it's going to make final determinations on it is my thought. And I think also that what you stated about the property should have stayed M-2 is very valid.

D. Johnting: The city actually gave it away as an M-2 property.

G. Friend: Do we need a motion?

President Calhoun: Yes.

Gary Friend: I'll make the motion that we send a favorable recommendation to the City of Winchester, to take it from C-2 to M-2.

C. Applegate: I'll second that

President Calhoun: Okay, roll call vote?

D. Johnting: Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Coy Applegate, yes, Terry Alfrey, yes, Steve Hernly, yes, John Reece, yes, Abby Journay, yes, Tom Kerns. And Amy Alka, Adrian Moulton, Will Greer and Bob Lahey are absent. Favorable Recommendation to go to City of Winchester.

R. Sanders: Thank you all for your time and your consideration. I appreciate it.

President Calhoun: Is there any other old or new business we need to discuss at this time?

D. Johnting: We have a meeting next month. We have so far two petitions, and we might have one more.

President Calhoun: If there's nothing else accept motion to adjourn. Motion made and seconded, meeting adjourned

President Don Calhoun

Vice President, Coy Applegate

Area Plan Director/Recording Secretary, Debra Johnting