

APC MINUTES**MAY 22, 2018**

Members present: John Reece, Aaron Stephens, Jim Hufford, Paula Keister, Gary Girton, Don Calhoun, Andy Fahl, Amy Alka, Adrian Moulton, Missy Williams, Bob McCoy

Members absent: Dan Vinson, Bryn Albertson

Legal Representation: Jason Welch

Staff Present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Ed Thornburg, Andy Wagner, Russ Hodges

President Calhoun: It's 7 o'clock and I will call this meeting of the Area Planning Commission to order. First item on the agenda is the approval of the minutes from March 30, 2018. It has been moved and seconded to accept the minutes of the March 30th meeting, all in favor say aye, all those opposed no, motion passes. The first petition that we're going to talk about tonight is for Union City Assembly. Russell if you want to come up and tell us what you want to do.

R. Hodges: Ladies and gentleman, after we had just changed insurance companies, my new insurance did some checking on our properties and we came to find out that our property at 934 W Pearl, and 814 W Pearl in Union City are zoned R-1 as opposed to M-1. And, from what I understand it has been forever. Some of the houses are zoned M-1. The property across the street is zoned M-1. We originally started business in 1998 basically doing the same thing. What we do, we are a die cast prep company. Our core business is with CM Tech Winchester, CM Tech Union City, and Fort Recovery Industries. We have about 25 employees that work there and since 1998 we really have not changed our core business, it's the same thing we've always done. We really have no plans to change our core business, but per my insurance rep, he said in case something happens this may be a hitch in a rebuild or replacement of the buildings or something like that and he thought it would be a good idea just to get it corrected.

President Calhoun: Does anybody have any questions?

R. Hodges: I spoke to Monty about it and he said, ohhh.

J. Hufford: I know, I am surprised.

R. Hodges: I purchased these buildings from the county probably in 2000 is when they came up.

J. Hufford: It really surprised me when this came up and I saw the address and I really thought they were already zoned M-1.

R. Hodges: Yes, these have been in business since the 70's for the 934 address, the 814 was in the early 80's that they were built.

President Calhoun: Is there any other discussion, if not I will entertain a motion for a roll call vote. It has been moved and seconded to have a roll call vote.

D. Johnting: There are two locations so I will call for APC2018-8-Z which is the property at 814 W Pearl Street, Union City. Don Calhoun, yes, Bob McCoy, yes, Gary Girton, yes, Andy Fahl, yes, Jim Hufford, yes, John Reece, yes, Paula Keister, yes, Aaron Stephens, yes, Adrian Moulton, yes, Amy Alka, yes, Missy Williams, yes, and Bryn and Dan are absent. Favorable Recommendation. And next is APC2018-9-Z which is the property at 934 W Pearl Street, Union City. Don Calhoun, yes, Bob McCoy, yes, Gary Girton, yes, Andy Fahl, yes, Jim Hufford, yes, John Reece, yes, Paula Keister, yes, Aaron Stephens, yes, Adrian Moulton, yes, Amy Alka, yes, Missy Williams, yes, and Bryn and Dan are absent. Favorable Recommendation.

President Calhoun: And next on the agenda is Andy Wagner. Please come forward and tell us what you are wanting to do.

A. Wagner: I sent in some stuff in the packet, basically what I am looking to do is rezone 17.79 acres from Ag Limited to C-3. If you'll look through what I sent in for the general facility plan. The general plan is to use it for an auction facility. We anticipate doing 24 or so auctions there per year. That will be for a variety of things whether it's regular consignments, specialty auctions, hay auctions, fire arms auctions, we are an FFL, we do anticipate moving our license out there. Automotive, any kind of auction like that. Also, at some point we may look into adding kind of day to day operation, kind of a store front, whether it is kind of an accessory dealership for skid steers, or something like that, something that's kind of a low cost thing to get into. But that's certainly not on the front burner, that's definitely on the back burner down the road. And the only other thing that we see at this time that it will be utilized as possibly a banquet facility. Just because our area is grossly underserved with that. I kind of let the cat out of the bag years ago with how good of a deal we have at the Fair Grounds, and now I can't get it when I need it. And so, that's kind of what I am dealing with now and that's why I am sitting here today. So, they have been great to me, don't take that wrong, but we're grossly underserved for banquet facilities and that's something we're looking at as well. One of the hurdles we came up with was simply the waste water treatment. We were looking into the septic plans and those were getting to be cost prohibitive. It was appearing at least that way. I kind of reevaluated the situation and realized that this piece of property I am actually buying off my parents, it's just south of their house. We realized that we own everything between there and the Farmland Wastewater Treatment Plant. So, we went to Farmland and talked to the Farmland Board after talking with Patrick Patterson who is an engineer. Come to find out he actually spent his first 10 years as a wastewater treatment engineer. Did not know that about him. We definitely had some discussions shortly after that. We looked at the viability of doing that. They have preliminarily agreed to allow me to tap into it. I do have to go through some IDEM permits and stuff to get them to sign off because of a moratorium they currently have. But through discussions with IDEM they've indicated that that would be acceptable to them. So, that's my general plan. And I am an open book. Sometimes that's not always a good thing.

J. Hufford: I see you have marked off parking spaces.

A. Wagner: Yes, if you'll look you'll see we do have parking spaces there. We are anticipating approximately 100 vehicles, capacity on it. The way it's going to be coded with the state. I have went through a consultant with the state. The way they code it, my capacity for the gallery will be 297 people and then I'll also have some capacity in the front office area there. I will have to put a fire wall up in order to eliminate the need to sprinkle. But that 297 people I anticipate about 100 cars to bring those 297 people in. At that point also, what you are looking at there that will all be stoned, so we will be looking at some retention as far as run-off goes. We will have some issues to deal with out there, but it's still better than parking on the highway. Like we do sometimes. The building will be 74' x 120' which will be the gallery portion. The office portion on the front which will have one person on a daily basis, there will be times when we have a couple of people out there but it will be one person on the other days. It will be 48' x 60'. I have a general office layout that's going to change a little bit as we build. But the gallery area will be 74' x 120'.

J. Hufford: So it's going on 17 acres?

A. Wagner: 17.79 is what we are actually looking at rezoning. Initially we'll use about 5 of it. But from an expansion standpoint I don't see any reason, other than giving more tax dollars up I really don't see a reason to not go ahead and not rezone the entire thing. I don't want to pigeonhole myself into a situation where I can't expand. Because I don't want to be up here like Russ was a minute ago.

President Calhoun: This will not include your real estate?

A. Wagner: My real estate you won't see a change in that it will all still stay the same in the town office. People still want to go to town and buy their houses. We're going to stay there as far as that goes. This will just be in addition to that. This is an expansion, this is not a change.

J. Hufford: Have all the neighbors been contacted?

A. Wagner: I have spoken to all the neighbors. I spoke with the neighbors that got letters, they all asked if they needed to come up here today, I told them I didn't think so.

D. Johnting: One sent a letter and one called to say they were ok with what you were doing.

A. Wagner: I appreciate that, they'll get a Christmas basket. As far as that goes, I spoke with all them and some others right down the road from me and they were in favor of it, they were just asking me yesterday when we were going to get started on it so everybody I spoke to I didn't have any push back or anything like that.

President Calhoun: Any other questions. I will entertain a motion for a roll call vote. It has been moved and seconded to have a roll call vote on this petition.

D. Johnting: Don Calhoun, yes, Bob McCoy, yes, Gary Girton, yes, Andy Fahl, yes, Jim Hufford, yes, John Reece, yes, Paula Keister, yes, Aaron Stephens, yes, Adrian Moulton, yes, Amy Alka, yes, Missy Williams, yes, and Bryn and Dan are absent. Favorable Recommendation it will go to the County Commissioners at their next meeting.

A. Wagner: If you will please let me know when that will be?

D. Johnting: Yes, I will.

President Calhoun: Is there any new business we need to discuss?

R. Abel: I was going to bring up one of the things we've had trouble with, as you are aware, is the sign ordinance. And so the Commissioners have accepted a bid to fix our sign ordinance. Through this GRW Engineering Company. The representative would be Debra Luzier, and she was a local person, I believe her dad was Don VanDam, and he actually sat on this board a long time ago. And she has a good background. She has been the director for at least 3 different communities if not 4. And she currently is the one doing the work for this GRW Engineering as far as planning codes. Her specialty is taking a Building Ordinance and a Subdivision Ordinance and putting them in to what is called a Developmental Ordinance. So, by combining those you're fixing a lot of the problems with both of them actually, with definitions, and so forth. I have some information here I got off the internet, I will just read down through some of these and see if you think any of this fits our ordinance:

"Awkward and confusing ordinance format and structure"

There's times where I have had to look several times to even find what I was looking for.

"Unclear and sometimes contradictory language"

"Standards and requirements are difficult to meet or that result in excessive variances"

We have already had to tackle several of these and have passed several amendments that solved some of those things but we still have a lot of issues I think that could be met through a reorganization of the ordinance.

"The lack of sufficient, clear definitions"

"A lack of graphics and illustrations"

If you get on the internet and just type in developmental ordinances, and get on Noblesville and Fort Wayne, if you get on some of those you'd be amazed what a difference those graphics make when they are giving the definition and the requirements of setbacks, it's a pretty big difference. It's a lot more clear for not just us, but for everybody that's involved in planning.

"Insufficient incorporation and encouragement of smart growth practices for long term sustainability"

And since we did just pass a new Comprehensive Plan I wanted to make sure that everything in these ordinances obviously that's the purpose of the zoning ordinance it's supposed to support what the Comprehensive Plan sets for the goals for the community. There are several things in here like that. We really believe that by combining these it will facilitate the operation of our office and make everything run smoother. And hopefully we won't have any more issues of enforcement. Because she will go through and make sure that everything is up to date, not just to Indiana Code it's whatever the Supreme Court rules. The issue with the sign ordinance was not about Indiana Code, it was a ruling of the Supreme Court. So, it's not that we didn't meet the current code, as soon as the Supreme Court made that ruling it threw everybody's ordinance out the window. And so now the ACLU jumps all over it and everybody is kind of scrambling to get ahead of it. So we want to make sure that we stay up

to date and having her as part of the group that's forming this, she will also inform us I'm sure in the future of any changes that we are going to be needing because of court cases or changes in the code. And if you'll look in front of you I put a sheet here, it's a pricing sheet. And she gave us several different options here and she can either go through and do them piece meal, like she has agreed to go ahead and fix the sign ordinance for \$1900. That was one issue that we needed immediate action on. And one of the things on the second page that I really think is a good idea, she's offering us in the package deal offering training for the APC, the BZA and our office staff. And I think that's something that we absolutely need, but I think it would be something that is very beneficial for this group any way. I definitely think that it would be a big benefit to have that training. And it would also help us to understand the ordinance too after it is re-developed. It will help us understand the terms and everything. She's also willing to go through the paperwork in the office, some of the forms that we have and she'll go through all of that and she'll reorganize pretty much everything. I'm not sure a lot of it is going to be a drastic change but definitely when you look at the new ordinance everything is going to be numbered differently and it's going to be easier to find. The table of contents is going to be easier to understand.

D. Johnting: When we took over a couple of years ago all we had were forms typed on a typewriter in a book. There was nothing on the computer, we had no way to make changes, we had no idea if they were even valid forms. She came in on a visit and said, "Let me have those", and she took them with her, took them to her office, scanned them all into word and emailed them back to me just to help us out with nothing in return. She just said you need this. You can't survive this way, nobody has time to type fifty forms into the computer and run the office. And we had 5 hearings that October and we were in the midst of just trying to find our way around.

B. McCoy: As it stands right now the Commissioners have approved the \$1,900 to fix the sign, what about their thoughts on the rest of it?

R. Abel: What they have requested, and wanted to run it by this board and they wanted to see if we would give them a recommendation to proceed and what way we would want to proceed. My recommendation would be to go with the total program of the \$33,000. Of course when you do that I'm sure we're going to end up going to council and trying to convince them also.

J. Hufford: The training sounds great, but this board has a lot of turn over. Is that going to be continuous, as new people come on board?

R. Abel: Well, hopefully some of the training will be in hard copy, either that or a power point on the computer that we can repeat. Actually I have pamphlets in the office that are sent out by the Indiana Area Planners Guide. And it would be something similar to that but you can go through those planner guide and it goes through that step by step of what's required.

B. McCoy: I think it's worth taking it before council, and you know there's a lot coming before council right now, there's the County 911, fixing the court house, there's just a lot right now. But I think you should bring this, because I know the struggles you guys have had from day one.

D. Johnting: Before I got sick last year we had actually formed a committee, and one of the goals was to be able to say, ok, I want to have a coffee shop, where can I do that? And look across a

sheet... instead of saying, ok I'm in C-2 I think, can I do that there? Or where would that work. Just the enormity of what she could do for us, I don't know if we will get done what she could do for us before we retire. If we could we would, we have done as much as we could.

R. Abel: Right, two of our biggest deficiencies are the definitions and a list of land use. If we had similar land uses, in a table where we could just look and see what could go where, right now we just have to decide if it is similar to something that's already there.

D. Johnting: I had a call one day, someone called and said where can I put a gas station? Gas station is not on the list. It may be an obvious thing that you'd expect to see on the list? So we had to look around the city and see what the gas stations were zoned. I don't think that's the best way to do it. There have been some close calls with the ordinance and loopholes that people could have taken advantage of and we have been trying to find and fix those.

B. McCoy: Like with Russ Hodges from Union City, I think if something would have happened and it would have burned down, he would be—well, he can't rebuild in a residential, you know what I'm saying? I mean, I think there are a lot of things that I think we are just seeing now, we had no idea were in that ordinance.

J. Hufford: Well, it's not just in Union City, I know Winchester has a lot of zoning problems also where things are zoned wrong. It's all over the place. And it's hard to correct.

D. Johnting: Yes, he fixed a problem for us.

R. Abel: I made a few phone calls around, to see what something like this would cost. Of course, it's hard to compare apples to apples here, because you talk to Fort Wayne and it cost them \$200,000. And Evansville the same way, they were over \$100,000 or close to it. So it's pretty hard to compare apples to apples but I will say this company's name did come up frequently and they were all very encouraging that this was a good company. So, when you look at the \$33,000 that's required here, and looking at what other communities have spent this just looks like a really good deal for what she's willing to do for us.

B. McCoy: We're down to \$31,100 now though, right?

R. Abel: [laughter] Oh, right. She's agreed to fix the sign ordinance for \$1,900, and if we do the rest she will take that off the \$33,000.

D. Johnting: I looked up the group she belongs to, AICP, which is American Institute for Certified Planners. And I read a little about what they do. They do a lot of community service, they donate a certain amount of time yearly to at-risk, in-need communities, which was one reason why she took our forms and scanned and converted them. They know the struggles of a smaller community with a smaller tax base, less money to work with. And yet we still need to have forms, and a Unified Zoning Ordinance. And we still need to be compliant. It's just a really good group that she's part of. That and the fact that she just has a heart for Winchester and this office. And I hope whoever we choose to do the ordinance has an affiliation with the group.

President Calhoun: So basically, she'll just take the ordinances that we have now and...

J. Hufford: So, the CAFO ordinance, for example, she's not going to rewrite that?

R. Abel: No, a lot of what she'll be doing is formatting and organizing. It's kind of like the Comprehensive Plan, we'll still have a steering committee involved and I would hope that a lot of you would want to be involved in that because you're a little more aware of what's in the ordinance and what requirements might be needed to be changed. So this is a good opportunity not only to unify the two ordinances if there's changes that need to be made. She's seen a lot of these written so she knows the wording that's in other ordinances that can be applied to ours so I have kind of been going through the computer making a wish list. Looking at other ordinances thinking hey, I like that wording and I like this wording, and why don't we do this, you know, to do something like that I'm sure she's got a model ordinance she deals with and she starts plugging in numbers and it would be a good opportunity for us to add things or take out things that we want to change.

J. Welch: Well, Randy and Deb have already changed a lot of things and made improvements, but it would take them fifteen years at this pace to make the corrections that she can make in six or eight months. So, she could go through this a lot quicker and in just a few months.

D. Johnting: Simple things that are not identified as uses are most frustrating. When someone comes in and asks where they can do something very normal, but it's not on the list and the thing you find that it is the closest to is something that you'd never find in Randolph County. We were talking today about denture makers or something like that, like not finding gas station there. That's been very frustrating. And you can't think of everything until it comes up but she knows. She would have a list and we should just be able to pick from that.

R. Abel: So what we need is for the APC to make a recommendation to the Commissioners and the Council. And I would ask that you recommend the whole program.

B. McCoy: So moved.

J. Hufford: Second.

President Calhoun: It has been moved and seconded that we take this to the Council and the Commissioners and see if they will approve it. All those in favor say aye, [aye] all those opposed no, [none]. That's unanimous. Thank you very much.

G. Girton: I think this is the way we want to proceed because it's kind of along the lines of the Comprehensive Plan. We found that the Comprehensive Plan was outdated. And we are going along and trying to correct all these things. We have spent all this money over the last 50 years on the Zoning Ordinance and Comprehensive Plan and hopefully we're going to keep it updated on a regular basis and this is just another part of the piece and we're trying to correct these things as we go along. Just like what Bob was talking about we spent an evening last week talking about needs that we've got to do, for example, maintaining the court house structure on the outside. We're going to build a new highway barn, we've got issues with communication. We're looking at anywhere between a million and two million dollars for that and we've just got a lot of things so we're trying to put all these things together and come up with an issue where we can bond all of this into one bond so it designates a tax break and it'll be then as the bonds come off of the court house and other properties that the county

owns, as they are removed then this will just come on and be picked up. So it's just going to be a rollover. So we're going to be able to maintain our structures, add to and improve as we go along, and it needs to be that rather than let everything get so far along that it costs us \$150 million instead of \$8 to \$10 million dollars. So, I think this is just part of it. And, we've this discussed at the commissioners meetings, that's from our perspective.

B. McCoy: And this could actually come out of wind if they so choose, right?

G. Girton: We could, but we've got other places we could take it.

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

R. Abel: We're still waiting on a solar ordinance. So, I don't know if the committee still wants to meet and maybe go over residential uses, or if we want to wait and see what they come up with and see how we want to develop it at that time? I guess I could meet with the volunteers afterward.

G. Girton: Have you heard anything?

R. Abel: He said he had it in his office and I assumed they were going to tweak it and send it. I made the mistake of asking them the requirements that the military had on so many acres of solar panels in their flight path and they go, oh, we didn't figure that. Because I read about it in an ordinance out of North Carolina that after so many acres of these panels if it was in the flight pattern that they had to get approval from FAA and from the military also.

J. Hufford: What effect do they have, how would the FAA want to look at that. I can see where the turbines would have an effect.

R. Abel: Yes, for the reflection area, I think it's more of a notification that these are here so you might not want to fly your F-15 right smack dab over it, and be trailing somebody and get blinded. It's more restrictive when you put them on site of an airport. But after you go over so many acres of them they are more restrictive and you have to notify the FAA and the military.

D. Calhoun: If there is nothing else I will entertain a motion to adjourn, I thank everybody for coming.

President, Don Calhoun

Vice President, Bob McCoy

Secretary, Dan Vinson

Recording Secretary, Debra Johnting