

**APC MINUTES**

**AUGUST 22, 2017**

Members present: Adrian Moulton, Paula Keister, John Reece, Andy Fahl, Bob McCoy, Gary Girton, Jim Hufford, Bryn Albertson, Dan Vinson

Members resigned: Phil DeHaven

Members absent: Don Calhoun, Leesa Friend, Amy Alka, Rex Amburn

Legal Representation: Jason Welch

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

Others present: Susie Girton, Jim Tharp, Ed Thornburg, Bill Keister

Vice President Bob McCoy opened the August 22, 2017 meeting of the Area Planning Commission at 7:00 pm.

Vice President McCoy: We have a new member tonight, so if everyone would like to go around and introduce themselves so everybody knows who everybody is, starting with that gentleman over there.

J. Reece: John Reece, Lynn

B. Alberson: Bryn Alberson

A. Moulton: Adrian Moulton

A. Fahl: Andy Fahl

P. Keister: Paula Keister, Farmland

D. Vinson: And Jim I know you, and Gary.

Vice President McCoy: The first thing on the agenda is approval of the minutes from July 18. Did everyone have an opportunity to look over them? Are there any changes? It's been moved and seconded to accept the minutes from July 18, 2017. Do we need a roll call vote on that? First item on the agenda is APC2017-20-Z, White River Township Fire Department. Trustee Susie Girton do you want to come forward and tell us what you want to do?

S. Girton: Susan Girton, White River Township Trustee

J. Tharp: Jim Tharp, I am the Fire Chief of the White River Township Fire Department.

Vice President McCoy: And basically what are you wanting to do?

S. Girton: We have nine acres of ground north on old US 27, the address is 1023 North. This ground was purchased in 2007 with the hopes of someday building a new fire station. So, our grant application is going to be submitted in September, and we're hopeful that we'll be able to put a new fire station on

that plot so we have to have three acres of it rezoned so we can do that. We've been in our present building since 1952, and these fellas have never had an actual fire station. It was the old laundry mat and car repair shop on one end. And it's been refurbished and now they call it their fire station. The trucks are too big to fit in the building now. We can't improve upon our pumper tankers because you can't get anything that is short enough that will fit in it. And the guys knock the door frames off when they pull out so for the safety of the community we need to move. And since we already have this ground that's what our intentions are right now.

Vice President McCoy: You are going from Residential to a Commercial 2? Do you have anything to add to that Jim?

J. Tharp: No. I think she did a pretty good job of that?

Vice President McCoy: Has the board got any questions for them?

S. Girton: I will say for the community, the neighborhood we'd be moving into, this is probably the neatest group of guys I have ever worked with. You can go by the fire station any time, and nothing's left sitting out. They keep it very neat and orderly. And one thing that I thought I think we have one house there, the noise. These guys went out on a rescue run last week, and I'm in the little house right next to the fire department and I didn't know they left. They'll have their lights on but they don't make noise unless they have to. I went over and nobody was there and I didn't know where they went. As far as traffic we have one man on duty 24 hour shifts. And it isn't a building that's going to have a lot of in and out traffic.

Vice President McCoy: So it's really not going to change as far as staff?

S. Girton: No. The only thing that might change down the line if we do get this building they'll have the area to work with, the room to work with, some of the guys on our volunteer association would like to start a cadet program. And we really don't have the room where we're at now to do anything. But I think that would be a plus. I think it's an economic development plus for Vision Park to have a fire station as a neighbor.

Vice President McCoy: It might lower their insurance.

S. Girton: It might.

D. Vinson: These two properties across the street those have people living in them. And they were notified, and I assume they have no objection. They're not here. Who owns just north of that?

S. Girton: That's Bud and Rosemary Sears.

D. Vinson: So all you have is this little square? I was looking at that and I wondered why it wouldn't have been closer to have a cutout on that Vision Park Road.

J. Tharp: We're not that far out, we'd be in the concrete driveway.

D. Vinson: Right, I see that.

S. Girton: Yes, go right around Rosemary and we have access to US27.

J. Tharp: Yes, and we won't be fighting school traffic, and the children walking down the street.

S. Girton: And for this grant application we had to do a community impact section and the lady from the state came in and one of the guys pulled the largest truck out, and it was still three feet inside the building. She said, "well my goodness these kids have to walk in the street". I said, "pretty much, we just don't have the room. The building isn't big enough to work on the trucks inside so we have to pull them outside and we're doing the best we can but it's a safety risk for people. So, we're trying to get out of their neighborhood."

D. Vinson: Does this say 86'x53'?

S. Girton: I gave all my papers away. The building is 88'x88'.

D. Vinson: And that will give you 5 doorways? So your little weed runner will fit?

J. Tharp: And we can double stack two of them, or three of them...

D. Vinson: Is this whole area part of the garage?

S. Girton: Yes, the plain area is all the bays and we're going steel construction so we won't have poles in the way and they can utilize the whole space.

J. Tharp: It's an open concept.

S. Girton: We'll have two twelve foot overhead doors and three fourteen foot.

Vice President McCoy: Will you be able to tap into city sewage right there.

S. Girton: Yes, water and sewage.

J. Tharp: All the utilities.

D. Vinson: That was all annexed in the city limits out there wasn't it?

S. Girton: Our square that we're building on will be in the township, but we're right there with the city utilities.

D. Vinson: Yes, those utilities ran out there, I&M, they go clear out to Danny Hill.

S. Girton: So, that saved us from drilling a well and putting in a septic system.

D. Vinson: Yeah, this has been in the works for a long time. They have been talking about it for about fifteen years at least.

S. Girton: The original plan for this building Stacy Lewis and Dennis Brown came up with it. And these guys took it and came up with a first run, and got a price tag of a million two, so we brought it back and cut it in two and started over again. I think it's right around \$864,000 is the total project, and

I think it will be an asset to all of us. Then, we can think about replacing our 24 year old pumper tanker.

Vice President McCoy: Anybody else have anything to add, audience? Ed, do you have anything to add?

E. Thornburg: No, just that they have done a lot of work on getting it ready, they've done their homework on it, and it's good site.

D. Vinson: No drainage issues?

E. Thornburg: No, the water goes straight to White River.

S. Girton: We got our archeological survey and we don't have any mounds.

J. Tharp: No Indian burial grounds, that was a big plus, too.

S. Girton: Our archeological surveyor said not too many people read the survey when they get it back, and I didn't realize it was forty pages when I hit print. There was a lot of things that the gal in her diggings that she came up with from going years and years back. There were buildings out there, it was the Kiser family. She found pottery, little shards and pieces. I'd be glad to show it to you.

Vice President McCoy: If there are no further questions, I would entertain a motion for a roll call vote. So moved and seconded. Debra, roll call vote.

D. Johnting: Bob McCoy, yes, Adrian Moulton, yes, Paula Keister, yes, John Reece, yes, Andy Fahl, yes, Gary Girton, yes, Dan Vinson, yes, Jim Hufford, yes, Bryn Alberson, yes.

J. Welch: Favorable recommendation before the City Council of Winchester.

D. Johnting: It is a favorable recommendation for the City Council of Winchester and I asked Vicki today if you needed to be there and she said no. It is on September 4<sup>th</sup>, or the 5<sup>th</sup> since it's Labor Day. I will find out and let you know.

Vice President McCoy: Thanks for coming in.

S. Girton & J. Tharp: Thank you all very much.

Vice President McCoy: Ok, now for amendments to the Unified Zoning Ordinance, 2017-2-A. I guess it would be best if you guys would explain this.

R. Abel: We've already made one change on it, it's 2017-2-A. I forgot we had already done the Subdivision Ordinance. Basically the first two are just changing the definitions and the definition of interested person changing that to basically to include anyone within a required setback. And basically when this definition was done we didn't have the CAFO Ordinance in there so the 250' just about covered everybody. The CAFO could go up to 3,000 feet so we wanted to include that interested person whose going to be notified of a variance could be anybody within that setback that's affected. So, that's why we're changing that definition. The second one basically is lot area. And it's to line it up

a little closer to the Subdivision Ordinance, because in the Subdivision Ordinance we included anything that needed a septic system to be buildable acres. Because that septic system can't be placed in the flood plain, or the right of way or the easements. So, in defining lot area we wanted to exclude those areas when we were describing buildable lot area for a home or something like that, or a business that's going to need a septic system. On the third one, and we've talked about this, earlier in other meetings, basically we've had a lot of people come in who want to purchase a property that's across an alley and build a garage. And, of course, the way the ordinance is that we are not allowing people to build a garage on an empty lot. And basically that's to protect the homeowners around that area so that someone doesn't come in and buy that ground and put up a garage and then start piling cars and junk in it. Of course it's not going to affect their property value but it's going to affect the adjoining property value. So, we feel like that if somebody owns the house across an alley you've got some skin in the game there, you are going to take care of it, because it's going to affect your property values also. The other part in there was put in it has to be done with the approval of the administrator. So, in the placement of these, what I am going to look at...some of these lots are real deep, and so if you've got houses that are set way back, I have to look at the setback and make sure that a garage is not going to be sitting in front of a house, I'm not going to let that happen. And if there's any question as to the placement, and if they don't like my decision, they can come back to the BZA and appeal my decision.

Vice President McCoy: So it's left up to your discretion.

R. Abel: Mostly my discretion. Yes.

J. Hufford: And this would take away where they have to have a house on the lot before they build a garage?

R. Abel: As long as it's across an alley.

J. Hufford: Right, that's what I'm talking about. The way it is now if they want to put that building there they have to have a home there first.

Vice President McCoy: It's come up a lot.

R. Abel: I'm pretty sure we have two or three people who will be getting permits as soon as this goes through. It's been an issue that's why we think this will just help out the paperwork, otherwise everyone's going to be trying to get a variance and we don't allow a variance for that. That's just been my personal decision that we've seen things like that happen in the past and I believe that this is to protect property values and I think in the best interest of the community this is what we need to do to protect property values.

D. Vinson: Now that's only when it's across an alley.

R. Abel: Only when it's across an alley.

D. Vinson: So if there's an empty lot next to it adjacent to a property owner then he gets that property then there's no issue with building on that lot.

R. Abel: No, not if it's right next to it, if it's right next to it he would just make a combination.

D. Johnting: This would only be in a case where if they could combine it, they would. If the alley or obstacle were not there, there would be no hindrance in combining the two lots.

D. Vinson, Right, but if there's an alley there...and with the way we are starting to take down some of these old houses, it is creating some empty lots. People across the alley want to buy it and put up a barn.

R. Abel: And the other option a lot of people are looking at, they might not be across an alley, but they are looking at buying these lots and changing the zoning on them.

D. Vinson: Oh, yes?

R. Abel: Because if it's a C-1, you could build it without a house. So, I think we need to keep extra special watch on this, that people don't try to get around the rules, by rezoning, because that could be an issue.

D. Vinson: Rezone from an R to a C?

R. Abel: Right, then you'd have a C right in the middle of residential and he's going to put a garage there...

D. Johnting: And he does not want to live there.

R. Abel: And he doesn't live there. Right, you don't know what's going in there. And once he sells the property now you have no control over the area. Maybe he just wanted to store shop tools in there, but maybe the next guy wants to put in a tattoo parlor. Once it's zoned, it's zoned, there's no going back. So, that's another thing we were trying to do and we had a committee meeting trying to figure out how to do more conditional uses and less zone changes. That way in a conditional use when that use is done it doesn't stay there, it's not like zoned forever. It reverts back to ag or whatever it was before.

Vice President McCoy: Very similar to what you just did with the VOA not long ago, the Fresh Start Recovery Program, the Winchester House conditional use.

D. Vinson: When you say zoning can't go backwards...

R. Abel: Well it can if you apply for it. Whose going to own a property that has a C-1 on it which is going to be more valuable, and going to come in here and want to rezone it? We actually had, and I don't know how they got zoned this way, we're kind of stuck in the middle, but there are several properties that are homes in C-3. Homes are not allowed in C-3. So we're kind of stuck in the middle. So now they come in and they want to build a garage. And we say, well, you're not supposed to even have a house, much less a garage. So we're getting stuck on a lot of these issues, I don't know who rezoned them, or if they were just zoned that way to begin with.

Vice President McCoy: Aren't there a lot in downtown Winchester like that?

R. Abel: There are a lot in Winchester. And the city didn't want to really act on that did they?

D. Johnting: Well, we have to know, did someone actually go through a hearing to have it rezoned? And are we taking it away from them if they had a hearing to rezone? I am working on a history from 1975 to now, and when that is done we'll be able to tell if there was a hearing on a property or if it was just labeled that.

D. Vinson: How far back does your history go?

D. Johnting: 1975.

D. Vinson: That's as far back as you go?

D. Johnting: That's as far back as we go.

D. Vinson: Yeah, that's what I mean.

J. Hufford: Probably that zone was put on those lots and no one even knew, and then they built homes there in C-3 and no one really cared.

D. Johnting: And when the zoning was put in, some of these homes are around Overmyers, other businesses, some of the city planners were thinking well, they'll tear these houses down and we'll have all this commercial space there and commercial will come in. Well, the houses never got torn down, they're still there. They come in to add on a front porch or build a garage and then the homeowner has the money to build a porch, they don't have the money to rezone. They didn't intend for this to be a C-3.

R. Abel: And some of them are in manufacturing.

Vice President McCoy: Are their taxes higher as a result of the zoning?

R. Abel: No, because taxes are based on the use of the property. We come across that all the time. We have a place where the banks calling us up and said no, this is not zoned right. And we say, no the taxes are based on the use.

D. Johnting: The assessor's office doesn't even know what the property is actually zoned and they don't care. It depends on the use.

J. Hufford: Yeah, we have a large section of that in Union City with the manufacturing M-1 and M-2. The only time we really run into a problem is when they try to sell the house the bank will not make a loan.

D. Johnting: The bank will make them make the zoning right. Because, if the house burned down, and it's M-1, they can't rebuild until they rezone. So, the bank is assured that it was passed, and that the zoning is correct if the house is destroyed it can be rebuilt.

D. Vinson: I think your analogy is correct for Union City with those industries that were right there, were buying up those old houses. A lot of them got moved, they are scattered all over town, and a lot of people held out probably for more money and then the bottom fell out. And now we've got a bunch of homes setting in commercial and manufacturing.

D. Johnting: And if they burnt down today we wouldn't let them rebuild until they had a zoning hearing. Well, the bank doesn't want to take a chance to see if it would pass, and the house would sit empty and they would lose their money. So, the bank makes them rezone prior to loaning money.

R. Abel: So that's the three amendments, are there any questions on there that anyone can see?

Vice President McCoy: Now do these go to the commissioners once we approve them.

R. Abel: They'll go to the commissioners and all the towns and cities.

J. Hufford: Do you want a motion for these? Do you want them all together or separately? Ok, I will make a motion that we accept the three amendments to the Unified Zoning Ordinance as written.

D. Vinson: I second that.

Vice President McCoy: We need a roll call vote on that?

D. Johnting: Bob McCoy, yes, Adrian Moulton, yes, Paula Keister, yes, John Reece, yes, Andy Fahl, yes, Gary Girton, yes, Dan Vinson, yes, Jim Hufford, yes, Bryn Albertson, yes. Favorable recommendation.

Vice President McCoy: Do we have any old business? Were we talking about animal units at one time?

R. Abel: It would probably be easier after I am looking at this other thing on the listings on the intended uses and how instead of rezoning we could use conditional uses, and that is a long, long list. We have a lot of duplicate things that we can combine. So probably it would be quicker to get 4-H animals taken care of first.

J. Hufford: There's a lot of that in there that could be conditional use.

R. Abel: The 4-H committee was Don Calhoun, and Julie Elsbury, and Julie is gone.

D. Johnting: Well, can we replace Julie with Amy?

R. Abel: Andy Fahl was on that, and Bob McCoy, maybe we ought to try to get together sometime. I did find a little information on that that might make it easier.

Vice President McCoy: I think you're on the right track with conditional use.

D. Johnting: We have that and then primary uses that are not listed anywhere in the Unified Zoning Ordinance that should be there, such as a gas station. There's parking, signs, other things pertaining to a gas station, just no gas station.

Vice President McCoy: Something that came up last night that I never noticed before, was the paving. Has that always been in the book that you are required to pave? And how many people are there who have just never bothered to pave?

R. Abel: Well, that's more for your big box stores, with heavy traffic, stores next to them who don't want to deal with the dust issue.



D. Johnting: And when they have to mark handicap spaces, that kind of thing. It catches the storage units, but...

Vice President McCoy: But then we can kind of say it's ok, I get that why they wouldn't want to pave a storage area.

R. Abel: We've got several places like that in town, and really unless somebody comes to us and complains, we don't go back and see if they got a variance.

D. Johnting: If it was McDonalds, or TSC, or someplace like that they wouldn't want not to pave.

J. Hufford: Could we use the conditional use in this area?

R. Abel: You could just put an exception in there.

J. Hufford: That's what I say, yeah.

Vice President McCoy: Do we have any new business?

D. Johnting: Phil DeHaven resignation.

R. Abel: He was the BZA appointee from the APC.

Vice President McCoy: So Dan will serve on both as well?

D. Vinson: I don't care, I'm ok with that.

Vice President McCoy: So do we need to ask Dan or just tell him that's his new job? Dan, would you like to serve on the BZA?

D. Vinson: I certainly would.

Vice President McCoy: Would anybody like to be the secretary of the APC? Who is the secretary of the BZA?

D. Johnting: We don't have one, Chairman and Vice Chairman.

Vice President McCoy: Would someone raise their hand to be the secretary?

D. Johnting: Phil did run several meetings, if that makes a difference.

D. Vinson: That will be fine, I'm fine. I will do that.

Vice President McCoy: anything else to report on from officers or committees.

R. Abel: We have been contacted by a group who is interested in a solar farm. And we do not have a solar ordinance. So, it's EDP Renewables, and they helped them do the rough draft of the Windmill Ordinance. They have volunteered to do a rough draft of a solar ordinance for us. And that's been a few weeks ago. We really want to get something done before the first of the year.

Vice President McCoy: Do we have any counties close to us that do have panels?

J. Hufford: Henry County.

Vice President McCoy: Does Henry County, you talking about the ones right on the highway?

R. Abel: We're waiting on a rough draft for them, and I have pulled up several from the internet, so we can kind of prepare. But that's something that's going to be coming up pretty soon, I assume September or October.

Vice President McCoy: So, has anyone given you an idea of how many panels, or how much acreage?

R. Abel: I wrote it down and I don't remember now. It's a lot of acreage.

Vice President McCoy: We won't get the money we got out of the windmills, though, will we?

R. Abel: It depends on what they write up.

E. Thornburg: The guy who talked to me thinks spring, and was looking at 200 acres. At that time they were looking at three different sites in the county and they didn't pick any of them. But they were looking at 200 acres and to use it they have to shape it to fit. It's not just a matter of shoving poles in the ground.

Vice President McCoy: That's good news, really. Anything else?

D. Johnting: We do have a meeting in September, we have one petition.

Vice President McCoy: if there's no other business, I will entertain a motion for adjournment. It has been moved and seconded to adjourn the meeting, thank you all for coming.

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President, Don Calhoun

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Vice President, Bob McCoy

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Secretary, Phil DeHaven

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Recording Secretary, Debra Johnting