

**APC MINUTES**  
**OCTOBER 21, 2020**

Members present: Amy Alka, Will Greer, Steve Hernly, John Reece, Andy Fahl, Steve Hernly, John Reece, Andy Fahl, Don Calhoun, Gary Girton, Jim Hufford, Bryn Albertson

Members absent: Adrian Moulton, Tom Kerns, Bob Lahey, Terry Alfrey

Legal Representation: Jason Welch

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

Others present: Lyle Long, Tina Prescott, Larry Lennington, Jaime Tapia, Mariel Nunez, Rick Sanders, Jim Nunez, Jr., Jerry Phenis, Beth Denton, David Sloan, Darren Sloan, Bob McCoy, Ed Thornburg, Claudia Thornburg

President Calhoun: It's 7 o'clock now so we will go ahead and start the meeting of the Area Planning meeting. First off, we've got a new member on the board, it's Will Greer, if you'd like to start, Andy, and introduce yourself all the way around.

A. Fahl: Andy Fahl, I live down at Lynn, I'm the County Council rep.

A. Alka: I'm Amy Alka, I'm the County Ag. Educator.

B. Albertson: I'm Bryn Albertson and I represent Winchester.

G. Girton: Gary Girton, Commissioner.

J. Hufford: Jim Hufford, representing Union City.

President Calhoun: Don Calhoun, and I represent the Commissioners.

R. Abel: I'm Randy Abel, Director.

J. Welch: Jason Welch, board attorney

D. Johnting: Deb Johnting, Area Planning

J. Reece: John Reece from Lynn

S. Hernly: Steve Hernly from Farmland

W. Greer: Will Greer, Parker City

President Calhoun: We've got two sets of minutes to approve, June 17<sup>th</sup> meeting, is there any corrections or errors that needs to be changed? If not why I will accept a motion to accept them.

J. Hufford: I'll make a motion that we approve the June 17<sup>th</sup> minutes as presented.

President Calhoun: Ok, it's been moved and seconded that we accept the minutes of the June 17<sup>th</sup> meeting. All those in favor say aye, all those opposed no, motion passes. Ok, the minutes from the July 22<sup>nd</sup> meeting? Is there any corrections to that? Seeing none, I would accept a motion to accept the minutes.

J. Hufford: I make a motion to accept the July 22 minutes as presented.

President Calhoun: It has been moved and seconded to accept the minutes, all those in favor say aye, all those opposed no. Ok, that's taken care of. First on the agenda tonight is APC2020-15-Z, Jaime and Mariel Tapia, if you'd want to come up and present what you're wanting to do.

### **APC2020-15-Z Jaime & Mariel Tapia**

J. Tapia: Thank you everyone for having us.

President Calhoun: Ok, go ahead and state your name and address for the record if you would.

J. Tapia: Jaime and Mariel Tapia, so right now we are in 335 W 5<sup>th</sup> Street, Anderson, Indiana, 46016. So, what we're wanting to do is we're opening a bakery in Union City, and the zoning is what we are here for the next step to get things rolling. We do have an architect currently working on plans for us to present sometime soon. With renderings and concept drawings but that's our main goal for the zoning to get that how it is supposed to be.

M. Tapia: Because we are residential right now so we need to move it to residential.

J. Hufford: It states in here that you are going to use the upstairs for banquets and stuff like this also?

M. Tapia: Yes, initially, we were planning on doing a bakery in the bottom portion and living upstairs, but we have recently been trying to buy the house behind the building so we decided to make the top portion like a little reception hall for businesses or small gatherings to generate more money for us besides just the bakery.

J. Tapia: So it would be open, like an open venue, whether it be for parties or city meetings. Because we plan on doing things a lot with the community. So it would be an open area to be able to host things there, upstairs.

J. Hufford: I might state to the board that the location that they are doing used to be Key's Plumbing and it was in there probably for 50 or 60 years, and it was probably zoned R-2 even when that was in there. You have a lot of that in these small towns, so, but everything that is around that is commercial except for a couple of houses I think maybe on the south side. Otherwise it's all commercial.

President Calhoun: Anybody else on the board have a question? Is there anybody from the audience who is for or against or has any comments to make? Seeing none I will entertain a motion to call for a vote.

J. Hufford: I make a motion that we call for a vote.

B. Albertson: Second.

President Calhoun: It has been moved and seconded that we take a vote.

J. Welch: This is for a favorable recommendation.

President Calhoun: We will take a vote for a favorable recommendation.

D. Johnting: Gary Girton, yes, Jim Hufford, yes, Bob Lahey is absent, Bryn Albertson, yes, Terry Alfrey is absent, Amy Alka, yes, Adrian Moulton is absent, Will Greer, yes, Steve Hernly, yes, John Reece, yes, Andy Fahl, yes, Don Calhoun, yes. Favorable recommendation.

President Calhoun: So, that's a favorable recommendation, now it will go to the town board of Union City for them to make the final decision.

J. & M. Tapia: Thank you all.

President Calhoun: Ok, next on the agenda is APC2020-14-Z, Rick Sanders. Is he here? Is there anybody here to represent him? So, now what do we do?

J. Welch: Well, you can either deny the petition, or vote to table it to the next meeting.

President Calhoun: Has anybody heard from him?

D. Johnting: I haven't, I sent him an email reminder, that's what I do with everyone. Should I go find out if he's on his way?

J. Welch: Yes, if you can since everyone is already here....The rules say that if he does not appear, then the petition is considered withdrawn unless somebody moves to continue this to the next meeting and then a majority of the board votes to do that. So, it's going to be up to you. If nobody wants to move this to another night it's going to be considered withdrawn. [Deb went to call]

J. Hufford: I make a motion to recess for 15 minutes.

A. Fahl: I second.

President Calhoun: It has been moved and seconded to take a 15 minute recess to wait for Rick.

### **APC2020-14-Z Rick Sanders**

President Calhoun: Ok, our recess is over with now, so is Rick Sanders here? If you want to come up here and state your name and address and explain what you are wanting to do.

R. Sanders: Rick Sanders, I reside at 406 S Brown Street, here in Winchester. I just recently purchased the old Prescott Seed property there on West Street, 400 block of West Street. And it was M-2 before and the last person that had it turned it into C-2, and I'd like to go back the M-2 which is what every property around it is now. M-2 would better fit the purpose of my business and things I am wanting to do there.

President Calhoun: So you are wanting to use it for a towing yard?

R. Sanders: Yes, storage, put up a 8-10 foot fence, so it doesn't look trashy and all that. Use it for vehicle storage, help get some of the vehicles that I have closer to downtown, farther from downtown.

President Calhoun: Does anybody on the board have any questions? Where is your business currently at now?

R. Sanders: My business office is at 210 N Main. I also own 201 N Main which is supposed to just be a car lot but we have an overflow of vehicles because people don't want to pick their vehicles up after they are towed. I mean there is a process of getting rid of them, a legal process that I have to do. And it takes anywhere from sixty to ninety days if we can even get it done that quick, of course. I also have a lot at 119 W Martin Street, that's fenced in that is mostly what's down there is my stuff that I have ended up with over the years. What's down there is stuff I don't want to get rid of yet. There are quite a few down there yet that I could, whenever the price for scrap goes up and it's worth taking it in, I will take them in and get them crushed.

A. Fahl: Do you have other properties in Winchester?

R. Sanders: Me personally? No.

A. Fahl: Do you have other properties in the county?

R. Sanders: No.

A. Fahl: Thank you.

J. Hufford: This property used to be M-2?

R. Abel: Yes, and I think we changed this maybe a year ago. The previous owner was going to put a business in there and living quarters of some sort, so they had to rezone it to C-2.

President Calhoun: Ok, I see there are several residents out in the crowd that want to ask questions, why, now would be the time to come up one at a time and state your question. If you want to go and sit back on the first row?

L. Lennington: My name is Larry Lennington, I live at 437 E Washington Street there in Winchester. Formerly on the city council for five and a half years, I was on this board for a while. We have struggled with this junk yard stuff for years, and years and years. I did a little survey in town before I came up here. If you grant this ordinance, that would be the eleventh junk yard in Winchester. Eleven. You know how many churches there are in Winchester? Eleven. I mean there's one junk yard for every 453 people living in Winchester. We've got enough junk yards. They are not taken care of, we have an ordinance that says they can't actually have a junk yard in the city of Winchester, without first coming to the city council and getting a license. That's been totally ignored. So I think that we don't need another junk yard, I think it's hard on the people who live here, especially the people who live by the junk yards, because, I don't care what you say, you can put lipstick on a pig, but it's still a pig, and that's what junk yards are. And it's detrimental to the people who live in Winchester. I for one would say we don't need another junk yard.

President Calhoun: Thank you.

R. Sanders: May I make a comment about that?

President Calhoun: Yes.

R. Sanders: I appreciate if everybody would look up the definition of a junk yard. I don't sell parts, I don't strip cars, I am not a junk yard. It's a storage facility.

L. Lennington: But your cars are there.

R. Sanders: It is something that has to be done, because we have towing services in this city, in this county, and this state. Cars have to go somewhere. And, I can keep piling them uptown. And I think I can store cars on a C-2, I believe, but I don't want to fight that or nothing. I think I can store cars on a C-2 if I remember right. I am just asking that it be an M-2 like it was, to make it better fit would better fit what we are doing. We are not a junk yard. I don't sell parts, I don't strip parts off of them, we are a storage facility.

L. Lennington: I don't think my question is whether it's a junk yard or a storage yard, my question is how they are taken care of. They are all over the place. They're everywhere. He's got them down on Martin Street, he's got them on the other side and outside the fence. But, it's up to you guys. It would be hard to come into Winchester and invest in property and have to look at that. I don't care what they are.

D. Sloan: Thank you guys for hearing us, I live right across the street at 337 N West Street, my name is David Sloan. I've lived there the bigger part of sixty years. And I am not really interested in having a junk pile sitting in my house, every time I walk out the door. And I know that's what will be there, and we've already had an ordinance to get rid of that where they couldn't be in there. Now, somebody had a business in there, they were all right, I've got nothing against that. But I know if they bring cars in there, I know what it's going to be like. It's going to be a junk yard. I just told you what it is, I know what it is. And if you guys have been around Winchester a little bit, you know what I'm talking about. So, I'm adamant against any changes in that. So, that's about all I got to say, so I hope you help us. Alright?

A. Fahl: I've got a question, if you've lived there for sixty years, you'd have experience with that property when it was owned by Jeff Prescott, correct?

D. Sloan: Oh yeah, Jeff.

A. Fahl: So, did you have any issue when it operated under Prescott Seeds?

D. Sloan: Who Jeff? Jeff was my friend. I liked Jeff.

A. Fahl: But did you have any issues with the property when it operated as Prescott Seeds?

D. Sloan: Uh, no, I didn't, no, I didn't.

A. Fahl: So, he was a good neighbor to you then.

D. Sloan: Jeff was a good neighbor.

A. Fahl: Thank you.

D. Sloan: And his wife was a good person, too. But like I said, I know what will be here if you guys change that ordinance any.

J. Hufford: Now, do you have as much against them doing this if he put up a privacy fence where you couldn't actually see the vehicles or anything in there?

D. Sloan: Uh, I hate to tell you but I can't hear very good either.

J. Hufford: Would have any objections if he put up a privacy fence if you could not see the vehicles and stuff, if you looked out and just saw a privacy fence?

D. Sloan: A privacy fence wouldn't help a thing because we would know right there, I've seen this stuff before, if you let them in there, it's a junk yard. And that's all it will be. I don't want no privacy fence. The city of Winchester spent a lot of money and a lot of time cleaning that lot up. They took those big ole buildings out in there, the little bitty domes for the granary, they spent a lot of money on it and they turned it over to the people who could take care of it. We don't need a junk yard in there.

President Calhoun: Well, thank you.

D. Sloan: Thank you guys.

President Calhoun: Thank you.

T. Prescott: My name is Tina Prescott, we used to own the seed house. And I own some lots behind, and I own a house behind that too. And what worries me is you know, the value of our houses and the property around there so that's one of my main concerns too. And I just, I'm just not for it, so I hope you guys will consider that.

B. Denton: Hi, my name is Beth Denton, I live at 405 North West Street, and my house is just sort catty cornered from the old seed mill. And I echo some of the same sentiments as the other people do here, that it is going to ruin our property values, the three homes that are closest there. We are all property owners, we are home owners, we live in our homes, we take good care of them. We have some of the nicest little homes there on the street. Also, even if you put a fence up I see this, I still think that's there's kids in the neighborhood that run up and down the street all the time. Kids are curious. They're going to try to get into things. I think there's going to be a lot of noise with the tow trucks bringing things in and out of here. I believe one of his trucks has been at a neighboring house here some, and I have heard it go up and down the alley and down the street and I just don't see it being a good thing. I'm like some of the others, I don't think that we need something else like this in Winchester, and if you look at the buildings down there by Geyer Chevrolet, where it used to be, some of it's not very well maintained or taken care of and I feel like, and I know this, the best predictor of future behavior is past behavior, is how somebody conducts their business or takes care of things-- that's the way that they will continue to do. And I think that's all I have to say about that.

President Calhoun: Thank you. Is there anybody else? Rick, do you have anything else that you want to say?

R. Sanders: She brought up about the buildings down at the old Geyer Chevrolet. In the last year I spent almost \$90,000 on these properties to do roofs, paint, do some interior work, we are in the process of tearing down the roof on that north section there. I don't own all the way to the end of the buildings, I don't know the old Reeves Café area, I only own the center section there. But that center section, the roof was getting pretty bad, and there wasn't an easy way to get up there and tear it down, until it started coming down. But once it started coming down, because it was in bad shape, I will admit it. You can't polish the words on that and make it any better. It was in bad shape and I knew it needed to come down. But I now finally able to get up there and do it without somebody getting hurt. And it is a show process and I have tried to hire people and hire people and nobody wants to come. Nobody wants to show up for work, if they do show up they're high, or drunk, or just don't do anything. That's the God's honest truth, I have tried. And my wife and I have been up there and manually taken that roof down piece by piece, and Burton's is who I rent my dumpster off of, and he's busy and sometimes I can't get the dumpster emptied right away. But we have put a lot of money in that. I have spent over \$350,000 in the last two years on newer trucks to better my business, to make things look better. I don't like the way it looks downtown, at those buildings because it is too close to downtown, and it's in my city. I get it, I don't like it probably any more than anybody else does, but I am only one person, I have only got so many employees. You can look at Facebook right now, I've got an ad on there looking for somebody. Nobody has responded, nobody. And it's just that I run out of time sometimes so I can't get things done the way I want. But I have put a lot of blood, sweat, tears and money into my business in the last eighteen years, most of it in the last couple of years money wise. Because we have grown the business to be able to make more money to be able to put more money back into it. Like I said, it's up to you guys for your vote, but I hope you vote to put it back to an M-2, just so it better suits what we are doing. There are already M-2 properties around it and if somebody wanted to do anything they are wanting to do with it they could. I'm not, I don't even think I am even required to put a fence up around a storage facility, but I did on Martin Street, that was almost twelve thousand dollars to have that section of things done. And I'm prepared to start putting fence up pretty soon on this property if we get it put into the M-2. I don't know that I really have much more. Sorry I was late, taking care of a lot of things, my daughter is getting married Saturday so I've my head with the wife trying to get all that stuff taken care of. Does anyone else have any questions for me feel free to ask.

A. Fahl: The property in question is just for storage? We're not talking about 8 to 5, we're not talking about having any employees there, it's storage only?

R. Sanders: Pretty much just storage only. But one thing is, we probably won't even be going in and out of there evenings and night time, what it's going to be is the north section of my building at 210 North Main Street, is where I use for immediate storage. So, if somebody gets their car impounded, or it's a wreck, the car is going to go up there first. If they don't come and get it within fifteen days and we start the process on it, the paperwork and all that, then I'm going to transfer it to the other lot. So, we shouldn't have trucks running in and out of there at midnight, two o'clock in the morning, that's not what that lot is really going to be for. It's going to be for the storage after the fact. Until I can get

the cars finished processed that, the state's got a long list of everything I have to do to process a car and legally get rid of it once I am stuck with it. So, there shouldn't be a lot of traffic after hours down there.

President Calhoun: Yes, do you want to come up here?

L. Long: I'm Lyle Long, I live at 4879 N US Highway 27. He's talking about a lot, but that's a four story building, what's going to be in it?

R. Sanders: Storage.

L. Long: Junk?

R. Sanders: It depends on what you consider junk. I can't put cars in there, I mean there's not a door big enough to put a car in there. My lawn mower equipment and stuff, some of the stuff I'm storing in my building uptown, that's kind of in my way of working on cars, and running a successful business up there, just you know, just shovels, yard rakes.

L. Long: You change it to that, and the building can be used for whatever he wants. That don't sound right.

President Calhoun: I want to state that we are just a recommending committee, and we either give it a favorable recommendation or unfavorable recommendation. Whatever we decide will go to the governing body which would be the city of Winchester, and they will have the final say. So, either way we vote, why there will be another option later on. So, is there anyone else with any questions or comments? Ok, I would consider a motion to move forward.

B. Albertson: Motion made.

J. Welch: We'll do the favorable recommendation first, and if that doesn't carry, then there will be a vote for an unfavorable recommendation, and if that doesn't carry then there's no recommendation. It takes at least 7 for either one of the recommendations to carry. If we don't get seven on either vote, then it goes as no recommendation to the city.

President Calhoun: So, you are wanting it to be a favorable recommendation to start with?

B. Albertson: Yes.

D. Johnting: Roll call vote, Jim Hufford, yes, Bryn Albertson, yes, Amy Alka, no, Will Greer, yes, Steve Herrnly, no, John Reece, yes, Andy Fahl, no, Don Calhoun, no, Gary Girton, no. 4 yeses, and 5 nos, motion does not pass.

J. Welch: So, there won't be a favorable recommendation, so you have a vote for an unfavorable recommendation. We'll see if it's an unfavorable recommendation.

President Calhoun: So, we will be voting now for an unfavorable recommendation.

B. Albertson: So moved.



A. Fahl: Second.

J. Welch: So, a vote yes is a vote in favor for an unfavorable recommendation.

D. Johnting: Ok, and on the last vote I forgot to say Adrian Moulton, Tom Kerns, Bob Lahey and Terry Alfrey were absent. Roll call vote, Amy Alka, yes, Will Greer, no, Steve Hernly, John Reece, no, Andy Fahl, yes, Don Calhoun, yes, Gary Girton, yes, Jim Hufford, yes, Bryn Albertson, no. Adrian Moulton, Tom Kerns, Bob Lahey and Terry Alfrey are absent. 6 yes, 3 no, motion does not carry.

J. Welch: So, it will go to the city with no recommendation.

D. Johnting: I've got that meeting is on November 2?

B. McCoy: The 19<sup>th</sup>. Of November.

D. Johnting: Not the second? At the city building? I will remind you, they will have all this information.

R. Sanders: And that's a regular council meeting?

D. Johnting: And that's a Monday? Are you sure it's the 19<sup>th</sup>? I don't think so.

B. McCoy: The 16<sup>th</sup>, sorry.

R. Sanders: I actually have the council meetings on my calendar.

President Calhoun: Is there any other business we need to attend to this evening?

D. Johnting: We do have an Area Planning meeting in November, we do not meet in December.

President Calhoun: Is there a motion to adjourn?

J. Hufford: So made.

A. Fahl: Second.

President Calhoun: Thank you everybody for coming.

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President, Don Calhoun

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Vice President, Andy Fahl

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Recording Secretary, Debra Johnting