

APC MINUTES**MARCH 23, 2022**

Members present: Andy Fahl, Tom Chalfant, Adrian Moulton, Bob Lahey, Don Calhoun, John Reece, Steve Hernly, Coy Applegate, Jim Hufford

Members absent: Amy Alka, Adrian Moulton, Will Greer, Tom Kerns, Jason Welch

Legal Representation: none

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

Others present: Jamey Neeley

D. Calhoun: We'll go ahead and get started with the Area Planning meeting tonight. Did everybody get a copy of the minutes? Are there any changes or comments about them?

T. Chalfant: I move for approval.

J. Hufford: I'll second.

D. Calhoun: It's been moved and seconded that we approve the minutes, all those in favor, say aye, all those opposed, no. Motion passes. Second on the agenda tonight we have APC2022-11-Z Jamey Neeley. Is he here? If you would like to come up and state your name and address and tell us what you're wanting to do.

J. Neeley: Jamey Neeley, 2785 West 500 North, Winchester Indiana, and I'm requesting to have the zoning on part of my property changed from the AG to C-3 for the purpose of obtaining a dealer's license through the State of Indiana. I work with exotic cars, classic cars, automobiles. And through the state of Indiana, if you sell more than 12 of them, they require that you have a dealer's license and I anticipate approaching that and I'm going to have to get that dealers license to move forward and I want to grow my business and I want to do it the correct way and the legal way. It also helps me on taxes and licensing and such. Since I already have a building on the property, I assumed it was easier for me to keep the overhead low and keep my business and get it off the ground. And by changing the zoning and doing it at my residence. It's a 40' x 60' building, I assume, I don't know what you all get in the packets if there's pictures or ground layout or whatever. But basically I'm asking for that line to come down between my residence and the building that is there. It will be an indoor showroom. House the vehicles outside occasionally. There is gravel on the side of my building and I'm going to be extending the gravel out about 75 feet, and I was going to do that anyways in front of the building. My primary focus is on the exotics, classics and stuff. They're housed in the building. I advertise them online. I take them to shows. So, it's minimal display outside. Occasionally I have requests from people, hey, can you find me this? Can you do this and I may go buy a couple of vehicles. There's nothing excessive. I'm not looking to fill my yard at my house with 20 or 30 vehicles. Because I live there as well. I maintain the property well and I'm going to continue to do it that way. I don't want to be a nuisance. I told my neighbors, the neighbor that directly faces me across the road on the north side would be the one that's most affected by it because he has to look directly at my property and he was in full support and asked me what he could do to help. He was going to try to attend tonight, but he was unable to I believe, I don't see that he was able to make it here. So basically, not a big change from what my neighbors see already, in the future. I'm not looking like I said, I'm not looking to put a big

truck lot or anything like that in I'm just trying to follow the guidelines by the state of Indiana for the dealer's license.

D. Calhoun: Do the members have any questions?

T. Chalfant: Jamey, how long have you been doing this?

J. Neeley: I've lived at this residence for around six years, but I've done the old cars off and on for years. I had a dealer's license in Union City at the Hazel Service Station for a few years and sold that. And I actually kind of have a dealer's license still with the state of Indiana just in reserve. But I just reapplied since this is a different address, so I'm in good standing with the State as well. I don't mess with junky old cars. I don't, even in my plan of operation, I stated that there's not going to be excessive scrap and parts piled up or any of that type of thing. I really want to deal with high end clients and high end automobiles is what I try to focus on. So, most of them are a minimum of \$20,000, and up, so.

T. Chalfant: Do you anticipate if you're successful to move this sometime to another location if it really takes off?

J. Neeley: That would be the end goal. Yes, I have some pretty large aspirations that I would like to bring people to Randolph County to invest in what we have here and the automobiles. There's kind of a need in this area. We don't, you kind of have to get to Indianapolis, Dayton, Fort Wayne to find somebody like what I'm working with doing. I have a pretty good reputation in the market already with just friends and a network of people throughout, actually beyond the tri-state area. So, I used to bring cars back from Arizona for people as well, so. And I think I did, sorry, real quick, I did state in there also that I have no problem putting in the zoning that if I sell the business, I should say, that if I sell my property it would revert back. I can't sell it as commercial and advertise it as commercial and if I close the business or move the business I've requested that it goes back to the AG Residential.

A. Fahl: Is this your main occupation?

J. Neeley: It is not currently. I work for The City of Union City Fire Department currently. I am eligible to retire in a few years, so I'm starting this business as an end goal, to move towards my retirement. It's kind of a passion for me also and I love doing it and it's a way to make some extra income and a nice little retirement set up so I don't have to, I'm going to have to work, so might as well, do something I enjoy.

A. Fahl: To continue on to Tom's question if your business goes well, looking at a crystal ball where are you at five years from now?

J. Neeley: In five years for now, I'd like to be putting up, if there's not a building suitable in the Winchester, Randolph County area that I build a structure that would house a rather large indoor showroom and facility, and look at expanding to further do some restoration. I do some light restoration now, mostly for my own, most of these vehicles need some touch ups for interior work or something like that. But my goal would be to grow that in the future, for sure.

A. Fahl: I think what you're trying to do here is great. Maybe only small concern I would have is that's not a very large area and you could outgrow that. If you do well.

J. Neeley: Yeah.

A. Fahl: But it sounds like from what you're telling us you've got a plan for that.

J. Neeley: Yeah, and based on my experience before when I had my dealers license is that the overhead becomes pretty substantial, pretty quick, and I've already paid for this building. I'm paying the electricity, I don't think my wife is going to bill me for electricity, and the water and such. So it's a way to keep my cost at an absolute minimum, so that I can invest that back into my business.

A. Fahl: So, it's a good starter location?

J. Neeley: It's a great starter location. I have the building fixed up on the inside, it looks like a showroom. I have some work area in the back and doing that gravel area to the side and around there will give me a little extra room. I mean, I have plenty of room on my property, but that's why also I only asked for this if it's time to have that area zoned, because if things go well I would like to move into a larger location. I have some buildings in mind and I've talked to a few people but nothing suitable are available within reason at this time.

J. Hufford: It sounds like you do most of your business on line.

J. Neeley: Yes, and I'm not looking to put in excessive lighting, signage. By the State of Indiana I have to have a sign on my building stating my dealer number, my location. And it'll have a light on it. I actually don't even have any lights on the building itself right now, but I will have to put some on the building itself. But they're just going to be standard dome lights. And you know, there's nothing, nothing that should bother the neighbors. Again, I have to live there too and I'm not into looking at anything that's obtrusive to me either.

D. Calhoun: Do the board members have any other questions? Is there anybody in the audience that has a question for or against, Tony? \You want to come up and state your name and address?

T. Sayre: Tony Sayre, 1507 West 400 North, If this is rezoned, can it be rezoned just for the business that he's talking about?

J. Neeley: Yes, I have asked for those already on myself.

T. Sayre: Because I don't want a car lot there. So, if it's zoned just like he wants, then there can't be a car lot there, right?

D. Calhoun: Well, he's asking for a car lot, just for what he is operating. But he wants limitations put on it so that if he closes the business or moves it, then it would revert back to the zoning that it is now.

J. Neeley: You just own the field to the west of me, correct?

T. Sayre: And behind a little.

J. Neeley: Yeah, he doesn't have the residence, he owns the field that comes around behind on the side there.

T. Sayre: So, I'm okay, as long as there are not fifty cars sitting out there.

A. Fahl: We need a roll call vote?

R. Abel: Yes.

A. Fahl: I move for a roll call vote.

J. Hufford: I'll second that.

D. Calhoun: It's been moved and seconded for a roll call vote.

D. Johnting: Andy Fahl, yes, Don Calhoun yes, Tom Chalfant, yes, Jim Hufford, yes, Bob Lahey, yes, Coy Applegate, yes, Terry Alfrey, yes, Steve Hernly, yes, John Reece, yes, and Amy Alka, Adrian Moulton, Will Greer, and Tom Kerns, are absent. That's a favorable recommendation. And you'll go to the County Commissioners, and the next meeting is the first Monday in at the Court House at 9 am. And I will send the stuff up for you to be on the agenda.

J. Neeley: Will there be anything additional that I need to be prepared, or will they get the same information?

D. Johnting: No, they will get the same information.

J. Neeley: Well, thank you all very much.

A. Fahl: Good luck to you.

J. Neeley: Thank you.

A. Abel: I'd like to make a statement, I'd really like to applaud you gentlemen for doing this, in the past we've had a lot of spot zoning, where the neighbors received a notice of the C-3, like this gentleman did, and if you look at all the things are that are allowed in the C-3, C-2, C-1, a lot of times we allow these spot zonings without putting these conditions on it. And that really, it's really not fair to the neighbors because they're assuming that the only thing that is going in is this gentleman with his cars, and we're fine with him, and we like our neighbor. And they don't realize that in the future, without these conditions, these properties can be sold. So, I want to congratulate you and I hope you keep up that mindset because I know a lot of people don't really think about that. And then I want to also thank you for doing that also.

J. Neeley: It's very helpful from this side to, to have that flexibility to realize that I'm still not sure how the car dealership got into C-3, but when you look at some of the stuff that's in the other C-1 and some of those, it's not helpful on this side, but it is helpful that you allow something like that. It lets progress happen and that's what we need.

D. Calhoun: Okay, do we have any old business?

D. Johnting: We have a hearing next month.

D. Calhoun: I want to bring up last night, we had a petition about Taco Bell and their sign. I think we need to do some more, maybe some amending to make it..

R. Abel: Yeah, I made the point to Winchester. I said, I'm going to go around each of the cities now and talk to them. Every city seems to have a little different tweak on it and some of them don't really understand what the amendment says, and how it's improving what we have now. And in no way do I ever tell them, I say look, this is up to you guys to decide, and this isn't a perfect ordinance, we are taking baby steps here. Obviously, there may be other things you want to put in and amend. I'm encouraging the path that we have now and keep amending it as you see necessary. Because what we have now isn't good at all, not at all, but isn't the best, and I'm not sure it fits the communities. And so, what I'm trying to do is go around and discuss that and tell them, send your representatives back or whatever you need to do to suggest changes that you want to see and we can discuss it at different meetings, but I'm encouraging them to pass this now because we've got several people waiting on this,

and if they pass, they just walk in and put their signs up. And if we linger and drag this out until the middle of summer, you know we're not really gaining anything because we can start on another amendment if that's what's desired and get the same process rolling. But right now we have people waiting on signs. If these pass and go through, they just walk in and get the permits. And we have actually, I hate to say we tailored it to some of them, but what we put in there definitely helps their situations on the percentages we put in, and as far as being able to utilize transitions to go through, so you have frontage on both side of the property. And different things on the lighting, all that really helps improve what we have now. And I am not to say that the final, and we have the UDO coming up, we're still working on that, believe it or not, holy cow. But it's just time consuming working on that kind of stuff. So, I have a whole list of things, even though, I've been going through different sign ordinances, and there's a whole list of them, gateway signs, I mean, you just name it. There's a whole list I've got in there of other things, in other ordinances, that ours doesn't address. I don't know it needs to be addressed or what but other things we can bring up for sure, I think we just took a baby step here. And tried to fix the few things we saw that really needed fix quickly.

T. Chalfant: Mr. Chairman, I don't know if it's out of order, but I would like to move to amend the Sign Ordinance to allow 25 foot signs except around the courthouse square.

R. Abel: I mean that would have to be written up, I know some of the cities have already passed the fifteen foot, and I don't know what they would do. I know in the past we may have had a discussion about where are 15 foot signs needed? You know, I looked down by Wicks and by you know there's three or four signs there. They're all probably 15 foot signs and you look closer to 27 and they're all,

D. Calhoun: And they are all taller.

R. Abel: And they are all a little taller, down by 27. But you look at the original sign ordinance, which is back in the 80's and the 70's and those sign ordinances, it's pretty obvious that they were taken from bit cities, they referenced interstates. And that's now we got the 60 foot signs, because they all referenced interstates. I think part of the problem is our original ordinance probably came from a big city somewhere. And you can see that in a lot of the, all through the ordinance. So, I think I'd like to hear back from the cities actually and see what they feel on these. Because, you say except for downtown, but then what about Union City, what about Farmland, what about Parker, what about...

T. Chalfant: Well, that's what I propose, and I guess we could debate it but...

R. Abel: Yeah, exactly.

T. Chalfant: So, I guess...

A. Fahl: Is your motion based off of last night's events?

T. Chalfant: Yeah, well that and the last two or three years, so yeah, not just last night, but I had several sign ordinances since the very beginning. So I guess this is just a way to start. We talked about this Monday in the Commissioner's meeting and in the past, and like Randy talked about, it's a work in progress and I just think it's, to move this forward I just move that we put all signs allowed to 25 feet except around the court house square and work from there.

A. Fahl: So, just to get it in the minutes and get discussion, I was contacted today about the sign ordinance, based off last night's events. And my reply was, when you talk about signs you're talking about yard sale to Taco Bell and the electronic it's, I think it's going to be tough to get an ordinance

that's going to work for everything that's out there in today's society, and the way it is even in Randolph County. But, whether it's a motion to raise that, I mean, if we tweak it little by little and try to give us the most finesse as possible, but the normal person, the normal resident doesn't realize what all that encompasses, nor what it has to cover. I think it's tough, it's hard. I'm going to second Tom's motion. I second.

R. Abel: I'll make one comment. When you see other sign ordinances, in other words, in the big cities, our zoning districts are very, very limited. So, when you look at other ordinances, they would say there's a I-70 zone. They would say there's a 27 zone in Winchester. So any, and you define that like within 1,000 feet of 27 or something. And then you don't affect Parker City, you don't affect Farmland, you don't affect Union City. Not that I like to see a lot of different zones. But if you say excepting Winchester, I think you also need to say excepting Union City, Farmland; all the other towns. Right?

T. Chalfant: I said excepting the courthouse square only. That's all I'm saying. The courthouse square, those signs...

R. Abel: And what I am saying is what other cities don't want it inside their downtown limits, you understand what I'm saying? If you go downtown, Parker City. Do you want that by the railroad track? Do you want Ludco's old sign to be a 25 foot and all the others in town. That's a question.

J. Hufford: Would this include temporary signs like celebrating signs and stuff that they put up across the streets and stuff, over the highways? We've got them in Union City, they put them up there for the festivals. And I think they are probably over twenty-five foot.

R. Abel: But signs like that are exempted. It's like Christmas lights for example, they are exempted.

J. Hufford: That's what I was wondering. We've got lots of those, you put them up at there at 15 feet and every time somebody went through there, they'd be taking them down.

R. Abel: Exactly, no, no, that's not part of it. Look at what you are proposing and how it's going to affect the other towns. Not just Winchester and Taco Bell. And I told them last night, I am not against 25' signs, but we need to do it right and not cause more trouble. I can't tell you how much trouble we have in our office and how many times we have to do zoning variances because we didn't think these through. They're causing multiple problems.

J. Hufford: Can it be put into the ordinance itself that, like they want to let the city make that taller, and let them refer back to the city, and let them make that decision?

R. Abel: Yes, and let them enforce it. I would love that. If it's legal.

J. Hufford: That would be the way to go, like home rule.

R. Abel: But I'm telling you I don't know if it's legal or not because we're an area planning, which includes all the cities and all the county. You would have to wait for Jason to answer that question I don't know if it's legal for us to do that. I assume that it is.

J. Hufford: Because all you are doing is putting it back to home rule.

R. Abel: Yes. Yes. So, if you exclude. I know for a fact we've excluded like farm animals in town. I mean, we've passed part of our zoning for the 4-H kids. And we do that in the county, and we also do it in R-1's that are in the county. And we kind of left it blank and up to the cities to figure out what they want for chickens in town. So, I am assuming that we can do the same with signs.

J. Hufford: Yeah, I would think so.

B. Lahey: They are not allowed in Union City.

R. Abel: No, you don't allow them in Union City. Ridgeville does?

D. Calhoun: So, do you want to proceed with your motion then, Tom?

T. Chalfant: Yes. I guess that we are having discussion on it, so...

D. Calhoun: So, it's been moved and seconded that we amend our sign ordinance for signs to be allowed 25 feet, except for around the courthouse in Winchester. Do we need to make a roll call vote?

R. Abel: Yeah, for something like that we'd need to have a roll call vote, but I don't really have the ordinance written up.

J. Hufford: Can we amend that, do that, like with the home rule? Why don't we wait until we can talk to Jason and find out for sure? Just table it until the next meeting?

R. Abel: That would be my suggestion, is that we wait until Jason comes back to give us advice on this. That would be my suggestion too. I like the home rule thing, we thought of that earlier, but I didn't know if it's legal or not. That's the problem. But I'm assuming it is, of course we did it when dealing with chickens.

T. Chalfant: But I am assuming that the cities would have to have some kind of their own ordinance and they would have to set up a structure and take that over.

R. Abel: Right.

T. Chalfant: And I don't know if they are wanting, I don't think they are going to do that, so.

J. Hufford: I think Union City would do that.

T. Chalfant: I think you are welcome to go through that approach, there's probably some cost to it, but...

R. Abel: I think we'd need to approach the cities and towns and get their feedback on it. We have members here for every Council and everything. I think we need to do a more responsible reach out to the cities to see what they want? There are eleven jurisdictions in the county.

J. Hufford: Our city attorney can come over, and he can talk to our mayor and everything, have him come over to the next meeting, and let you know how he feels.

R. Abel: Yes. I think we need to reach out to the community to see what they want rather than just throw something at them. Because if they turn it down, they may end up with 11 different rules for 11 different jurisdictions and that's a mess.

T. Chalfant: Well, I don't think they can, unless they have got to put a lot of skin in the game for them to take over that responsibility.

R. Abel: Well, when we did the animal ordinance, we purposely did R-1 and said, look at what we did in our R=1 in the county and you can mimic that or you can decide not to allow that. So, we gave them a kind of template so they kind of have a template here that they can go off of.

J. Hufford: So, that would actually just be added to our ordinance officer now. You know the officer that takes care of just nothing but ordinances, and that would be part of his job.

R. Abel: Yes.

A. Fahl: Just thinking out loud, is there a downside to the home rule, and there could be some finger pointing as well, Ridgeville allows that, but Farmland doesn't.

T. Chalfant: I don't think the small towns would be capable of doing that on their own. I don't think they would have the infrastructure and the budget or anything to be able to do that. Possibly Winchester and Union City might, but I am assuming the small towns would not try to do that on their own. Because I think there would be a lot of things they have to do to take that jurisdiction over.

A. Fahl: So, you don't think it would be feasible for home rule?

T. Chalfant: I don't know, I don't think so, I don't know what all the towns would think about it.

J. Hufford: Well, like you said let's just talk to the town boards and stuff and find out.

R. Abel: Yeah, and talk to the attorneys to see what it would take. I think all it would take is a simple ordinance and you enforce your ordinances in town anyway, right?

D. Calhoun: We still have motion on the floor so...

T. Chalfant: I guess I would move to table this motion until next month.

Bob Lahey: I'll second.

D. Calhoun: Okay, we will table that until next month, then.

R. Abel: I think this is a good approach, to try to get involvement in the community.

D. Calhoun: I think I agree with Tom, because I was hauling grain today, to Cardinal and I started counting all the signs that I felt like was over 15 feet. And I came up with 13 of them. Most all of them from 27 on east, most all of them were over 15 feet.

R. Abel: Oh yeah, they are. I agree, but it's been in the ordinance for, since 1999. Probably '84.

T. Chalfant: So, if someone wants to buy Burger King, and it's a restaurant or whatever, they would probably want to put the sign back up the way it is, which would be out of compliance?

D. Calhoun: Yeah.

J. Hufford: Well, we saw last night what it was for Taco Bell, they have to lower their sign down and the problems it was going to cause. And I think that's something that we need to address.

R. Abel: So, the next thing you are going to need to look at, is a proportional ordinance on pole signs, that you make sure that this isn't going to look like an M&M on a popsicle stick. So, I will tell you right now, in the old ordinance, in the existing ordinance we are under right now, Taco Bell can have a 27 square foot sign. Under the ordinance, we, in the amendment that we're trying to pass they're allowed a 40...something foot sign, and they're allowed 2 of them, front and back, pole sign. They currently have a 98 square foot sign.

D. Johnting: Two.

R. Abel: Two, 98 square foot signs. So, you've got to kind of look at this, so what we've done is basically tried to put this, so you take the Taco Bell sign, and you just shrink it, and proportionally it's still the same. So, now I guess you might want to rethink what the proportion is on the square foot...

T. Chalfant: What are the offensive signs that are out there? The signs that are grandfathered in, that somebody throws a rock through them, they have to be reduced, and the ones that are inappropriate, which ones do we say, you can't have this? I mean I don't know of any sign that I've seen that I would say, that's not right, that's not a good sign. It doesn't promote their business, it doesn't give them what they need. I don't see it's intrusive, I don't see how it interferes with other people's property, but I mean are there some of them that do? Because I haven't any yet. That are out of compliance, that are out of the ordinary.

R. Abel: Well, I mean that's something that we need to look at the next time we come back to those, is that proportion number. And obviously all I have got to do is change the number. So, again, take those excel files that we gave you, and actually go out and look at these signs, get the square footage of the signs, get the façade and let's try to get a multiplier then that fits what we have.

T. Chalfant: That is too complicated. I think that would be much more difficult than it is.

B. Lahey: That was the comments at the council meeting, it's too complicated.

T. Chalfant: It's too complicated and for people to understand.

A. Fahl: So, at last night's meeting for the people that weren't there. I spoke about discussion that lower signs were the trend that people were on their phones and on their cars. So if they're looking for the closest Taco Bell, they're using their phone. So, with conversations...

T. Chalfant: That's against the law.

A. Fahl: So, the scenario I had in my head, and I am getting to a point here. A valid point if you guys will let me make it. So, I use my wife and I as an example. We're in Fort Wayne, where's the closest Arby's? So, in the passenger's seat she's retrieving that information. But it was brought to me today by talking with Randolph County residents that I brought up a destination scenario. But you've got your traveler that's on 27, and oh yeah, we're coming up on Winchester. So, if there's a suggestive sign there, we're going to stop at Wicks and get pies. Or Winchester does have a Taco Bell let's stop. So, I'm amending what I said last night a little bit, it's more than just a destination, now, if you know where you want to go, if you want to find the closest Starbucks then you're going to go to the phone or the car. But if it's just hey, I'm traveling through and I want to get a cherry pie and you see the sign then you whip in and get it. So, there is more to it than meets the eye, no pun intended. Thank you.

R. Abel: To me, the most effective sign is the wayfinding signs. Which are the signs put out on the highway, a mile from town and everybody gets the same advertisement. And I don't know how many times I've done that on an Interstate and says, hey, there's an Arby's down here, and you turn and the sign says turn left, and you go a mile down the road, maybe two. But without that wayfinding sign, who would have known? And how many businesses, who's going to find the House of Flavors? Right? And there are 6 thousand people that come down 27 in a day's time, that's your advertisement, the people that you are advertising to.

D. Calhoun: Anything else to be discussed tonight?

A. Fahl: I move to adjourn.

D. Calhoun: So moved, thank you for coming everybody.

President, Don Calhoun

Vice President, Andy Fahl

Recording Secretary, Debra Johnting