

APC MINUTES

February 21, 2024

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

Members absent: Amy Alka, Will Greer

Legal Representation: Jason Welch

Staff Present: Debra Johnting, Area Planning Director, Recording Secretary

Others present: Ed Thornburg, Jane McGill, Karl Richter, Daniel Baker

President Calhoun: It's 7 O'clock so we will go ahead and get started with the Area Planning hearing. First on the agenda is the minutes from January 17th, 2024. Has everyone got a copy? Have you had a chance to look at it, and is there any questions about them or changes?

J. Hufford: I make a motion to accept the minutes from the meeting of January 17th as presented.

G. Friend: I'll second.

President Calhoun: It's been moved and seconded that we accept the minutes from the January 17th hearing. All those in favor say aye, all those opposed no. Motion passes. First on the agenda was APC-2024-1-Z. Apparently, they withdrew at the last minute. Deb has a letter to read.

D. Johnting: Yes.

“To The Randolph County Area Planning Commission:

RE: APC 2024-1-Z Paul Pardo on behalf of Garrett McDavid

Rezoning from C-2 to M-2 at 202 South Main Street, Lynn, Indiana, 47355 for a towing business.

Due to the unavoidable circumstance of a fire at our Richmond location, I, Paul Pardo from Pardo Towing, petitioner and Garrett McDavid, owner, are not prepared to bring the best presentation possible for the rezoning request for a towing business, APC2024-1-Z at 202 South Main Street, Lynn, owned by Garrett McDavid. We had begun working on the items that the Board had requested, such as creating a lease, drawing up where the fenced in area would be, and our plans for the building. As I hope you will understand, recovering from the fire while continuing to run our business has taken all our focus and time since then. For that reason, we would like to withdraw our petition APC2024-1-Z at this time and reapply at such time as we are able to give appropriate time and attention to this project. Thank you for your time and we will be back with a complete presentation in the future. Sincerely, Paul Pardo & Garrett McDavid.

D. Johnting: They are withdrawing their petition for now. They won't be back until, when it comes back it will be a new petition.

G. Friend: Do you know, are they using the facility improperly right now? They lead us to believe that they were already beginning to do that. So are they just continuing to use the building out of...

D. Johnting: Umm Pardo's are not using it at all. Mr. McDavid is, I have been in contact with the neighbors, that if they have a complaint they need to let us know what they are doing there.

G. Friend: I guess my question is are they using it out of the zoning category, do we know they are doing that.

D. Johnting: I don't know.

G. Friend: And is this just an attempt to continue to do such until such time until they feel like coming to us.

D. Johnting: Well, he had, there is a mobile home parked there. There is no one living in it, just looking at it is uninhabitable. But the way it is zoned, he can park that there as long as no one is living there.

G. Friend: That's not really my question, my question is are they running the wrecker business there?

D. Johnting: No, for sure no.

G. Friend: Okay, thank you.

President Calhoun: Okay, before we go any farther with the next petition. We have a new member on the Board tonight, we would like to welcome you. Jason Brewer from Union City Council. We will let Steve start, and if you want to go around and introduce everybody. Steve Hernly, Farmland. John Reece, Lynn. Terry Alfrey, Winchester. Jason Welch, Board Attorney. Deb Johnting, Area Planning Director. Adrian Moulton, Superintendent, Monroe Central. Don Calhoun. Coy Applegate. Jim Hufford. Gary Friend, County Commissioner. Tom Kerns, County. Abby Journey, County, Jason Brewer.

President Calhoun: Thank you, welcome to the board. Okay. now on to the next petition, APC2024-4-Z Randolph County Economic Development Foundation. Anybody here to represent? Okay, you want to come up and state your name?

D. Baker: Daniel Baker, President and CEO of Randolph County United with Randolph County Economic Development Foundation.

President Calhoun: Okay, tell us what you want to do.

D. Baker: So, for fifteen years and maybe more, we have owned a piece of property behind Workhorse, just on the west side of Workhorse. We just did a property swap with Workhorse to swap the forest that was just north of there. So now it encompasses all acres that you see on the map. Part of Randolph County United is economic development and growth in the communities. We have also been working with Union City on this for quite some time, actually, before I joined. So, what we are requesting is to be able to rezone this piece of property from Ag to M-2. We have had many businesses that have been interested in the piece of property and in the world I live in, in economic development, a lot of the business to attract them we need property that is shovel ready. So, our goal is to create a shovel ready property. Keeping in mind that there are residences in the area. To make sure that if we do put anything in there that we try to make sure that it is economically friendly to those residents. The companies that we have been working with, we have been talking about maybe ten to fifteen acres behind Workhorse and keeping it away from residents. We control the piece of property, so this would give us the opportunity to move on to the next phase which is, we need to get feasibility studies, we need to get with OCRA to see to get their shovel ready designation, that we are trying to go after. As part of that, we need to have M-2 designation or C-2 or whatever we are going after for this but particularly shovel ready industrial type things. Yes, so, I do have a letter of recommendation that I

received from the mayor. I'm going to go ahead and pass that out, if I can. As I mentioned, we have been working with the mayor and the, just Union City for a while. Part of the plan that they have put in place I think in 2018, H. Davis Engineering came in and they suggested that we put in industrial road or expand that industrial road that runs kind of just south of Workhorse through Progress Park. And it will build behind Workhorse and past, or cut through our property. The reason being right now, Workhorse as they ramp up, they need the availability also move trucks and some other things out of their property instead of having to drive the front of that piece of property. So, there is a lot to this, we are trying to just move things forward and lastly what I would say is that at Economic Development our goal is to provide growth within the community and that's what we are trying to do with this piece of property. It doesn't make sense for us to own a piece of property without trying to do that. So, that's why I'm here. I'm open to any questions or anything, clarifying any things that you guys may have.

President Calhoun: Do any of the board members have any questions about the task?

J. Hufford: You have already obtained the property from the railroad all the way to 700 East?

D. Baker: Yes, that was given to us many years ago through a Greg Beumer negotiation with the original Body Company over there. And so, yes, we have all the way from 700 East, the railroad, back to the woods and then back to the southwest corner of where Workhorse is at, and then cut back across to the residential areas and then back up.

J. Hufford: Do you plan on putting a road through to that area?

D. Baker: So, that is the plan right now to be able to put an industrial road in that area. And then the next piece of it is we would have to work with the county to beef up that road. We would have to work with the county commissioners and all that stuff.

J. Hufford: It would take a lot of truck traffic probably.

J. Brewer: Right now, I will tell you they already do, through Frank Miller. Frank Miller actually has some truck traffic that drive through there quite a bit.

G. Friend: The entire area is already in the city limits of Union City?

D. Baker: Yes, my understanding is it is. And the maps I have looked at it is. I was hoping Steve Shoemaker would be here this evening so he would answer that question but everything I saw is in the city limits.

J. Hufford: Is it zoned agricultural and it's exempt?

D. Johnting: It is zoned Ag Limited but it's in the city limits. That is the, the yellow line is the city boundaries. And those three areas for rezoning with X's on them, that's the area for rezoning.

T. Kerns: Where's the road you're going to take, the road south of Workhorse through?

D. Baker: I believe it's 700 West [it is East].

T. Kerns: I was just figuring out how to get to 700 from there.

D. Baker: I'm sorry I don't have a map in front of me, my printer didn't work. Do you mind if I come over there? The plan is to bring it, we have to bring it down here and cut up here. Workhorse covers so that goes through some of their property it won't come up here. We have had conversations with CSX,

the railroad company. Things like that to offset what you just said because over that. We have had preliminary conversations, but I can't guarantee anything.

T. Kerns: Are there concerns of the overpass down there by Frank Miller being too low, because of the way it come up on the sides?

D. Baker: Correct.

President Calhoun: Are there any other questions from the board? Are there any questions from the audience? For or against? Will you please come up and state your name and address.

J. McGill: I need answers. You're talking about putting the road in? Will that road be south of the railroad tracks?

D. Baker: Yes, it will be south of the railroad tracks.

J. McGill: Between the railroad tracks and his house?

D. Baker: That's the current plan that is drawn up by [H. David Engineering] for RCU, yes.

J. McGill: Okay, so how close are you going to let somebody build to our property?

D. Baker: So, we haven't looked at that in, but we are not going to...

J. Welch: Jane, you need to say your name and address.

J. McGill: Oh, I'm sorry. I'm Jane McGill, I live at 1769 North 700 East, Union City, and I am one of the three houses there that's south of the railroad tracks that is around this property. They are going to box us in, I guess.

D. Baker: So, my intent would be to keep the facilities far enough away. I can't guarantee how far it is. Honestly, we are going to follow the ordinances on that. What I don't want to do is have it right up against your house, that doesn't make sense at all.

J. McGill: That would ruin our property value.

D. Baker: Yes, so, what we are trying to do right now is just expand that progress in Industry Park and keep in mind everything that you guys have right there at your house.

J. McGill: Okay. What about south then, the property that is south?

D. Baker: We don't own that piece. So, you are talking about south of those residences, do you mind if I show her the map?

J. McGill: I thought they did?

D. Baker: So, this is the property that we own right here, and it goes up. This is what, so we don't own anything here.

J. McGill: You don't own this part?

D. Baker: No.

J. McGill: So, then it's just here.

D. Baker: The current conversations we are having is to cut this piece out and this piece out. But we need the rezoning to add the industrial road to be able to come across. We already have trucks that go in and out of there like crazy.

J. McGill: Oh yeah, they do.

D. Baker: Like crazy. So we are trying to be cognizant of that fact and then, like I said, the next steps will be to work with the county to figure out this road. If there is any way possible to help with that. This is something that we're, so, the industrial road that I'm talking about where it kind of comes up and by Union Tubular comes all the way up here and then comes across. Where it is not right butting up against that home.

J. McGill: Okay, I figured you'd come straight across this way.

D. Baker: We don't own that piece of property. If I did, that would be preferred, to be honest with you. Because it doesn't interfere with this.

J. McGill: Okay, alright. But you are going to put roads across in here?

D. Baker: Yes, we will have to work with an engineer to find out how that road works so we don't interfere with that water shed.

J. McGill: So, would this be as close as the, that any factory would come to our property?

D. Baker: So, I can't guarantee how close they are going to get. Because what I can do is I am going to try my best to control that piece, I can't tell you right now how big that property is going to be and how much they are going to need. That, I'm just being transparent with you right now.

J. McGill: Okay, thank you.

President Calhoun: Any other questions from the audience? Questions from any others?

G. Friend: This is kind of a peculiar situation. This will go to the Union City Common Council. But it's Randolph County residents who will be the one that will take the brunt of this with no say to the council. The only say they have here is a County Commissioner here, which is me, whether we should or shouldn't do that. Daniel, I agree with you that you are being transparent. There is no guarantee that we don't drop something catastrophic by their properties, all three of them. There's no protection there, they've been agriculture all their life there and then we go to M-2 and these three properties are totally destroyed and Union City Council doesn't have to answer to them, that's where we are at right?

D. Baker: Yes, that's correct.

G. Friend: That's kind of a bad situation for the homeowners out there. Why can't there be a protection zone put in?

D. Baker: So, we can discuss a protection zone, I think, it's not off the table. I just didn't have the number right now for what that would look like.

G. Friend: Well, I feel for them because they have no representation, once this is done. Because even if we were to get a no vote here, it still goes to Union City Common Council, for the final say of it. Then you've got this situation where three residents have had Agriculture their entire life out there and M-2 doesn't protect them. It concerns me, I'll be honest with you without protections.

D. Johnting: There is a required twenty-foot industrial side and rear setback in industrial zoning when it is next to residential zoning. We would consider that residential. And there is also transitional yard screening of landscaping, berms and that could also be worked out in the developmental plan.

D. Baker: Correct

T. Kerns: So, technically they can build a factory within twenty feet within their property line?

D. Baker: Yes

D. Johnting: Yes, but with an additional twenty feet of berm and yard screening.

President Calhoun: Is there any way we can put protection on for these?

J. Welch: They would have to, really, they would have to agree to it. They've put this petition before the board. Really all we can do is say favorable or unfavorable. Because of where it is. So, if you say unfavorable and it goes to Union City and they would have to make a decision on that.

D. Johnting: So, the Area Planning Office does have some say through the Unified Zoning Ordinance, it has to be sufficient to provide an area for sight, sound and light. Area should be required only off-street parking, disputes regarding the sufficiency and types of screening shall be resolved by the Board of Zoning Appeals.

J. Welch: So, if they did something that wasn't favorable then there could be an appeal taken to the BZA and they could make them put more screening in or those kinds of things potentially. But there would never be a guarantee.

G. Friend: Right.

J. Hufford: And even though we don't pass that over to M-2, by them owning the property, they could still put the road in, with no problem.

D. Johnting: And Union City has the right to approve it.

J. Hufford: That's what I'm saying.

J. Welch: All we can do is say favorable or unfavorable.

J. Hufford: Of the rezoning, right.

J. Welch: They don't necessarily have to take the recommendation of the Area Planning Commission. They would have their own vote.

D. Johnting: You can be heard at the City Council meeting as well. This isn't final, this is a recommendation.

T. Kerns: I know we can't require it but can we ask for a buffer zone in it? As part of our recommendation?

J. Welch: Well, we are basically saying either we do or do not recommend the change so, it doesn't really help us any unless they are willing to agree to it.

T. Kerns: If Union City sees that, I didn't know if they would accept it.

J. Welch: We could say we don't recommend it unless, and then that would be, is that something that would be considered?

D. Baker: I don't think we are opposed to it, I just don't have the, I'd have to go back to my board on that, because I just don't have the information on that. But I am not opposed to that.

J. Welch: If this was continued to the next month, would it be possible to be able to let us know what type of area you are actually asking to be rezoned, what kind of protection zone could be put in? Because it may be more likely that there would be a favorable recommendation from the board here if they knew that they could protect these folks that are here a little bit more. Just based on where this is going to be, if you live here and you've lived here your entire life, having a factory right in your back yard is not what you want and not what you asked for or what you signed up for. I think that's what the board has concerns about now. So, I think if they came to us with some kind of a compromise, if you will, where they would say, have a better protection zone for the residences. I know you don't have to, but I think there would be a better chance of getting a favorable recommendation from this board if that would be included in a proposal. I know it doesn't have to be, it's nothing that we can force, but I think from my sense of what the board's saying here is they think that would be reasonable to try to offer some protection to the other residents. I don't want to speak out of turn, but that's the impression I am getting.

D. Calhoun: Do you want to come up so we can get your conversation on the record?

D. Baker: I don't think there is opposition anywhere on our board, for a protection zone, at all. And I think it really is warranted, and I just want to say one thing that I didn't have here today. I will have somebody else completely new here next month. I think we can work a protection zone in here, I hope individuals here know me enough that I am to my word, I am not going to, so. I don't know what that will look like, and that's what I am asking what that comfort zone would be? Because I am a resident here too, not in that specific area, but I wouldn't want a company in my back yard, completely. But at the same time, I have to do my job. I have to provide growth for the county, because that's what I have been charged to do.

G. Friend: But both can be achieved, with the right buffer for the neighbors.

D. Baker: Yes, I think we can do both and make it a win-win for everybody. To be able to provide that growth and provide some of those buffer zones. I don't know what that looks like. So, I am willing to take that back to my board and bring it back as quickly as next month. But, yes, that's where I am at.

J. Welch: So, I guess the question is, do you want to proceed with what you have?

D. Baker: I would prefer to proceed with what I have right now, if you guys would let me, but I completely understand where you're at. And I would prefer to go with your recommendation than without it.

D. Calhoun: When would be the next Union City Council meeting for you?

D. Baker: It's on the 26th, I believe. But I can talk to my board, and I will work with them to see what that buffer looks like.

J. Welch: The board has to make their recommendation based upon what is presented tonight. So, if what is presented tonight does not include any of those things, it would be next month or a different time when they knew exactly what they were voting on. Then there would be a much better chance

that, I don't have a vote obviously, I am just trying to condense this, but there would be a better chance that the board might see this a little more favorably if something could be set in front of them where, this is what the protection zone is going to be. It would be easier to swallow some kind of a recommendation on this. That's just my opinion, I don't know what the board thinks about it, but that's what I am hearing.

G. Friend: I agree, I think it's the best to continue this until next month until we have something or you can bring more information or you would have a strong chance of getting no recommendation at all, even though that doesn't stop it. But you have to consider the people who have been here all their life with a huge field between them and industry losing that. I could never vote for that until we have this next conversation, personally.

J. Hufford: And you can take this to your mayor, and also to your council, and let them know what the problem is and what we'd like to have done. And we'd like to have it in writing if at all possible. That way we know what we are looking at.

D. Baker: Okay.

D. Calhoun: Whether we give it a favorable or an unfavorable recommendation tonight...

J. Welch: The board would have to consent to continue this to next month until we have more information.

G. Friend: But Don's right, we don't want to continue until something happens.

J. Welch: They would have to consent to the continuance.

G. Friend: If they don't, what happens?

J. Welch: If they don't then we have to vote on what we are presented.

G. Friend: Okay.

D. Calhoun: So, that's what I was thinking, if we give it an unfavorable recommendation tonight, and you can have the information so that when you go to the council meeting on the 26th?

J. Welch: The council would still be voting on this proposal, so this could not be changed up between now and then, it would be the same information presented tonight, they would be voting only on what this says.

D. Calhoun: Okay.

J. Welch: So, in order for that to happen, the change in the proposal would have to come through us in our recommendation, and then it would go to the city. Otherwise, the city has to vote on just whatever is presented here.

D. Baker: I'm good with that, it's fine. We'll figure it out. Somebody will come and represent RCU.

G. Friend: And you are okay with the continuance?

D. Baker: I'm fine with that.

G. Friend: I make a motion that we continue this to the next hearing.

J. Hufford: I'll second.

D. Calhoun: It's been moved and seconded that we continue this until next month, all those in favor say aye. Those opposed no. Motion approved.

D. Baker: Thank you very much.

G. Friend: Thank you, Dan.

D. Calhoun: Do we have any old business we need to discuss?

D. Johnting: We have a hearing next month.

G. Friend: Motion to adjourn.

D. Calhoun: Meeting adjourned.

President Don Calhoun

Vice President Coy Applegate

Area Plan Director/Recording Secretary, Debra Johnting