

APC MINUTES

March 20, 2024

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

Members absent: Amy Alka, Will Greer, Terry Alfrey

Legal Representation: Jason Welch

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

Others present: Ed Thornburg, Scott Reagan, Rick Collins, David Boxell, Becky Boxell, George Caster, Steve Shoemaker, Penny Lyle

President Calhoun: It's 7 o'clock so we will go ahead and call the hearing of the Area Panning Commission to order. First on the agenda is approval of the minutes from the February 21st meeting, 2024. Has everyone got a copy of the minutes? Is there anything that needs to be changed?

G. Friend: I make a motion to accept the minutes.

J. Hufford: I'll second.

President Calhoun: It has been moved and seconded that we accept the minutes from the February 21st meeting. All those in favor say aye, all those opposed, no? Motion passes. Okay, next on the agenda would be APC2024-4-Z. Continued from the February 21st meeting Randolph County Economic Development Foundation.

D. Johnting: I have a letter to read from them, from Jackie Welch. It states: "Due to unavoidable circumstances, I'm requesting that my petition be continued to the APC hearing in May, 2024, please accept my sincere apologies for any inconvenience. I hope you will vote to grant the continuance for this decision to rezone. Thank you, Jackie Welch and the Randolph County Community Development".

G. Friend: That's easy. I'll make the motion to continue.

C. Applegate: I'll second that.

President Calhoun: It has been moved and seconded we continue it to the May meeting. All those in favor say aye, all those opposed, no. Motion passes.

J. Hufford: Now, that they continue that, do they have to resend out letters and other things?

D. Johnting: Since it is a continuance, if they ever withdraw, they would have to go through all of that again.

J. Hufford: So how do people know that it's going to be in May?

D. Johnting: If they had an interest they should have been here tonight, and they would know that it's been continued to May. So, if there is anyone here with an interest in that hearing, it will be continued until May.

President Calhoun: Okay, next on the agenda is APC2024-7-Z, Scott Reagan. If you would like to come up and state your name and address and what you're wanting to do?

S. Reagan: My name is Scott Reagan and I live at 1053 Debolt Avenue in Union City. I also own a building uptown which used to be the old Pizza Bowl, or the bowling alley or whatever. It's a real big building. And I get probably three calls a month asking me if they can store stuff in my building. And if I have any extra space because there's no space available in Union City and my building uptown is not for that. I mean, that's just an extra garage for me. We store all our stuff in there. I have a couple of apartments above it. I've asked J. J. Hall a couple of times about buying his and he's not interested in selling his. And I've got rental properties all over Ohio. I've got Sidney, Piqua, Greenville, Troy and I have a few in Union City and I've always been interested in getting involved in rental. I mean in store and locks and such. I've got a friend in Greenville that's a manager of a very large store and lock unit. They're all over the United States and I thought about how to go about it and stuff like that. And I've talked to other people, I mean, and the opportunity has come. I graduated with Michelle Hoover, which her dad was Flip and Penny and I've known him. I used to play. I used to bowl, in their, when they used to live in, they used to live on Hickory Street, me and Michele used to bowl down their alley when we were like, four and five years old. So, when their house. When her Mom and Dad passed away a few weeks apart from each other. I mowed their yard and stuff for them, several times when his son and daughter-in-law couldn't get it done. So, I've mowed it several times to keep it down because the one side really grows fast. Whoever knew Flip knows that he loved irises. He had like seven or eight iris beds throughout the property. He's also got a barn that's falling down. And a house that needs some repair. And my thoughts was to buy the house, fix it up and resell it, and to take some of the land away from it and move it to C-3 to build. You guys have a picture of it in front of you, I'm sure of what it's supposed to be. I took some pictures today and the other day, yesterday and today. If I could pass them out, pass them around for you guys to see. This is from my backyard. See the property and then these are from Division Street. I think they're pretty close to in front of George Castor's house. The property, that's kind of an eyesore, and I really would like to fix it up. I mean, I can see the property really well from my house. And, you know, I ran the thought of having store and locks there. There's really not nothing that's any quieter than store and locks. The only time anybody's there is when they're putting stuff in and taking stuff out. So, I mean, it's really a friendly, more of a friendly place. I mean, I can see it from my backyard. So, there's not going to be no riffraff or anything. I mean, I own the field right next to it. People say, well, why didn't you use the field to make the store and locks? Well, the reason is, I mean the field has been farmed for probably forty years. I mean, it was originally supposed to have been a subdivision. But it never was finished. And it takes many years to get the ground where you want to grow stuff on it, and Doug Longfellow who is a trustee in Ohio, he actually farms it. He's farmed it for me for like the last seven or eight years. Mickey Whitesell mows it for me, I mean, he farmed for me before then. So, I mean, I just think that Union City has the need for more store and locks. And I mean, I think this property needs brought up to better standards

than what it is now. I mean my plan is to fix the house up, tear the front deck off the property. And to cover up the cement, I mean, if you guys have seen the house? There's cement blocks all the way up to the front where you look underneath the deck where, all you see is cement blocks. I was planning on putting some siding on there, put some wood planks and then put some siding over top of it to cover that up to give it a better look and then redo the deck and make it more presentable and I'm actually scared to death to walk on it right at the moment. I don't know, other than that I don't know what questions you have. You have got questions for me or?

President Calhoun: Does any of the board have any questions?

J. Hufford: So, you put that in there and it looks like you're going right down through Division Street it looks like here. How is the entrance going to be? Off of Jackson Pike or off of Division Street?

S. Reagan: You know, I thought about that both ways and I think it would be a better entrance would be off of the Division. I mean, I could go either way. It don't matter to me, but I think that the traffic is going slower on Division Street than it is on Jackson Pike. I think there's less traffic on Division Street than there is on Jackson Pike. I mean, I live right there, so I mean, I see the big Frank Miller trucks running down through there that have a hard time getting stopped at the stop sign and all the other trucks that are getting and they don't. They're not running down Division Street. So, I mean. You hear the air brakes all the time trying to get stopped at the stop sign at Division Street and Jackson Pike.

J. Hufford: Division street is one way there, that's the reason I was wondering.

S. Reagan: Yeah, Division Street is one way, so.

J. Hufford: People would be coming in right down Division Street to get in there.

S. Reagan: I think it'd be better on Division Street, but you know the entrance, you have to have to have forty-five feet there, so there's plenty of room to get off. Or 55 feet? Is it 55? I think it's 55 feet from the center of the street to where you can build anything, so there's a lot of, there's a lot of area there for anybody getting off the street. And like you said, it's one way, so there's plenty of room to get around another car.

T. Kerns: This is not necessarily a question Scott, but I struggle with the commercial property in the middle of residential, right next to the city park. I just struggle with the placement of lock and stores.

J. Hufford: That what's bothering me also.

G. Friend: I agree. I love the idea. I love growth and development, but this location, it's better not being in the city.

S. Reagan: It's five hundred feet from not being in the city. I mean, it's not like it's in the middle of a. There's one house. There will be one house that's not in the city. The house across the street is not in the city. The city park is across the street, is catty-cornered, right?

G. Friend: Whether it's in the city or not, there's somebody lives that there. There's a family living there, so it's nested. I mean nested right in the middle of a residential area.

J. Hufford: You've got people right across the street that are going to be looking out their front door and looking right at it.

S. Reagan: I agree. Right. But the other two locations in Union City have houses directly across the street from them too. The one J. J.'s has, has a multifamily building right across the street from it.

J. Hufford: Yeah, that's the apartment building.

S. Reagan: And the one that they're building by the Dollar store has many houses across the street from it.

J. Hufford: It's all in a commercial area, but even the place on the corner used to be commercial.

S. Reagan: The one on the very corner did?

J. Hufford: Yes, it used to be a doctor's office.

S. Reagan: I thought doctor Pyle's office was up, I thought it was in the, next to doctor Chambers. He worked kind of out of her house and she made it her house after she quit being a doctor.

J. Hufford: No, she moved out, and she sold that. And then she moved back to her parent's house.

S. Reagan: Right. Wendy lives there now, right?

J. Hufford: No, I don't think that's right.

S. Reagan: Yeah. Wendy. Wendy who's the Randolph County nurse? She lives there now.

J. Hufford: Anyway, we're just concerned about this one.

G. Friend: If you buy the property it's still going to be used as a rental? The house is going to be a rental?

S. Reagan: No, the house will be sold.

G. Friend: The house will be sold?

S. Reagan: It will.

G. Friend: So, that nests it even deeper into that R-1.

S. Reagan: It don't matter if it's a rental or being sold.

G. Friend: That's what I was going to say.

S. Reagan: Somebody's going to live there. Doesn't matter to me, right?

G. Friend: Right, and it doesn't matter. What matters to me is it's nested in the middle of residential zoning area. And I wish you had another spot to build it within Union City, that would be great.

S. Reagan: There's a, not to bring things up, but I know there's a store and lock that's dead in the middle of a residential area in Winchester. I mean there's houses all the way around it.

G. Friend: I don't know how that came to be, personally.

S. Reagan: I didn't know it was there, I was just driving around and store and lock. I thought, wow. But, like most people say, it's the best neighbors you can have. There's nobody there, except for when they're putting stuff in there. But you know. And it's better than having a barn that's falling down and if you saw the picture, if you pass the pictures you can see what it looks like now. Most people that, anybody that would buy that wouldn't want to take care of three acres. I mean. Anybody that knew Flip knew that he was out there, if he was home, he was out in his Iris bed pulling weeds because, God knows there were tons of weeds in his Iris bed.

President Calhoun: Were you planning on putting a fence around it?

S. Reagan: My plans are having a fence. I mean I truly think that if the ground was built up where it was kind of block that off, where the house was away from it that would be would be nicer but, whatever I have to do. You see a lot of places where it's built up. And because there will be extra dirt there and I figured the houses on Mitchell would, I mean, if the dirt was built up so that you couldn't see, or you could see less of the store and locks. That would look better to me than a fence would in your backyard but.

President Calhoun: Any other questions from the board? Is there anybody in the audience that has questions? Please come up and state your name.

G. Caster: Ladies and gentlemen, I am George Caster. And as he mentioned, he took a picture from my house. When this was brought up, I have very serious concerns about one, like he said, it's in a residential area. The drawings that was presented, if you draw them out, they don't really reflect, on the ground, what the map shows. The eastern boundary would actually be, if you go by the footage that they put down, the eastern boundary would be right inside the people on Mitchell's yard. One of the concerns I have is also, like he said, people has asked why don't you put in your own lot, that you own? That's a consideration. But that is a residential area. The property values in the area has increased dramatically. My home. I have done work to it. It looks totally different than when Odine had it. But my house right now is appraised at over \$150,000. I paid \$64,000. It had been up to almost \$250,000, but then the market started going down. You drop that store and lock in there and again, I'm not opposed to development. It is just location, location, location. And we're looking right across at it. Yes, Division Street is one way. And they drive down there, once they cross Chatham, it's like a freeway. They come flying down to that road. We also have people that turn on Division there and will travel all the way up Division, like it's a two-way street. The problem I've got, is if you've got this here, who is to say these people aren't going to want to go all the way around and come down Charles, and then turn and come in here? They're just going to turn right there. Lights, they were talking about lights being on there? Yeah, you can angle lights. But with as many houses as there are around there, it does not matter where you're at. Lights are going to hit somebody's home. I've got two street lights that go through my house. I've got blackout curtains just to keep them out. That just two street lights. The noise. The location. There's a commercial vacant ground out on 28, the current zone. That they're trying to sell lots in. That would be okay. We have an industrial park that's got space out there. He could build on that? And yes, he does, he is right. There is a multifamily dwelling across from a store and lock there

on the corner. Right by the railroad tracks. That was years ago. I don't know how it got there like you said.

G. Friend: Yes.

G. Caster: To me, it's not kosher because even trying to get in there, if they're stopped to push the button and you're coming down Jackson Street, you gotta stop or try to go around them and you never know what's going on. I just don't think it's a valid location. It's a possibility up by the cemetery. There's a big lot that used to be part of the factory there.

S. Reagan: I've asked about that, you're not allowed to build on that. That's poison.

G. Caster: Right there across from the ice cream shop. He says it's poisoned. I don't know about it, I know the city mows it. Frank Miller uses inside the fence. And that ground can't be any less poison than that grass. But maybe they just don't want nothing there, I just do not feel as a homeowner, who has dedicated to making his life there. I mean, that's my coffin house. I don't want to see that across there. No more than I'm pretty sure he would not want one, right across from him. But, Flip's house is a danger. And I've talked to the son about this. That deck, I mean, that place should be condemned. Because the deck, if somebody walks on it, it's going to come right off of it. And they were thinking about fixing it up. And I said, well, if you sell the land, to some home builder, then you can use that money to help fix up the house. He said, oh, that's a good idea. He spoke about Flip's iris's. Yeah, that'd be a great. I mean, he kept those irises there. But to put this in those Iris beds have got to come out. I just don't, it's just not feasible for the immediate patrons who live there on Mitchell and Division from Charles to Jackson. And yes, I agree, Jackson, they just go right though stop signs, they can't hardly stop there. Putting an access off of Jackson would be very detrimental because you're on a rise. And when they come up there, all of a sudden there's somebody there, and there's going to be a wreck. Or pulling out, either way. But again, that's my point of view. I just don't think it's a logical choice. There's too many other places that could be considered, and should be considered. And yes, I'm sure they do need more store locks in that town. But, that's not the place to put it. Got any questions for me? Okay, thank you for your time.

President Calhoun: Thank you, is there anybody else that would like to speak?

D. Boxell: I would like to, please. My name is David Boxell, and I live at the corner of Division and Mitchell Avenue. My wife, Becky is in the back being quiet. I've got a lot of the same concerns that George has about the location of this lock and store. A couple of things that I've written down was it blocks our of view of the park. You know, we really enjoy looking out the windows at the park when it's all lit up and it's going to cause a problem for us. I've lived there for forty years. You all know Dick LeFevre, remember him? Years ago, I bought that house off of him. I've built about 700 square feet on it. Put a lot of work in it. Tried to keep it nice and I think it's going to be detrimental to my property value the same as George says. And if you haven't driven by George's house, you ought to take a look at it. He's spent a lot of money and put a lot of effort in it. It looks really, really nice. I also know that there was no driveway identified on this on this concept layout. My fear was he was going to try to put it on Division Street, which kind of sounds like we're leaning that way. About 3:00 o'clock, I believe

school gets out. How many kids walk down Division Street after school? When you get past Chatham, I believe it is there's no sidewalks in that area. So, the kids are walking on the street and I think that's extremely dangerous. The speed limit is thirty mile an hour and they go fifty. And they put speed sensors out there and I don't know what the results of those speed sensors are, but I guarantee you they're not thirty. Fencing, I was asking about fencing. That has been mentioned a little bit. Is it going to be a gravel or a paved lot? Gravel's going to create a lot of dust. If there's no cars on it, wind still blows. We still get a lot of field dust. Noise. Traffic. The other thing is, is it all inside storage? The northeast corner just shows the 74 foot wide space. My fear is old junk cars. Stuff that you can't park inside, it's just going to become another eyesore which is right behind Collin's house.

S. Reagan: There has to be an area where the detention pond is.

D. Boxell: So, there's going to be a retention pond there? It doesn't show that on the drawing.

S. Reagan: I didn't show it because I don't know where it will be. Because I have to have an engineer do that.

D. Boxell: Well, here's the other thing. I was kind of looking at this little map and my seven year old grandson took it out and said Pappy, this guy can't add. It just don't add up. So, I took it to work and drew it up on AutoCAD, laid it out for the measurements that's on there. I'd be glad to share that with anybody if they want it. The last building is six tenths of a foot from my property line. And this is all the scale and about like they look at, I brought several copies.

D. Johnting: The drawing that you have is not to scale, there hasn't been a survey done. The drainage plan would have to be drawn up, which could change the entire layout and this is just a rendering.

D. Boxell: Just a rough drawing. Understood.

D. Johnting: It's just for you to get an idea of what his plans are. It's not to say those buildings are going to fit and it's not to say those are the sizes of the buildings that are going to be there. It wouldn't make any sense to pay an engineer and someone to design this out before you come here and then get turned down. So, we do the best we can, so, if it's approved, it absolutely would fit, the setbacks will be met. After the survey is done, the drainage plan has to be approved and I guarantee there won't be six tenths of an inch from your property or it won't be approved. I apologize for not pointing that out sooner.

D. Boxell: Yeah, fair enough.

D. Johnting: We do the best we can to give you a good idea of where it's going to go and what it's going to look like, how it's going to fit in there, but by no means is this an engineered drawing.

D. Boxell: Yeah, absolutely. I guarantee you that. That's what I do for a living and so on.

D. Johnting: Well, it's obviously not what I do, and this is by far the final drawing. He will employ the people who do this for a living for a final but the result will be the same, the store and locks will be there, not necessary the size or the layout you have.

D. Boxell: The other thing that that Scott had mentioned, and I agree with him a hundred percent, the way it is, it's an eyesore. I've tried to buy property off of Flip for 35 years. Of course, he didn't want to part with. I believe our neighbors and myself, if they wanted to get rid of this and just turn it into a nice field and keep it mowed. I'll buy it. That way I can kind of control the neighborhood, not control it, but not allow something like this to come in that will, I believe will ruin my property value. I put a lot of money, a lot of sweat-equity in that home and the property values in Union City have tanked for the last thirty years. And it's the only reason that is keeping me in Union City. It's a lot cheaper living in Union City than it is in Muncie, which is where I work. And I want to stay there. I'll be retiring in two years, nine months, and eleven days. I'll be retired. And I intend to stay in that home until my kids decide what to do with it when we pass on. That's just my thoughts and I asked y'all what would you do if it was your neighborhood? And I believe I got some of that feedback already. So, it's a residential area we're trying to make it look a little bit nicer. There are a couple eyesores but we're working on it. So, I just asked if you all think of it and put yourselves in our position, which I'm sure you will, and I'd appreciate that. Any questions for me?

President Calhoun: Thank you. Is there anybody else that would like to speak?

R. Collins: Hi, my name is Richard Collins. I live at 505 Mitchell Avenue. The storage units would butt up right to the back of my yard. I have a lot of the same concerns as the other neighbors that have spoken. My main concern is the property value. It's starting to come up a little bit. And I'm just worried that if this goes in, how am I going to sell my house? Or, if I have to, what is it going to be worth when I am ready to sell my house? I am also worried about the increased traffic, especially if the driveway is going to be on Division Street. And I really don't think it's an eyesore now, and I'm more than willing, we've already contacted Hoovers at one point to purchase the land behind our yard, so I mean, I am more than willing to maintain the yard, if he's willing to sell it to us. I'm also worried about people in and out of there. I don't know if it's going to be twenty-four hours a day they can go in there. If they are going to have access to that in the middle of the night. I mean, my bedroom is on the back of my house. Am I going to have to listen to people unload their stuff in the middle of the night? Most of my other concerns have already been brought up but, I just think it's a bad location. I think there's other spots in town. There are better locations out there. I think there's nine and a half acres for sale out on Deerfield Road, where there's already a storage unit. Which has just been added on to. I spoke with one of the other storage unit owners and he said he has open units. So, is this really necessary? And if it is, I mean there I think there's better locations for it in town. Does anybody have any questions? Thank you.

President Calhoun: Thank you.

S. Shoemaker: I'm Steve Shoemaker. I'm here representing the City of Union City. I'm here at the request of the mayor. I believe most of our Council have heard enough from their constituents that the city would side on not being in favor of this as well. Also, the city does have an investment off of Mitchell with infrastructure for water, wastewater and storm for a portion of that farm ground that is already plotted for additional residential properties. We have discussed that property for potential future building of homes over the last four years with different builders and developers. Nobody's

taking us up on it yet, but the city does have infrastructure dollars invested in that area currently, and we believe that this would hamper future growth of new housing. So, take that for what it's worth. The city, again, at the request of the Mayor. I don't think the City Council would be in favor of this as well.

President Calhoun: Thank you.

S. Shoemaker: My pleasure.

President Calhoun: Would you want to come up and sit here so that we can have it on the record?

S. Reagan: I was told by Bryan Conklin and the board fifteen years ago that they were going to develop that land. I talked to Tom Kerns about it. And me and Matt Blankley both own the land and we have heard nothing about anything being developed on it and I think they probably should get with land owners before they say that they are going to develop it. I mean, that's you know. I had all intentions of that being, I have had it drawn out and everything, but you know when you spent several million dollars on a property down on Plum Street that's just sitting there. So, that's just my thoughts. Thank you.

President Calhoun: Anybody else who would like to talk?

A. Collins: My name is Amy Collins, I am married to Rick Collins. There on Mitchell Avenue. Our concern is again coming up to the property line. We do have grandchildren who go out in our backyard. Who's going to be in our backyard? I don't want my grandkids out there with God knows who out in the backyard, especially if there's no fence, is it going to be gravel? You know, that gets into the yard, we take care of our stuff. I have personally also reached out to Chuck Hoover. Shortly after his parents passed. And offered to buy the house and the land, so there's nothing going in back there. So, we can maintain the irises because he worked very hard on this. Chuck said that was absolutely fine that I maintained that. Once it gets warm, we will do that and we can. And we offered to even buy the house, fix it up, so that way it stays nice. Everyone in that area has put money in their home. You put this in our backyard, put it in his backyard. He has that big field, there's kids out there; they're on dirt bikes, they're on four wheelers that gets dust on our cars anyway. Don't know how he gets away with it, but that's okay. That is zoned residential. They're farming it. How is that happening? How is he farming a residential area? That's also a concern. I don't care if they farm it, it keeps people out of there, so I don't care. But there's kids out there all the time. You put that in on Division Street, there's kids that walk, there are kids on bicycles. There are runners. The school runs on that road. It's not good. It's not good for our community. He has other places to put it. Put it there. If he wants it that bad, put it in his backyard, not ours. Thank you.

S. Reagan: She actually said how do I get away with having people in my, running in that field? I called the police so many times. Rodney Wynn was probably the biggest person, that always, I mean. You can see it. From the GIS.

J. Welch: And that is not the point of this hearing. That's for the city.

S. Reagan: Yeah. I'm just saying that it's not. It's nuts. I didn't. I don't let people go in there.

J. Welch: But that's really not the issue that's before this board.

S. Reagan: Okay. I mean, I've asked people to call the cops when they see people ride back there.

R. Abel: I'm Randy Abel. I am the current Building Commissioner of Randolph County and the former Area Planning Director. And I appreciate all the testimony, but I hope and I know a lot of you know to focus on the issue. And the issue isn't the irises or the people trespassing, it's on whether or not this is an appropriate area for commercial development. And to me, as former, in that office, Area Planning Director, is it obvious to me, beyond any doubt that this is not appropriate. And I hope all you agree to it. My recommendation would be to definitely to have a negative recommendation to the City Council and because of what Steve has said, I'm thinking they're on board with that too. I want to mention to you in the past, we have done zoning, and we've had a person sitting right here and say I'll do this, this and this and we never put conditions on it. And it went to the city and we talked to the people in the city and we said you can put conditions on it and send it back to us and we will approve them. I want to emphasize that you are the recommending body, all of you. So, if you think something is common sense, don't rely on the city to do the right thing. So even if you decide to give this a negative recommendation tonight, I would recommend to you that you add several commitments to this before you send it to the city. And I don't think there's a chance that it'll pass, but in case it does, it's your job to put the common-sense recommendations on this to send to the cities. Number one, I would say: this can only be used for lock and stores, no other development. First condition. Second condition, when this use is abandoned and it may take twenty years, or it may take until next year until the tornado goes through again. That it cannot be sold for another commercial use without coming back to you again. So, I say once the use is abandoned, which takes one year of abandonment, it would have to be not used for one year. Once it's abandoned, it goes back and reverts to R-1. My second thing would be, in case people around it don't want to be hung in limbo, you can put a condition if you want. I don't know if it's necessary, but you can say if the development doesn't start with when one year it returns to R-1. And, beyond that, I would say, I would put a condition on it that it has to meet the approval of the City Council for what the landscaping and what the transition yard looks like. So, if they decide, they don't want a fence there that's blue, it's up to the city and then they go back with these people that have to live by it, and they decide what that transition yard landscaping looks like. And don't leave it up just to our ordinance, which would allow a fence or several other options. And I am not telling you that you have to put conditions on it. I'm just saying in the past we have not. And I know the city didn't after we sent it to them. And what happened was, it's still sitting out there and it's an eyesore. And I don't see that he's ever going to change and put that fence in and do everything he said he was going to put in. So even though we think this is going to be negative on both sides here, I mean it sounds like the city is. This would be a good opportunity for us to say here's conditions we can put on, and just saying that we do, and these conditions? In the in the state code, do not have to be approved by the applicant. You could put anything on there you want. It's like you're the legislative body. You know when the legislative body passes laws, they don't have to be something that's going to be approved of by the Senate or by the governor. So, the legislative body can send this back to you. And if they do, then you can say, well, they know that we're recommending that this isn't a good idea. And then just approve it the next time. But to send them a blank check, hasn't worked in the past and it worries me, not so much in this case, because of what Steve has said. But it still worries me that the potential is there in the future that when conditions aren't placed. And if this was next to commercial, I'd say, no problem,

right? Because, it's in an area, obviously, that the zoning is intended to be commercial. But when you're right smack in the middle of a residential area, I think that's a very appropriate time to put conditions on it. Especially to where it's abandoned and returned to their residential uses. But, anyway, that's up to you guys to do, but I'm just saying in the past. we've had things like that hadn't worked very well.

J. Welch: Randy, I think the conditions would only be for a favorable recommendation.

R. Abel: I think you can put any conditions on anything.

J. Welch: It would make zero sense at all, to put any conditions on a negative.

R. Abel: No, that's not true.

J. Welch: It is, it's true.

R. Abel: Because, if you sent a negative recommendation to Winchester like we did the last time, whether it was negative or not, if you had put conditions on it and they passed it, you would have to come back here with those conditions, either removed or changed. So, the conditions are not the requirement that you do negative, positive or no recommendation. The conditions stand alone. And it can be done at any time, whether it's positive or negative. Because when it comes back, when it goes to them, they could pass it. And they need to know what you think is good and sensible. And if you don't think it's sensible, then don't put recommendations on it, don't put conditions on it.

A. Moulton: I would say, that if I vote no, then that means no.

R. Abel: But your no is not the final say.

A. Moulton: But for myself, if I vote no, then that means that I am not in favor of it.

R. Abel: But what you are sending them, they can vote yes over that with no recommendations.

J. Welch: Randy, you and I can have a conversation about this after the hearing. There are some things that we would have to do as far as a commitment, it has to be signed and recorded.

J. Hufford: Before we do this, I would like for it to be researched to make sure that what we are doing is legal to do, and we are up to snuff on everything before we do something like this.

A. Moulton: I would think that if I vote yes, but, I could say that these things have to be in place, that makes sense to me. But if I vote no, I am voting no.

R. Abel: But you don't have the final say.

A. Moulton: But if I vote no, I mean no. Period. That's just me. I'll leave it at that.

S. Reagan: If they put like a one-year thing on there, you may not get a contractor there for a year. They'll say that. I'm not saying that it will pass, the way that it sounds is not going to pass. But you know, they say there's nothing happening in a year, I mean, there's a lot of times you can't get a contractor in a year, especially now. It might sit there for a year and you can't get a contractor to get there for a year.

R. Abel: No, I'd be more concerned about the use and the continuance of the use in the future, because if you just passed this with no conditions on it, gentlemen. And it gets passed somehow by the city. He can put anything in there that's under C-3. Anything. But if you put the conditions on there that it has to be a lock and store for the discontinued use, I know you say no means no, but it does not mean no. You are recommending body. Your no doesn't mean squat. It's just your opinion that says I don't like it. So, what you need to say is I not only don't like it, but if you like it, here's the conditions we think will make it palatable to those land owners who are living beside it. That protects the land owners living beside it. And sometimes, if we had done this in the past, it would have protected the city. Because the city didn't put conditions on it like they said they were going to. So, they were left unprotected. We are the recommending body. We can protect the city and we can protect these landowners. And if the city chooses not to protect them, they just send it back. And when they send it back, you can say fine, just do it plain old C-3. With no conditions. But I see nothing in the state law that says you can't put conditions on a negative recommendation. So, it's up to you guys. It's up to Jason. So, I'm just telling you the possibilities I see and I'm saying this just to protect these people back here, in the future.

President Calhoun: Good, thank you. So, does anybody else from the board have any questions, comments?

G. Friend: So, we need to move now?

President Calhoun: Yes, we need to make a motion.

G. Friend: I am going to go with what Jason is saying and everybody else. And I would be interested in the conversation that you have after that, but that is something we should be considering down the road. I will make the motion that we send Union City an unfavorable recommendation on this project.

J. Hufford: I'll second that.

President Calhoun: Roll call vote on an unfavorable recommendation.

D. Johnting: So, if they say yes, they are voting for an unfavorable recommendation.

A. Moulton: Say that again, please.

J. Welch: So, this is for an unfavorable recommendation, so a yes vote is for unfavorable.

D. Johnting: So, if you agree with unfavorable, say yes. Tom Kerns, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Jason Brewer, yes, Coy Applegate, yes, Adrian Moulton, yes, Steve Hernly, yes, John Reece, yes, Abby Jounay, yes, and Amy Alka, Will Greer and Terry Alfrey are absent. That is an unfavorable recommendation to go to the Union City Common Council. The council will meet March 25th, 2024 at 6:00 p.m. I'll send this information over to them tomorrow and then if for some reason it's not heard on Monday night, it should be at that meeting to continue to whatever. It'll be continued to the next meeting, but that will be announced at that meeting.

President Calhoun: Is there any old business that we need to discuss tonight? Any new business? Do we have a meeting next month?

D. Johnting: Yes, we have a meeting in May.

G. Friend: So, at the end of it all, as it banter back and forth, Union City will end up being the final say, will they not?

J. Welch: Yes.

G. Friend: That's what would happen anyway, even if they were favorable?

J. Welch: Yes, they're going to have the final say in the end. No matter what you do, as far as that goes.

G. Friend: It would just add one more meeting to it, basically, if conditions were made and this and that.

J. Welch: I don't, it makes no logical sense for me to put a condition on a negative, because they're coming to us with their proposal, and you are saying, no, I don't agree with this proposal. So, to put a condition on that, you'd be saying, well, maybe I would agree if you did this or this, which is not what they are asking for. Just from my opinion, it makes zero sense to put conditions on a negative. Obviously, if there's a favorable then you can do a condition, but in the end that has to be recorded, for it to be enforceable over time. And generally, that has to be signed and consented to by the person, if it's going to go through. We've looked into making some forms with it for those conditions, for that to happen, when they come in initially, but just from my perspective it makes zero sense at all to put a condition on a negative recommendation. It makes no sense.

T. Kerns: If Union City would come back and approve something like this and they put conditions on it, would they send it back to us then with the conditions?

J. Welch: They would send it back to us. If they had a favorable then they would send it back to us with whatever their conditions were.

G. Friend: I also believe that if you've got the city manager, the mayor and a council member on here, this is not going to get a favorable vote in Union City. I would be completely shocked if they got a favorable in Union City.

J. Hufford: And we have representative from the city on this board. So, they can take the recommendation to the council whatever they want, when they go before the city council.

G. Friend: Thanks, Jason.

President Calhoun: Is there anything else?

G. Friend: Yes, Randy, were you going to present that? If I could say, this is in response, to a discussion that we had in the Commissioner's meeting, to put full time help in Debra's office, in the Area Planning office. And Randy called me and said it's proper to get it through the board to have a vote prior to going before the council.

R. Abel: So, the proper procedure for us to recommend and add an additional full time, for the Commissioners to approve something that we have to recommend it first in this board and then it goes to the Commissioners, and then it would go to the Council for funding. So, I think it's pretty obvious

for the last year or so, being in that office, that we have definitely, we got part time help, but it wasn't enough. So, I mean, think of all the hearings you guys have had. In the last, even just this year, I think you are on eleven? And I mean, it's really, really overwhelming. And it's just been hectic in there. Now with the tornado and everything else going on, what I'd really like for you guys to do tonight is to make a motion and recommend to the Commissioners that they employ another full time, like an Area Planning Assistant. I don't know what you would call it. I don't know what it was called before?

G. Friend: I should say the Commissioners have already, said that we're in favor of that and we're passing it to the Council for funding. What we didn't say was a full time and a part time assistant. And I'm not saying that's not to be done. What we said was a full-time person. There may be discussion on whether that also includes keeping part time as well. That wasn't discussed.

R. Abel: I'm assuming that decision will be made by council.

G. Friend: The funding question will be made by council, yeah.

T. Kerns: I have got a question, if the Commissioners approved this position of the work group, who interviews for the position or who does the interviews and hires this position?

G. Friend: When it's the Director it would be the Commissioners, when it's the employee it would be the department head.

T. Kerns: So, it would be Debra? And Randy?

G. Friend: It would be Debra, unless there are shared duties, then it would be Debra and Randy. Are there going to be any shared duties? Or what are you thinking?

R. Abel: So, our office, the way the job descriptions go, basically, so if she asked me to do something. I'm to do it and if I ask her to help, she helps me. So, everybody in the office, the Secretary, all are to swap and help each other where needed.

G. Friend: It was my understanding that it was the recommendation of the Commissioners of the person to hire will come out of the office, the joint office.

R. Abel: Yeah. But it would be probably Debra that would interview, but obviously, you know, when I've done that in the past, I've actually had even the Auditor come down with me and help out with interviewing.

G. Friend: Well, my understanding after the Commissioner's discussion is waiting for the council's funding. We have already determined that we need to do this.

R. Abel: Okay.

G. Friend: So, I agree with you. We need a recommendation from this board here to send to the commissioners and to the council.

R. Abel: So, I don't know that we need to address the part time tonight?

G. Friend: Not right now, we can leave that for another discussion.

R. Abel: I think that discussion will probably come up in the council?

T. Kerns: What we'll do is, at the council meeting, we'll approve the budget for full time, if that's the way it goes, and we'll either leave the money in for the part-time line, or we'll take it out of the part time line, and it's up to you. The part-time position has already been approved, it's just a matter of whether we need to find funding.

G. Friend: It's hard for us to get employees when the Council locks up the funding.

R. Abel: It is.

G. Friend: Checks and balances.

R. Abel: But maybe they lock it out until this tornado stuff is done, maybe they'll wait a few months before they do that.

G. Friend: I was just kidding about that. I think that's a good thought.

R. Abel: Well, that's all I had so somebody can make a motion.

G. Friend: I think I can form a motion that the Area Planning Commission would like to send a recommendation to the Commissioners and the Council to add a full-time person into the office. Does that sound right, Jason?

J. Welch: Yes.

G. Friend: Thank you.

J. Hufford: I'll second that.

President Calhoun: It's been moved and seconded. All those in favor say aye. Aye, opposed. No. Motion passes.

D. Johnting: Speaking of the tornado, does anyone have exposure to anyone who has been affected? Please have them come and see us. I was looking at property today that could be a couple of feet off the property line. We had questions about going back on the same foundation. I got an e-mail on Saturday from DNR wanting to know if I had assessed my damages in the flood plain yet. And so just have them come see us, if they have any questions. That's the best thing.

G. Friend: I have spoken to one of the other Commissioners, because that's come up. It's going to be the Commissioner's attitude that we are going to find a way to allow rebuilding the footprint what was there.

D. Johnting: Yes.

G. Friend: And we're also going to waive all permit fees on this endeavor, through Randy's office. Which, which we forgot to tell Randy after we talked about that. I wanted to ask Jason's opinion on the legalities of waiving fees?

J. Welch: Deb and I had talked about that, and one possible option would be to have a, for lack of a better term word, variance waver procedure for any area that the county determines to be an emergency area or disaster area or whatever term you want to use. But we can put some certain conditions on how that can be done, including consent from the neighbor. The fire codes, in the same footprint, there are certain things we could put in there. I think that might be one way to do it. And then obviously if the neighbors aren't in favor of it, you'd still have to go through a hearing on this because I think everybody has the right to have their say. But, I think we can come up with a procedure of some sort to allow to build on the same footprint even if it doesn't necessarily conform.

G. Friend: Even if they are over the line, I don't know how we can, can we do that?

J. Welch: If they are over the line, we can't do that.

G. Friend: We can't do anything if they are over the line?

D. Johnting: It's not that they can't do anything, but they can still build back.

J. Welch: And there may have to be a survey if it's within so many feet of the line to locate the line to make sure it's on the proper lot. They're trying to come up with some procedure to go through this, without having to have a hearing for each one of these. And some of them, might not even be permissible under our ordinance that we have currently. There are some things that Deb's looked at, and I have been looking at over there. But nothing formal has come up yet.

G. Friend: I guess the Commissioners thought on it, from what I understand, please, we would work diligently to find a way to allow a destroyed house to be rebuilt on the footprint right where it stood?

E. Thornburg: The state waved non-conforming lot requirements for this burden just today.

D. Johnting: And that's fine, the problem would be if you are on the line, there will be fire code requirements that we can't wave.

R. Abel: My question would be, did the state only apply to state property or does that apply to our local zoning?

E. Thornburg: My understanding is the statewide, they said that nonconforming lot requirements is being waved because of this emergency. My understanding that it happens with everybody else's emergencies, not that this is unique.

G. Friend: I expect Jason and Meeks will confirm this.

J. Welch: I haven't seen what they did today, so I don't know.

G. Friend: If it was good enough before the tornado I feel it should be good enough to put it back where it was.

D. Johnting: We can't permit you to build on someone else's property.

G. Friend: So, what do they do, is it just tough luck?

D. Johnting: No, no, not at all. We'll figure out something.

G. Friend: Okay, that's what I want to hear.

J. Welch: And we have to adhere to the fire codes.

D. Johnting: And with the fire codes there may be different restrictions, than what there was before.

G. Friend: We'll figure out something.

D. Johnting: If someone has a damaged foundation, and a foundation can be damaged during a fire and definitely with a tornado. So, they may have to put in a new foundation or fix the one they have. But, we have to give it some time. I have heard right after a disaster, "I want exactly what I had before, but you know what? Another couple hundred square feet would be really nice". They need time to decide.

G. Friend: No, that's not even my thoughts. What they had.

D. Johnting: So, we'll wait and see if they want exactly what they had. And we'll try to get them back to what they want.

G. Friend: I don't care if it's a million-dollar house as long as it's the same footprint, if there's zoning issues. It doesn't matter what the value, as long as they can get it built back on that footprint.

R. Abel: My question would be, and I agree with that, I think that's great that they did that. But if you get down there and find out that foundation is rotten, moving it too feet is not going to cost them a dime more to get the house replaced.

G. Friend: Oh, you mean for tearing it out? I just want the message to be that for the people that were affected by this disaster, we'll do our very absolute best to get another house built there for them.

R. Abel: I agree with that.

D. Johnting: And not being able to have a door where it was before, or a window, won't stop them from building back exactly what they had before, and the house can be put back exactly the same. We just have to comply with the fire code.

G. Friend: That's all I have.

D. Johnting: Thanks everyone.

G. Friend: That's it, Deb? You just need a motion to adjourn? I can do that, motion to adjourn.

President Calhoun: Thank you for coming everyone.

President Don Calhoun

Vice President Coy Applegate

Area Plan Director/Recording Secretary, Debra Johnting