

APC MINUTES

June 21, 2023

Members present: Tom Kerns, Jim Hufford, Coy Applegate, John Reece, Terry Alfrey, Steve Hernly, Gary Friend, Abby Journay, Bob Lahey

Members absent: Amy Alka, Will Greer, Adrian Moulton, Don Calhoun

Legal Representation: Jason Welch

Staff Present: Debra Johnting, Area Planning Director, Recording Secretary, Rhonda Gard, Area Plan Assistant

Others present: Billy Emerick, Brandon Emerick, Justin Emerick

V. President Applegate: It's 7 O'clock so we'll call the meeting to order. Did everyone have a chance to go over the minutes from the last meeting? Any questions or concerns?

J. Hufford: I will make a motion to approve minutes as presented.

G. Friend: Second.

V. President Applegate: I have a motion and second. All in favor aye, all opposed? Motion carries. First on the agenda today is APC2023-17-Z Ben Welsh. Come on up please. Introduce yourself and tell us what's going on.

B. Welsh: My name is Benjamin Welsh, and I am opening up a small business in a barn that is on my private land north of Farmland. We are manufacturing laser cut parts, plasma cut parts, CNC machining, making signs. I have made some church signs in the local area. Ninety percent of my business is online, so I just make parts, ship them off. So, there is very minimal traffic added to the area, as far as deliveries. Nothing more than just UPS deliveries here and there. Our plan is to rezone a portion of my land to M-1 for sort of a temporary zoning, so if I moved or abandoned the business it would revert back to Residential. So, it would just be for the purpose of my business activities for as long as I am doing business in the building.

V. President Applegate: Any questions for Mr. Welsh?

G. Friend: I've been by his place and half the time you don't even know there's anybody there actually. As far as UPS trucks on the road they're coming non-stop anyway.

V. President Applegate: Anybody in the audience have questions or concerns?

G. Friend: I make a motion for a Favorable Recommendation.

B. Lahey: I'll second.

V. President Applegate: We have a first and second on a Favorable Recommendation, we'll take a roll call vote.

D. Johnting: Steve Hernly, yes, John Reese, yes, Abby Journey, yes, Tom Kerns, yes, Don Calhoun is absent, Gary Friend, yes, Jim Hufford, yes, Bob Lahey, yes, Coy Applegate, yes, Terry Alfrey, yes and Amy Alka, Adrian Moulton and Will Greer are also absent. Favorable Recommendation, and you will go to the Commissioners meeting on July 3rd, at 9 am at the Court House.

V. President Applegate: Now we have APC 2023-22-Z Emrick & Sons Painting. We do have two recusals on this petition, Bob Lahey and Tom Kerns.

B. Emerick: Hello my name is Billy Emerick, Emerick and Sons Painting. We recently purchased 1207 North Plum Street in Union City. When we purchased it, we thought it was zoned commercial, it is actually zoned residential at this point. We have a painting company. We do eighty-five percent of our business away from the shop but we will do some business at the shop, parts and pieces, and beams and such. We want to do what's right obviously, and get it zoned commercially like I thought it was. That's really about it.

V. President Applegate: Any questions from the board?

G. Friend: I have several. It's unfortunate that it wasn't zoned they way you needed it to be but for me that's not enough to change zoning in a full-blown residential area with a development behind it. And the painting you're going to do will have an impact. And, I think it's my duty to protect all the citizens in the R-1 around you. It's unfortunate, but I don't see how we can make this change when there is going to be industrial style painting going on, and knowing that there is sub-division being built behind it, and it's residential all the way around. I would hope that if you don't get a favorable recommendation that the City of Union City would help you find somewhere else to be. Because this is not the spot for that business to be. And I mean that with all due respect.

J. Hufford: I have to say this is not zoned commercial but there was a commercial operation in there. It was an electric contracting business in there and right across the street there is a construction business. I don't know if this would make any difference or not.

G. Friend: For me it does not. What was there was electrical supply company, which is a complete hundred percent different type of operation. Even if we read what the C-3 does, it does a lot of store front activity. I don't know why this would not be an industrial request, this is industry that you're doing in there, and you will be painting some things outside I would suspect.

B. Emrick: It's possible certainly. And in the letter you read, it is a small part of the business, fifteen percent, possibly, albeit, I get your point. A lot of our business is away from the shop. We will store trucks there, we do have trucks there. We certainly have painted a few things outside but we try to do

everything inside that we possibly can. There will be occasions when we do have a little bit outside. It's a little, for sure.

G. Friend: It's unfortunate for you, but in my opinion that you are in the wrong spot. It's going from dry goods to active factory style work. And I respect Jim's opinion too but...

B. Emrick: Before we even realized that the property wasn't zoned commercial we had already established our presence in the community, we put a fence up for that purpose, knowing that new homes would be there. Being a good neighbor is certainly something we have always wanted to be and would be.

G. Friend: I don't know what the rules are for a paint booth in an outside exposure. You would have to have a paint booth inside I would say. And I don't know the rules on the chemicals you'd be using inside and out.

B. Emrick: Certainly, inside and there are certain chemicals and certain things you can't use inside either, and there are certain ones you can't...

G. Friend: I'll rest my case, I just can't get there, with no disrespect.

B. Emrick: Sure, I totally understand.

V. President Applegate: Does anybody in the audience have any questions or concerns?

D. Johnting: C-3 was chosen because we allow car repair with painting done in C-3. Billy, you spoke to Ricky Ward the day that you were in our office, the developer for the housing behind you said he thought you were a good neighbor and didn't have a problem with your business?

B. Emrick: Yes, thank you.

J. Welch: Motion for favorable or unfavorable, if that doesn't get at least seven, then you go to the other one and if that doesn't get seven, then it's a no recommendation.

G. Friend: So which one goes first does it matter?

J. Welch: We usually do positive first.

V. President Applegate: So, we need a motion for a Favorable Recommendation if somebody wants to make that motion.

A. Journey: I move for Favorable Recommendation.

J. Hufford: This will go to the city correct after we vote?

D. Johnting: Yes.

Inaudible: Second.

V. President Applegate: We do have a motion and a second for a Favorable Recommendation.

D. Johnting: John Reese, yes, Abby Journay, yes, Gary Friend, no, Jim Hufford, yes, Coy Applegate, yes, Terry Alfrey, yes, Steve Hernly, yes, and Amy Alka, Adrian Moulton, Will Greer and Don Calhoun are absent and Tom Kerns and Bob Lahey have recused themselves. That's six so that's not enough for a Favorable Recommendation.

J. Welch: So, you can do a vote for unfavorable, then if there is not seven you just go with a No Recommendation. So, it's going to be up to the city.

V. President Applegate: So, we need to have a vote on unfavorable.

J. Welch: A vote yes would be for unfavorable, a vote no would be for favorable.

D. Johnting: Abby Journay, no, Gary Friend yes, unfavorable, Jim Hufford, no, Coy Applegate, no, Terry Alfrey, no, Steve Hernly, no, John Reece, no. Ton Kerns and Bob Lahey recused, Amy Alka, Adrian Moulton, Will Greer and Don Calhoun are absent. One vote for unfavorable.

J. Welch: Neither motion carried so now it will go to the city with a No Recommendation from the board.

D. Johnting: And that meeting is June 26th at 6 pm at the Union City City Building and they will have all the information.

G. Friend: I have a procedural question, if it goes to Union City with No Recommendation that's the final, correct? If it had a Recommendation, or a No Recommendation here and they voted yes, it would be final?

J. Welch: Yes, it would be final.

G. Friend: Thank you.

V. President Applegate: Any old or new business?

President Don Calhoun

Vice President Coy Applegate

Area Plan Director/Recording Secretary, Debra Johnting