

**Decatur County Area Plan Commission
April Minutes 2022**

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Brad Schutte at 7:00 p.m. on Wednesday, April 6, 2022. There were 7 board member present. Absent was Eric Whitaker. Also attending the meeting was Krista Duvall – Area Plan Director, Debbie Martin – Administrative Assistant and Kevin Fleetwood.

Brad Schutte opened the meeting and read the following: *to comply with Title VI of the Civil Rights Act of 1964, Decatur County requests that participants in this meeting complete a voluntary, anonymous survey that is available on the table in the back of the room.*

* Approval of minutes of the March 2, 2022 regularly scheduled APC monthly meeting.
Approved as mailed.

* **APC Petition 2022-04 – Trent Westmeyer** is requesting to rezone approx. 2.99 acres out of 9.89 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by the petitioner and is located just South of 10281 S CR 60 SW, Greensburg in **Sand Creek Township**.

Morgan Eden: We just want to build a house. **Brad;** have you done any clearing in that lot at all? **Morgan;** yes, they logged it out before we bought it. **Brad;** is that Panther Creek just to the north of that? **Morgan;** yes. **Brad;** what is your water source going to be? **Morgan;** rural water, if we can get a well, we will. Sheila Kirchhoff made a motion to vote on APC 2022-4, Tom Cherry seconded the motion with all members present voting yes. **Brad;** keep in touch with the office if you do get started.

* **APC Petition 2022-07 – Robin Carmer** is requesting to rezone up to approx. 3.337 acres from an A-1/A-2 zoning classification to a B-2 zoning classification to make building ready for a business: farmer’s market with home décor and meat & cheese along with hard dipped ice cream. This request falls under Decatur County Ordinance Section Number 1125 (6). This property is owned Tim Callahan and is located at 7336 W CR 300 S, Greensburg in **Clay Township**.

Brad: Robin, I am going to give a quick synopsis and a rundown on where we are at. Tonight we are looking to rezone this parcel to a B-2. Robin has been granted on 2 occasions, conditional uses to do basically a farmers’ market in that area. Essentially now she is wanting to move that further along into more, as I just described, will have some meat and cheese along with hand dipped ice cream. That is why we are looking to zone this a B-2 so you can do what you need to do for that retail outlet. Am I correct there? **Robin;** correct. **Brad;** there is an existing structure on the property now that the intent is, that will be the store front with the living quarters. **Robin;** the living quarters is already there and we have access to that and the garage. **Brad;** and has that been inspected as living quarters? **Robin;** yes. **Krista;** just the garage and living quarters. **Brad;** and that has been cleared through, septic is all good for the commercial site, everything has been approved there. All of those things are in order as far as that side of the

business goes, short of some work with the State Fire Marshall and some things like that, that is where we are at. We are looking to rezone this parcel to a B-2. **Robin;** and I do have an update from Melissa Tupper, she is the fire protection coding specialist that we had to hire, I have an email from her. Brad read the email. (This is the email dated April 6, 2022 at 5:25 p.m.): I completed the preliminary review of the building using Chapter 34 from the Indiana Building Code, which is an alternative means of compliance with all of the requirements of the Indiana Building Code. The building will pass as a residence, retail shop and storage without requiring a sprinkler system. It will require a monitored smoke detection system throughout the building, but it will not require a fire alarm system. So as long as zoning permits the commercial uses, it is permitted by the Indiana Building Code. Once you know the business is permitted per zoning, the architect can complete the drawings and we can complete the Chapter 34 analysis that will then need to be submitted to the state and city. Sincerely, Melissa M. Tupper, P.E., Principal Fire Protection Engineer. RTM Consultant, Inc. (end of email). **Brad;** that is an as built way to have your plans be stamped. That is what we needed from that side. **Robin;** the architect that we hired, he already has all of the drawings done, she actually put him on hold until we find out, depending on this. **Paul;** the living quarters are in the new structure, is that right? **Brad;** yes. **Todd;** on this drawing here, the part that is marked shop would be the store? **Robin;** correct. **Paul;** approximately how many parking spaces will you have? I see in the packet here there is a drawing but I don't see dimensions. I know, rewind back to when this came up back in 2020 timeframe, one of the concerns from the neighbors was cars in driveways, backing in and out and waiting for someone else. Is there adequate traffic flow at this point? It looks like you guys have built a nice-looking structure, it has the potential to do well but I don't want this to become a backlog of cars that are trying to get turned in and things like that. **Tim;** we have made it all the way to the front of the building to the edge of the small shed, all the way to the drive where the new building it. There is probably 12-15. **Paul;** the most cars you have had at one time is? **Robin;** that drive going in and out there, that you can clearly pass each other going in and out, it is a two lane. **Paul;** the most cars that you have had to this point would be? **Robin;** Mother's Day is usually the biggest, that is when I do the basket sale and I would say probably 15, all at one time. That was back before we had the parking lot, and people don't know how to drive.

Audience: Bill Finley; I'm just to the north. 1) What is the whole process of these ordinances and (inaudible) why do we have them? **Brad;** to regulate what is built on a property. **Bill;** right, to regulate what is going on, I have read and read and read and the only thing I can find to sum this whole thing up is a little part that is on indy.gov somewhere about the zoning laws and it says: planning and zoning laws are designed to promote the health and safety welfare of all of the county citizens by preventing incomparable land uses. I just seen how many people came before me that had problems with businesses in their back yards. You guys are dealing with it, but it looks like a problem. I don't understand why, before you buy a piece of property to build a store, you don't look into what this is going to detail. If you will have to be zoned. Why are we just now going through this? The building is done, it is finished. I don't understand why we waited so long to do this. It is a problem with everything in the neighborhood, with this community. I just have a lot of questions. If you rezone this as a business and they decide they are done, it is still zoned business, correct? That means that anything in the world can come in there, is that right? **Brad;** it still has to fit the parameters of that zone. **Bill;** still in the B-2 zoning, I understand that. I'm not saying that it won't work I'm just trying to figure out what is going to be next beside my house. From what I have seen so far, zoning has to have a benefit to

(inaudible) so everyone agrees with that? There ought to be some benefit to rezone, it was agriculture and it went to residential and now it's back to agriculture again and now going back to business. There has to be some benefit to the community. Did I miss that meeting? Where you apply for rezoning and tell the benefits to the community. I think there is a lot of what is wrong with it but what is the benefits? You block residential property, number one. Has there always been a plan to build a store from the get go? **Robin;** on this property? **Brad;** they will get a chance to give a rebuttal. We need to hear your questions and your concerns. **Bill;** I have a long list. **Brad;** you are not going to get all night because we have a long list too so get to your main points. That way we can understand your concerns. **Bill;** I guess my biggest concern is just not that long of a longevity thing and there is going to be another business. There will be something else in there. Is there a conditional that can be granted for a business? Is there a conditional zoning where you can just do it for... **Brad;** our problem is this structure and that facility is now essentially commercial. That is why we are looking at the zoning. **Bill;** this one is? **Brad;** yes. **Bill;** so you can't do a conditional? **Paul;** to answer your question there is no such thing a conditional zoning. I have looked for that in the past as well and unfortunately there is not, once you change the zoning it stays with the parcel but there is no such thing as **Brad;** conditional use, we have conditional use. **Bill;** is that anything different from the zoning, there is just a restriction that you can put on? **Brad;** it lasts a short amount of time. **Bill;** so you could actually zone this for business but you can put a conditional usage on it. **Brad;** we couldn't restrict it to less than the zoning suggested. Am I correct there? The conditional use is for something to happen outside of the normal zoned use. I think I see your point, it is complicated. **Bill;** you give one person a conditional thing to operate but you won't do it on another one, I guess I **Brad;** because we don't change the zoning. **Bill;** right. What was the zoning on this guy that did all the mechanical work, what was he? **Brad;** residential. **Bill;** with a condition to operate, ok. The next one, if they get done with this, the next item could be a car wash, a restaurant, auto repairs, hardware stores, a night club, liquor stores, pending legislation in the General Assembly it could be a marijuana growing house of dispensary within a few years. It could be anything. We would be one exception away from a gas station, am I right? **Robin;** not in my book... **Bill;** one exception away from a gas station, I'm not saying that you guys will do that. **Robin;** I know, I don't know that (inaudible). **Bill;** the next person may. This zoning stuff was created to separate and protect the areas. We are not using that tool the way it was designed, and why Indiana passed all of those ordinances. I'm sure there is some benefit to it somewhere, I have yet to find (inaudible) taxing purposes. Zoning laws aren't here to protect civil rights, it is not a civil right. It is designed to prevent incompatible land uses. That being said, I don't like the idea that it is open for anyone to put anything on this piece of property if they quit and (inaudible). Anything can happen. I also, don't like the fact that the Commissioners told them that if you guys voted it down that they would give it to them. Why are we even doing any of this? **Brad;** it is the steps that we have to take. **Bill;** so the Commissioners can pencil whip it right through. **Brad;** we are making a recommendation to the Commissioners, yes. **Bill;** that is what you are here today? **Brad;** that is all we do, that is what this whole board is, they have to approve everything that we send to them, or disapprove anything that we send to them as well, and that has happened. **Bill;** so, can you submit changes to be made before you would actually get the rezoning? **Brad;** there is not, I know of no means of putting a restriction on a zone. **Krista;** we don't call for that in our ordinance. **Brad;** this has been discussed on parcels before, about future use and it has always been a contention point on a lot of these parcels, about once you switch, it is switched. **Bill;** I guess that is what I was looking for, a loophole. Obviously,

there isn't one. It is a business (inaudible). You couldn't even recommend to the Commissioners to move that drive out on the highway? Nothing they can do with that? A bunch of trees and change the driveway, and at least the neighbors wouldn't have to look at it. They wouldn't have to deal with it. What is the future of this, like you were saying, is there enough parking there? If it grows, is this business going to grow? Most businesses have a plan to grow, or do you have enough room for a deceleration lane, are you going to put a deceleration lane and a bypass lane going east on 300 because that's her front yard. You don't have room for a bypass lane, a deceleration lane (inaudible) they can take care of it. The highway, you probably could and you would have a lot more room. I don't know if there was not a whole lot of planning that went into this or if it was articulated this way. Now, the building is done, it wouldn't be right for you guys not to get, you know, to vote him down for a rezone. It just seems like it's coincidental. I have tons and tons of questions but if they aren't going to be able to answer them, I guess I am done. **Roger Finley**; you were talking about the safety of traffic coming out of there on 46, I want to tell you right now, that is a passing lane right there. When they are heading north or south coming down that way and you want to turn out going north, if you are not watching the guy behind you right there, he is going around you and you are going to get hit right there. There is going to be an accident happen. If you're not familiar with this territory right there, that will happen. That is a short passing zone and everyone is impatient, as you know. So if you get too much traffic pulling out there, you are going to have somebody killed pulling out there, because they are not familiar with what is going on there. And all of these others, you talk about ways for that guy to get that tree on his (inaudible) you are figuring out ways for him to put trees up where he can block the view in and out, but you are overlooking anything like that here. Why does he get the opportunity to put trees up to satisfy his neighbors and the neighbors around here don't get that? Seems to me that once the camel got his nose under the tent, that is all there is to it now. I'm pretty disgusted with how this whole thing went down. We don't oppose to somebody selling flowers on their front porch, but seems to me like this was a back door way of getting through all of this. I think it's pretty rotten, I think it stinks. I think somebody is not doing their job. **Elaine Sebastian**; I live across the street and as far as the traffic I rear ended trying to turn onto the road to get to my house. You have traffic coming towards you around that curve right there and people coming from Greensburg, some lady hit me in the rear end going 55 miles an hour, she didn't even get over in the other lane. She could have passed me easy but she didn't. That is a bad intersection, I would say that. Everyday when I get home from work, I have to look in my rear-view mirror to make sure someone isn't going to hit me going around. You would have to stop and let the ongoing traffic go before you can turn. The lady told the police that it was my fault because I was just sitting there. You have to stop because it never fails, you have traffic coming around that curve. It is a bad traffic area there.

Bill; will the Commissioners have another meeting to decide on this? **Brad**; yes. **Bill**; will we be notified about that? **Krista**; not typically but we can let you know. **Brad**; it will be the next Commissioner meeting. Which I think that is April 18th. Robin, if you would like to come up and give a rebuttal, please. **Robin**; first of all this was not a back door thing, if anyone knows what I have been through with this building, it has not been easy. This has not been a back door thing. We followed everything that we thought we were supposed to follow, we went to every place that we thought we were supposed to go to to get this building done. I just want to make that clear on our end, this was not some sort of back door, hillbilly move. The second thing is, what benefit does this have to our community, I feel like it has a huge benefit. 1) we are raising our own produce and we are bringing our own produce to our customers. That is hard to find

these days, everyone is sick of going to Walmart and paying out godly prices, a dozen eggs were \$4.99, that is ridiculous. Our eggs are \$2 a dozen. We have people that call us and say, hey, do you have this, this and this and we take it out to their car so they don't have to get out of their car for covid. I have several elderly people that call me with their orders and we cater to them. Not only do we do that but Hillbilly Corner has supported the schools. We support the after prom, we have supported our kids in our community and I just feel like Hillbilly Corner is a place that a lot of people want, and not only that, I have been told by several people in Decatur County that that area where we are at is an area that wants to be developed. So, when people are coming down 46, I get it that it is a bad area for traffic, that highway is highly traveled, but when you are coming from Columbus, we are the face of Decatur County as you are coming in, and you can't say that building isn't beautiful and that it is not nice, because it is. I've done everything I can do to satisfy my neighbors. They complained about the Pepsi machine, I removed it. They complained about the porta-pot, I put it behind the shed. I have done everything that I can do to try to satisfy people. That driveway is a State approved driveway, I can't move it. It is where it is. I just feel like, I understand what these guys are saying, because if I were them, I would be thinking the same things, what if we quit someday and what if this property is sold someday and something else goes in there. I get that, but as for where we stand, both of us has raised our kids in Decatur County, we have supported Decatur County, we love Decatur County and we just want to give back to Decatur County. That is pretty much the benefit of Hillbilly Corner.

Board: **Jay**; if we look at the spot zoning, because within a half mile, there are 8 rezones for A2, there is about 17-19 houses, not all are rezoned but they were before we had zoning classifications. The nearest business is 2 miles away. **Tim**; you have Mayhugh's lawn car right up the road. **Jay**; show me it's zoned B, it's zoned A1. **Robin**; how is he running a business (inaudible). Isn't A1 residential? **Jay**; A1 is agriculture. **Robin**; I got it. **Todd**; they are claiming back door, you are saying it's not back door, why did we get a commercial septic without the B zoning first, why did we go that way? **Tim**; we were told that we needed a commercial septic system. We went through and got an ordinance of 5 year... **Robin**; continuous use for a business. **Tim**; that is what we thought, we was doing everything the way we was supposed to. We didn't hide anything, they approved the prints, they said we had to have a commercial septic system, it took us a year, cost us \$30,000 to put the commercial septic system in. It never come up, all these other issues until 2 weeks before we got ready to open. **Robin**; we didn't even know that we weren't zoned correctly until 2 weeks before my grand opening. I had the Board of Health to come do their final inspection. They called me and said there is a problem with your zoning, you need to call Area Plan, I called Area Plan and then we found out, wait, we are not zoned correctly. When we came to do the continuous use for the business, out of the little shed, we had done that twice. When we got our commercial septic permit, we thought that because they were making us put a commercial septic in, per our blue prints, that was why we were doing it, was because of our zoning for the continuous use. We had no idea that we had to rezone, so then I had a meeting with Brad and he tells me, yea, this is a no go because you are not zoned correctly. We canceled our grand opening and all that. That is how we are where we are now. **Brad**; basically the building inspector gave them a permit incorrectly. That's what it boils down to. And that is how we ended up where we are at. **Robin**; I'm not pointing fingers, all I know is this is where I am. **Brad**; that is how we are here. **Tim**; we are trying to do everything the way it is supposed to be done. The State Fire Marshall, everybody has been involved. Everybody has been pretty good. We put the commercial septic

system in.. **Robin;** this has been no secret that we were going to do a business, it has been called Hillbilly Corner since the day I put a tent up and started selling flowers out from underneath the tent. It has never been a secret that we were going to run a business on that property. Were we hiding anything, I feel like, no, we were not. This is what it has always been. **Todd;** I'm not trying to accuse you of hiding, I'm just trying to get my perspective of how we got a commercial building without a B. **Brad;** it is unfortunate but that is how. **Todd;** to the idea of a tent versus a building, I can see their concern. A building you can move out and somebody else move in and its zoned B-3, the tent, you can fold it up and move out and there you have a vacant lot. **Krista;** and just to be clear Todd, on the building permit, the plans, that the building commissioner received showed a house with a garage and a shop. He had no idea a shop meant a retail store front. We issued the building permit. We didn't know until the grand opening that, oh wait a minute, that is a store front. And the State said, well, this says shop, that doesn't say store front, and they needed a construction design release from the State if they were going to open up a retail store. So everything just kind of fell in from there. The building commissioner issued a building permit based on a shop, and how many of you all have a shop in your home? You have your house, your garage and then you have your work space out back. **Robin;** but most people don't need a commercial septic system ... **Krista;** we don't do commercial septic systems, we do not do anything with septic systems. The Board of Health handles all of the septic systems. We have nothing to do with that. When they went to the Board of Health and said they were opening a business, they required they get a commercial septic system. It had nothing to do with us. **Roger;** let me ask you this, if it didn't have a commercial septic system in it, how would you zone it then? **Brad;** it should have been zoned to start with. **Roger;** let's say right now it doesn't have a commercial septic system in it, how would you zone it? **Brad;** they would have to prove that it could be commercially acceptable. **Roger;** or zone it A1, right? **Brad;** no, we wouldn't be here. **Roger;** I realize that. So somehow that septic system got put in knowing that you are going to have to go for a commercial later on. **Paul;** you can go put a commercial septic system on A1 property, that is not... **Brad;** there are commercial septic systems on A1 properties. **Bill;** when did the first zoning, when you submitted the pictures and you specifically said, that you were going to sell flowers and a little bit of produce off of the porch, because I specifically said that I don't think its right that you should have to ask permission to sell a couple flowers and produce. **Tim;** that's (inaudible) where we only had to get the 5-year, because we had complaints about the driveway and people coming in. That is the reason it went to this, it went here. **Bill;** but you did everything before we're right here, you said you were going to sell flowers off your front porch, then you built this. Does anybody have the picture that you submitted at that Area Plan meeting where you guys voted for the first rezoning. **Paul;** I'll give a little history, I was here in 2020 but not in 2015, which is when this first started. I will tell you what I know about conditional uses. A conditional use is set up so that when you live on a parcel and you want to do business on that parcel, such as a machine shop in your back shed or you want to do different things. A produce stand, things like that, you have to have conditional use. The reason we have conditional use, to respond to your question about why you have to do that, you shouldn't have to do that, I don't know if you are the gal ma'am that lives across the road, but there was a gal that lives right across the road that was here complaining about the light on the Pepsi machine and the driveway, people using her driveway. So the reason that conditional use exists is to give a voice for the neighbors when that business begins to interfere with their way of life, that is why it exists and that is why you have to do it. A lot of people would argue that it is a good thing that that process is in place. That is why. Yes, you are right in that that

tent was shown in a picture but they weren't actually in compliance and we gave them a period of time to become in compliance. The way that the conditional use actually reads is that if you want to do business, you need to live on that parcel. So, that was the plan moving forward is that they were going to build a residence there that they could live in and then sell things out of to meet that requirement for that conditional use. So that is the history on how it went from a tent to a building. They built a place to live by the request of the county to meet that conditional use criteria. **Bill;** so was there a building permit on the little building out front? **Krista;** no, it was a temporary structure. **Bill;** just till they got the building done? **Krista;** right. **Elaine;** when we came in 5 years ago, he gave everybody a picture, and it was going to be a barn. It was a nice-looking barn, he was going to have living quarters in the top and then you could like drive through it and there was going to be places for the hanging baskets, and whatever in the little shop on the side, that was the whole plan, right? **Tim;** it is pretty much the same except it doesn't have wood on it now, it has tin. That is the difference. **Elaine;** and you can't drive through it right? **Robin;** you couldn't drive through that building either, it just looked like if from the front. It had sliding open doors where we didn't put the sliding open doors. You are right, from that picture it would appear that you could drive through. **Bill;** is that the print that you pulled your permit with, is there another print? (inaudible) **Bill;** I didn't know about that. **Elaine;** I did have a lot of people in my driveway when there wasn't room to park over there. I had a guy with a big camper pull in my driveway. They had a dump truck that dumped gravel and he came over into my driveway to work on his dump truck. **Paul;** that is why the conditional use thing exists, it gives the neighbors a voice. **Bill;** I would go back to the incompatible property zoning, that is what the zoning is for. Then you don't have problems later like we just heard on all these other accounts. **Paul;** sure. **Bill;** this is just the beginnings, this could go horribly wrong. It is a residential area. Pumphrey's Hill, he doesn't have a home next to him, Bush's Market (inaudible) next to him and that's it. **Tim;** Pumphrey's has a home right to the back. Jimmy works there. **Bill;** that is what I am saying, it's Jimmy's place. I'm saying it is not a residential area, it's agriculture, I don't even know if it's a business. Bush's Market, there is no houses there except for his. There are a million places in Decatur County. You are putting a business right in the middle of a residential (inaudible). **Brad;** we have to stay on track, we have a long ways to go.

Paul Stone made a motion to vote on APC 2022-7; Jay Schoettmer seconded the motion with 5 members present voting yes and 2 members voting no. **Brad;** your petition passes the Area Plan and it will move on to the Commissioners for their approval.

* **APC Petition 2022-08 – Mitch Knecht** is requesting to rezone approx. 2.99 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by the petitioner and is located just Southeast of 3717 S CR 300 E, Greensburg in **Marion Township**.

Mitch Knecht: My wife and I plan to put a home on the property. As you can see in the drawing our driveway will be at the top of a hill on the east side on 300 E directly across from John Evans' driveway, the house will sit on a hillside, you can kind of see the septic field drain, where it has already been approved. We plan to use rural water as our water source. **Brad;** do

they go through there? **Mitch**; the rural water map shows it goes through there. **Brad**; I know the main goes across 400 and turns and heads south. I couldn't recall if it headed north there or not. It's on the corner. **Mitch**; there have been some neighbors who have done so renovations and they had the locates come in and there is water. **Brad**; you can't always trust that. **Mitch**; (inaudible) located, so. **Brad**; do they show it on their master map? **Mitch**; yes. **Brad**; you should be good then. **Mitch**; I believe it is on the west side of the road. **Brad**; the driveway will be fun. **Mitch**; yes, a little bit of cut there. **Brad**; really that is the only place to put a driveway, is on that hilltop, that is the only way to get the visibility. **Mitch**; unless I put it all the way to the south. **Brad**; well, all the way to the south and that is kind of a nasty spot too. **Sheila**; it is better to be on top of that hill than anywhere else. **Brad**; oh yes, visibility wise, that is the only place you can see. This hasn't been farmed, I don't remember if it was ever tilled, it's a pretty rough area. Really it's a nice spot, behind those trees for a house. No bigger than the parcel is it is really secluded.

Sheila Kirchhoff made a motion to vote on APC 2022-8; Tom Cherry seconded the motion with all members present voting yes. **Brad**; your petition passes, just keep in touch with the office as you get started.

* **APC Petition 2022-09** – **Mitch Sefton** is requesting to subdivide approx. 5 acres out of 70.452 acres and rezone approx. 2.99 acres out of 5 acres from an A-1 zoning classification to an A-2 zoning classification for construction of a single family detached dwelling. This request falls under Decatur County Ordinance Section Number 920(7) & 915. The property is owned by James & Joyce Sefton and is located just West (behind) 2535 N State Road 3, **Washington Township**.

Mitch Sefton: We are wanting to build a residential home, my wife and I and our three boys. It will be our family farm, sitting right behind my parents' current location. The only thing that you don't have currently is we have documentation from INDOT saying that we have good visual, where we would have our easement, should we ever need that, for a driveway. Current plan is to use the existing driveway. Do I need to give that to you? **Krista**; did you understand that they are going to use the existing drive? **Brad**; yes, but then if they needed to the easement is there. **Krista**; in case they sold, yes. **Tom C.**; about where is the house going to be at? **Mitch**; (referencing the overhead map) showed where the house will be. Pretty much everything that we will be purchasing is non-tillable acres. Pretty much all wooded area. Basically it would be all the way back to this area here (referencing overhead map). **Tom C**; none of that is prime ground? **Mitch**; no. **Mike Sefton**; I'm not going to (inaudible) that they use that easement. They are going to use my driveway until they become too rowdy.

Paul Stone made a motion to vote on APC 2022-09; Tom Cherry seconded the motion with all members present voting yes. **Brad**; your petition is approved, just keep in touch with the office as you guys get started.

* **APC Petition 2022-10** – **Richard Feldman** is requesting to subdivide approx. 3 acres out of 3.5649 acres and rezone approx. 3 acres from an A-1 zoning classification to a B-3 zoning classification for business expansion. This request falls under Decatur County Ordinance

Section Number 1145. The property is owned by Larry Coy & Ruby Hitch and is located at 1626 N Carver Street, Greensburg in **Washington Township**.

Brad; you are looking to rezone from A1 to B3 and this is adjacent to your current property?

Richard; yes, it is. **Brad;** and you were describing a business expansion? **Richard;** yes. **Brad;** could you detail that for us please? **Richard Feldman;** (referencing the overhead map) most of

this area, except for this house here, all of this is mine currently. Then this area here and this are, I'm proposing to zone all of this. We are actually going to survey these two spots separately, I was going to put a building up here but we've delayed that. We are kind of putting our plans on the back burner. We have discussed doing some storage buildings, probably starting back in this area here (referencing overhead map) and then moving towards the front. **Brad;** will you utilize the same driveway? **Richard;** we would have to do another driveway, that hasn't been decided

exactly what we are going to do, widen this drive or, Larry Coy is with me here, he has agreed to sell me a strip here so we can widen this right now. He has given me the option to buy whatever we need here. We have to talk to Mark Klosterkemper, and he deferred it to the engineer, I spoke to the engineer about 3 weeks ago. I just need to get back with them as far as the drive goes, we don't want to mix the drive, that just wouldn't work. We think we can widen it more and put a driveway over here (referencing overhead map). Right across from this alley here. **Audience;**

that is not an alley, that is my driveway. **Brad;** that would have to be addressed with your site plan, regardless. If this were to become a B3 zoning you would have to have an engineered plan for the whole property, not only the building but retention, the design of it, everything. **Paul;** just to clarify, currently that is all one parcel and then the red rectangle is the .5 that is staying?

You are proposing to rezone between the current B3 and the red rectangle, am I getting this right? **Richard;** this area (referencing overhead map) right in here, all of this and this area back here. This would be squared off. **Todd;** so the .5 would be putting that building with the red

parcel? It says you are rezone 3 of the 3.5 acres. **Richard;** yes, that is an approximation. **Larry Coy;** the blue building back at the back, we have to be 15' out from the building. **Richard;** there

is the setback of 15', the same way here. **Todd;** what does the red line represent now? It goes between the blue building and **Brad;** they drew that it, in others words I think that was a proposal that they would, actually I think they want to go further over. **Richard;** originally we talked about me buying this building, we've killed that right now because we needed another building and we have talked about building on over here, which I spoke about in the meeting earlier. That is why that is drawn like that. That would change and still include this building her (referencing overhead map) as far as keeping the existing zoning. We just want all of this area in

here. **Larry;** it goes all the way back to the railroad track. (inaudible). East of me. **Brad;** essentially there will be no structures rezoned? **Larry;** no, just the ground. **Richard;** if we

knew going into this, obviously a contingency because of the driveway and an engineer to lay it all out. We are prepared to do that. **Tom H.;** what are you going to do with the water situation, there is a lot of standing water there when it rains. **Richard;** I have got a friend here, Zach Schwering, he came along, he has inspected the area. **Zach;** I have been out there, where the grade is at, it will fall it is just, right there on Carver Street, just north of his driveway is the inlet, I shot where the water was and I went down to come back toward the bypass and one of the end section is that crosses Carver Street headed back west, the water, there is 8" of fall there just in the water, when you get on the other side I shoved my grade stick through it, there is a little over 12" of sediment and cat tails there. A lot of it, the water is falling away but it won't move any faster until someone cleans that out. That is just holding all of the water up. Even on, as you are

coming back towards the bypass on the east side of the road, once you get past that house, there is a big hump in there, all of the sediments come off that street. All they did was cut the curb and put a little concrete swell down it. All that dirt and area that runs off that road is just running of that road and building up. Cleaning it out would help big time, the biggest thing is the other side of the road on Carver Street. **Brad;** so essentially it is irrelevant because you are going to have to have an engineer design your drainage, that is all there is to it, that part of town has had terrible drainage for a long time. There is really no good drains until you get to open ditches, maybe a little further to the north. That is something that you are going to have to deal with, that is going to have to be approved before you can start any construction, if this were to get rezoned. **Paul;** when was the zoning changed on the road front parcel, do we know about how long that has been a B zone? **Brad;** do you recall when that changed? (?) I'm going to say it was about 2009-2010. **Brad;** I bet it was 2009 because that was the transfer. **Paul;** ok.

Audience: Ron Bowling; I live right here at this place (referencing overhead map), mistakenly that was pointed out, that is not an alley, that is a private driveway. One of our huge concerns is, if you put any kind of driveway here it will cause the local idiots to come flying through my yard. I have kids and grandkids, I don't want anyone to get killed. (inaudible) got drainage, you always have lots of standing water in this area so any kind of additional pavement or gravel, you will make it even worse. Also he didn't want any extra traffic here (referencing overhead map) why, because of crazy traffic. He doesn't want to have it to bother his current business. I wanted a little clarification because I think he said he wanted to put storage buildings here which cause all kinds of unwanted traffic, day and night. What's he going to do to control that? What else are you wanting to do with this area would be my question, I just want to know what is going in there, is he going to put 500 cars here or what is the business here. I think part of the zoning is about making it, these people who all live in this area, what's the real benefit to all of these people with whatever is going on in here? **Larry Cox;** you live in the brick house across the road? **Ron;** yes (referencing overhead map). **Larry;** you just moved in there. **Ron;** I have lived there a couple of years. My biggest question, as we have already seen from some other activities here tonight, if any of this gets zoned as a B3, the next thing you know, I have a gas station, strip club, some kind of other kind of rock a billy going on. **Brad;** I believe that we have an ordinance on the strip club so I think you are safe there. **Ron;** I think you know where I am going. You just don't know what will happen, is it benefitting anyone that lives around here in the community. No other questions, I'm just trying to figure out what is going in there and how it is going to benefit me or anybody else, or will it destroy everybody's property values in the area. **Richard;** the benefit, there would be a great benefit if there were storage buildings, we are trying to make sure that we work with this water issue. I think it is very solvable. That is why Zach showed up here this evening. There is need to that in this town, obviously. That is the benefit, storage buildings, it's pretty cut and dry. **Brad;** are you talking about self-storage? **Richard;** like a 10' x 10' size, self-storage. There are different sizes. Some smaller and some bigger. (inaudible talk)

Tom Cherry made a motion to vote on APC 2022-10; Jay Schoettmer seconded the motion with all members present voting yes. **Brad;** the petition passes. **Paul;** one statement I would like to make here, we try to find this delicate balance, often times between people continuing their place of business or growing it and also trying to satisfy the neighbors who live in the same area. I would request that you keep in mind that residents who surround you on a couple of sides, try to

respect them, but also the folks have left now but one of the questions has been brought up that why do we ever want this and it is pursuit of happiness or a persons dream to have a business and to continue to do that. It is my belief that development along this corridor probably is imminent, at the speed at which that happens is debatable but, it is currently zoned B along his business front that so I am sensitive to your concerns. Just try, for everyone to get along and respect their position as best you can. **Brad;** another thing to keep in mind, as this things goes along, and Zach, this would be a resource for you, is reaching out, not only to the city engineer, that can point you in a good direction to get his drainage plans started and then similar with the site plan, your concerns can be reviewed, because a site plan would have to be done and brought before the Technical Review Committee, it's not just going to be thrown in there. We can work with drive entrances, all of those concerns, especially since we've got city and county right here together, would have to be addressed with both groups. (inaudible talk) **Brad;** there needs to be work done in that area.

* **APC Petition 2022-11 – Darryl Wolterman** is requesting to rezone approx. 0.50 acres from a B-2 zoning classification to a B-3 zoning classification for an automobile sales operation. This request falls under Decatur County Ordinance Section Number 1145 (4). The property is owned by L & P LLC and is located at 710 W Main Street, Westport in **Sand Creek Township**.

Darryl Wolterman: Mr. Pavey, he owns the gas station across the street, he owns that building and he uses the garage part for storage. The other was an office that has had a car lot in, it moved out and with the zoning laws changing, it was a B2 and now it needs to be a B3 for a car lot. I told him he could do all the things that he is doing with his business, the B3 just makes for a car lot. **Brad;** and you are just going rent the property? **Darryl;** just the office building. Brad; Essentially you will just use the entrance that exists off of 3? **Darryl;** you can get on the side road and the highway. It's all open. Used to be an old gas station years ago. **Brad;** I will say this fits the bill.

Sheila Kirchoff made a motion to vote on APC 2022-11; Todd Mauer seconded the motion with all members present voting yes. **Brad;** your petition passes.

* **Broadband Ordinance**

There was discussion on the changes requested and going over the changes that were made.

It was decided that we will edit the following:

- Section 2 wording from Communications to Broadband
- Section 4 would be back to the original format and we would add the verbiage for the structures and towers, anything with a foundation would not be exempt.

Todd Mauer made a motion to approve the Broadband Ordinance with the corrections as stated; Sheila Kirchoff seconded the motion, with all members present voting yes.

With no other business before the board Paul Stone made a motion to adjourn; Tom Cherry seconded the motion, the meeting adjourned at 8:45 p.m.

ATTEST

Secretary, Todd Mauer
Decatur County Area Plan Commission

President, Brad Schutte
Decatur County Area Plan Commission