

Decatur County Area Plan Commission
June Minutes 2018
1st Floor Meeting Room of Decatur County Courthouse

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Jay Hatton at 7:30 p.m. on Wednesday, June 6, 2018. There were 8 board members present with Bill Dieckman and Attorney Melissa Scholl being absent. Also attending was Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant and Kevin Fleetwood – City of Greensburg Planning Board.

Jay Hatton 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.*

A copy of the meeting agenda and the attendance registrar is attached to these minutes and incorporated by reference. By consensus, the APC Board approved the minutes for the meeting on April 4, 2018 as written and mailed.

*** APC Petition 2018-9 – Vacuum Services of Indiana/William Corya** is petitioning to “**Rezone**” 14 acres out of 150.84 acres from an A-1 zoning classification to an I-1 zoning classification to place a storage and office building. Would also be used to expand and grow the business as needed. This request falls under the Decatur County Ordinance Section **1204-1214**. The property is owned by Robbins Homestead LLC and is located at County Road 350 W & W State Road 46, Greensburg in **Washington Township**.

Jay asked that Krista to stand and give a brief explanation of what has been done on background of this.

Krista: we reviewed this at the Technical Review Committee meeting, Bill Corya came and presented his proposal. We asked him a lot of hard questions, he knows that for any type of fuel storage that he has to follow all of IDEM rules for any type of business, construction design release from state and state septic approval. We discussed different variations of how the building would be placed. **Jay;** he has met all of the setbacks for I-1 zoning and is over 600’ from the closest residence. That particular corridor of property does fall under the Decatur County Comprehensive Plan as future growth of the Industrial Zoning. The county has adopted this plan, it is our board’s responsibility to follow the plan. If you disagree with how the plan is, then you need to be active in the comprehensive plan. Our board has a duty to follow what the County has put before us. Those are our guidelines to follow. The public and the board members will have an opportunity to discuss and ask questions of Bill Corya.

Bill Corya (Corya for future reference) stated that he is requesting, under Vacuum Services of Indiana, which will be a real estate holding entity that we have, to rezone from an A-1 to an I-1 the Robbins property on State Road 46 & CR 350 W. Our business is Advanced Vacuum Services and currently located on our family farm location on Base road. *We employ

approximately 25 people. *Ag related work within 5 counties of here. *Custom farming; land apply manure, locally and throughout the state. *We own Ag equipment, pumps, hoses, tillage tools. *An industrial component to service industrial customers. We are out of space, we are needing to build something that will be more suitable for storage and shop facilities. My vision is roughly 15,000-20,000 square foot ag/truck shop. We have a lot of people that show up to work but a fair portion of our jobs are not local so our guys stay in hotels 3 out of 5 days a week. They arrive here and then go on to other places to work. The search for a facility started a year ago, we look at another existing place and spent 6 months and thousands of dollars on legal and environmental fees only to get to the finish line and they were not willing to stand behind what existed there. We looked at every property on the market in Decatur County and really have not found a good selection of building sites. We have a personal relationship with the Robbins family and knowing that the County desires for businesses to locate in the corridor, it seemed like a perfect fit. Roughly 3 miles from our existing office so we can keep that there and have our shop and operating facilities just down the road, so it's a perfect fit. There are other properties that theoretically are zoned and available but when you look at price, location and fit for us, this is the property we have chosen. We have a purchase agreement contingent on rezoning. For our zoning it would be an I-1, we have looked at the setbacks and they fit within the guidelines and comply with the requirements needed. We do have a request that was tabled from the BZA meeting prior to this to have fuel storage for our trucks and given the complexity of what we were asking for it seemed prudent to delay that vote until we get rezoning approval. **Jay**; do you have a site plan? **Corya**; I do not, it kind of goes back to what I went through with the last property that didn't go through. I spent a lot of money on legal fees and environmental fees so I don't choose to do that yet but realistically, there is two options; one to put a 15,000-20,000 square foot facility on the 4 lane road or go back further on the property and start there and preserve that four lane road in case we build an office or do something else.

Paul; if you put a structure further in the middle as opposed to the sound end would the access to that be further to the north on CR 350W? **Corya**; yes, there is an existing drive there, not suitable from a turn radius stand point, so there would have to be a drive access toward the back. **Paul**; was curious if your main traffic will be kept away from the bypass. **Corya**; it would be. Realistically, of the 14 acres, 11 acres will be farmed for the next 5 years. We are not going to put in 14 acres of concrete. **Ryan**; is leaving a 40' access for future development enough? **Krista**; the 40' would be for the road itself, the utilities can be an easement. **Jay**; that was the size of road that we were talking about in the Technical Review Committee. **Corya**; we did discuss the utility easement, the Robbins' will own the 40' and we will grant the utility easement to the piece of property that I don't buy. **Jay**; we brought that up in the tech committee and it was a big topic, Mark Mohr was reassuring that it would be enough room. **Andy**; I don't know what the road status is as far as standards if a road gets put in, but does that future access get dedicated as a county road or is that just a private strip that goes back to develop the other part. **Krista**; they would probably all have to get together and build a road to the county specs and maintain it for X amount of time and then the county would decide if they take it over. If not then it will just be a private road. **Ryan**; is that a waterway or small stream back there? **Corya**; it's a small stream. **Ryan**; the main access to that property, I just think it needs to be more like

75' or 100'. I know when a subdivision with utilities it is still tight and that is with 50'. **Paul;** is there any way that the drive, if the structure would be more in the middle of the property, is there a necessity in building this access road. There is so much uncertainty right now. **Corya;** to be clear, I'm not building an access road now, just leaving access, if the TIFB board comes and says they want to build a road through there, sure I would be 100% on board and give them 30' but I think the way things happen in Decatur County, you have to build it to specs. I'm willing to go to 50' plus the utility easement. **Ryan;** was the 40' just a road and then an easement on top of that? **Paul;** 40' plus an easement, is that correct? **Corya;** I think that was probably not real well defined. **Jay;** it was all talked about but at that time there was no plan to develop anything, it was going to be farmed until more development was taking place. **Corya;** we are trying to address the landlocked by leaving a strip that the county said would be needed to fit a road. **Tom;** how much equipment in coming in and out per day? **Corya;** you could envision up to 20. **Ryan;** sewer? **Corya;** this will have to be subject to the State Commercial Septic, realistically we will have a dispatcher and a couple of mechanics there full time, the others will just show up and leave in the equipment. **Ryan;** do they need the septic info before zoning? **Krista;** no, not for I-1, residential mainly.

Open up for audience questions. **Mary Kay Dinn;** I'm here with my Mother Joan, we own property across the road. One thing I would like to know is, Mr. Corya and his dad have plenty of ground, and you already have plenty of ground, why do you have to buy land? **Corya;** it's suitable for our business purpose and it's close with highway access. **Mary Kay;** Fall Fork is there – if a spill were to happen we worry about the well, we flood – if it gets in Fall Fork, Jay knows that we flood very bad, what will it do to our homes and wells and the people on down the road? We really do not want that, we are farmers and we want to keep it farm ground. **Joan;** we just need to do the right thing. **Mary Kay;** I would ask that Jay recuse himself from the vote. **Jay;** done. **Larry Muckerheide;** Corya talked about 600' setbacks and across the road I'm just over 300' as the bypass is 300' wide. It's vague, open for other businesses. It's open to a truck stop or sell farm chemicals if you approve it the way it is written. I've lived here 53 years and the road that he will be on used to be gravel, the road is narrow, there is no base under it and 2 semis need to come to about 5 mph to pass each other. Could lead to a possible accident and spill. A lot of things need to happen before you approve this and furthermore there is areas set aside over ty I-74 that is for sale, you have frontage road which is adequate and the land is already zoned industrial. I think it would be a better fit, where he wants to do this, it is an ag land and certain members on this board is adamant about preserving farm ground in the county. Also, it could be 30,000 gallon of fuel storage, that could almost make it a truck stop or filling station and I don't think that is what we need right there. They currently have 2,000 acres they could build on, I don't know why you want to hodge podge this and start industry here with a creek running through the middle of it is beyond my thinking. **Board:** Ryan; are there any plans to widen that county road, is it adequate? **Corya;** the current access drive touches the state right of way so if we use that we would not be on the county road. We are 100% supportive if the county wants to widen the road including giving acreage to widen it, I support the Commissioners if they choose to take it on. That is the case with all the county roads with semis and tractors. **Ryan;** we have no easements to do this and that has made things very difficult in

our county. **Larry;** not too many years ago it was just a county road, no base put under it. Base road is a viable road that could handle the business and they have the power they need. At some point will we run out of electric – I ran more power down to my place. It seems reasonable for him to have a site analysis and come up with a plan. This doesn't control him from 5 years down the road from selling to a truck stop, an ethanol plant or stone quarry. **Corya;** a lot of the things that you refer to will not be allowed in an I-1 zoning. **Larry;** it says anything to grow the business. **Jay;** I-1 zoning has certain things that are permitted and others that need to have a special exception, such as his fuel tanks. I think that Krista and the Technical Review Committee spent a great deal of time on this, I'm not defending anything, I'm just explaining what happened. The time that they spent trying to figure out what zoning classification was best. I will say that in the future that there will be more I-1 zoning, that is not where we are now but it is coming. We will be able to control some of these things. Just because he is I-1 doesn't mean that he is open to everything. It does have restrictions. **Krista;** it is light industry. **Larry;** he is still very vague about what he wants to do. **Jay;** there will be multiple steps to this, if it passes, then he will have to come up with a plan and it will be approved. There are many steps to this. This step is just preliminary to see if this is the sight for him or not. Our job is to look at this and see if that zoning is appropriate to the County Comprehensive Plan and does it fit and is there a need. **Larry;** the comp plan is not complete, it does not address the roads. **Jay;** it is very thorough, I have set on that committee for a long time and it takes a ton of work and there were many chances for the public to intervene with that so I hear what you are saying, but I will disagree that it is not a short sided plan and that it will stand up to other county plans. **Larry;** what about the fact that it preserves agricultural land? **Jay;** I think that is our overall general mission, how do you do that and at the same time allow growth, how successful can our county be if we stifle everything just to say that. There has to be a trade. **Larry;** there is an area north of I-74 that is zoned for this. Honda has been here for 12 years and the only thing this county has gotten is the Rural King. **Andy;** are you talking about the 550 acres on the north side of I-74? **Larry;** yes. **Andy;** that is zoned B-3 according to GIS, then the facility that Corya is asking for will not be permitted and most of that ground I believe has been annexed into the city. **Kristie Gard;** what he is basing this off of is the map that we were given by Krista's office. **Andy;** that is future land use map so they would have to go before this board as well. **Kristie;** so in other words there is nothing out there along the I-74 corridor that is zoned I-1. **Krista;** there is some I-1 zoning out by Adams. **Kristie;** so there is I-1 somewhere, but we don't want that land so we are going to convert A-1 to I-1. **Ryan;** we all know what happens when something is approved and then the business goes too far beyond getting things fixed. We are just voting on the zoning request but I do think that there is a concern with the road width. I have some concerns but to me they are fixable and still will work with Mr. Corya's plan, but by voting on that, how do we police that project as he moves forward to make it all come together for everyone. **Krista;** our ordinance spells out what he needs to do in an I-1 zoning, we will police it at every step from placing berms.....**Ryan;** so tell me what happened at the other business that got out of hand, I want to be clear that I don't vote on something and then it turns around into something else. **Krista;** he started out as a small scale family mulching business, then it was no longer small. **Kristie;** you have to be careful in how you do that, I want to see growth, my business relies on that. We have to be careful in identifying things, without a proper plan in

place what are you really approving it for? Anything that falls in the list of I-1? **Krista**; yes. **Kristie**; if all of those things are on there you guys have just opened the door, I don't think that anyone is trying to argue that what Mr. Corya is doing is wrong, it's just the plan is not there. Everyone understands that we don't want to throw money out to window, we all can appreciate that from a business ownership standpoint, but at the same time that is a cost of doing business. You have to do some of those things in order to truly understand what we are doing. If we were just talking about a couple of acres, no big deal, but we are talking about a huge section of land that involves water on a busy highway. Does that work, we just raised a lot of issues. A better plan or analysis of what is going to happen then you as a board could make a better educated decision. **Jay**; thank you. **Andy**; you are talking about the zoning and along 46 there you have Lowe's Pellets, Reeds bought 20 acres on the other side of Miller Equipment for their future use. Farther down the road you have Obermeyers. **Kristie**; Andy, you are exactly right but we know exactly what all of those businesses are doing. **Andy**; all we can do go by what Corya is telling us, that this is the type of business is what he wants to put in. **Kristie**; but he has mentioned feed mill, chemicals, fuel, trucks, mechanic work, is it all of those things? **Andy**; that is all part of your business, is it not? **Corya**; yes. Right not the fuel and chemical storage is off the table for this rezoning but we are buying this to move our business, we will need a shop and when we get to a point to store fuel, then we will come back for a special exception. **Tom**; will you be asking for a tax abatement based on the number of employees that you have? **Corya**; I wish I was smart enough to do that but no, I don't know how to do what you are asking. **Todd**; I will say that I have been to the last two County Council meetings and they have had someone come in for tax abatements on previous business and they were against it. Now if they went out and bought new equipment then they may be subject to ask. As far as the concern for the road, it is right by the bypass, I would rather drive ¼ mile right there and be on the bypass as to have to drive down Base Road 4 miles. **Andy**; Krista, did Mark Mohr talk about CR 350 W? **Krista**; we were more concerned about that corner, access and right of ways. **Jay**; but it wasn't a concern, he knows the roads. **Kristie**; are you planning on putting in another access besides the one there now? **Corya**; I believe that that will happen, yes. It's really a question of where the building fits the best for layout and use of the whole property to determine there the access road will be. **Jay**; and to support our County, it does have a very strict drainage ordinance. He has to control all of that watershed off of that property, he cannot just dismiss it. He has to retain it, there are instruction in our ordinance on how all that is to work. He has mentioned a containment pond, which is now required. So a lot of this is not going to happen carelessly, there will be more control that what everyone is believing here now. We have multiple chemical storage around the county and they do a good job, you have to have faith. **Mary Kay**; you know the roads like I do, we take those tractors and implements down the road, the whole road is taken up and the sides are ditches. There is very limited space to pass except for where he wants to put his business. **Jay**; you are correct, it is narrow and if something were to happen on that road it would lead them to widen it. I agree that I should be wider.

Jay; we have had a good amount of discussion and I appreciate everyone's openness and willingness to discuss this. This is how the process goes in our county and this is the best means

that the county has of getting this done. Hearing no other comments from the board or the audience I will listen for a motion for APC Petition 2018-9.

Paul Stone made a motion to vote on APC 2018-9, Todd Mauer seconded. 7 members voted yes, 1 abstained and 1 was absent.

With no other business before the board the meeting was adjourned at 8:27 p.m.

ATTEST

Secretary, Andy Scholle

Decatur County Area Plan Commission

President, Jay Hatton

Decatur County Area Plan Commission