

Decatur County Area Plan Commission
September Minutes 2019
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 7:00 p.m. on Wednesday, September 4, 2019. There were 8 board members present with Jeff Hermes absent. Also attending was Melissa Scholl – APC Attorney, Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Kevin Fleetwood, Greensburg City Counsel and Rick Nobbe, Decatur County Commissioner.

Jay Hatton 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.*

* The minutes of the August 7, 2019 regularly scheduled APC monthly meeting were approved as mailed.

* **APC Petition 2019-08 – Mark Fixmer with BEX Farms** is petitioning to “re-zone” approx. 150.074 acres from an A-1 zoning classification to an I-2 zoning classification for future operational needs. This request falls under the Decatur County Ordinance **Section #1216-1228**. The property is owned by the petitioner and is located on S County Rd 280 E and Hwy 421 (7 parcels), Greensburg, IN in **Washington Township**.

This petition was tabled and not heard this evening.

* **APC Petition 2019-13 “REVISION” – Gregg Sims with Adams Volunteer Fire Department** is petitioning to “subdivide” up to 6 acres and “re-zone” approximately 1 acre out of 15.89 acres from an A-1 zoning classification to an R-4 zoning classification to build a new Adams Township Fire Station. This request falls under the Decatur County Ordinance **Section #1125(21)**. The property is owned by David Richard, David Robert & Jamie Scripture and is located just south of 4524 N US Hwy 421, Greensburg, IN in **Adams Township**.

Jay Hatton stated that this petition was on our agenda last month and I limited the conversation to 30 minutes, it failed in the vote, they went before the Commissioners and we are re-hearing this petition as a revised zoning from a B-2 to an R-4 zoning classification. It is a changed petition, it was re-advertised and I will let Gregg Sims tell us where they are at now and redefine this as an R-4. Andy Scholle has abstained from hearing and voting on this petition.

Gregg Sims, Treasurer Adams Township VFD, we are back because we were advised originally that it had to be a B-2 zoning, since then we learned that this does fit the R-2 or R-4, by going to the R-4 it does allow the fire and police stations in addition to hotels. What we are requesting is that it be rezoned with an R-4 zoning classification for the footprint of the building only. You will only rezone the ground that the building sits on, nothing else. Our request is as much for need as anything else. Our current building in downtown Adams is at least 50 years old, has been added on to and we are having to look at starting to replace equipment such as fire

apparatus. Our main engine, #151 is about to die. Everything that we have looked at will not fit into the existing building and without #151 we would be limited on what we can do structural fire wise, that is our main reason to look at relocating, it is not out of want but need. We do have in excess of 400 parcels that we service in Adams and part of Clinton Township. We feel that this location is good, we have a willing seller, and not many sellers out there will turn loose of farm ground. This is not true farm ground, it has been more of a hobby farm than anything else. We are actually only requested that you look at rezoning the building site and what ground is underneath it.

Jay; so you will have one entrance off of 421... **Gregg;** that is correct. **Jay;** you will not be exiting this property off of CR 420 W? or will you? **Gregg;** no, there is too steep of a grade, it will also be too close the adjoining landowner, Garrett Debaun. I have been out there with Mark Mohr of the county highway and he suggests that we get as far east as possible, but from what we can tell we will be fairly close to the existing culvert. That gives us adequate line of site vision. **Jay;** so the driveway that you will be using will be approved by Mark Mohr, not something that you guys determine... **Gregg;** it will be county approved, there is an existing culvert out there, leftover pipeline. Dave Scripture put it in just as an access to the field. **Jay;** so you will have to put in a new entrance anyway at this property? **Gregg;** yes. We did look at entrance off of CR 420 but it is too steep of a grade. **Jay;** does changing to R-4 from a B-2 zoning, that does change some thinking about the whole project, does the township trustee support this? **Gregg;** yes, we sign an annual contract with the Adams Township Trustee for fire protection. We also sign a contract with Clinton Township because we service part of Clinton Township. Our main coverage area is Adams Township, but we do share Adams Township with St. Paul. **Jay;** so is Star Baptist church, are they in your township? **Gregg;** yes it is. **Paul;** Melissa, would this change the ability to have fundraising events and things like that as far as putting large loads of people at certain things if it is an R-4 vs. a B-2, so if you have 400 cars coming in and out on a Sunday for something is that acceptable in this zoning? **Melissa;** it's not a common use for a fire department... **Paul;** I think one of the common things would be for fundraising, is that still acceptable if the zoning was an R instead of a B? **Ryan;** about all of them have chili suppers. **Melissa;** it doesn't probably fall under any of the criteria of what happens in an R but it is a common occurrence for a fire station. Most of them do it for fundraising purposes. I'm familiar with maybe one or two of events a year that they do in addition to what they get from funding. If the board wanted to put a stipulation that there would be no charitable fundraising on the side or rental of the facility but when you look at a zoning class it looks at the common uses so if we rezone something for a library but they come in and do an art show there as a fundraiser, that is not what they were zoned for but is a use that may occur occasionally. **Jay;** right, and that would be acceptable... **Melissa;** typically it is because it occurs on a low frequent basis and not it's primary purpose. **Paul;** the reason why I ask is if traffic load was a concern so I was curious that if the zoning changed if that ability went away or not. **Melissa;** typically the way I see most nonprofits that handle these, if they will do something like that then they usually create a plan where they cone the road and bring out volunteers to handle the traffic load for that event. **Roger Dumond;** with Krista's help the R4 and the R2 were both designed specifically and it is written in the code that these are approved uses for these zoning. In the R4 we do not have to go before the BZA to get accepted. An R2 might have been better but the R4 fits us just fine. The one thing I would ask as far as special events, we are a volunteer fire department and it would probably be inappropriate to put restrictions on the zoning that did not meet the typical use of a VFD, you would be neutering the department from serving as a community center. **Paul;** my comment wasn't to limit that, there was concern last time that

the neighbors had about what happens when 200 vehicles come in and out on a busy day, so I was just curious as to whether or not it limited that. **Roger;** we were trying to separate it in our minds the concern over safety of entering and exiting the property, there are 3 different safety concerns, for the neighbors, there may be weeks that there may be only 5-6 vehicles on the property or other weeks where you have a district fire meeting where you would have 30 vehicles in there so it is somewhat sporadic. I think if we scheduled a special event we would get in tune with when the Honda traffic is and not intentionally schedule something but it probably wouldn't be appropriate to put it in writing but you attempt out of good judgement to not do that. **Jay;** I believe last month I made the comment that if the board could look at this and ask if the B zoning was the proper place, if we scratched the fire department, and I think with the R4, it looks to be better than for us to put a business zoning out in a farming community, especially on the corner of the road or where there are not like businesses out there. I feel the R4 zoning is better for that particular reason alone. **Ryan;** I did some research on the Adams Township homeowners insurance, it sounds to me like the department is moving towards being an accredited fire department but right now their homeowners insurance is higher because they don't meet all of the standards. Is that accurate or correct? **Doug Spittler,** Asst. Fire Chief; yes, that is correct mainly because we cannot expand. We are where we are at. **Ryan;** and if this goes through how long do you guys foresee in it taking you to get back to the certification? **Doug;** that varies, there are a lot of stipulations when it comes to your ISO ratings. One of them is training, equipment, timing, water supply and a couple of others but can't think of off top of my head. All that takes money, we are spending a lot of money now just to be able to try to buy some property and build a building where we can upgrade some of these things. Gregg mentioned before that our main pumper is old, we are not looking for a million dollar fire truck, we are looking for a \$25,000 fire truck. Something that will be dependable and useful for the people of Adams Township. Like I said before, there is a thing called NFPA, it's a firefighting guide. They require that pieces of equipment be replaced regularly, such as a fire truck replaced every 20 years. How many do you know out there that can replace one every 20 years, and your turn out gear needs replaced every 10 years, tires on the apparatus every 10 years. It is a constant battle to try to keep up, if heaven forbid you are in a courtroom because of a mishap of some type, the first thing they will ask you is if you are up to date with NFPA, how many of you want that on your head, I don't want to sit out here and drain every one of their money trying to replace a \$5000 fire truck with a million dollar truck, all we are asking for is a place to put a \$25,000 fire truck in and a piece of ground to put the building on.

Public Comments

Larry Meyer, Decatur County Council; I represent Adams Township and have been working with these guys for a couple of years now. Working with Gregg, Doug and Charlie Bill Connall. We looked at many places to build a fire station and each time we ran into a dead end, we finally came across this property, no thanks to me, but it was agreed to by David Scripture, and I think a new fire station for Adams Township is very necessary, if you have been to any fundraisers, breakfast or dinners at the current location, you would see that the current building is in need of being replaced. It would be good to have a community center for Adams Township that people can use. I totally support the project on 421. We attended the TIFF board meetings and they were in agreement to giving the money for the fire station, and we attended the Southeastern Indiana Regional Development committee and they too see a need and are willing to fund some of the projects that we have in store for the fire station. I stand here tonight asking you for your support, knowing full well that it will be a benefit to Adams Township and the county. **Paul**

Scheidler; I own across the road from the proposed site, as I stated last time we have had safety issues that we talked about. With Honda traffic, you don't know when you have a fire, I can see easily when a fire truck comes out, Honda, if you haven't experienced it, you need to be out there. The worst of it is 3 p.m. – 4:30, also around 1 a.m. and 5-6:30 in the morning. It is bad, if you do have a fire and they are coming out at that time it could be bad, just because you will have your lights on, they won't stop. I can see something bad happening so it's a safety issue. Another is the need, yes you can argue the community center, the station is different than when I grew up, it was local farmers, they had a good working fire department, we have very few local men. Greensburg FD told me the same thing and I asked them why couldn't they be our fire protection if we paid them and they said they didn't see why not. They go to most all of our structure fires now with Adams giving them clearance. Greensburg is there first, they are a manned fire station, they get out there quicker and I just feel like the lifeblood of a VFD is the local guys who are close and get there. I have nothing against these guys and what they are trying to do, I feel like our tax money would be better served if we look into the fact to let Greensburg...we have St. Paul on one side of us and they are both about 5 miles from where the station will be. I know St. Paul is not manned but Greensburg is. I just feel like we would have a better working for fire protection if we look into that and have Greensburg be our fire station. If you build a million dollar building, which this will be, anybody can look at this and know that by the time you get all of your expenses in here, it will be an expensive venture, I know you can have fundraisers but you are going to have to come up with more money, the bigger building will take maintenance to keep it going. I just don't think we really need it, the life of a fire department is your local guys and it hasn't been like that for a lot of years. I know a guy who had a fire back in 1986 and he told me at that time the we would be so much better off if we give our money to Greensburg and let them be our fire protection, the last 33 years haven't been any better. It's a far cry from what it was years ago back in the 60's and 70's, it's just not the same, they say you build an new station and they will come, who knows, we might end up with a new station out there and an empty building if they cannot support to keep it going. To build something, and he said something about hobby farming before too, Dave did kind of hobby farm but for the last several years Mike Richards has been farming it and paying cash rent for it. It has been farmed, I don't consider that a hobby farm when he puts crops out every year, its prime farm ground. I got nothing against these guys, I'm friends with a lot of them, I can't see doing this project on a busy highway to boot, I just don't think we need it. **Garett Debaun**; I own the house right there, where is it that they are going to put the driveway, I have been told right on me down all the way to the end, Charity said there, Mark Mohr wants it the farthest east it can be. Originally it was down toward Dave's, inaudible... his property line coming toward me where we ended up, it ended up, I was fine with. But now it is coming down on me, as you can see, I don't have a back yard now and if that drive and the building is right there, I don't want to sit and look at that. If it goes down on the other end, I don't care, that's fine but it keeps coming further this way. **Jay**; I think it is defined on that piece of property and I will say that Mark Mohr, County Highway Department will make sure that it is put in the best location for public safety so that the most visibility is allowed, so people can make wise judgment when they are pulling in and leaving there. That is Marks job to dictate where it will go. Not by where the fire department wants it to go. **Garett**; I have been told different things all along. **Jay**; Mark is not here to tell you where it will go but that is our latest piece of paper showing it. I believe 146' plus a little bit there. That paper would define it, but that is where we have to define it without Mark being here. **Paul Scheidler**; the last I knew from what Mark said would be 70' or less, when did this change, I didn't know it changed, did Krista know it had changed? **Krista**; I have no idea when it changed, I don't know that.... Paul Scheidler; inaudible... he told us it would be

70' or less from his property, I didn't know any of that. **Jay**; I can't say without Mark being here. **Krista**; if Mark said it would have to be within 70' then that is where it will be. **Paul Scheidler**; that is what Mark said but that was before the last meeting and I haven't heard anything since. **Krista**; I haven't heard different either but Mark will dictate where it will be. **Paul Scheidler**; inaudible.... **Gregg** say that it would be as far east? **Gregg**; when Mark and I was out there we had originally marked off 400' from the power line pole, it was going to leave about 135' from the end of the 400' to Garrett's property and he suggested that rather than have a puzzle piece of property, why not move our property down to the line at the east, not saying that we had to put the driveway there. The 400' mark was adequate when Mark and I were out there. **Paul Scheidler**; he told us personally before the last meeting.... **Gregg**; I remember he said 30' to 70'... **Paul Scheidler**; he said 70' or less from Garrett's property because he said that I can come out and show you where it will be but don't need to because it's going to be 70' or less from Garrett's property and I told him he didn't need to come out. (inaudible, too much back ground talking). **Gregg**; he said the farther east will be better but we can get by with the 400' from the power line pole which will put us closer to where the existing culvert is. **Paul Scheidler**; well, you are talking about the culvert that carries the creek, not the little one that Dave put in. It cannot be there. **Gregg**; it will be somewhere in that area. **Paul Scheidler**; the only thing I know is you was talking about different measurements, the only thing I knew was he said 70' or less. **Jay**; so our petition packet for the board's information, Mark Mohr has to sign off that is it in compliance with our ordinances, he has to check and put a signature on this petition that it is in a safe location and in compliance. **Paul Scheidler**; I was just curious from the 70' that I was told, then you said 140'..... **Jay**; I'm not Mark Mohr but if it would not meet it he would have marked it that it does not meet requirements, but he did not. Mark would be the determining factor to where it is. **Paul Scheidler**; he told us personally that it was 70' or less, I can't see him going against that. **Gregg**; once again we do realize the safety factor with the Honda traffic, but the way that we have to approach it is that we are in the same situation right now. If we get a tone out for something across 421 when Honda is letting out, we will be in the same situation, the only difference is us pulling out of our own lot, whether it be to the west or east, really the safety factor is something to be concerned with but we have done it already. **Jay**; that is where I was at with this whole thing, if there is an accident at Andy's and you get toned out you have to cross 421 one way or the other so 421 is a common denominator regardless of where the station is to some degree. Now for those in Adams, that wouldn't be a problem but for all the other situations it will be a common denominator working with the 421 traffic. And people I hope would recognize that there is such a facility there and maybe that would.... I can't assume how people would react with a fire station there, if it is a marked fire station I think that the county can do some things like lower the speed limit, have officers, and that is why we have a Sheriff, to make public safety and issue. Maybe that would help Paul too. We want everyone to be safe, we have a Sheriff Department to enforce those road speed limits and to make sure this happens. **Gregg**; if worse comes to worse our guys would go down the road and slow traffic to let the equipment out. We do realize the safety factor but it is no different than anyone else. **Jay**; we are approving homes in that area too and we have to look at that too when we give a rezone for a piece of property, there are new homes being built in the area. It's just as important to mom and dad and family members to get on the road and back home safely as it is a fire department and I think the board realizes that. We cannot stop development because of traffic, traffic has to obey a speed limit be safe. That's the way we have to assume that that is the way it is going to work. **Kylie Debaun**; with this rezone if there are changing the in future there are changes in the fire department where they are no longer open or departments consolidate, whatever that may be, what kinds of things can go in that building if it were no longer occupied

by the fire department? **Jay**; I have that open and I can read that to you if it will help. (Jay then read the R-4 zoning classification permitted uses). **Todd Mauer**; I will say that as a board member there has been some debate as to whether or not they need a department, that is not our job, our job is whether the zoning fits on that piece of ground, as far as whether they need a department, that is not up to the Area Plan as far as I'm concerned. **Jay**; I think that is right, I think I was trying to make that point earlier, we are to vote on whether the zoning fits and complies with public safety and a numerous other amount that we have to process here. Hearing no other comments from the audience or the board, hearing none I will listen for a motion on this petition. **Bradley Scheidler**; Adams Township Advisory Board member and I would just have to say that you are voting on the need tonight as the fire station could close down in the next decade, we all know it could easily close down, and you are voting on if you want a single or double dwelling, all those things you mentioned, so you are kind of voting on the need of that since you are voting on other possibilities that could enter out here in the next few years. I know Doug said earlier something about do you want that on your head. Well, our fire department will probably never get to the next status because of the time and what if only two members or so in our district.....they are never going to get to the appropriate time to be met on a run so they are never going to be accredited. Just wanted to say a quick word about that and say that I'm a part of the Advisory Board and if I had to vote on it again I would probably rethink, well I didn't even really get to think, it was my first meeting out there and Charlie kind of told us what to do and Dennis and Andy just went along with it. Too much backlash but as Charlie put so much work into it and it was my first day on the job. After all is said and done, if we could have a revote and discuss again, it might be too late for that. **Doug Spittler**; it has been mentioned several times in the last 2 meetings the credibility of the fire department, I might add that we did have a fire at the Scheidler residence, here just in April, the call came in, the barns were threatened, he still has his barns. He was burning trash illegally, I'm not here to judge, punish or ridicule, I'm just trying to say there is credibility to the department. It may have just been a field fire but he still has his barn. As a retired firefighter in Greensburg, homes have burnt down and they were right behind the fire station. All fire departments have mishaps, when it is 4 degrees outside and the wind is blowing 10 mph and the call comes in that the house is fully involved, you can't save much especially when there are two propane tanks sitting there and you aren't told that there is a gas well. All departments have mishaps. **Gregg**; I know there is a concern about response time but even if every volunteer firefighter lived next to the station, how many actually live that close. Our guys live as close as Greensburg, maybe somewhere else. So it does take time to leave your job get to the station, get their equipment and respond at the scene. Check out any of the other volunteers, Lett's has the biggest department, half of the people live in Greensburg, why; there is nothing in our communities to offer. If I wanted to buy some property in Adams, you can see how hard it was for us to buy to build a station, is anyone going to turn lose ground, other than to family members. The other thing is, if there is concern about whether we survive, is it possible to go in and rezone that for only use as a fire department? **Jay**; I don't think that is something that we have ever limited to one particular use, we let the zoning classification determine the use.

I have been here a long time and don't recall that we have pinpointed it. I understand and I will clarify for the board and everyone, we are rezoning and what you are asking for is the footprint of the building. That is the request. **Gregg**; right. **Jay**; we are not talking about acreage, only the footprint of the building. **Gregg**; less than an acre. **Bradley Scheidler**; can I have a 30 second response real quick, I would just say to the response time they are all probably slow but they don't have the luxury of having a manned fire department so close to the fire department as we do and as a taxpayer and future taxpayer of Adams Township, we already have St. Paul, we

are the only township that has 2 stations. I think it would be great if Greensburg, a manned fire department, I think all VFD would agree that a manned fire department will respond quicker and we have that luxury to have Greensburg so close. I think that is something that you should take into consideration as well and something that we can discuss at our next meeting of what we would do in the future that if something would happen to the Adams Township department, inaudible... and see what we can do with the tax money and stuff to help support Adams Township with one department, and a manned department. **Ryan;** talking to a guy that spoke to me about the insurance, the one thing that Adams Township needs to realize is that if Greensburg is already on a call, they will not respond to a fire in Adams, that's pretty important. **Bradley;** but luckily we have St. Paul... **Ryan;** I understand that but you are limited on resources. **Paul Scheidler;** are you talking about now, the situation now or if they actually got on board to where we were paying them money for our fire protection, that would change things, right now I understand what you are saying but in this case if we are paying them tax money.... **Ryan;** but they are also, what I was told, I don't have everything written down in front of me, I think what you would pay in taxes to help offset a fire department or donations, I own in Fugit Township and donate to their fire department, but if you do not have a fire department within so close to your homeowners insurance is considerably higher. Is it a break even, do you pay in premiums or as taxes to support them? If we become a community that is kind of one, we will support these VFD's and get involved and help them succeed for your area. I do know that your homeowners insurance is considerably higher due to the situation with the fire department and I also do know that with St. Paul it probably still lies the same deal, if you lose Adams and Greensburg has run and your house is on fire, they will not respond to your fire. **Paul Scheidler;** I understand that right now, I'm just saying that if they got on board and we paid them for our fire protection then we would also be of a first concern where they would have to send a truck too. It would be like 2 fires in Greensburg at the same time, they are not going to one and not the other. **Jay;** I think that is a question for your township trustee, we do not have enough information to answer that here. I have papers that show how much you pay to Adams and so forth but I do not have anything else to support that. **Melissa;** and if I might input, this is not an issue for our board, we are to make a determination on the rezone for the fire department and whether other fire departments will come in and offer services, that is nothing for us to determine. **Bradley Scheidler;** I believe that Honda has a manned fire department....**Jay;** I can't accept you to keep talking without being announced and addressed so if you have anything new to add I will give you 30 seconds, if not I will be listening for a motion for this petition. **Bradley Scheidler;** I would just say that your mind is made up already.... **Jay;** no, I have to run an orderly meeting and you are not participating in that.

Todd Mauer made a motion to vote on APC 2019-13 Revision; Paul Stone seconded the motion with Andy Scholle abstaining from hearing or voting on the petition. With one member absent the remaining 7 members present voted yes. Jay; your petition passes, make sure that the driveway is compliant with Mark Mohr. Stay in contact with Krista in the office.

Paul; I would like to add to this, this has been something that I have tossed around in my head. I'm sensitive to you guys being neighbors to this and having strong feelings about it. Before the meeting started I wanted to talk to Melissa about what we have to base our vote on, it is not the validity of the fire department. Talk to your trustees and advisory boards about whether that fire department belongs there or whether there should be one or not. We have to vote on the zoning of this. There was some concerns amongst myself and some other board members before if the zoning fit in that area, if there was some kind of consolidation, what happens to that building.

The way that it was before a restaurant could come in and open shop and have 150 cars in and out of there per day. With this that cannot happen. I think there is a lot of good discussion about the validity of it and things like that, but this is not the right place for it. We cannot base our vote on that. Regarding the driveway, there are sight lines that have to be met, as long as it is meeting that, it can go where it can go.

* **APC Petition 2019-14– Krista Duvall with Area Plan Office** is petitioning to “re-zone” up to approx. 28.187 acres from an A-1 zoning classification to an I-2 zoning classification to more accurately reflect the land use. This request falls under the Decatur County Ordinance **Section #1200 & 900**. The property is owned by Perry Coblenz & Andy Niles and is located just east of 6242 N County Rd 420 W, Greensburg, IN in **Adams Township**.

Krista Duvall stated that she is bringing this petition back from last month, everyone wanted a little more time to really take into account what we were rezoning. I am requesting to rezone from an A-1 to an I-2, exactly like you said, to more accurately reflect the land use. I would like to rezone the entire property to I-2. **Jay**; none of this is being farmed? **Andy Niles**; no, not what is in the yellow area. **Jay**; and the yellow area is what we are petitioning tonight. **Krista**; There is a small leg north, it is all in a flood zone so it cannot be developed. **Andy**; refresh my memory, last month you were going to consult with the owners? **Krista**; yes and they are ok with this. The owners are Andy Niles and Derrick Gahimer, purchasing on contract. **Andy Niles**; it is actually under an LLC, Hoosier Properties. **Jay**; it is good to have all of that information. **Krista**; at the time that I filed the petition all of the contracts had not been recorded and on file at the courthouse, I brought it to their attention and they corrected that. **Jay**; there was some discussion last meeting as to why this was tabled, whether there was some farmable ground that was going to stay out, so now we are going to say that the 28.178 acres will be rezoned to I-2. **Paul**; how far does that go, is there a lot of years left in this for good quarry rock, what are your plans? **Andy**; yes, they started in 1994 and you can see how far we have gotten, we have started to cut into more than what the overhead map shows.

Todd Mauer made a motion to vote on APC 2019-14; Bill Dieckman seconded the motion with 6 yes votes and 2 no votes.

***APC Petition 2019-18 – Redelman Heritage Inc. / Emilie Redelman** is petitioning to “re-zone” up to 3 acres from an A-1 zoning classification to an I-2 zoning classification to operate an auto salvage yard. This request falls under the Decatur County Ordinance **Section #1216 & 1226**. The property is owned by Redelman Heritage Inc. and is located at 5131 S US Hwy 421, Greensburg in **Marion Township**.

Ryan Kennelly abstained from hearing and voting on this petition and left the room.

Emilie Redelman stated that she owns 3 used car lots located in Greensburg, Lawrenceburg and North Vernon. I also have a shop in New Point. I serve the tri county area supplying affordable cars to the lower income people. I currently have 145 cars out in payment plans just in this area. I have sold more cars than I ever thought I would this year. We buy a lot of cars beyond repair and also get trade-ins that are not repairable. We need a place to utilize as parts because we buy

the same kind of cars over and over. Scrap right now is very low as you may know so if you scrap an average of \$300 per car. If I go to Burkhart's and get a door it will cost me \$200, \$50 for a headlight and \$45 for a fender and that is a car right there. They may or may not have what I need. I call them an average of 3-10 times per week, 3 out of 10 times they will have my parts, 70% of the time I have to go out of town to get my parts, sometimes out of state. The area I'm trying to rezone is not being farmed and has not been in many many years. As you see on the picture it is overgrown, it's very weedy, my dad doesn't take care of it. It is currently being used for storage of old farm and grain equipment. It looks bad, is an eyesore. From the highway you cannot see this area unless you are on the county road on 550 E. We plan to put up a fence so you won't be able to see any of the cars. I have talked to several of the neighbors, they are a little bit hesitant on this project but I do feel that they will see a positive outlook on this because it has been an eye sore for so long, my dad doesn't care about the landscaping. I think any improvement would be a positive one. The plan is to clean it up, mow the grass, kill the weeds and put #3 gravel down to create a solid base. Then we will put a crushed stone to make it a smoother surface. Before the cars get to the location we will drain all of the fluids. IDEM has standards that salvage yards have to abide by. I am going to buy a machine that will remove the Freon and that will allow me to reuse it. All of the other fluids would be in separate containers, plastic 55 gallon drums. A company will come and pick up my fluids and dispose of them. The antifreeze I may try to use as well as the washer fluid. The tires will be immediately cut up, and put in the dumpster so they are not laying around. The oil filters will be drained and crushed, the batteries will be used as core to buy new ones. If there is a spill, I know mistakes do happen, I have a 24 hour hotline that will take me through the steps to correct the mistake. I had an independent environmental assessment done by Shawn Bainbridge, local guy. He determined that there are no underground tanks and no hazardous material there at this time. I have a copy of his assessment if you want to look at it. This is the next step in my business, I own a bunch of car lots and I need these parts to continue to provide affordable cars to the lower income people. Thank you.

Paul; the New Point location, what is its future? Are some of the salvage cars that would be going to the 421 location at the 46 location right now? **Emilie;** yes. **Paul;** so would you continue to operate at the 46 location, would that be cars for sale, what would happen in New Point? **Emilie;** the New Point location is zoned B3, which I am allowed to work on the cars and sell cars. Currently I just work on the cars there, I do not sell. There is a few cars there that are inoperable and we are pulling parts off of and I am aware that is not allowed, they will be shipped to the 421 location to salvage as parts. **Paul;** the fence you are talking about talking about building would be this stretch here (referencing the overhead map)? **Emilie;** that is correct, and even along from the building to the highway so you couldn't see any of the cars. **Jay;** regarding the ownership of the property, it is owned by your father and you and other family members? **Emilie;** my dad currently owns it and I am the secretary of treasury to the property. **Jay;** and if something happens to your father, we allow and I-2 zoning out there and you lose control of that property, the zoning stays there all the time and you may not be there. How are you sure that you are going to have ownership of this property during this period? **Emilie;** I am the next generation, I don't have any siblings anymore, unless I die I will always be there. **Andy;** the New Point location, you said you are selling cars there now... **Emilie;** no. **Andy;** you are just servicing them, have you considered rezoning this location to industrial? I don't know how many acres you have there, what are your thoughts? **Emilie;** I have considered it, yes. I feel like it is not big enough and would be a lot of chaos with trucks coming in and out. The 421 area would be a separate location so it would be very low key. It would be just myself

there pulling parts. The 46 location I have employees working on cars with trucks moving in and out. **Andy;** I was just looking at our comprehensive plan and that location is planned for commercial, industrial flex, but I do know it is a narrow strip there with the railroad on the back. I noticed there was another parcel to the east there, are you purchasing that? **Emilie;** no. **Andy;** so if you have a fence there along 550, with the trucks coming in and out, will they go between the two barns, (referencing the overhead map) kind of where this black line is drawn. **Emilie;** yes.

Jay; I have a question of the succession plan of your business, I'm very concerned about an I-2 zoning out there and how that would exist, not only through my term and through generations, once we give a zoning of I-2, how that will continue on. **Emilie;** my dad is a farmer and I was raised around farm ground, I'm going to raise my kids around cars and if they take off in it, which I hope they do, it will be there for them. **Jay;** and I-2 zoning is a very heavily use zoning that we are talking about. **Bill;** the fluids, will you store them in the buildings? **Emilie;** there is a lean to behind the smaller building, that is where I will put the fluids and batteries. **Jay;** does that need to be diked, are you required to have a secondary containment other than the 55 gallon barrels? **Emilie;** not that I know of other than up to a certain amount. **Jay;** and you would stay under that amount of secondary containment? **Emilie;** absolutely. **Tom;** how many cars are you planning to keep on site? **Emilie;** there is approx. 2-3 acres, maximum, would be 800, that is if I fill up the entire area, however this is a very small project, at this time I would say 100-300 maximum. **Paul** will you sell parts to the public? **Emilie;** that is a good question and I didn't address that. The neighbors are kind of concerned, I don't want the hassle of selling, at this time it's just for my business. I won't have an office, will not collect sales tax, it is just for my business at this time. **Jay;** that doesn't change the zoning Krista, can she choose to sell those things later on if she wants to? How is that going to be affected by this I-2 zoning? **Krista;** I don't know that. **Paul;** how much does it add to the complexity or the mechanics of it, should we stipulate this I-2 zoning is a conditional use for her, it cannot be changed to be developed as some type of industrial site....**Melissa;** I would not recommend that the board do that, if it gets rezoned it get rezoned, if it doesn't meet the need it shouldn't be rezoned. **Paul;** is there a reason why we can't stipulate that it can be used for her use that she plans but not to have a factory built there? **Melissa;** that is so hard to police and there is no way to do it when it gets rezoned. She is asking for a rezone and that is what you would be voting on. **Jay;** anyone who would purchase this property later and has an I-2 zoning can change any use of this property that fits in compliance. **Melissa;** as long as it is in compliance with the I-2 zoning currently in effect at the time they purchase it, and conditional uses aren't designed for industrial. I have never seen that in the planning and zoning. **Jay;** so we get whatever fits in there at the time. **Melissa;** we use a conditional use for the home based occupations that don't really require new infrastructure being built, it's using an existing location to do a small business operation by people that reside on the property, so just the whole nature of a conditional use wouldn't meet this need. **Bill;** are there any other requirements for additional fencing along the back edge of the property to hide the view? **Melissa;** most salvage yards require 360 degrees for safety and visibility factors. **Bill;** she was just talking for just along the road. **Melissa;** I understand her proposal but most salvage yards require fencing all the way around. I don't know that our zoning ordinance has that requirement. **Jay;** I'm looking at the minimum rear setback of 100', would that say that the cars are to be held 100' off of the property line? **Krista;** no, the cars are not a permanent structure. **Jay,** would she have to go the the BZA? I think that she does. **Jay;** and it also says that a minimum acreage is 5 acres in section #1228 and we are not talking about 5 acres. **Jay;** here under section #1218 for permitted uses for I-2 it does say that in the event of any junk salvage auto wrecking is conducted in an I-2 zoning classification it shall be shielded by view of the

public by means of a sturdy site obscuring 8' high fence in good repair and 2 rows of alternating planted evergreen trees or light vegetation. I'm assuming that it means 360 degrees. **Krista;** that is a permitted principal use. **Melissa;** and that is a common through all counties, even a small containment area with auto body shops, they require even a small little compound areas to be completely shielded. **Jay;** I didn't know if you were aware of that Emilie, that's under that section. **Emilie;** I did not, if that is what they require then that is what we will do. **Jay;** is there anyone living in the house? **Emilie;** yes, my father. **Jay;** and it's not allowed to be within 1000' of the nearest residence. **Andy;** what section is that under Jay? **Jay;** #1224. **Andy;** would that be an exception for the owner and family as an LLC? **Jay;** it doesn't say relationship in that section. You cannot guarantee that there will always be family in that house. **Jay;** how many employees are you looking to have? **Emilie;** just myself at this time. **Jay;** we are asking these questions because we understand the I-2 zoning has a lot of regulations regarding this and it is not granted easily because we do not wish to cause future generations of residents and board members a havoc with doing such a thing, it is not directed at you we are asking for the purpose of what zoning you are asking, it's a very, very tough zoning. **Emilie;** I understand that. **Tom;** how much of an investment are you willing to put into this venture, because this looks to me like between the machinery you will have to buy and the fence, all the other things you will have to do that we haven't even discussed, have you thought about how much you will have to invest in this? **Emilie;** absolutely. Every business venture takes a toll and costs a lot of money, and maybe at the time when you do it you don't know the cost but for me it's worth it. **Tom;** do you have a business plan, looking at how much this will cost, can **Emilie;** I cannot give you a number, but for me this next stepping stone as far as the car lots, just moving up. Without the parts for the cars I can't do anything. I provide a very selective few types of cars for low income people. So without the parts they won't have a car to get to work. I understand that you guys will never buy a car from me, but I serve the lower income guys, people that work at gas stations and restaurants. Those are my customers and they have to have a ride to work. **Paul;** without some kind of specifications we are up against a black and white thing as far as minimum lot size, is that correct? **Melissa;** there would have to be variances. I wasn't aware it was a residence, I just thought it was a farm operation in an LLC. So that didn't trigger that there was a residential structure there but as you know even in our other industrial zones we have regulations about how close they are to residential dwellings.... **Paul;** it sounds like that is somewhat gray as far as the owner but it is 5 acres need..... **Melissa;** I don't think it is because of the owner, it's just a residential dwelling. **Andy;** even the distance to the residence across the highway is approximately 450-500 feet, so I'm guessing that would have to be another variance. **Melissa;** any residential structure. **Krista;** so that would be a variance to the BZA for the size of the lot, each residential structure before we can (inaudible).... **Andy;** so what comes first, BZA for the variances or zoning first? **Krista;** we have done it before that the recommendation would be contingent on the next board. **Jay;** I am seeing a lot of stumbling blocks through this whole process, I think we are trying to point some of these out to you to make sure that it's still the direction that you want us to go. I'm hearing that the BZA Board needs to be involved in this before we can move forward, we can table it and let you think about this until the next meeting. You can get with Krista to put a plan together, come before the BZA and then trying to seek some sort of compromise if that is achievable or we can vote on it and then it would be subject to the BZA Board's favorable vote. **Melissa;** the biggest point is that that residence, you are probably going to be looking at 25% of the distance significantly reduced distance from what the current zoning ordinance is. The business sounds very unique, it meets an important need, this just may not be the right property to expand, that and the fact that there is no other industrial zoning in the area and we are experiencing a lot of obstacles in the requirements in creating an

industrial zone in this location, especially given the location of that residence. Do you know how far it is from the property line to where you stated the lean to is? **Emilie**; I do not. **Andy**; I can measure it on Beacon. **Paul**; so basically we have 3 known issues, the 5 acres, the residence and the residences across the road, so as of now there would be 3 variances in addition to the change in zoning. I guess we can look for guidance in whether or not she would like to proceed, which one of those we need to go about first. **Jay**; that is where I am at, I am seeing that it doesn't fit on that location. Not the zoning but the degree of compliance issues according to our ordinance. **Melissa**; in this situation it would be more appropriate if she is asking us to move forward that it actually go in front of the BZA first because if all of those exceptions aren't approved as variances then there is no need to look at the rezoning. **Andy**; from the current house is 300', 450' to the house to the northeast, and about 550' to the other house. This measurement is from the barn where the barrels will be kept. **Melissa**; are there any other residences that would pulling in 1000' or are we just restricted to 3. **Andy**; that is probably it, it looks like just the 3 houses right there. **Emilie**; so you say it meets the requirements (inaudible).. **Jay**; we have a section 1200 in our ordinances regarding industrial districts, Krista can get that section to you.... **Paul**; it's not that it meets Emilie, it's that it would require those in addition to passing a majority vote to the zoning change. In addition to that would be the lot size and then the three dwellings that are within that 1000' radius. **Bill**; it would also be the lot size. **Jay**; the BZA would have to address those and see if there are any exceptions that they would allow for that to happen, if so and they approved it then we could vote on this at that time. If it does not go through the BZA then that property would probably be considered not eligible for an I-2 zoning at that time. **Melissa**; but even before this board it doesn't meet our comprehensive plan, so even if the BZA did approve the variances, this board still is charged with deciding is our comprehensive plan meets placing an I-2 zone here, and to my knowledge this is not slated for I-2 development. **Emilie**; I understand that. **Jay**; should Emilie contact you Krista at the office? **Krista**; I would say the best bet would be to table it and then we can talk about it, whether she wants to proceed to the BZA and ask for the variances and then come back to this board for a vote. **Jay**; I would suggest you to table this until you can get through some of this with Krista. **Emilie**; I will table this.

With no other business before the board the meeting was adjourned at 9:23 p.m.

ATTEST

Secretary, Andy Scholle

Decatur County Area Plan Commission

President, Jay Hatton

Decatur County Area Plan Commission