

**MINUTES**  
**Versailles Planning Commission Meeting**  
**November 13, 2017**

The meeting was called to order at 6:30 p.m. the meeting was held at the Versailles EMS building, 320 Baker Rd.

Members present were Todd Dammeyer, Darrin Whittington, Tom Blakeley, Eric Paulus, and Mayor Subler. Also in attendance was Village Administrator Rodd Hale. Kim Custenborder was acting Secretary.

A motion to approve the amended agenda was made by Todd Dammeyer, seconded by Tom Blakeley. Vote: all yeas.

A motion to approve the minutes from the February 6, 2017 meeting was made by Eric Paulus, seconded by Darin Whittington. Vote: all yeas.

In new business the Planning Commission held discussion regarding three rezoning requests. Case 17-03, a rezoning request filed by Gary and Robin Middendorf, case 17-04, a rezoning request filed by Dale Seigel, and case number 17-05, a rezoning request filed by Barhorst rentals, LLC.

The meeting was attended by approximately 75 people due to concerns regarding the rezoning of the Middendorf property allowing for the location of a Casey's General Store.

Mayor Subler addressed the crowd and stated all discussion will be held in an orderly fashion with the proponents of each case going first and the opponents going second. Mayor Subler also asked questions of Village Administrator, Rodd Hale, regarding requirements and specific zone restrictions. Hale explained the most restrictive zones are residential, with R-1, being the most restrictive and R-3 being the least restrictive. Hale also explained the business district was in the middle regarding restrictions with B-1 being the most restrictive followed by B-2. Lastly, Hale explained the industrial districts were the least restrictive with I-2 being the least restrictive district in the Village.

The first speaker, on behalf of the applicants, Gary and Robin Middendorf, was Dustin Leis of Leis Realty. Dustin explained the reasoning for the rezoning application and stated that while Casey's has shown an interest this rezoning is not specifically related to Casey's. Leis then stated three sides of the property being requested for rezoning is adjacent to either business or industrial property. Rezoning would simply increase the business area by 62 feet of width on E. Main St. providing adequate room for building.

Speaking in favor of the rezoning was Logan Clark, 784 East Wood St., Sheri Reed, 8259 Barnes Rd., and Nancy Overholser of 115 North West St. All speakers felt a Casey's would be positive for the Village citing competition being a good thing, the business bringing jobs, an opportunity for second and third shift employees to have an open business for purchases, and additional options for the entire community. It was mentioned that the Village logo is People-Pride-Progress and to turn businesses away is not living up to that phrase.

Mayor Subler asked multiple times if anyone else wanted to speak, on behalf of the proponents. With non-coming forth, he moved to the opponents of the rezoning.

First to speak for the opponents was Nick Timmerman, 668 East Main St. Timmerman cited his four children and traffic concerns and felt instead of rezoning the residential lots to business the business and industrial lots should be rezoned to residential. Timmerman asked members in the audience who were against the rezoning to hold up red cards to show their presence. Timmerman asked questions regarding setbacks in B-1 as opposed to I-2 and was provided answers by Administrator Hale. Next to speak was Tom Jokerst, 663 East Wood St., Mr. Jokerst pointed out there are 18 children under 18 years of age within close proximity to the property in question. Additionally, Jokerst mentioned Indianapolis does not allow gas stations by residential areas due to traffic, noise, and crime. Jokerst stated in France it is mandatory to keep gas stations over 300 feet away from residential areas due to chemicals and gasoline causing health issues and fuel soaking through concrete during storm runoff.

Mr. Jokerst also questioned how the zoning map got changed without approval of the Planning Commission. Mayor Subler and Village Solicitor Tom Guillozet explained a parcel can have only one zoning classification and the map was found to be incorrect and knowing the property in question has always been industrial it was appropriate to show it as industrial which has actually already been approved by the Planning Commission.

Next to speak was Bob Frey, of 750 East Main St., Mr. Frey stated he has lived in his home for 42 years and he does not think we need more competition. Frey stated competition can drive out local businesses because usually businesses with the deepest pockets win. Frey also stated he went to Ansonia and visited the Casey's store and admitted he found no residence upset with Casey's. He stated this could likely be due to Ansonia not having a grocery store. Frey presented a petition signed by 403 people against Casey's and pointed out that was 20% of the registered voters.

Next Mayor Subler mentioned that as a planning commission and Village Council they cannot keep a business from coming into town if they come to a correctly zoned parcel. Planning Commission member Todd Dammeyer stated his phone has been ringing off the hook and he mentioned some people signed the petition but are not really against Casey's. Dammeyer stated some people felt pressured.

Bob Luttmer, 740 East Main St. spoke against the rezoning. Luttmer stated the business would be 8'6" from his house. Luttmer stated people have the impression the Village of Versailles is like Mayberry and if we bring Casey's in it won't be.

Shaun Duplessis, 205 W. Wood Street spoke stating he moved here three years ago. He is against the rezoning and allowing of Casey's because of potential danger to small children. He stated it does not make sense to take an area from a low risk to a high-risk safety area.

Allison Gonya, 306 South Center St. spoke stating she doesn't think Casey's would build if they did not get the main Street frontage. She also stated she believes the fact that a junkyard used to be on the property to the rear should not be taken into consideration. Gonya stated it is better now and it

would be wrong to change it back.

Jim York, 53 Elmwood Dr., spoke regarding his recent letter to the editor. York stated he does support businesses in Versailles and made one error in his letter stating the Sweet Shop is not making money. York clarified he was contacted by the Sweet Shop who stated they are making money, however, they have lost their Baker and have decided to sell. York stated if someone can convince him that Casey's can bring more money to town he wants to hear it.

Jennifer Timmerman, 668 East Main St. ask those present to consider how they would feel if this was their neighborhood.

Sabrina Mescher, 630 East Main St. stated children in the area should be a concern.

Ken Mescher, 630 East Main St. stated the committee needs to consider if the reward is greater than the risk what new revenue will come into town. There are a lot of risks.

D Johns, owner of the local IGA grocery then spoke. Johns stated fumes from fuel will be harmful and the community already has 13 businesses selling pizza. Adding a business selling ice cream, doughnuts, sandwiches will not help the community. Johns also stated noise from delivery trucks in the early mornings and compressors for the coolers will be noisy and bad for the neighborhood. Johns estimated 6000 customers a week will go down the side streets, should the new business come to that location. John stated staying open later than 9 PM will bring in nothing but drunks to get more beer. Johns noted the IGA is currently open 15 hours while the Marathon gas station is open 17 hours. Casey's is proposing 19 hours according to Johns.

The next speaker was Tom Schrader, 832 East Wood St. Schrader stated he was not against Casey's, but he does not want it in his backyard and feels location is bad. Schrader stated the junkyard could be a Park.

Mayor Subler then asked for any additional speakers. Rod Cooper, 639 East Main St. asked if Casey's had enough room to build without the rezoning. Mayor Subler answered by saying they could build on any I to property without needing permission.

Robin Middendorf commented that Bob Luttmmer said the building would be 8 feet from his house but actually the requirements are to have a 25-foot buffer setback so the building would not be 8 feet from Luttmmer's home.

Marilyn York, 53 Elmwood questioned whether trash bins could be located next to the property line. Village administrator Hale stated they could. A few other comments were made regarding the rezoning by numerous members in the audience.

Next Matthias Smith, a representative from Casey's, spoke stating Casey's has located in many smaller towns and they prefer corners in a well-traveled area. Smith stated Casey's takes safety very seriously and considers safety when designing stores. Smith stated he lived next to a Casey's growing up and never noticed any issue with fumes and stated Casey's uses state of the art vapor and spill protection and all EPA guidelines are met. Regarding traffic, Smith stated they are not

going to increase traffic E. Main Street is already the most highly traveled Street and they want to feed off of it. Smith further stated Casey's does make donations to the community and wants to give back. He stated Casey's has provided over \$3 million in support for local schools and communities. They are good neighbors. Smith stated the lighting is fixed so that it does not shine into homes. However, the lot is kept well-lit for safety reasons. Smith was asked if the lights stay on in the store after they are closed and he stated all lights inside the store are turned off at closing time. Smith stated Casey's has their own delivery truck and other than Coke and beer there are a few deliveries and there are no after hour deliveries.

Bob Frey asked if Casey's uses local builders and contractors and do they take bids. Smith stated they use both local and their own contractor's. Eric Paulus asked if the tanks were over 1000 gallons and Smith stated they are larger than 1000 gallons. Mr. Guillozet was asked if the village could limit the hours of business. Guillozet stated the Village could not mandate hours of business.

The committee then began discussion with Dammeyer stating the number against the rezoning is outweighed by those for the zoning and you never know how a business will end up. Dammeyer stated it is a tough decision and he wished all these people would come to Council meetings. Eric Paulus asked if approving a lot only 62 feet wide is okay considering the current code requires an 80-foot lot. Tom Guillozet stated it would be grandfathered and permitted. Paula stated he did not think it was necessary to rezone a residential area to business. Darin Whittington stated he agreed with Mr. Paulus. Tom Blakeley stated he was not sure he wanted to change a residential property to business when it is occupied. Blakeley stated he is not against Casey's but may need more time to decide. Blakeley stated he was afraid others companies may not consider Versailles once we get the reputation of not allowing businesses.

Mayor Subler commented that actually the residential properties are an island within the business area. He commented that if there is any appropriate area to rezone property from residential to business it would be on Main Street. He again commented we cannot block a business from coming into town as a government body. Further, Mayor Subler stated the committee needs to consider how things were zoned in the past. Subler stated Zoning has not changed so people bought knowing how it was zoned and when visiting other areas there were no complaints regarding Casey's and there are many possible worse neighbors than Casey's.

Next the committee considered the rezoning of the Dale Seigel property from I-2 to B-1. Siegel stated he would like to see the property upgraded and that Casey's are the first group of people that has shown real interest.

The committee then discussed case 17-05. The Barhorst property for consideration of rezoning from I-2 to B-1. Bob Frey mentioned that the Council needs to consider all of these people that don't want it here and they need to listen to the people. Frey stated voters don't want this. Mayor Subler stated the Council and commission needs to take into consideration everyone in the village and all of the voters. Nancy Overholser commented that since the properties are zoned industrial if a factory such as a machine shop wanted to come in, which would likely make more noise than a convenience store, it cannot be stopped. Administrator Hale answered that is correct. Tom Jokerst stated a machine shop is something he thinks would be a good fit and would not have as many safety and health issues.

At that point. Mark Siegel, stated the 706 Main St. property is for sale and that the petitioners should pool their money and purchase the property if they wanted to have control.

Eric Paulus then stated he felt Casey's could find another location and he motioned to reject the rezoning application for the Middendorf property. Tom Blakeley, seconded. Eric Paulus, yes, Tom Blakeley, yes, Darin Whittington. Yes, Todd Dammeyer, yes, Mayor Subler no.

Next Eric Paulus motioned to approve the rezoning application for the Siegel property Todd Dammeyer seconded, all yeas.

Lastly, Todd Dammeyer motioned to approve the Barhorst rezoning, Darin Whittington seconded, all yeas. It was stated the recommendations would be presented at the November 20 Council meeting at which time a public meeting would be set for December 13. With no other discussion to be had Darin Whittington made a motion to adjourn, seconded by Tom Blakeley, all yeas.

Meeting adjourned.

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Mayor Jeff A. Subler  
Planning Commission Chairman

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Rodd A. Hale  
Village Administrator