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# TRAFALGAR PLANNING COMMISSION MEETING – SEPTEMBER 14, 2020

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President Kip Payton called meeting to order at 6:01 P.M. Members present are Kip Payton, Lee Rodgers, Sonya Krejci, Mary Wilkerson, Kyle Siegfred, Mark Carpenter, Tim Guyer and Attorney John Young.

All recited the Pledge to the American Flag.

The minutes from August 10, 2020 were reviewed. Lee Rodgers made motion to accept minutes as written. Mark Carpenter 2<sup>nd</sup> the motion and all approved. Minutes were signed.

## **NEW BUSINESS:**

Rick Morgan requested splitting one parcel into two on a lot on Pleasant Street. Kip is going to research it and let Mr. Morgan know if it will be approved.

## **PUBLIC HEARING :**

Attorney Russell L. Brown, of Clark, Quinn, Moses, Scott & Grahn, LLP, opened the hearing, representing James Lochard and Southern Comfort. Mr. Brown was retained in May to help Mr. Lochard get the zoning change started.

James Lochard is wanting the old elementary school to be rezoned for mixed uses. Mr. Lochard without Town approval moved into the old elementary school in early 2020. He says he is wanting low intensity residential and commercial use of the building. Trafalgar does not have zoning available for mixed use, which is what Mr. Lochard is actually wanting. Commercial rezoning is what is being requested tonight and the residential portion will be addressed at later date. There are two residential units with one being rented at this time, as well as office space being rented. Mr. Lochard has had the parking lot coated and stripped.

The Fire Marshall needs to re-inspect the building to see if fire walls exist between the two usages. The Planning Commission recommended in February

that Mr. Lochard apply to get the zoning change since he had been living there since early January.

**PUBLIC COMMENTS:**

Steve Scott, whose property adjoins the Old I.C. Elementary believes the elementary school needs to be rezoned, but thought Mr. Lochard was asking for too many uses. He mentioned that he had not been a very good neighbor to the adjoining church.

Tonya Jones said she agreed with what Steve Scott said.

Scott Wilkerson-Representing the Trafalgar Christian Church. Mr. Wilkerson had 2-1/2 pages of complaints since early January. He stated Mr. Lochard says one thing and does another.

Ray Quinn-Trustee of Trafalgar Christian Church- The church wants to be protected if someone gets hurt on church property, while entering Southern Comfort to eat, but Mr. Lochard refuses to sign anything to protect the church. The church's handicap ramp to his restaurant is on church property. Mr. Lochard claims there are 200 parking spaces on his property, but Mr. Quinn, said it was more like 100.

Mr. Lochard also put up signs without permits. He applied for the permits approximately 1-1/2 weeks ago, a long time after being asked to do so. On their first meeting, he stated that he did not want the church using his parking lot. On a Sunday, his customers were parked in the church parking lot, making it difficult for their elderly members to park near the church. Two church members went to talk to Mr. Lochard to no avail. The following week two church members went to speak to him about the preschoolers being dropped off and picked up at the church. The church changed the drop-off and pick-up to fit Mr. Lochard's needs. In February, the church asked Mr. Lochard to sign an indemnification paperwork, stating the church would be held harmless if any of his customers were to get hurt using the church sidewalk, which customers must use to get to his establishment or if they were to get hurt in the church parking lot. After the church's lawyer presented him with the paperwork to sign, his mother came out to tell them that Mr. Lochard would not be signing the paperwork. The next

interaction was on the 14<sup>th</sup> of March, when he cut down a tree belong to the church, thought to be blocking the restaurants signs.

Fast forward to June 23<sup>rd</sup>, the church set up a meeting with Mr. Lochard and property manager Paul Lauck. During this meeting, it was decided to set up a gmail account to better communicate about parking lot usage. The property manager took the indemnification paperwork to let the lawyer look over, and that he would get back with them within two weeks. Mr. Lochard never got back with the church. After contacting Mr. Lochard, he then said he would get back with them within a week, and to date this has not happened. During July to the 1<sup>st</sup> of August, the church has reached out to the property owner and property manager and still cannot get the paperwork filled out. Mr. Lochard will not return our emails or calls. The latest, as of the week of Sept. 7<sup>th</sup>, Mr. Lochard planted flowers on church property, without asking if he could do so. We are not upset over the flowers, but he still will not ask the church's permission. Mr. Lochard just does what he want to do.

The church wants to be a good neighbor, but Mr. Lochard is making it difficult. The church has been in the community for 175 years, working with the school, little league, boy scouts and girl scouts. The church does not want to shut down their parking lot, but may be forced to do so.

The Planning Commission took a vote, and agreed to move forward if conditions are met. Mr. Lochard will have 90 days to meet all of the conditions. The Fire Marshall will need to inspect to see if fire wall exist between the different uses. The town inspector also needs to inspect. The rezoning is only for commercial and that residential will be discussed at another time. Tim Guyer said he may need assistance with the inspection as it may be quite intensive and take a lot of time. Mr. Lochard will have 45 days to comply with the inspection.

Lee Rodgers made a motion for a favorable recommendation for commercial use of the Old Elementary school. Mark Carpenter 2<sup>nd</sup> the motion. All approved.

Mr. Lochard will have to seek a variance for residential use at a later date. Mr. Lochard fully understands the uses agreed to.

Mr. Lochard was asked not to book anymore events or New Rentals until the Commercial Rezoning has been approved.

Public Hearing adjourned.

Jerry Rafferty wanted to see if he has the go ahead for Lancaster Gateway Two. A performance bond is not needed. Mary Wilkerson made a motion for Mr. Rafferty to acquire a maintenance bond for the percentage of construction cost. Lee Rodgers 2<sup>nd</sup> the motion. All approved.

### **BUILDING PERMITS:**

1/8/2020	BP2020-10	White Oak	767 N. Sobota	Lot 40
1/8/2020	BP2020-02	White Oak	597 S. Sobota	Lot 15A
1/8/2020	BP2020-03	White Oak	603 S. Sobota	Lot 15B
1/16/2020	BP2020-04	Bruce Brock	110 Elliot Ave	Lot 23
2/28/2020	BP2020-05	Rafferty Const.	W. Traf. Pointe	
3/11/2020	BP2020-06	White Oak	659 S. Sobota Way	Lot 19
3/18/2020	BP2020-07	Pheonix Fab	Water Tower	
4/7/2020	BP2020-08	Robert Tow	114 Elliot Ave	Lot 24
4/17/2020	BP2020-09	White Oak	662 S. Sobota Way	Lot 34
4/17/2020	BP2020-10	White Oak	639 N. Sobota Way	Lot 30
4/24/2020	BP2020-11	Everett Homes	203 Virginia St.	
4/29/2020	BP2020-12	John Hast	23 Watson Dr.	
5/26/2020	BP2020-13	Embrey Const.	105 Elliot Ave.	Lot 20
5/26/2020	BP2020-14	Embrey Const.	103 Elliot Ave.	Lot 20
5/26/2020	BP2020-15	Embrey Const.	104 Elliot Ave.	Lot 21
5/26/2020	BP2020-16	Embrey Const.	102 Elliot Ave.	Lot 21
6/22/2020	BP2020-17	John Hast	29 Watson Dr.	
6/22/2020	BP2020-18	Hagerman (NHJ)	802 S. Indian Creek Dr.	
6/12/2020	BP2020-19	Marshall Royalty	202 S. Illinois	
6/17/2020	BP2020-20	White Oak	670 N. Sobota Way	Lot 9
6/17/2020	BP2020-21	Everett Homes	103 Steeplechase Ct.	Lot 65
7/15/2020	BP2020-22	Rafferty Const.	802 S. Indian Creek Dr.	
6/29/2020	BP2020-23	White Oak	638 N. Sobota Way	Lot 11
7/7/82020	BP2020-24	CFH Enterprises	McDonalds	
9/10/2020	BP2020-25	Bruce Brock	7 Watson Dr.	Lot 4

	BP2020-26	John Hast	25 Watson Dr.	Lot 74
7/28/2020	BP2020-27	White Oak	635 S. Sobota Way	Lot 18
8/12/2020	BP2020-28	Glue-Lam Erectors	712 E. Park St.	Site work Copperfield
	BP2020-29	AAPCO Southeast	211 S. St. Road 135	Apts.
8/6/2020	BP2020-30	White Oak	654 S. Sobota Way	Lot 10
8/27/2020	BP2020-31	Smithway Homes	209 Dunn Dr.	Lot 86
8/27/2020	BP2020-32	Smithway Homes	203 Dunn Dr.	Lot 83
9/10/2020	BP2020-33	White Oak	596 N. Sobota Way	Lot 14

**SIGN PERMITS:**

3/12/2020 S2020-01 Hutchison Sign Co. 706 W. Traafalgar Pointe Way  
 9/10/2020 S2020-02 Everett Homes LLC Crest Ridge Estate

**GOLF PERMITS:** None

**SOLICITATION PERMITS:** None

**ADDITIONAL QUESTIONS AND DISCUSSIONS:** None

Mark Carpenter made a motion at 8:15 P.M. to adjourn and Kip Payton 2<sup>nd</sup> the motion. All approved.

Trafalgar Planning Commission  
 Meeting - September 14, 2020  
 Submitted by Mary Wilkerson

These minutes were adopted and signed by the Trafalgar Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the Town of Trafalgar, County of Johnson and State of Indiana.

*Also*  
\_\_\_\_\_  
President, Kip Payton

*Lee Rodgers*  
\_\_\_\_\_  
Vice-President, Lee Rodgers

*Mark Carpenter*  
\_\_\_\_\_  
Mark Carpenter

*Sonya A. Krejci*  
\_\_\_\_\_  
Sonya Krejci

*Tim Guyer*  
\_\_\_\_\_  
Tim Guyer

\_\_\_\_\_  
*Also*  
Kyle Siegfred

*Mary Wilkerson*  
\_\_\_\_\_  
Secretary, Mary Wilkerson