

Plan Commission Meeting
 Tuesday, March 20, 2018
 6:00 p.m. Town Hall

Edinburgh Plan Commission met in a meeting at 6:00 p.m. Tuesday, March 20, 2018.

Members Present:

Glenn Giles
 Curtis Rooks
 Stephanie Taylor
 Keith Sells
 Richard Pile
 Jerry Lollar

Also Present: Dustin Huddleston, Town Attorney
 Nick Valenzuela, Building Commissioner
 Lisa Brockman, Plan Commission Secretary
 Wade Watson, Town Manager

Jerry Lollar, Vice Chairman opened the meeting at 6:00 p.m.

Jerry Lollar did roll call of Plan Commission. Glenn Giles here, Ray Walton absent, Mike Graham absent, Curtis Rooks here, Matt Ervin absent, Stephanie Taylor here, Keith Sells here, Richard Pile here, Jerry Lollar here and Lisa Brockman here.

Jerry Lollar presented the first item on the agenda, which are the minutes from January 16, 2018 meeting. Stephanie Taylor made a motion to accept the minutes as presented. Richard Pile seconded. Jerry Lollar asked for a vote for all in favor by saying aye. All board members present voted aye to approve the minutes. Motion passed.

Jerry Lollar discussed a sign in sheet for those present who wish to be notified for future topics on tonight's meeting. Dustin Huddleston swore in those in attendance wishing to provide comment: Mr. Charles E Bewley and Mr. Aaron McElhanney.

Nick Valenzuela gave a Power Point presentation of his staff report (see attached) on: Case No. PC-2018-01-Applicant/Petitioner/Owner Angela M Kelsay, whose address is 7995 South US Highway 31, Edinburgh. Applicant/Petitioner/Owner is not present at hearing tonight. Subject properties involved are: 7995 South US Highway 31 in Edinburgh, a parcel in the Heckman Village subdivision. Second parcel involved is an unaddressed US 31 parcel also in Heckman Village, and a third parcel involved is also an unaddressed US 31 parcel also in Heckman Village. The area zoning involved is Roadside Business or RB and the land use is Auto Service and Repair for commercial use doing business as 31 Auto Group. The area zoning represented at 7995 South US 31 is Roadside Business zoning adjacent all around the parcel, some vacant and some used in tandem with 31 Auto Group. To the west across 31, also an Auto Service and Repair business zoned Roadside Business and also uses a single family residential dwelling. Unaddressed US 31 parcel number one, just north of 7995 US 31 is also zoned Roadside Business all around similar to the parcel to the south at 7995. Unaddressed US 31 parcel number two is zoned Roadside Business to the north, south, and west, but to the east is zoned R-4 a residential category for Medium Density but is vacant land at this point.

Nick Valenzuela stated that Petitioner Angela M Kelsay is requesting site development review for requirements for the Zoning Ordinance of the Town of Edinburgh. The Petitioner is asking for a building permit for a storage container, 8' x 40' x 8' with no permanent foundation, that is currently placed at 7995 South US 31. The Petitioner also asks for permission to install a gravel parking strip, 15' x 100', across all three (3) subject parcels stretching to the northwest. All three parcels involve a two-mile buffer zone jurisdiction between the Town of Edinburgh and Johnson County, this means that Johnson County Plan & Zoning is the authority to issue all permits, code enforcement, floodplain administration, and other technical requirements. The Town of Edinburgh controls the zoning, such as the Highway Corridor Overlay District standards that the Town Plan Commission would review, but ultimately, if the site development is approved by the Town Plan Commission, the County would look to issue the permits and subject the projects to inspections. The approval has to come from the Town of Edinburgh under our zoning with a pre-application process for a permit through the County.

Nick Valenzuela stated with regards to legal and public notifications, the Petitioner satisfied documentation requirements, and legal and public notifications, as specified in the Plan Commission's Application Packet approved this year except for the following:

- "3. Step 3: Notification
 - a. A legal notice must appear in the Johnson County Daily Journal and The Republic . . . [t]he notice must appear once, a minimum of ten (10) days prior to the meeting date." This is consistent with the State of Indiana code requirements

Proof of notification was provided for the required local newspapers, but appeared in the March 14, 2018 editions; therefore, the notices appeared to the public only six (6) days prior to the hearing date instead of the ten.
- "3. Step 3: Notification
 - e. The petitioner shall place a sign of public notice on the subject property at least ten (10) days prior to the meeting. The sign must be placed in a visible unobstructed area of the subject property; contain the information provided on the example below; and shall (a) be 24 inches wide and 18 inches high (b) have text in Times New Roman Font 100 point (c) have a background in the color of neon yellow with the font being in

black text (d) made out of durable material with a flat surface for ease of readability. The petitioner must allow the sign to remain on the subject property until the final disposition of the petition. The petitioner can remove the sign the day following the final disposition of the petition."

No proof of notification was provided by the Applicant. Additionally, multiple site-visits by the Building Commissioner to the subject premises could not verified placement of such a sign.

- "4. Step 4: Proof of Notification
 - a. The following items must be supplied to the Building Commissioner by 4:00p.m. on the Friday before the meeting: (1) completed Affidavit of Notice, (2) receipts from the Certificates of Mailing, (3) a copy of the information sent to adjoining property owners, (4) the Mapping Office list of adjoining property owners, and (5) a copy of the aerial photo used to identify adjoining property owners (supplied by the corresponding county's Mapping Office); **or** (1) completed Hand Carried Affidavit Notice, (2) completed signature sheet, (3) the Mapping Office list of adjoining property owners, (4) a copy of any information distributed and (5) a copy of the aerial photo used to identify adjoining property owners (supplied by the corresponding county's Mapping Office).

Such proof of notification was not provided until today, Monday, March 19, 2018, which is after the Friday deadline.

Nick Valenzuela stated that we have the issue of potentially deficient or likely-deficient public notifications for the case. The Plan Commission is required to go through the Plan Commission meeting/hearing currently since public notice was provided by the Petitioner for at least some required forums and verified with proof of notice. At this point, the Plan Commission should review with the Town Attorney whether we can go forward with the rest of the hearing.

Attorney Dustin Huddleston stated that *Article 3 in the Plan Commission's Rules and Regulations*, reads that with the finding of defective notice, the Plan Commission shall do a continuance of meeting to another date. Mr. Huddleston proceeded in stating that the Plan Commission needed a motion to continue hearing to the next meeting date of April 17, 2018. Curtis Rooks made a motion of continuance, Glen Giles seconded. Jerry Lollar asked for all in favor to say aye. All board members present voted aye. Motion approved.

Glenn Giles made a motion to adjourn the meeting. Curtis Rooks seconded. Jerry Lollar asked for all in favor to say aye. All board members present voted aye. Meeting adjourned.


Jerry Lollar, Vice-Chairman


Lisa Brockman, Secretary



PLAN COMMISSION STAFF REPORT

To: PLAN COMMISSION MEMBERS
From: Nick Valenzuela, Building Commissioner, Building & Zoning Department
Date: March 15, 2018
Re: Case No. PC-2018-01

GENERAL INFORMATION:

Applicant/Owner: Angela M. Kelsay

7995 S US Highway 31
Edinburgh, IN 46124

Property Addresses: 7995 S US Highway 31
Edinburgh, IN 46124

US 31 [unaddressed #1]
Edinburgh, IN 46124

US 31 [unaddressed #2]
Edinburgh, IN 46124

[collectively hereafter, 7995 S US 31]

Zoning: RB (Roadside Business)

Land Use: Auto Service & Repair, d/b/a 31 Auto Group

FEMA Flood Plain: 7995 S US 31 does not exist in a Federal Emergency Management Agency designated Special Flood Hazard Area

US 31 [unaddressed #1] exists in a FEMA SFHA: Zone AE (floodway and flood fringe)

US 31 [unaddressed #2] exists in a FEMA SFHA: Zone AE (floodway and flood fringe)

Zoning/Site Location Map below (pastel purple = Roadside Business; red = Medium Density residential):



PETITIONER'S REQUEST

Angela M. Kelsay (the “Petitioner”) is requesting site development review for developmental requirements under the Zoning Ordinance of the Town of Edinburgh (“Zoning Ordinance”).

Specifically, the Petitioner asks in PC-2018-01, filed with the Town's Planning Department on January 26, 2018, for approval from the Plan Commission for the scope of work completed, and prospective, for the following:

1. **Proposed:** A building permit for a storage container, 8' x 40' x 8' with no permanent foundation, currently placed at the premises
2. **Proposed:** A gravel parking strip, 15' x 100', across all three (3) parcels

All parcels also involve a two-mile buffer zone jurisdiction between the Town and Johnson County; Johnson County Planning & Zoning would likely issue all permits, code enforcement, floodplain administration, and other technical requirements since the Town controls the zoning but not the municipal jurisdiction.

DOCUMENTATION REQUIREMENTS, LEGAL & PUBLIC NOTIFICATIONS

The Petitioner has satisfied all documentation requirements, and legal and public notifications, specified in the Town Plan Commission's *Application Packet for Platting, Annexation & Rezoning* adopted on January 16, 2018 except for the following:

- **No sign of public notice on the subject property at least ten (10) days prior to the meeting**

PURPOSE OF STANDARDS

The Zoning Ordinance: Highway Corridor Overlay Districts

- I. To establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public and affect the physical development of land within US 31 and State Road 252.
- II. To promote high quality creative development that will combine imagination, innovation and variety in the appearance of buildings and sites in the overlay zone, and to preserve and enhance property values and to promote the public health, safety, and welfare by providing for consistent and coordinated treatment for parcels.
- III. The US 31 & State Road 252 corridors form the physical and visual gateways to the Town and are expected to experience increasing pressure for commercial development in the future. Future development of these highly visible corridors will dramatically change the image of the Town. The visibility and accessibility of the land within the corridors is unique and therefore commands the highest standards of development which: stimulate substantial capital investments, encourage efficient land use, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within the corridors.

CASE HISTORY

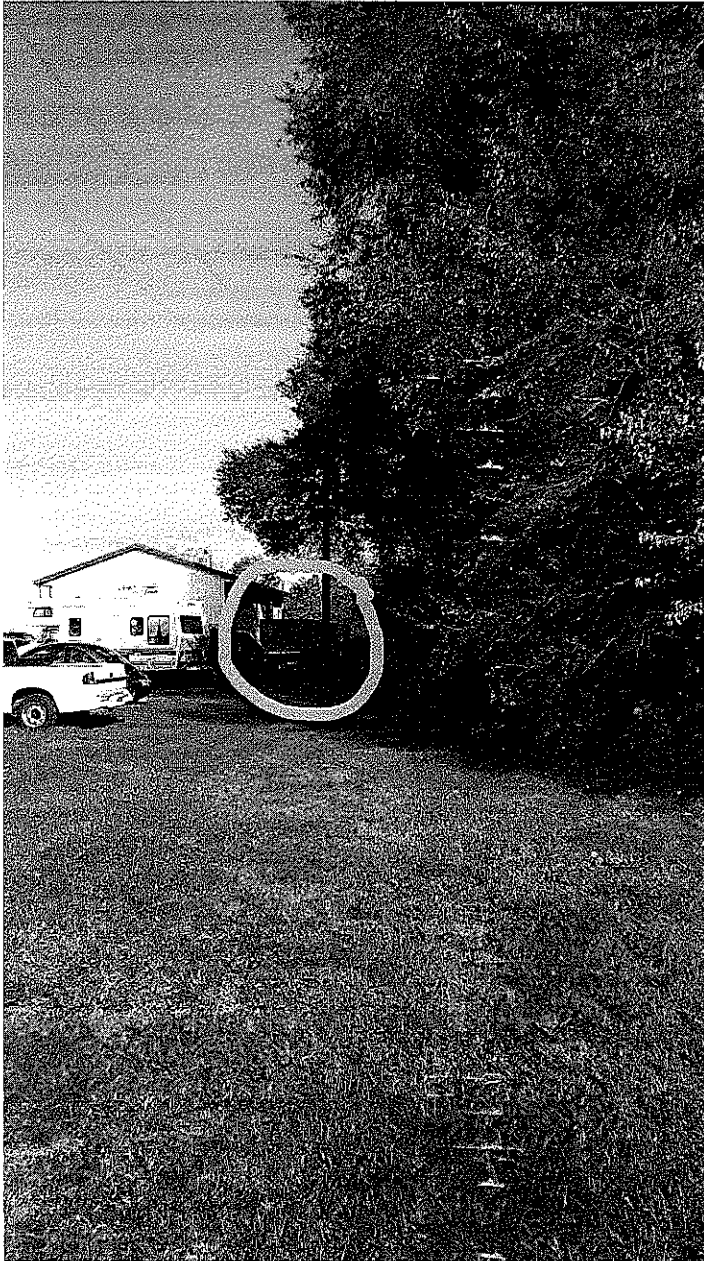
The Petitioner acquired ownership of the subject property parcels on or about October 8, 2012.

A storage container for the subject 7995 S US 31 parcel was placed at the parcel sometime between April 23, 2017 and October 5, 2017.

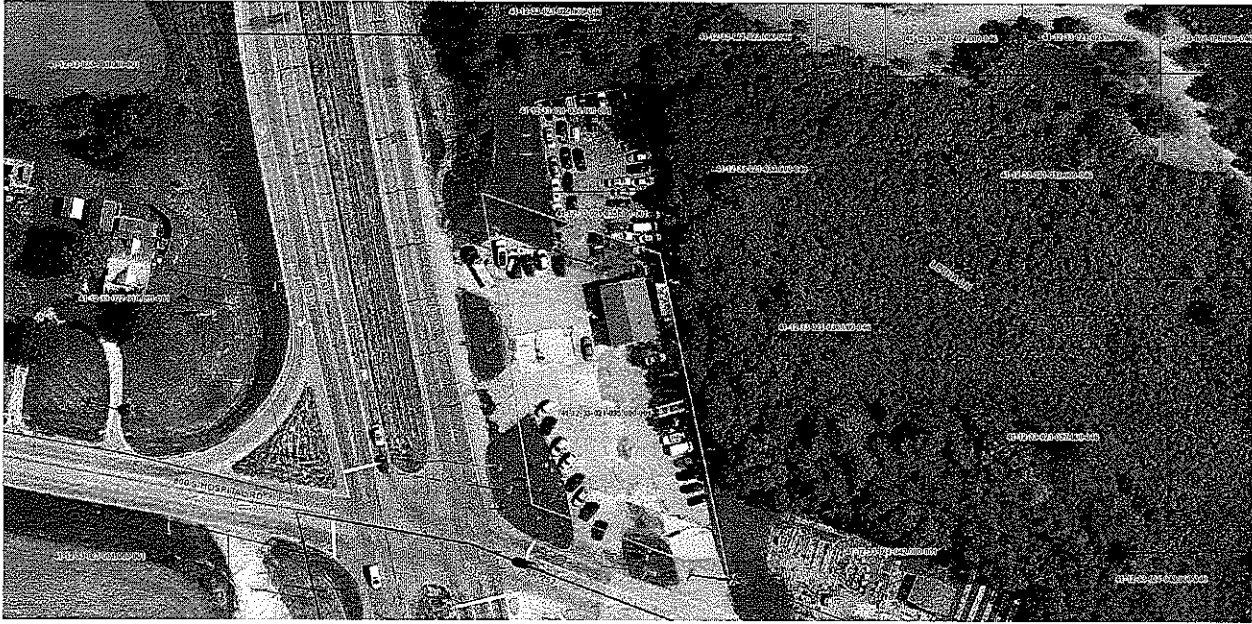
CONSIDERATIONS

- The Plan Commission might consider the Town's most recent Comprehensive Plan, adopted May 9, 2011: based on the community outreach activities conducted, top community issues included beautification: many interviewees expressed a desire that high-quality improvements be installed at State Road 252.
- The subject property premises:

Storage container, currently located at the rear of the primary commercial office structure



Parcels for a gravel parking area at the northwest (grassy/northwest blue line) premises:



- Prior to this current Plan Commission hearing, the Town's Building & Zoning Department received no public comments (for or against the Petitioner's request).

STAFF ANALYSIS

Based upon the Petitioner's request, the following Plan Commission conditions, matched to the Petitioner's request for waiver or compliance review in this Plan Commission hearing, include the following as applicable:

- I. **Proposed:** A building permit for a storage container, 8' x 40' x 8', currently placed at the premises with no permanent foundation

From the Highway Corridor Overlay District, Zoning Ordinance:

§156.133 Building Design Standards

(2) Architectural Design Requirements

(3) Relationship of Buildings to Site

(5) Minimum Building Height

§156.135 Landscaping Plan

(3) Landscaping Standards

Other applicable Zoning Ordinance provisions:

§156.140 Other Standards

(3) Accessory Buildings & Uses

(must shall be architecturally compatible with the principal building(s) with which it is associated)

Recommendation: Waiver by Plan Commission required for all applicable provisions above

II. **Proposed:** A prospective gravel parking strip, 15' x 100', across all three (3) parcels

From the Highway Corridor Overlay District, Zoning Ordinance:

§156.135 Landscaping Plan

(3) Landscaping Standards

§156.140 Other Standards

(4) Paving Requirements

From Division 5: General Regulations, Zoning Ordinance:

§156.175 Off-Street Parking & Loading

Recommendation: Waiver by Plan Commission required for all applicable provisions above

STAFF RECOMMENDATIONS

Building & Zoning Department staff recommends a waiver of the following Plan Commission Application public notice requirement (a provision not required under Indiana law, and requires a Commission vote):

- **No sign of public notice on the subject property at least ten (10) days prior to the meeting**

Based on the Petitioner's Request; and, the Purpose of Standards, Case History, Considerations, and Staff Analysis herein, Building & Zoning Department staff recommends **APPROVAL** of the following petition in the PC-2018-01 Plan Commission Application as being substantially complete and/or approved for waiver:

- I. **A building permit for a storage container, 8' x 40' x 8', currently placed at the premises with no permanent foundation**

Waiver: Zoning Ordinance considerations/requirements for *Building Design Standards, Landscaping Plan, and Accessory Buildings & Uses (architectural compatibility)*

II. A prospective gravel parking strip, 15' x 100', across all three (3) parcels

Waiver: Zoning Ordinance considerations/requirements for *Landscaping Plan*

Based on the aforementioned, Building & Zoning Department staff recommends staff recommends **DENIAL** of the following petitions in the PC-2018-01 Plan Commission Application as being incomplete or subject to a waiver from Zoning Ordinance requirements:

II. A gravel parking strip, 15' x 100', across all three (3) parcels

Denial of Requested Waiver: Zoning Ordinance considerations/requirements for *Other Standards (Paving Requirements) and Off-Street Parking & Loading*

Recommended Approval: Development and maintenance in accordance with the Zoning Ordinance considerations/requirements above as follows:

A. Division 5: General Regulations, §156.175: *Off-Street Parking & Loading (13)(b)*

All required off-street parking shall be paved with bituminous, concrete, or other all-weather, dust-proof surfacing and shall be provided with bumper guards or barrier curbs where needed.

B. All Johnson County Technical Review Committee, Drainage Board, septic review standards, and/or other applicable governing bodies and regulations by the County prior to, and when/if, the scope of work is to begin

Respectively Submitted,

Nick Valenzuela
Building Commissioner
Planning/Building & Zoning Department

Notes

If a Plan Commission member has received any relevant information to this proceeding outside of the meeting, they should consider disclosure of such at the beginning of the hearing: i.e. potential ex parte contact (required under Indiana law for Board of Zoning Appeals members only)

If a Plan Commission member has had contact about this proceeding outside of a meeting, which is sometimes unavoidable in a small community, it may be ethical to disclose such contact with the rest of the Plan Commission (even if Plan Commission adopted rules, the Zoning Ordinance, and Indiana state law doesn't explicitly require such)