

Planning Commission Meeting  
Tuesday, August 22, 2017  
6:00 p.m. Town Hall

Edinburgh Planning Commission met in a meeting at 6:00 p.m. Tuesday, August 22, 2017 to hear **Case #PC-2017-01 – Copple’s Wrecker Service – 8775 W. State Road 252 – Review of paving and landscaping requirements for satisfactory compliance and/or potential waiver.**

Members Present:

Jerry Lollar  
Ray Walton  
Mike Graham  
Curtis Rooks  
Matt Ervin  
Keith Sells  
Richard Pile

Also Present:     Dustin Huddleston, Town Attorney  
                      Nick Valenzuela, Building Commissioner  
                      Rhonda Barrett, Planning Secretary

Matt Ervin, Chairman, opened the meeting at 6:00 p.m.

Mr. Ervin did roll call of the Planning Commission. Jerry Lollar here, Glenn Giles not here, Ray Walton here, Mike Graham here, Curtis Rooks here, Keith Sells here, Richard Pile here, Mr. Ervin here, Stephanie Taylor not here.

Mr. Ervin presented the first item on the agenda, which are the minutes from January 17, 2017 meeting. Mr. Walton made a motion to accept the minutes as presented. Mr. Lollar seconded. Mr. Ervin asked for a vote for all in favor by saying aye. All board members present voted aye to approve the minutes. Motion passed.

Mr. Ervin then presented the next item on the agenda – PC-2017-01- Copple’s Wrecker Service – 8775 W. State Road 252 – review of paving and landscaping requirements for satisfactory compliance and/or potential waiver. Mr. Ervin then asked Nick Valenzuela to give his presentation on the case.

Mr. Valenzuela gave a Power Point presentation of his staff report (see attached) on PC-2017-01 – Copple’s Wrecker Service, property located at 8775 W State Road 252, Jackson Township, Shelby County. The property consists of 2 parcels of ground, which includes a 3 acre and a 2 acre parcel. The property is located within the Highway Corridor Overlay District, with the developed parcel being Roadside Business zoning and the undeveloped parcel being R-1 Suburban Residential zoning. The property is not located in a special flood hazard area.

Mr. Valenzuela stated that Copple’s Wrecker Service is requesting site development review of paving and landscaping requirements of Zoning Ordinance of the Town of Edinburgh standards for compliance and/or potential waiver. The paving and landscaping requirements were ordered by the Plan Commission as part of site development approval granted on April 21, 2015 in Plan Commission Case No. PC-2015-02, codified after a hearing via a Findings of Fact.

Mr. Valenzuela stated that Copple’s Wrecker Service is asking in PC-2017-01 for approval from the Plan Commission on the scope of work completed for the following:

1.       §156.133 Building Design Standards, (3)(c)
2.       §156.135 Landscaping Plan, (2)(c)
3.       §156.175 Off-Street Parking and Loading, (13)(b)

Mr. Valenzuela stated that all documentation requirements, and legal and public notifications specified in the Plan Commission Application Packet have been satisfied.

Mr. Valenzuela stated that Copple’s acquired the property in December 2014 and petitioned the Plan Commission on April 21, 2015 with plans to construct a new 960 square foot commercial office building; a 9,600 square foot commercial service garage; a 22,500 square foot impound lot; and, surrounding parking areas, along with access driveway connections, to the adjacent State Road 252. The Plan Commission gave approval for the site development as presented, but also voted a requirement that the colors of metal siding proposed be changed to a more neutral color.

Mr. Valenzuela stated that in a written Findings of Fact dated April 21, 2015, the Plan Commission also put the following conditions on the Petitioner with the site development:

1.   Grant a waiver of the requirements of the Town Subdivision Control Ordinance Division 3, §156.133 (2)(a) and (b) to allow the use of metal exterior siding on the commercial garage structure as proposed. Consistent with §156.133 (1)(c) require that the color of the metal siding “shall be harmonious and only the use of compatible accents...” and be of neutral colors.
2.   Require the proposed use of trees and landscaping design along the north side of the commercial garage to ensure a decorative alternative to the requirement of constructing the walls from masonry.

3. Require compliance with landscape standards established in §156.135 of the Edinburgh Subdivision Control Ordinance.
4. Requiring that all vehicles which have been towed and stored on premises to be confined within an enclosed and secure area out of the visual scope of all public ways and adjacent private property.
5. Requiring adherence to all other developmental standards for which a wavier is not specifically granted.

Mr. Valenzuela stated that after receiving approval by the Plan Commission for the presented site development plan, the Town of Edinburgh Town Council, on September 12, 2015, approved a 10-year real property tax abatement for Copple's with the following scale:

Year 1 – 100% exempt  
 Year 2 – 95% exempt  
 Year 3 – 90% exempt  
 Year 4 – 85% exempt  
 Year 5 – 80% exempt  
 Year 6 – 75% exempt  
 Year 7 – 70% exempt  
 Year 8 – 65% exempt  
 Year 9 – 60% exempt  
 Year 10 – 55% exempt  
 Year 11 – First year of full property tax payment

Mr. Valenzuela stated that the Town Building & Zoning Department has issued three Temporary Certificates of Occupancy for the Petitioner to complete the work requested by the Plan Commission on April 21, 2015:

E-2016-02-TCO:	issued August 16, 2016, for six (6) months
TCOE-2017-01:	issued February 16, 2017, for six (6) months
TCOE-2017-05:	issued August 17, 2017 and expiring September 22, 2017

Mr. Valenzuela stated that Based upon the Plan Commission Findings of Fact dated April 21, 2015, the following Plan Commission conditions, matched to the Petitioner's request for waiver or compliance review in this Plan Commission hearing, include the following:

2. **Require the proposed use of trees and landscaping design along the north side of the commercial garage to ensure a decorative alternative to the requirement of constructing the walls from masonry.**

The subject property buildings were constructed differently by the Petitioner than the proposed designs to the Plan Commission in April 2015. Instead of an attached business office to the commercial garage for motor vehicle service, the office and the garage were constructed into two (2) separate detached buildings.

In the 2015 design plans, the business office entrance faced east towards east State Road 252 and Interstate 65; in the 2017 completed office building, the entrance faces west towards west State Road 252.

In the 2015 design plans, the commercial garage motor vehicle entryways/exit ways were located on the east and west sides of the garage; in the 2017 completed garage, the entryways/exit ways are located at the north and south sides of the garage.

**As of August 9, 2017, the use of trees and landscaping design along the north side of the commercial garage, approved by the 2015 Plan Commission in order to ensure a decorative alternative to the requirement of constructing the walls from masonry, appears not to have been met.**

3. **Require compliance with landscape standards established in §156.135 of the Edinburgh Subdivision Control Ordinance.**

*“(2) Areas to be Landscaped*

*b. Planting Adjacent to Free-Standing Buildings - A planting area equal to an area measuring five (5) feet in depth by the width of the front of the building shall be installed at the front of the building. A planting area equal to an area five (5) feet in depth by the remaining sides of the building shall be installed on all other sides of the building.*

**As of August 9, 2017, a planting area equal to an area measuring five (5) feet in depth by the width of the front of the building was not installed at the front of the office building or the commercial garage. Additionally, a planting area equal to an area five (5) feet in depth was not installed at the remaining sides of the commercial garage.**

5. **Requiring adherence to all other developmental standards for which a wavier is not specifically granted.**

The provision above appears not to have been substantially met with regards to the following:

§156.175 *Off-Street Parking and 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.”*

**As of August 9, 2017, all required off-street parking has not been paved with bituminous concrete, or other all-weather, dust-proof surfacing. The commercial motor vehicle thoroughfares to and from the commercial garage are mostly paved with gravel.**

Mr. Valenzuela stated that the Petitioner has cited financial hardship in not meeting the off-street parking & loading standards above for all required off-street parking.

Mr. Valenzuela stated that 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-2017-01 Plan Commission Application as being substantially complete and/or approved for waiver:

1. **Waiver of the requirement for a planting area equal to an area measuring five (5) feet in depth by the width of the front of the commercial garage.**

Mr. Valenzuela stated that based on the Petitioner’s Request; and, the Purpose of Standards, Case History, Considerations, and Staff Analysis herein, Building & Zoning Department staff recommends staff recommends **DENIAL** of the following petitions in the PC-2017-01 Plan Commission Application as being incomplete or subject to a waiver from Zoning Ordinance/PC-2015-02 requirements:

2. **Waiver of a requirement for the use of trees and landscaping design along the north side of the commercial garage along areas where garage entryways and exit ways are not present.**
3. **Waiver of a requirement for a planting area equal to an area measuring five (5) feet in depth by the width of the front of the office building.**
4. **Waiver of a requirement for a planting area equal to an area five (5) feet in depth by the remaining sides of the commercial garage.**
5. **Waiver of a requirement for all required off-street parking to be paved with bituminous concrete, or other all-weather, dust-proof surfacing.**

Mr. Ervin asked Dustin Huddleston to swear in anyone in the audience who wished to speak concerning the petition. Mr. Huddleston swore in Tammy Copple.

Mr. Ervin verified with Mr. Valenzuela that the current 30-day certificate of occupancy expires on September 22, 2017. Mr. Ervin also verified with Mr. Valenzuela that the requirements for paving of off street parking had not been met.

There being no further questions for Mr. Valenzuela at this time, Mr. Ervin then gave the petitioner the opportunity to present their case.

Tammy Copple, 8775 W State Road 252, asked if the permanent occupancy had just been denied. Mr. Huddleston stated that only the staff report had been presented, that she now has 20 minutes to present any evidence to present her case if she wants to speak or not speak, to answer any questions that the board may have for her, and that nothing had been voted on at this time.

Mr. Graham asked what the reasoning was for changing the entrances to the garage.

Ms. Copple stated that it had something to do with the construction of the building and the way that it flooded, that the builder had suggested turning it around, to prevent flooding and the way they were doing the drainage of the inside wash bays and they wanted to run it to the swale.

Mr. Ervin asked how they came to having two buildings as that changed the whole plan for the landscaping.

Ms. Copple stated that it was from the expense of the firewall and the smell and noise from the trucks, that they chose to separate them.

Mr. Ervin then asked why the dust proofing and the concrete have not been completed.

Ms. Copple stated that they have run out of money with all of the other expenses for this year. Ms. Copple said they are not saying that they won’t pave in the future, just that they can’t pave this year.

Mr. Walton commented that from a practical standpoint it appears that a lot of the questions pertain to the aesthetics of the landscaping. Mr. Walton stated that he is not concerned at this time about the landscaping; with winter weather approaching his main concern is the concrete/paving of the property.

Mr. Sells asked when they planned to do the paving. Ms. Copple advised that they are hoping to do the paving next year in 2018, they are currently trying to build up the funds to do the paving. Ms. Copple stated that she didn’t think

it would take longer than that. Mr. Sells asked if they were just hoping for next year. Ms. Copple stated that they are just building up funds at this time.

Mr. Ervin asked why it has taken 18 months as the Planning Commission on April 21, 2015 approved the plans with 5 stipulations for occupancy, and why it has required 3 temporary certificate of occupancy permits.

Ms. Copple stated that construction did not get started on the building until 2016.

Mr. Lollar stated that he understands the financial situation and asked if the company has sought financial help with the equity that is already in the building.

Ms. Copple stated that they had sought financial help and were unable to obtain that to finish the building. Ms. Copple stated that they are currently at maximum. Ms. Copple stated that they have had lots of unexpected expenses such as the deceleration lanes on State Road 252, as well as other expenses.

Mr. Rooks asked Mr. Valenzuela if there are certain criteria that need to be met to receive the tax abatement.

Mr. Valenzuela stated that he was not on staff when the tax abatement was originally adopted, so he could not comment on the requirements for the original approval. Mr. Valenzuela stated that the existing tax abatement compliance requires annual submission of reporting to the county and for the Town Council to approve.

Mr. Rooks asked that if the tax abatement was approved in 2015, would there have been a review of it in 2016.

Mr. Valenzuela stated that there would be a review if the paperwork was submitted.

Ms. Copple stated that they had not received any paperwork on the tax abatement.

Mr. Valenzuela further stated that he had not received an annual report for the tax abatement. Mr. Valenzuela stated that the abatement was approved by the Town Council, but he is uncertain of the status of the abatement with the county. Mr. Valenzuela stated that time is ticking on the abatement, and that he had inquired with Shelby County on the abatement, but had not received a response back from them.

Mr. Rooks stated that he is concerned that with 2017 coming to a close and there not being any response on the abatement, whether or not the abatement had been approved.

Ms. Copple stated that the abatement has been approved but has not been granted as the permanent occupancy has not been approved, from what she understood, but that she could be wrong.

Mr. Sells asked if they were paying the full assessed value on the taxes or if they are receiving 100% abatement at this time.

Mr. Valenzuela stated that he does not know if the tax abatement has been executed as there has not been a CF-1 compliance form submitted.

Ms. Copple stated that they have not been billed for anything but the land. Ms. Copple stated that as they are billed a year behind, she is expecting a bill in 2018 for the construction that was begun in August 2016.

Mr. Rooks asked that if the abatement is on the 2018 taxes, would that money be used to help fund some of the unfinished projects.

Ms. Copple stated that yes it would be used for that.

Mr. Huddleston stated that the case before the board tonight is not about a permanent or temporary occupancy permit, but for the petitioners request for a waiver of the five requirements that Mr. Valenzuela presented in his staff report, meaning that if the board approves the waivers, the five requirements would never have to be done by the petitioner.

Mr. Walton asked if there could be a time limit on the waiver.

Mr. Huddleston stated that tonight is just to approve or deny the waivers. Mr. Huddleston stated that if the waivers are approved then the five requirements will never have to be completed. Mr. Huddleston stated that if the waivers are denied the petitioner will still have to do the five requirements and it will be the responsibility of the Building and Zoning department to set the time requirement for completion. Mr. Huddleston stated that for example if Waiver #5, the requirement for all off street parking to be paved with concrete or other dust proof surfacing, is approved then the petitioner will not be required to pave anything. Mr. Huddleston stated that if the waivers are denied then the petitioner is still required to complete the requirements to receive their certificate of occupancy.

Mr. Walton asked if it would be up to the Planning Commission to set the time limit on the requirements.

Mr. Huddleston stated that the time limit would be up to the Building Commissioner.

Mr. Sells stated that he didn't think the Planning Commission would want to give a waiver, that if the Planning Commission had not felt the requirements were necessary, they would not have required them in the previous meeting.

Mr. Rooks asked if they were voting on all five waivers, as #1 recommends approval of the waiver, but #2-5 recommends denial of the waiver.

Mr. Huddleston stated that someone could motion to deny all waiver requests, someone could motion to approve all waiver requests, or someone could motion each request individually if they wanted to approve some and deny some of the waiver requests.

Mr. Lollar asked if there could be a motion to approve staff recommendation to approve 1 and deny 2-5.

Mr. Huddleston stated that approval of staff recommendation could be a motion as well.

Ms. Copple asked about the waiver denial on the landscaping, from what she understood the landscaping was for trees and shrubs in front of the garage doors, and that they would not put trees and shrubs in front of garage doors. Ms. Copple stated that she is confused on the landscaping requirements. Ms. Copple stated that trees would not be planted, as trucks go in and out of those doors. Ms. Copple stated that trees have been placed on the North side of the property and she is confused as to why Mr. Valenzuela said that they had not planted trees. Ms. Copple stated that there are trees every 50 linear feet.

Mr. Huddleston stated that the recommendation was for approval of the waiver on the landscaping requirements for in front of the garage doors. Mr. Huddleston stated that Mr. Valenzuela is agreeing with Ms. Copple on the landscaping for the front of the garage doors.

Mr. Valenzuela stated that he did agree that if trees were planted in front of the garage doors, that trucks would not be able to get through.

Ms. Copple asked if that meant trees would not be required on the side of the garage.

Mr. Valenzuela stated that there is a five foot requirement for trees on the side.

Mr. Ervin stated that the original plan was for landscaping all the way around the building,

Mr. Valenzuela stated that there are trees planted in the grassy area approximately 15–20 feet away from the building on the west side.

Ms. Copple stated that there are trees planted on that side every 50 linear feet.

Mr. Valenzuela stated that the original design plans in stipulation to the ordinance, was for trees to be along the side of the building.

Ms. Copple stated they can't put trees in that area as it is going to be paved eventually. Ms. Copple stated that area is currently gravel and it all will be paved eventually, so they can't put trees there either.

Mr. Ervin stated that from the picture, where they would require landscape down the side of the building, there is now vehicles parked in that area. Mr. Ervin stated that is a change from the original site plan, due to building being built sideways from the original plan.

Mr. Rooks stated that the landscaping does not bother him, but the paving and getting the gravel covered up does. Mr. Rooks stated that he does not have a problem with all of the landscaping, but he does with the paving of the parking lot.

Ms. Copple stated that the parking lot is paved.

Mr. Rooks stated that the waiver is for the requirement for paving of all off-street parking which he thought would include all the driveways.

Ms. Copple stated that the driveways are not paved, but the parking lot is.

Mr. Rooks stated that the waiver says all off-street parking and asked if that included the driveways.

Mr. Valenzuela stated that based on the record from the original 2015 approval by the Planning Commission, Mr. Valenzuela understood it to mean parking lot areas and driveway areas in total. Mr. Valenzuela stated that in the Findings of Fact from the 2015 meeting, it references the Zoning Ordinance language for the parking areas. Mr. Valenzuela stated that as he was not here for the original proceedings in 2015, he was not sure of the exact intent of the Commission at that time, but as he understood it to mean the entire flat surface area would be paved.

Mr. Rooks asked Mr. Huddleston what does the waiver for paving include, is it the parking lot, the driveways, or what are the paving requirements?

Mr. Huddleston stated that due to the plat and the development changes since the original approval, it would be up to the Building Commissioner's discretion on what needs to be paved. Mr. Huddleston further stated that the details would be up to the Building Commissioner and staff as to what should be paved based on the Building Commissioner's interpretation of the requirements per the Planning Commission's prior approval. If there is an area that does not need to be paved, that would be up to the Building Commissioner's discretion.

Mr. Rooks made a motion to approve waiver #1 – #4 and deny waiver #5.

Mr. Lollar made a motion to approve staff recommendation to approve waiver #1 and deny waiver #2 – #5.

Mr. Huddleston advised the board that there was already a motion on the table from Mr. Rooks that needed to be called to see if there is a second for it.

Mr. Ervin asked the board if there was a second for the first motion made by Mr. Rooks.

There being no second on the first motion Mr. Huddleston advised the board to proceed.

Mr. Lollar made a motion to approve staff recommendations for approval of waiver #1 and denial of waiver #2, #3, #4, and #5.

Mr. Graham seconded the motion.

There being a motion and a second, Mr. Ervin asked for all in favor of approving the motion as stated by saying aye.

Mr. Ervin then asked for all opposed to the motion to saying aye. Two opposed.

Mr. Huddleston advised Mr. Ervin to call each member to verify the votes.

Mr. Graham – Yay

Mr. Lollar - Yay

Mr. Sells - Yay

Mr. Pile - Yay

Mr. Ervin – Yay

Mr. Rooks – Nay

Mr. Walton - Nay

Motion carried 5-2 for approval of staff recommendations for approval of waiver #1 and denial of waiver #2, #3, #4, and #5.

Mr. Ervin asked if there was any other business. There being no further business, Mr. Sells made a motion to adjourn the meeting. Mr. Walton seconded. Mr. Ervin asked for all in favor to say aye. All board members present voted aye. Meeting adjourned.

---

Matt Ervin, Chairman

---

Rhonda Barrett, Secretary



# TOWN OF Edinburgh

Administrative Offices: 107 South Holland Street, Edinburgh, IN 46124

Nick Valenzuela, Building Commissioner, telephone: (812) 526-3513, e-mail: nvalenzuela@edinburgh.in.us

---

## PLAN COMMISSION STAFF REPORT

**To:** PLAN COMMISSION MEMBERS  
**From:** Nick Valenzuela, Building Commissioner, Building & Zoning Department  
**Date:** August 17, 2017  
**Re:** Case No. PC-2017-01

---

### GENERAL INFORMATION:

Applicant: Copple's Wrecker Service  
8775 West State Road 252  
Edinburgh, IN 46124

Owner: Copple's Wrecker Service, Inc.  
511 High School Drive  
Edinburgh, IN 46124

Property Address: 8775 West State Road 252, Edinburgh, IN 46124

Parcel Numbers: 73-13-35-100-006.000-025  
73-13-35-100-007.000-025

Legal Descriptions: EPT NW NW 35 11 5 3.00 AC  
PT NPT W2 NW 35 11 5 2.00 AC

Acreage: 3.000 acres (130,680 square feet)  
2.000 acres (87,120 square feet)

Zoning: RB Roadside Business (undeveloped parcel: R-1 Suburban Residence)

Land Use: Auto Service & Repair  
Vacant Land

FEMA Flood Plain: Subject property does not exist in a Federal Emergency Management Agency designated flood area

SURROUNDING ZONING:

North: RB/AG (red)  
South: R-1 (blue)  
East: RB (pastel purple)  
West: RB (pastel purple)

SURROUNDING LAND USE:

Vacant Roadside Business and/or Agricultural  
Vacant Suburban Residence (Copple's Wrecker Service)  
Commercial Roadside Business (Marathon Gas Station)  
Vacant Roadside Business

(Parcel Number: 73-13-35-100-006.000-025)

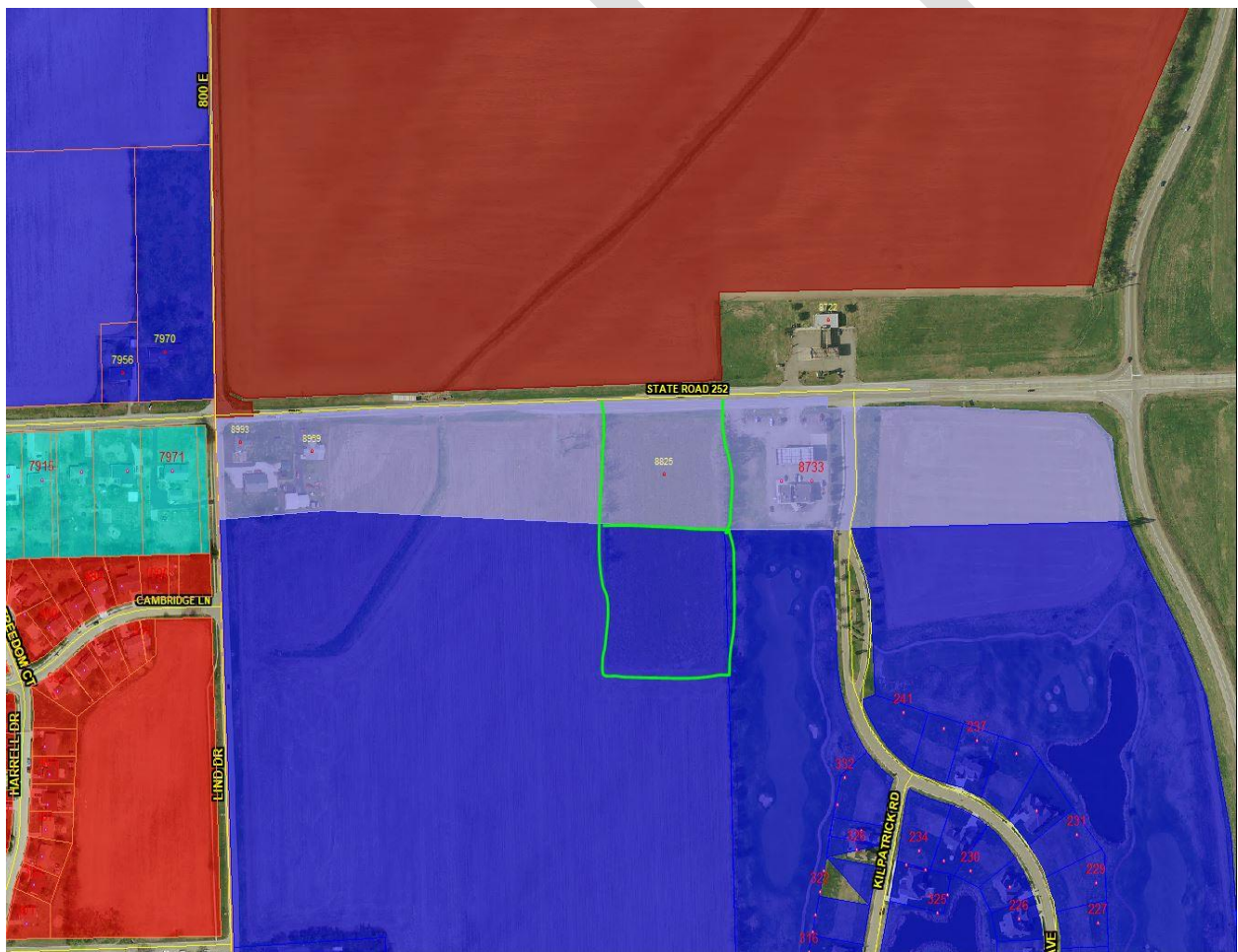
SURROUNDING ZONING:

North: RB (pastel purple)  
South: R-1 (blue)  
East: R-1 (blue)  
West: R-1 (blue)

SURROUNDING LAND USE:

Roadside Business (Copple's Wrecker Service)  
Vacant Suburban Residence  
Suburban Residence (Timbergate Golf Course)  
Vacant Suburban Residence

(Parcel Number: 73-13-35-100-007.000-025)





## PETITIONER'S REQUEST

---

**Copple's Wrecker Service, Inc** (the "Petitioner") is requesting site development review of paving and landscaping requirements of the Zoning Ordinance of the Town of Edinburgh ("Zoning Ordinance") standards for compliance and/or potential waiver.

These paving and landscaping requirements were ordered by the Plan Commission as part of site development approval granted by the Plan Commission on April 21, 2015 in Plan Commission Case No. PC-2015-02, codified after a hearing via a Findings of Fact dated same.

Specifically, the Petitioner asks in PC-2017-01 for approval from the Plan Commission on the scope of work completed for the following:

I. **§156.133 Building Design Standards, (3)(c):**

*"Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to attractively landscape and/or screen parking areas from view from public ways."*

II. **§156.135 Landscaping Plan, (2)(c):**

*"A peripheral landscaping strip, four (4) feet in depth, shall be installed along the side of any private parking area which abuts any side or rear property line separating the parcel from any residentially zoned or used district. At least one (1) tree for each fifty (50) lineal feet shall be planted in any such peripheral landscaping strip."*

III. **§156.175 Off-Street Parking and Loading, (13)(b):**

*"All required off-street parking shall be paved with bituminous, concrete, or other all-weather, dust-proof surfacing . . ."*

The Petitioner states that the Petitioner wants to abide by the Zoning Ordinance and complete paving of the driveway at the subject property premises. The Petitioner states that it has experienced financial expenses that were not anticipated, and has had construction problems that have added to the Petitioner's expenses, such as being required to add deceleration lanes at the subject location entrance into the premises at W State Road 252.

The Petitioner states that it has paved the parking lot area, and planted tree, shrubs, and flowers. The Petitioner states that it has also installed a water/oil separator, and a swale with a retention pond for storm and flood hazard prevention.

The Petitioner states that it is currently rebuilding funds to pave the subject parking lots areas in the near future. The Petitioner states that its operating expenses have had challenges during the construction process, and had impacted the Petitioner financially.

## DOCUMENTATION REQUIREMENTS, LEGAL & PUBLIC NOTIFICATIONS

---

The Petitioner has satisfied all documentation requirements, and legal and public notifications specified in the Town of Edinburgh Plan Commission *Application Packet for Platting, Annexation & Rezoning* adopted on January 17, 2017.

## PURPOSE OF STANDARDS

---

*"Division 3. Highway Corridor Overlay Districts*

*I. §156.130 Purpose, Intent, and Authority*

*(1) Statement of Purpose - It is the purpose of this ordinance 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 the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.*

*(2) Statement of Intent - These standards are intended to promote high quality creative development that will combine imagination, innovation and variety in the appearance of buildings and sites in the overlay zone. These standards are further intended to preserve and enhance property values and to promote the public health, safety, and welfare by providing for consistent, and coordinated[,] treatment of the property encompassed by the U.S. 31 and S.R. 252 Corridor Zone Districts."*

*&*

*(4) Statement of Significance - The U.S. 31 and S.R. 252 corridors form the physical and visual gateways to the Town of Edinburgh 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 Edinburgh. 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 December 4, 2014.

On April 21, 2015, the Plan Commission considered a petition by the current Petitioner for the development of the subject site in case number PC-2015-02, which was to include a new 960 square foot commercial office building; a 9,600 square foot commercial service garage; a 22,500 square foot impound lot; and,

surrounding parking areas, along with access driveway connections, to the adjacent State Road 252. The Plan Commission gave approval for the site development as presented, but also voted a requirement that the colors of metal siding proposed be changed to a more neutral color.

In a written Findings of Fact dated April 21, 2015, the Plan Commission also put the following conditions on the Petitioner with the site development:

1. *Grant a waiver of the requirements of the Town Subdivision Control Ordinance Division 3, §156.133 (2)(a) and (b) to allow the use of metal exterior siding on the commercial garage structure as proposed. Consistent with §156.133 (1)(c) require that the color of the metal siding “shall be harmonious and only the use of compatible accents...” and be of neutral colors.*
2. *Require the proposed use of trees and landscaping design along the north side of the commercial garage to ensure a decorative alternative to the requirement of constructing the walls from masonry.*
3. *Require compliance with landscape standards established in §156.135 of the Edinburgh Subdivision Control Ordinance.*
4. *Requiring that all vehicles which have been towed and stored on premises to be confined within an enclosed and secure area out of the visual scope of all public ways and adjacent private property.*
5. *Requiring adherence to all other developmental standards for which a wavier is not specifically granted.*

## **CONSIDERATIONS**

---

The Plan Commission should review the following criteria when considering this petition and prior to issuing approval or denial for any of the development of this site:

- The Plan Commission might consider the Town of Edinburgh’s most recent Comprehensive Plan, adopted May 9, 2011, when reviewing the Petitioner’s request. The Comprehensive Plan states the following:

*“Based on the community outreach activities conducted, the following themes emerged as priorities for the Town to consider in the creation of the updated Comprehensive Plan.*

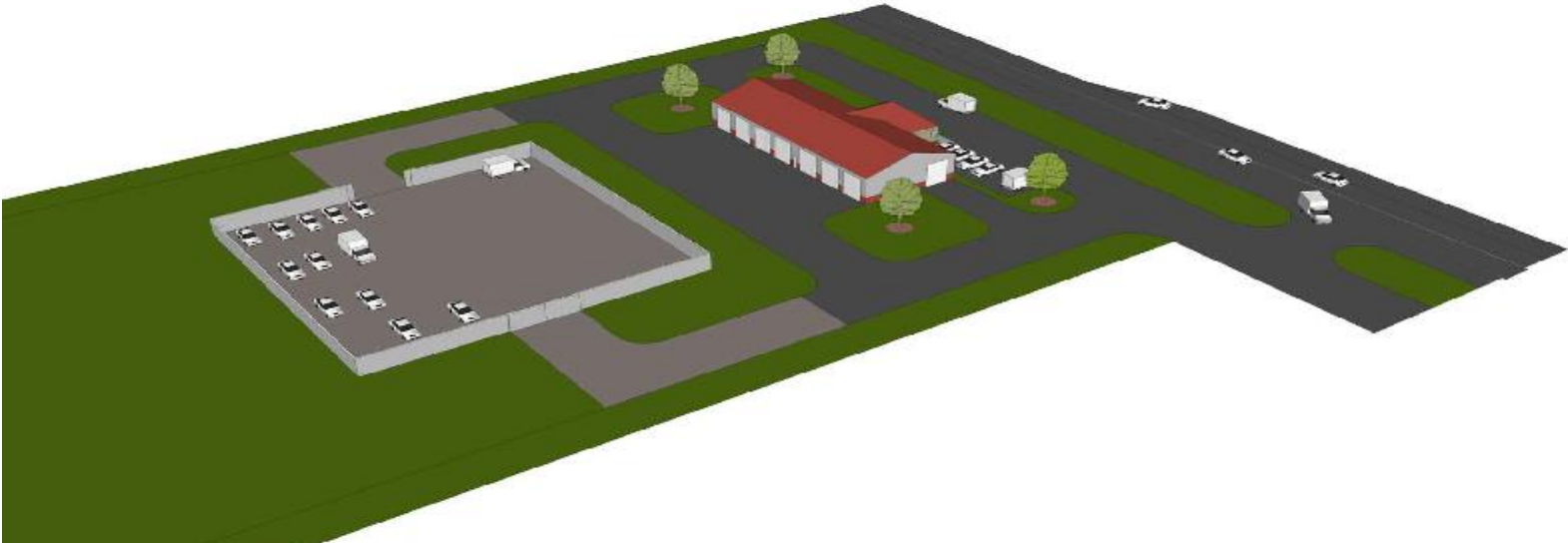
### *Top Community Issues*

#### *Beautification*

*Many complemented recent streetscaping and landscaping improvements and expressed a desire that the same level of high-quality improvements be installed consistently throughout other areas, including SR 252 . . . SR 252 was frequently cited during public outreach activities particularly in terms of a desire for beautification . . .”*

- On April 21, 2015, the Plan Commission approved the subject site development standards based, in part, on the following design plans:





- On September 12, 2015, the Petitioner received a Tax Abatement approved by the Town Council for Real Property. The Town Council granted the Tax Abatement with the following scale:
  - Year 1 – 100% exempt
  - Year 2 – 95% exempt
  - Year 3 – 90% exempt
  - Year 4 – 85% exempt
  - Year 5 – 80% exempt
  - Year 6 – 75% exempt
  - Year 7 – 70% exempt
  - Year 8 – 65% exempt
  - Year 9 – 60% exempt
  - Year 10 – 55% exempt
  - Year 11 – First year of full property tax payment
  
- The Town Building & Zoning Department issued three Temporary Certificates of Occupancy for the Petitioner to complete the work requested by the Plan Commission on April 21, 2015:
  - E-2016 -02-TCO: issued August 16, 2016, for six (6) months
  - TCOE-2017-01: issued February 16, 2017, for six (6) months
  - TCOE-2017-05: issued August 17, 2017 and expiring September 22, 2017
  
- On August 9, 2017, the Town Building & Zoning Department photo-documented the subject property premises:













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

## STAFF ANALYSIS

---

Based upon the Plan Commission Findings of Fact dated April 21, 2015, 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:

2. **Require the proposed use of trees and landscaping design along the north side of the commercial garage to ensure a decorative alternative to the requirement of constructing the walls from masonry.**

The subject property buildings were constructed differently by the Petitioner than the proposed designs to the Plan Commission in April 2015. Instead of an attached business office to the commercial garage for motor vehicle service, the office and the garage were constructed into two (2) separate buildings.

In the 2015 design plans, the business office entrance faced east towards east State Road 252 and Interstate 65; in the 2017 completed office building, the entrance faces west towards west State Road 252.

In the 2015 design plans, the commercial garage motor vehicle entryways/exitways were located on the east and west sides of the garage; in the 2017 completed garage, the entryways/exitways are located at the north and south sides of the garage.

As of August 9, 2017, the use of trees and landscaping design along the north side of the commercial garage, approved by the 2015 Plan Commission in order to ensure a decorative alternative to the requirement of constructing the walls from masonry, appears not to have been met.

3. **Require compliance with landscape standards established in §156.135 of the Edinburgh Subdivision Control Ordinance.**

*“(2) Areas to be Landscaped*

*b. Planting Adjacent to Free-Standing Buildings - A planting area equal to an area measuring five (5) feet in depth by the width of the front of the building shall be installed at the front of the building. A planting area equal to an area five (5) feet in depth by the remaining sides of the building shall be installed on all other sides of the building.*

As of August 9, 2017, a planting area equal to an area measuring five (5) feet in depth by the width of the front of the building was not installed at the front of the office building or the commercial

garage. Additionally, a planting area equal to an area five (5) feet in depth was not installed at the remaining sides of the commercial garage.

5. **Requiring adherence to all other developmental standards for which a wavier is not specifically granted.**

The provision above appears not to have been substantially met with regards to the following:

§156.175 *Off-Street Parking and 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.”*

As of August 9, 2017, all required off-street parking has not been paved with bituminous concrete, or other all-weather, dust-proof surfacing. The thoroughfares

The Petitioner has cited financial hardship in not meeting the off-street parking & loading standards above for all required off-street parking, to date.

## **STAFF RECOMMENDATIONS**

---

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-2017-01 Plan Commission Application as being substantially complete and/or approved for waiver:

1. **Waiver of the requirement for a planting area equal to an area measuring five (5) feet in depth by the width of the front of the commercial garage.**

\*\*\*

Based on the Petitioner’s Request; and, the Purpose of Standards, Case History, Considerations, and Staff Analysis herein, Building & Zoning Department staff recommends staff recommends **DENIAL** of the following petitions in the PC-2017-01 Plan Commission Application as being incomplete or subject to a waiver from Zoning Ordinance/PC-2015-02 requirements:

2. **Waiver of a requirement for the use of trees and landscaping design along the north side of the commercial garage along areas where garage entryways and exitways are not present.**
3. **Waiver of a requirement for a planting area equal to an area measuring five (5) feet in depth by the width of the front of the office building.**
4. **Waiver of a requirement for a planting area equal to an area five (5) feet in depth by the remaining sides of the commercial garage.**

5. **Waiver of a requirement for all required off-street parking to be paved with bituminous concrete, or other all-weather, dust-proof surfacing.**

Respectively Submitted,

Nick Valenzuela

Building Commissioner

Building & Zoning Department

DRAFT

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 Town of Edinburgh Plan Commission rules, the Zoning Ordinance, and Indiana state law doesn't explicitly require such)*