

Planning Commission Meeting
 Tuesday, July 15, 2014
 6:00 p.m. Town Hall

Edinburgh Planning Commission met in a meeting at 6:00 p.m. Tuesday, July 15, 2014

Members Present:

John Drybread, Chairman
 Keith Sells
 Glenn Giles
 Ray Walton
 Mike Graham
 Matt Ervin
 Richard Pile
 Stephanie Taylor

Also Present: Dustin Huddleston, Town Attorney

John Drybread opened the meeting at 6:00 p.m.

John Drybread did roll call of the Planning Commission. Present were Glenn Giles, Ray Walton, Mike Graham, Matt Ervin, Stephanie Taylor, Keith Sells, Richard Pile and John Drybread. Curtis Rooks was absent.

John Drybread reviewed the items on the agenda first item is Fred Stadler - Midwest Art Metal application for a rezoning from R4 to E1, and the second item is Tom Crow application to upgrade and erect two billboards on property located in the Highway Corridor Overlay District.

John Drybread presented the minutes from the April 15, 2014 meeting. He asked for any changes or comments. There being no changes or comments, Ray Walton made a motion to accept the minutes as presented. Glenn Giles seconded. John Drybread asked for a vote for all in favor by saying aye. All board members voted aye to approve the minutes. Motion passed.

John Drybread asked for anyone who wanted any further information about tonight's meeting to please sign in on the sign in sheet and if they wish to speak tonight to please be sworn in. Dustin Huddleston informed the audience that after tonight's meeting this issue will move forward to the Town Council, so if they sign in they will receive notice of the council meeting.

John Drybread then asked Wade Watson to present the petition from Fred Stadler - Midwest Art Metal application to rezone.

Wade Watson presented his report on the application. (See attached staff report). The application is for Fred Stadler - Midwest Art Metal for property located at 216 & 212 N. Main Street, Edinburgh, IN, Hunts Addition, Lots 40, 41, 42, 52, 53, and an Un-Platted Lot. The petitioner has satisfied all documentation requirements, legal and public notifications as specified in the Town of Edinburgh Plan Commission Application Packet. Current use of the land is enclosed industrial and single family residential lot. Current zoning are Enclosed Industrial, Local Business and R4 Medium Density Residential. Proposal is to rezone all lots to Enclosed Industrial. Surrounding zoning includes Enclosed Industrial, Parks and Green Space, R4 Medium Density Residential, and Local Business.

Wade Watson stated that on July 2, 2014 the petitioner had presented a request to the Edinburgh Board of Zoning Appeals, in an effort to "fast track" the process due to manufacturing requirements, for a variance from the setback standards to construct a 70' x 95' building on lot 42. The variance is for setback requirements on a lot that is zoned Enclosed Industrial. Currently, lot 42, commonly known as 212 N. Main Street, is zoned as R4 Medium Density Residential. Town of Edinburgh Zoning Ordinance, Division 11, Section 156.037 establishes the following minimum setback requirements for lots within EI Districts:

Minimum Front Yard Setback: 60'
 Minimum Side Yard Setback: 20'
 Minimum Rear Yard Setback: 20'

Petitioner sought a variance to construct an industrial building having the following setbacks for the property lines:

Front Yard Setback: 40'
 North Side Yard Setback: 10'
 South Side Yard Setback: 20'
 Rear Yard Setback: 16'

The Edinburgh Board of Zoning Appeals approved the variance request Case ZB2014 V-03 subject to the following conditions:

- a. That the approval by this Board is subject to the approval by the Edinburgh Plan Commission on an application to re-zone the subject property to Enclosed Industrial.
- b. That should the request before the Edinburgh Plan Commission to re-zone the subject property to Enclosed Industrial be denied, that this approval by the Edinburgh Board of Zoning Appeals

- becomes null and void and that the Petitioner shall be required to reapply to the Edinburgh Board of Zoning Appeals for additional variances before beginning construction on the subject property.
- c. That all existing parking and future parking operated and servicing the operations of Midwest Art Metal shall be paved with asphalt.
 - d. That the Petitioner and Midwest Art Metal shall place a stop sign after the sidewalk at the entrance of the existing parking lot.
 - e. That the Petitioner and Midwest Art Metal shall take all steps necessary to control the speed of the ingress and egress of employees of Midwest Art Metal to the existing parking lot.

After tonight's meeting the request will need to go before the Edinburgh Town Council for their approval. At the Zoning Board of Appeals there were a number of complaints from neighboring property owners concerning noise, dust, traffic and parking value.

Staff recommends **approval** of the petition to re-zone Lots: #40, #42, #53 in Hunts Addition, and the Un-Platted Lot identified in "*Re-Zoning Exhibit Pt. of NW ¼ of S34-T11N-R5E*" to Enclosed Industrial subject to the following conditions:

- a. That all existing parking and future parking areas operated and servicing the operations of Midwest Art Metal shall be paved with asphalt within ninety (90) days of the commencement of the construction project.
- b. That the Petitioner and Midwest Art Metal shall place a stop sign after the sidewalk at the entrance of the existing parking lot within ninety (90) days of the commencement of the construction project.
- c. That within two (2) weeks of the approval of the petition by the Edinburgh Plan Commission, the Petitioner and Midwest Art Metal shall take all steps necessary to control the speed of the ingress and egress of employees of Midwest Art Metal to the existing parking lot and communicate the same in writing to the Town of Edinburgh Building Commissioner.
- d. That consistent with § 156.031 of the Town of Edinburgh Zoning Ordinance, a planting screen maintained to a width of at least six feet and a height of at least six feet shall be provided in order to mask any parking areas, accessory buildings, accessory uses, and expected ground activity from the view of abutting or opposite properties. Said planting screen shall be implemented within one hundred twenty (120) days from the commencement of the construction project.
- e. That a Site Plan be submitted for approval by the Edinburgh Building Commissioner including landscaping planned for the site being developed and identifying the required parking areas and specification as established in Division 5, § 156.175 before the issuance of a Building Permit.

Based on these findings of fact, staff recommends the Edinburgh Plan Commission report its findings and recommendations to the Town Council for the adoption of a resolution to approve the rezone request.

John Drybread asked the board if they had any questions or comments.

Dustin Huddleston swore in persons who wanted to speak concerning tonight's petitions, and reminded those who wished to speak, for recording purposes, to please give their name and address before speaking.

Gregg Cantwell with CKW Land Surveying, Agent for Midwest Art Metal, stated that the petitioner requests the property at 212 and 216 N. Main Street be rezoned, 212 to be rezoned from R4 to an EI and 216 the back portion from LB to an EI. Petitioner proposes improvements to subject lot that is just south and adjoining its main MA Metals Buildings. Proposed improvements include a 6650 square foot building, landscape screening, as well as the items to bring it into compliance with the July 2, 2014 Zoning Board Variance. MA Metals is proposing the improvements to meet current production due to growth. Gregg asked the board if they had any questions for him.

Richard Pile asked if the landscape screening was a fence or shrubs.

Gregg Cantwell stated that they are proposing both, due to the fact that vegetation takes a couple of years to grow. A combination of fence and vegetation gets the screening done quicker.

Mike Graham asked if MA Metals was in agreement with the paved parking lot, stop signs and the other items. (*items c d and e from the Zoning Board Variance*).

Gregg Cantwell stated yes that all of the items would be on the site plan that would be submitted to get the building permit.

John Drybread stated that on the staff recommendations items a through e it covers any issues that could possibly come up in the future.

John Drybread asked if Gregg had any further comments or if there was anyone else who wished to speak.

There being no further comments, John Drybread asked for a motion.

Ray Walton made a motion to approve with the staff recommendations. Richard Pile seconded. John asked for all in favor to signify by saying aye. All ayes. Motion passed.

John Drybread presented the next item on the agenda, Tom Crow - 6232 E 800 S - Application to upgrade and erect two billboards on property located in the Highway Corridor Overlay Zone District, and asked Wade Watson to present his staff report on the request.

Wade Watson presented his report on the application. (See attached staff report). The application is for Tom Crow - 6232 E 800 S - property is located at the northwest corner of State Road 31 and Hospital Road (800 S), and is within the U.S. 31 and S.R. 252 Corridor Overlay District. Zoning is RB and current use is Residential. Wade presented the board with an aerial view of the property and pointed out the existing signs being proposed to be upgraded. The parcel is within the Buffer Zone of the Town of Edinburgh and also within the Atterbury Buffer Zone.

The Edinburgh Zoning Ordinance Division 3 requires Planning Commission approval for any development within the Highway Corridor Overlay Zone District, including architectural design, landscaping, drainage, sewerage, parking, signage, lighting and access to the property prior to commencement.

The request is to erect two new steel structured double-sided, double-decker billboard signs on the lot, fifty-five feet (55') tall having a total copy area of 1,152 square feet (4 - 24' x 12'). These proposed billboards will replace the two existing two-sided billboards currently erected at this location having a total copy area of 384 square feet (approximately 12' x 8').

In June of 2009, Mr. Crow approached the Town of Edinburgh Building Commissioner and received Buffer Approval to erect the two pole signs currently existing on the property. At that time, the request was not brought before Town of Edinburgh Plan Commission or the Board of Zoning of Appeals for consideration. On June 17, 2009 the Johnson County Department of Planning & Zoning issued Sign Permit #SN-09-09 for the erection of a North/South Pole Sign having 96 square feet of sign face area. On June 26, 2009 Johnson County Department of Planning & Zoning issued a Sign Permit #SN-11-09 for the erection of an East/West Pole Sign having 96 square feet of sign face area.

The Zoning Ordinance for the Town of Edinburgh gives specific requirements for the Highway Corridor Overlay Districts including signage in that area. (See Case Considerations in Attached Staff Report). The Town of Edinburgh has historically allowed the erection of off-premise signs along U.S. Highway 31. There currently exists a minimum of twelve (12) off-premise signs in the immediate area of said parcel including two double-decker billboards on U.S. Highway 31.

The overall height and copy area of the proposed signs exceed standards established of both the on and off-premise signage for the Highway Corridor Overlay and RB Zoning Districts. The Edinburgh Board of Zoning Appeals will have the responsibility to consider any request by the petitioner for a variance from developmental standards for the size of the proposed signage. (See Staff Analysis in the attached Staff Report).

Staff has received no dissenting concerns or comments related to the erection of the proposed signs. Mr. Jack Fowler with Atterbury emailed Wade stating that the proposed sign along Southbound US Highway 31 is of no concern to them at all, and the proposed location of the sign along the North side of Hospital Road is no operational concern to them. They recommend that the sign to be installed along Hospital Road be no larger than the one that is presently located on the South side of Hospital Road in the same vicinity.

Staff recommends approval of the petition with consideration of the following requirements:

- A. That the approval of this Board be made contingent upon the approval by the Edinburgh Board of Zoning Appeals for a size variance and that the Petitioner shall submit application to the Board of Zoning Appeals for review and approval prior to the installation of the signs;
- B. That both billboards be limited to a single doubled-faced sign to reduce the amount of advertisement to potentially distract motorist approaching the intersection;
- C. That the Petitioner obtain a survey of the subject property showing the proposed locations of the signs and submit the same to the Edinburgh Building Commissioner for review and approval of the proposed sign locations on the parcel;
- D. That in the event that the signs are installed on the subject property; the following content is prohibited to be displayed in any way on said signs:
 1. Any advertising or other signage of any type or kind that is distasteful, offensive, or of a questionable nature;
 2. Any advertising for massage parlors or similar adult themed business;
 3. Any advertising regarding adult book stores and related establishments selling or exhibiting pornographic or other obscene materials or entertainment;
 4. Any advertising regarding political candidates or parties.
- E. That adherence to the requirements of § 156.211(3) Prohibited Signs: The following types of outdoor advertising signs are prohibited:
 - a) Signs which are illuminated or animated by means of flashing, fluctuating, scintillating, blinking, or traveling lights or any other means not providing constant illumination as provided herein;
 - b) Signs which advertise illegal activities, or are obscene, or which contain untruthful copy, or which are improperly mounted or erected, or which represent a traffic hazard.

Wade Watson asked the board if they had any questions.

Ray Walton asked for clarification on Wades recommendation, if he is recommending approval but not as a double-decker sign like the one across the road. He stated that in the photos the current sign seemed to be close to the electric lines.

Wade Watson stated that it would not be permitted for any sign to be installed in any utility right of way, that Duke Energy would prohibit any sign being installed in their right of way.

Keith Sells asked if the two planning members who are also members of the board of zoning appeals should abstain from voting on the request tonight since it would be coming before the zoning board for approval of size, if their vote tonight would obligate them to vote the same at the zoning request.

Dustin Huddleston stated that they would not be required to abstain as the zoning board is a separate board.

Wade Watson stated that at tonight's meeting they are approving the development of the site, at the zoning meeting they would be reviewing a variance on the size of the sign.

Matt Ervin asked if the sign on 31 is larger, will it obstruct the view of the intersection.

Wade Watson stated that billboard signs are designed to not obstruct view. The visual clearance on the corners for our community, that are different on State Highways, is anything from 42 inches to 8 foot, there can't be anything in that area as you are approaching a corner, that is the visual clearance in an automobile as defined by the Town of Edinburgh Ordinance.

Mike Graham asked if they would be close to the two signs, and if it will be a single pole or a double pole.

Wade Watson stated that he didn't know if Mr. Crow has had estimates yet for the work to be done. Commercial signs are constructed in different ways, the prior ones installed in the community have been a single pole sign, but there are structurally approve signs that can have two poles.

John Drybread asked the board if they had any other questions for Wade. There being no further questions from the board he then asked if the petitioner or anyone in favor of the petition had any comments.

Charlie Bewley, Columbus, owns the property on the two corners south of Mr. Crow's property, stated that he had talked with Ed Williams before he passed away and that he told him there would never be any billboards on the former Parmerlee Farms which is now owned by Mr. Crow. He further stated that he had been instructed to remove a sign from his property and was told that it could not be replaced. He wanted to know why he could not have signs but other properties can. He is in opposition to the signs.

Wade Watson informed Mr. Bewley that he has the same right to ask for a variance just like Mr. Crow. The Ordinance states no signs, but if he would like a variance from the Ordinance, he can petition the board for a variance for a sign.

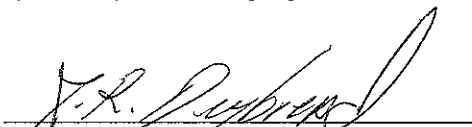
After some further discussion, John Drybread asked if the petitioner would like to speak.

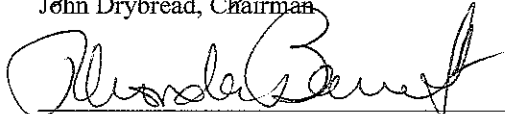
Tom Crow stated that the main reason for seeking the variance is he is trying to get Atterbury to put a Welcome Sign on his property.

There being no further questions, John Drybread asked for a motion on the request.

Richard Pile made a motion to approve the request with Wades recommendations. Mike Graham seconded. John asked for all in favor to signify by saying aye. All ayes. Motion passed.

John Drybread asked if there was any other business. There being no further business, Mike Graham made a motion to adjourn the meeting. Glenn Giles seconded. John asked for all in favor to signify by saying aye. All ayes. Meeting adjourned.


John Drybread, Chairman


Rhonda Barrett, Secretary

PLANNING COMMISSION
TOWN OF EDINBURGH
107 S. Holland St.
Edinburgh, IN 46124

STAFF REPORT
PC 2014 – 04
July 15, 2014
Page 1 of 6

CASE NUMBER: PC 2014 – 04
CASE NAME: MA Metal - Petition for Re-Zone

GENERAL INFORMATION:

Applicant &
Property Owner: Fred C. Stadler
 216 N. Main Street
 Edinburgh, IN 46124

Agent: CKW Land Surveying, Inc.
 301 E Jefferson St
 Franklin, IN 46131

Petitioner has satisfied all documentation requirements, legal and public notifications specified in the Town of Edinburgh Plan Commission Application Packet.

PROPERTY DESCRIPTION

Property Addresses: 216 N. Main Street, Edinburgh, IN 46124
 212 N. Main Street, Edinburgh, IN 46124

Subdivision & Lot: Hunts Addition, Lots 40, 41, 42, 52, 53, and an Un-Platted Lot

Current Zoning: R4 (Medium Density Residential), EI (Enclosed Industrial &
 LB (Local Business)

Land Use: Enclosed Industrial & Residential Single Family Platted Lot

FEMA Flood Plain: Subject Property does not exist in a designated flood area

SURROUNDING ZONING:

SURROUNDING LAND USE:

North:	EI & PG:	Enclosed Industrial & Recreational
South:	R4:	Medium Density Residential
East:	LB:	Residential & Local Business
West:	LB:	Vacant & Industrial Parking

CASE DESCRIPTION

The board is to consider a petition by Fred Stadler, Midwest Art Metal, Inc. (Petitioner), for a request to re-zone property currently zoned as R4 (Medium Density Residential) and LB (Local Business) to EI (Enclosed Industrial). The Petitioner would like to construct a new building on Lot #42, which is currently zoned R4. Petitioner is requesting the entire property owned by Midwest Art Metal, Inc. at this location be re-zoned to Enclosed Industrial.

CURRENT ZONING, LAND USE AND RE-ZONE REQUEST:

(Reference “*Re-Zoning Exhibit Pt. of NW ¼ of S34-T11N-R5E*”) Lots #41 and #52 adjacent and abutting to the west side of North Main Street are zoned Enclosed Industrial and are currently used as Enclosed Industrial. The current Zoning and use of the remaining parcel of the petition are as follows:

<i>LOT #</i>	<i>ZONED</i>	<i>CURRENT USE</i>	<i>RE-ZONING REQUEST</i>
40	LB	Enclosed Industrial	EI
42	R4	Vacant Lot	EI
53	LB	Enclosed Industrial	EI
Un-platted Lot	LB	Enclosed Industrial,	EI

CASE HISTORY

On July 2, 2014, the Edinburgh Board of Zoning Appeals considered a request by the Petitioner (Case ZB2014 V-03) for a variance from the setback requirements established in Town of Edinburgh Zoning Ordinance Division 11, Article 156.037 (Table 2). The subject property of Case ZB2014 V-03 was Lot #42, commonly known as 212 N. Main Street, which is currently zoned R4. The request was for a variance from setback standards established for a lot zoned as Enclosed Industrial for the construction of a 70’ x 95’ industrial building having a maximum height of 29’ feet.

The Edinburgh Board of Zoning Appeals approved the variance request Case ZB2014 V-03 subject to the following conditions:

- a. That the approval by this Board is subject to the approval by the Edinburgh Plan Commission on an application to re-zone the subject property to Enclosed Industrial.
- b. That should the request before the Edinburgh Plan Commission to re-zone the subject property to Enclosed Industrial be denied, that this approval by the Edinburgh Board of Zoning Appeals becomes null and void and that the Petitioner shall be required to reapply to the Edinburgh Board of Zoning Appeals for additional variances before beginning construction on the subject property.
- c. That all existing parking and future parking operated and servicing the operations of Midwest Art Metal shall be paved with asphalt.

- a. That the Petitioner and Midwest Art Metal shall place a stop sign after the sidewalk at the entrance of the existing parking lot.
- b. That the Petitioner and Midwest Art Metal shall take all steps necessary to control the speed of the ingress and egress of employees of Midwest Art Metal to the existing parking lot.

CONSIDERATIONS

The Edinburgh Plan Commission should consider the following criteria relevant to the petition prior to making referral to The Edinburgh Town Council for the adoption of a resolution.

1. PROCEDURES FOR ZONING AMENDMENTS are determined in the Town of Edinburgh Zoning Ordinance, Division 10 as following:

- a. § 156.261 establish that "petitions for amendment shall be filed with the Edinburgh Plan Commission."
- b. § 156.262 establish that "any proposed amendment not originating from the Plan Commission shall be referred to the Plan Commission for consideration and report before any final action is taken by the Town Council."
- c. § 156.263 establish that "after receiving the Plan Commission's report, the Town Council may proceed to take action on the proposed amendment," and that the amendment ordinance must be passed "by a majority affirmative vote of the Town Council."

2. PURPOSE FOR ZONING DISTRICTS:

- a. § 156.028 District Boundaries: In determining the boundaries of (zoning) districts, and establishing the provision applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the jurisdiction of the Plan Commission.
- b. § 156.029 Residential Districts: The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose for the six (residential) districts is to create an attractive, stable, and orderly residential environment."

§ 156.031 Industrial Districts: The Enclosed Industrial district provides space for industries which do not cause conditions that would be objectionable to adjoining uses. The Enclosed Industrial district permits manufacturing, fabricating, processing, repairing, dismantling, or storage of equipment, raw materials, or manufactured products, provided that the activity is conducted entirely within enclosed buildings. Greater separation is required between the industries in the

- a. Open Industrial district and residential or business uses than is necessary in the Enclosed Industrial district.

If an Open or Enclosed Industrial use abuts, adjoins or is across the street or alley from any lot used or zoned for residential purposes a planting screen shall be provided consistent with the following standards.

(A) A planting screen maintained to a width of at least six feet and a height of at least six feet shall be provided in order to mask any parking areas, accessory buildings, accessory uses, and expected ground activity from the view of abutting or opposite properties.

(B) The planting screen shall consist of suitable shrubbery so as to provide a tight screen effective at all times of the year. The shrubbery may be planted informally or in a row and may include several varieties.

1. NEIGHBORHOOD CONCERNS:

Staff received numerous objections from property owners in the neighborhood regarding the expansion of the industrial district on Lot #42 and several remonstrators were present at the July 2, 2014 Edinburgh Board of Zoning Appeals public meeting for Case ZB2014 V-03. Their primary concerns are related to noise from the manufacturing processes, dust from the unpaved parking area(s) and the employee traffic entering and exiting the parking area(s).

STAFF ANALYSIS

1. Approving this rezoning request would be consistent with the current Industrial use of the property. The industrial use existing on the lots currently Zoned Local Business (LB) are actually non-conforming in that industrial uses are not permitted in districts zoned LB.
2. Lot #42 is zoned appropriate for its historical use as a residential dwelling lot and consistent with adjacent properties to its south side. However, the existence of the business and industrial zoning districts in the area creates an undesirable environment for new residential development on this parcel. Therefore, re-zoning it for Enclosed Industrial use would be appropriate considering all adjacent properties.
3. Measures designed to minimize objectionable conditions from the adjoining property owners and residences should be implemented to separate the Industrial District from the Residential Districts.


STAFF RECOMMENDATIONS

Staff recommends **approval** of the petition to re-zone Lots: #40, #42, #53 in Hunts Addition, and the Un-Platted Lot identified in "*Re-Zoning Exhibit Pt. of NW ¼ of S34-T11N-R5E*" to Enclosed Industrial subject to the following conditions:

- a. That all existing parking and future parking areas operated and servicing the operations of Midwest Art Metal shall be paved with asphalt within ninety (90) days of the commencement of the construction project.
- b. That the Petitioner and Midwest Art Metal shall place a stop sign after the sidewalk at the entrance of the existing parking lot within ninety (90) days of the commencement of the construction project.
- c. That within two (2) weeks of the approval of the petition by the Edinburgh Plan Commission, the Petitioner and Midwest Art Metal shall take all steps necessary to control the speed of the ingress and egress of employees of Midwest Art Metal to the existing parking lot and communicate the same in writing to the Town of Edinburgh Building Commissioner.
- d. That consistent with § 156.031 of the Town of Edinburgh Zoning Ordinance, a planting screen maintained to a width of at least six feet and a height of at least six feet shall be provided in order to mask any parking areas, accessory buildings, accessory uses, and expected ground activity from the view of abutting or opposite properties. Said planting screen shall be implemented within one hundred twenty (120) days from the commencement of the construction project.
- e. That a Site Plan be submitted for approval by the Edinburgh Building Commissioner including landscaping planned for the site being developed and identifying the required parking areas and specification as established in Division 5, § 156.175 before the issuance of a Building Permit.

Based on these findings of fact, staff recommends the Edinburgh Plan Commission report its findings and recommendations to the Town Council for the adoption of a resolution to approve the rezone request.

Respectfully Submitted,



Wade Watson
Building Commissioner
Town of Edinburgh

LAND DESCRIPTIONS:

A PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, AND ALSO BEING A PART OF THE NORTH, SOUTH, COLLIER, CAMPBELL AND THOMPSON ADDITION TO THE TOWN OF EDINBURGH, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 297 FEET EAST AND 1201 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER SECTION, THENCE SOUTH 15.00 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 191, PAGE 236 (GIVEN IN THE OFFICIAL RECORDS OF JOHNSON COUNTY, INDIANA, AS BEING A PART OF THE NORTH, SOUTH, COLLIER, CAMPBELL AND THOMPSON ADDITION TO THE TOWN OF EDINBURGH, INDIANA, AND ALSO THE LAND DESCRIBED IN INSTRUMENT NUMBER 2013-011303 (RIGHT 475.0 FEET TO THE WEST LINE OF SAID TRACT OF LAND, AND THE EXTENSION THEREOF, 100.0 FEET TO THE NORTH LINE OF SAID LOT NUMBER 37, 150.0 FEET TO THE WEST LINE OF SAID TRACT OF LAND, AND THE EXTENSION THEREOF, 100.0 FEET TO A POINT THAT IS 8.0 FEET SOUTH OF THE SOUTHEAST CORNER OF SAID TRACT OF LAND, AND THE EXTENSION THEREOF, 475.0 FEET TO THE POINT OF BEGINNING, CONTAINING 1.75 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

A PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, AND ALSO BEING A PART OF THE NORTH, SOUTH, COLLIER, CAMPBELL AND THOMPSON ADDITION TO THE TOWN OF EDINBURGH, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMASSING AT THE NORTHWEST CORNER OF LOT NUMBER 42 IN SAID SUBDIVISION, THENCE SOUTH, ON AND ALONG THE WEST LINE OF SAID LOT, 8.0 FEET TO THE POINT OF BEGINNING, THENCE SOUTH, CONTINUING ON AND ALONG SAID WEST LINE, AND THE EXTENSION THEREOF, 100.0 FEET TO A POINT THAT IS 10.0 FEET NORTH OF THE WEST LINE OF SAID LOT, AND THE EXTENSION THEREOF, 100.0 FEET TO THE POINT OF BEGINNING, CONTAINING 1.75 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

(SUBJECT TO EASEMENTS)

SCOTT MADDEN
INSTRUMENT #2023-019141

MIDWEST ART METAL CO. INC.
INSTRUMENT #2004-016906

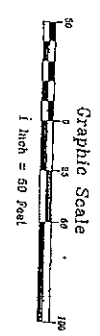
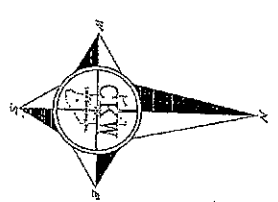
SWIFT
BOOK 191 PAGE 236

DONALD L BERNICE KNIGHT
INSTRUMENT #2013-011303

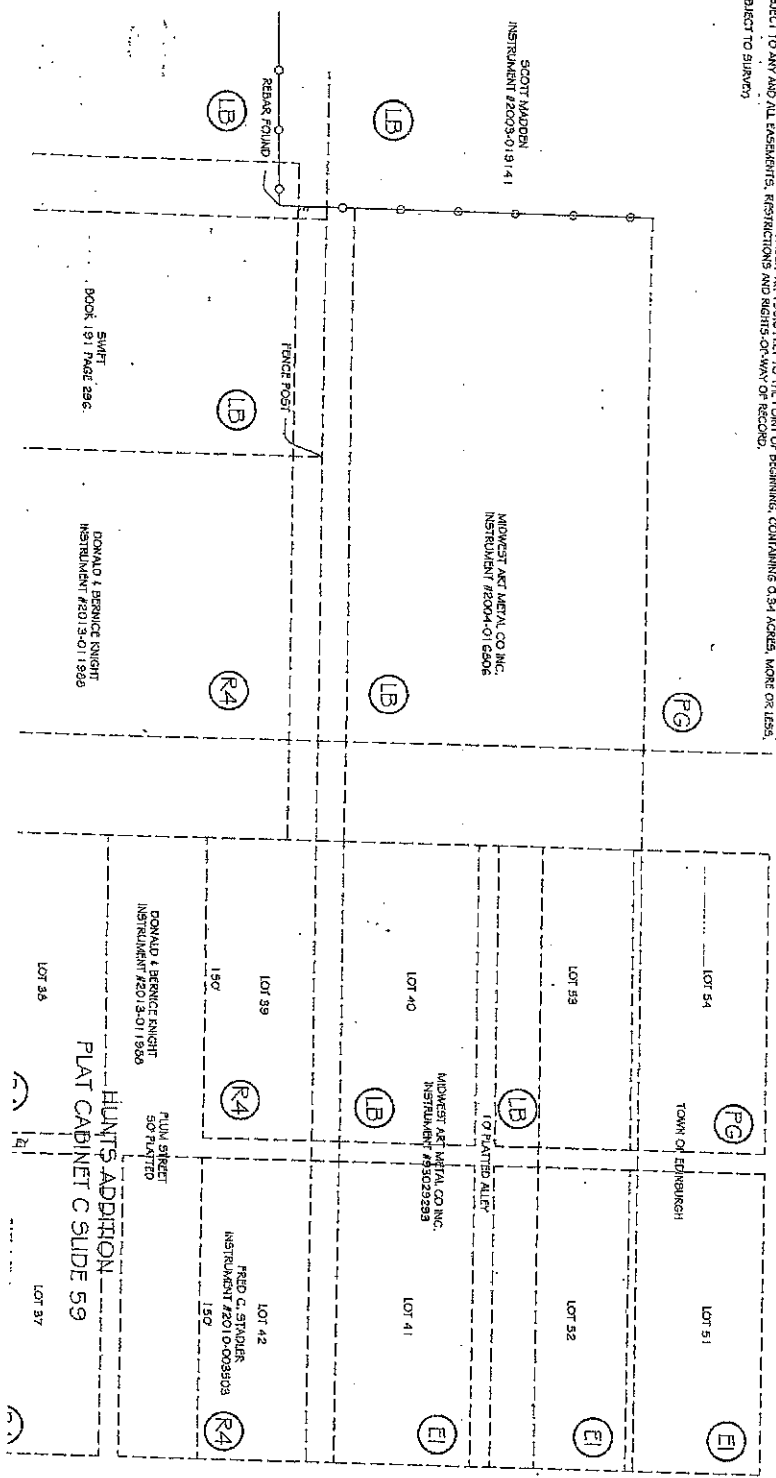
DONALD L BERNICE KNIGHT
INSTRUMENT #2013-011303

HUNT'S ADDITION
PLAT CABINET C SLIDE 59

MAIN STREET
(60' RIGHT-OF-WAY)



Re-Zoning Exhibit
Pt. of NW 1/4 of S34-T11N-R5E



PLANNING COMMISSION
TOWN OF EDINBURGH
107 S. Holland St.
Edinburgh, IN 46124

STAFF REPORT
PC 2014 – 05
July 15, 2014
Page 1 of 5

STAFF REPORT

CASE NUMBER: PC 2014 – 05
CASE NAME: Tom Crow Billboard
Application to Upgrade and Erect Two Bill Boards

GENERAL INFORMATION

Applicant & Owner: Tom Crow
3231 Taylor Road
Columbus, IN 47203

Property Address: 6232 E. 800 S. Edinburgh, IN 46124
Parcel Number: 41-12-33-022-010.001-001

Lot Size: .840 Acres (36,590 Square Feet)
Road Frontage: 282' adjacent to US 31 (approximately)
272' Adjacent to Hospital Road (approximately)

Zoning: RB
Land Use: Residential

PROPERTY DESCRIPTION

The subject property is located at the northwest corner of State Road 31 and Hospital Road (800 S). This parcel exists within the U.S. 31 and S.R. 252 Corridor Overlay Zone District and is zoned as RB (Roadside Business). An occupied single family residential structure and accessory building currently exists on the parcel.

CASE DESCRIPTION

1. The Town of Edinburgh Zoning Ordinance Division 3 requires Planning Commission approval for any development within the Highway Corridor Overlay Zone.

§ 156.132 Plan Commission Approval

Approval by the Plan Commission... shall be required for any proposed or revised development plan or structure or structural alteration in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.

Plan Commission approval of the architectural design, landscaping, drainage, sewerage, parking, signage, lighting and access to the property shall be necessary prior to:

- a) the establishment of any use of the land
- b) the issuance of any improvement location permit

- a) the erection, construction or structural alteration of any building(s) in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts; or,
 - b) modification or revision of any site development plan.
1. The Plan Commission is to consider the application of owner, Tom Crow to erect two new steel structured double-sided, double-decker billboard signs on the lot, fifty-five feet (55') tall having a total copy area of 1,152 square feet (4 - 24' x 12'). These proposed billboards will replace the two existing two-sided billboards currently erected at this location having a total copy area of 384 square feet (approximately 12' x 8').
 2. This parcel is outside the Municipal Boundaries of the Town of Edinburgh but is within the Town of Edinburgh Buffer Zone and within the Camp Atterbury Buffer Zone.
 3. Petitioner has satisfied all documentation requirements, legal and public notifications specified in the Town of Edinburgh Plan Commission Application Packet.

CASE HISTORY

In June of 2009, Mr. Crow approached the Town of Edinburgh Building Commissioner and received Buffer Approval to erect the two pole signs currently existing on the property. At that time, the request was not brought before Town of Edinburgh Plan Commission or the Board of Zoning of Appeals for consideration. On June 17, 2009 the Johnson County Department of Planning & Zoning issued Sign Permit #SN-09-09 for the erection of a North/South Pole Sign having 96 square feet of sign face area. On June 26, 2009 Johnson County Department of Planning & Zoning issued a Sign Permit #SN-11-09 for the erection of an East/West Pole Sign having 96 square feet of sign face area.

CASE CONSIDERATIONS

1. Variances from the following Development Standards of Division 3 **Highway Corridor Overlay Districts** should be reviewed by the Planning Commission when considering this request:
 - A. Section 156.134 (5) of the Zoning Ordinance for the Town of Edinburgh states: "Off premise signage shall be prohibited in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.
 - B. Section 156.134 (6) of the Zoning Ordinance for the Town of Edinburgh establishes standards for "on premise" signage in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts to the following requirements:
 - a) No pole sign shall exceed twenty-five (25) feet in height.
 - b) There shall be a minimum spacing of one hundred (100) feet between any pole or ground signs.
 - c) In no instance shall pole signs exceed two hundred (200) square feet of copy area.
2. Variances from the following Development Standards of **Division 6 Sign Regulations** should be reviewed by the Planning Commission when considering this request:
 - A. Section 156.203 Prohibited Sign (8) Off-premise shall be prohibited except as is expressly permitted in this Division.

- A. Section 156.210 Permitted Signs – RB Districts (1) (c) Off premise signs shall be permitted directing the traveling public to commercial or industrial parks providing the following requirements are met:
- a) A permit shall be obtained prior to the erection of the sign,
 - b) Such sign shall indicate only the name, location and information about the park itself – products and services shall not be advertised,
 - c) Such sign shall have a maximum face area of one hundred (100) square feet,
 - d) Such sign shall be a minimum distance of five hundred (500) feet from any residential zoning area
 - e) Such sign shall be a minimum distance of five hundred (500) feet from any other “off-premise” sign.
1. The Town of Edinburgh has historically allowed the erection of off-premise signs along U.S. Highway 31. There currently exists a minimum of twelve (12) off-premise signs in the immediate area of said parcel including two double-decker billboards on U.S. Highway 31.
 2. The proposed billboard would replace the current wooden two-sided billboard.
 3. Off-premise signs are prohibited within the Highway Corridor Overlay Districts, and in all Zoning Districts, except as defined in Section 156.211, Major Highway Signage which permits off premise signage within 660’ of the nearest edge of interstate highway right-of-way. Signs located more than 660’ from an interstate right-of-way shall be governed by the other appropriate sections of this division.” (Division 6. Sign Division)
 4. The overall height and copy area of the proposed signs exceed standards established of both the on and off-premise signage for the Highway Corridor Overlay and all Zoning Districts, except as permitted in Section 156.211.

STAFF ANALYSIS

- Off-premise signs are prohibited in the Highway Corridor Overlay Districts, and in areas zoned as RB Districts except as identified above.
- The standards defined in Section 156.211, Major Highway Signage for off premise signage establishes:
 - The minimum spacing of one thousand (1,000) feet between any type of off-premise outdoor highway advertising structures and sign on each side of the interstate highway.
 - No off-premises billboard shall be allowed within five hundred (500) feet of an interchange or intersection.
- The overall height and copy area of the proposed signs exceed standards established of both the on and off-premise signage for the Highway Corridor Overlay and RB Zoning Districts. The Edinburgh Board of Zoning Appeals will have the responsibility to consider any request by the petitioner for a variance from developmental standards for the size of the proposed signage.

On February 21, 2012 the Edinburgh Plan Commission approved a request to allow two pole signs (billboards signs) on a single parcel one of which is located within two hundred twenty

- (220) feet and another within seven hundred (700) feet of the existing signs on the petitioner's property.
- On January 21, 2014 the Edinburgh Plan Commission approved a request to allow a two-sided billboard to be erected replacing a one-sided wooden sign on a parcel located approximately eighteen hundred (1800) feet of the existing signs on the petitioner's property.
- Staff has received no dissenting concerns or comments related to the erection of the proposed sign.
- This property exists within the Camp Atterbury Buffer Zone. Staff received phone correspondence from Mr. R. Joseph Rathz, Jr., Assistant Master Planner, Camp Atterbury / Muscatatuck acknowledging the receipt of notification from the Petitioner. Mr. Rathz indicated he would review the petition with Mr. Jack E. Fowler, LTC (Ret), Deputy Operations Officer and issue a response. As of Friday July 11th Staff has not received formal statement from Mr. Rathz related to the request of the applicant.

EACH VARIANCE MUST MEET ALL OF THESE FINDINGS OF FACT

1. **GENERAL WELFARE:** The approval will be injurious to the public health, safety, morals, and general welfare of the community.

STAFF FINDINGS:

*Approval of these variances **will not** create a condition that would be injurious to the public health, safety or general welfare of the community.*

2. **ADJACENT PROPERTY:** The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

*Adjacent properties to the subject property **will not** be affected in a substantially adverse manner.*

3. **PRACTICAL DIFFICULTY:** The strict application of the terms of the ordinance will not result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

STAFF FINDINGS:

*The strict application of the ordinance **will not** result in a practical difficulty in the use of this property.*

STAFF RECOMMENDATIONS

Based on these findings, staff recommends **approval** of the petition with consideration of the following requirements:

1. That the approval of this Board be made contingent upon the approval by the Edinburgh Board of Zoning Appeals for a size variance and that the Petitioner shall submit application to the Board of Zoning Appeals for review and approval prior to the installation of the signs;

1. That both billboards be limited to a single doubled-faced sign to reduce the amount of advertisement to potentially distract motorist approaching the intersection;
2. That the Petitioner obtain a survey of the subject property showing the proposed locations of the signs and submit the same to the Edinburgh Building Commissioner for review and approval of the proposed sign locations on the parcel;
3. That in the event that the signs are installed on the subject property; the following content is prohibited to be displayed in any way on said signs:
 - a) Any advertising or other signage of any type or kind that is distasteful, offensive, or of a questionable nature;
 - b) Any advertising for massage parlors or similar adult themed business;
 - c) Any advertising regarding adult book stores and related establishments selling or exhibiting pornographic or other obscene materials or entertainment;
 - d) Any advertising regarding political candidates or parties.
4. That adherence to the requirements of § 156.211(3) Prohibited Signs: The following types of outdoor advertising signs are prohibited:
 - a) Signs which are illuminated or animated by means of flashing, fluctuating, scintillating, blinking, or traveling lights or any other means not providing constant illumination as provided herein;
 - b) Signs which advertise illegal activities, or are obscene, or which contain untruthful copy, or which are improperly mounted or erected, or which represent a traffic hazard.

Respectfully Submitted,



Wade Watson
Building Commissioner
Town of Edinburgh