

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

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

Members Present:

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

Also Present: Dustin Huddleston, Town Attorney

John Drybread opened the meeting at 6:00 p.m. and reviewed the items on the agenda which includes a petition from Copple's Wrecker Service to rezone from R4 (Medium Residential) to RB (Roadside Business) to operate a Wrecker/Auto Service on property located at lot number 560, 561, and 562 in Keeleys Magnetic Addition.

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

John Drybread presented the minutes from the March 18, 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. Mike Graham 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. There were two signatures on the sign in sheet, and Dustin Huddleston swore in three people in the audience who wished to speak tonight.

John Drybread then asked Wade Watson to present the petition from Copple's Wrecker Service.

Wade Watson presented his report on the application. (See attached staff report). The application is for Copple's Wrecker Service, the property owner is William & Margie Thomas, and the request is to change zoning from R4- Medium Density Residential to RB - Roadside Business. The property is located on three separate lots in Keeley's Magnetic Addition, lots 560, 561, and 562, which are one parcel, and are commonly known as 529 Eisenhower Drive and 508 Keeley Street. The rezone is for a single parcel only and not for a district. He presented a diagram from Beacon's GIS website showing the lot lines of the parcel and how it borders a public right-of-way, a public alley, Breeding Street on the South, and Keeley Street to the east, the area which is commonly used as parking is actually public space and the lot is square. Surrounding zoning is R4 & R3 with residential homes, the High School, and the American Legion. The petitioner has now satisfied all documentation requirements, legal and public notifications as specified in the Town of Edinburgh Plan Commission Application Packet. The few property owners that were not notified properly at last month's meeting have now been notified.

Wade reviewed the procedures for zoning amendments, that any request must first come to the Plan Commission for review and regardless of what the Plan Commission decides, it still must go to the Town Council and they will make the final decision on the request. Wade reviewed the current and previous uses of the property with a residential home built in the 1930's and still used as a residence, a commercial garage constructed around 1950's and still used as a commercial building, and the fact that in December 2000, Thomas Copple received a variance to allow a fence to be erected on a portion of the property to store cars being repaired.

Wade then reviewed the purposes of the different zoning districts and the permitted uses for Roadside Business zoning. Permitted uses in Roadside Business include Auto Sales, Auto Services & Repairs, Motor Freight Terminals & Warehouses, Parking Lots, and Retail Sales.

Staff Analysis is as follows:

1. Approving this rezoning request would be consistent with the uses of what is currently a non-conforming business use of the property.
2. The Commercial Garage on the property was designed and constructed for business purposes, and it is probably unreasonable to assume that it will ever be used as a residential garage.
3. Currently there exists a minimum of nine (9) other businesses operating within 2,500 feet of this parcel along Eisenhower Drive.

4. Should the Plan Commission decide to recommend approval to Town Council that the following recommendations be included in their report in order to accommodate the needs of the residential neighborhood:
 - a. That at no point in time will any business operating on this location be allow to block or impede vehicular traffic on any street, alley or the public right-of-way in and around the property.
 - b. That consistent with provisions established in the Town of Edinburgh Code of Ordinances Chapter 72, Section 72.08 (B) that no "vehicle which is taller, wider and longer than a conventional station wagon, pick-up truck, or van" be permitted to park on any street or alley within a residential district and no longer than one hour in any business district.
 - c. That at no time will any vehicle be permitted to block access of any private driveway, private garage or access to any residential lot in the neighborhood.
 - d. That the intersection of Hougham Street and Keeley Street be made a four-way stop to enhance the safety of the intersection for school and residential traffic to compensate for the additional business traffic in the area.

Staff recommendation is to approve the rezone request and send it to the Town Council with the above recommendations.

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

Matt Ervin asked about complaints from residents in the area and how that would be enforced. Wade stated that the Police Department enforces traffic code. Matt asked if it would be on a complaint basis only. Wade stated that it would be handled just like any illegally parked vehicle and would be up to the police department to enforce.

Keith Sells asked if this was forwarded to the Town Council for their approval that this could possibly be an improvement for the neighbors in the area. Wade stated that if the Town Council approves the rezoning with the recommendations that it would reinforce the necessity for the business to cooperate with the recommendations, which would help with the complaints from the neighborhood. John Drybread stated that it would then become a compliance issue.

John Drybread opened the floor for the petitioner to present their case.

Tamara Copple stated that they are trying to legalize what is already in place. John Drybread asked her if she had any issues with the four points that Wade included in his recommendation. Tamara stated that she agreed with the items, they are in the process of trying to get things organized and divided between this location and another location they have in Taylorsville.

Russ Jones, 8080 N 250 W, Columbus, asked about the three lots being only one lot and if it had been replatted. Wade stated that there is one parcel made up of three different lots from the original plat, and had been replatted into one parcel. Russ then asked about the triangle area in front of the property and if it is a right-of-way that belongs to the town and if parking is permitted in the area. Wade stated that the area is a public right-of-way and that a recommendation could be made to the Town Council if they wanted to make it a no parking and that it would require a separate action to make that area no parking. Russ then asked about the other businesses along Eisenhower and if they had been rezoned. Wade stated that not all of them had been rezoned. Russ then asked if there is a statute of limitations to force legalization of businesses to be rezoned versus not doing anything at all. Wade stated that there is no statute of limitations in the current zoning ordinance. Russ then asked if the property is not rezoned could the Town force closure of the business. Wade stated that there would probably need to be referred to legal counsel and that legal action would probably need to be taken before a judge and the fact of allowing the businesses throughout the years, and allowing a variance for a fence that it would probably be an uphill battle to force closure. Russ then expressed concern about the fact that since filing for the rezoning, the property has been kept really clean and if this would continue after it is rezoned. Tamara Copple stated that this would continue, that occasionally when there are large trucks brought in off the interstate it takes some time to get them moved from one truck to another, and they are constantly trying to get the area cleaned up.

Shelley Burton owns rental property next door to the property and her renter is concerned about having access in and out of her property because of the vehicles that are always there on the street. Shelley is also concerned about the vision being blocked by cars, and asked if the parking area belongs to the Town. Tamara Copple asked if the area in front is a parking area. Wade stated that the area is not a parking area, that it is a public right of way. Wade stated that in his recommendation to the council is that there would be a one hour limit for loading and unloading in that zone, that if the property is rezoned as local business, that would be the access for the commercial site.

Russ Jones asked about the variance in 2000 if that was only to put up the fence or if there was anything else involved with that. Tamara Copple stated that it was fencing for the storage of vehicles. Wade stated

that the petition was for Copple's Wrecker Service to allow a fence to make a secure impound lot to store vehicles for the wrecker business.

John Drybread asked if most of the complaints were about the parking, blocking driveways, and safety issues of vehicles in the area and not so much about the rezoning. Wade Watson stated that was correct.

Dustin Huddleston asked if there were any other comments from the public on opposition to the petition. There being no further questions John closed the floor to public comments and opened it to the board for any questions or discussions and to make a recommendation to the Town Council whether it be for denial or approval of request with or without the recommendations presented by Wade.

Ray Walton asked about the one hour parking limit and if the police would do a better job of enforcing the parking limit than had been done in the past, if the request is approved.

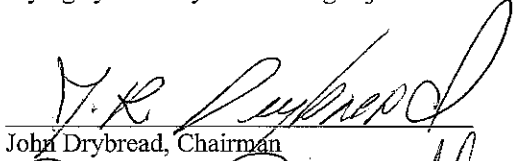
Matt Ervin asked Russ Jones if he owned property in the area and if he had access blocked by trucks in the area. Russ stated that he owned the rental property next door by the alley and was concerned more with the property value later on.


Curtis Rooks stated the main concern is when trucks are parked and block the view, the road at one time came straight thorough before the curve was made. The front of the building is actually where the overhead door is and there is parking in that area, as well as everything to the east would be available parking for the vehicles. Wade stated that the area Curtis is talking about is very narrow for an impound lot, and that he had issued a demolition permit for the smaller building on the lot and that would create additional parking.

Mike Graham asked if anything on the back side of the curb along the building is private parking for Copples. Wade stated that the area was public parking, the main concern is when moving cars around in the impound lot that neighbors vehicles and driveways are not blocked. Several of the complaints had been about the public right of way being blocked, and residences have also been parking in the public right of way. If it is rezoned to RB it would give a one hour zone for loading and unloading.

There being no further questions or comments, John Drybread made a motion to recommend for approval to the Town Council with page 4 items a, b, c, & d of the staff report to be enforced. Keith Sells seconded the motion. John Drybread asked for all in favor to say aye. John, Glenn, Mike, Curtis, Keith, Stephanie and Matt all said aye. John Drybread then asked for those opposed to say nay. Ray Walton said nay. Motion passed with 7 ayes and 1 nay.

John Drybread asked if there was any other business. There being no further business, Stephanie Taylor 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 – P-3
 April 15, 2014
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STAFF REPORT

CASE NUMBER: PC 2014 ~ P-3
CASE NAME: Copple's Wrecker Service - Petition for Re-Zone

GENERAL INFORMATION

Applicant: Copple's Wrecker Service
 511 High School Drive
 Edinburgh, IN 46124
 (812) 526-2478

Property Owner: William Ray & Margie Thomas
 508 Keeley St
 Edinburgh, IN 46124

Acreage: 0.45
Current Zoning: R4 - Medium Density Residential
Current Land Use: Wrecker Storage Lot & Residential
Proposed Rezoning: Road Business (RB)

PROPERTY DESCRIPTION

The property is located on Lots Numbered 560, 561 and 562 in Keeley's Magnetic Addition to the Town of Edinburgh, Indiana (parcel number 41-12-34-033-029.001-002) commonly known as 529 Eisenhower Dr, and 508 Keeley St, Edinburgh, Indiana 46124. This application for a zoning amendment is for one parcel only.

SURROUNDING ZONING:

SURROUNDING LAND USE:

North: R4	Residential/High School
South: R4:	Residential
East: R4:	Residential
West: R3:	Residential/American Legion

CASE DESCRIPTION

The board is to consider a petition by COPPLE'S WRECKER SERVICE, INC, for a request to re-zone property currently zoned as R4 Medium Density Residential to RB Roadside Business.

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

CONSIDERATIONS

Plan Commission should review the following criteria when considering this petition and making referral for the adoption of a resolution by the Edinburgh Town Council.

1. **PROCEDURES FOR ZONING AMENDMENTS** are defined in the Town of Edinburgh Zoning Ordinance, Division 10. Consider the 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. § 156.26 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. **CURRENT LAND USE:** This property is currently being utilized for both Residential and Business uses.
 - a. According to Johnson County records, the residential structure on this property was constructed sometime around 1930, and it is assumed to have been continually occupied as a residential structure up to the current time.
 - b. According to Johnson County records, a “Commercial Garage” was constructed on this property sometime around 1950. As far back as can be remembered this structure has been used for business purposes, a “non-conforming use” of the property.
 - c. On December 12, 2000 the Edinburgh Zoning Board of Appeals approved a Variance to allow Thomas Copple to erect a “fence in a portion of the Ray Thomas Welding property to store cars being repaired. The cars would all be legally and currently plated and will be limited to no more than two weeks on the property.”
3. **PURPOSE FOR ZONING DISTRICTS: § 156.028** “In determining the boundaries of 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.”

- a. **§ 156.029** “Districts designated for residential use, “R-1”, “R-2”, “R-3”, “R-4”, “R-5”, and “R-6” are limited to dwellings and public and semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these six districts is to create an attractive, stable, and orderly residential environment.”
- b. **§ 156.030** “The districts designated for business, “LB”, “GB”, “RB”, and “CBD” are limited to business, public, and certain residential uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection, and police protection may be provided... The purpose of these districts is to provide unified shopping districts conveniently located in areas appropriate for business uses.”

4. PERMITTED USES FOR RB BUSINESS DISTRICTS: § 156.036 establish the following permitted uses for districts zoned as Roadside Business that may relate to the intended use of this property by the Petitioner:

Auto Sales
Auto Services & Repair
Motor Freight Terminals & Warehouses
Parking Lots
Retail Sales

(It should be noted that none of the above uses are permitted in districts zoned for residential purposes.)

STAFF ANALYSIS

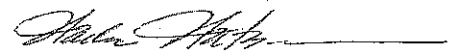
1. Approving this rezoning request would be consistent with the uses of what is currently a non-conforming business use of the property.
2. The Commercial Garage on the property was designed and constructed for business purposes, and it is probably unreasonable to assume that it will ever be used as a residential garage.
3. Currently there exists a minimum of nine (9) other businesses operating within 2,500 feet of this parcel along Eisenhower Drive.
4. Should the Plan Commission decide to recommend approval to Town Council that the following recommendations be included in their report in order to accommodate the needs of the residential neighborhood:

- a. That at no point in time will any business operating on this location be allow to block or impede vehicular traffic on any street, alley or the public right-of-way in and around the property.
- b. That consistent with provisions established in the Town of Edinburgh Code of Ordinances Chapter 72, Section 72.08 (B) that no "vehicle which is taller, wider and longer than a conventional station wagon, pick-up truck, or van" be permitted to park on any street or alley within a residential district and no longer than one hour in any business district.
- c. That at no time will any vehicle be permitted to block access of any private driveway, private garage or access to any residential lot in the neighborhood.
- d. That the intersection of Hougham Street and Keeley Street be made a four-way stop to enhance the safety of the intersection for school and residential traffic to compensate for the additional business traffic in the area.

STAFF RECOMMENDATIONS

Based on these findings of fact, staff recommends the 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