



**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:

SURROUNDING LAND USE:

North:	RB/AG (red)	Vacant Roadside Business and/or Agricultural
South:	R-1 (blue)	Vacant Suburban Residence (Copple's Wrecker Service)
East:	RB (pastel purple)	Commercial Roadside Business (Marathon Gas Station)
West:	RB (pastel purple)	Vacant Roadside Business

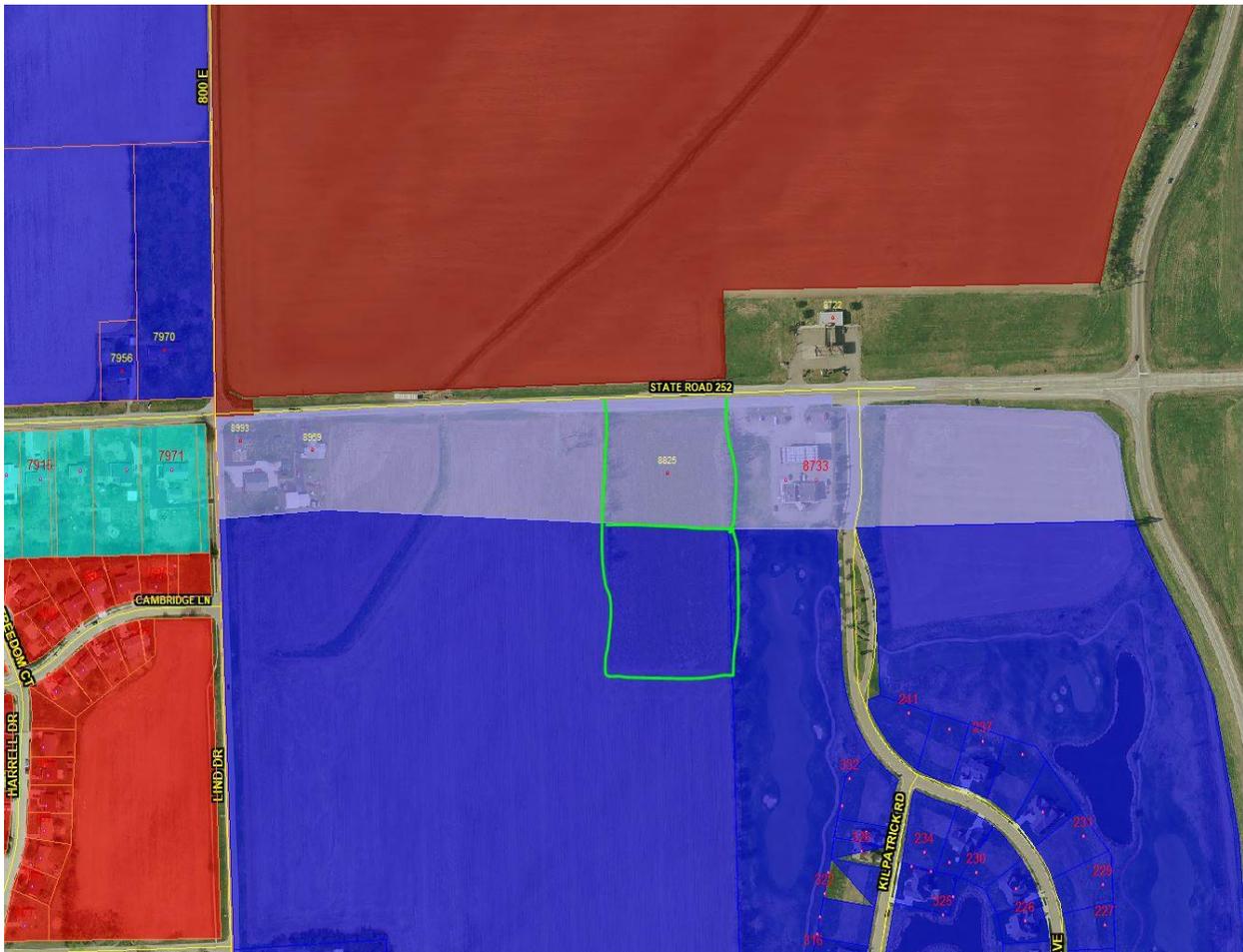
(Parcel Number: 73-13-35-100-006.000-025)

SURROUNDING ZONING:

SURROUNDING LAND USE:

North:	RB (pastel purple)	Roadside Business (Copple's Wrecker Service)
South:	R-1 (blue)	Vacant Suburban Residence
East:	R-1 (blue)	Suburban Residence (Timbergate Golf Course)
West:	R-1 (blue)	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 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

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)