

Fortville Plan Commission

Meeting Minutes

Tuesday 11/26/2024 – 6:30 PM

(Time stamps in parentheses to align with time on meeting video)

Opening of Meeting

Called to order at 6:30 PM

Roll Call

Commission Members Present: Robert Holland, Amandia Jeschke, Nathan Sturdevant, Chris McCreight, Brittney Layton

Commission Members Absent: Jason Stein, Mike Siebert

Town Staff Present: Alex Intermill – Town Attorney (via Zoom), Adam Zaklikowski – Planning and Building Director, Andy Williams – Recording Secretary

Pledge of Allegiance

Oath of Office – New Planning Commission member, Chris McCreight

Approval of Agenda - Motion to approve – B. Layton. 2nd – A. Jeschke. In Favor 5-0.

Approval of Minutes - B. Layton. 2nd – A. Jeschke. In Favor 4-0. Abstained 1

New Business

Case No. STP-03-2024 – Elite Beverages Parking Lot Expansion

Staff Presentation (3:50):

A. Zaklikowski gives presentation including map overview and images.

- Request by Ray Cox of Elite Beverages to consider Concept Plans for expansion
- Commercial Community Zoning
- Existing home on property would be demolished
- Add a driveway entrance to Garden Street – no sidewalk added on Garden
- 24 parking spaces would be added creating a total of 42 spaces (included 2 existing ADA spaces)
- Staff Recommendation: Approve the Concept Site Plan & Landscape Plan subject to the following conditions:

- Must provide yew or boxwood shrubs along Garden Street to screen parking area from roadway.
- Aislee width along northern parking spaces must be 24' wide
- The cross-striped areas shall be eliminated with gained area going to enlarge side landscape buffers.

Commission Member Questions and Comments (13:25):

- A. Jeschke: This proposed parking lot is zoned C.C.? Has it been rezoned recently to be C.C. since at one point it was residential?
- A. Zaklikowski: There were some concerns that the chapel raised at the recent meeting, so they dug into it and the last known zoning for Residential was back in 1993 under Hancock County. The last known time it was zoned Commercial was in 2007. His understanding is that Hancock County initiated a mass rezone and at that time they zoned this Commercial to match the Master Plan they were implementing. Therefore, the Fortville Town Council at the time had to officially adopt that zoning change via ordinance.
- A. Jeschke: When lots or sections get rezoned how does the public know about that?
- A. Zaklikowski: If there is a rezone that is happening on a particular property then any property within 600' or two properties deep they receive a mail notice. There is also a public hearing to Plan Commission and Town Council. In the instance of a town wide rezoning we are required to still go through the newspaper, have a public hearing and then go to the Fortville Town Council. It is not uncommon to have a residential house in a Commercial District.
- A. Jeschke: How many businesses are in that building?
- A. Zaklikowski: Two
- A. Jeschke: When the Elite Beverages building was constructed parking had to have been calculated correct? That parking lot is tight.
- A. Zaklikowski: Yes, it was done within range. The only thing he would offer is the vision of the town is to have buildings on Broadway to come up to the right of way and to create a small town walkable. Therefore, parking got tight and awkward. That was one of the trade-offs.
- A. Jeschke: Are there streetlights on garden street?
- A. Zaklikowski: Off hand I do not know, if there are there may be a few. In terms of lighting in general, there is no requirement that they need it in parking lots. If they do decide to add it cannot exceed 25' and must face downward. In this case, it probably makes sense to not add it because of close neighbors.

- C. McCreight: There was some conflicting information on the side yard buffer, 5' vs 6'. Is that in line with your recommendation on the cross striped area being eliminated?
- A. Zaklikowski: Correct, the plan as presented, shows 5' on both sides to create a little more room for people to get out of their cars. However, my opinion is to reallocate that room somewhere else.

Petitioner Comments (25:21):

- Ray Cox: They have owned and operated Elite Beverages in Fortville for 13 years. About 7 years ago they realized what and who Fortville is becoming. The town wanted them to redevelop, and they wanted to so they can hopefully help spur economic development. Through that process they have worked with the town and came up with a plan that they thought worked for everyone. In doing so they put the store up front and put the parking in the back which created very awkward parking. When they saw 225 West Garden Street that was for sale and zoned correctly, they bought it. They believe it is the best location for them along with the storefront and parking in the back like the town wants it. Employ 7 people with 5 people living here in town along with contributing \$30,000 property taxes. Someone asked about lighting, and they originally had lighting on their plan. However, one of the neighbors voiced some concern on that so they took it off. They have also agreed to put fences and landscaping to cover the view of the parking lot from existing surrounding neighbors and businesses. For the first five years being at this location, they have gotten no complaints so with this new addition they have gotten some however, they are willing to work through them.

Commission Member Questions for the Petitioner (36:16):

- A. Jeschke: The parking you are anticipating and wanting to put in, would this just be for Elite Beverages and MT Nails?
- R. Cox: Just for Elite Beverages and MT Nails
- C. McCreight: When you put a parking lot in the middle of homes, sometimes they tend to be overflow for friends and family, etc. One small concern of mine, how are you going to manage that?
- R. Cox: Doing some research, not many people are going to need to use the back parking, unless it is during peak hours.
- C. McCreight: Are you keeping the dumpster at the same place?
- R. Cox: Yes, it is hidden from both streets and there is an enclosure around the dumpster itself.

- C. McCreight: I think it is reasonable to see if all 42 spots are needed or if we are just going to have 10 open spots all the time.
- R. Cox: In my experience we never have enough parking.
- B. Layton: Is the 5' buffer, 5' from Randy Chappell's fence?
- R. Cox: Yes, it is 5' from the fence.

Public Comments (56:32):

- Inaudible (Lives on West Garden – Two Properties Over from 225 West Garden): Want a more soundproof area so Vinal fencing seems like the best solution. (most of the comment is inaudible)
- Ms. Chappell: Need a sound barrier between the parking lot and the Chappell's house.
- Inaudible (Lives at South Merrill Street- right on the corner near 225 West Garden): Seeing how this town is growing, he does not support demolishing housing for parking lot that will create more traffic, especially with semi-trucks.

Government Officials Questions and Comments (1:14:05):

- Inaudible: Would be better if there was no entrance on West Garden so there is less traffic near the housing.
- Vanessa Battaglia (Town Council Member): Not clear on the history of this location, why they are just now needing more parking, rezoning dates, along with neighbors not aware of what is going on.

Rebuttal (1:19:30):

- R. Cox: We have been very good neighbors, and we are willing to change things to help make our neighbors happy. They are planning on creating a new fence however there is a driveway space between the proposed new fence and the home. As for the signage, to keep folks out and parking for MT and Elite, they are willing to put that up, so people know. As for the noise in the parking lot, we have camera's all over the place and so we can tell if there is a problem with someone loitering, partying, etc. He cannot image people being in the lot making noise and hanging out but if there are please call them and they will use the cameras and take care of it.

Motion to Approve with Conditions (1:27:26) – B. Layton. 2nd – R. Holland. Carried 5-0

- I. Must provide shrubs along Garden Street
- II. Aisle width along the northern parking strip must be 24' wide
- III. Cross-striped areas shall be eliminated with gained area going to enlarge side landscape buffers

- IV. Add “No Loitering” signs
- V. Parking lot lighting (if added) must be 25’ or lower if needed

Case No. MS-03-2024 – 442 445 E. Michigan Street Replat

Staff Presentation (1:32:37):

A. Zaklikowski gives presentation including map overview and images.

- Request by Sina Semsarzadeh to consider approving a Replat of the parcels at 443 445 E. Michigan Street for 2 new duplex homes
- Zoning is Residential 3.5
- Lot is currently vacant
- Replat is contingent upon approval of a couple Variances to be heard by BZA on November 27th
- Staff recommendation: Approve the Replat subject to the following conditions:
 - Must receive approval of both Variances from the BZA
 - Surveyor must file the official replat document for signatures

Commission Member Questions and Comments (1:39:04):

- B. Layton: When this was a previous duplex, there were two residents in this duplex?
- A. Zaklikowski: I believe it was one building and two units.
- B. Layton: So now we are proposing two buildings with a total of four units?
- A. Zaklikowski: Correct
- B. Layton: Going along Michigan Street there is not a lot of on street parking. She is trying to understand how we are going to figure out if there is available parking on the street for additional parking.
- A. Zaklikowski: Along the alley in the back could accommodate 3-4 vehicles.
- A. Jeschke: The height of the building depicted is within our ordinance, correct?
- A. Zaklikowski: Yes
- A. Jeschke: Going back to the parking is what is depicting in the plot plan what we are voting on tonight?
- A. Zaklikowski: What you are voting on tonight is the Replat
- A. Jeschke: Can parking be within the side setbacks?
- A. Zaklikowski: Yes.
- A. Jeschke: Saying it if there could be up to four parking spots per building. Is there anyways we could squeeze four parking spots for each of these lots across the back (in the alley) to accommodate for that?

- A. Zaklikowski: It would be tight, but you could. If they went down to 8' wide spaces, it would be possible but tight. In theory you could allow parking in front. However, in this case there was a want for an urban traditional home and have parking in the back. So, he would advise against that. If you wanted to add another parking space (in the alley) that would straddle property lines, you could do that and have a basic agreement between the two property owners that can say it is a floating parking space. Not a bad idea in this class because of the density and spaces needed.
- A. Zaklikowski: Could the Plan Commission require this project to come back for elevation discussion and because of the location of this project?
- A. Intermill: You could do either. If you had them come back to talk about the elevation, it would limit the discussion on the subsequent meeting. However, it is up to the commission.
- C. McCreight: Are duplex the direction this town is going towards?
- A. Jeschke: Our ordinance allows it.
- A. Zaklikowski: The zoning for Residential 3.5 is acceptable. The Plan Commission does have the right to change that and start the process if they do not want to allow duplexes.

Petitioner Comments (1:53:15):

- Tj Swanson (Architect for the owner of the property): Swanson Office of Design is the company name. They are trying to create properties that are fit within the movement that is happening in Fortville. There have been other properties in Fortville that have been developed with this kind of look from the front and the sides. They have done their best to address the parking that they can, however they have maximized on each side. They would be willing to add another space straddling the property line. They are willing to do anything the commission sees necessary to create the residential feel. It is a very common duplex feel with a large porch in front for the first and second floor so they believe anyone who lives there will feel apart of the community. It is not really an apartment building feel. Will present nice landscaping so it will also tie in that way.

Commission Member Questions for the Petitioner (1:56:28):

- A. Jeschke: Is there a third floor on these buildings?
- Tj Swanson: No there is not.
- A. Jeschke: Are your color schemes going to be the same on both buildings?
- Tj Swanson: He looked at having the same and different designs on each one but having two color schemes but the same designs on each one.

- N. Sturdevant: With 6' side yard setbacks on the outside, do these physically work to side a house and not encroach your neighbor – More of a comment for the board to discuss at a future time.
- B. Layton: What are the materials being purposed for this?
- Tj Swanson: Fiber Cement.

Public Comments (2:01:06):

- Ms. Harlson (439 East Michigan): Has some concerns, they have lived there for 33 years. Concerned because of the following, 2 story building with windows, lose natural light, lose privacy, could lower their property value, noise disturbance, and possible 8 more cars. Why do we continue to refurbish our homes if this new build will lower their property value?
- Nicole Roberts (449 East Michigan): She would have to move if they come right near their fence because she has two pit bulls and if they come near her fence the dogs will attack and then she will lose her dogs. She also has a daycare out of her home, and she does not want these strangers near the kids she watches. Her garden in her backyard will be done because of half of the amount of sun throughout the day.

Government Officials Questions and Comments (2:07:03):

- Tonya Davis (Fortville Town Council): Biggest concern is parking and understands the less sunlight and cannot see two houses on that lot. Can not justify that there will be enough parking. She does like the look but is hesitant on the location.

Rebuttal (2:08:55):

- Tj Swanson (Architect for the owner of the property): All he would like to say is they are trying to build these, so they look like just two houses. They do not want them to look like apartment buildings. The idea would be a fit into a residential neighborhood and to not drive down the property value.

Final Questions/Comments (2:13:15):

- A. Zaklikowski: One option that could be taken is to restrict the size of the apartments, so the building size is smaller.
- B. Layton: Regarding the view-shed, neighbors are concerned about the access to sunlight. Are all the houses nearby one story?
- Tj Swanson (Architect for the owner of the property): All except one are single story.

Motion to approve with Conditions (2:20:20) A. Jeschke. 2nd – B. Layton. Carried 3-2

- I. Must receive approval of both Variance from the BZA
- II. Surveyor must file the official replat document for signatures
- III. Maximum parking across the entire back width of the lot

Comprehensive Plan Land Use Map Update

Staff Presentation (2:22:48)

A. Zaklikowski gives presentation including map overview and images

- Map that was recommended for approval back in September went to Town Council and they made three minor changes and approved it with those changes.
- Changes include:
 - On 300 West and Broadway, the council wanted to see some Multi-Family Residential.
 - Area near Elite Beverages they extended “Residential-Traditional / Neo-Traditional” to north parcel lines for 3 lots on Garden St.
 - Converted 2 parcels on Main St. from “Residential-Traditional / Neo-Traditional” to “Multi-Family and/or Commercial-Small Town / Urban.”

Commission Members Questions and Comments (2:27:54)

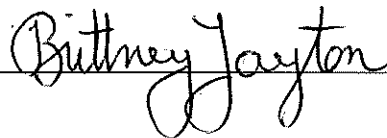
- A. Jeschke: These are potential zoning changes or just guidance?
- A. Zaklikowski: Just guidance, depending on if people want to change the zoning on the future. It is not binding.

Motion to Ratify (2:28:52) – A. Jeschke. 2nd – R. Holland. 5-0

Adjourn:

N. Sturdevant motion to adjourn at 9:01 PM. 2nd – C McCreight. Carried 5-0

Board Chairperson: _____



Recording Secretary: _____



Andy Williams