

MINUTES OF THE  
**JEFFERSONVILLE PLAN COMMISSION**  
July 28, 2020

**Call to Order**

Chairman Mike McCutcheon calls to order the Plan Commission meeting. It is Tuesday July 28, 2020, it is 6:00pm in the Mayor's Conference Room, Jeffersonville City Hall, 500 Quartermaster Ct., Jeffersonville, Indiana. The meeting was held online via the Zoom web platform and Facebook Live.

**Roll Call**

Members present were Duard Avery, Chris Bottorff, Bill Burns, Steve Webb, Kathy Bupp, and Mike McCutcheon. Absent was Joe Paris. Also present were Chad Reischl, Planning & Zoning Director; Les Merkley, Planning & Zoning Attorney; and Shawn Dade, Secretary. Mike McCutcheon was live in the Mayor's Conference Room. All others present via Zoom. Also present in the City Hall lobby to assist public participation was Shelby Moore.

**(Secretary's Note: All plat maps, photos, etc. presented before the Plan Commission on this date can be found in the office of Planning & Zoning.)**

**Approval of Minutes**

Approval of the minutes from June 30, 2020. Bill Burns makes a motion to approve June 30, 2020 minutes, seconded by Chris Bottorff. Roll call vote. Motion passed 5-0.

**Approval of the Docket**

Mike McCutcheon asked for a motion on approval of the docket for tonight, June 30, 2020. Docket item PC-20-37 has been requested to be tabled by the applicant. Steve Webb makes motion to approve, seconded by Bill Burns. Roll call vote. Motion passed 5-0.

**New Business**

**PC-20-37 Rezoning (Revised PUD) - Tabled**

**PC-20-38 Development Plan**

Andrew Schad filed a Development Plan application for property at 1711 E 10<sup>th</sup> Street. The property is zoned C1 (Commercial). The proposed development is an office building for TRC Construction with additional speculative space. The Docket Number is PC-20-38.

Andrew Schad stated they purchased the building to house construction offices, a title office, and one other space to lease.

Open public comment. No comment. Closed public comment.

Kathy Bupp joined the meeting at 6:06pm.

Bill Burns made a motion to approve with waivers, contingent upon BZA approval, seconded by Kathy Bupp. Roll Call vote. Motion passed 6-0.

### **PC-20-39 Rezoning**

Warren Cutshall filed a Rezoning application for property at 706 Spring Street. The property is zoned C1 (Commercial) and the proposed zoning is DC (Downtown Commercial). The Docket Number is PC-20-39.

Warren Cutshall stated we purchased the site with the intent to renovate for the vintage fire museum. City staff says the most appropriate zoning code is DC for the proposal.

Curtis Peters stated he is with the vintage fire museum. (*Secretary's Note – Mr. Peters statement was having trouble with his connection, and his statement was inaudible. It sounded like there will be storage of parade vehicles, interactive exhibits, and memorial to fallen fire fighters.*)

Open public comment. No comment. Closed public comment.

Mr. McCutcheon asked if this was mostly tidying up of paperwork?

Chad Reischl stated yes, this is adjacent to the downtown, with downtown commercial designations surrounding this property. We would like to continue to move that designation further down Spring St.

Duard Avery stated this would be better zoned for future use. How long is the lease for?

Warren Cutshall stated the intent is the Fire Museum to purchase the property eventually.

Les Merkley stated this is the preferred district for this property as this is the direction we as a city want to go.

Chad Reischl stated Mr. Cutshall also owns the property on the corner that is willing to move forward on the parcel later.

Ms. Bupp makes a motion to forward to City Council with a favorable recommendation, seconded by Mr. Webb. Roll Call Vote. Motion Passed 6-0.

### **ZO-20-06 Zoning Ordinance Amendment**

A text amendment to the Jeffersonville Zoning Ordinance was submitted for recommendation to the City Council. The proposed amendment is to revise overlay and development plan sections in Articles 5 & 9 of the Zoning Ordinance. The Docket Number is ZO-20-06.

Chad Reischl stated these are revisions to Articles 5 and 9. I realized articles 5 and 9 were the messiest in the Ordinance. There have been several amendments to these Articles over the years that haven't been implemented properly, and to make these a bit more cleaner. These complete a number of objectives. First it will make the ordinance easier to use. This revision brings all things with overlay districts into Article 5. This also incorporates previously adopted information that was previously adopted yet not completely integrated into the document. We brought in some of the maps for the overlay districts to help with ease of use. We also corrected a few minor issues, but by and large nothing substantial was changed. It was more housekeeping. We did nothing with the Tenth Street, Utica Pike, or the Wellhead Overlay Districts. We corrected what we think is a legal issue in the Quartermaster Summit Overlay District. Previously single family residences were not allowed, yet there are several in this

district. A property owner wants to tear down his single family home and rebuild, and currently cannot. In the Commercial Corridor Overlay District we are removing the gabled roof requirement. Finally, with Downtown Residential Overlay District and Quartermaster Summit Overlay District, we added a note that these standards do not govern the residential properties in them. Another clarification was added as prohibited building material which is pressed wood was added to the Overlay District.

Mr. Webb asked is this going to help streamline everything to help?

Chad Reischl stated it is streamlining the ease of use by both staff and the public. Process wise, there are now no requirements for the lack of gabled roof.

Duard Avery asked we passed a process where many of these things that are ministerial can be administratively approved; this won't slow anything down, so is it more easily approved and obtained?

Chad Reischl stated correct. This is making the document clearer. I think the residential issue is helpful, but mostly is cleaning up the document.

Les Merkley stated we have always voted for the variance for the gabled roof, and this removes this requirement. We have been giving this variance ever since we passed the ordinance for the gabled roof.

Mr. Webb asked is there a comparison between the old rules were versus the new?

Chad Reischl stated by and large, we are not changing the document all that much, we are moving things around. I have taken the language in Article 9 and moved it to Article 5.

Les Merkley stated correct me if I am wrong, but absolutely nothing has changed in the Utica Pike Overlay District.

Chad Reischl stated correct. Previously the overlay district was listed in Article 5, but the standards are in Article 9. We have simply moved them to the same location.

Les Merkley stated the only substantive changes were for the QSOD, which was the issue of single family residences, and the gable roof requirement for the CCOD. 20 years ago the gabled roof thing was the trend, now it is not. Now every time comes for a variance on the roof requirement and is granted, so why go through the hurdle?

Mr. Webb stated we were in the county before, and I want to see more detail of this, even there is mainly the same as before. I will be voting against this.

Les Merkley stated if you were annexed in, you would be grandfathered in to these requirements. If you were to build new or expand, this would affect that, but not if you're not doing anything. If you want to table and discuss more, that's fine, but I think Chad is supposed to just clean up things.

Steve Webb made a motion to table for further discussion.

Mr. Webb asked is this going to affect million dollar deals or something?

Chad Reischl stated no.

Mr. McCutcheon asked if we should open public comment?

Les Merkley stated I would open up for public comment.

Open public comment. No comment. Closed public comment.

Steve Webb made a motion to table r for further discussion, seconded by Bill Burns. Roll call vote. Motion passed 6-0. ZO-20-06 is tabled.

### **ZO-20-07 Zoning Ordinance Amendment**

A text amendment to the Jeffersonville Zoning Ordinance was submitted for recommendation to the City Council. The proposed amendment is to add additional information and restrictions regarding the location of drug rehabilitation centers in Jeffersonville. The Docket Number is ZO-20-07.

Chad Reischl stated before you we have revisions to multiple articles. The current ordinance regulates drug alcohol rehab clinic in a number of zones. 2012-OR-53 gave us some information on pain management clinics. It does not differentiate between the broad range of treatment options. Recently a place opened up in OC district which was permitted, and is surrounded by residential. The proposed changes better defines the range of treatment options, and where they are permitted by right or by special exception. It is currently permitted in OC, and is not the preferred location for these. We have continued to allow the outpatient to remain in Institutional. We specifically called out Inpatient where people are staying as a special exception in IS. We went into Article 7 and put in a few other location standards to protect schools, homes, and parks, and aren't locating these next to public uses. There are also rules that regulates the distance between other treatment facilities.

Les Merkley stated we have been working on this for a while, and our code does not define this well. The courts could interpret our code as vague and overly broad.

Kathy Bupp asked if these were located in only one zone?

Chad stated Outpatient is permitted in IS, but special exception in the others. There are 3 classifications, Inpatient, Outpatient, and Pain Management Clinic, and all are special exception in the districts where they are allowed, with the exception of Outpatient being a permitted use in the IS, as it is already permitted there. Outpatient is just counseling, no drugs are administered.

Les Merkley stated it gives us more control and oversight, and this is a better way to deal with this issue.

Open public comment. No comment. Closed public comment.

Kathy Bupp made a motion to forward a favorable recommendation, seconded by Steve Webb. Roll call vote. Motion passed 6-0.

**Reports from Director and Staff**

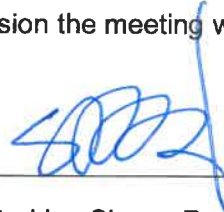
Chad Reischl stated the last zoning code update was in 2001. Earlier this year the mayor stated updating the zoning code was a priority. Last year we sent out RFQ to assess the costs to the city. The costs were between \$100K and \$200K. Then COVID hit. While it is difficult and time consuming, I feel the Planning staff has the expertise to do the update in house. We feel it is doable. While my sense the pace of development is not slowing, but we don't know how the future will go. So I want to introduce my plan to create a new Unified Development Ordinance.  
*(Secretary's note – Chad Reischl shared his screen and shared a presentation.)*

**Adjournment**

There being no further business to come before the Plan Commission the meeting was adjourned at 6: 52 pm.



Mike McCutcheon, Chair



Submitted by: Shawn Dade, Secretary