

PLANNING COMMISSION

TOWN OF EDINBURGH
107 S. HOLLAND ST.
EDINBURGH, IN 46124

STAFF REPORT

Wade Watson
PC 2023 – 03
April 18, 2023

STAFF REPORT

CASE NUMBER: PC 2023-03
CASE NAME: DOLLAR GENERAL SITE DEVELOPMENT & REZONING

GENERAL INFORMATION:

Affected Property: 7778 SR 252, Edinburgh, IN 46124

Applicant: Daniel Rooks
11221 S 425 W
Edinburgh, IN 46124
(502) 507-0383

Agent: Will McDonough
Paul Primavera & Associates Engineering & Land Surveying
301 East Chestnut Street
Corydon, IN 47112

Property Owner: Daniel L Rooks
11221 S 425 W
Edinburgh, IN 46124

Area: 3.70 +/- Acres

Existing Zoning: R-1 – Suburban Residential

Current Land Use: Residential

Parcel Numbers: 41-12-27-044-017.000-001

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

REQUEST:

Case PC 2023-03 Dollar General Rezoning. A request by Daniel L Rooks to rezone a parcel from R-1 to RB (Roadside Business); and Site Plan Review within the Highway Corridor Overlay District for development of Commercial Retail Business and to waive requirements from Division 3 Section 156.133(2).

SURROUNDING ZONING:

SURROUNDING LAND USE:

North: R1 - Suburban Residential

Vacant & Agricultural (Buffer Zone)

South: R2 & R4 Residential

Single-Family Residential

East: R1 - Suburban Residential

Single-Family Residential & Agricultural

West: RB – Roadside Business

Edinburgh Street Department

DOCUMENTATION REQUIREMENTS, LEGAL AND PUBLIC NOTIFICATIONS:

Petitioner has satisfied all documentation requirements, legal and public notifications specified in the Town of Edinburgh Plan Commission Application Packet. As of the date of this report, staff has received one letter of support of the project (attached as Exhibit "A") and has not received any written remonstrance to the petition.

HISTORY:

The subject property was part of the territory included in the Extraterritorial Jurisdiction (Two-Mile Jurisdiction) exercised by the Town of Edinburgh into Johnson County on July 13, 1987, (established by Ordinance Number 6). In 1991, the Town of Edinburgh took specific action to consider the future needs of the community by strategically planning for growth and development. The Strategic Plan development by this action included Land Use Strategies, Infrastructure Development Strategies, and an Implementation Strategy. One of the implementation strategies completed at during this exercise were revisions of the zoning and subdivision codes and the establishment of the Zoning Maps which are currently in use today. During this process, zoning for the subject property was established as R-1 (suburban residential) presumably because of the size of the parcel and its location relative to properties to the east.

On February 17, 2023, through his Agent, Mr. Daniel L. Rooks filed a petition to annex the subject property into the municipal boundary of Town of Edinburgh.

Following its Second Reading, Ordinance 2023-6 was adopted on March 27, 2023, the Edinburgh Town Council unanimously approved the Ordinance Annexing of Real Estate at 7778 East State Road 252, Edinburgh, Indiana, (Pursuant to Indiana Code 36-4-3-5.1). Town Council also

approved Resolution 2023-8; (a Resolution to Adopt the Written Fiscal Plan for the Annexation of Real Estate at 7778 East State Road 252, Edinburgh, Indiana).

CASE CONSIDERATIONS

The Plan Commission is requested to consider three aspects of this petition requiring decisions:

- A. Petition to Rezone
- B. Petition for Site Development
- C. Petition for a Waiver of Requirements

A. REZONING REQUEST:

The Plan Commission is charged with the responsibility to review all petitions for amendments to the zoning map and to submit their findings by either a favorable or an unfavorable recommendation to the Edinburgh Town Council based on their analysis of the petition. The Council then hears the Plan Commission's recommendation in a public meeting and if approved, would consider an Ordinance amending the Zoning Map.

1. **Existing Zoning:** The current zoning for this property is R-1; (Suburban Residential). Districts designated for residential use 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 districts is to create an attractive, stable, and orderly residential environment.
2. **Proposed Zoning:** The proposed rezone is to be RB; (Roadside Business). Districts established for specific business types is to provide for efficient traffic movement, parking facilities, fire protection, and police protection. The purpose of these districts is to provide unified shopping and service districts conveniently located in areas appropriate for business use and to establish standards for the design of sites, buildings, structures, plantings, signs, street hardware and such other improvements that are visible to the public.
3. **Surrounding Zoning:** This is a mixed-use area. As stated in the General Information section of this report, the existing zoning for the adjacent property to the west of the subject property is RB. Zoning for the property currently used for the Edinburgh Self

Storage Business to the immediate northwest is also zoned RB. Properties to the south and east of the subject parcel are zoned residential.

4. **Purpose for Rezone:** The existing residential zoning of this property does not permit Retail Sales. The purpose for the petition is to rezone the parcel to be compliant with the proposed use, amending the Zoning Map to a district which permits retail sales.

B. SITE DEVELOPMENT:

Plan Commission should review the following criteria when considering this petition prior to issuing approval for the proposed site development. §156.130 establishes the Purpose, Intent and Significance of the approval process by the Plan Commission.

- a. **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.”
- b. **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.”
- c. **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.”

1. **§156.131** establishes the boundaries of the Highway Overlay District to be the area within six-hundred (600) feet on each side of the designated highways as measured from the centerline of the right-of-way. This entire project exists within this boundary.
2. **State Highway Standards:** Access into and out of the property will be controlled by standards established by Indiana Department of Transportation (INDOT). All safety considerations for motorist entering/exiting the property as well as through traffic will be regulated by the Federal Highway Standards adopted by the State. This will likely include deceleration and turn lanes.
3. **Traffic Concerns:** Dollar General is not generally considered a “destination location” therefore should not attract additional traffic to the area. Their business model is designed to serve the needs of local residents in the immediate community. Being a State Highway and as a gateway into and through Edinburgh, traffic on SR 252 will always be diverse including both commercial and passenger vehicles. This mixed-use area which consists of residential and non-residential properties including: Edinburgh's Street Department, Fire Station, Self-Storage Units, Health Clinic, and a Church. In addition to passenger vehicles, this highway is used by commercial truck traffic for the local industries, wood veneer mills, military convoys, and construction traffic associated with the gravel quarries in the area.
4. **Proposed Building/Structure:** The development is proposing a 12,480 square foot structure called “Dollar General Market” providing a full line of grocery and household products for sale. This development plan is the largest model the Dollar General Company is currently building. The architectural scope and design of the project is planned to be very similar to the Dollar General Store recently built in Flatrock approximately eight (8) miles east of Edinburgh on SR 252. However, this store is planned to be approximately 20% larger than the store in Flatrock.
5. **Subdivision Ordinance:** Except for the Request of Waiver outlined below, the developer has agreed that this development will be in full compliance with all the Subdivision Ordinances and requirements for development within the RB Zoning District and the standards established for development within the Highway Corridor Overlay District. These Ordinances establish standards for the architectural design, landscaping, drainage, sewerage, parking, signage, lighting, and access to the property.

6. **Privacy Fence:** The Developer has agreed to construct a privacy fence to reduce whatever negative impact may be associated with the retail business to the neighboring residential properties.
7. **Hours of Operations:** Dollar General is proposing to provide retail goods and grocery products for our community's east side. The general hours of operation anticipated are 7AM to 9PM with deliveries arriving between the hours of 9Am to 5PM.

C. WAIVER OF REQUIREMENTS:

The developer is requesting a waiver of the following section of Zoning Ordinance Division 3. §156.133(2) establishes the following Architectural Design Requirements for development within the Highway Overlay District:

- a) Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired or used in this Overlay Zone which abut or are adjacent to U.S. 31 and S.R. 252. Exceptions to this requirement may be permitted on a case-by-case basis by the Edinburgh Plan Commission or its duly appointed or designated representative.
- b) Building facades may be constructed from masonry or glass, as defined below or other materials or products which provide the same desired stability and quality. Products other than those listed below must be approved by the Edinburgh Plan Commission or its duly appointed or designated representative.
 - 1) MASONRY CONSTRUCTION: Which shall include all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Edinburgh Plan Commission or its duly appointed or designated representative."
 - (a) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
1. **Proposed Exterior Finishes:** The developer requests a waiver from the requirement of Masonry Construction to permit the sides and back of the building to be constructed with metal exterior siding. The front of the structure will be constructed to have a brick façade on the lower portion with an EIFS type product for the crown of the building.

The color of the EIFS will likely be changed from the Flat Rock store but it should look similar but without the metal canopies.

PLAN COMMISSION ACTION

The Plan Commission have been asked to consider approval on three (3) separate decisions:

1. The Commission is to consider the rezone request and submit either a favorable or an unfavorable recommendation to the Edinburgh Town Council to rezone the subject property from R-1 to RB.
2. The Commission is to consider either the approval the site development as submitted, to deny the site development as submitted, or to approve the site development plan as submitted with modifications.
3. The Commission is to consider either to approve or to deny the Request to Waive Requirements of the Zoning Ordinance §156.133(2).

STAFF RECOMMENDATIONS

Based on this investigation, staff recommends the Plan Commission approve the Dollar General proposal for the site developmental as submitted on February 09, 2023 subject to the following conditions:

1. That the Plan Commission make a Favorable Recommendation to the Edinburgh Town Council to rezone the property from R-1 to RB to allow for development of the property for commercial retail sales.
2. That the Plan Commission 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 the architectural exterior finishes as proposed,
3. That the project be compliant with all other developmental standards established in the Edinburgh Zoning Ordinances for development within the Highway Corridor Overlay District for which a waiver is not specifically granted,

4. That all aspects of this project development be compliant with all applicable Building Codes adopted by the State of Indiana for construction of Commercial Buildings, and all applicable developmental requirements of the Edinburgh Zoning Ordinances, and the Town of Edinburgh Utility Department's standard practices,
5. That prior to commencement of any site development on the subject parcel, the Developer shall submit construction plans to the Indiana Department of Homeland Security for approval and the acquisition of a Construction Design Release and to the Edinburgh Building & Zoning Official for plan review, approval and issuance of a local construction permit by the Edinburgh Planning Department,
6. That this decision is only granted to this Petitioner, and any waiver of requirements granted shall not be transferable to any other development of this property not directly associated with this plan submittal.
7. That this decision is null and void should the Petitioner fail to develop the project within three (3) years of the date of the Plan Commission Findings of Fact

Respectfully Submitted,



Wade Watson

Interim Town Manager & Planning Director

EXHIBIT A

Town of Edinburgh

I Duanna Sinclair & Edward Sinclair property owners of 7775 east State Road 252 of Edinburgh Indiana would like to see the dollar store to be built at 7778 east State road 252. We feel this would be good for the town of Edinburgh.

Thank You,
Edward & Duanna
Sinclair