

NEW CASTLE PLAN COMMISSION
JANUARY 15, 2025 MEETING MINUTES

Members present: Ed Hill, President
Dave Barker, Vice President
Rex Peckinpaugh, Voting Member
Kenny Melton, Voting Member
Larry Abrams, Voting Member
Don Criswell, Voting Member
Joel Harvey, Attorney
Janet Davis, Secretary

Absent: Vacant Voting Member Seat

Also attending: Matthew Dynes; Shawn Dade, TSW

The New Castle Plan Commission met on Wednesday, January 25, 2025, in the City Council Chambers.

City Attorney Joel Harvey called the meeting to order at 6:00pm, first asking for nominations for the 2025 officers. Larry Abrams nominated Ed Hill to continue as president, second made by Kenny Melton. Nominations were closed when no others were made, and the nomination passed unanimously by those in attendance. Dave Barker then nominated Rex Peckinpaugh to serve as Vice President, and second was made by Larry Abrams. When nominations were closed with no others made, the members attending then unanimously passed this nomination.

President Hill then asked if the members had read the minutes from the November 20, 2024 meeting, and when all agreed they had, Dave Barker made a motion to approve, with second made by Larry Abrams, and this motion passed unanimously by those members in attendance.

The next item on the agenda was an application made by Ashton Land Surveyors for Integrity Land Management, PC-3-24, requesting to plat twelve (12) lots on parcel 030-83746-00, which is located west of Meadowbrook Drive and east of Spiceland Pike, and currently zoned R1 single-family residential zoning.

Building Commissioner Kenny Melton advised the Joyner property had been split into two parcels, with Integrity Land Management purchasing the northern split. This northern parcel is the land under consideration with this plat request. He further advised that Ashton Land Surveyor had requested a continuance, due to the city's engineering firm not yet completing the review process with Ashton's.

The Building Commissioner then made a motion to grant the continuance, with second made by Larry Abrams. The members unanimously voted in favor of granting the continuance.

The commission then recognized Matthew Dynes of 1785 South Spiceland Pike, who attended the meeting to hear about the proposed plat. He asked if the plat was available to view, and was told that the original plat submitted was available in the office of the Building Commissioner but to be aware that some changes had been made, as the engineering firm and the surveyor worked through some technical points. He was further advised that the lots had not changed. Mr. Dynes said he was not against the development, but was curious about it.

The next item on the agenda was a request for the commission to consider replacing the current zoning and subdivision ordinances with the proposed Unified Development Ordinance (UDO).

Shawn Dade, Senior Planner with Taylor Siefker Williams Design Group, approached the commission with a presentation of the UDO, along with a proposed update to the current zoning map and fee schedule.

He explained that the UDO was the zoning and subdivision ordinances combined into a single ordinance. Each district has been summarized; land uses will be more contemporary; changes in state and case law changes have been incorporated; the plans, goals and objectives incorporated in 2018 in the city's comprehensive plan have been incorporated; processes and procedures have been streamlined and clarified; and the information is easier to find with the hyperlinking available in the document; current zoning definitions and subdivision definitions are conflicting and these conflicts have been eliminated allowing for more consistency.

A steering committee met seven times in 2024, beginning in January and ending in October, and included council members, staff, and Indiana Landmark/Historic Preservation. A public workshop then occurred in October to review the final draft. This document includes nine chapters with 222 pages, with 37 or 38 pages of definitions and 37 or 38 pages of procedures.

Chapter 1 is Administration, which provides the language for statutory authority, establishes administrative positions for the administrator for plan commission and board of zoning appeals, and provides transition policies for pending applications and permits. Chapter 2 establishes the zoning districts and overlay districts, describes the official zoning map, and sets policy for administrative decision to classify land uses and to classify unlisted land uses, because uses change over time. The Historic Preservation is now the Downtown Core (DC) with a transitional district around it (DT), as well as a renewable energy zoning district that does not yet appear on the map since none currently exist. The district provides language for future use, and would require rezoning should that happen.

Chapter 3 includes standards for specific uses that might be acceptable as a permitted use or a special exception use but additional guidelines and standards are necessary because of the potential impact on surrounding properties. These uses include accessory dwelling units, short-term rental units, RV parks, junkyards, home based businesses, and home occupation. Chapter 4 addresses site development standards in the city. This includes driveway standards, parking, lighting, landscaping, sign and structure standards. Buffer yard requirements have been added, with consideration given to surrounding zoning. Clarifications were added to keep pools surrounded by 4' fencing or automatic covers, and the UDO now references the state's pool code as a whole, rather than specific sections.

Chapter 5 deals with the different types of subdivision allowed in the city. A minor subdivision section has been added, allowing for a smaller split for up to three parcels including the remnant. This would expedite those smaller residential divisions such as splitting land for family. Chapter 6 covers the subdivision design standards set forth for these subdivisions. These include lot and block requirements, open space requirements in commercial developments, mail delivery requirements, and public road design. Chapter 7 sets forth procedures for all application types in the UDO, and includes graphic flow charts as well as text for easier use. It establishes standards for documented drawing requirements, violations and surety requirements. Chapter 8 covers all non-conformances, both legal and illegal non-conforming and establishes standards for non-conforming lots, structure, uses and districts. Chapter 9 provides the definitions for the uses and terms in the UDO with graphics of explanations, and establishes standards for defining terms not yet used in the document.

This document should be viewed as a living document, to be reviewed and amended from time to time. It will need to change.

The proposed zoning map was then presented. Mr. Dade pointed out that two new districts were added to the downtown area, as well as an overlay district. The overlay basically runs from State Road 3 to South 11th Street, currently what is known as the gateway conservation district. This includes the parcels bordering Broad Street on the north and on the south sides. The current perimeters were not changed. The downtown historic district is the DC zoning. If the Historic Preservation district changes, zoning would also have to be changed. The next ring around the Downtown Core is the Downtown District (DT), to allow for transition from the historic zoning. Hopefully, this will reduce some of the existing nonconformities.

Additionally, the new zoning map proposes several changes on the commercial properties along State Road 3, from C1 to C2 zoning. This would also decrease some of the existing nonconformities. The new map also reflects some map error revisions, from previous rezonings that were not yet reflected.

A new fee schedule was provided to each member, so they could easily review it, with page one including the updated fees for the Plan Commission and Board of Zoning Appeals, and page two reflecting the updated building permit fees and fines. The analysis considered the fees in the surrounding areas as well as staff time and resources, and then revised the fees with the residential property owner in mind. Permit fees were found to be a little excessive and so revisions were adjusted with that in mind.

The UDO will now include a requirement for public notice signs for Plan Commission and BZA applications. Two will be included with the application fee with additional purchased by the applicant at \$20 per sign if the size of the property required more than the two provided. The signs would be in addition to the existing requirements to notify neighbors with certified letters and to publish a notice in the local newspaper.

Mr. Dade then requested a favorable recommendation to go to council for the UDO, the zoning map and the fee schedule.

Mr. Dade then worked through the UDO on the screen, giving examples using the hyperlink to show how easy it was to move through the document to find answers to specific questions. During that presentation, several specific items were noted, including the following:

- The UDO will not apply to any development or permit application filed before adoption.
- An overview of the land use matrix and how to use the hyperlink was provided.
- Campers in mobile home parks would now be specifically prohibited, as RVs are not permanent living quarters per HUD standards.
- Language about agriculture was included, even though ag is no longer a permitted use, and this was because the city still has some legal conforming ag uses around the outlying limits.

The commission was informed that TSW will be hosting a training session in the near future for council, commission and board members that will also be open to the public.

After President Hill opened the floor for public comment, Mr. Dynes stated he felt updates were necessary and he had no issue with anything he had heard. He was not concerned with the fact that campers would be prohibited in mobile home parks, as those were not property owners paying property taxes. Don Criswell then pointed out that the owner of the mobile home was a property owner paying taxes, and this would affect his business, but he also understood the reasoning behind the prohibited use.

When asked, Joel Harvey confirmed that three separate motions should be made: one for the UDO, one for the zoning map, and one for the fee schedule.

Larry Abrams then made a motion to favorably recommend the UDO, second by Rex Peckinpaugh; the motion unanimously passed.

Dave Barker made a motion to favorably recommend the zoning map, second by Larry Abrams; the motion unanimously passed.

Don Criswell made a motion to favorably recommend the fee schedule, second by Rex Peckinpaugh; the motion unanimously passed.

Next, Mr. Dade proposed the revised Plan Commission Rules and Procedures for this commission to adopt. This includes the outline of the rules and regulations and an updated application packet. The revision was based on the existing documents with some updated language and clarifications. This document needs Plan Commission approval only, and would not need council's approval. A new packet would also be presented to the Board of Zoning Appeals at their next meeting.

Joel Harvey then advised Mr. Dade that he recommended two corrections in the UDO. The first was on page 15, letter D, third sentence states "reote", which is a term he did not recognize. Mr. Dade advised "renotification" had been misspelled. The other correction was on Page 18, where the document refers to the priority of laws, and if the rules conflict with state, currently reads if the county is in conflict, but it should read city as opposed to county. Mr. Dade will correct those and provide a clean copy for signature.

Discussion then turned to when council might consider the UDO, map and fee schedule. Joel Harvey stated he believed statute stated that when council considers a replacement ordinance, they would at least need to introduce it at their next meeting, scheduled for January 21st. They could either adopt it, revise it or reject it, or set another hearing. Mr. Dade intended to return to make a presentation to council but would not be available on 21st. Rex Peckinpaugh commented council should consider it on January 21st, but can table it if needed.

Don Criswell asked if council only had to vote once, and was informed this would be decided by council. They could choose to vote only once, and make the document effective the next day if they voted to adopt it. Once it is adopted, Mr. Dade will place the effective date on the document then forward a digital copy to the Building Commissioner's office. He will also provide digital information for the zoning map to the county's GIS to add the updates to their mapping. Physical copies will then be ordered to provide to the city, along with a thumb drive with the digital files.

Kenny Melton made a motion to adopt the Plan Commission Rules and Procedures and the application packet, along with the revisions discussed at this meeting; second by Larry Abrams; motion carried unanimously.

Mr. Dade thanked the steering committee members present for the hard work put in to create this document.

With no additional business before the Commission, Dave Barker made a motion to adjourn, second by Rex Peckinpaugh. The meeting adjourned at 7:15 pm.

Respectfully submitted by:



Kenny Melton

New Castle Plan Commission

