

Yorktown Planning Commission

FINDINGS OF FACT

PETITION NO. 2022-04 REZONE

SUBJECT PROPERTY: 8620 W. Smith Street, Yorktown

PETITIONER: Compton Addy
Rookwood Tower Suite 390
3805 Edwards Rd.
Cincinnati, OH 45209

A hearing was held, pursuant to due notice regarding the above-mentioned application for rezoning, on the 2nd day of November, 2022. Testimony and evidence from the Petitioner, remonstrators from the public, and the Town were received by the Plan Commission members.

1. The Petition was presented by a representative of Petitioner, requesting a rezoning from IS (Institutional) to C-1 (Commercial).
2. Testimony was given by members of the public who presented concerns about traffic, safety, flooding, and their property values. A summary of the testimony presented is available in the minutes of the meeting, incorporated herein by reference.
3. The Comprehensive Plan states that the Institutional zoning district is established for institutional and municipal owned lands both public and quasi-public, where the use is for public purpose and is anticipated to remain permanent.
4. The Planning Commission, in reviewing this application, paid reasonable regard to the following factors:
 - a. The content of the Yorktown Comprehensive Plan.
 - b. The current conditions and character of current structures and uses.
 - c. The most desirable use for which the land in each district is adapted.
 - d. The conservation of property values throughout the jurisdiction.
 - e. Reasonable development and growth.
5. Based on the foregoing facts, the Plan Commission finds:
 - A. This parcel is recommended by the Comprehensive Plan to remain zoned Institutional; and
 - B. Rezoning this parcel to C-1 is not part of the reasonable development and growth of the Town; and
 - D. The application for rezoning should be denied.

Being duly advised, the Plan Commission recommends as follows:

The application/petition should be:

☐ Approved as submitted
☐ Approved with conditions
☐ Approved with modifications
☒ Denied

The Yorktown Town Council has ninety (90) days to review the Plan Commission's recommendation to deny this rezoning request.

A handwritten signature in black ink, appearing to read "Ryan Jaromin", is written over a horizontal line.

Ryan Jaromin, Plan Commission President

PLANNING COMMISSION
Wednesday, November 2, 2022
5:00 pm
Town Council Chambers

Members Present:

Jason Gasaway
Mark Darrall
Nanci Perry
Jerry Hoffman
Ryan Jaromin
Dan Flanagan

Members Absent:

Tom Chiudioni

Others Present:

Matt Ray
Erin Hurley
Maura Hoff, Defur Voran
Dan Lewis, Petitioner

The meeting was called to order at 5:00 pm by President Ryan Jaromin who then led the Pledge of Allegiance. Members present were Nanci Perry, Jerry Hoffman, Dan Flanagan, Jason Gasaway, Ryan Jaromin, and Mark Darrall. Tom Chiudioni was absent.

The minutes from the September 7, 2022 meeting were distributed. Jason Gasaway moved to approve the minutes. Dan Flanagan seconded the motion. All members present voted Aye.

Old Business:

There was no old business.

New Business:

Zoning Change: 8620 W. Smith Street

Building Commissioner Matt Ray presented a petition from developer Compton Addy to rezone two parcels of land located at 8620 W. Smith Street. The parcels are owned by the Eddie Gene McKibben Revocable Trust.

Dan Lewis, a civil engineer representing the petitioner was present at the meeting. Mr. Lewis stated that the parcels are currently zoned IS (Institutional) and they would like them to be rezoned C-1 (Small to Medium Scale Commercial). There are other nearby properties next door and across the street that are already zoned C-1 and an appropriate use is Commercial. He brought conceptual sketches of the Family Dollar that is planned for the space. Today he is requesting only rezoning. The lots in question are not contiguous to the school and the appropriate use matches the property next door.

Matt Ray described the different possible uses for IS and C-1 zones. He also stated that the comprehensive plan describes future land use for the property to remain Institutional.

Public Hearing:

President Ryan Jaromin opened the public hearing and opened the floor to anyone in favor of the rezoning. Hearing none, he then opened the floor to anyone opposed to the rezoning.

Sharon & Mike Woodruff, 1413 S. Pleasantview Dr.

They expressed concern about traffic, lights, safety, truck delivery, water runoff, and empty storefronts already in Yorktown.

Richard Blanch, 8504 W. Grandview Dr.

He is concerned about declining value of neighboring homes, the difficulty getting down the hill, and school traffic.

Martha Richards, 8504 W. Grandview Dr.

She stated that the area is filled with children and that additional traffic would be disastrous to the neighborhood. She worries about hurt children from the traffic and from a retention pond.

Ashley Brown, 1457 S. Pleasantview Dr.

She is very concerned about additional traffic and feels there will be a parking issue with the 50 required spots; she stated that Dollar Stores are a predatory business and have a negative impact on a community and this is not the direction Yorktown wants to go, she added that drainage will be a problem because the area is always very saturated and that bright lights in the back of the business will affect privacy in the neighboring houses.

Barbara Terrell, 1501 S. Pleasantview Dr.

She is concerned about the value of homes, additional trash in the parking lot that will blow into yards, and safety.

Betty Ousley, 1500 Pleasantview Dr.

She had questions about the necessity of closing streets down during construction, the devaluing of property, and is concerned about school traffic that is already backed up along SR32 when school is in session.

Jay Johnson, 1401 S. Pleasantview

He is concerned about home values, congestion, and echoed the concerns of the others.

Abraham May, 1405 S. Pleasantview

He has extremely small children and is concerned with their safety with construction and a pond that close. He is also worried about the environmental impacts of additional light, noise, and traffic and added that the area is already well served by this type of business.

Mike Blanch, 12051 W. State Rd 32

He expressed concern with the traffic in and out daily as the school traffic already backs up State Rd 32 with people parking on the highway; he thinks there will be many wrecks as people try to get up the hill to pull out, and he would rather see the land be used for an institutional use such as a park.

Petitioner Dan Lewis responded to the concerns by stating that they are still in the site plan phase and the issues raised will be addressed. The developer will meet all requirements in the Yorktown ordinance. They will construct their own drive onto SR32. The store will open at 9:00am and peak hours are 5:30 pm-7:30 pm so their customer traffic should not compete with school traffic, although delivery times are typically during non-business hours. There will be some fill on the site so the building will be higher than the road on the site plan. They have not yet done a traffic study and will work with INDOT for a permit in the site plan phase.

Commission member Mark Darrall stated that rezoning has nothing to do with the store or this particular project. The rezoning is in perpetuity and all possible uses should be considered before rezoning to Commercial.

President Ryan Jaromin closed the public hearing at 5:43 pm.

Attorney Maura Hoff listed the criteria for consideration for the Planning Commission and added that the rezoning should take place only if appropriate for all allowed uses. Their recommendation will be forwarded to the Town Council.

Member Nanci Perry stated that she has reviewed the comprehensive plan and feels that this rezoning does not fit. The comprehensive plan tries to make development cohesive and she would like to focus on business diversity. Member Jason Gasaway added that the standard for Institutional use is to minimize impact to surrounding properties. Ryan Jaromin replied that a tattoo shop used to be at this location and the town does not own the property. He is worried that it is becoming more difficult to do business in Yorktown.

Mark Darrall moved to recommend denial of the petition to the Town Council. Jason Gasaway seconded the motion.

The vote was taken by roll call to recommend to the Town Council a denial of the rezoning:

| | |
|---------------|--------|
| Jason Gasaway | Yes |
| Mark Darrall | Yes |
| Nanci Perry | Yes |
| Jerry Hoffman | Yes |
| Dan Flanagan | Yes |
| Tom Chiudioni | absent |
| Ryan Jaromin | No |

Motion carried 5-1. Attorney Hoff will prepare the Finding of Fact which will be presented at the next Town Council meeting.


Matt Ray asked for volunteers to form a sub-committee to review the ordinance on fees for sign permits and Downtown Overlay sign rules. Mark Darrall and Nanci Perry volunteered with Jerry Hoffman to serve as an alternate.

Matt Ray waived a sign permit fee for Eric Baize's office at the Oliver and asked for the Planning Commission to ratify this waiver.

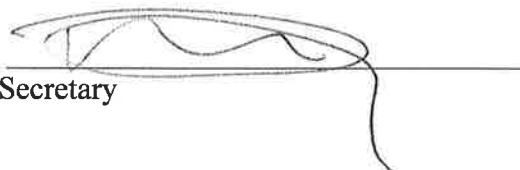
Dan Flanagan moved to ratify the fee waiver. Jason Gasaway seconded the motion. All members present voted Aye.

With no other business or comments, the meeting adjourned at 6:00 pm.

The next regularly scheduled Planning Commission meeting will be Wednesday, December 7, 2022 at 5:00 pm.



President



Secretary