

Minutes

Elwood Town Planning Commission Work Meeting

Tuesday, September 19, 2023

The Board of the Planning Commission of Elwood Town met at the Elwood Town Hall at 7:00 pm, on Tuesday, September 19, 2023.

Present: Quinn Hamson, Phil Shimek, Britton Hayden(via zoom/phone call), Kevin Hall

Others Present: Amy Hugie(Town Attorney), Steve Woerner(Public Works Dept), Shane Taggart(Town Engineer)via phone call, Scott Goodliffe(Town Council Rep), Karolina Munns(Planning Commission Secretary), Zack Pali, Henry Thompson, Robert Shaw

Commissioner Hamson conducted the meeting, by welcoming everyone to the meeting.

Commission Business

- Action Item A: Recommend Elwood Town Ordinance Amendment Access Roads 150.146(c) and 150.147(p). Amy reviewed the changes made. We are a city that is named a town, and the code references ‘city’. Commissioner Shimek motioned to recommend Elwood Town Ordinance Amendment Access Roads 150.146(c) and 150.147(p) to Town Council, Commissioner Hall seconded the motion, all in favor, motion passed.
- Action Item B: Flag Lot - Henry Thompson for Stephanie & Jon Murdoch, 9600 North. Commissioner Hamson said it was kicked back to the Planning Commission. Amy Hugie stated that in code the town council does not take action on flag lots, the planning commission does. Henry Thompson’s request does not meet code requirement as Samuel Heiner stated in his August 9th email to Henry Thompson, and Henry can not ask for a variance until there is a final decision from the planning commission. Amy Hugie recommends that the planning commission deny the flag lot. Henry Thompson addressed the planning commission, explaining his original road plans with the lot and the plans approved by the planning commission. Henry presented a subdivision plat and reviewed the town minutes in 1984 for information. Henry said if we don’t approve this we are going back on the town’s word and making a hardship to Henry with a landlocked/unusable lot. Amy Hugie, stated that asking under a flag lot is not matching the code. Commissioner Hayden stated that it seems that this is a variance issue, and Amy stated a decision needs to be made here. Henry Thompson has changed the plat with a current lot line adjustment and thus current code now applies. Code does not address shared flag lot access. Discussion found that the flag lot is currently not in any

subdivision. Commissioner Hall motioned to deny the flag lot based on the fact that it does not meet flag lot requirements. Each flag lot needs 30 feet access, and with 2 flag lots the ordinance does not speak of shared road access. Also, the commission found last night that the flag lots need to be in a subdivision per code for Henry Thompson, Commissioner Shimek seconded the motion, all in favor, motion passed. Henry Thompson is now able to request a variance with Gina, Town Clerk.

- Action Item C: Preliminary Plat - Robert Shaw Subdivision, 4650 West. Steve Woerner, Elwood Town Public Works Department addressed the commission. He stated that Elwood is intending to purchase lot 4 for a secondary water holding pond. The commissioners questioned how/why Jones and Associates can prepare the plan and also review the plan. Steve Woerner stated that Elwood Town already questioned this process, in fact, Shane Taggart, Jones & Associates, brought it up and it was determined that this process is ok with the standards and professional license that Jones & Associates certified with his engineer stamp. Discussion continued and Shane Taggart, town engineer, called in and addressed the commission and answered questions about the city project and lack of conflict of interest. The new subdivision will have access by a new road on 4650 West. Commissioner Shimek motioned to recommend the preliminary plat, Robert Shaw Subdivision to town council, Commissioner Hayden seconded the motion, all in favor, motion passed.

Work Meeting

- Discussion Item A: Elwood Town Ordinance Site Plan Approval Required 155.015. Amy Hugie addressed the commission with an ordinance draft. She researched and suggested we want the planning commission to look at all commercial site plans, with an exception for the Zoning Administrator to review/approve residential dwellings and accessory buildings. The commission accepted this and requested that it be a public hearing at the next meeting, October 3rd.
- Discussion Item B: Parking of commercial vehicles in residential areas. Discussion continued with the example submitted per Commissioner Hamson. Amy Hugie stated that she knows that is in code but she nor Gina cannot find it presently. Amy asked what the goal for this ordinance is. Commissioner Hamson said that in his opinion the goal is to have safety where they are parking/storing and adequate space to store the commercial vehicles. Amy asked the commission to consider how agricultural equipment would fit into this. They cannot be parked on roadway shoulders to store. There could be a number allowed per acreage. Zack Pali suggested that a differentiation can be determined by how the semi is registered, as commercial or as agricultural/US DOT licensed. Zack Pali commented that an owner/operator can have one commercial vehicle on a lot, but not more. Commissioner Shimek commented that Elwood doesn't want big commercial businesses running in residential zones based on the Elwood Town Schedule

of Uses. We can differentiate in some way. Commissioner Hamson agrees also. Amy Hugie stated that she does not know how to write the code in a way that will work with both commercial and agricultural vehicles and equipment. Commissioner Shimek stated that we do not need to look at endangerment and use of roads, but look at public safety. Amy stood on the confusion between commercial and agricultural. She also stated that maybe the action needs to come from enforcing proper business operation in a home occupation in a residential area. Commissioner Hayden was at the town council meeting and stated that the discussion centered on funding the code enforcement. Karolina Munns commented that farmers have equipment lots to pull/store their equipment on. Commissioner Hayden stated that the town council needs to enforce business law to address some of the issues. Commissioner Shimek stated that Elwood Town does hire a dog catcher, why can't the town fund some enforcement as stated in this meeting. Code enforcement can be a higher priority, focusing on a specific segment, business for example. Commissioner Hamson does want Amy Hugie to research writing code. Commissioner Hall stated that we write code to protect ourselves against ourselves. Accountability needs to be a priority.

- The Commission discussed the survey responses. 99 surveys at this point. Commissioner Hayden commented that he was hoping for 100 so he feels great. He did mention if town representatives could do some home visits to spark about fifty more responses could be great. Commissioner Hayden stated dates when interviews can be held, and commission members are invited to participate.
- Discussion Item C: Elwood Town Ordinance Schedule of Uses 155.126 was tabled without Samuel Heiner in attendance and out of time.
- The meeting was adjourned at 9:08 pm.