



**CLARK COUNTY PLAN COMMISSION
FEBRUARY 12, 2020**

The regular scheduled meeting of the Clark County Plan Commission was held on Wednesday, February 12, 2020, starting at 5:00 p.m. in the County Council Room 418, Fourth Floor, Clark County Government Building, Jeffersonville, Indiana.

The following Board Members and Staff were present in the open meeting:

Connie Sellers
Dan Callahan
Michael Killen-President
Jim Atcher
Eric Morris
David Nachand-Attorney
Jeremy Corbett-Code Enforcement Officer
Jason Stanley-Building Commissioner
Cathy Denison-Administrative Assistant

The Following Board Members were Absent:

David Blankenbeker
Wally Estes
Tony Bennett
Stacia Franklin-Executive Director

The following appeared on the Agenda:

1. The meeting was called to order by Michael Killen at 5:00 p.m.
2. A Motion was made to approve the minutes of the January 8, 2020 meeting.. Connie Sellers made a motion to approve, Dan Callahan seconded the Motion. Motion carried 5-0.
3. David Nachand read the rules of the Meeting.
4. 2020-03-PC: Wildcat Project, LLC, 7232 Nova's Landing, Sellersburg, In. has filed a petition for the final plat approval of Kingsland Fields, Section 3 – 10 Lots – Silver Creek Township, Sellersburg, In. Jason Copperwaite represented the Petitioner, Steve Klein of Wildcat Project, LLC.. There were no changes to the final plat. Michael Killen asked for a Motion. Jim Atcher made the Motion to approve. Dan Callahan seconded the Motion. Motion carried 5-0.
5. 2020-01-PC: Clark Nickles, 1501 Tunnel Mill Rd., Charlestown, has filed a petition to amend the Clark County Zoning maps from R-2 Two-Family Residential to B-3 General Business for the purpose of commercial equipment storage located at 12437 Dean Street, Charlestown, Indiana. Dan Moore, Attorney, 411 Watt St., Jeffersonville, In. represented the Petitioner. Mr. Moore gave the Board a handout describing the history of the property and background. The property has been involved by the Nickles family since the 1950's. They have operated a storage excavating business for over 20 years. He went on to state he never realized the property was in a residential zone.. Michael Killen discussed Mr. Nickles' appearance with the BZA in Sept. 2018 to request a variance that was approved with conditions. The approval was based on keeping the parcel clean of equipment, materials, removing trailers and a water tank. Stacia Franklin had suggested at that time that Mr. Nickles rezone but a compromise was given and agreed to that Mr. Nickles could store Earthen materials, rocks, gravel, and equipment was to be removed within 48- 72 hours maximum. Jason Stanley stated the last time he inspected the property the trailers and water tank were still on the property. Mr. Killen asked if the Sept. 2018 agreement was still in place. Clark Nickles stated there was still a few trailers on the property that did not belong to him. He made an agreement with a neighbor to park his equipment offsite.. Connie Sellers asked about the adjoining Residential zoned property which is under the Charlestown jurisdiction. Mr. Nickles is

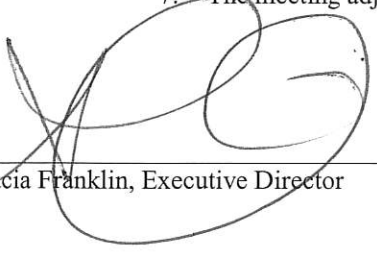
accessing his property through the fifty foot utility easement along his property. David Nachand commented that the agreement asked for a building to be built to house the equipment. Mr. Nickles stated he had no time line for construction of a building; he is moving the equipment to another parcel to store at a body shop. Mr. Nachand asked Mr. Nickles if the board would grant the re-zoning would he commit to constructing the building to house the equipment according to the previous approved agreement. Mr. Nickles agreed that he had no problem in constructing the building to store the equipment. Mr. Nickles stated Duke Energy recently ran the electric on the property. Mr. Moore stated that the Petitioner would be willing to comply and construct the building per the agreement.

John Kraft, Attorney with the firm of Young, Lind, Endres, and Kraft, located 126 W. Spring St., New Albany, In. appeared on behalf of Southern Indiana Development Partners LLC., adjoining property owners. Mr. Kraft noted the five elements of re-zoning: 1) Comprehensive Plan, 2) Current Conditions & Character of surrounding property, 3) Most desirable use of the land, 4) Conservation of Property Value, and (Responsible & Growth. Mr. Kraft discussed the conditions of the variance given to Mr. Nickles in Sept. 2018 . A violation letter was mailed to Mr. Nickles on Sept. 25, 2019 regarding the conditions not being met. Mr. Kraft brought up that Mr. Nickles is using a 50' easement to access his property, not having any road frontage. The adjoining property owners, Southern Indiana Development, LLC, is opposing this re-zoning due to the drop in values of the development. Mr. Kraft asked that the Board forward an unfavorable recommendation. Paul Cox, 4511 Southern Pkwy, Louisville, Ky, President of the Southern Indiana Development, LLC,. stated the property value is dropping due to the Nickles property being in the middle of the Residential development. Mr. Killen addressed the Sept. 2018 BZA agreement which include allowing natural elements, rock, stone gravel, dirt, and a maximum time to house equipment being 48-72 hours. Operations of 7:00 a.m. to 7 p.m.. Monday through Friday only, no retail services allowed. The petitioner agreed to move a water tank and trailers and construct a building in the rear of the parcel to store equipment. Michael Killen went through the violations that have been addressed. He also stated it would be difficult to build the building on rock, so it had been agreed to build in the back of the property. Discussion was made on the best use of the land. Connie Sellers stated that if the Petition is approved, additional violations could occur due to the previous conditions not being met in the agreement. Continued discussion was made by the Board concerning the conditions of an agreement if approved to a B-3. Michael Killen asked whether a pole barn could be built in an R-2 zone. In order to build the accessory structure for the equipment, the zoning must be changed and no accessory structure may be built on an R-2 without a residential structure on the property.

Jeremy Corbett read the list of adjoiners. Teresa Ramone, 3000 Harmony Lane, Parkside Apartments, Charlestown, In. Ms. Ramone is speaking on behalf of the Parkside Apartments. She stated that Mr. Nickles property is an eyesore for the community and the residents are not happy having to view the property. She also stated the trucks are going in and out 24 hours. John Spencer, 1921 Harmony Lane, Charlestown, In. came forward to speak against the re-zoning. He is President of the HOA of the patio home community in Harmony Landing. He stated his community is directly affected by the Nickles property and the property value would depreciate due to the commercial use. Further discussion was held by the Board. Connie Sellers commented that this construction on the Nickles site was more Industrial in nature, rather than Commercial. Michael Killen stated that if Mr. Nickles continues to do what was agreed upon by the BZA, there is no reason to re-zone. And the original commitment stating the building was to be built in the back of the property along with trees or a berm to separate the property from the R-2 properties. Michael Killen stated the original agreement of Sept. 2018 stated and agreed that pine trees were to be planted and has not been done. The trailers were to be removed, they have not been, along with the water tank, pipes, and general clean-up. Stacia Franklin had suggested to Mr. Nickles that he rezone prior to the agreement being made, however, after the agreement there were many violations causing the rezoning petition to not move forward. Michael Killen asked for a motion. Dan Callahan made the motion to recommend an unfavorable recommendation. Jim Atcher seconded the Motion. Motion carried 5-0. David Nachand stated for the record the Commissioners have the final decision and will let the Petitioner know the date of the Commissioner Meeting.

6. There was no other Planning Commission business.

7. The meeting adjourned at 6:22 p.m.



Stacia Franklin, Executive Director



Michael Killen, President