

**TOWN OF NEWBURGH  
PLANNING COMMISSION  
MINUTES SEPTEMBER 8, 2014**

**MEMBERS PRESENT:** Candi Burress; Jim Moore; Hap Hanson; Josh Claybourn; Anne Rust Aurand  
**ADMINISTRATIVE PRESENT:** Lori Buehlman, Town Manager; Chris Wischer, Town Attorney

**CALL TO ORDER**

Mr. Moore called the meeting to order at 5:38 p.m.

**MINUTES**

Motion to accept the August 4, 2014 minutes as presented by Mr. Claybourn. Second by Mrs. Burress; and motion carried.

**REPORTS**

**Town Council Liaison**

Mrs. Aurand said the BZA approved a variance petition for Bruce Miller for 5125 and 5127 Primrose Court (off Bell Road) to construct two more town houses. At last Council meeting, a motion to advertise for the position of Zoning Administrator died for lack of a second.

**Staff**

Ms. Buehlman reported that 28 permits were granted in August for 15 projects, bringing in \$2000.84 in fees and boosting valuation by \$506,400 (for the Boyken home construction and the townhouses mentioned above).

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**Rezoning petition for 116 Plum Street**

Ms. Buehlman said the application is complete and the required mailing has been sent, with the receipts turned in to her. The owner of the adjacent vacant lot did not pick up the letter. Brad and Tammy Kollker applied to change the zoning for the building at 116 Plum Street from R1 to C2. Ms. Buehlman presented the permitted uses from the ordinance and conditional uses for C2.

The Kollkers purchased the property in January 2014 and would like to put in a retail shop with upcycled furniture and home décor. The business will be open Tuesday-Saturday, 10 a.m.-4:30 p.m.

No one will be in residence but they plan to use the garage for workspace. Three to four cars should fit in the proposed driveway. Mr. Wischer said the number of off-street parking spaces is determined by the square footage of the building. After checking Assessor's information, Mr. Wischer said the structure has 1,148 square feet and thus would need to provide four parking spaces. He said if that is not possible, the BZA can consider an exception to the ordinance.

Mrs. Kollker said there is also an alley and an empty lot behind the building. She acknowledged neighboring property owners have been notified and have expressed support for the application. The house was empty for 18 months before the Kollkers purchased it and began rehabbing it. Mrs. Kollker said she would like to open the business next year.

Mrs. Aurand said she was required to submit an extensive business plan when she applied for her business permit. Mr. Wischer said a certificate of occupancy is required.

Sarah Simpson Taylor and Julie Nicholson, 111 Plum Street, raised concerns about rezoning the property. Mrs. Taylor owns properties at 101, 105 and 107 Plum Street. They said they do not want the business to locate there because of traffic, parking and transient visitors. People already park on the sidewalk because the street is so narrow. They spoke of keeping the neighborhood residential, but cited two businesses that already operate on Plum Street. Mrs. Nicholson said the car parked in front of her

house is licensed and is operable, but Mr. Titzer, the funeral director, asked them to move it out to the street.

The street is heavily travelled by people using Rivertown Trail, too, Mrs. Taylor said. They often park on Plum Street to access the trail.

If the building is rezoned, the neighbors are concerned about what might go in after this business. Mr. Wischer said the owner has the option to file a use and development commitment which would attach to the rezoning. He said if the Commissioners want her to do that, they should table the discussion until the next meeting to give her the opportunity to design her proposal. He said it is a voluntary commitment from the owner and the Commissioners would either vote yes or no on it. If adopted, the commitment would only allow listed businesses to occupy the building. Mrs. Kollker said she will submit the commitment with proposed businesses if requested.

Mrs. Taylor's other concern is the possible use of the alley by the owner and her clients. It is only wide enough for one car now. Mrs. Aurand said there has been considerable debate previously as to whether or not that is an alley or an extension of Main Street. She said the consensus was that it is Main Street, but it is too narrow for a street and the town does not maintain it. Probably Main Street ends at the curve and the remaining road is alley, she said.

Also, Mrs. Aurand said the Town Council previously refused to allow demolition of the house adjacent to the Pet Food Center. The owners of the business wanted to expand their parking area, but the Council considered it an encroachment on the neighborhood, she said.

Mr. Claybourn pointed out that other areas, such as New Harmony and Nashville, IN, have shops mixed in with residential areas. He noted parking is a problem everywhere.

He stressed the need to consider whether the proposed business is a good fit for the character of the town.

Mr. Hanson said the front section of the neighborhood is already commercial. Mrs. Burress agreed.

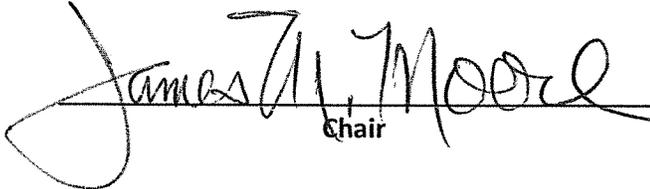
Mrs. Aurand said she thinks the proposed business will be similar to her own. She said she usually only has one customer in her shop at a time, rarely two or three.

She noted that she has observed that the whole town is being held up on the shoulders of young women who own or operate businesses.

Mrs. Burress moved to table the matter until the September meeting. Mr. Claybourn seconded the motion and it carried. The next meeting is slated for October 6.

#### **ADJOURN**

Mr. Hanson moved to adjourn. Mrs. Burress seconded the motion and it carried.

  
Chair

  
Recorder