

March 3, 2016

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, March 3, 2016, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:00 p.m. Don Calvert led the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President; Brian Mobley, Vice President; Don Calvert, Pat Wesolowski, Kevin Farris, David Drake and Sandra Hash. Kevin Tolloty, Planning Director, was also present.

Approval of the Minutes

Terry Baker entertained a motion for approval of the minutes for the regular meeting on February 4, 2016. Pat Wesolowski so moved. Don Calvert seconded. Motion carried.

Election of Officers

David Drake nominated Terry Baker for President. Don Calvert seconded. Roll Call Vote: Don Calvert – yes; Kevin Farris – yes; Terry Baker – yes; Brian Mobley – yes; Pat Wesolowski – yes; David Drake – yes; and Sandra Hash - yes. Motion carried 7-0.

Pat Wesolowski nominated Brian Mobley for Vice President. Sandra Hash seconded. Roll Call Vote: Don Calvert – yes; Kevin Farris – yes; Terry Baker – yes; Brian Mobley – yes; Pat Wesolowski – yes; David Drake – yes; and Sandra Hash - yes. Motion carried 7-0.

Pat Wesolowski nominated Sandra Hash for Secretary. David Drake seconded. Roll Call Vote: Don Calvert – yes; Kevin Farris – yes; Terry Baker – yes; Brian Mobley – yes; Pat Wesolowski – yes; David Drake – yes; and Sandra Hash - yes. Motion carried 7-0.

New Business

Petition of Voluntary Annexation, 8636 W. Flatwoods Road (0.48 Acres); Petitioner: Hoosier Energy Rural Electric Coperative, Inc.; Case No. PC 2016-04

Kevin Tolloty, Planning Director, explained this is a voluntary annexation for Hoosier Energy Rural Electric Coperative, Inc. (“Hoosier Energy”). The property is 50% contiguous to Town borders. The property to be annexed is a substation for Hoosier Energy. Staff recommends a favorable recommendation to Town Council with proposed zoning of Agricultural 1 which matches the property Hoosier Energy annexed in 2015.

Tom Gallagher, Real Estate Specialist for Hoosier Energy, thanked the Plan Commission for hearing their petition. This is an annexation of their Ellettsville Substation adjacent to the solar farm. Their long range plan is to expand the substation for future reliability by taking an acre from the solar farm. Mr. Mobley asked if it will produce more energy for Ellettsville or the county. Mr. Gallagher replied it is for South Central Rural Electric Members Corporation “REMC” of Morgan County. Hoosier Energy is owned by the REMC which is owned by the customers.

Terry Baker entertained a motion for the voluntary annexation of 8636 W. Flatwoods Road. Kevin Farris made the motion. David Drake seconded. Roll Call Vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Kevin Farris – yes; Pat Wesolowski – yes; Brian Mobley – yes; and Sandra Hash - yes. Motion carried 6-0.

Petition for Electronic Changeable Copy Sign, Circle K, 504 W. Temperance Street, Petitioner: Corporate ID Solutions, on behalf of Circle K; Case No. PC 2016-05

Kevin Tolloty, Planning Director, explained this petition is for the downtown Circle K Shell station on the corner of Sale and Temperance Streets. The request is for an electronic changeable copy gas sign. He does not have a recommendation because he has concern with it being downtown. Mr. Wesolowski asked if the sign will also include a price for premium fuel.

Ron Courtney, Corporate ID Solutions, answered no, only the price for unleaded fuel will be on the sign. Mr. Wesolowski asked if it is a running sign or digital. Mr. Courtney replied it will only change when the gas price changes. Mr. Baker asked the brightness output of the

LED light. Mr. Courtney didn't have the limits with him. Traditionally, they're not obtrusive or objectionable to neighbors. It is more visible than the traditional changeable copy board.

One of the reasons businesses are going to them is because traffic can read and comprehend the message at a greater distance. Ms. Hash asked if the polar pop advertisement will be below the sign. Mr. Courtney answered the sign will be as it is on the drawing. Mr. Tolloty advised both he and Denise Line have been in contact with Corporate ID Solutions. The layout is not any larger than the current sign because it is a non-conforming sign. They cannot have a larger sign without going through the Board of Zoning Appeals ("BZA"). Mr. Wesolowski asked if "Circle K" is larger and the size of the pricing is reduced. Mr. Gallagher explained they've made the sign appear not so busy and as clean as possible. Mr. Mobley commented it is a busy station and an employee changing the sign could be hit by a car. Mr. Wesolowski asked if the sign will be turned on from inside or outside the station. Mr. Courtney replied they will have a control inside the station. Mr. Baker asked Mr. Tolloty why he did not have a recommendation. Mr. Tolloty explained it is because of the location of the gas station. The surveys from the Comprehensive Plan indicate people want an old-time small town feel for downtown and the digital sign may take away from this. Ms. Hash thinks the digital sign looks crisper. Mr. Baker's concern is the brightness of the sign and traffic. Mr. Wesolowski remarked with the old sign drivers may have to keep their eyes on the sign and off the road longer. He thinks digital is safer than the old sign. Mr. Courtney referenced a study comparing electronic message centers and stagnant signs or billboards conducted at a college by the federal government. The study found electronic message centers were viewed for less than two seconds and a stagnant sign was viewed for two to three times longer.

David Drake drives past the gas station five to six times a day and doesn't think changing one portion of the sign to digital is really going to affect the nature of the neighborhood because it is along the highway. He thinks digital looks cleaner, is more efficient and doesn't detract from the area.

Russ Ryle wants to clarify that approval is for this specific sign only and if they make any changes to the sign they have to come back before Plan Commission. Mr. Tolloty asked what type of changes. Mr. Ryle answered they are approving an electronic sign showing one price. At a later date, without coming back for approval or review, they could put up three prices. He is concerned about the wording of the resolution. He is in favor of the sign and doesn't think it detracts from the historical nature of downtown. He would like to see the resolution modified to state it is for this sign only and any change of the sign requires further action. Mr. Tolloty stated going from manual to electronic, as long as they aren't expanding the size of it, they wouldn't necessarily be required to return to Plan Commission. It can be conditioned that it is only for this one sign. Mr. Ryle wants it conditioned to this sign only because it is in an historic area.

Pat Wesolowski asked if they have signs at any other location that has multiple digital pricing. Mr. Courtney answered yes. Mr. Wesolowski noted at the present time it is only going to be for one gas price. Does the technology have the capability for more than one price on the sign? Mr. Courtney replied it would require altering the sign cabinets to accommodate more than one price on the sign. Mr. Wesolowski asked if they would have to come back before the Plan Commission to alter the structure. Mr. Tolloty explained the way it is written, once the electronic changeable copy portion is allowed they can expand it as long as they don't expand the size of the sign without going through the BZA. It can be conditioned to say they're approving only the proposed electronic portion of the gas sign only. If they would want to modify the sign it would have to come back to the Plan Commission for approval.

Russ Ryle would like to see, as a condition, that it is not a scrolling sign. Any type of scrolling sign would be a detriment to the historic designation. Mr. Tolloty remarked according to Town Code they could not do a freestanding scrolling sign of that size.

Terry Baker entertained a motion to approve on the electronic changeable copy sign of Circle K at 504 W. Temperance Street, Case No. PC 2016-05. David Drake made a motion to approve the change to the sign at the Circle K, 504 W. Temperance Street, with the

following conditions: price portion of the sign be non-scrollable and that it remain as proposed in the documents provided with just one price being listed. Kevin Farris seconded. Roll Call Vote:

Terry Baker – yes; Don Calvert – yes; David Drake – yes; Kevin Farris – yes; Brian Mobley – yes; Pat Wesolowski – yes; and Sandra Hash - yes. Motion carried 7-0.

Petition for Electronic Changeable Copy Sign, Circle K, 4724 West State Road 46, Petitioner: Corporate ID Solutions, on behalf of Circle K; Case No. PC 2016-06

Kevin Tolloty, Planning Director, explained this petition is for the former Fast Max located on State Road 46. The sign will show three gas prices and the overall size of the freestanding sign will not change. Staff recommends approval.

Pat Wesolowski commented this Circle K sign is going to be smaller than the one at 504 W. Temperance. Mr. Courtney said it is correct, it is a smaller structure. Mr. Drake mentioned the sign at 504 W. Temperance was grandfathered in. Newer regulations require a smaller sign. Mr. Tolloty commented Circle K is in the process of replacing all signs and trying to keep within the square footage has been a challenge. Mr. Calvert asked if the sign will be visible from both directions. Mr. Courtney answered correct.

Terry Baker entertained a motion for the petition for electronic changeable copy sign, Circle K, 4724 W. State Road 46, Case No. PC 2016-06. Kevin Farris so moved. David Drake seconded. Roll Call Vote: David Drake – yes; Don Calvert – yes; Terry Baker – yes; Brian Mobley – yes; Kevin Farris – yes; Pat Wesolowski – yes; and Sandra Hash - yes. Motion carried 6-0.

Proposed Changes to Legislative Procedures

Kevin Tolloty, Planning Director, presented proposed changes to the Legislative Procedures as follows:

Section 1.7 Plan Commission Committee clarifies committees. It moves language from §1.9 to §1.7. Specifically, added to 1.7(c) is *“The purposes and terms of such committees shall be specified at the time of their establishment. Members of committees shall be appointed by the President.”* For clarification §1.7(b) was changed to *“Standing Committees shall consist of three (3) or less Commission members.”*

Title of §1.9 changed to *“Plan Review Committee.”* “Technical Advisor Committee” and paragraphs (e), (f), (g) and (h) were moved from §1.9 to establish *“§1.10, Technical Advisory Committee”* which reads as follows:

1.10 Technical Advisory Committee

- a) *Establishment. The Ellettsville Technical Advisory Committee is hereby established as a permanent committee of the Commission.*
- b) *Purpose. The Ellettsville [Plan] Commission requires, as part of the technical review process, a review of the proposed development plans and to submit findings in writing prior to the plan review conducted by the Commission.*
- c) *Members. The Town supervisors of the Planning, Street, Fire, Police and Utilities Departments. Committee may be supplemented by additional members, as needed, appointed by the President of the Plan Commission or Director of Planning.*
- d) *A copy of the supervisor’s findings will be provided to the petitioner prior to their case being reviewed by the Plan Commission. The supervisors review will be regarding services in which the Town can or cannot provide, as well [as] other information deemed pertinent to the case being reviewed. Additional information may be required of the petitioner to complete the review process. If additional information is needed from the petitioner, a written request will be issued.*

Under §2.2, Docket, the following was removed: *“The docket numbers shall include the date and year and begin a new on January 1 of each year. (Example 02042013-1, February 4, 2013, Case 1).”*

§4.1, Filing of Petitions, encompasses the following revisions:

- Paragraph (a) was removed.
- Paragraph (b) changed to *“If the Director of Planning . . . under the jurisdiction of the Plan Commission shall file with the Department of Planning on the appropriate forms . . .”*
- Paragraph (d) changed to *“The President of the [Plan] Commission or Director of Planning may cause . . .”*
- Paragraph (e), last sentence, changed to *“The Plan Commission prefers that the petitioner . . .”*
- Paragraph (g) changed to *“The petitioner shall notify, by certificate of mailing or certified return receipt . . . Copies of proof of mailing and/or the return receipts (green cards) . . . Director of Planning at least two (2) business days . . .”*
- Paragraph (h) replaced in its entirety with *“The list of property owners to be notified shall be provided by the Department of Planning. The list shall be obtained by using current information as provided by Monroe County.”*
- Paragraph (i) changed to *“In addition to the notification . . . sign giving notice of a public hearing . . . The Department of Planning will provide the sign.”*
- Paragraph (j) replaced in its entirety with *“A Technical Review meeting shall be scheduled with the petitioner after it has been deemed that the petition requires a Technical Review meeting and all required documents have been submitted to the Department of Planning.”*
- Paragraph (l) becomes paragraph (k).
- Paragraph (m) becomes paragraph (l).
- Paragraphs (n) and (o) are deleted in their entirety.

§4.2, Notice Requirements, contain the following revisions:

- Paragraph (g) changed to *“A re-schedule date, as determined by the Planning Director or Designee.”*
- Paragraph (j) changed to *“A copy of the published . . . Director of Planning, along with proof of mailing, two (2) business days prior to the hearing for verification.”*

Under paragraph (i) he is proposing to expand the list of adjacent property owners to a buffer of 300’ or 500’. Mr. Baker thinks it would be a courtesy for additional property owners, other than those adjoining the property, to receive notice. A 500’ buffer would be a reasonable area.

§4.3, Plan Commission Notice Requirements, contain the following revisions:

- Paragraph (b) changed to *“The Plan Commission is . . . These notices shall be placed in the Town Hall, and the Ellettsville Fire Station [No.] 7, as well as . . .”*

Paragraph (a) says *“all citizens of the Town of Ellettsville are interested parties”* which seems as if we need to notify each citizen individually and he doesn’t think this is the intent. He will check with the Town Attorney for her opinion on this.

Don Calvert asked about adding the address for Fire Station No. 7 so people will know where it is located.

Planning Department Updates

Kevin Tolloty, Planning Director, advised Denise Line has finished the surveys. He will email the surveys to the Plan Commission. Also, he will get the Steering Committee back up and running. A public workshop will be held in May or June.

For the April meeting there will be a development plan review for Litten Estates Apartments consisting of seventy-two proposed units for the east side of Litten Estates on the hill. The new owner of Autumn Ridge will seek plat approval for one double unit, one single unit and a right-of-way dedication. Another phase of Hidden Meadow may be heard at the April meeting.

David Drake asked if Litten Estates is a PUD. Mr. Tolloty replied it is zoned Commercial. Mr. Drake said originally the area north of houses and along State Road 46 was Commercial. Ms. Hash noted it was a separate parcel and annexation.

Brian Mobley is concerned with the retention ponds at Cedar Bluff apartments. With the recent rains, the retention ponds filled.

Kevin Tolloty, Planning Director, wants to revise the sign code. There cannot be any content based regulations but the Town Code does have them. Ms. Hash asked him to also consider a requirement for commercial developments to point the lights down.

Privilege of the Floor

Russ Ryle thinks Brian Mobley made a good point about retention ponds being full. When the project was approved they had a lengthy discussion about the property being downslope from a larger area. The ponds are filling up, not because of the apartments, but the upslope development on adjacent properties. They’re going to have a problem in that whole area because it has to come back across the old nursery property, go under State Road 46, eventually go to the creek, then come down through downtown scenic Ellettsville. By default, this will continue to be a very large detention pond, especially Vine Street. Then there’s the issue that the Main Street bridge was not built properly for drainage. The Matthew’s Street bridge is a dam. They’re fixing the bridge by the old sewer plant. Rain, runoff and stormwater can’t be managed under the Town’s current restrictions on a parcel by parcel basis. All they functionally do is get an engineer to say “yes, this parcel isn’t going to add to it.” Any way you look at it there is a floodplain. The Town is at the bottom of a floodplain in a bowl and paving with pervious surfaces continues. The Town needs massive increases in both retention and detention ponds. There is no global flood management design or restrictions. There are inadequate detention and retention ponds throughout the valley.

Sandra Hash commented when a plan is done for a parcel they also have to develop a plan to retain the water and let it slowly release from that portion. It does flood from everywhere but they are supposed to anticipate everything and at least slow it down. They did discuss the water at Cedar Bluff at great length. There is water in the bottom of that area. Mr. Baker noted it comes off of the property from above. Ms. Hash remarked it is difficult to make someone who is doing a development responsible for the acreage around them. Mr. Farris added it is also legislated and you can ask them to do more than what is required but you can’t hold them to that.

Adjournment

Terry Baker entertained a motion to adjourn. Kevin Farris so moved. Don Calvert seconded. Terry Baker adjourned the meeting at 7:16 p.m.

Terry Baker, President

Brian Mobley, Vice President

Sandra C. Hash, Secretary

Don Calvert

David Drake

Kevin Farris

Pat Wesolowski