

**May 7, 2015**

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 7, 2015, 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, Russ Ryle, Vice President, David Drake, Scott Thomas, Don Calvert, Pat Wesolowski and Sandra Hash. Kevin Tolloty, Planning Director, Rick Coppock, Bynum Fanyo and Associates, Town Engineer, and Darla Brown, Town Attorney, were also present.

### **Approval of the Minutes**

Terry Baker entertained a motion for approval of the minutes for the regular meeting on February 5, 2015. David Drake so moved. Scott Thomas seconded. Motion carried.

### **New Business**

#### **Cedar Bluff Subdivision Petition of 8.38 Acres, 4210 W. State Road 46, Case No. PC2015-02**

**Kevin Tolloty, Planning Director**, explained the subdivision has not received approval. The grading permits have been issued and applications for building permits have been submitted. The Petitioner is seeking primary and secondary approval. The subdivision will create four commercial lots, one residential lot and one common space. Staff supports primary and secondary plat approval.

**Don Calvert** has a conflict of interest because the Petitioner's property is behind his neighborhood.

**Pat Wesolowski** asked if this is for the entire site. Mr. Tolloty replied yes. Mr. Wesolowski asked if there would be commercial along State Road 46 and is it included in the subdivision. Mr. Tolloty answered yes, there are four commercial lots and Lot 6 is a common area. Mr. Ryle asked if Lot 6 will be developed. Mr. Tolloty answered no. Mr. Wesolowski asked when they're ready to build on the commercial lots will it come before the Plan Commission for approval. Mr. Tolloty explained it will go through a development plan review and it is not required to come back before Plan Commission. Mr. Wesolowski asked Mr. Brehob if plans are available to view for the commercial phase.

**Steve Brehob, Smith Brehob and Associates, Inc.**, answered the developer and property owner do not have individual tenants identified for the commercial lots. Mr. Wesolowski asked if the commercial development will be free standing. Mr. Brehob replied they will be free standing individual lots. They are seeking plat approval for commercial and residential which consists of an apartment project and townhouses. They will return to the Plan Commission when the Townhouses are built and as-built plat individual lots on each townhouse unit. Mr. Wesolowski asked Mr. Tolloty if, for example, a restaurant built on one of the lots would it have to come before the Plan Commission. Mr. Tolloty answered he doesn't believe the individual lots would have to come back before the Plan Commission. A development plan review would be done with Town supervisors. Pursuant

to Town Code it is not required to come back before the Plan Commission for further approval. Mr. Ryle asked Darla Brown, Town Attorney, if she agreed with Mr. Tolloty's statement. Ms. Brown replied it is true unless there is an issue that concerns Mr. Tolloty. There is a list of permitted uses in Town Code. After a discussion, it was decided if there are any plans that meet development plan requirements, the Planning Director could forward them to Plan Commission members for their comments. Mr. Drake's concern is every time there is a meeting and someone has to attend they're costing them money because they have to pay someone to represent them. The Planning Director is the person who should look at the development plan to determine if it meets the requirements and then he can forward it to the Plan Commission for any concerns.

**Darla Brown, Town Attorney,** explained Rubicon is coming back to the Plan Commission because the Petitioner asked if they could start selling off the commercial lots. The minutes reflect the development plan was only for residential which was approved and the plat for the entire parcel with both commercial and residential was not approved. Mr. Ryle recalls at some point it was discussed that Rubicon would return with plans for the commercial lots and at the time they were approving the Planned Urban Development ("PUD"). Ms. Hash asked if they're going to sell the commercial lots since they're subdividing them. Mr. Brehob said they may also develop the lots. It has not yet been determined.

A member of the audience asked Mr. Brehob to show her various aspects of the development on an aerial view of the property.

**Janice Lyon** lives on Lynnwest Drive and their entire back yard abuts Cedar Bluff. They were not informed there had been another meeting to approve apartments. Mr. Tolloty advised the meeting to approve the apartments was not a public hearing. Ms. Lyon asked what the separation will be between the apartments and her property. Mr. Tolloty explained there is a 20 foot building setback line for the entire residential portion. Ms. Lyon asked how tall the buildings will be. Ms. Hash answered they will have two stories. Ms. Lyon asked if they will grade down or is it going to be built on the hillside. Mr. Baker said it is designed as a stair step. Ms. Lyon mentioned there are dead trees laying on their fence. Will they be removed and redone? Mr. Brehob would assume so. Ms. Lyon stated they live in the brick house behind the property and will be Cedar Bluff's biggest neighbor. Mr. Brehob is willing to meet with her and look at the area she is referring to. Ms. Lyon is glad it's being developed but they also want to protect the value of their property.

**Kayle Lewis** lives behind Lot 1 and their concern is water drainage and the loss of the tree line. They don't want to look at the back of restaurants. What is being done about this? Mr. Tolloty answered there is a 25 foot buffer yard that will run along the back of Lot 1 which will consist of different plantings.

**Rick Coppock, Bynum Fanyo and Associates,** explained, during a discussion on procedural issues, that the prior Director of Planning used her discretion as to what came before the Plan Commission for review. The prior Director did this because she didn't want to make the decision as the sole authority. Ms. Hash thinks it changed to its current status when the Town had its first full time planner. Mr. Baker advised at this meeting they're looking at preliminary and final plat approval. Ms. Hash asked if there will be any bonding requirements for this subdivision. Mr. Tolloty answered since the roads are going to remain private, it's his understanding bonding would not be required. Ms. Brown

concurring and §152.128 states *“The Director of Planning Services shall approve all of the development plans which are not associated with a subdivision.”*

**Tom Orman** thinks they’re approving the plat at this meeting. If someone wants to build on a commercial lot they would have to meet with the Planning Director. The Plan Commission will still get a chance to look at the plans. He complimented Rubicon and the engineer for doing a good job. He hopes the Plan Commission supports this.

Terry Baker entertained a motion to approve Case No. PC2015-02 Cedar Bluff Subdivision, primary and secondary plat approval. David Drake made a motion to approve Case No. PC2015-02 Cedar Bluff Subdivision, primary and secondary plat approval. Pat Wesolowski seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; Don Calvert – abstained; David Drake – yes; Scott Thomas – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 6-0 with one abstention.

**Burgess Property (Future Town Hall Property) Voluntary Annexation, W. Maple Grove Road, Ellettsville; Case No. PC2015-04**

**Kevin Tolloty, Planning Director**, explained the property is 39% contiguous, is currently undeveloped, is owned by Jane Burgess Loeser and Judy Burgess Holmes and is the site of the future Town Hall. The property is in compliance with Town Code. The petition is 100% voluntary. Staff recommends a favorable recommendation to Town Council with the proposed zoning of C-1. Town Hall will be located in the southwest corner of the property.

**David Drake** mentioned this will be a Town property within Town limits. The reason the current owners are the petitioners is because the sale hasn’t gone through yet.

Terry Baker entertained a motion to approve Case No. PC2015-04, the Burgess/Town Hall property annexation and forward it to Town Council with a favorable recommendation. David Drake made a motion to approve Case No. PC2015-04, the Burgess/Town Hall property annexation and forward it to Town Council with a favorable recommendation. Pat Wesolowski seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; Don Calvert – yes; David Drake – yes; Scott Thomas – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 7-0.

**Richland Convenience Store Partners, LLC (Former Swifty) Voluntary Annexation, 4723 W. State Road 46, Bloomington; Case No. PC2015-03**

**Kevin Tolloty, Planning Director**, explained the property is 100% contiguous, is in compliance with Town Code and the petition is 100% voluntary. Staff recommends a favorable recommendation to Town Council with proposed zoning of C-3. The petitioner’s intention is to redevelop the site. Mr. Wesolowski asked if the area is sufficient for the petitioner’s plans. Mr. Tolloty hasn’t seen the proposed site plans. The rear of the property is in a floodplain.

**Tom Orman, Richland Convenience Store Partners, LLC**, explained the site is 1.15 acres and they want to put a 5,000 square foot building on the property. They’re cautious about over building the site. There are floodplain issues on the rear of the property. Rick Coppock has been retained to be their engineer. They want to demolish the existing building. The new building will be located further back on the lot. Mr. Wesolowski asked if the canopy will stay where it is. Mr. Orman replied it will stay where it is. It will be a

nice building. Mr. Tolloty asked if they would be putting in fill on the back of the property. Mr. Orman answered they will have to on the back and they will stay out of the flood zone.

Terry Baker entertained a motion to forward Case No. PC2015-03, Swifty to the Town Council with a favorable recommendation with a zoning classification of C-3. David Drake made a motion to forward Case No. PC2015-03, Swifty to the Town Council with a favorable recommendation with a zoning classification of C-3. Russ Ryle seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; Don Calvert – yes; David Drake – yes; Scott Thomas – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 7-0.

## **Planning Department Updates**

### **Annual Report**

**Kevin Tolloty, Planning Director**, explained Denise Line put the annual report together very nicely.

**Don Calvert** asked, when documents are destroyed, who makes the decision of whether or not a file was unnecessary. Are the files microfilmed? Did the information disappear? Mr. Tolloty replied the files that were thrown away were not relevant to any case. Mr. Calvert wants to know if there was any oversight and what happens if they want to go back to those files. Mr. Tolloty stated state code sets which files have to be retained and for how long. All Plan Commission and Board of Zoning Appeals case files and permits were retained. They threw away many duplicates, copies of plans from other jurisdictions that didn't apply to Ellettsville and anything that had no bearing on what has happened or in the future. Mr. Calvert asked if there are guidelines. Mr. Tolloty reiterated the state sets guidelines on what can be disposed of and what has to go in to permanent storage. They erred on the side of keeping more than they need to.

**Pat Wesolowski** asked if the fines that are collected go into the General Fund? Mr. Tolloty answered they go to the General Fund. Ms. Hash added everything collectively pays for Planning and other services. It all goes into the General fund and is figured in when budgets are prepared. Mr. Wesolowski has a pet peeve. A lot of things in the Town are not in Ellettsville such as McDonalds. He can't visualize why the Town can't get the properties annexed into the Town. They could make it Ellettsville from one end to the other. Mr. Tolloty said they would have to go through the involuntary annexation process and there is new legislation about this. Mr. Baker stated the new legislation will take effect on January 1, 2016. Ms. Brown added Senate Bill 330 made changes to the annexation statute and it appears it will mostly effect involuntary annexations. Mr. Baker remarked doing involuntary annexations are expensive and time consuming. Mr. Wesolowski realizes this but with I-69 coming through he thinks Ellettsville should be ahead of the game. Mr. Orman agrees. Ellettsville needs to offer a plan to businesses so they will want to come into the Town. At the end of the day, Ellettsville is providing services to the businesses and should be receiving money from them.

**Russ Ryle** has a Bloomington address because it use to be Route 14. Ellettsville has grown. They might look at offering all the property owners that fall into the category of being a "donut property" an opportunity to voluntarily join the Town by perhaps sending a letter. Ms. Hash noted Senate Bill 330 may tie the Town's hands because there are a lot of

people fighting involuntary annexation and they are appealing to the legislature to do these things. It is a process the Town has to work its way through. It is not impossible and will just take time. Mr. Calvert thinks the approach may be to explain to people they can either work with Monroe County or Ellettsville. Mr. Ryle thinks a positive marketing approach would be a good starting point. If someone owns a property in Ellettsville and legal notices are sent to adjacent property owners he was under the impression it doesn't matter whether or not they live in Ellettsville they have a right to attend Town meetings. Mr. Tolloty said that's correct. If something does require a certified mailing it will go to adjacent property owners whether or not they live in a different jurisdiction.

### **Comprehensive Plan**

**Kevin Tolloty, Planning Director**, has put together a proposed timeline. To start he wants to organize a steering committee of 11 to 17 people. There would be two meetings in July. He would like two representatives from the Plan Commission. There will be at least one public workshop in August before they begin drafting the Comprehensive Plan. He wants to have the steering committee organized by the end of May. A survey will be drafted and will run from August through September. He would like to have survey forms at the Fall Festival. Once all the surveys have been received and they have finished with public input he wants to start drafting and revising over the next several months. He and Denise Line plan on taking on the bulk of the work. He would like to provide Plan Commission updates by email. He doesn't anticipate any formal meetings for the steering committee unless they have to and he would rather communicate by email. He may have members of the steering committee specialize in different sections. Mr. Wesolowski asked how he will select the steering committee. Mr. Tolloty answered he will get them from the Plan Commission, Town Council, members of the community, representatives from Main Street and the Chamber of Commerce, school officials and a few others. With a mix of different viewpoints it will provide a good vision of where to go. The proposed target date is April 2016.

**Sandra Hash** commented whenever Kevin Tolloty started working for the Town he went to work on the mapping. He came to her office several times because he went back to the original annexation ordinances for the legal descriptions. He has now put the Ward map on the county GIS site which is something the Town has never had. He's been very studious with the map work and now he will start on the Comprehensive Plan. He has a lot to offer for the Town of Ellettsville and it is exciting. Mr. Tolloty added the zoning map is now on the county GIS and he has been working on a historical annexation map.

### **Privilege of the Floor – Non Agenda Items**

**Sandra Hash** explained the Plan Commission had discussed light pollution in the past. She asked when Mr. Tolloty was reviewing the code did he find any guidelines on light pollution? She would like to ask the new convenience store to reduce the lighting by pointing it downward. Mr. Tolloty said he can recommend this to them. He can recommend anything, but he can't make them follow it. Most developers will agree as long as the requests are reasonable.

**Russ Ryle** commented we are now in the age of Light Emitting Diode ("LED") lighting and it is very sellable. The lightbulb price is coming and they're still the most expensive lightbulb on the market but the usage savings is fantastic. LED lights are designed to be

focused down which greatly reduces light pollution. Mr. Ryle asked Mr. Tolloty to put light pollution on a list of codes to review.

**Kevin Tolloty** prefers not to update codes while the Comprehensive Plan is being updated. The Comprehensive Plan may dictate how to proceed next year. He wants to smooth out some of the spot zoning. He anticipates some code changes dictated by the Comprehensive Plan.

**Pat Wesolowski** asked Tom Orman if the plans for lighting the former Swifty will be dictated to them by the fuel provider. Mr. Orman answered they will put in indirect lighting. The LEDs are very energy efficient and is something they will look in to.

**Russ Ryle** attended a presentation by the construction company building Section 5 of I-69. It is interesting and will not affect Ellettsville directly. He provided handouts which show the construction schedule from Tapp Road north to Morgan County. During the construction, the impact to Ellettsville will be traumatic during the construction period. I-69 will be a six lane highway and the interchange at Vernal Pike will be permanently closed. The only interchange north of State Road 46 will be Sample Road. State Road 46 is a congested five lane road and with construction on I-69 it will mean more people wanting to get through Town. Rubicon Investments is coming on with their properties and they will be putting more traffic on and off of State Road 46. Construction on I-69 is to be completed by 2018. Until that time, Ellettsville will be faced with a different traffic pattern. There will be focused congestion going through Ellettsville.

**Sandra Hash** recently attended a Redevelopment Commission meeting for the west side Tax Increment Financing District ("TIF"). The TIF district has a 20 years life span which will expire in the next 5 to 7 years. If they do a new bond by June 30<sup>th</sup> it will extend the TIF an additional 20 years.

**Russ Ryle** stated the Fire Department has purchased three new fire trucks in the last four years and over \$500,000 came from the TIF. Ms. Hash commented she thanked the Redevelopment Commission for the fire trucks.

## Adjournment

Terry Baker entertained a motion to adjourn. Pat Wesolowski made a motion to adjourn. Russ Ryle seconded. Terry Baker adjourned the meeting at 7:20 p.m.

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Terry Baker, President

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Russ Ryle, Vice President

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Sandra C. Hash, Secretary

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Don Calvert

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David Drake

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Scott Thomas

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Pat Wesolowski