

## November 3, 2016

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, November 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. Kevin Farris led the Pledge of Allegiance.

**Roll Call:** Members present were: Terry Baker, President; Brian Mobley, Vice President; David Drake, Kevin Farris, Don Calvert, Pat Wesolowski, and Sandra Hash. Kevin Tolloty, Planning Director, Darla Brown, Town Attorney, and Rick Coppock, Bynum Fanyo & Associates, Town Engineer, were also present.

### Approval of the Minutes

Terry Baker entertained a motion for approval of the minutes for the regular meeting on September 1, 2016. Kevin Farris so moved. Don Calvert seconded. Motion carried.

### New Business

**Public Hearing on the following proposed changes to Ellettsville Town Code Zoning and Subdivision Regulations, Case No. PC 2016-17:**

**§152.001, Definitions. Clarification of definition of accessory structure.**

**§152.067, Accessory Structures. Addresses location and setbacks for accessory structures.**

**§152.082, Permitted Uses, Unrestricted, Commercial Districts. Removes multi-family residential as a permitted use.**

**§152.084, Uses Permitted by Special Exception, Commercial Districts. Adds multi-family residential as a special exception.**

**§152.127, Development Plan Standards. Clarification of access points.**

**§152.190, Minimum Yards (Setbacks). Addresses setbacks for accessory structures.**

**§152.296, Special Exceptions. Adds multi-family residential and provides additional requirements for approval of multi-family residential projects.**

**§152.310, Plan Commission, Establishment & Membership. Clarification of membership of Plan Commission.**

**§152.311, Plan Commission, Citizen Members. Clarification of length of terms for Plan Commission members.**

**§153.074, Extension of Streets. Clarification of access points for subdivisions.**

**Kevin Tolloty, Planning Director**, explained the proposed changes encompass discussions from prior meetings. Since the last meeting changes were made to accessory structures and apartments as a special exception. He is requesting a favorable recommendation for subsequent approval by the Town Council on November 14, 2016.

*Accessory Structures:* Three sections will be effected by accessory structures. A description for human habitation has been added. The minimum setback will be reduced to 5' in the rear and side yards and §152.190, Minimum Yards (Setbacks) will be changed accordingly.

**Pat Wesolowski** asked if existing structures will be grandfathered in. Mr. Tolloty answered yes. Ms. Hash stated there may be an instance when someone wants to put an accessory structure in a yard with an 8' easement and only a 5' setback will be required.

Will this get caught before it gets put on the easement? Mr. Tolloty answered, hopefully, yes. Ms. Hash asked if county planning would be the one to catch it. Mr. Tolloty explained if it is a platted easement in any subdivision Ellettsville Planning can find out if there is an easement. Ms. Hash asked what if it is in an old subdivision. Ms. Brown answered it depends on the subdivision and how detailed the plat is because some are more accurate than others. Mr. Tolloty stated a setback wouldn't override the easement. If there is a 5' set back and 8' easement the accessory structure would have to be 8' off the property line. Mr. Drake asked what the current R-1 setback is. Mr. Tolloty replied 10'. Mr. Farris asked if the permits are handled in-house. Mr. Tolloty answered building permits are done through the county and Planning does the zoning review. Mr. Calvert asked if accessory structures not allowed on vacant lots applies to someone who owns the lot next to them. Mr. Tolloty clarified if someone owns both lots it wouldn't be considered a vacant lot. Ms. Brown thinks the issue at one time was to discourage people who don't live here from putting a bunch of sheds on a vacant lot. Mr. Calvert asked if accessory structures being permitted on rear and side yards only pertains to the lot the home is on. Ms. Brown answered it cannot be placed in the front yard. Ms. Brown asked if they wanted the following language added: *"No accessory building or structure may be erected on a vacant lot unless the owner of the vacant lot owns a home on a lot adjoining the vacant lot."* All agreed.

*Vehicle Access to Subdivisions:* Falls under the development plan section of zoning and extension of streets in the subdivision regulations. There have not been any revisions since the September 2016 meeting. Under the development plan a development containing 50+ dwelling units would have two access points for all vehicle traffic. Mr. Baker asked if each apartment is considered a dwelling. Mr. Tolloty answered yes, each unit and not each building. Mr. Calvert asked if *"access points must be installed and functional prior to approval of final plat"* needs to include wording to let building commence. If this takes effect immediately then are people going to have to have two different ways in/out. Mr. Tolloty replied it can't be applied to something already approved. Mr. Wesolowski asked before they can approve a developer building on 25 lots do they have to provide two entrances/exits. Mr. Tolloty explained a temporary plat has to show how the development will be accessed. For example, if there are 30 lots the developer has to show how they're going to be able to access it. They can either have two access points to a local road or one to a main road. Before the final plat is issued the access points will have to be roughed-in. Ms. Brown further explained the access points only have to be shown on the preliminary plat. Mr. Drake thinks it is a hardship. There are places where a developer doesn't own the surrounding land and can't do anything until someone develops it. Even though it is not specified a waiver can be granted in the event of extreme hardship. Would that be done by the Board of Zoning Appeals ("BZA") or Plan Commission? Mr. Tolloty replied under the subdivision regulations a waiver can be granted by the Plan Commission at the time of preliminary plat approval. This makes it clear it is required. If there are extenuating circumstances then they can consider a waiver. Ms. Hash thinks if there is more than 50 homes two access points is a good idea. Mr. Tolloty commented public safety is the reason behind this.

*Plan Commission Membership:* Changed to reflect the provisions under Indiana Code.

*Apartments as a Special Exception:* Moves apartments from a permitted use to a special exception in a C-3 district under §152.296. Apartments are not permitted in C-1 or C-2 districts. Ms. Hash asked if they should add parking areas shall be landscaped and have downward lighting. Mr. Tolloty answered he would like to add lighting standards.

Mr. Wesolowski asked if parking per apartment is specified in Town code. Mr. Tolloty replied there is minimum parking. Ms. Hash appreciates small parks is included. Mr. Mobley asked if open space could be changed to green space. Mr. Tolloty answered yes. Mr. Coppock mentioned there is a requirement for maximum coverage. Mr. Wesolowski stated the proposed changes say 10% shall be set aside for parks, playgrounds and trails. Mr. Tolloty asked if buffering should be included in the 10%. The consensus was buffering should be separate. Mr. Wesolowski asked if retention ponds is included in the 10% set aside for parks. Mr. Tolloty answered no and a variance can always be requested through the BZA. Mr. Wesolowski asked if parking areas being landscaped and lighted means gravel or blacktop. What is considered landscaping? Mr. Tolloty replied landscaping and lighting refers to the area around parking lots. They will add a requirement for downward lighting. Ms. Brown confirmed §152.296(2) will be changed to the following: *"A minimum of 10% of the total acreage, excluding the buffering, shall be set aside for green space, parks and playgrounds and/or trails."* §152.296(4) will be changed to: *"Parking areas shall be landscaped and equipped with downward lighting."* All agreed.

**Don Calvert** commented with the concerns about people cutting and speeding through neighborhoods perhaps they could encourage builders to use a winding system of streets. Mr. Baker added when doing "S" curves they also have to think about the Street Department trying to plow snow, ambulances and fire trucks. Mr. Tolloty thinks on-street parking would slow people down.

Terry Baker entertained a motion to approve the code changes as amended. David Drake made a motion to approve the code changes as amended. Pat Wesolowski 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.

**Development Plan Approval for Richland Township ("Township") Office Building (2,600 s/f), Intersection of S. Park and E. Ritter Streets; Petitioner: Bynum Fanyo and Associates, on behalf of Richland Township Trustee, Marty Stephens ("Trustee"); Case No. PC 2016-20**

**Kevin Tolloty, Planning Director**, had requested this matter to be moved until after the public hearing on the proposed code changes because the petitioner was not present. All agreed.

**Kevin Tolloty** explained this request is for development plan approval of a new Township office and food pantry. The current office located on Park Street is in a floodway and tends to flood about once a year. Therefore, the Trustee would like to build a new office on higher ground above the baseball fields on Park Street. A use variance allowing a government office in a residential district was approved by the BZA on October 18, 2016. The new office is approximately 2,600 s/f and will be located entirely out of the flood zone. Staff recommends approval of the development plan. Ms. Hash asked if the driveway leading to the shelter house and restroom will still be accommodated. Mr. Tolloty replied a driveway will run along the side of the building and connect to the existing driveway. The front of the building will face the street. Mr. Wesolowski asked Rick Coppock what the width of the building is.

**Rick Coppock, Bynum Fanyo and Associates**, explained the east edge of the building follows the top of the bank. The side of the building will be where the guardrail is located. Mr. Drake asked if they've heard from the property owners to the west. Mr. Tolloty replied

no one has submitted anything to his office prior to the meeting. Mr. Drake thinks it looks as if there will be buffering. Mr. Coppock noted there is a landscape plan along the side of the building and between the paved area and the adjacent properties. Ms. Hash asked if the existing trees will remain. Mr. Coppock answered no, they will be removed because of grading. New evergreens will grow to be 40' tall. Mr. Wesolowski asked how far it will be located from the first house on Ritter Street. Mr. Tolloty answered it will be 30' from the edge of the driveway to the property line. Mr. Wesolowski asked if they will be grading the direction of State Road 46. Mr. Coppock replied they will have to add fill on the northeast corner. Mr. Drake asked if there have been discussions on how it will affect parking areas for baseball. Mr. Wesolowski explained the Township purchased Turtle Creek pool and another lot for additional parking. He thinks this will alleviate the parking that will be lost due to construction of the building. Ms. Hash mentioned the lot they purchased was a low spot and was being filled in with scrap. Will the lot be filled in more or will they gravel over it? Mr. Coppock answered a majority of the parking will be at the Turtle Creek pool site. The pool will be removed and leveled for parking. Their official plan is to construct a pathway between the pool site and the ball fields. Mr. Mobley asked if the new building with a paved parking lot will flood the ball fields below it. Mr. Coppock thinks the increase in runoff will be minimal because it was a gravel parking lot. Gravel allows for some absorption in the soil but it still has runoff. The building is 2,600 s/f, will drain off of each end and will slope toward the swale along the road. Basically, it follows existing contours.

**Mike Farris, lives on South Paul Street,** asked why they picked that location for the building. Mr. Baker answered the Plan Commission didn't select it. Ms. Hash added the builder and trustee selected it. Mr. Farris stated every time there is a ball game or special event the area including the road is packed with vehicles. Now, the parking on the lot will be removed and they will park on the street blocking his road. The building is being built in a bad spot because it is already congested when there is a game. Mr. Mobley understands because he has children who play t-ball. They park on the gravel lot where the building will be located and Turtleback. There is a different set of cars parking on Turtleback. Mr. Farris added the basketball courts and roadways get full. Mr. Wesolowski lives on Turtleback and cars park all the way up the street and people walk between the houses to get to ball parks. The lot at the swimming pool will alleviate a lot of the parking. Mr. Farris agrees it's not a bad idea. Mr. Drake reiterated the Plan Commission didn't pick the site location. The Township is allowed by ordinance to build at that location. The Plan Commission approves the development plan that covers things such as landscaping and parking. It's beyond the stage of whether or not they can build there. There will be a decent amount of buffering.

Mr. Tolloty added the reason the Trustee chose the location is because it is not in the floodplain and they wouldn't have to spend money on purchasing land elsewhere.

**Sandra Hash** asked the amount of the bond the Trustee is applying for. Mr. Coppock answered the total project cost is \$483,000 and the bond will be slightly more. Ms. Hash thinks it will be outside the levy but will still affect the circuit breakers. Mr. Mobley asked if citizens in Ellettsville and the Townships will be taxed. Ms. Hash answered yes. Mr. Drake added apart from those people in the circuit breaker. Mr. Mobley thinks at one time there was a discussion on offering the Trustee land at the new Town Hall. Ms. Hash had asked the Trustee if he had any interest in moving to Town Hall. The Trustee told her the people he services are more to the east of Town and thinks he will be centrally located to the people who need him. Kevin Farris suggested when the Street Department moves to

new Town Hall that location could be turned into parking. Mr. Farris asked the size of the garage containing the current food pantry. Mr. Coppock thinks the entire office and food pantry combined is 1,200 s/f to 1,500 s/f. Mr. Drake asked how tall the trees will be when they're planted. Mr. Coppock answered Abrams Nursery has 12' to 15' trees in stock. Mr. Wesolowski asked if it will be a block building. Mr. Coppock answered a wood frame building with cement board siding. Ms. Hash asked if it will have any stone accents. Mr. Coppock said no. Mr. Drake asked if the shrubs on the side of the building are required as they're on the plans because it is a long building. Mr. Coppock stated the windows will also break up that side. Mr. Wesolowski asked how much land is being used for the building and parking. Mr. Coppock answered 4/10 of an acre.

**Pat Wesolowski** asked if no comments at the technical review meeting mean it's okay. Mr. Tolloty answered if supervisors don't submit comments he assumes it means they do not have any and are okay with the building. Mr. Wesolowski asked if the dumpster will be on a pad. Mr. Tolloty answered they're not going to use a dumpster. Mr. Wesolowski asked where parking will be at the building. Mr. Coppock replied they'll park in the front and rear of the building. There are four spaces in the rear for employees and three in the front for employees. Mr. Wesolowski asked if they'll have to back out onto Ritter Street. Mr. Tolloty answered no, there will be room in the parking lot to turn around. As an elected official Mr. Mobley objects to the new building because the Trustee can't fulfill his contract for the fire district. Mr. Farris thinks it may be a good fix short term but is a bad fix for long term.

Terry Baker entertained a motion. David Drake made a motion to approve the development plan, Case No. PC 2016-20 for the Richland Township Office Building on Park Street. Terry Baker seconded. Roll Call Vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Kevin Farris – no; Brian Mobley – no; Pat Wesolowski – no; and Sandra Hash - yes. Motion carried 4-3.

## **Planning Department Updates**

**Kevin Tolloty, Planning Director**, reminded everyone the Nitty Gritty Workshop is on Friday, November 4, 2016. Sign code revisions will be discussed at the December meeting. The Comprehensive Plan may be completed next year.

## **Adjournment**

Terry Baker entertained a motion to adjourn. Kevin Farris so moved. Pat Wesolowski seconded. Terry Baker adjourned the meeting at 7:19 p.m.

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Terry Baker, President

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Brian Mobley, Vice President

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Sandra C. Hash, Secretary

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Don Calvert

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Pat Wesolowski

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Kevin Farris

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David Drake