

November 6, 2014

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, November 6, 2014, 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. Dan Swafford led the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President, Russ Ryle, Vice President, David Drake, Dan Swafford, Pat Wesolowski and Sandra Hash. Don Calvert was absent. Denise Line, Acting Director of Planning, Darla Brown, Town Attorney, and Rick Coppock, Bynum Fanyo and Associates, Town Engineer, were also present.

Approval of the Minutes – September 4, 2014

Terry Baker entertained a motion for approval of the minutes for the regular meeting on September 4, 2014. David Drake so moved. Dan Swafford seconded. Motion carried.

New Business

Abbitt Subdivision

Terry Baker explained the Petitioner for the Abbitt Subdivision has requested a continuance until the December 4, 2014, Plan Commission Meeting.

Terry Baker made a motion to continue the Abbitt Subdivision to the December 4, 2014 Plan Commission meeting. David Drake seconded. Motion carried.

Martin Plat Amendment

Rick Coppock, Bynum Fanyo and Associates, Town Engineer, explained this involves Lots 4 and 5 of Union Valley Homestead Subdivision located south of Union Valley Farms. The amendment is to reduce the Sink Hole Conservancy Area on the original plat done in 2005. In 2005, there was a specific type of building that was going to be constructed on the lots and the subdivision was approved with the Sink Hole Conservancy Area. It is a depression that appeared to be a sink hole. Since that time, it is anticipated there will be a larger building on the lot and they are requesting to reduce the area of the Sink Hole Easement. The area was reviewed by Dana Kerr of Kerr Environmental Services in 2008, and he provided a letter stating it is not an active sink hole. Six years later in 2014, Mr. Kerr again looked at the sink hole and provided a letter advising it is still not an active sink hole. Both letters have been provided to the Plan Commission. They are requesting to amend the plat and reduce the area shown as the Sink Hole Conservancy Area to a smaller area so they can build a larger structure on the property. Lot 5A would be reduced by 10.12 feet and Lot 4A would be reduced by 17.55 feet.

Dennis Martin, representing his father, Chester Martin, explained this area was a garden until his father developed it. It never looked like a sink hole. They are requesting the reduction to build a single family condominium.

Dan Swafford asked if a building will be built on the top of area designated as the Sink Hole Conservancy Area. Mr. Martin replied it will be slightly on the west side of Lot 4A. Mr. Ryle asked if there has been standing water in the area. Mr. Martin answered they had standing water from heavy rains earlier in the year, but so did everyone else. The property slopes back toward Union Valley Farms into beehives to collect the water. Mr. Wesolowski asked what they wanted to previously build on the lot. Mr. Martin answered it was a duplex condo which is small in length. Mr. Ryle asked if all of the surrounding lots have been developed. Mr. Martin replied these are the last two lots in the development. They have a client who is interested if they can reduce the Sink Hole Conservancy Area. Mr. Wesolowski asked if there will be one building on both lots. Mr. Martin said he can't say for Lot 5A because no one is interested in it. Ms. Hash asked about the one-quarter acre requirement. Mr. Coppock answered the lot

size isn't changing. Mr. Martin added it is only a reduction of the Sink Hole Conservancy Area.

Dan Swafford asked the Town Attorney if additional documentation would be required to prove it is not a sink hole. Ms. Brown can't think of anything. It depends whether or not they're satisfied with Mr. Kerr's report but they have done their due diligence. Mr. Swafford wants to make sure if the sink hole does become active or part of the house settles they can't come back on the Town. Mr. Ryle asked when structures were built on adjoining lots if they ran into limestone on the surface. Mr. Martin answered this will have a crawl space and they wouldn't go deep enough to hit limestone. Mr. Ryle's concern is drainage. Mr. Drake remarked this could be said about different locations in Town. They're approving the plat and not telling them it's okay to build a house on the property. Their responsibility is to say whether it's reasonable to cut 10 feet off of one side and 17 feet off of the other. This is all about setbacks. Ms. Hash noted they're still conserving 50 feet. Mr. Wesolowski asked Mr. Coppock if he has a problem with the drainage. Mr. Coppock answered no because it drains back to the west into a big ditch that runs through Union Valley Farms.

Terry Baker entertained a motion to approve the Martin Plat Amendment for Union Valley Homestead Lots 4 and 5 as presented. David Drake made a motion to approve the Martin Plat Amendment for Union Valley Homestead Lots 4 and 5 as presented. Russ Ryle seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; David Drake – yes; Dan Swafford – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 6-0.

Cedar Bluff PUD, Phase I Development Plan Approval

Rick Coppock, Bynum Fanyo and Associates, Town Engineer, explained this is on the property formerly known as Cedar Bluff Nursery. His report has been provided to Plan Commission members. Phase I of the PUD consists of 28 multi-family units on 1.96 acres of the 7.69 acre site. There are townhomes on the east and west sides of the road coming up the center and apartments are at the north end. The driveways are located at approximately the same location as the existing. There are three ponds proposed for the site. There is a 20 foot setback on each side. Lighting is to be directed away from adjacent properties. Storm water controls and detention and street right-of-ways are in accordance with Town code. Sewer will be provided by Eastern Richland Sewer Corporation, water will be provided by the Town of Ellettsville and the apartment building will be sprinkled which has been reviewed by the Fire Chief. Mr. Wesolowski asked if they're going to reduce the hill and lower the apartments or are they going to go with the grade. Mr. Coppock replied they will go with the grade and then they'll step down the townhouse units. Mr. Wesolowski asked how much building they will see behind the commercial portion. Will they see a lot of housing versus commercial? Mr. Coppock noted there is a 33 to 35 foot difference from the ground elevation. For the most part people will be able to see a portion of the apartments.

Steve Brehob, Brehob and Associates, representing the Petitioner, submitted building elevations for Phase I. There are no balconies on the apartment building but they have a covered front porch entry. The front of the apartment building could potentially be seen from State Road 46. The townhomes do not have any balconies but have porches on the back side. Each pair of townhomes will have stair steps to transition the grade. The apartment building is flat across the back. Mr. Ryle asked what the elevation change is from one end to the other. Mr. Brehob answered there is a two foot step at each townhome. Across the width of the building there is six feet of elevation change. Mr. Wesolowski asked if they are one or two bedroom apartments. Mr. Brehob replied the apartments are two bedrooms and the townhomes are three bedrooms with a garage and one side has basements. Mr. Wesolowski asked where the drainage will go. Mr. Brehob answered runoff from the parking lot will go through the permeable pavers, into the subgrade underneath and what doesn't infiltrate is collected into a four inch underdrain and discharged to a detention basin in a rain garden. Mr. Ryle asked if there will be a four inch pipe between the surface and subterranean water flow from the northern and southern detention areas. Mr. Brehob explained it is piped through a storm sewer system. The entire Phase I area for which they are seeking approval is not just the apartments but also the road that leads to them. That not only completes the apartments but it allows

them to put in water, sewer and storm water infrastructure with this initial phase that will support the rest of the development. It also allows them to build the storm water detention area that will support the rest of the development. They are not building on the other parcels. It allows the parcels to be sold and further developed. They have Indiana Department of Transportation permits for the driveways. They widened the existing driveways to 36 feet to provide for left hand turn lanes.

Dan Swafford asked how many parking spaces there are for the townhouses and apartments. Mr. Brehob replied there are two parking spaces for each unit. The three bedroom units have two parking spaces. It is not based on parking spaces per bed but per unit. Mr. Swafford asked how many parking spaces are in the back lot. Mr. Brehob answered there are 56 parking spaces on site and the Town requires two spaces for every unit. The townhouse units have garages which count for one parking space. Mr. Brehob said there are 25 parking spaces in the back parking lot. There are 16 parking spaces along the back unit. Ms. Hash asked if there is overflow parking for guests. Mr. Brehob pointed out the overflow parking spaces on the plat. Ms. Line asked where the accessible parking spaces were located. Mr. Brehob explained there will be two accessible parking spaces located in the northern corner in front of the apartments. The parallel parking spaces are in an area where they could be accessible as well. Mr. Swafford asked the width of the driveways. Mr. Brehob answered they are 12 feet wide. Mr. Ryle asked if there is adequate parking if everyone does what they should especially if there are guests or visitors. Mr. Drake stated they can't hold the developer to stricter standards than what the code provides for. If they have the appropriate number of parking spaces and accessible parking spaces under the code they can't tell them they have to have more. Ms. Hash asked how many units are in the apartments. Mr. Brehob replied there are 16 units. Ms. Hash asked how many parking spots are in the upper lot. Mr. Brehob answered there are 25. Mr. Swafford thought there were to be two spaces per unit. Mr. Brehob explained the total site has 56 parking spaces. Mr. Swafford asked if this includes the garages. Mr. Brehob answered that was correct. Ms. Hash stated if all of the apartments were rented with two vehicles per apartment there wouldn't be adequate parking in the upper lot. Mr. Brehob stated they would have to use the overflow parking. Mr. Swafford thinks it is unfair to include garages in counting parking spaces. He asked Mr. Coppock if it is standard to count garages as parking spaces. Mr. Coppock explained the townhouses have two parking spaces per town code. Mr. Wesolowski asked if the townhomes will be rented or sold. Michael Eaton answered the intent is to sell them. Mr. Wesolowski asked how the garages could be included if they're to be owner occupied. Mr. Ryle asked how many feet it was from the front door of the apartments to the four overflow spaces at the end of the townhomes. Mr. Brehob replied the distance is about 270 feet. After a discussion, it was decided to add four parking spaces to the parking lot in front of the apartments by reducing the retention pond accordingly. Mr. Wesolowski asked their intended completion date. Mr. Brehob answered they want to get started and complete it as soon as they can.

Terry Baker entertained a motion to approve the development plan for Cedar Bluff PUD, Phase I as amended with four additional parking spaces. David Drake made a motion to approve the development plan for Cedar Bluff PUD, Phase I as amended with four additional parking spaces. Russ Ryle seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; David Drake – yes; Dan Swafford – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 6-0.

Planning Department Updates

Denise Line, Acting Director of Planning, advised for the December meeting there will be an annexation and a possible subdivision that may occur after the first of the year. Warren Hoobayr, the Code Enforcement Officer, is finished for the season and there are a few things still remaining.

Privilege of the Floor

Russ Ryle stated since they last met, the former Planning Director, Connie Griffin, moved on to a new position. It would be appropriate for the board to pass a resolution thanking her for five years of service and her diligence in bringing the Planning Department and the activity of the Plan Commission up several notches into the 20th century both technically and from a professional standpoint. Ms. Hash advised a resolution is a document that has to be passed and thinks a verbal thank you would be much better. Mr. Swafford concurs. Mr. Drake suggested approving someone to send her a letter. Mr. Drake asked Mr. Ryle to write a letter on behalf of the Plan Commission and have it available at the next meeting for everyone's signature.

Terry Baker wants yard sales placed on the agenda for the next meeting. Ms. Hash asked if one situation warrants new regulations. Mr. Ryle said a non-conforming activity in a residential area is already in the code. At what point does having a yard sale a certain number of days make it a non-conforming use in a residential district? Ms. Hash asked if it makes someone a business for having yard sales every weekend in the same location. Ms. Brown will research this issue. Ms. Line noted she called the Department of Revenue about how many days does it take for a yard sale to be a business and was told they don't have anything governing the number of days. She was told to contact the Monroe County Assessor and they didn't have anything. Then she called the Monroe County Attorney and was told they had a yard sale code but repealed although the definition remains in their code. Mr. Coppock thought the Town has had this issue before and was able to do something about it. Ms. Hash advised that was when they created the garage sale ordinance which has since been overwritten and the standing Town Council at that time did not reinstate it. The only way it can be regulated is to require a permit. After a discussion it was decided to address this at the next meeting.

Adjournment

Terry Baker entertained a motion to adjourn. Dan Swafford made a motion to adjourn. Terry Baker seconded. Terry Baker adjourned the meeting at 7:14 p.m.