

September 1, 2016

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, September 1, 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; David Drake, Don Calvert, Pat Wesolowski, and Sandra Hash. Kevin Farris was absent. 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 August 4, 2016. David Drake so moved. Pat Wesolowski seconded. Motion carried.

Old Business

Waiver from Subdivision Requirements for Centennial Park Located North of Centennial Drive; Petitioner: Gilbert Mordoh, on behalf of Development Group Network, Inc.; Case No. PC 2016-14

Jason McCauley, Attorney for Development Group Network, Inc., is requesting a waiver based on conditional approval of 40 lots for Phase I of the subdivision. Thirty-eight lots remain that cannot be built out until the second access point is obtained and the final plat approved. A development owned by Bob Crider to the south has an approved preliminary plat and has Highland Drive meeting the current proposed subdivision for Centennial Park. The second access point centers on two possible points with one being a 50' right-of-way which was lost pursuant to a lawsuit. The second would be according to the preliminary plat for Mr. Crider's subdivision or Highland Drive further to the east. They're asking for a waiver with a condition that until a second access point is obtained construction could commence on Lots 1-25, 59-62 and 68-78.

Gilbert Mordoh. Development Group Network, Inc., thanked the Plan Commission for their hard work. The 40 lot variance should be granted based on the following: The variance is for Centennial Park which has been granted preliminary approval based on the preliminary plat for 78 lots. Their preliminary plat has an egress/ingress to Crider's subdivision. He has spoken with Steve Crider and he is not opposed to selling the easement or the parcel that would run onto Centennial Lane or through his subdivision. Mr. Crider's father is opposed to this because someday he wants to develop the property. Mr. Mordoh has developed 100+ homes in Union Valley subdivision and the real estate market runs hot and cold. If this plat is approved development could start immediately. If it were delayed two to three years the market could be in a downturn and may take more years to develop. Once developed, traffic could go through Crider's new subdivision or Centennial Drive which would be safer for those living in Woodgate subdivision. Currently, there are 289 homes, not including the vacant lots, in Woodgate with two access roads on Lost Man's Lane, one access onto Union Valley Road and another indirectly to State Road 46 which is dangerous for people turning left. Forty additional lots would have an impact but probably not as much as if it was a smaller subdivision. Going to the stoplight on Centennial Drive to State Road 46 will be much safer as well as better access

for police and fire protection. In the long term access to the stoplight at State Road 46 will be a huge benefit for the same Woodgate residents who are now objecting to the variance. Mr. Wesolowski asked where the current access points are located. Mr. Mordoh answered it currently has one access point.

The following expressed concerns as outlined below:

Steve Olivas, lives on North Shadow Wood Drive

- Ribbon Court as the main entrance.
- Construction traffic on existing streets and a bond for county roads.
- Safety of children.

Pat Fowler, resident of Woodgate

- Safety.
- Traffic.

Terri Francis, lives on Lauren Lane

- Two entrances.

Bud Stokes, lives in Woodgate

- Bloomington versus Ellettsville.
- What is best for the community?

Terry Baker entertained a motion.

David Drake explained they've never required anyone to develop both entrances before approving their plat. Examples of subdivisions who had/have one access point were provided. This impact will be smaller and he understands concerns about the construction traffic. To be consistent they have to approve it or they're not following what has been done in the past. Forty lots is a good compromise and the developer can't develop the remainder of the lots until they finish the second entrance.

Sandra Hash asked the feasibility of requesting the developer to bond for the protection of county roads during construction. Ms. Brown is uncertain they can require the developer to bond for county roads as it is an issue with the county. The developer can be asked to bond for improvements to be done within the subdivision.

Pat Wesolowski asked how long it will take to build 38 homes. Mr. Mordoh estimates three years or sooner/later. The market is good right now. Mr. Wesolowski asked if there are 78 homes will there be another access point. Mr. Mordoh answered yes, through Mr. Crider's subdivision or through Centennial Drive. Mr. McCauley added there has to be a second access point. To the north is a property not in Ellettsville's jurisdiction but the two most likely access points are to the south. Mr. Mordoh wants the second access point to the south because traffic flows to the right on State Road 46 and is more marketable. Ms. Hash noted there is another road stub off of Centennial Drive that goes into the Crider subdivision. Hopefully, the stub closest to the end of the road would be the one to double back into the subdivision. Mr. Mordoh prefers to go through a new subdivision rather than an existing road with older homes.

David Drake made a motion to approve the waiver request for PC 2016-14, the preliminary plat for 40 lots as opposed to 78, specifically Lots 1-25, 59-62 and 68-78, and no additional lots will be approved until there is a second egress/ingress point. Brian Mobley seconded. Roll Call Vote: Terry Baker – yes; Don Calvert – abstained; David Drake – yes; Brian Mobley – yes; Pat Wesolowski – yes; and Sandra Hash - yes. Motion carried with one abstention.

After his vote on the aforementioned motion, Mr. Wesolowski stated he does not approve of only one access but believes in the developer. He asked the developer to be a good neighbor and get with the county about the roads.

New Business

Petition for Electronic Changeable Copy Sign, True Value, 4610 W. Richland Plaza Drive; Petitioner: Engler Family Future, LLC; Case No. PC 2016-16

Kevin Tolloty, Planning Director, presented a new electronic changeable copy sign for True Value. It is 8' larger than the existing sign. Staff recommends approval with the following conditions: A minimum message hold time of five seconds and for brightness not to exceed .5' candles above ambient light.

David Drake made a motion to approve PC 2016-16, the changeable copy sign petition for True Value Hardware with two conditions. Pat Wesolowski seconded. Roll Call Vote: Terry Baker – yes; Don Calvert - yes; David Drake – yes; Brian Mobley – yes; Pat Wesolowski – yes; and Sandra Hash - yes. Motion carried.

Petition for Final Plat Amendment of Greenbrier Meadows Subdivision, Phase III, to Convert 11 lots into 8 larger lots, E. Lavender Court; Petitioners: Greenbrier Meadows, LLC and Bynum Fanyo Associates; Case No. 2016-18

Rick Coppock, Bynum Fanyo & Associates, representing the Petitioner, explained this was previously approved in 2016. This is a plat amendment request to reconfigure the lots to one acre or larger. Members agreed this is a positive change. Mr. Calvert asked if the Police and Fire Departments approved the lots. Mr. Coppock answered the streets are the same size as before.

Terry Baker entertained a motion. Brian Mobley made a motion to pass PC 2016-18, Greenbrier Meadows Subdivision. Pat Wesolowski seconded. Roll Call Vote: Terry Baker – yes; Don Calvert - yes; David Drake – yes; Brian Mobley – yes; Pat Wesolowski – yes; and Sandra Hash - yes. Motion carried.

Petition for Final Plat Amendment of Gieselman Minor Subdivision, W. State Road 46 and N. Starnes Road; Petitioner: Richard Gieselman; Case No. PC 2016-19

Kevin Tolloty, Planning Director, explained the subdivision will split the main lot from Mr. Gieselman's other business. There are currently two lots in the subdivision. The larger lot will be split down the middle and the rear lot will be the storage facilities. Mr. Gieselman explained the subdivision is a legal matter to separate the storage facility from his primary business.

Terry Baker entertained a motion. David Drake made a motion to approve PC 2016-19, final plat amendment for Gieselman Subdivision. Pat Wesolowski seconded. Roll Call Vote: Terry Baker – yes; Don Calvert - yes; David Drake – yes; Brian Mobley – yes; Pat Wesolowski – yes; and Sandra Hash - yes. Motion carried.

Planning Department Update

Proposed Code Changes

Kevin Tolloty, Planning Director, made corrections pursuant to the last meeting. The number of lots before a second access point is required was changed. A provision was added to §152.127, Development Plan, requiring any development plan with over 50 units

to have a second ingress/egress. The emergency vehicle provision was changed to all vehicle traffic.

Under §153.074, Extension of Streets, the first part is changed from 10 to 25 lots and that would trigger the direct access point to a main road or two other access points. Two access points would be for emergency access. Mr. Drake asked how this compares to Bloomington and county regulations. Mr. Tolloty looked at a number of different locations and they vary. Bloomington didn't have an actual requirement but it is recommended to go before the Plan Commission. The county code states two access points may be required but it is to go before the Plan Commission. Some have no requirements and others say two access points for 10 to 50 or more. Mr. Drake agrees with the concept of having more than one entrance to subdivisions but is unsure it is always going to be feasible to have two entrances at the first phase of the development. Mr. Tolloty added "*must be installed and functional prior to approval of final plat*" under §153.074(E)(1)(a). Functional does not mean paved. He would like to see the second access roughed-in and the right-of-way shown on the plat. Ms. Hash asked if it's under 25 lots will they only be required to have one access. Mr. Tolloty answered they can have more than one. Mr. Drake noted in unusual circumstances they would still have the ability to waive two access points. Mr. Tolloty agreed. Mr. Drake asked what happens if someone is adding to a 50 lot subdivision and it looped another phase connecting to multiple streets in a subdivision but never had access to a main road. Mr. Tolloty thinks they would have the ability to look at it as a waiver. Mr. Drake read §153.074(E)(3), "*Loop roads may loop back to one main entrance if the loop effectively gives access in two directions.*" Mr. Drake asked if the ordinance addresses construction roads. Ms. Brown answered no. Ms. Hash thinks there should be some way to protect the surrounding area. There was a discussion on liability and county roads. Mr. Coppock advised typically the developer videos access roads prior to starting and keeps it on file in case there are any claims.

Kevin Tolloty addressed multi-family dwellings in C-3 districts. A majority of other jurisdictions allow multi-family housing by right in at least one zone. The Town has multi-family residential in R-3. Over half of the jurisdictions have special exceptions for multi-family commercial zones. Four did not allow multi-family in commercial zones. Multi-family by special exception or if not permitted in a commercial zone would go through the Board of Zoning Appeals. Multi-family as a permitted use in C-3 districts was removed and changed to a special exception. Criteria for multi-family housing as a special exception was added. Mr. Drake asked if a special exception changes the burden of proof so that if a development plan is denied it has to be shown it is not compatible or if it is requested this concept is reversed. Mr. Tolloty answered the special exception does require a greater burden of proof than a development plan. The criteria for a use variance is outlined in state code. Ms. Brown explained the difference between a special exception and a variance. The Town code states under a special exception this can be a permitted use in a certain zone if requirements are met. Someone either asks for a use variance, variance from the development standards or zoning standards and this is discretionary. The Board of Zoning Appeals has more leeway than the Plan Commission. Ms. Hash clarified that a special exception does not stay with a property but a variance does. Ms. Brown stated variances typically stay with the land. Mr. Drake asked if the requirements for multi-family housing is the criteria they consider now for a development plan or is it more heightened. If it is basically the same thing then he wonders if they would want to make it a variance as opposed to a special exception. Mr. Baker thinks a variance has more flexibility than a special exception. A special exception has to meet the same criteria as the

Plan Commission. Mr. Tolloty stated it is written for a development plan. The criteria could be more stringently defined for a special exception. Mr. Drake would approve of a special exception if it had more stringent standards than what's under the development plan. Mr. Baker noted the variance has that capability. They should go with a variance rather than a special exception because it has more flexibility. Mr. Drake asked if industrial zones include multi-family housing. Mr. Tolloty answered no.

Sign Code

Kevin Tolloty explained under §152.255, Purpose, the sentence "*It has been determined . . . being unduly distracting*" was removed. Under §152.257, General Regulations, separation from streets requires signs are to be 2' off of the road. He is proposing 10' from the road or 5' to a property line for public safety. Under public safety/visibility the following was removed "*the Director of Planning or . . . and that the sign.*" Mr. Calvert asked about signs on corner lots. Mr. Tolloty advised they still have the site triangle. Content based regulations for garage, real estate, personal message and construction signs were removed from §152.258, Exempt Signs. Twelve feet and under are permitted for non-commercial opinion signs. Two 6' signs and under are permitted in any zoning district. Residential zoning districts and other residential properties can have one temporary sign up to 32' for three days at a time up to four times a year. Prohibited Signs, §152.259(C) was changed to "*Balloons are permitted for one week per calendar year that are tethered . . . in diameter.*" Mr. Wesolowski asked if this refers to residential or commercial zoning. Mr. Tolloty answered it's primarily for commercial zoning. Paragraphs (I) and (J) were condensed to "*Signs attached to fences, trees, street signs or utility poles.*" Temporary signs will be discussed at the next meeting.

Kevin Tolloty reminded everyone the next meeting is October 13, 2016. A list of proposed meeting dates for 2017 was provided.

Brian Mobley made a motion for the 2017 proposed meeting dates for the Plan Commission. Pat Wesolowski seconded. Motion carried.

Kevin Tolloty hopes to do a public workshop for the Comprehensive Plan in early 2017.

Kevin Tolloty announced the Nitty Gritty Workshop will be held in Bloomington on Friday, November 4, 2016. If anyone wants to attend please let him know.

Adjournment

Terry Baker entertained a motion to adjourn. David Drake so moved. Pat Wesolowski seconded. Terry Baker adjourned the meeting at 7:30 p.m.

Terry Baker, President

Brian Mobley, Vice President

Sandra C. Hash, Secretary

Don Calvert

Pat Wesolowski

Kevin Farris

David Drake