

August 3, 2017

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, August 3, 2017, at Town Hall located at 1150 W. Guy McCown Drive. 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; Don Calvert, David Drake, Kevin Farris, Brian Miller, Pat Wesolowski and Sandra Hash. Kevin Tolloty, Planning Director; 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 meetings on June 8, 2017 and July 13, 2017. Kevin Farris so moved. Pat Wesolowski seconded. Motion carried.

Old Business

New Business

Comprehensive Plan Public Hearing

Kevin Tolloty, Planning Director, explained this meeting opens the public hearing on the Comprehensive Plan ("Plan"). At this time, the Plan is not finished and the purpose of this meeting is to gather comments.

Terry Cox, Owner of Heritage Trail Café & Coffee Roaster, expressed concern over a delay for approval of a permit to hang a sign over the right-of-way on Sale Street. Mr. Tolloty explained he has addressed this with Mr. Cox by email. While he understands Mr. Cox may not have done the work to the building, a permit cannot be issued while there is an outstanding violation of construction in a floodway without a permit on the property. The Indiana Department of Natural Resources ("DNR") has been contacted and he hopes to hear from them soon. The DNR maintains anything that happens in a floodway regardless of the footprint and has to review and approve it. Mr. Cox clarified he wants to hang the sign on 208 N. Sale Street and not 206 N. Sale Street.

Pat Wesolowski asked if he would be in violation if the patio was removed. Mr. Tolloty answered no, it would correct the violation. Mr. Wesolowski asked if that happened could the sign go up. Mr. Tolloty yes, as long as there is not an outstanding violation. There was a lengthy discussion on this topic.

Planning Department Update

Kevin Tolloty, Planning Director, presented two proposed code updates that will be on the agenda for the September meeting. The first update is for Industrial Districts. The Town is going to annex the Waste Water Treatment Plant ("WWTP") for the purpose of building an outdoor gun range for the Police Department. The annexation requires a zoning classification and the Town does not have any that allow a gun range. He is proposing to amend the Industrial-2 zone to allow outdoor gun ranges on properties that have 20 or more acres with the stipulation that it is certified by the Police Department for safety. The I-2 District will include the WWTP, offices and so forth. Ellettsville has four properties zoned I-2 which includes two owned by the Town and the other two are vacant lots located behind the Village Inn on Vine Street and are less than 20 acres. The change will only affect the WWTP once it is annexed.

David Drake asked if it would make more sense to make it a conditional use versus a permitted use. Mr. Tolloty answered it could be done that way. However, if the WWTP was to be sold because it is not contiguous it would revert back to the county with their zoning classification. Mr. Wesolowski asked if the state gets involved with gun ranges. Ms. Brown answered she is not aware of any involvement by the state. Ms. Hash asked about the noise levels as there are neighbors around the area. Mr. Tolloty replied there are not any houses within one-quarter of a mile of the WWTP. Mr. Farris asked how long the remonstrance period is. Ms. Brown explained this is not considered a voluntary annexation because it is not contiguous but is allowed because of exceptions for sewer plants. Mr.

Tolloty commented the remonstrance period is 90 days. There will be six public outreach meetings, an

introduction at Town Council, public hearing 60 days after it is introduced and 30 days after that it can be adopted. The annexation will not come before the Plan Commission because it has to go through Town Council. Mr. Baker asked if it would be a good idea to change the gun range to a special exception. Mr. Tolloty answered it could be done but he was trying to prevent it from having to go through the Board of Zoning Appeals. However, the code is written so no one else can put one in Town.

The second proposed update is to §152.125, Development Plans Required. Currently, Town Code for Development Plans does not match Indiana code. Development plans have been processed according to state code meaning they’re approved through the Plan Commission. Town Code states it is to go through Plan Commission two times and Town Council once. Indiana code gives exclusive authority over development plans to the Plan Commission. The amendment to §152.125 will refer to Indiana code. This will be on the agenda for the September meeting.

Sandra Hash asked Mr. Tolloty his thoughts on the tree ordinance for the Street Department. Mr. Tolloty will be meeting with Danny Stalcup on August 4, 2017.

Privilege of the Floor

Pat Wesolowski would appreciate it if Mr. Tolloty would keep in contact with the owner of the Heritage Trail Café and Coffee Roaster. The community needs to know the Town is trying to do things correctly and will help businesses as much as they can. Mr. Tolloty explained the Planning Department wants businesses to be happy and does try to work with them as much as possible. Mr. Wesolowski asked if, for example, someone complained about him having a swimming pool in his back yard is he allowed to know the name of the complainant. Ms. Hash answered it causes issues. Mr. Tolloty stated the Planning Department does take anonymous complaints. However, if a complainant gives their name they will, in turn, give it to the miscreant. Although people may provide a name, they can still ask to be anonymous. Ms. Brown added if someone completes a form and provides their name it is subject to the Public Records Act. Mr. Tolloty commented the Planning Department will also notice violations. There was further discussion on the DNR, construction in a floodway, flood mitigation and downtown.

Adjournment

Terry Baker entertained a motion to adjourn. Kevin Farris so moved. Pat Wesolowski seconded. Motion carried. Terry Baker adjourned the meeting at 6:54 p.m.

Terry Baker, President

David Drake, Vice President

Don Calvert

Kevin Farris

Brian Miller

Pat Wesolowski

Sandra Hash, IAMC, MMC