

## **March 2, 2017**

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, March 2, 2017, in the Fire Department Training and Conference Room located at 5080 West State Road 46. David Drake called the meeting to order at 6:00 p.m. Kevin Farris led the Pledge of Allegiance.

**Roll Call:** Members present were: David Drake, Vice President; Don Calvert; Pat Wesolowski; Kevin Farris; Brian Miller and Sandra Hash. Terry Baker was absent. Kevin Tolloty, Planning Director, and Darla Brown, Town Attorney, were also present.

### **Approval of the Minutes**

David Drake entertained a motion for approval of the minutes for the regular meeting on February 2, 2017. Pat Wesolowski so moved. Kevin Farris seconded. Motion carried.

David Drake entertained a motion to move Old Business after New Business. Pat Wesolowski so moved. Kevin Farris seconded. Motion carried.

### **New Business**

**Primary and Secondary Plat Approval to Subdivide Parcel into Two Parcels (5.71 and 2.91 acre lots), 5050 Love Lane, Mary E. George Subdivision; Petitioner: Donna Morgan, on behalf of Mary George; Case No. PC 2017-03**

**Kevin Tolloty, Planning Director**, explained the Petitioner is requesting primary and secondary plat approval for a single lot subdivision on Love Lane. There are two houses on the lot and they will both meet all zoning set back requirements after plat approval. Staff recommends primary and secondary approval of the plat. Mr. Wesolowski asked if they're making two lots out of one. Mr. Tolloty answered there are two lots now but they're shifting lot lines. Ms. Hash asked if there are plans to develop the property. Mr. Tolloty answered there is a house on each lot and there are no plans to do anything else with the property.

**Eric Deckard, Deckard Land Surveying**, represents the Petitioner. They're wanting to create one additional lot from the parcel. Modifications to the plat add a 50' easement that follows the existing driveway back to the existing property to the north. It also creates an easement for driveway at the driving range on the east side of the property. Mr. Wesolowski asked if there is water and sewer on the property. Mr. Deckard asked yes.

David Drake entertained a motion. Kevin Farris made a motion to accept the primary and secondary plat approval of the subdivided parcel in to two parcels at 5050 Love Lane. Pat Wesolowski seconded. Roll Call Vote: Don Calvert – yes; David Drake – yes; Kevin Farris – yes; Brian Miller – yes; Pat Wesolowski – yes; and Sandra Hash - yes. Motion carried.

### **Old Business**

## **Proposed Revisions to the Sign Ordinance, Chapters 152.255 – 152.265 (Public Hearing)**

**Kevin Tolloty, Planning Director**, incorporated comments from the previous meeting into the sign code. He is requesting a favorable recommendation to forward the ordinance to Town Council for adoption. A summary of the revisions to the sign code are as follows:

- Light pollution was added for regulating signs under purpose.
- Under definitions the following were added:
  - Abandoned signs: Sign or sign structure on a property in which all of the buildings have been removed.
  - Awning sign: Definition was added.
  - Multi-Tenant sign: Sign that serves as a common or collective identification of two or more uses on the same premises.
- Sandwich board signs were changed to A-frame sign with the same definition.
- Signs on public property: Town Council approval is needed. Signs and other items added to traffic signs and other related structures are prohibited in the right-of-way.
- Prohibited signs: Abandoned signs have been added. Includes farm equipment, all-terrain vehicles and other similar vehicles to signs on parked motor vehicles.
- Temporary signs: A-frame signs are included and shall be no larger than 8 ft<sup>2</sup>; not obstruct pedestrian traffic or any ADA required path; shall be located within 50' of an entrance to an approved use. They don't require a permit and is basically for downtown. Mr. Calvert asked if there is a charge for A-frame signs. Mr. Tolloty replied no. Mr. Calvert asked if there is a charge for banners and what the difference is. Mr. Tolloty answered the A-frame signs are smaller than banners and 8 ft<sup>2</sup> will be the cutoff for what will require a permit. Ms. Hash noted A-frame signs are in use when a business is open. Mr. Calvert asked if anything is grandfathered under §152.260(D)(e) and (f). Mr. Tolloty replied it remains the same as the existing code but was moved from a different section. There has been discussion that some of the window signs are over 25% but it has not been a priority for enforcement.
- Permanent and commercial signs:
  - Multi-tenant signs: Allows one multi-tenant freestanding sign per street frontage, prohibits additional freestanding signs for individual tenants. Square footage will be based on 40 ft<sup>2</sup> plus 32 ft<sup>2</sup> per tenant space for C-3, I-1 and I-2 and 24 ft<sup>2</sup> plus 24 ft<sup>2</sup> square feet per tenant for C-1 and C-2. The formula will be based on the number of tenant spaces. Ms. Hash asked if they can require a sign be removed if the tenant is no longer there. Mr. Farris thinks it may be the responsibility of the landlord. Mr. Tolloty answered he could ask but does not think it could be written into the code.
  - External lighting to be directed away from traffic.
- Permits and approval process:
  - Electrical permit required. All permanent signs that will be lit, either internally or externally, and require an electrical hook-up shall obtain an electrical permit. An approved electrical permit must be submitted before a sign permit can be issued.
  - Construction plan review. All permanent freestanding signs shall include a construction plan. A building permit may be required for freestanding signs.
  - Maximum fine increased from \$500 to \$1,000, per violation.
- Sign enforcement procedures and fines:
  - Requires temporary sign violators to pay the permit fee for the time banner was displayed without a permit.
- Portions of §§152.264 and 152.265 were changed for clarity to make it easier to read.

**Russ Ryle** asked if the requirements can stipulate portable signs cannot restrict a sidewalk or access to where it is narrower than 36" for ADA. Positioning of mailboxes along a sidewalk is also an issue. Ms. Hash noted it is mentioned in the A-frame section. Mr. Tolloty noted it does not list a specific number but states "*It shall not obstruct an ADA required path.*" There is no reason for anything other than an A-frame sign to be on a sidewalk. He agrees with the mailbox issue but does not know how it gets addressed. Mr.

Ryle stated it's the mailboxes along State Road 46 are the problem. Ms. Hash commented the state put in the mailboxes along State Road 46.

**Pat Wesolowski** thinks businesses are asked to come to Ellettsville and then held back from advertising. He doesn't think it's right. A business had to remove a banner they had for one day because they received a violation letter. Signs is how they grow a business. Ms. Hash commented they aren't prohibiting signs but trying to regulate them to keep them under control and uniform for cosmetic purposes. Mr. Drake added safety is also a consideration. Mr. Wesolowski has asked about safety but no one provides information that states 8' is too much and 100' is not enough for safety. Mr. Tolloty asked if he was referring to the size of the sign or setback. Mr. Wesolowski was referring to both. Mr. Farris commented business in a corridor is difficult because traffic is moving through as fast as it can. Signage is the only chance you have to get attention. He does not agree with too much regulation. Safety is the biggest issue. Ms. Hash noted the reason a permit is required is to notify businesses about the rules. Mr. Drake agrees with the comments in that they don't want to make it difficult for business owners. There has to be some type of regulation for safety and light pollution. Everything has to be equal and level for everyone. They have the opportunity to change something if it is creating too much of a hardship. Perhaps it would be best to make sure the Chamber of Commerce and businesses have an opportunity to review the proposed sign code. Mr. Tolloty has forwarded the proposed sign code to the Chamber of Commerce but it is uncertain if it has been distributed to members. Ms. Hash is a member of the Board for the Chamber of Commerce and will distribute the proposed sign ordinance at their next meeting.

David Drake entertained a motion.

Kevin Farris asked if the proposed sign ordinance is on the website. Mr. Tolloty answered the sign ordinance is included in the meeting packet which is on the website. The Planning Department is working on a master list of businesses so they can mass mail items such as the proposed sign ordinance. Mr. Wesolowski would prefer for the Chamber of Commerce and businesses to have an opportunity to review the ordinance. Advertising is crucial for a business. Mr. Tolloty will contact *The Ellettsville Journal* about writing an article on the proposed sign code.

**Russ Ryle** thinks it should be sent to Town Council because it has been discussed and businesses have had an opportunity to voice their opinion.

**Sandra Hash** thinks the proposed changes are improvements to the Town Code. Mr. Calvert doesn't have a problem with either tabling or passing it. Businesses have had an opportunity to comment but they haven't attended meetings. Ms. Hash doesn't think it will hurt to wait one more month to try one more time to allow for businesses to comment.

Kevin Farris made a motion to table this for one month until the April meeting. Pat Wesolowski seconded with the caveat Sandra Hash will provide packets to the Chamber of Commerce. Roll Call Vote: Don Calvert – yes; David Drake – yes; Kevin Farris – yes; Brian Miller – yes; Pat Wesolowski – yes; and Sandra Hash - yes. Motion carried 6-0.

**Kevin Tolloty** asked if there were any additional comments or changes to the proposed sign code. Mr. Drake suggested providing a summary about how the Town's ordinance compares to Monroe County and the City of Bloomington as it pertains to being restrictive.

**Floodplain Ordinance Revisions, Chapters 152.100 – 152.105**

**Kevin Tolloty, Planning Director**, commented there have been no changes since the last meeting. The Indiana Department of Natural Resources (“DNR”) has approved the proposed ordinance.

**Russ Ryle** asked if the changes were required by the DNR. Mr. Tolloty replied most of the changes were required and optional items were included.

**Don Calvert** asked how the Board of Zoning Appeals (“BZA”) decisions will pertain to the floodplain. Mr. Tolloty answered the BZA will make a decision if there is a variance request from the flood regulations. Mr. Calvert asked if the DNR established the rules how can the Town allow a variance. Mr. Tolloty explained there is a regulatory floodway which is on either side of the creek. The floodway fringe is the 100 year floodplain. Then, there is a 500 year flood fringe outside of the 100 year floodplain. The variance only applies to the floodway fringe which is regulated locally. Permits can be issued by the Town for anything outside of the floodway as well as a variance without DNR involvement. Variances can’t be issued for anything in the floodway but has to be approved by the DNR. Ms. Hash commented several people have appealed to FEMA to be removed from the floodplain so they didn’t have to get the required insurance for their mortgages. Mr. Tolloty stated the variances would not be a determinate as to whether or not something is in a flood zone. It alleviates a portion of the code, i.e. height. The variances are a lot more involved and difficult to have approved. There was continued discussion on floodway versus flood zones. Ms. Hash asked if variances could be requested in flood zone A. Mr. Tolloty replied yes, but is discouraged in both flood zones A and AE. However, guidance from the DNR is they do not want variances approved. Mr. Farris thanked him for doing a good job on the sign code.

David Drake entertained a motion. Kevin Farris made a motion to accept the floodplain ordinance revisions, Chapter 152.100 – 152.105 with a favorable recommendation to Town Council. Pat Wesolowski seconded. Roll Call Vote: Pat Wesolowski – yes; Brian Miller – yes; Kevin Farris – yes; David Drake – yes; Don Calvert – yes; and Sandra Hash - yes. Motion carried.

## **Planning Department Update**

### **Annual Report**

**Kevin Tolloty, Planning Director**, explained the Annual Report is not finished but will be emailed to Plan Commission members. A few charts to be included in the Annual Report were presented.

The Planning Department is in the process of hiring a Planning Tech who will start in April.

**Sandra Hash** announced the Town Hall moving dates are March 21 – 22, 2017. Offices will reopen on March 23, 2017. The April 6, 2017, Plan Commission meeting will be held in new Town Hall.

### **Adjournment**

David Drake entertained a motion to adjourn. Kevin Farris so moved. Don Calvert seconded. Motion carried. David Drake adjourned the meeting at 7:26 p.m.