

## May 4, 2017

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 4, 2017, at Town Hall located at 1050 W. Guy McCown Drive. 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; David Drake, Vice President; Don Calvert; Kevin Farris, Brian Miller, Pat Wesolowski and Sandra Hash. Kevin Tolloty, Planning Director, Rick Coppock, Bynum Fanyo & Associates, 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 meeting on April 6, 2017. Pat Wesolowski so moved. Don Calvert seconded. Motion carried.

### Old Business

#### Sign Ordinance Town Council Amendment

**Kevin Tolloty, Planning Director**, requested this be moved to the end of New Business. Plan Commission President agreed.

### New Business

**Petition for Electronic Changeable Copy Sign, St. John the Apostle Catholic Church, 4607 W. State Road 46; Petitioner: Ron Pendill, on behalf of St. John the Apostle Catholic Church; Case No. PC 2017-09**

**Kevin Tolloty, Planning Director**, explained this is a request for an electronic changeable copy sign at the St. John the Apostle Catholic Church. The new sign will be in the same location as current signage. The property is zoned C-1. The new sign will be monument style and approximately 60 ft<sup>2</sup>. A 4' x 8' portion, or 32 ft<sup>2</sup>, of the sign will be the electronic sign and the remainder will be non-changeable. Staff recommends approval of the sign with the conditions there is a minimum message hold time of five seconds and brightness levels are not to exceed .5 foot candles above ambient light.

Terry Baker entertained a motion on PC 2017-09, Changeable Copy Sign. David Drake made a motion to approve the petition. Kevin Farris seconded. Roll Call Vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Kevin Farris – yes; Brian Miller – yes; Pat Wesolowski - yes; and Sandra Hash - yes. Motion carried.

**Preliminary and final plat approval of two lots (52.1 acres) located along W. Ratliff Road, E. Benjamin Street and E. Jessica Street in Greenbrier Meadows Subdivision; Petitioner: Roberta Robinson, on behalf of Greenbrier Meadows, LLC; Case No. PC 2017-10**

**Kevin Tolloty, Planning Director**, explained this petition is related to the preliminary plat petition for Greenbrier Meadows, Phase IV, at the April meeting. This petition, however, is for preliminary and final plat approval which will split off the portion that will become Phase IV of Greenbrier Meadows. All lots are zoned R-3. Staff recommends approval of the preliminary and final plat.

**David Drake** asked why it is zoned R-3. Mr. Coppock explained it was zoned R-3 because the original development included apartments. Mr. Wesolowski asked if this petition is on behalf of the Robinsons. Mr. Coppock answered yes, Darlene Robinson still owns a portion of the ground and Greenbrier, LLC owns 2 +/- acres. In order for the property to be transferred to David Jenner, the lots have to be created so he can proceed with the subdivision.

Terry Baker entertained a motion. David Drake made a motion to approve the preliminary and final plat for Greenbrier Meadows, LLC, PC 2017-10. Kevin Farris seconded. Roll Call Vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Kevin Farris – yes; Brian Miller – yes; Pat Wesolowski - yes; and Sandra Hash - yes. Motion carried.

**Voluntary Annexation of 4354 N. Centennial Drive (.61 acres); Petitioner: Steven Emery, on behalf of Centennial Park, LLC; Case No. PC 2017-08**

**Kevin Tolloty, Planning Director**, explained this petition is for the 100% voluntary annexation of 4354 N. Centennial Drive, a single family residential lot. The annexation will take in the lot and the corner of the roadway. It is in the Highland Park Subdivision, south of the Centennial Park Subdivision. Current zoning is low density residential and the proposed zoning is R-1. The property is 27% contiguous and will be in Council Ward 4. Staff recommends a favorable recommendation to Town Council with R-1 zoning which will match that of Centennial Park.

Terry Baker entertained a motion. David Drake made a motion to recommend to Town Council the voluntary annexation of 4354 N. Centennial Drive, Case No. PC 2017-08, zoned R-1 and part of Ward 4. Pat Wesolowski seconded. Roll Call Vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Kevin Farris – yes; Brian Miller – yes; Pat Wesolowski - yes; and Sandra Hash - yes. Motion carried.

**Sign Ordinance Town Council Amendment**

**Kevin Tolloty, Planning Director**, explained the amendment to the sign ordinance was heard by Town Council on April 24, 2017, and was rejected by a 2-1 vote.

**Darla Brown, Town Attorney**, understood from Town Council comments they wanted §152.262(B)(2)(c) to be changed from “*Freestanding signs shall be monument type signs only, pole type freestanding signs shall be prohibited in these districts*” to “*Freestanding signs may be monument type or pole type freestanding signs.*” According to code, the Plan Commission has 45 days to consider the Council’s proposed amendment and report to Town Council whether or not it approves the amendment.

**Kevin Farris** explained the concern was Scott Oldham believes monument signs are a hazard for drivers. Ms. Brown added Brian Mobley thought the revision would be friendlier to business owners.

**Kevin Tolloty** explained the purpose of a sign code as follows:

- To encourage the effective use of signs as a means of communication;
- To protect, conserve and enhance property values;
- To enhance the attractiveness and economic well-being of Ellettsville as a place to live and conduct business;
- To encourage creative and well-designed signs that contribute in a positive way to the town’s visual environment, express local character, and help develop a distinctive image in the town;
- To recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances;
- To encourage and, to the maximum extent feasible, require that all signs within the town be brought into compliance with the terms of the Sign Code;
- To reduce visual clutter;
- To reduce traffic and safety hazards as to not distract motorists or create a hazard to vehicular and pedestrian traffic; and
- To prevent the proliferation of off-premises commercial signs which obscure the legitimate effort of local businesses to reasonably identify the location and nature of their business.

Areas discussed at Town Council pertained to C1 and C-2 zoning districts on State Road 46 between the gateways and east of Sale Street. There are 20 properties along Temperance Street with a mixture of pole, monument or a combination of both types of signs. Only three of these signs meet Town Code. Monument signs provide more of a small-town look between the gateways. With slower speed limits, larger signs are not necessary. Monument signs will be prohibited from any site triangle which is 20’ from driveways and 20’ from roads/alleys and should alleviate most of the safety concerns. The right-of-way along Temperance Street is 50’ to 60’, of which 30’ is roadway and includes 10’ to 15’ off the roadway on either side. All signs will be a minimum of 5’ behind the right-of-way, which would amount to all signs being located a minimum of 15’ behind the roadway. Additionally, all signs will be located a minimum of 5’ behind the sidewalk and up to 10’ in some locations. A majority of the signs are set back further. As long as the signs meet code they should not be a problem. Mr. Wesolowski asked if someone sold their business would the sign be grandfathered or would it have to adhere to the new ordinance. Mr. Tolloty answered it would depend on what is done to the sign. Sign costs were also discussed at the Town

Council meeting. Quotes were obtained from Everywhere Sign and Johnny's Signs for a 60 square foot unlit sign. A monument style sign cost less than a pole sign from one business and the other said the costs are relatively the same. However, the price for a monument sign would increase if it was made out of stone. Another difference between monument and pole signs are construction and aesthetics. Visibility of the signs comes down to the size of the actual sign faces and lettering. Calculations for monument signs are based on the actual sign and for pole signs it also includes the frame. On Temperance Street monument signs are better because trees keep the signs lower to the ground. On State Road 46 past the gateways, it would be better for businesses to have taller signs.

The Plan Commission is being asked to vote on whether to accept or reject the amendment as proposed by the Town Council. Rejection of the amendment would leave the ordinance as it was originally approved and it would return to Town Council for a vote at their May 22, 2017, meeting. Mr. Farris asked Mr. Tolloty if he was opposed to the amendment being a choice of pole or monument signs. Mr. Tolloty answered he would rather it be more uniform. It works into a bigger plan for that area of Town.

Terry Baker entertained a motion.

**Sandra Hash** asked if they amend it will the Town Council have to either approve or disapprove it. Mr. Tolloty explained the Plan Commission is voting to accept the amendment proposed by Town Council. If the Plan Commission accepts the amendment it will go back to Town Council with the proposed amendment. If it is rejected it will go back to Town Council as-is. Ms. Hash asked if his suggestion is to reject it. Mr. Tolloty responded yes. Essentially, Town Council could vote to have it amended.

Kevin Farris made a motion to accept their recommendation to accept both pole and monument signs. Pat Wesolowski seconded. Roll Call Vote: Terry Baker – no; Don Calvert – yes; David Drake – yes; Kevin Farris – yes; Brian Miller – yes; Pat Wesolowski - yes; and Sandra Hash - no. Motion carried, 5-2.

**Kevin Tolloty** explained on May 22, 2017 the Town Council will vote on whether or not to accept the ordinance with the amendment as written. The Town Council, however, could again vote to amend it. Mr. Wesolowski asked how long Town Council can continue to make changes. Ms. Brown explained the statute contemplates the Town Council could vote to pass it with a particular exception and the ordinance is considered passed if the Plan Commission accepts the amendment. It takes three votes for Town Council to pass the ordinance. The Town Council, at its May 22, 2017, meeting could say they're accepting the ordinance with a couple of changes. There is a time limit but she will have to check the statute. If the Town Council accepts the ordinance but wants to return it with a couple of amendments the Plan Commission has 45 days to decide. Then, if the Plan Commission doesn't decide within 45 days it reverts back to the draft approved by the Town Council. For example, if the Town Council says they want to change another section and pass it with that understanding and the Plan Commission rejects it then the ordinance will be accepted and published as passed by the Town Council. Mr. Tolloty added if they vote to adopt the sign ordinance as is then it is finished. Mr. Farris asked if once it is approved will it take effect immediately. Ms. Brown replied once it passes, Ms. Hash has to publish it and then it takes effect. Mr. Tolloty asked if there is a 30-day waiting period. Ms. Brown answered because fines are included in the ordinance it will take effect 30 days after publication.

**Sandra Hash** stated the state legislature has made it so if an ordinance was published on the website that is sufficient. Ms. Brown agreed, as long as it's in a format the public can access it and just having a paper copy in the office doesn't count. Ms. Hash added if the ordinance, in its entirety, is put on the website and labeled as such it is sufficient. It will be expensive to publish it in the newspaper.

**Kevin Tolloty** explained there were some things in the floodplain ordinance that did not get corrected and the Indiana Department of Natural Resources ("DNR") wants it changed. The DNR has asked that we re-adopt the entire ordinance instead of the parts that were changed. Ms. Brown asked if it was not in the final copy. Mr. Tolloty understood there were other semantic changes in the ordinance that were adopted but not as proposed. The finished copy of the ordinance was fine but the DNR wants to remove some unnecessary things to the

ordinance. It will take another month or two to adopt the entire ordinance. Ms. Brown stated the final copy was what the Plan Commission had passed. Mr. Tolloty agreed. The entire copy was fine but the problem is with trying to shorten it. This will be discussed at the June Plan Commission meeting.

## **Planning Department Update**

**Kevin Tolloty, Planning Director**, advised the Comprehensive Plan (“Comp Plan”) is still moving forward. He wants to have the Comp Plan in draft form by early July and out to the public for comments. He would like to have it adopted by the end of summer. Goals and objectives and proposed sections for the Comp Plan were provided. It will be a significant upgrade from the current Comp Plan and will serve as a stepping stone to a more detailed plan five to seven years from now. When we did our survey Parks, Trails and Open Space was the topic we received the most feedback on. They’re looking at extending the trail network, ways to connect the Heritage Trail to the Karst Greenway which is separated by State Road 46, developing plans for newer parks, pocket parks and other recreational opportunities, planning for wetland development and where to go with the areas in the floodplain.

Commercial and Economic Development was the second most important topic mentioned in the survey. It is divided into two sections: east downtown and west downtown. East downtown is everything east of the gateways on State Road 46. Downtown lines up the areas between the gateways and west out of Town. One of the items listed in the old Comp Plan was developing the west side with light industrial. This is a good idea and the best place for it to be located. They may consider a TIF District or other incentive to encourage it. Included with that are plans to extend Utilities. Downtown considerations are to work with Main Street on what can be done to bring more life to downtown. Both he and Denise Line are working with the Office of Community and Rural Affairs on grants and other programs to enhance what we have. They will look at business incubators, pop-up shops and other things to spark business. On the east side, he’s looking at maintaining what is currently there, filling the open spots, revitalizing under used and/or vacant lots and possibly growing the Town farther to the east and the same with the west side.

Housing comments in the survey included affordable housing for low to middle class and accessible housing for an aging senior population. There are a few historic buildings in Ellettsville. The Town has an Historic Preservation Committee outlined in Town Code which may be revitalized.

Infrastructure will be a topic in the Comp Plan. He has been talking with the Street Department about street trees and on street parking in newer subdivisions. There are more and more problems with parking in yards because there are not many options available otherwise. It may be possible to expand sewer and water where it makes sense to do so.

The Comp Plan will conclude with a few high priority areas. Please let him know about any comments, suggestions or concerns. Mr. Wesolowski asked if there are proposed TIF (Tax Increment Financing) Districts on the east and west sides. Mr. Tolloty answered yes. Mr. Wesolowski asked if a portion of the tax money goes into a TIF District. Mr. Tolloty answered it is any monies over what is currently being taxed. Mr. Wesolowski asked if a TIF would stop the entire revenue from coming to the Town. Mr. Tolloty replied it will be the tax money from whatever is in the TIF District, over and above the date the TIF is established. The Town will still get the money currently being generated. Any new construction would go into the TIF fund to help redevelop the area. The thought is the TIF will expire after 10 to 15 years. Mr. Wesolowski asked if nothing is built then is there not a TIF. Mr. Tolloty answered the TIF District would be there but it wouldn’t do anything. The TIF District would assist with development then if everything takes off, it would expire and the Town would start collecting the tax money. Mr. Wesolowski asked if there are any thoughts on industrial parks in the survey. Mr. Tolloty doesn’t recall any mention of them in the survey. Mr. Wesolowski asked if there should be a committee for industrial businesses. Mr. Tolloty answered no but there will be many things that will be started from the ground up. An industrial park makes sense. Ms. Hash noted there was a Redevelopment Commission for a short period of time but was later made inactive. In a lot of locales, the

Town Council serves as the redevelopment commission. Mr. Tolloty advised there may be a public hearing for the Comp Plan in August.

**Kevin Tolloty, Planning Director**, reminded everyone the next meeting will be on June 8, 2017.

**Adjournment**

Terry Baker entertained a motion to adjourn. David Drake so moved. Pat Wesolowski seconded. Terry Baker adjourned the meeting at 6:53 p.m.

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Terry Baker, President

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David Drake, Vice President

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Don Calvert

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Kevin Farris

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Brian Miller

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Pat Wesolowski

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Sandra C. Hash, Secretary