

## November 1, 2018

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, November 1, 2018, at Town Hall located at 1150 W. Guy McCown Drive. Terry Baker called the meeting to order at 6:00 p.m. Pat Wesolowski led the Pledge of Allegiance.

**Roll Call:** Members present were: Terry Baker, President; David Drake, Vice President; Don Calvert, Brian Miller, Pat Wesolowski and Sandra Hash. Zach Michael was absent. Kevin Tolloty, Planning Director; Rick Coppock, Bynum Fanyo and Associates, Town Engineer, 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 September 13, 2018, and the Special Session on September 27, 2018. David Drake so moved. Pat Wesolowski seconded. Motion carried.

### Monthly Conflict of Interest

#### Approval of 2019 Meeting Dates

**Kevin Tolloty, Planning Director**, presented 2019 meeting dates for approval. In 2019, the July meeting will be held on July 11, 2018, and the August meeting was moved a week to allow for three weeks between meetings.

David Drake made a motion to approve the meeting dates for 2019. Pat Wesolowski seconded. Motion carried.

### Old Business

#### New Business

#### **Final Plat Amendment of the JD Headdy Subdivision located at 5169 W. McNeely Street (14.4 Acres); Petitioner: Ned Brown; Case No. PC2018-16**

**Kevin Tolloty, Planning Director**, explained the Petitioner has requested to amend Lot 3 of the JD Headdy Subdivision. The lot is 14.4 acres and will be split into three lots of equal size or approximately 4.48 acres/each. Two new building lots will be created for single-family homes. The new lots will be accessed from Union Valley Farms off of Alyssa Drive. The existing property will still be accessed from McNeely Street. Staff recommends approval of the plat. Mr. Drake asked if it will be a gravel drive from Alyssa Drive to the two houses or if Alyssa Drive will be extended. Mr. Tolloty answered it will be a gravel drive because the right-of-way ends at Alyssa Drive.

Terry Baker entertained a motion. David Drake made a motion to approve PC2018-16, JD Headdy three lot amendment. Pat Wesolowski seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Brian Miller – yes; Pat Wesolowski – yes and Sandra Hash – yes. Motion carried.

**Kevin Tolloty, Planning Director**, advised he is considering asking that the end portion of Alyssa Drive be abandoned after the last driveway to make an easier transition into their driveway.

#### **Final Plat Amendment of the Mitchell Subdivision located at 4070 and 4100 N. Hartstrait Road (58.4 Acres); Petitioner: Larry Mitchell; Case No. PC2018-17**

**Kevin Tolloty, Planning Director**, explained the Petitioner requested an amendment of the Mitchell Subdivision. Currently, the plat is approximately 58 acres and will take in another 12 acres the church is on and is not platted. Lots are zoned Agricultural 1. There are no planned improvements to the lots. Staff recommends approval of the plat. Mr. Wesolowski asked if the land abuts the new housing addition. Mr. Tolloty answered it does not.

**Chet Chmielewski** lives at 4090 N. Hartstrait Road next to the church. He was concerned about what will happen with the land. Mr. Tolloty answered the plat does not create new building lots.

**Larry Mitchell, Petitioner**, explained the ground was part of his grandparents, Leon and Violet Mitchell's, farm. His grandparents originally donated the land for the church. He and

his brother are donating their land to the church. There are no plans to do any building and the land will stay as it is.

Terry Baker entertained a motion. David Drake made a motion to approve PC2018-17, Final Plat Amendment for Mitchell Subdivision. Brian Miller seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Brian Miller – yes; Pat Wesolowski – yes and Sandra Hash – yes. Motion carried.

**Text Amendments (§152.001, §152.053, §152.054, §152.057, §152.125, §152.181, §152.184, §152.190, §152.257 and §152.284)**

**Kevin Tolloty, Planning Director**, presented the following summary of the text amendments that came about due to issues the Planning Department has had with fences and corner lots: Definitions have been added for primary and secondary front yards. Corner lots are considered to have two street frontages. The front door of a house faces the primary front yard and the side street is the secondary front yard. The secondary front yard stops at the building line which is typically 25'. Anything beyond 25' would fall into the side/rear yard where taller fences and accessory structures are allowed. Double frontage and interior lot definitions have been added. A double frontage lot has two street frontages that don't meet. Interior lots are not on a corner and have one street frontage. The sight triangle definition has been clarified but not changed. Department of Planning will not ask for fence permits to be issued. A majority of people do not ask for information before putting a fence up. The requirement that the finished side of a fence face outward was previously found in definitions. Permitting fences to cross easements at right angles has been added. Actual code says fences have to stay at the periphery of any easements. A lot of people put fences up across easements. If a fence is allowed to cross an easement at a 90° angle, has a gate or removable panel and it runs at the outside edge of any easement it should not affect anything inside the easement. This would allow more room inside the fenced area. Mr. Miller commented it is difficult to maintain fences across easements. He would like to see more control such as dictating where gates would be located so utilities can be accessed. Mr. Baker thinks gates should be large enough to span the right-of-way for equipment. Mr. Tolloty stated there are a few instances where fences at the edge of property lines are 1' apart making it impossible to maintain. Either a fence runs the property line or they're set 3' apart. If there is not a fence on the property line then it needs to set 18" back from it. Then, if the neighbor decides to put up a fence then it will have to be set 18" back from the property line. Mr. Baker prefers fences be put up 24" from the property line. Mr. Tolloty does not want to cut too much out of the yard and 3' allows a push mower to go in/out. Ms. Hash likes the idea of a shared fence. Mr. Baker's problem with a shared fence is who will maintain it. It was decided to include an option to have a shared fence or leave a space to easily maintain the fence and lawn. Mr. Tolloty opined whomever puts up the fence should be the person who maintains it. Someone could tie into it if it is the desire of the person whom constructed the fence. Mr. Baker agreed with this requirement. Mr. Wesolowski asked how people will know they properly constructed a fence if a permit is not required. Mr. Tolloty answered normally, a contractor or whomever is building the fence, is aware of building codes. Mr. Wesolowski asked if it would be wise to have a fence permit so information will get to the people constructing fences. Mr. Tolloty doesn't want to require people to get more permits but doesn't know another way of getting information to people building the fences. At this time, fence heights are a maximum of 3' in the front yard and 6' for rear/side yards. Most of problems with fence heights are on corner lots. The sign code states yards with street frontage are considered front yards. Secondary yards are opposite of the front yards and a 6' fence will be allowed up to the setback of 25'. In older neighborhoods it may be less than 25' because setbacks are based on an average. For the primary yard the fence is a maximum of 3' tall to the setback line. From the building line to the house, a fence can be 6' tall and the same with the side yards. Ms. Hash asked why the fence can't cross the front line if it is even with the house on an interior lot. Mr. Tolloty answered the thought is 6' fences coming up to the back of sidewalks don't have an aesthetically pleasing look. Ms. Hash asked if a fence can go past the edge of a house. Mr. Tolloty replied a 3' fence is allowed. Mr. Coppock noted covenants often state a fence can't be built past the front building line. The changes won't affect current fences. There was a discussion on maintaining fences. Mr. Coppock stated Monroe County requires permits for fences over 6'.

**Kevin Tolloty** presented a revision to garage sales so it will coincide with the sign code. Garage sale violations were changed to a Class E ordinance violation. The Development Plans Required section will be amended to require commercial/industrial developments increasing their total square footage by over 100% to return to the Plan Commission for review. Easements will include a provision to allow an exemption for fences that meet the proposed code. The Visibility at Intersections section clarifies the sight distance triangle terminology earlier discussed. The Minimum Yards (Setbacks) section addresses corner and double frontage lots and will allow accessory structures in a secondary front yard as long as it meets the building set back. The primary building entrance will be designated as the primary front yard. The Signs section clarifies sight distance terminology. The PUD Amendments process has been simplified by having it follow the same procedure as a text amendment.

**Kevin Tolloty** advised the Permitted Use Table provided with the text amendments will take some time to review.

### **Planning Department Update**

**Kevin Tolloty, Planning Director**, advised a petition for a plat amendment will be considered at the meeting in December. In 2019, the Planning Department would like to draft zoning code revisions and update the zoning map.

**Terry Baker** advised the next meeting will be on December 6, 2018.

### **Privilege of the Floor**

#### **Adjournment**

Terry Baker entertained a motion to adjourn. David Drake so moved. Brian Miller seconded. Motion carried. Terry Baker adjourned the meeting at 6:58 p.m.

\_\_\_\_\_  
Terry Baker, President

\_\_\_\_\_  
David Drake, Vice President

\_\_\_\_\_  
Don Calvert

\_\_\_\_\_  
Zach Michael

\_\_\_\_\_  
Brian Miller

\_\_\_\_\_  
Pat Wesolowski

\_\_\_\_\_  
Sandra Hash, IAMC, MMC