

## April 4, 2019

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, April 4, 2019, at Town Hall located at 1150 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, Brian Miller and Dan Swafford. Sandra Hash and Pat Wesolowski were absent. Kevin Tolloty, Planning Director, Denise Line, Secretary, 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 March 7, 2019. David Drake so moved. Brian Miller seconded. Motion carried.

### Monthly Conflict of Interest Statement

**Terry Baker** advised New Business would be next on the agenda.

### New Business

**Final Plat Amendment to the Final Plat of the Ike Grimes Subdivision, 5000 block of N. Lakeview Drive (2.83 acres); Petitioner: Marilyn Grimes, on behalf of Allen Grimes; Case No. PC2019-01**

**Kevin Tolloty, Planning Director**, explained the plat amendment is for the Ike Grimes Subdivision located on Lakeview Drive. The subdivision consists of two lots and a portion of a lot is not platted. The purpose of the request is to return the plat to how it was originally. One of the lots has been sold. Lot 3A is landlocked but does have an access easement. Rick Coppock has reviewed the plat. Staff recommends approval.

Terry Baker entertained a motion. David Drake made a motion to approve the final plat agreement for the Ike Grimes Subdivision, Case No. PC2019-01. Dan Swafford seconded. Roll call vote: Terry Baker – yes, David Drake – yes, Don Calvert – yes, Brian Miller – yes and Dan Swafford – yes. Motion carried.

**Development Plan Approval of a New Commercial Structure at 4723 W. State Road 46 (3,200 ft<sup>2</sup>); Petitioner: Richland Convenience Store Partners, LLC; Case No. PC2019-03**

**Kevin Tolloty, Planning Director**, explained the development plan approval is for the former Swifty station. The site development plan has been reviewed by the tech review committee. The parcel is zoned Commercial 3 (“C-3”). There are 11 criteria to be considered for granting approval of the development plans:

- a. Compatibility of the development plan with surrounding land uses;
- b. Compatibility of the development plan with the recommendations of the comprehensive plan;
- c. Adequate provisions for internal management of traffic;
- d. Analysis of the capacity of adjacent streets to ensure that adjacent streets can safely and efficiently accommodate the additional traffic generated by the development;
- e. Adequate provisions for public facilities and infrastructure, and provisions for extension of infrastructure to adjacent developable properties;
- f. Provisions for the allocation of land for streets, parks, schools, public and semi-public buildings, homes, businesses and industry, as appropriate;
- g. Adequate on-site management of stormwater, and erosion control;
- h. Adequate provision for green space and or landscaping;
- i. Adequate provision for buffering to significantly reduce the visual impact of dissimilar developments;
- j. Adequate protection of existing limestone structures; and
- k. Provision of pathways, trails and our sidewalks for all non-industrial developments.

The proposed use is compatible with adjoining properties also zoned C-3. The adjoining church will have buffering. The Comprehensive Plan recommends in-fill, rehabilitation and higher intensity uses along State Road 46. Parking meets Town requirements. There are no capacity issues. Infrastructure is included, on-site stormwater is compliant, bio swales are included and the landscaping will look nice.

**Tom Orman, Richland Convenience Store Partners, LLC, Petitioner**, is excited to bring this project to Ellettsville. It will be built with block and brick and above and beyond what is required. They will follow the City of Bloomington standards for indirect lighting. Mr. Calvert asked the hours of operation. Mr. Orman thinks they'll be open seven days/week from 7:00 a.m. to 10:00 p.m. Mr. Drake asked if the parking area to the east will be moved as suggested. Mr. Orman answered there is an ingress/egress easement and they have the right to use it as it is on their property. Mr. Swafford asked if there will be two gas pumps. Rajesh Patel answered there will be two dispensers and if the canopy has a sufficient width, there will be three, all in front of the store.

**David Drake** asked Mr. Tolloty to expand on his recommendation to move the parking area on the east side. Mr. Tolloty explained Town Code requires that people do not back into any public right-of-way, street or driveway. The parking area meets code as it is. His concern is if it was challenged the easement could be construed as right-of-way.

**Darla Brown, Town Attorney**, agreed. If someone were to challenge it, it could give them an argument. Mr. Orman said if the parking needs to be moved, they're willing to work with the Town. Mr. Swafford asked how many parking places are required. Mr. Tolloty answered 11 but they will have 12 or 13. Mr. Swafford asked how much space is needed for people to clear the easement when backing up. Mr. Tolloty answered 14'. Mr. Coppock commented the filler tanks are in the area of the bio swale. They want runoff from the parking lot to go through the bio swale before it goes to the creek. It's no different from any other parking conflict. Mr. Orman commented from an aesthetic and customer standpoint, nobody wants to park on the side of a building and walk around to get into the store. Not allowing customers to get in the store in an easy, friendly manner could affect business.

The Public Hearing on development plan approval for Petitioner, Richland Convenience Store Partners, LLC, was opened for public comment. There being no public comment, the Public Hearing was closed.

Terry Baker entertained a motion. David Drake made a motion to approve the development plan for a commercial structure at 4723 W. State Road 46, Case No. PC2019-03. Dan Swafford seconded. Roll call vote: Terry Baker – yes, David Drake – yes, Don Calvert – yes, Brian Miller – yes and Dan Swafford – yes. Motion carried.

## **Old Business**

### **Fence Setback Discussion**

**Kevin Tolloty, Planning Director**, presented proposed text amendments to Town Council and all were passed except the fence setback which was tabled. Town Council had an issue with 4' separation between fences. People can build fences on the property line, join fences with their neighbor or set the fences 4' back from the property line. He requested a recommendation on how the Plan Commission would like to amend the fence setback. Options are: Remove the 4' requirement, don't change it, change the language so it is a suggestion rather than a requirement or change it to a minimum setback of 2'. Mr. Baker prefers a mandatory 2' setback so all property owners will be equal.

### **Planning Department Update**

**Kevin Tolloty, Planning Director**, advised Edgewood Heights will present a plat amendment at the next meeting on May 2, 2019. Annual Report will be emailed. He will be attending the Congress for a New Urbanism in June and last week he was in French Lick for an economic development course. The Town of Ellettsville was awarded six Community Crossings Matching Grants for which Denise Line wrote the applications. The grants total \$417,486.09 to repair 24 streets in Town.

## **Plan Commission Comments**

### **Privilege of the Floor**

### **Adjournment**

Terry Baker entertained a motion to adjourn. David Drake so moved. Dan Swafford seconded. Motion carried. Terry Baker adjourned the meeting at 6:34 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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Sandra Hash

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Brian Miller

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Dan Swafford

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Pat Wesolowski

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Denise Line, Secretary