

**April 5, 2018**

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, April 5, 2018, at Town Hall located at 1150 W. Guy McCown Drive. Terry Baker called the meeting to order at 6:00 p.m. David Drake 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; and Rick Coppock, Bynum Fanyo & Associates, Town Engineer; were also present.

### **Approval of the Minutes**

Terry Baker entertained a motion for approval of the minutes for the regular meeting on March 8, 2018. David Drake so moved. Pat Wesolowski seconded. Motion carried.

### **Monthly Conflict of Interest**

**David Drake** advised his stepson started working for Bynum Fanyo Utilities.

### **Old Business**

**Petition to Vacate a Portion of the Plat and Associated Covenants, 4354 N. Centennial Drive; Petitioner: Steven Emery, on behalf of Centennial Park, LLC; Case No. PC 2017-25**

**Kevin Tolloty, Planning Director**, advised the Petitioner requested this matter be tabled until the May meeting.

Pat Wesolowski so moved. David Drake seconded. Motion carried.

### **Proposed Amendment to Chapter 152.362 (Permits and Code Violations)**

**Kevin Tolloty, Planning Director**, explained this text amendment was returned to the Plan Commission by Town Council because they requested a minor correction. Town Council requested it be amended to state *“No permit shall be issued for any parcel of land on which there is an outstanding Town of Ellettsville code violation.”*

Terry Baker entertained a motion. David Drake made a motion to approve the change to §152.362. 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.

### **Comprehensive Plan**

**Terry Baker** advised the Comprehensive Plan will be moved to the end of the meeting.

### **New Business**

**Development Plan Approval for a New Building (1,800 ft<sup>2</sup>), 533 E. Temperance Street; Petitioner: Madalyn Moorman, Owner of Mad 4 My Dog (MFM, LLC); Case No. PC 2018-03**

**Kevin Tolloty, Planning Director**, explained the property located at 533 E. Temperance Street is located in a floodplain. A portion of the lot will be filled in to above the base flood elevation. After the fill is added the Petitioner will apply through the Federal Emergency Management Agency (“FEMA”) for a letter of map revision which will take a portion of the property out of the floodplain. The building will not have to meet the floodplain requirements. The property is zoned Industrial-1, Light Industrial, and the use is permitted in this zone. Staff recommends approval of the development plan. The site is located in front of Trinity Lutheran Church (“Church”) and the building will be located on the east end of the property. There is a driveway cut off of State Road 46. Ms. Hash asked if the driveway cut is for that property. Mr. Tolloty answered yes.

**Pat Wesolowski** asked if the Petitioner’s current business is across the street from the proposed location. Mr. Tolloty replied yes. Mr. Wesolowski asked if there will be a fenced-in area for the dogs. Mr. Tolloty answered there will be a fenced-in area. Mr. Wesolowski asked if it is in front or beside the building. Mr. Tolloty replied it is shown on the site plan and runs from the middle of the west side of the building toward the church property. Mr. Wesolowski asked the type and height of the fencing. Mr. Tolloty answered it will be a 5’ tall chain link fence. Mr. Wesolowski asked if the dogs will be outside on Sunday while the church is having services.

**Madalyn Moorman, Owner of Mad 4 My Dog**, advised the fenced-in area will be used infrequently. Play times last for 45 minutes and can involve up to 10 dogs sometimes twice a day. On Sundays, classes start at 11:30 a.m. A member of the audience said church services are from 9:00 a.m. to 11:30 a.m. Mr. Moorman commented the fenced-in area is to have a safe space for pet owners to be with dogs on a leash unless it's play time. Ms. Hash asked if the church will be affected where the property line overlaps their driveway. Ms. Moorman answered nothing they do will affect the church. Mr. Tolloty asked if there will be an easement with the church. Ms. Moorman replied they didn't talk about it and decided to proceed without it. Mr. Wesolowski asked if there will be a private driveway for her business. Ms. Moorman answered that's correct. All operations will take place on her property. Mr. Wesolowski asked if the parking is sufficient. Mr. Tolloty answered yes, there are more parking places than required. Mr. Baker asked if it is a grooming or boarding business. Ms. Moorman explained it is not a boarding business. They conduct training classes which last forty-five minutes to an hour and they do grooming. At the most, they have three to four dogs on site. Mr. Wesolowski asked if there will be kennels inside the building. Ms. Moorman answered during training dogs are typically on a leash and at play times they're off leash but supervised. The building will be divided into three large rooms: grooming, retail and training. In the grooming space there will be a couple of crates/cages for dogs. However, most of the time, the dogs walk around while the groomer works. Mr. Wesolowski asked if dogs are kept overnight. Ms. Moorman answered no.

**Sandra Hash** commented the Monroe County Fall Festival ("Festival") has always asked the Church if the area could be used for parking and now it will be gone. Ms. Moorman noted the Church doesn't own the property. Ms. Hash asked if she would object to people parking on her lot during the Festival. Ms. Moorman answered there won't be much space available for people to park there. She doesn't object to people using the space on the east end. They're creating swales, low-lying spots and extra drainage for water flow. She doesn't know if that would be a good place to park. People can park on the paved parking lot but she runs classes on Wednesday and Thursday evenings with up to 10 cars at a time.

**Don Calvert** asked if the items mentioned during technical review have been addressed. Mr. Tolloty answered yes. There were a couple of suggestions but the main item was another way out of the parking lot. Ms. Moorman added the Deputy Fire Chief was going to talk to the Fire Chief about their determination and they did not make a further request. Mr. Calvert stated the staff report says the Plan Commission can add conditions as they see fit. Mr. Tolloty answered it is a general statement. Mr. Calvert read the following from the Fire Department's letter: "*insufficient information to give a complete approval . . . have no recommendations and believe the project should proceed.*" Does this mean the Fire Department is saying everything is okay? Mr. Tolloty answered the Fire Department also looks at building plans which they do not have at this time. Mr. Calvert asked if the building plans were needed before they can give approval. Mr. Tolloty answered no, the Plan Commission examines the layout of the site, parking and landscaping. Building plans will be approved by Monroe County. The Planning Department looks at building plans to make certain they match the proposed site plan and the Fire Department will do a building review. Mr. Wesolowski asked if there will be adverse effects from traffic on the curve. Mr. Tolloty wouldn't recommend it but the driveway cut is already there. Mr. Baker noted the driveway cut was done by the state. Mr. Calvert asked if someone has said an extra exit is needed. Mr. Tolloty answered there doesn't need to be another exit. It was discussed during the technical review meeting but it was a suggestion, not a requirement. There are not enough parking spaces to warrant a second exit. Ms. Hash asked if existing trees will remain. Ms. Moorman answered yes.

Terry Baker entertained a motion. David Drake made a motion to approve the development plan.

The motion was interrupted for public comment.

**Dave Grimm, representing Trinity Lutheran Church**, had a couple of concerns. Water and gas lines cross the property. It appears from the site plan there is going to be a swale cut and the surface water flow reversed. An inlet in the middle of the property will be moved to the west which is a reversal of how the ground slopes. How deep a cut will it need to be to reverse the flow? What will it do to their utilities within that space? Ms. Moorman explained the site plan has been engineered to allow for all regulations of a development in a floodplain in addition to commercial development. All utilities including an easement through the middle of the property have been taken into consideration. Site plans state the utilities will remain at the required depth underneath where the low-lying space is created. The requirements for the development in the floodplain is that they bring in the fill and elevate the portion where the building will be so it is

out of the floodplain. Then, they're creating low-lying areas around it including waterflow. Standing water will no longer be an issue. They're shortening an existing drain and not reversing any flow and creating drainage for where it is standing in their lot. The drainage will then flow into drains under the highway. Rather than reversing it, it will flow where it should be going. Mr. Grimm stated it appears the cover over the top of their lines will be reduced. Ms. Moorman said that is correct but it does state in the excavation plan that they will remain at the required depth. Mr. Grimm confirmed that any interruption to their utilities will be handled by her project. Ms. Moorman agreed. The exact depth for utilities is stated in the site plan and has been addressed. Mr. Grimm asked how deep they're cutting because there is not information on the plan. Ms. Moorman answered it is shown on the site plan. Mr. Grimm stated the church is concerned they will get into rock. Ms. Moorman has hired Jim Stanger to do the excavation of the property and has the experience to handle anything he may encounter. Mr. Grimm asked if borings have been done. Ms. Moorman answered they did not do that type of topographic survey. Mr. Wesolowski asked Mr. Grimm if the church presently has standing water. Mr. Grimm answered yes and with the recent storms their parking lot was close to being under water. Their watershed flows into Ms. Moorman's property. Mr. Wesolowski asked if they raise the property will that put more water into the area that currently has standing water. Mr. Tolloty answered no. In accordance with floodplain guidelines, for everything they raise they have to compensate for on the same site. If they fill with a certain number of cubic feet to elevate the building they have to remove the same number of cubic feet on the property so that water doesn't go off site. Everything going on site will remain. The grade is being slightly redirected to the west and with the second inlet being installed, it will actually improve runoff and help with the drainage. The waterline that runs to the church is not in an easement and site plan notes state 3' of cover will be maintained. The same applies to the gas line located in a utility easement. Bynum Fanyo and Associates did the engineering, it has been reviewed and the drainage will be improved for both properties.

**Don Calvert** asked if there should be an examination to find out if there is stone on the property and how deep it is. Ms. Moorman answered there are tests for it but they didn't conduct any. The site had previously been developed. The excavator is competent on what is on the site because of prior experience in working around Town. Only a small portion of the lot will be lower. Fill will be added on top of the ground. Testing is not a requirement. Ms. Hash asked how much fill is required for the building site. Mr. Tolloty answered fill has to be added to the base flood elevation. Ms. Moorman stated base flood elevation is 694.2'. Mr. Tolloty added up to 3' of soil will be added as it varies depending on the elevation. Approximately 842 yd<sup>3</sup> of fill will be added. Mr. Wesolowski asked if FEMA has to give permission for the work to be done. Mr. Tolloty answered yes, FEMA has to give approval because the property is in a floodplain. It could be built to floodplain standards or filled with a portion of what is removed from the floodplain and then it is built as any other normal building. FEMA has to sign-off on a Letter of Map Revision that removes that portion from the floodplain. Ms. Moorman advised she has received pre-approval from FEMA. Mr. Wesolowski asked if it is approved should it be with the stipulation that FEMA is in agreement. Mr. Tolloty explained it wouldn't be necessary because it has been conditionally approved by FEMA and shouldn't be a problem. Mr. Coppock noted the Letter of Map Amendment from FEMA comes after the building is built because it changes the floodplain lines. Ms. Hash asked if water has gotten into the church during floods. Mr. Grimm answered during the floods of 2012 and 2013 the lot was under water but it didn't get into their building. Ms. Hash asked if the lot by the road or the parking lot was under water. Mr. Grimm replied everything backed up because the creek couldn't hold any more water and all of the inlets were backed up. Ms. Hash thinks it's scary to put a building there when they know there are flooding problems. Mr. Coppock stated that is why the building is elevated. The base flood elevation is where the flood came to so it will be elevated above that. This is why it is compensated from the area filled by excavating a similar size area so the flood storage area isn't changed. The church is elevated and that is why it doesn't flood. Ms. Hash asked if it will create more flooding by filling it in and making it taller. They will be digging deeper on the other part of the property to hold the water. Mr. Coppock answered there will be the same storage volume before and after the project. Mr. Wesolowski asked if there will be a retention pond. Mr. Coppock replied yes, at one end where it is excavated. Ms. Moorman commented an additional drain will be installed. Mr. Coppock noted it is all provided in the excavated area. Ms. Hash stated when the water downtown is level with everything the drain won't have a place to go. Ms. Moorman explained FEMA has made regulations for the compensatory storage so when adding fill, it is still the same amount of land. Mr. Wesolowski asked if the drains will be at ground level. Mr. Tolloty answered yes. Mr. Grimm confirmed the project has water detention

and not retention. Mr. Tolloty said that is correct, it will hold water temporarily during rain events but otherwise should be dry.

David Drake earlier made a motion then amended it to a motion to approve the development plan for Case No. PC 2018-03, Mad 4 My Dog at 533 E. Temperance Street. Pat Wesolowski seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Brian Miller – yes; Pat Wesolowski – yes; and Sandra Hash – abstained. Motion carried with one abstention.

## **Old Business**

### **Comprehensive Plan**

**Kevin Tolloty, Planning Director**, began with Chapter 5 of the Comprehensive Plan (“Comp Plan”), Parks and Trails. Four goals of this chapter are:

- To provide a convenient, safe, and pleasant pedestrian, bicycle and trail network that links parks, schools, and community destinations throughout Ellettsville and Monroe County as well as promoting a healthier community and lifestyle.
- To develop high quality community recreational facilities and parks that are responsive to recreational needs and trends.
- To begin the process of defining a permanent open space network from critical lands and other forms of natural open space.
- Locate optional funding opportunities for designing and constructing trails, parks, recreational centers and green/open space.

Objectives of Chapter 5:

- Develop an off-street trail network that provides recreational opportunities as well as transportation to work and schools to stimulate a healthier life style.
- Identify and protect significant cultural resources as part of new parks including recreational facilities to enhance community identity and quality of life and enrich the recreational experience of users.
- Create a network which will include future areas as well as preserving existing open/green spaces.
- Actively seek funding for the acquisition and development of park land, recreation facilities, and trails to meet recreational needs.

The first two pages of this chapter is an inventory of parks and greens spaces. Included will be a map showing where the green/open spaces are located. Under the first goal of a bicycle and trail network, the benefit of trails, health of Monroe County, existing trails and trails to connect to are also discussed. The second goal talks about the benefits of parks and the third goal defines permanent open space which is separate from parks. It discusses the benefits of open space and what can be done including trails, wetlands, wildlife habitat and drainage for erosion control. Parks and trails were the most popular item mentioned in the public surveys. Included in the objectives is a trail network that enlists different programs to engage the public, locations, accessibility and signage. Another objective looks at cultural resources and new parks which includes a history center, acquiring property on Vine Street, working with the school systems, encouraging public input and more recreational opportunities. The third objective on open space encourages preservation of land, defining sensitive areas, wetland development, most likely on the Stewart Property, and opens space in subdivisions. The last objective discusses funding through grants, permits for different park uses, public-private partnerships, community service, Americorps or other volunteer opportunities. Thank you to Denise Line who wrote the Chapter.

**Pat Wesolowski** asked if trail land located outside of Ellettsville would have to be purchased. Mr. Tolloty answered in connecting with the Karst Trail, part of the land is in Town and part is not. There is the idea of connecting to Flatwoods Park and part of the land needed for that is in Town. The Flatwoods Trail would run from Wells Park to Flatwoods Park.

**Kevin Tolloty, Planning Director**, continued with Chapter 9 of the Comp Plan, Future Development. This chapter was previously reviewed with the development plan associated with the Lenzy Hayes senior housing project. Future land uses look at rezoning different properties throughout Town where the land use doesn't match the zoning, i.e., Bender Lumber is zoned Residential-1. Included will be a chart of permitted uses. Commercial-1 and Commercial-2 Districts are the same but there is not a downtown district. An open space zoning district needs created. The second part of Future Development is future growth areas or annexations. It also discussed infill development such as the First Assembly of God property. Six areas for annexations are: (1) West - light industrial; (2) North – residential; (3) East - residential; (4) East

- commercial; (5) Central and (6) Donut holes. Future growth has three focus areas: (1) Downtown. Focuses on how to stop flooding and then redevelopment. (2) Lenzy Hayes. Focuses on redevelopment. (3) Floodplain areas. This is a discussion on open space zoning, discouraging development, areas least impacted by flooding, deed restricting properties and purchasing properties/easements. Mr. Calvert asked if he was going to change “should” to “shall” for some of the areas for development and open space. Mr. Tolloty answered yes, that will be in a zoning change sometime in the future.

**Kevin Tolloty, Planning Director**, advised in June, he will be seeking a recommendation to Town Council for the Comp Plan.

### **Planning Department Update**

**Kevin Tolloty, Planning Director**, is working on verifying addresses throughout Town for the Census update. There are a number of zoning cases to be given to the Town Attorney. A few of the cases are a junkyard on Vine Street, Robert Lowers’ property and someone living in an RV on Association Street. For the May meeting there will be a site plan review for the shooting range, a commercial project at Cedar Bluff and finishing the Comp Plan.

**Terry Baker** announced the next meeting will be on May 3, 2018.

### **Plan Commission Comments**

#### **Privilege of the Floor**

**Pat Wesolowski** asked when a complaint arises about zoning such as fencing, does the Town make the individuals comply to the Town’s zoning. Mr. Tolloty answered yes. Mr. Wesolowski has a problem when he drives around Town and sees other places with the same thing. If they’re going to make an individual or business comply then everyone should comply. Mr. Tolloty said generally, that would be the case. The fence code was updated by the prior Planning Director and a lot of the problems he thinks Mr. Wesolowski is referring to were built before the regulation went into effect. In that instance, the Town can’t regulate it. However, it does affect anyone building a fence after the regulation was passed.

#### **Adjournment**

Terry Baker entertained a motion to adjourn. Pat Wesolowski so moved. Brian Miller seconded. Motion carried. Terry Baker adjourned the meeting at 7:06 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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Zach Michael

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Brian Miller

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Pat Wesolowski

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Sandra Hash, IAMC, MMC