

May 2, 2019

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 2, 2019, at Town Hall located at 1150 W. Guy McCown Drive. Terry Baker called the meeting to order at 6:00 p.m. Brian Miller led the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President, Don Calvert, Sandra Hash, Brian Miller, Dan Swafford and Pat Wesolowski. David Drake was absent. Kevin Tolloty, Planning Director, Denise Line, Secretary, 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 4, 2019. Dan Swafford so moved. Brian Miller seconded. Motion carried.

Monthly Conflict of Interest Statement

Old Business

Findings of Fact, Development Plan Approval of a New Commercial Structure at 4723 W. State Road 46 (3,200 ft²); Petitioner: Richland Convenience Store Partners, LLC; Case No. PC2019-03

Kevin Tolloty, Planning Director, provided a summary of the Findings of Fact approval of the development plan for Richland Convenience Store Partners, LLC. The Staff Report is incorporated into the findings by reference. The findings state the petition for the development plan was approved unanimously by a 5-0 vote with no conditions.

Terry Baker entertained a motion for approval of the Findings of Facts for PC2019-03. Sandra Hash so moved. Pat Wesolowski seconded. Roll call vote: Terry Baker – yes, Don Calvert – yes, Sandra Hash – yes; Brian Miller – yes; Dan Swafford – yes; and Pat Wesolowski - yes. Motion carried.

Fence Ordinance Town Council Amendment

Kevin Tolloty, Planning Director, explained the Town Council approved the text amendments for §152.053, Residential Fencing, but removed item B(6). This section stated fences may be located on the property line and incorporated a fence setback. The Town Council did not want setback included in the ordinance. The Plan Commission can either approve the Council amended ordinance or reject their amendment which would then return it to the Town Council for the final say. His recommendation is to approve the Council amendment.

Sandra Hash commented she tried to speak about this at the Town Council meeting but one member strenuously objected to it. The Council member thought if 4' was left between the fences it would encourage trespassing on private property. They invited people from the audience to speak who didn't help. One person, however, said it is a common sense issue, which it is. It was a good amendment. Ms. Brown thought part of the issue was grandfathering people in which would result in different widths between the fences and new fences would have 4' between them. Some of the Council members thought it would be difficult to enforce while being fair to people. There was further discussion on spacing between fences.

Terry Baker entertained a motion on accepting the Town Council's amendment for Section 152.053, Residential Fencing. Pat Wesolowski made a motion to accept the Town Council's amendment on §152.053. Brian Miller seconded. Roll call vote: Terry Baker – yes, Don Calvert – yes, Sandra Hash – yes; Brian Miller – yes; Dan Swafford – yes; and Pat Wesolowski – yes. Motion carried.

New Business

Final Plat Amendment of 7228 W. Mustang Drive, Lot 41A (.61 Acres), Edgewood Heights Section 3; Petitioner: Bob Double, on behalf of Valu-built Construction; Case No. PC 2019-04

Kevin Tolloty, Planning Director, explained the petition is to split Lot 41A at Edgewood Heights. The existing lot is approximately 6/10ths of an acre. When split, each lot will be

over one-quarter of an acre. The lots will be used for single family homes. The plat will meet all zoning requirements. The eastern lot contains a drainage easement and leaves approximately 2,600 ft² of buildable area. Staff recommends approval of the plat.

Brian Miller is concerned about the utility easement being sufficient for occurrences. Ms. Hash commented on where the homes would be on the lots and asked Mr. Double why he changed his mind.

Bob Double, Petitioner, explained last year when they made changes to the plat to accommodate a larger ranch style home with a walkout basement. Over the last year, however, the clients did not want it. The value of such a project would exceed \$300,000 for the finished product. They do not think the neighborhood would support that price point for a single-family home. Their intention is to put two story homes with a smaller footprint on the lots. The retention pond has never retained more than maybe 2” of water even after torrential rains. The utility easement is 15’. Mr. Miller stated it is the main transmission line for the school corporation. Mr. Double stated the existing house on Lot 41A is on the far left of the property so the distance on the right side to the property line is close to 20’. It does not seem to be an issue if the utility easement needs services. Mr. Baker asked if it would be possible to increase the size of the utility easement. Mr. Double thinks access to the utility easement could be easily accomplished on Lot 40 without interfering with the current structure. There was a discussion on fences, accessory structures and easements being listed on title searches.

Terry Baker entertained a motion for final plat amendment for 7228 W. Mustang Drive, Lot 41A (.61 Acres), Edgewood Heights Section 3. Dan Swafford so moved. Brian Miller seconded. Roll call vote: Terry Baker – yes, Don Calvert – yes, Sandra Hash – yes; Brian Miller – yes; Dan Swafford – yes; and Pat Wesolowski – yes. Motion carried.

Planning Department Update

Kevin Tolloty, Planning Director, advised at this time there is not anything scheduled for June. The meeting will likely be canceled.

Plan Commission Comments

Sandra Hash advised the Town hosted a Chamber of Commerce event. The panel of speakers included Darby McCarty, Lynn Coyne and Mike Farmer. The Planning Department was given lots of kudos for all of the good they’ve been doing and lots of thanks for the direction they’re taking the Town.

Pat Wesolowski asked if there are 5’ side setbacks for buildings. Mr. Tolloty answered they are 10’ setbacks but accessory structures have a 5’ setback. Mr. Wesolowski has been different places that don’t have setbacks and they look terrible.

Privilege of the Floor

Adjournment

Terry Baker entertained a motion to adjourn. Pat Wesolowski so moved. Dan Swafford seconded. Motion carried. Terry Baker adjourned the meeting at 6:34 p.m.

Terry Baker, President

David Drake, Vice President

Don Calvert

Sandra Hash

Brian Miller

Dan Swafford

Pat Wesolowski

Denise Line, Secretary