

May 3, 2018

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 3, 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, Zach Michael, Brian Miller, Pat Wesolowski and Sandra Hash. Kevin Tolloty, Planning Director; and Rick Coppock, Bynum Fanyo & 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 April 5, 2018. David Drake so moved. Pat Wesolowski seconded. Motion carried.

Monthly Conflict of Interest

Don Calvert advised his neighborhood is adjacent to Cedar Bluff.

Old Business

Terry Baker advised Old Business would be moved to after New Business.

Proposed Amendments to Revisions to Chapters 152.090 (Industrial Districts) and 152.296 (Special Exceptions)

Comprehensive Plan

New Business

Development Plan Approval for a New Cedar Bluff Multi-Tenant Commercial Structure (Apprx. 10,000 ft²), 4264 N. Cypress Lane; Petitioner: Rubicon Investments, LLC; Case No. PC0218-06

Kevin Tolloty, Planning Director, explained the Petitioner is seeking approval for a 10,000 ft² building with six proposed tenant spaces. Property is zoned as a Planned Unit Development (“PUD”). There was a question as to whether or not there can be a connection between N. Cypress Lane and N. Tupelo Drive. Staff recommends approval of the development plan. A technical review meeting was held and all of the items have been addressed other than the potential connection between N. Cypress Lane and N. Tupelo Drive. The connection is not required but would be convenient. Landscaping meets the PUD requirements.

Pat Wesolowski noted the Police and Street Departments did not have any comments on the technical review and the Fire Department says “pending”. Mr. Tolloty stated everyone was at the meeting. The Fire Chief had a few comments that were addressed at the technical review meeting. Usually, their notes that have more to do with the building than the site. If there was something specific mentioned, it will be addressed and shouldn’t affect the site plan.

Zach Michael asked if connecting N. Cypress Lane and N. Tupelo Drive will be a stipulation to approving the site plan. Mr. Tolloty answered it is up to the Plan Commission. The Plan Commission is allowed to add conditions as needed as long as they're relevant. Connecting the streets was brought up at the technical review meeting. Mr. Wesolowski asked if the streets were connected would it deter further development. Mr. Tolloty is uncertain because the connection would run through the parking lot. Mr. Michael asked who the tenants will be. Mr. Tolloty answered he did not know. Mr. Michael is concerned because the existing street is in a bad spot. There haven't been any problems with the Police Department but if businesses are added and they continue to bring in traffic there may be accidents. If a road is more east, and not on the curve, it may help. Mr. Tolloty noted there are 49 parking spots so there will be a fair amount of traffic. Mr. Baker thinks the street going through would be a benefit for emergency vehicles. Could the Petitioner address this?

Steve Brehob, Smith Brehob & Associates, Inc., Representing Petitioner, Rubicon Investments, LLC, explained the drive connection in question is within a platted access easement on the lot. The drive area in front of the proposed building is an access and utility easement that will be preserved. When the development was first planned they had no idea of what would go in it, what the uses would be and whether or not the connection would be necessary. They platted an easement on the lot instead of building the road through. They want to preserve the access easement and find out what goes on the lot. There are 49 parking spaces and the building is a flex building that can be divided into six different modules. They would like to preserve the right, with the easement, to be able to make that connection and see what goes in the building. If it turns out the connection is necessary from a traffic distribution standpoint, then they could extend the drive through at that time and complete the connection. Mr. Baker asked who would make the decision on whether that needs to be done. Mr. Brehob answered when they do the development on those lots they have to come before the Plan Commission. If it's an access problem for the tenants or they can't keep tenants because they need the street access through then the connection would have to be made before the other two lots develop. They want to see who goes in the building and the traffic it generates. Mr. Wesolowski's concern is if there are 49 parking spaces he doesn't think they can speculate on what will be there. Mr. Brehob explained they're putting in 49 parking spaces because it is easier to do so at this time then to add them at a later date. Mr. Wesolowski asked if they use all 49 parking spaces and the streets aren't connected there will be 49+ vehicles traveling onto State Road 46 from the entrance used by the townhomes and apartments. Is there a way there can be a requirement that if they utilize the 49 parking spaces they have to use Tupelo Drive? Mr. Tolloty answered it could be conditioned. If they put in the connection it will remove a few parking spaces leaving 44 or 45. The number of parking spaces are maxed out because they don't know who will be going into the building. Mr. Wesolowski asked if they can require them to connect the streets if all of the parking spaces are filled. Mr. Tolloty replied it would have to make it a condition at this time. Mr. Wesolowski thinks the requirement should be added that if all 49 spaces are utilized the streets must be connected. Mr. Tolloty explained if the Plan Commission wanted to do that they would have to base it on the required number of parking spaces. Based on the use, if they max out at the number of required spaces then they need to connect.

David Drake asked if it would be a significant cost to make the connection at this time. Mr. Brehob answered Tupelo Drive would have to be extended more than 100' and the cost

associated is installing a large box culvert to span the ditch that drains out of the residential subdivision and into the detention basin. His concern is that development as part of Lot 3 is a costly endeavor. The drive would have to be extended as development for part of Lots 1 and 2. Mr. Drake suggested they could make a condition of approval that the developments of Lots 1 and 2 would require the connection. Mr. Brehob thinks it should be based on the traffic volume. If it's an office building, it is not a high-traffic generated use. If it is a fast-food restaurant and utilizes a drive-thru and a higher traffic volume generator the connection at that point might be warranted to provide another means to distribute traffic. Mr. Michael asked if there was a time frame on when Lots 1 and 2 will be developed. Mr. Brehob answered it is according to market demand. They are actively working on the development of those lots but do not have tenants at this time. Mr. Wesolowski asked if there are tenants for the present development.

Michael Eaton, Rubicon Investments, LLC, advised there are a couple of interested parties and nothing has been signed at this time. The building will create a nice live/work atmosphere. Lot 1 is a larger lot and can support a three-story structure. From a revenue/expense standpoint, to do the culvert work and interrupt waterflow, he would have to determine whether or not this use would be able to absorb the cost versus spreading it across to Lots 1 and 2. Mr. Wesolowski asked if the interested parties will generate a lot of traffic. Mr. Eaton answered everything generates traffic but one of the interested parties is an 8-5 business and the other one is a café type business and will generate light traffic. Mr. Michael thinks based on that statement it will be a high-traffic area. Mr. Drake agrees it would be a burden to put all of that on the development of Lot 3. If everyone has the understanding that when Lots 1 and 2 are developed they are going to look heavily at making sure the streets connect, he thinks that is the most reasonable approach to take. Mr. Tolloty noted development of Lots 1 and 2 would return to the Plan Commission. Mr. Drake likes the looks of the development and thinks it would be good for the Town. Mr. Wesolowski asked how far the building will be from State Road 46. Mr. Brehob answered approximately 80' to 100'.

Doug Turnipseed is concerned with the statement "wait to see who rents the space." There are 49 parking spaces. Just because the tenants that come in today may not generate a lot of traffic doesn't mean a business two to three years from now won't generate a lot of traffic. When there is another parcel that has the ability to have three levels it would be wise to plan for large amounts of traffic now and not deal with it at a later time. This is located behind CVS Pharmacy and getting in and out of it is hard enough without adding additional traffic. It's a great building with great patio space. He sees why it would generate traffic. To wait and see who rents it would be too late.

Kevin Tolloty commented the parking spaces are figured on a worst-case scenario. The most the Town has seen is five spaces per 1,000 ft² for a restaurant. It would be 50 spaces if the entire building filled-out. Parking should be adequate whoever goes in the building.

Terry Baker entertained a motion for development plan approval for the Cedar Bluff Multi-Tenant Commercial Structure, approximately 10,000 ft², 4264 N. Cypress Lane. David Drake made a motion to approve PC2018-06.

The motion was interrupted for a discussion on making the connector streets a condition of approval. It was decided not to include it in the motion. Mr. Wesolowski asked how many cars can stack at the current exit with this development. Mr. Tolloty answered if it's 100' back seven or eight vehicles could fit. Ms. Hash asked if the existing road is sufficient for

two cars at road level with one turning left and the other turning right. Mr. Brehob answered yes. Mr. Drake stated the road was designed with the idea that there were going to be developments such as this.

Brian Miller seconded the aforementioned motion. Roll call vote: Terry Baker – yes; Don Calvert – abstained; David Drake – yes; Brian Miller – yes; Zach Michael – yes; Pat Wesolowski – yes; and Sandra Hash – yes. Motion carried with one abstention.

Primary Plat Approval for 25 Lots for Charlestowne Manor, Phase 1, Preliminary Plat, Located South of W. Harbison Road and Includes 5079 W. State Road 46; Petitioner: Bardi Builders, LLC; Case No. PC2018-07

Kevin Tolloty, Planning Director, explained this request is for primary approval of the preliminary plat for 25 lots for the first phase of Charlestowne Manor. The entirety of the project will be 118 residential and two commercial lots accessed off of State Road 46. The property is zoned Residential 3 (“R-3”) and the plat is setup for single or two-family homes. Staff recommends approval. Only one of the commercial lots is buildable and the other will be a detention area in the floodplain. Landscaping will be trees approximately every 50’. A technical review meeting was held and there were few concerns. An easement for a future trail running along the creek in a floodplain was requested. The intent is to connect the trail with the Karst Trail.

Sandra Hash asked how wide the street is off of State Road 46. Will it accommodate three lanes? Mr. Tolloty answered it will be wide enough for a turn lane. Mr. Drake asked if eventually there will be connections to the west into the other piece of property and then down to the southeast. Mr. Tolloty explained the other phases have not yet been finalized. There will be a connection to the east and a stub to the west. Mr. Wesolowski asked if there are houses in Westbrook Downs where it will be connected. Mr. Tolloty answered there are houses along the street. A garage sets in the right-of-way and they’re hoping to work around it. Ms. Hash asked if there is an existing road stub. Mr. Tolloty replied it is platted right-of-way. The second access will be the second point when everything is built-out. If there’s an accident blocking the main entrance at State Road 46 people could use the second access. A majority of people will use the access to State Road 46. There was a discussion on the second access which would go through Westbrook Downs and access to Hartstraight Road from Harbison Lane. Ms. Hash asked about the floodplain because a creek runs through there. Mr. Tolloty answered most of the floodplain is on the north side. On the south side where the residential is located, it runs uphill and most of it is entirely out of the floodplain. With an easement that runs along the back side, the houses will be located away from the creek. Ms. Hash asked if water from the development will run toward the tributary. Mr. Tolloty answered yes, and the stormwater runoff has been accounted for. Detention ponds will be put in to keep the runoff the same as it is now. Land has to be developed in a way not to add to existing runoff. The detention ponds will hold the water so it doesn’t run in the creek any faster than it does now.

Wallace Wampler has lived in Westbrook Downs for 40 years, he likes it and everybody gets along. He has children ages 7 through 30. Extra traffic will be an extra burden for their children. He’s opposed to people from the development driving through their subdivision. Not only does it add extra traffic but it adds problems to the road conditions. It will be more of a nuisance, expense and safety hazard. They have their addition and they need to keep to themselves as they will. There is a creek on the southside of the hill that runs through Westbrook Downs. The development will contribute to a higher flow of

water for the creek. He would like for them to consider another exit rather than through their addition. What their proposing will be a burden on Westbrook Downs and is not in the consideration of being a good neighbor.

David Willaby has lived in Westbrook Downs for 50+ years. The biggest concern is the rear entrance on Brookwood Drive and it is not a good idea. Their entrance is the only entrance and it is substandard. Originally, it was two lanes and state highway made their entrance 6' wider making it 30'. When he turns off of State Road 46 while someone is wanting to turn out, he has to drive over the curb. They can't have any more traffic coming through there, it's a hazard. The new subdivision's entrance is going to be 3/10th of a mile from Westbrook Downs. With 118 houses, everyone will have two cars and every household makes 10 trips a day. He went to the Fire Department to ask the Fire Chief if he knew anything about the new entrance and he couldn't get out to make a left turn. He then turned right, went into the Circle K and then turned left onto State Road 46. There hasn't been much transparency about the development. Only three letters were mailed. They found out from their neighbor it was going to happen. What type of houses will go in there? Will there be cheap houses or will they cost \$175,000?

George Ellis has lived in Westbrook Downs for 40+ years and shares the same concerns. The Westbrook Downs' entrance is substandard and the state recognizes this as they're the ones who put it in. There are 189 homes in Westbrook Downs and with 10 trips a day, that's 1,890 trips. There will be 118 lots in the new development. What's the anticipated number of dwellings they expect? They've heard duplexes and apartments are planned. This number needs to be known before they approve it. There appears to be a two-lane entrance onto State Road 46 and that is substandard for 118 homes. Has the state approved the entrance? There is a curb cut on State Road 46 but given the high use of the entrance there has to be state approval and a design submitted. The entrance is very close to Westbrook Downs' entrance. It's 190' from the NAPA entrance and 250' from the Jack's Defeat Creek Mall entrance. He hopes they consider all of these factors. Someone needs to let them know how many dwellings will go in the development in order to calculate and design the proper entry for State Road 46. People living at the rear of the development will want to use Westbrook Downs.

Doug Turnipseed is concerned about the traffic. How much traffic can be put on State Road 46 and keep it safe for people to get in/out and make left/right turns? What about emergency planning services? He created maps for Monroe County Health Assessment and emergency services are a big part of this. Is the Town of Ellettsville with the additional tax revenue going to be able to provide the additional services required for additional development? He lives next to the property above Jack's Defeat Creek. If all of the woodland is removed water will drain. The commercial side does not have much of a rise. The idea behind a retention pond is to keep water from going forward at a faster rate. How much water will backup on the other side. Is the plan for a 100 or 500-year flood event? One reason they're in this building is the original Town Hall had flooding problems. He sees this as a flooding problem because all of the trees and vegetation are being cut away. Then, there will be stagnant water with mosquitos that cause the zika virus so there are public health concerns. There are sink holes on the property so there will be other retention ponds when they get to Phase 2. All aspects need to be considered. He's not comfortable with retention pond. The hill is taller than his property and drains onto three other residential areas. He wants assurance that his property is not going to be draining the additional development behind him that will continue to feed into Jack's Defeat Creek.

He's spent approximately \$2,000 for drainage on his property. He wants to know he won't be taking on additional expenses for the development going in behind him.

Brad Stout lives below Doug Turnipseed behind Jack's Defeat Creek Mall. In the past, they had problems with stormwater along the creek before the highway put in storm sewers which may have made Ellettsville's problems worse. He is concerned with roofs and roads that prevent the absorption of water into the ground. Retention ponds can only hold so much. If it does backup it will be in his house and he will have to deal with it. He assumes the entire property will have sewer access. What will happen with the existing sewer? He's at the lowest part along the bottom so if there is a backup he will be the person directly affected by it. Is it going to be improved or enlarged heading toward Ellettsville? Monroe County has regulations that prevent building on extreme downhill grades. What are Ellettsville's regulations with respect to slopes?

Thomas Jones lives on North Brookwood in Westbrook Downs. What is the subdivision going to do to the value of his property? How far off of his back property are the houses going to be? Is there going to be a privacy fence or border to the subdivision to separate Westbrook Downs and the privacy of their occupants? Mr. Tolloty explained the Town doesn't require a border between residential developments. He doesn't know the plans of the developer but it is not required. Is there a timeline for when the project is to start? Mr. Tolloty answered no. Ms. Hash asked what the setback is on the back of a lot. Mr. Tolloty answered 20'. Ms. Hash commented there is a 20' setback on the rear of the lot and nothing can be built on it.

Catherine Barnes has lived in the south end of Brookwood Drive in Westbrook Downs for 20 years. Is it correct the right-of-way for the second entrance is where the stream is located on the lowest part of Brookwood Drive? Mr. Tolloty answered it has not been designed. There is a right-of-way roughly where it will be but there is not a design for it. Ms. Barnes stated a stream drains from Brookwood Drive in Westbrook Downs. When there are heavy rains the stream fills up to the height of the bridge. She's worried their drainage problems will increase if they're trying to build a road directly over the stream bed. Also, she's concerned about the increase of traffic on Westbrook Downs because it is straight onto State Road 46. As other people have commented, the entrance to their neighborhood is narrow, congested and they worry about the increased traffic and children. They hope there will another solution for a second entrance rather than including one through their neighborhood.

Barbara Klyczck lives in the back of Brookwood Drive. The rear of her property is not level to the property behind her. What will happen when they start building behind her? Will the water drain onto her property? Mr. Tolloty answered that phase has not yet been designed. Ms. Klyczck didn't think that answered her questions. Mr. Tolloty explained it will be engineered to standards. The Plan Commission won't answer hypothetical questions on what will be there. At this meeting, they're looking at Phase 1, in the northwest corner of the property. He can't say what the grade will be behind her property but it will be designed in a way so it will not drain onto her property. It will be maintained on the development and held in retention ponds as code requires, and the Town goes by the county's stormwater retention. They cannot answer specifics on what it will look like at this time. Ms. Klyczck stated there are no guarantees it's not going to happen. Mr. Tolloty advised the Petitioner will have to return to Plan Commission when they get to that phase. Ms. Klyczck thinks everything will already be going on with that phase. Mr. Drake stated

it will not. They're not looking at anything outside of Phase I. It is future development that may or may not happen. The only thing they're talking about is the area in Phase 1. That is why they can't tell her what will go there because there may not be anything at all. This is not what they're discussing. Ms. Klyczck thinks the traffic is terrible and it is difficult to turn onto State Road 46. It is not the fault of the traffic. It's difficult to turn into the subdivision. There will be more accidents, more work on the roads and it will cost a lot of money to maintain it. People in Westbrook Downs don't deserve this and their taxes and water/sewer will increase.

Amanda Turnipseed knows the county standards minimum requirements for entry for a development of 20+ homes is two access points. Is this the same for Ellettsville? Mr. Tolloty answered 25 is the maximum number of homes that can be built with one entrance. This is why they're only building Phase 1 at this time. Ms. Turnipseed asked how many homes will be in Phase 1. Mr. Tolloty answered 25. Ms. Turnipseed asked that the decision be delayed so their questions can be answered.

James Hall lives in Westbrook Downs and agrees with Ms. Turnipseed's request for a delay so they can get answers to their questions. Is there any intention of opening the bridge on Harbison Road for access? Mr. Tolloty answered no. Mr. Hall is concerned with drainage. When Putter's Park was built it pushed water downstream and is the reason they had to carry flood insurance. He just got out the floodplain and doesn't want pushed back into it. Water can't flow down so it will back up.

Tracy Willis has lived in Westbrook Downs most of his life and has been a homeowner since the early 90s. He agrees with a delay. His concerns stem from the latter phase and that the entrance will be two-lane which will undoubtedly force traffic to come through Westbrook Downs. Dunleigh Drive is traveled a lot and thinks it would be burdensome.

Greg Kitzmiller noticed the developer has chosen not to speak. He would like for the Plan Commission to ask questions. Is it 25 or 27 lots? Mr. Tolloty answered 25. Mr. Kitzmiller commented obviously they're not developing this for 25 lots so there are future plans. They would like to know the timeline for future phases. It seems anything is possible for the other phases of the property. The Comprehensive Plan states "*While maintaining a mix of housing and enforcing zoning codes are important, it could be become irrelevant if even a small portion of the homes become structurally deficient.*" Standards would be written to cover interior and exterior portions of a home that would fall under a building ordinance as opposed to a zoning ordinance. He understands why they're here and what they're talking about. He's heard nothing from the developer about the kind of homes or price range.

Sandra Hash asked how wide the street will be that enters onto State Road 46. Doug Graham, Engineer with Bynum Fanyo & Associates, explained there is a 60' right-of-way and there will be three 12' lanes at the entrance including a 75' turn lane that tapers into the two lanes. Mr. Wesolowski asked the status of the timeline for the remaining houses. Mr. Graham answered it's a financial issue and can't be predicted. Mr. Wesolowski asked how they determine the water is going to be the same coming off of the roofs, driveways and sidewalks versus the woods and open areas. Mr. Graham explained it is modeled and it has been code since the 1960s that water can't be increased on other properties. The modeling is based on what they have before the trees are removed and the roofs go on and they try to match it. Monroe County code states they model the two-year, ten-year and 100-year floods. There is a standing pipe and as the water rises it will get to another orifice and go

out a little faster. Goals of the modeling are to match the storm events. Mr. Wesolowski asked the price of the homes.

Chuck Short, Developer, doesn't intend to build on all of the lots. He will sell lots as well as building on site. He anticipates the price range will be \$190,000 to the upper \$200,000s. Westbrook Downs has only one way out so if there is a flood there is not a way to get emergency vehicles in/out. This development affords them an opportunity to come in a different way. He doesn't know why someone would exit through Westbrook Downs when they could come through a newly designed road. He thinks many of the people who are having trouble getting out of Westbrook Downs would go through the new subdivision. Mr. Wesolowski asked if there is a timeline. Mr. Short answered it will depend on how quickly the lots sell. His goal would be to finish Phase 1 in approximately 18 months and then start Phase 2. Ms. Hash asked if they will be single family homes. Mr. Short replied they are. He did not go with apartments because she strongly opposed them.

Sandra Hash asked Mr. Graham to explain the difference between a detention and retention ponds because of the concern over standing water. Mr. Graham explained both terms are often used interchangeably. On their designs, they're going to be underground so there won't be standing water on them. Ms. Hash asked if the names are not relevant. Mr. Graham agreed as they both slow down the water. Some people design wet detention ponds so there is some standing water for aesthetic purposes. Ms. Hash confirmed they will slow the flow of water, it will totally empty and the bed of it will be dry except in rain events. Mr. Graham said that was correct. Mr. Michael asked Mr. Tolloty if he will be able to answer questions on the flooding issues brought up by the residents of Westbrook Downs when the other areas of the development return to the Plan Commission. Mr. Tolloty replied the way it will be developed should not change any flooding issues that currently exist. A lot of it runs from outside of Ellettsville's jurisdiction and there's not a lot that will be done upstream of it. Ms. Hash commented flooding is so big in her mind because she worked in Old Town Hall for a long time and has seen it flood. A past Plan Commission member always brought up the addition of roofs and how they create more water because they lose the absorption, and she understands the concept of retention ponds counteracting it. It's difficult to know, with absolute certainty, that it won't add extra water to those streams because she has seen the result of heavy rains. If you get 8" of rain in an hour, however, nothing will hold it back. Mr. Baker asked if any of the pavement will be permeable. Mr. Graham answered at this stage, it has not been decided. If it gets to the point they need to do so to comply with their detention standards then it will be added. Mr. Tolloty thinks the part in the floodway will need to be permeable. Ms. Hash asked if a bridge will go across the creek. Mr. Tolloty replied a culvert will go across the creek. Ms. Hash asked if it will be large enough not to impede any flow. Mr. Graham answered it will be better than what is there now. Mr. Tolloty noted it is under review by the Indiana Department of Natural Resources.

Don Calvert appreciated their approach. There were a lot of good, well thought out questions. He didn't hear one answer to any of their questions. They need to slow it down because they need information. They work for these people and they deserve better. Mr. Drake thinks the reason they don't have any answers is because their questions don't have anything to do with Phase 1 which is being considered at this meeting. Mr. Calvert disagreed as the questions are for the entire development and Phase 1 is the first part. Mr. Drake explained they can't answer specific engineering and street layout questions for something that hasn't been proposed. The plat that has been presented is an illustration of

what they may do and it's not officially before the Plan Commission. What has been presented meets all required Town Codes. It sounded as if some people didn't want anything built next them. Progress happens. People own land and they have the right to develop it. If someone had complained about Westbrook Downs being built maybe it wouldn't have been. Ms. Brown added it is a petition for plat approval and not for development. Mr. Wesolowski asked the developer if he had any meetings with the residents of Westbrook Downs. He understands they're not discussing the entire development and the concerns over what will be developed on the property. He would like to delay this until the developer has had a meeting with the residents of Westbrook Downs. Mr. Drake thinks in the other phases it may not be a bad idea. However, it is not relevant to Phase 1. Mr. Tolloty commented on State Road 46, the goal for the Town is to develop as much as possible. Regardless, there is going to be more and more traffic on State Road 46. Maybe the Indiana Department of Transportation will put a light in at some point but it is not in the Town's control. It is a given, there is going to be more traffic rather this subdivision goes in or not. There is no access to Westbrook Downs in Phase 1. Ms. Hash reiterated the development's drive onto State Road 46 is going to have three 12' lanes. Before any houses are built, that road will be upgraded to 36' wide and meet the guidelines requested for Westbrook Downs. Unfortunately, easements that are left are designed to interconnect subdivisions. It would be great if Westbrook Downs would interconnect on the other end of the property and possibly they could get to Smith Road without ever going onto State Road 46. In planning classes she's attended, a good plan interconnects every subdivision to keep traffic flow from having to go onto the main artery all of the time. That's a good plan because traffic is fast moving on State Road 46. As a Plan Commission, they are committed to pass things that meet Town code. Her property taxes went up this year. Schools are expensive and Ellettsville has two townships totally funding a school system. Tax rates for the schools went up 9% last year and 11% this year. If we have more homes to spread that expense through it is a help to everyone as far as taxes. She lives in an older subdivision and has a neighbor whom has 15 acres of open pasture and she loves it. Unfortunately, she doesn't own the 15 acres so someday that neighbor could sell the property, four houses per acre could go in and there's nothing she could do about it. There are stubs in her subdivision that lead to that property. In future planning, those stubs were left there for a purpose. More traffic is a result of growth. There are things, as a Plan Commission, they can't really stop. David Drake mentioned the property is zoned Residential 3 which allows apartments. There could be a lot of apartments on the property instead of single family residences that will probably be worth as much or more as those in Westbrook Downs.

Terry Baker entertained a motion for primary plat approval for 25 lots in Charlestowne Manor, Phase 1, located south of W. Harbison Road and includes 5079 W. State Road 46; Case No. PC2018-07. David Drake so moved. Brian Miller seconded. Roll call vote: Terry Baker – yes; Don Calvert – no; David Drake – yes; Brian Miller – yes; and Zach Michael – yes.

Before he rendered his vote, Mr. Wesolowski stated he would like to see the Petitioner and public get together. As Mr. Drake stated, it meets all of the requirements. He doesn't want to stop a subdivision because of his own thoughts and he's certain the developer will meet with Westbrook Downs. Roll call vote continued: Pat Wesolowski – yes.

Sandra Hash reiterated her biggest concern is flooding and she hopes the retention ponds do their job because she knows a family who lives at the bottom of the hill, behind the

shopping center, and sees their concerns. She sincerely hopes the flooding will not be a problem. For the first phase and the road not connecting to West Brook Downs she cast her vote as follows: Sandra Hash – yes. Motion carried, 6-1.

Meeting adjourned for a recess.

Terry Baker called the meeting back to order.

Rezone of 14.71 Acres Located South of W. Harbison Road, From Agriculture-2 (“A-2”) (Suburban Agricultural) to Residential-2 (“R-2”) (Two Family Residential), Parcel No. 53-00-92-181-005.000-013; Petitioner: Bardi Builders, LLC; Case No. 2018-08

Kevin Tolloty, Planning Director, explained this request is to rezone a parcel of land from A-2 to R-2. Plans are not final but it would allow either single or two-family homes to be built in a later phase of Charlestowne Manor. Staff recommended a favorable recommendation to Town Council. There have been discussions on accessing on Woodyard Road or onto Hartstraight Road. The proposed Comprehensive Plan shows this area as a mixed-use development. A portion of a garage is located in the right-of-way and that will have to be worked out in the future. Ms. Hash asked if the easement is wide enough to go around the garage. Mr. Tolloty is uncertain because it is out of the Town’s jurisdiction. If something is in the right-of-way it can be removed but they’re trying to avoid it.

Doug Turnipseed is not opposed to rezoning or development. This is a plan to connect with Phase 2 and should it become a residential area it affects Westbrook Downs. The garage had a permit to be built and the county can take away the easement. He’s uncertain about the rush on rezoning when the easement and access has not yet been approved. There is still a lot of work to be done. He’s uncertain about Ellettsville Town Code but at some point, if this becomes residential, there would have to be two entrances/exits. Phase 2 does not yet connect because they don’t know if it will ever happen and there is not access to Woodyard Road. He requested everything else be discussed before it is rezoned.

Wallace Wampler is against rezoning the area. It has been farm land for many years. It’s been a nice area as it is. He would like for it to continue to be agricultural. It could be leased out. He requested the rezone be turned down.

David Willaby doesn’t see the rush for the rezone. There is so much on this whole project they don’t even know. The developer doesn’t want to discuss other phases and purchased the 14 acres to come into Westbrook Downs. He lives behind the field and they’ve always known it will be developed. Their biggest issue is traffic and not the development but things that will decrease their property values, streets and entrance. The developer said they would be welcome to use their entrance but the road from there is like a maze to get onto State Road 46 versus West Brook Downs. Why is the developer’s entrance going to be better getting onto State Road 46? It may be wider but the developer is going to create more traffic so it will be difficult to get out either entrance. Is there flow for the sewer line? There are a lot of things that concern him. Mr. Tolloty explained there was a technical review with all of the department heads and engineer, and most, if not all of these items, have already been discussed. The grading has been reviewed. A grading permit will be issued so it will be reviewed again. Everything meets Town Code.

Dan Rarey is a realtor and owns the property south of the 14.71 acres. He doesn't have any objection to development or building houses. He thinks the property should be kept single family in the same vein as the rest of the subdivision. Multi-family shouldn't be introduced into the development. There was speculation it could go out to Woodyard Road. It cannot because it has to go through his property. He has been approached about this but will not allow it.

Greg Kitzmiller has lived in Indiana all of his life and appreciates the discussion. Thank you for being careful and considerate. What he really heard was about transparency. Mr. Wesolowski held off on his vote because of transparency and Mr. Calvert voted no because of the issue. As a Hoosier, he appreciates transparency and when they are good neighbors. He has tried to be a good neighbor and keep his property up and this is all they're asking. He appreciates it's met all requirements and there is no reason not to move ahead and make a decision. In the interest of transparency and openness, now would be a good time to slow down and ask the developer to come back and chat with everyone so they understand exactly what they want to do and why it should be R-2 instead of R-1. He believes in neighborly attitudes and thinks the Plan Commission has done an outstanding job in displaying that.

David Drake commented this is one issue he can agree with. He doesn't know if R-2 should be far down into a development with an access that might go through Westbrook Downs. There could be multi-family duplexes at the very far south end of the development with no other exit except through Westbrook Downs. This is a discussion they need to have. He would be fine with rezoning it to R-1. Mr. Tolloty will speak with the developer and sees no reason why it has to be decided at this meeting. Mr. Wesolowski asked other than going through Westbrook Downs where else could they exit. Mr. Tolloty answered it would either have to go west to Hartstraight or somewhere else onto State Road 46. Ms. Hash agreed with it being R-1 rather than R-3. Once its zoned you have to allow anything in that zone. Zoning is the one thing the Plan Commission can control. She agrees with Mr. Drake. They can't allow more than 25 houses unless there is a second entrance. She doesn't see the need to move forward until a second entrance is secured. Mr. Tolloty explained this is being considered because they were considering doing a preliminary plat for the entire project and the rezone would have been part of it. Then, it was scaled it back to ask for Phase 1 approval. Mr. Baker agrees with Mr. Drake.

Terry Baker entertained a motion on the rezone of 14.71 acres south of W. Harbison Lane from Agriculture-2 to Residential-2; Case No. 2018-08. Pat Wesolowski made a motion to table it to the next meeting. David Drake seconded. Motion carried.

Old Business

Proposed Amendments to Revisions to Chapters 152.090 (Industrial Districts) and 152.296 (Special Exceptions)

Kevin Tolloty, Planning Director, explained the proposed amendments referring to transfer stations were previously approved with a favorable recommendation to Town Council then requested changes. Original language allowed transfer stations in Industrial 1 ("I-1") and Industrial 2 ("I-2"). The revision changes it to I-2, a heavy industrial district, only. Special exceptions increase the buffer from 1,000' to a half-mile for residential and commercial districts and includes a half-mile buffer for churches and schools. Mr. Wesolowski asked the reason Town Council didn't like it. Mr. Tolloty answered it was too close to residential areas

and schools and churches were mentioned. This provides an extra buffer. He requested a favorable recommendation to Town Council.

Terry Baker entertained a motion. David Drake so moved. Pat Wesolowski seconded.

Darla Brown clarified the motion pertains to Chapter 152.090. Mr. Baker agreed.

Roll call vote on the aforementioned motion: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Brian Miller – yes; Zach Michael – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried.

Terry Baker entertained a motion on §152.296, Special Exceptions. Pat Wesolowski so moved. Brian Miller seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Brian Miller – yes; Zach Michael – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried.

Comprehensive Plan

Kevin Tolloty, Planning Director, presented an appendix for the Implementation Schedule. The Implementation Schedule provides guidelines on how and when the ideas in the Comprehensive Plan are addressed and who is responsible. Remaining to be completed are the demographics or census data and final edits.

Terry Baker advised the next meeting is June 7, 2018.

Planning Department Update

Kevin Tolloty, Planning Director, advised there will be one annexation and Comprehensive Plan materials for the June meeting. There will also be an annexation for the July meeting.

Plan Commission Comments

Privilege of the Floor

Adjournment

Terry Baker entertained a motion to adjourn. Pat Wesolowski so moved. Brian Miller seconded. Motion carried. Terry Baker adjourned the meeting at 8:15 p.m.

Terry Baker, President

David Drake, Vice President

Don Calvert

Zach Michael

Brian Miller

Pat Wesolowski

Sandra Hash, IAMC, MMC