

## September 5, 2019

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, September 5, 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; Sandra Hash; Brian Miller; Dan Swafford and Pat Wesolowski. Kevin Tolloty, Planning Director, Denise Line, Secretary, 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 August 8, 2019. David Drake so moved. Brian Miller seconded. Motion carried.

### Monthly Conflict of Interest Statement

#### Old Business

#### New Business

#### **Development Plan Approval for a New Commercial Warehouse (380,284 ft<sup>2</sup>) located at 8101 W. State Road 46; Petitioner: Rick Coppock, Bynum Fanyo & Associates, on behalf of Scannell Properties, LLC; Case No. PC2019-12**

**Kevin Tolloty, Planning Director**, explained the petitioner is seeking approval for a 385,000 ft<sup>2</sup> distribution warehouse. Site and grading plans have been reviewed by Town departments and found to be in compliance. The parcel is zoned Industrial-1, Light Industrial. Staff recommended approval of the development plan. Criteria to be considered when reviewing a development plan pursuant to Ellettsville Code of Ordinances Section 152.129 was reviewed in detail. The Indiana Department of Transportation (“INDOT”) is reviewing their requirements for access off of State Road 46. There will be an extensive system of detention ponds on site, no new public roads will be created, drainage will not affect the existing pond, landscaping is included, buffering will be to the east and west and none is required to the north and south, and industrial developments are not required to install sidewalks, however, there will be internal sidewalks.

**David Drake** asked if the side yard is east and west. Mr. Tolloty answered they will be north and south. Mr. Drake asked if it is a side setback from the building to the houses on Starnes Road. Mr. Tolloty answered it is the rear setback. Mr. Drake noted rear setback requirements are 80’ and according to the report the setback between the building and houses is 950’. Ms. Hash asked if that includes the proposed expansion. Mr. Tolloty answered no, it applies to the existing building. Mr. Wesolowski asked if there is room for expansion.

**Rick Coppock, Bynum Fanyo & Associates representing Scannell Properties**, explained it is 200’ from the property line to State Road 46 and there will be a buffer line. Mr. Baker asked if there will be ingress/egress other than State Road 46. Mr. Coppock replied no and further explained the project. There will be an average of 25 trucks per day in the area of the loading dock. Security fencing will surround the loading docks. Employee parking lot will be located at the front of the building and it will have lighting overhead. The building will have wall packs with down facing lights. All lights leaving the property will be down facing. Access on State Road 46 is currently under review by INDOT. There will be left and right turn lanes off of State Road 46. A 250,000-gallon water tank for fire suppression will be onsite and located near State Road 46. Mr. Calvert asked the days/hours of operation. Mr. Coppock answered at this time, it is a 24-hour operation. Retention ponds are located on three sides of the site. The ponds are oversized to balance the earth work between cut and fill. Mr. Wesolowski asked if there will be fences around the retention ponds. Mr. Coppock replied no, because they will only hold water when it’s raining. Mr. Baker asked if the entire area will be fenced. Mr. Coppock answered only the back part which is the loading area and it will have a card system to get into it. Mr. Wesolowski asked the number of docks and will they store trailers. Mr. Coppock replied there are 100 parking spaces for trailers. Mr. Calvert asked if there are considerations for gearing down late at night.

**Dave Boyer, Director of Operations for KeHe Distributors**, stated they currently have 185 employees and plan to have 275 in five years. Currently, there are four shifts because of space constraints. They will eliminate the third shift operation at the new facility. Their trucks are automatics. If a driver hard brakes, a camera inside the truck sets off an alert, and after this happens four times, the driver loses their job.

**Audrey Myers, Director of Transportation for Richland-Bean Blossom Community Schools,** is concerned with safety for the school buses on State Road 46. She called the state and they only want to put in a turn lane. She is requesting a stoplight. Buses pull in/out of the Boys and Girls Club every day. Traffic is horrible to get on State Road 46. Mr. Baker advised stoplights on state highways are beyond the Town's control.

**Andy Zelhof** lives in Ellettsville. The Town of Ellettsville is in control of denying/approving the project. He agrees with Ms. Myers. If it impacts traffic negatively the Plan Commission can say no or ask for modifications. The business should petition the state for a traffic light. It is difficult to turn off/on to State Road 46.

**Rick Coppock** explained when someone requests a driveway permit from the state, they have to sign an agreement with the state that if there is a warrant for a traffic signal within 10 years, they will have to share in the cost of the traffic signal.

**Dan Hale** lives west of the site and is concerned about noise, lighting and flash floods.

**Pat Wesolowski** asked how many trucks travel in/out of their facility daily. Mr. Boyer answered 15 outbound and 20 deliveries. There was a discussion on KeHe's operating schedule and stoplights at their current business.

Terry Baker entertained a motion on PC2019-12, Scannell Properties warehouse on 8101 W. State Road 46.

**David Drake** commented the property is already zoned Industrial-1, not a rezone and there is not much discretion as long as it meets the requirements of the ordinance and state law. It is up to the State of Indiana to grant a permit for them to use State Road 46. The Town has worked for many areas to attract commercial development. This is one of the areas designated for that development in the Comprehensive Plan.

David Drake made a motion to approve Case PC2019-12 for 8101 W. State Road 46. Pat Wesolowski seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Sandra Hash – yes; Brian Miller – yes; Dan Swafford – yes; and Pat Wesolowski – yes. Motion carried.

**Preliminary Plat Approval for fifty-six (56) lots in the Ruby Creek Subdivision (27 Acres) located on N. Abigail Lane, between the Overbrook and Meadowlands Subdivisions; Petitioner: Bledsoe Tapp & Co.; Case No. PC2019-10**

**Kevin Tolloty, Planning Director,** presented a preliminary plat for Ruby Creek Subdivision formally known as part of the Overbrook Subdivision. The plat will create 56 single family lots and is currently zoned Residential 1. Staff recommended approval of the preliminary plat. A connection will complete the road that has not been finished.

**Rick Coppock, Bynum Fanyo & Associates,** Ruby Creek Subdivision was originally part of Meadowlands, Phase II, when approved in 1997, then someone else purchased it and named it Overbrook. The Town put a 12" waterline along the proposed road about 15 years ago for better flow in certain areas. The drainage has been revised by removing two cul-de-sacs to make deeper lots which results in deeper retention areas. When the original developer purchased the property, he was aware there was a drainage problem on Daisy Drive in the Meadowlands. The current developer has been working with the Town to alleviate flooding during certain storm events. Three ponds are in the current plan. Homes will be compatible with those in the surrounding area and will be priced above \$265,000. The house currently under construction will sell for \$392,000. Mr. Wesolowski asked how the Town will help and what is the cost. Mr. Coppock answered the Town will not pay for the structures but will use its labor force to install them which will cost \$10,000-\$15,000. If the Town purchased the structures, it would be a \$150,000 to \$200,000 project. Ms. Hash stated it's been explained to her that the drainage project will help the lots at the corner of Daisy Drive and Meadowlands Drive.

**Phil Tapp, Bledsoe Tapp & Co., Petitioner,** purchased the property approximately one year prior. They are increasing the lot size and drainage. The initial plan had virtually no detention on it. Although this property did not cause the flooding issues downstream, they do not want to exacerbate those problems. It will be developed in three phases: (1<sup>st</sup>) Abigail Lane with 17 lots; (2<sup>nd</sup>) Area north of the ditch and (3<sup>rd</sup>) Area south of the ditch.

**Sherry Friley, 925 Wildflower,** has traffic concerns. There is construction on three houses on Lakeview Drive so they're inundated with large heavy construction equipment. She is also concerned with construction traffic taking a shortcut from State Road 46 to Abigail Lane. She has discussed this with the developer. She requested conditional approval stating specifying the road to

be used for construction traffic. She has faith Mr. Tapp will do a good job. Photos showing the narrowness of the streets were presented. Mr. Calvert asked how she wanted construction traffic to get into the area. Ms. Friley replied McNeely Street into the Overbrook subdivision.

Photos presented by Sherri Friley are attached as “Attachment A”.

**Craig Barton** lives in Overbrook and questioned the correct number of lots. Mr. Tolloty explained there are 56 lots. The first version omitted one lot.

**Bradford Chitty** has been a resident of Overbrook Estates since 2008. Looking forward to having Phil Tapp in the Ruby Creek subdivision. He is concerned about drainage and how it will be managed and traffic flow for construction vehicles. The development has two rights-of-way. They want homes to stay the same size and some of their restrictions and covenants are in non-compliance because of previous builders. Ruby Creek will be a nice subdivision and should be approved.

**Kathy Barton** supports people who have traffic concerns. Has lived in Overbrook for five years. Having an extreme sensitivity to noise she hears all of the trucks. The biggest concern is traffic and children. She wants development at a slow pace. Abigail Lane should have a speed limit of 20 mph.

**Dawn Koontz** lives in Overbrook Estates and abuts the new development. She asked if the developer plans to put in sidewalks. Mr. Tapp answered yes. Ms. Koontz put in the sidewalks in the front of the house. She understands the initial developer will put in the sidewalk at the side of the house and asked for reassurance. Mr. Tapp advised the existing developer still owns a lot in Overbrook and will probably put in the sidewalk. Ms. Koontz asked who will build the road. Mr. Tapp will build the road. Mr. Tolloty explained the sidewalk for her house is not part of the discussion and there is a bond for it.

**David Drake** explained a large part of Lakeview Drive is not a Town street. The Town starts where it becomes Daisy Drive.

Terry Baker entertained a motion. David Drake made a motion to approve Case No. PC2019-10 for Ruby Creek Subdivision. Brian Miller seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; David Drake – yes; Sandra Hash – yes; Brian Miller – yes; and Dan Swafford – yes.

**Pat Wesolowski** interrupted the roll call vote to make a comment. It is nice to see developers coming through Ellettsville. Everything people have said would happen is happening. They can't stop what's happening when it is a correct use for the zoning. For the people whom are disappointed, it is what happens with progress.

Pat Wesolowski voted yes on the aforementioned motion. Motion carried.

**Preliminary Plat and Development Plan Approval for a Mixed-Use Development located at 7405 W. State Road 46 (5 Acres); Petitioner: Hearne Development, LLC; Case No. PC2019-11**

**Kevin Tolloty, Planning Director**, explained the petitioner is requesting to develop 20 townhouse units and a storage unit facility. The storage unit facility, however, is being redesigned and will not be considered for a vote. On the plat is an additional commercial parcel that does not have a use and will return to the Plan Commission at a later date. The plans have been reviewed by Town departments for compliance. Property is a Planned Unit Development (“PUD”) and the guidelines for this parcel requires it follows Commercial 3 general commercial regulations. Two family townhomes and storage unit facilities are both permitted uses in this district. There are 11 criteria for the Plan Commission to look at in order to grant approval pursuant to Ellettsville Code of Ordinances Section 152.129 and they were reviewed in detail. The preliminary plat has four lots: two residential and two commercial. After the townhomes are built, they will be split into individual units. The remainder will be a common area controlled by a homeowners' association. Staff recommended approval of the preliminary plat and the residential portion of the development plan.

**Dan Swafford** asked if they were going to complete the sidewalk on State Road 46. If State Road 46 continues to develop, the sidewalk should continue as the property develops. Mr. Tolloty agrees, but it is in state right-of-way.

**Chelsea Moss, P.E., Abram-Moss Design Group, LLC**, is the site engineer for the project and represents Hearne Development. The townhomes are at the setback of 25'. Ms. Hash asked if the driveway will hold two cars. Ms. Moss answered yes and there are two attached garages for each unit. There are 20 parking spots in an overflow lot. Mr. Wesolowski asked if they will be rentals or owner occupied. Ms. Moss answered it has not been determined but believes the intent is to sell the lots. Mr. Drake expressed concern over reconfiguring the storage units, traffic and drainage. Ms. Moss explained they're looking at a different configuration because it will improve the layout of the units themselves as well as the traffic flow and an additional fire hydrant will be added. The

current design would have required a three-point turn to get out and the new configuration will allow a loop configuration. Mr. Drake is also concerned about the berm. Ms. Moss stated in addition to the additional landscaping buffer, they are looking at fencing the entire area with an opaque fence. They're working with the builder regarding the best configuration for flow and construction. The intent is to maintain the berm that runs along the edge of the rear setback line for the southern units. They may slightly get into the berm to put in drainage structures. The intent is to maintain those plants as much as possible and replace what they may have to dig up in that process. A strong effort has been made to handle the stormwater. They will collect a lot of the drainage that will go into the back yards and taking it to the bio retention area and reducing the overall runoff from the site by 49% at the peak runoff rate for the entire site. The retention/detention requirements for this site were met with the existing detention pond on parcel Part-A of Litten Estates subdivision. Ms. Hash asked the width of the blacktop. Ms. Moss answered 26' with a 2' roll curve on either side. There is a 5' tree plot and 5' sidewalk with the exception of around the cul-de-sac where the sidewalk is 6' adjacent to the curb to keep it in the property lines with a curve configuration. Mr. Wesolowski asked if the townhomes will face State Road 46. Ms. Moss answered the southern townhomes will face State Road 46 while the back of the north townhomes will face it. There will be a substantial buffer in the parking lot as well as additional landscape and the potential future recreational area.

**David Drake** explained the area was always planned to be commercial. He envisioned the entrance into a commercial area would access State Road 46 but the Town has no control over it. A driveway off of Raymond Run would have been preferable. He is not a big fan of storage units next to residential areas. If storage units are allowed according to zoning then they have to follow the rules.

**Robert Morgan** lives in Litten Estates. Why did INDOT deny the direct cut off of State Road 46? He requested a copy of the INDOT denial. Ms. Moss answered in its letter of August 9, 2019, INDOT stated they prefer access off of Raymond Run because of safety concerns. A turn lane travels the entire length of road frontage on the property and INDOT has conducted significant studies on accidents that occur when accessing a highway in a turn lane. A driveway along that stretch goes against INDOT standards.

**Andy Zelfhof**, a resident of Litten Estates, wants the decision tabled so the Plan Commission can consider the entire plan. He wants to see the application submitted to INDOT. Every commercial property bordering State Road 46 has its own entrance. This project would be the exception and should not be allowed. The Planner provided information on traffic but it was based on townhomes. What about traffic for the storage units and commercial space? Remove the commercial space and build more townhomes. He has no problems with townhomes because development will happen. The plans do not mitigate traffic for right/left turns. Who takes care of the island on Raymond Run? It's the developer's responsibility and he has never taken care of it and neither does the Town. Residents volunteer to take care of it. Project needs tabled as what staff presented is incomplete.

**Chelsea Moss** explained a traffic report prepared by Phil Tapp shows the use of the proposed project stays within the same number as the drive was originally designed for when the PUD was conceptualized. The entire parcel was planned with a very loose guideline of what would be done on each of the parcels from the beginning. Mr. Hearne is working to further develop the PUD and as identified specific smaller parcels that would be for commercial use and building residential in what could have been a complete commercial development in a single space. Ms. Hash asked how long Mr. Hearne has owned the property. Ms. Moss answered 14 years. Ms. Hash thinks there is a need for this type of housing. Ms. Moss replied they are intended to be higher-end townhomes that will provide transient housing for young professionals who are not ready to live in a house long term. Ms. Hash asked the price range of the townhomes. Mr. Hearne answered \$300,000 to \$349,000. After an outburst from the audience, Ms. Moss continued. The townhomes are almost 1,500 ft<sup>2</sup> townhomes with three bedrooms and have an architectural feel. The same environment will be created with a streetscape that includes traditional street trees and lighting. All lighting along the street will have shields on them to light the sidewalks as opposed to lighting the street and will be on the HOA property. Mr. Wesolowski asked if the land the townhomes set on is deeded with the house. Ms. Moss answered the deed is for the unit perimeter with the lawn, landscaping and driveway being the responsibility of the HOA. Hearne Development will oversee the HOA until all of the units are developed. Mr. Tolloty noted Cedar Bluff did the same thing with their townhomes.

**Tammy Milah** lives in a cul-de-sac behind the townhomes. No one in Litten Estates is against the townhomes. The problem is the traffic created by the commercial spaces. How many feet is the new street from State Road 46? Everyone needs to remember there has been approval for 72 apartments to access off of Raymond Run. They understood the commercial spaces would enter off of State Road 46 separately from Raymond Run. There are no street lights in Litten Estates and the subdivision was signed off without completion. There needs to be modifications to the lighting at Raymond Run before the project is approved. She agrees with Mr. Zelfhof in that it should be tabled until there is a completion because there are serious problems.

**Ben Scherchel** asked if the street will have no parking. Ms. Hash answered almost every street in Ellettsville has no parking. He is concerned if the homes will be rented or sold and the use of the commercial spaces. Does the type of commercial space determine the amount of traffic? Mr. Tolloty answered parking spaces are based on the use. Mr. Scherchel asked if the traffic plan that would have been submitted changed based on the commercial space? Mr. Tolloty replied the traffic plan would look at actual parking spaces required onsite. Mr. Scherchel asked what would be sent to the state when requesting another entrance. Mr. Tolloty stated an entrance on State Road 46 for the commercial site would not be allowed because it is too close to an intersection. Mr. Scherchel asked if it could go on the opposite side. Mr. Tolloty answered they do not have access to State Road 46. Mr. Scherchel wants a copy of the plans sent to INDOT. Ms. Moss explained their request to INDOT for was for access to State Road 46 from anywhere along the entire road frontage. INDOT denied access along the road frontage because it was outside their standards. The centerline to the new street is approximately 200' from the edge of the asphalt.

**Anthony Fierro** lives south of the proposed storage units. He has safety concerns about the playground to be built in that it will be located too close to State Road 46. Perhaps the playground should be moved to where the storage units would be located. How many feet from the edge of the playground to the roadway? Ms. Moss answered it is approximately 50' from the playground to the edge of the roadway. If it were to get developed at a future date, fencing will be built around the playground and the shelter house area.

**Andy Zelhof** reiterated no one in Litten Estates is against the townhomes as housing is needed. No one has said anything negative about the storage units. They're concerned with the commercial lots because every other business along State Road 46 has its own entrance. With commercial spaces, more traffic will be forced on to a residential street. They are requesting that it be tabled until a complete plan is submitted.

Terry Baker entertained a motion on Case No. PC2019-11, Hearne Development, LLC, request for preliminary plat and development plan approval for a mixed-use development. The subject property is 7405 W. State Road 46 and this does not include the storage facilities. Mr. Tolloty added the preliminary plat is for the entire project. The development plan is for the two residential lots. A motion was not made.

**David Drake** stated this is the first time they've heard the proposal to table this to the next meeting until they can get more information from INDOT and express concerns to them about not having a driveway for the development. Waiting another month to hear would not make much of a difference. Ms. Hash understands the developer did apply for a driveway permit for the entire space from Raymond Run to the end of the development and was denied. Mr. Tolloty agreed. Ms. Hash asked the benefit of waiting 30 more days. Mr. Drake thought perhaps they could exert more pressure on INDOT to change their mind. Mr. Wesolowski asked if the footprint of the project would have to change with a drive off of State Road 46. Ms. Moss answered yes, the entire development plan would have to be changed. The developer had originally asked INDOT several years ago for a driveway off of State Road 46 and was denied. As a formality, a second request was made to INDOT in July or August of 2019 and they were denied in a formal letter. There was a discussion on commercial developments who do not have direct access onto State Road 46. Ms. Hash noted not every commercial development is granted access onto State Road 46. INDOT has turned down the developer's request for a permit two times.

**Tammy Milah** asked if INDOT was given what the plan was before their denial. Mr. Tolloty answered that INDOT looks at the property in relation to other driveways. INDOT is not concerned with what is going into a development. They do not allow driveway cuts within a certain number of linear feet from where there is an existing intersection with turn lanes. Ms. Milah asked why can't they switch commercial spaces with the townhomes so they're away from the intersection and would have their own driveway? Ms. Hash answered INDOT will not let them have a driveway in the entire span of the property. Ms. Milah disagrees because it was her understanding the developer did not provide the plan to INDOT. Mr. Baker also explained INDOT does not approve a plan but approves the area and its proximity to other cuts. Ms. Milah noted comparing the access of other businesses who do not have access onto State Road 46 is unfair.

**David Drake** read there is to be a minimum of 360' between driveways. Ms. Hash thinks when the highway was built there was existing road frontage and driveways. INDOT also said because of the driveway into Litten Estates they can't have a driveway off of a turn lane. Mr. Swafford added the turn lane runs the length of the property and that is why INDOT is denying the request.

**Steve Milah** asked to see the application submitted to INDOT and someone should ask them if there are any provisions they may look at.

**Sandra Hash** read a letter from Damon Brown, P.E. at INDOT dated August 9, 2019:

*Dear Mr. Hearne, We have received your request for a new driveway cut along SR 46 near Raymond Run Rd/Red Hill Rd in Ellettsville. After reviewing the property and surround areas, it is INDOT's recommendation to construct the driveway along Raymond Run Rd instead of SR 46. If a new driveway were to be constructed along SR 46, it would have to be within the functional limits of the Raymond Run Rd/Red Hill Rd intersection. This would not [be] a desirable location for safety reasons and would go against INDOT standards. There are much higher potentials for crashes when driveways are within the length of existing turn lanes, especially left turns exiting the driveways. It would be safer to access a driveway from Raymond Run Rd. The existing right turn lane and left turn lanes along SR 46 would provide safe areas to turn into the property and a good location to enter SR 46. If you have any questions, we will be happy to assist you. Sincerely, Damon Brown.*

Terry Baker entertained a motion for Case No. PC2019-11, Hearne Development, LLC, for the preliminary plat. A motion was not made.

Terry Baker requested a motion to table this until the next meeting. David Drake so moved. Dan Swafford seconded the motion. Motion carried.

### **Planning Department Updates**

**Terry Baker** announced the next meeting will be October 3, 2019.

### **Privilege of the Floor**

### **Adjournment**

Terry Baker entertained a motion to adjourn. Dan Swafford so moved. Brian Miller seconded. Motion carried. Terry Baker adjourned the meeting at 8:09 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

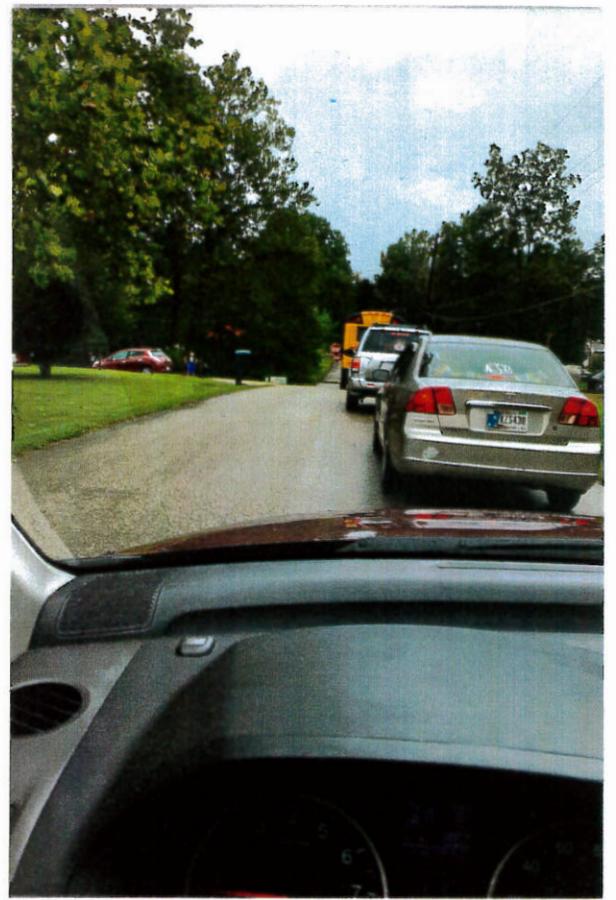
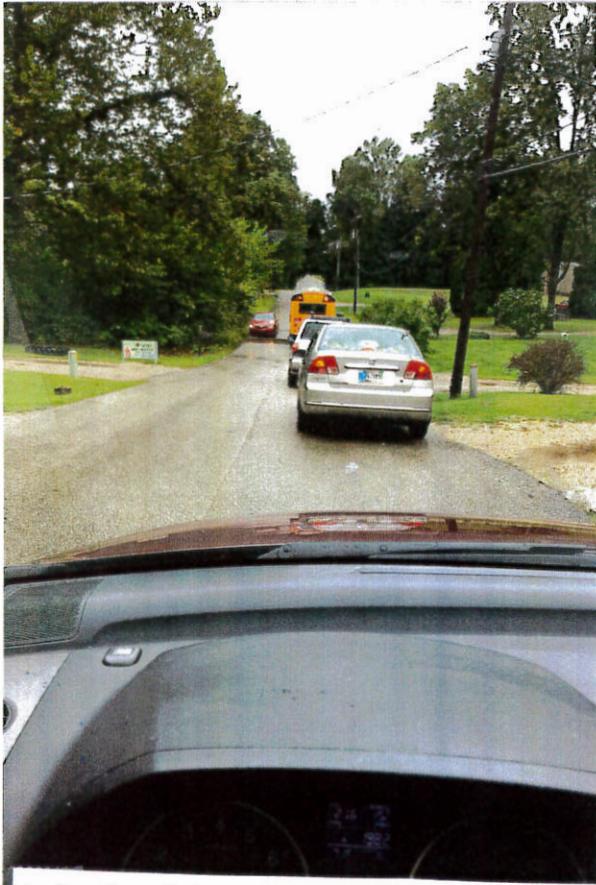
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Pat Wesolowski

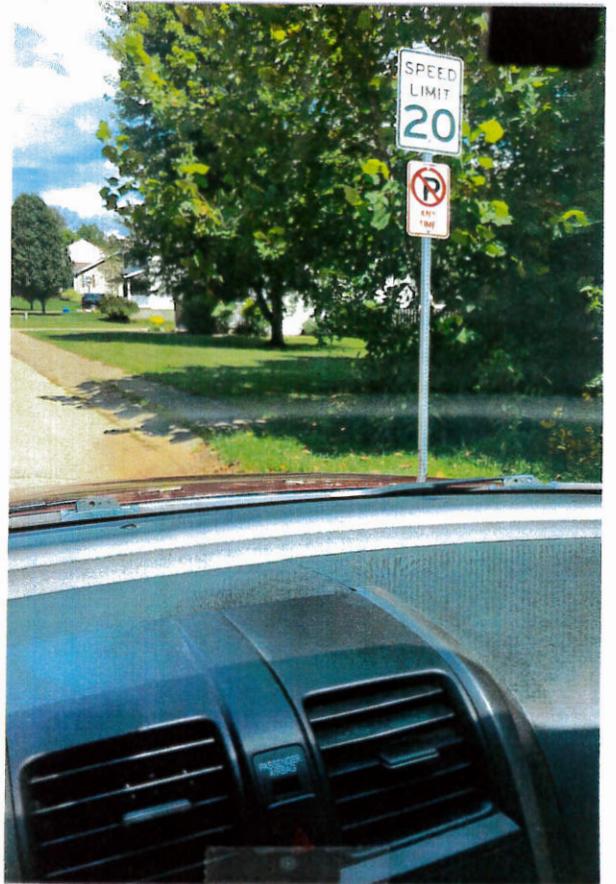
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Denise Line, Secretary

**Car must pull off side of road to allow safe bus passage ... Lakeview is too narrow for school bus to safely pass a construction truck**



**Lakeview Drive is an extremely hazardous road and can't support increased traffic from a new subdivision — especially heavy construction equipment**



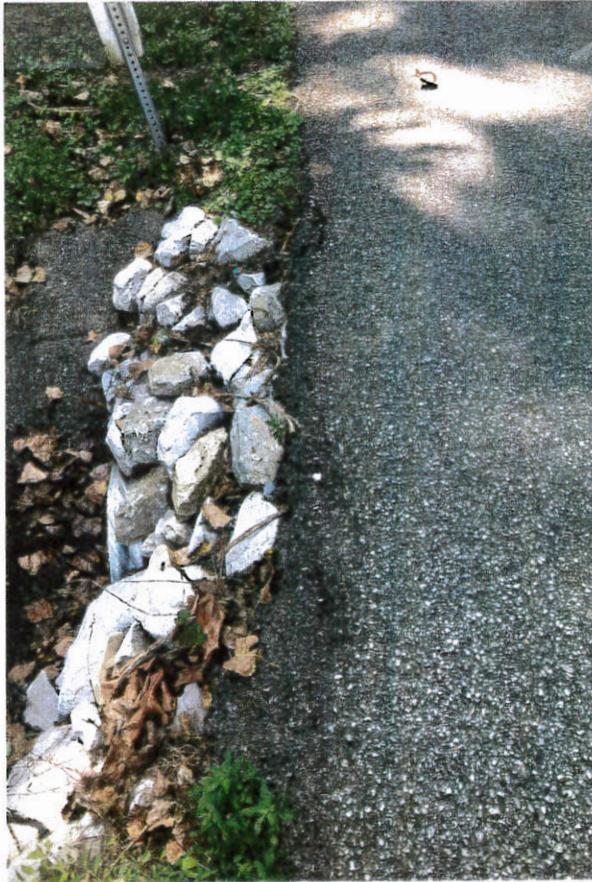
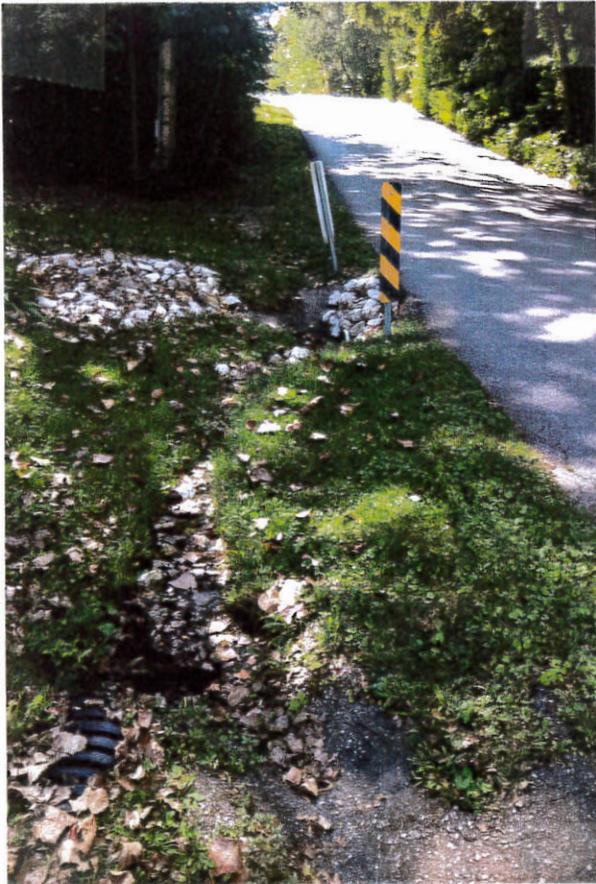
**Cars and trucks are not slowing down to 20 when they enter our neighborhood at the bottom of Lakeview Drive. The neighborhood previously requested speed bumps along this section but they were only installed on the interior roads of the subdivision.**



Traffic light needed at SR 46 and Lakeview Drive intersection to allow traffic to safely turn east onto SR 46 ... This is a significant hazard causing vehicles to make illegal turns onto median before turning east.



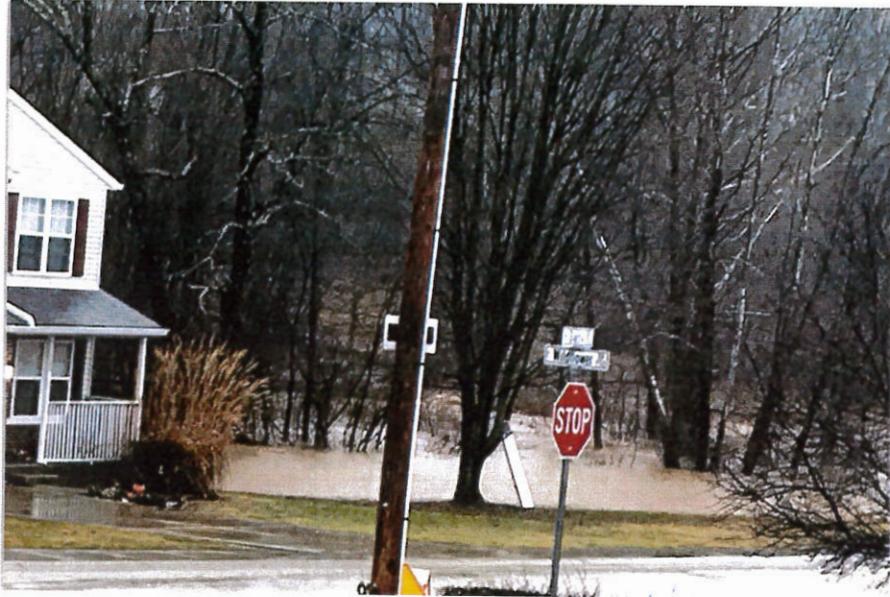
Construction trucks should not be allowed to use neighborhood roads as a shortcut, or a "thru" road ... it creates an absolute safety hazard, especially for children, and negatively impacts the neighborhood as a whole. We rely on you, the Plan Commission, to safeguard property and to ensure that developments do not cause harm or create negative and dangerous health and safety impacts.



The culverts under Lakeview do not appear sufficient to handle the weight of frequent construction truck traffic

Drainage and flooding ongoing issue

Flooding after a heavy rain due to overflowing creek and inadequate culverts



Tens of thousands of dollars have been spent to condition and waterproof crawlspaces in our neighborhood. What measures will be taken to not increase runoff or increase level of wetness around homes in neighborhood. What recourse do homeowners have if repaired crawlspaces start to get water ... can bonds be posted to cover drainage issues that may arise ?