

## **BROWN COUNTY AREA PLAN COMMISSION**

### **Rezone Request - Nashville Arts and Nature Park**

#### **Additional Information**

**Docket #:** 24-RZ-02

**Hearing Date:** November 19, 2024 (Continued from October 22, 2024)

**Request:** To rezone approximately 85.5 acres of property from Secondary Residential (R2), Floodplain (FP), and Floodway (FW) to General Business (GB), Floodplain (FP), and Floodway (FW).

**Petitioner and Property Owner:** Jimmy Tilton for William Jacob Capital, LLC

**Location:** The properties for the proposed Nashville Arts and Nature Park are located to the south and west of 279 Main Street West. The acreage expands over to the Deer Run Park on the western portion and loops around to the intersection of State Road 46 West and Sewer Treatment Plant Road. This property adjoins the Town of Nashville boundary.

**Zoning and Current Land Use:** The properties are zoned Secondary Residential (R2), Floodplain (FP), and Floodway (FW) and are currently used for farming.

#### **Additional Findings:**

1. During a public hearing held on October 22, 2024, several concerns were voiced about the provided site plan. The petitioner requested to continue the hearing to the next agenda so that a more detailed site plan could be provided.
2. A new site plan was provided with more detail. The proposed Deer Run Trail Loop runs along the property boundary on Helmsburg Road then connects to Deer Run / McLary Lane and then over the creek to connect to the Sycamore Lane public parking lot.

3. The site plan has the Floodway / Flood Fringe areas delineated as well as the location of the proposed parking areas, RV campsites, and festival areas. The Department of Natural Resources Water Division has complete control over any activity in the Floodway. Activity includes, but is not limited to, new construction, substantial improvement, minor improvement, filling, grading, excavation, and even routine maintenance.
4. The existing driveway off Helmsburg Road is labeled as "secondary driveway access." It appears that the primary access points will be Washington Street and Franklin Streets where there will be additional parking.
5. The festival area and festival parking area appear to be located off Sewer Treatment Plant Road.
6. After the Area Plan Commission makes a recommendation either positive, negative or no recommendation, the petition will be certified to the Brown County Commissioners for consideration.

I.C. 36-7-4-603 describes the criteria to be used for review of zoning requests by the Plan Commission and the legislative body. Both shall pay reasonable regard to:

- a. the comprehensive plan;
- b. the current conditions and the character of current structures and uses in each district;
- c. the most desirable use for which the land in each district is adapted;
- d. the conservation of property values throughout the jurisdiction and
- e. responsible development and growth.

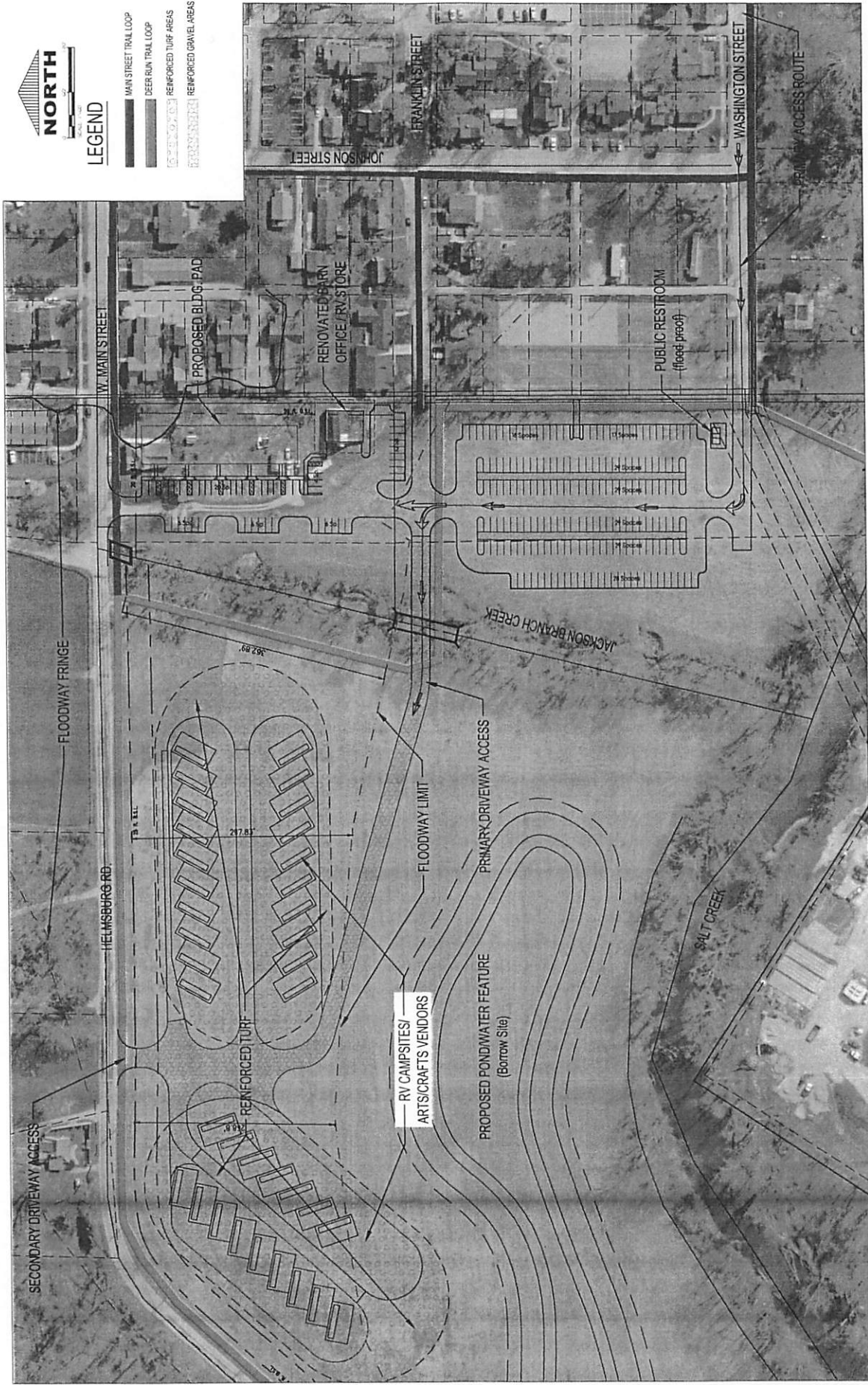
Staff recommendation and contingency: the petitioner has offered and agreed to the following contingencies in writing.

- If rezoning is approved, the properties currently in the Town of Nashville jurisdiction will remain zoned as they are currently until the plat vacation and de-annexation is completed. Once those items are

completed, those properties will become County jurisdiction and will be zoned as GB, FP, & FW.

- If the rezoning is denied, while the plat vacation and de-annexation is approved, these properties will carry the County zoning as R2, FP, and FW.





TILTON FARM - West Main Street / Hemsburg Road, NASHVILLE, INDIANA  
 PROPOSED RE-DEVELOPMENT  
 November 8, 2024

William Jacob Capital, LLC  
 CONCEPT SITE PLAN "B"

egis C-1.0  
 IMAGINE. CREATE. ACHIEVE.  
 a sustainable future  
 BLOOMINGTON, INDIANA

**Regarding the Tilton's requested re-zone of the Helmsburg road farmland.**

A couple of weeks ago many members of the community attended an APC meeting where James Tilton requested a rezoning of rezoning 85.5 acres of multiple parcels of Farmland/Residential to General Business. I believe that there were some important details that were either left out or that we were misled about. As members of the community and nearby residents of the Tilton Property, we believe that these questions need to be asked, and the answers understood before the APC can make any decision about the proposed rezoning.

Questions and clarifications that we would like the APC to ask about this project:

- How does this rezoning fit in with the existing Nashville and Brown County comprehensive plans? There are new plans in development now; is there any urgency to pushing this through, or can we wait until the new plans are complete to evaluate?
- Within the existing comprehensive plan there is a Buffer Zone established along the residential area of the west side of town. How does this re-zoning request fall in line with the existing buffer zone?
- The Egis Brown County Bike and Pedestrian Master Plan document suggests that a trail along Helmsburg to Deer Run Park is estimated to cost around \$1 Million dollars, plus land acquisition fees (The land acquisition fees do not appear to be included in the Egis estimate). Will the land required for this section of the trail be donated or sold to the county? Where will the money come from to build this? How much taxpayer money is intended to be used for the construction and land acquisition?
- The Egis Brown County Bike and Pedestrian Master Plan document also suggests that the "Loop" trail that would connect the southern field (Near the sewer plant) to the north field, and connects the eastern field (Town of Nashville) to the west, is estimated to cost around \$3.5 Million plus land acquisition fees (Again it does not appear that the land acquisition fees were included in the Egis estimate). This estimate does include estimated cost of construction for 3 new bridges. Will the land required for this section of the trail be donated or sold to the county? Where will the money come from to build this? How much taxpayer money is intended to be used for the construction and land acquisition?

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- The cost to complete the trail connection along Helmsburg to Deer Run seems reasonable, but the additional cost necessary to create the loop seems excessive. The cost to connect the Southern Most field is estimated to cost approximately \$3.5 Million. Why would that be more economically beneficial, and a better use of taxpayer funds than finishing the Salt Creek Trail? Has any economic benefit study been done on the cost/benefit of the loop? Last year it was estimated BC State Park had 1.5 million visitors and the year before 1.2 million. These numbers don't include people who may have visited when the gates were not manned. The Salt creek trail will connect the 2<sup>nd</sup> busiest state park in Indiana directly to town and provide a way for people in town to walk or ride bikes safely to the park. If the completion of the Salt Creek Trail and the completion of the "Tilton Loop" are roughly the same cost to taxpayers, how do you justify building the loop instead of completing the Salt Creek Trail?
- Is Read 2.0 money intended to be used for this project? How much of that money is coming from tax dollars and how much of that money will need to be matched locally? Who is providing the match?
- If Read 2.0 money is intended to be used for this project, which other Brown County Projects were passed over in favor of the \$4.5 Million dollar Tilton Trail?
- If Read 2.0 money is intended to be used for this project, but is not awarded, what will happen to the projects?
- The Proposed RV Park sits on approximately 11 acres of the property and is in Flood Fringe, not in the Floodway. If the zoning on this is changed to General Business, what else could be built on this section of property in the future? It was made clear in the meeting that nothing can really be built in the "Floodway", but can't this property be built on? If it is zoned as General Business, what protection does the local community have from future development?
- How is this different than the "Spot Zoning" request that was denied on Lanham ridge? Mike Carmin, the attorney for the homeowners, reminded the commissioners that if it went to GB a tavern, dollar general, night clubs...anything GB could be built there, and the residents didn't want that. Why is this different?



- Between the corner of Johnson Street/West Main to the corner of Jackson Branch/Helmsburg Road there are 44 homes. Anyone who lives in town and was within 200 ft of the property was sent a notice, and anyone in the county within 600 ft was also sent a notice. Notices were mailed to 105 people. These are people who live in this county, pay taxes in this county, and whose opinions should be heard when it comes to zoning changes that directly impact them. There are significantly more people in this area than live adjacent to or near the Lanham Ridge area where the zoning change was denied. How many of the people who live adjacent to, or near the proposed rezoning area are against the rezoning? How many are in favor of it?
- Who will be paying for the development of the proposed RV park? What is the cost of this to the taxpayers?
- Will the RV Park require sewer and utilities? What is the estimated cost of connecting the RV park to the Town of Nashville's sewer? Who will pay for the sewer and utility connections? Is the plan to fund this with TIF money? Grant money? Tax money?
- Why are you asking for the property that is within the Town of Nashville to be de-annexed? What is the proposed benefit of this to the community? Is this to avoid the noise ordinance and the Town's event permitting requirements?
- Mr. Tilton states that one of the reasons he is doing this project is to encourage young families to visit, have fun, and eventually move to town. How does this help attract young families to move here, if there is no affordable housing available for the young families to move in to? Is your hope that some of the 105 residents who currently reside adjacent to or near the property are forced to move so that homes can open up for younger residents?
- A couple of years ago a similar zoning request was denied for a RV Park along old 46. Much of the concern was related to the increased traffic along old 46. What traffic studies have been done to evaluate the impact of RV Traffic along main street and Helmsburg road, and what is planned to mitigate these traffic issues? Who will pay for this mitigation if the RV park is approved?



- Has the fire department, police, and or/local EMS been consulted about their ability to provide services to the festival grounds and to the RV Park? Can an RV and a fire truck pass safely on Helmsburg/West Main?

----- Forwarded Message -----

**From:** Hunter Riebl <[hriebl@browncountyvfd.org](mailto:hriebl@browncountyvfd.org)>

**To:** Nicholas Kelp <[nkelp@browncountyvfd.org](mailto:nkelp@browncountyvfd.org)>

**Cc:** Sandie Jones <[sjones@townofnashville.org](mailto:sjones@townofnashville.org)>

**Sent:** Tuesday, November 12, 2024 at 01:03:11 PM EST

**Subject:** Re: Tilton APC

Sandie,

The property owner/whoever is operating the venue should have an emergency plan in place that covers when and how to evacuate people due to flooding. Unfortunately, from a fire department standpoint, we don't have any codes that I can point to that cover a campsite in a flood zone.

I would get DNR involved and see if they have any data showing how often that area floods, how high the water gets, and if the water is moving or stagnant.

Hunter Riebl  
Lieutenant  
Brown County Volunteer Fire Department

**On Tue, Nov 12, 2024 at 12:56 PM, Nicholas Kelp <[nkelp@browncountyvfd.org](mailto:nkelp@browncountyvfd.org)> wrote:**

Yes that whole stretch of Rd on Helmsburg and the field floods. Cars get caught driving through and get stuck. That field is also underwater when that happens. It flooded badly in 2008 and 2015 and if I'm remembering correctly 2019. That field also goes underwater when W Washington St floods too and we have had to rescue people from there. Currently since it's a field there aren't really any issues but with a potential RV park, there is potential for there to be a flooding issue with the people staying there and the property on that plot. Especially with significant rainfall.

**On Tue, Nov 12, 2024, 12:41 PM Sandie Jones <[sjones@townofnashville.org](mailto:sjones@townofnashville.org)> wrote:**

Hunter,

Thank you for getting back to me so quickly. Do you have any information regarding flooding and rescues or accidents due to flooding in this area over the last 10 years?

The meeting of the Area Plan Commission is on Tuesday, November 19th at 6pm and the Board of Zoning and Appeals on Wednesday, November 20th at 5pm. Both meetings are at the County Building Salmon Room.

Thanks.

**Sandie Jones**

Town of Nashville

Town Manager & Website Administrator

[www.townofnashville.org](http://www.townofnashville.org)

O: 812-988-5526 C: 812-320-4275

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On Tuesday, November 12, 2024 at 12:21:29 PM EST, Hunter Riebl <[hrieb1@browncountyvfd.org](mailto:hrieb1@browncountyvfd.org)> wrote:

Sandie,

The proposed plan should comply with all applicable NFPA codes and any Indiana Fire Codes. I have listed some of the relevant NFPA codes below.

The drives and access roads throughout the property should also meet the same requirements stated in the attached Driveway Inspection Requirements document.

While the proposal states that there are no permanent structures planned, any temporary structures (tents, stages, etc.) are also subject to fire and building codes. There have been several incidents where temporary stages or temporary event spaces have led to injuries and loss of life due to fire and/or collapse. The state fire marshal's office and other agencies may need to inspect these temporary structures.

The plans do not provide enough detail to determine if the development meets the applicable requirements and codes. Further review will be necessary.

Some relevant NFPA Codes:

- **NFPA 1194: Standard for Recreational Vehicle Parks and Campgrounds**
  - This is the primary code for RV parks and campgrounds, covering safety provisions related to layout, fire protection, and emergency procedures.
  - It includes requirements for access roads, water supply, and emergency vehicle access.
- **NFPA 1: Fire Code**
  - NFPA 1 provides guidelines on fire prevention for temporary and permanent structures alike.
  - It covers general provisions for fire department access, fire hydrant placement, and general fire safety for outdoor venues.
  - This standard would help in setting parameters for emergency vehicle access and any fire lanes required within the RV park.
- **NFPA 101: Life Safety Code**
  - This code applies to life safety in both permanent and temporary structures and would cover the temporary stages, vendor areas, and assembly spaces.
  - Requirements for means of egress, crowd management, and occupancy limits are also addressed here, especially if events could draw significant crowds.
- **NFPA 102: Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures**
  - Since the venue may use temporary structures like stages, tents, or vendor areas, NFPA 102 will provide safety requirements specific to these temporary structures.
  - It includes guidelines on fire resistance, structural stability, exit access, and emergency lighting.
- **NFPA 13, 13R, and 13D: Standards for the Installation of Sprinkler Systems**
  - If any of the temporary structures require fire suppression systems, these standards will be applicable.
- **NFPA 70: National Electrical Code (NEC)**
  - The NEC provides requirements for electrical installations, which would be important for any temporary power setups at vendor areas or stages.

If you or anyone involved has any questions, please let us know. Also, please keep Nick Kelp and myself apprised of any further developments with this project.

Hunter Riebl  
Lieutenant  
Brown County Volunteer Fire Department

On Tue, Nov 12, 2024 at 9:17 AM Sandie Jones <[sjones@townofnashville.org](mailto:sjones@townofnashville.org)> wrote:  
Hunter,

Please see the attached Tilton request for rezoning and for an rv park/festival area on their property just off of Helmsburg Road. Can you provide feedback on this proposal from the Fire Department's point of view?

Thanks.

***Sandie Jones***

Town of Nashville

Town Manager & Website Administrator

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O: 812-988-5526 C: 812-320-4275

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## **Brown County Volunteer Fire Department**

### **Driveway Requirements**

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This document explains the requirements for receiving a "Passed" report from the BCVFD regarding driveway inspections required for rental properties.

1. Driveway material shall be compacted gravel, asphalt, or cement.
2. Driveway shall be able to support a minimum weight of 24,000 lbs per axle.
  - 2.1. Any bridges or engineered structures that are a part of the driveway must have an engineering report stating the weight capacity of said structure.
3. Driveway shall have a minimum width of 12 feet. *Fig. 1*
  - 3.1. The driveway has a recommended minimum width of 14 feet. *Fig. 1*
4. Any curves shall have a minimum radius of 35 feet. *Fig. 2*
5. Any gates, posts, or hazards shall be a minimum of 2 feet from the edge of the driveway or 14 feet in width.
6. Driveway shall be free and clear of any signs, branches, or other obstructions for a minimum of 15 feet in height.
7. Driveway shall not be longer than 1000 feet.
  - 7.1. Any driveway exceeding 1000 feet must have a "turn around" (*Fig. 3*) or turning circle with a minimum radius of 35 feet placed within 1000 feet of the structure but no closer than 200 feet.
8. Driveway shall not be greater than 15% grade at any point or 10% grade for more than 100 feet.
9. There shall be a parking area measuring at least 14 feet wide and 40 feet long within 50 feet of the structure.
  - 9.1. The parking area shall not have a slope greater than 5% grade.
10. Driveway shall be clearly marked with the address numbers located at the driveway entrance.
  - 10.1. Number markings shall be located either next to the driveway or directly opposing.
  - 10.2. Number markings shall be visible from both directions of travel.
  - 10.3. Number markings shall be high contrast numbers to the background.
    - 10.3.1. BCVFD recommends green address signs with reflective white or silver numbers.
11. Driveway shall not include areas that are part of a creek, river, or other waterways.
  - 11.1. Driveway shall not be located in a FEMA "Red" flood plain.
12. Driveways are recommended to have additional parking and "turn around" areas.

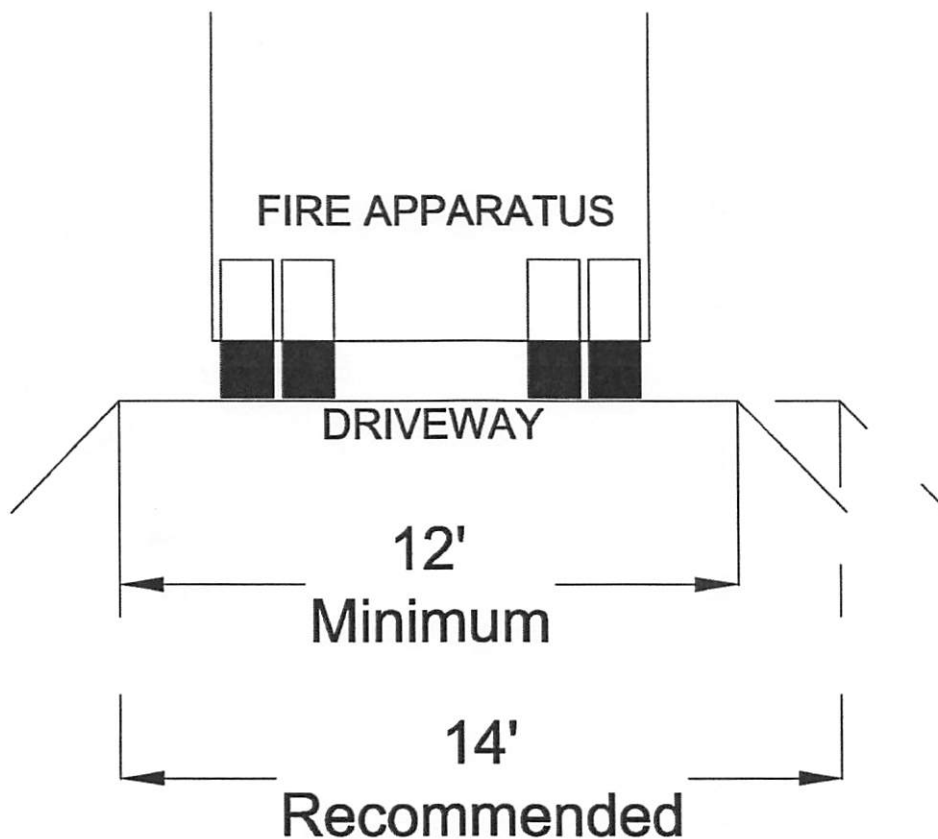


## Brown County Volunteer Fire Department

### Driveway Requirements

Please note, other exceptions may be taken if BCFVD personnel deem the driveway not suitable for emergency vehicles and this may fail your inspection. All exceptions and reasons for inspection failure will be listed in the report.

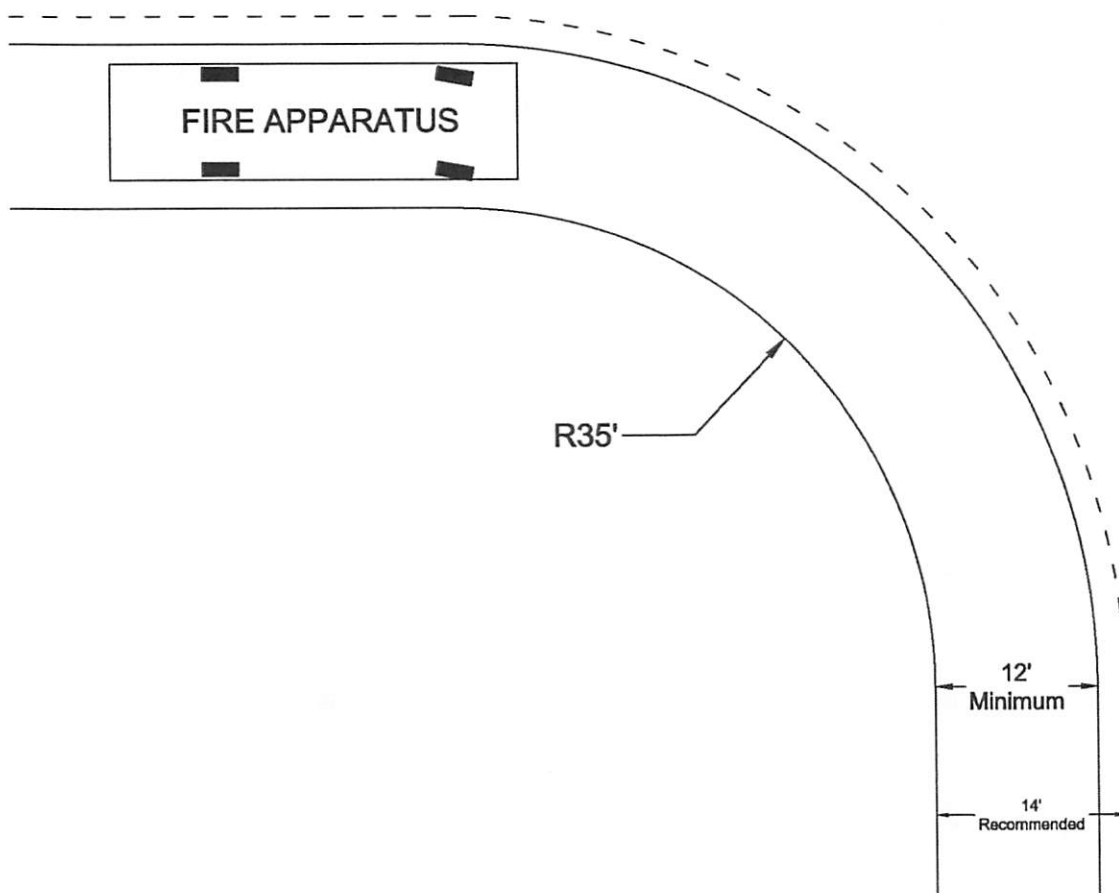
Fig. 1





# **Brown County Volunteer Fire Department Driveway Requirements**

Fig. 2







## Brown County Volunteer Fire Department Driveway Requirements

Fig. 3

