

## April 1, 2004

The Ellettsville, Indiana, Plan Commission met in regular session on Thursday, April 1<sup>st</sup>, 2004 at the Town Hall. Frank Buczolich called the meeting to order at 7:00 PM and all said the Pledge of Allegiance.

**Roll Call:** Frank Buczolich, President; David Drake, Vice-President; Don Calvert; Terry Baker; Lisa Creech; Ed Bitner; Sandra Hash, Secretary and Jeffrey York, Planning and Zoning Administrator.

### Approval of Minutes

David Drake made a motion to approve the minutes for March 4<sup>th</sup>, 2004 as amended by adding Don Calvert on to the places necessary. Lisa Creech seconded. Motion carried.

### Old Business

#### Mini warehouses at 110 Ridge Springs Lane (Don Kinser's storage units)

Jeffrey York stated he had read the letter dated March 22<sup>nd</sup>, 2004 to the Council from Glenn Benninger. The Benninger's reside at 125 Ridge Springs Lane which lies directly across from the mini warehouses. This area is currently zoned C-1, however, there was a bit of confusion whether it was a permitted use when this facility was in the planning and construction phase because it happened the same time as the old code was being replaced by the new code in which some of the regulations were changed. He was informed that the Plan Commission had allowed this to be a permitted use of the property and inquired if this was true.

David Drake said someone had advised the Plan Commission that this type of facility would be a permitted use under the C-1 zoning.

Sandra Hash stated it would have been Rick Coppock.

Jeffrey York stated the Benninger's concern is with the lighting and appearance of the facility which they believe detracts from their property value. Jeffrey stated he doesn't believe C-1 would have allowed this type of facility to be constructed in this area because C-1 is more for low intense uses such as offices and mini warehousing is more for intense use areas. He proposed with the Plan Commission's permission to work with the owner to initiate a plan for landscaping the area and make it more conducive and eye appealing to the neighborhood.

David Drake questioned if the plan had any proposed landscaping and if so was it just not completed or was it even required.

Jeffrey York stated the plan he reviewed did not show any landscaping, however, Rick Coppock had submitted a letter stating a condition was to have 5 or 6 feet of landscaping.

David Drake stated the Plan Commission usually only gives approval subject to the conditions included with the plan. He asked what can be done now since the Plan Commission wrongly allowed the warehouses in C-1 and Mr. Kinser's business is already established. He added since the area in front of the warehouses is still vacant they can be more cautious about what can be constructed there.

Jeffrey York stated the owner will either have to re-zone the land or have to request a variance of use so the area can be an established legal use of the property eliminating any problems on the Town, but he will have to speak with Attorney Mike Spencer on how to proceed with this issue. He suggested waiving the filing fee for the variance request since it was previously approved.

The question arose who can the Plan Commission turn to if the plan is being ignored and how do they enforce it.

Jeffrey York encouraged the Commission in the future when plans come before the Commission to not be afraid to make the builder meet the Town's standards even if it takes a couple of plans being modified and more than one hearing. He stated he would enforce rules and require them to comply with all rules and regulations regarding Town Code with Mike Spencer's advice. He added after speaking with Building Inspector Jim Davis that he would now be reviewing all the building applications prior to issuance.

Sandra Hash asked what should be done about Don Kinser getting more building applications for the area. She said the Plan Commission already has approved the entire plan but he still has several more proposed buildings.

It was stated any new applications should be held until Mr. Kinser is in compliance with the first phase prior to approval.

## **New Business**

### **Proposal for off street parking, loading and driveway amendment**

Jeffrey York prepared this amendment to the Town Code and suggested everyone reviewing it for a week or so then maybe having an additional work session. He went through the proposal briefly. The driveway size, standard (paved / gravel) and distance from the property lines were discussed as well as a driveway permit fee. He stated this proposal was written so any new construction or alterations will have to comply by these standards. For any existing circumstances it will be up to the Plan Commission to decide how or if this amendment will apply.

Sandra Hash previously discussed the proposal with Jeffrey and shared her concerns. She explained there are four vehicles at her home every night. She parks in the garage but the others park three across; one on the concrete and two in the gravel, one has two tires in the grass. At first she was concerned with Jeffrey's proposal because it states the opening for a drive should be 22 feet wide. Jeffrey explained to her, however, the drive can be increased to a maximum of 30 feet once off the street. The current code states the drive can be within two feet of the property line and Jeffrey's proposal stated within five feet of the property line. She currently has five feet but if she widens the drive to accommodate the three vehicles then she will be closer than five feet to her neighbor's property line, therefore, she would like the two feet guideline to remain the same.

Ed Bitner commented he is planning on concreting his driveway but if this proposal passes he will have to comply with the distance of five feet from his property line. Currently he has a gravel drive which is only one foot from the property line and he would be out of compliance, however, if he makes the drive narrower he will not be able to get to his garage.

David Drake suggested he could always apply for a variance based on the hardship to get to his garage; there are exceptions to every rule.

Jeffrey York stated the reason for the distance is to allow for drainage run off of the drive. He agreed with David stating these are standards and all these can be waived or varied through the variance process by going before the Board of Zoning Appeals.

David Drake pointed out the Plan Commission needs to give Mr. York some guidelines on what they would like to see in the Town as far as making all new Single and Two-Family residence driveways paved or if gravel would be allowed. He added he was lead to believe Ellettsville was the only town around that still allowed gravel driveways. He said if the Plan Commission would allow gravel they need to have regulations when putting it on the driveway, for keeping it contained by a border and for maintaining it. Compromise is the key to making these issues easier to deal with.

Jeffrey York stated he had looked at the City of Bloomington, Columbus, Westfield, Carmel and Indianapolis; Carmel was the only one that required paved parking in Single Family areas.

Lisa Creech stated the Plan Commission needs to be careful when clarifying wordage on allowing gravel driveways. She said they don't want a contractor to misconstrue allowing gravel when building a new single family residence in a subdivision that already has an established pattern of paved driveways. It needs to read the primary drive should be

paved and any ancillary drive could be gravel if maintained properly. She would like to review the proposal longer.

Jeffrey York stated on the subdivision plat approval there could be a condition that all drives must be paved.

The Commission agreed to meet for a special Planning and Zoning Workshop on Wednesday, April 7<sup>th</sup>, 2004 at 6:30 p. m. to go over the proposal further.

How to enforce parking issues was discussed further with a possibility of having a ticketing system.

### **Adjournment**

Terry Baker made a motion to adjourn. Ed Bitner seconded. Motion carried. Meeting was adjourned at 8:00 PM.