

April 12, 2007

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, April 12, 2007, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Frank Buczolich called the meeting to order at 7:00 p.m. leading the Pledge of Allegiance.

Roll Call: Members present were Frank Buczolich, President; Ed Bitner, Vice-President; Terry Baker, Dianna Bastin, Don Calvert and Dan Swafford. Sandra Hash, Secretary and Frank Nierzwicki, Director of Planning Services were also present.

Approval of the Minutes

Terry Baker made a motion to approve the minutes of the March 1, 2007 meeting. Ed Bitner seconded. Motion carried.

There was a 10 minute recess to look over information that was just received

New Business

Request for a new commercial building next to the professional medical building on West State Road 46

Frank Nierzwicki, Director of Planning Services announced the address for the new commercial building is 5930, 5932 and 5934 West State Road 46 located next to Ellettsville Family Practice/Southern Indiana Pediatrics office. The proposed building is one floor and would be next to the future Bloomington-Ellettsville walking-biking trail. The petitioner needs to include a landscaping plan and a plan for a sidewalk extension from State Road 46 to the office site before Council approval. The Town Engineer also reviewed the proposal and he submitted his comments to Director of Planning Services. The proposed office space is consistent with the Comprehensive Plan and should be approved by the Plan Commission. Frank Nierzwicki went on to read the comments from the Town Engineer.

Plan Review: The proposed building is a one story 3,000 square foot building. The property, where the building is to be located is less than one acre in size and will not require an IDEM erosion control permit. The developer will be required to submit a grading and erosion control plan to the Town prior to receiving a grading permit. The parking requirements for this petition are one space for every 300 square foot of building or 10 spaces. The site as designed has 14 parking spaces. Street trees will be required along the public street. Any trash receptacle areas will have to be enclosed per the Town Code. Water services will be provided by the Town of Ellettsville. Sanitary sewer service will be provided by the Eastern Richland Sewer Corporation.

Frank Nierzwicki also received a letter, elevation and site plans from the petitioner. This area is very compact and there is no wasted space. This building is consistent with the Comprehensive Plan having professional services adjacent to this site. It is located on a town street with access to State Road 46. The petitioner has requested a small side extension sidewalk to the building.

Kenny Williams, representing K & J Enterprises, LLC with John Burks is petitioning to develop this property. The lot is closer to half an acre and they intend to put a building in similar to the doctors' office presently there. Mr. Williams noted the plans show the building with vinyl siding in the back but clarified the building will be brick all the way around. He also stated when the proposed rail to trails is complete, they may be agreeable to allow people to park there while using the trail. The building will house three separate offices consisting of 1,000 square foot each. Edward Jones will be located in the middle, which is his business. He is hoping to have lawyers, CPAs or medical businesses in the other two locations. Don Calvert asked about the drainage because the land slopes down when entering that area. Mr. Williams replied there is a sewer easement in the back and should drain the correct way. Frank Nierzwicki went on to say a grading permit will be required which will address the drainage issue. Sandra explained an IDEM permit was not required meaning they are not in a flood zone. Ed Bitner asked about the outside lighting. Mr. Williams explained all the signage was on the building with some lights on the building but they have not thought about the lighting around the streets. He requested a signage package be approved at a later time. His plan is to have the signage on the building instead of on the highway. Dan Swafford asked about the parking lot on the setback. Frank Nierzwicki explained the setbacks are an issue with the buildings more than with the parking spaces. They will have four more spaces than

required by code. He explained the setback rule is for permanent buildings; not having garages or homes over the setback line. A non-structure like a parking lot is not a problem. Dan asked about curbs and sidewalks. Frank Nierzwicki said curbs and sidewalks are not considered permanent structures. The sidewalk would be minimal from the State Highway 46 sidewalk system across the parking lot into the site. There will be landscaping issues worked out before final approval by Town Council. Dan Swafford asked what the zoning was on this property. Frank Nierzwicki answered C-3 along the highway east. Ed Bitner questioned the north corner of the building; will the drive be too narrow for two to go through. Mr. Williams said there should not be any danger because it will be a parking lot that will not have a lot of traffic. He does not feel it is going to be as close to the building as the plans show. Frank Nierzwicki explained there is actually a sidewalk around the area he is asking about and not a double drive. Frank Nierzwicki went on to say a site plan approval would be contingent on submitting a sidewalk and landscape plan before Town Council consideration. Don Calvert asked if the trail ownership will be a problem; who owns it and will it be allowed to be developed into a trail. Mr. Williams has no problem with the trail. The lot he purchased does not go all the way back to the railroad tracks. He has no problem with the area becoming a walking trail and it will not hurt the exposure of his business. He will be bricking the backside of his building so it too will look nice. Frank Nierzwicki explained the building will have good exposure from the trail. The Town can be flexible with the signage because the lot is triangular in shape. Dianna Bastin complimented the petitioner on his use of space. It looks like it will be easily accessible with any type of vehicle.

Sandra Hash made a motion to approve the request for a new commercial building next to the professional medical building on West State Road 46 contingent to submission of a sidewalk and landscape plan. Terry Baker seconded. Roll call vote: Don Calvert – yes; Terry Baker – yes; Frank Buczolic – yes; Ed Bitner – yes; Dan Swafford – yes; Dianna Bastin – yes; Sandra Hash – yes. Motion carried.

Old Business

Early Childhood/Lifeway Baptist/Chapel Hill Annexation (correction)

Frank Nierzwicki explained it has come to the attention of the Planning Department the Near West Side State Road 46 annexation that was approved by Town Council on November 13, 2007 requires further action by the Plan Commission. The legal description of the property was in error. A corrected legal description was given to the Plan Commission. Upon review and approval of the Plan Commission the annexation request will go to the Town Council for final approval. Mike Spencer, Town Attorney, submitted the ordinance amending ordinance 06-20 correcting the error in the legal description of the property. It was also clarified the legal name for Chapel Hill is Chapel Hill Wilderness, LLC; the official corporation name.

Ed Bitner asked if this property is “on the chain line of Smithville Phone Company”. Frank Nierzwicki said yes. Ed Bitner questioned a large portion of this property being in Bean Blossom Township can we annex this in. Frank Nierzwicki answered 112 acres is in Bean Blossom Township and yes it can be annexed. Monroe County and the City of Bloomington have many townships. The courthouse questioned Frank Nierzwicki and he explained how this could be done and the different taxing units. Sandra further explained Bean Blossom will still get their Township tax except for the fire protection which we will assume the fire protection of this land. The land will not have to pay the Bean Blossom fire protection. They will pay Ellettsville Town Tax. Frank Nierzwicki spoke with the Fire Department who already assists one mile north into Bean Blossom Township. Ed Bitner asked what happens when they improve this land later on in the 124 acre portion, will Bean Blossom get the taxes on the improvements? Frank Nierzwicki said no that will be in the Town of Ellettsville. There was discussion about who would get which taxes and Sandra clarified if the land is improved there will be an assessed valuation; the assessment will include the land and the structure. They will pay Bean Blossom tax on the land and the structure. Then they will pay the Town tax on top of that. We will not be taking anything away from Bean Blossom except the fire protection. Sandra Hash made a motion to approve the Early Childhood/Lifeway Baptist/Chapel Hill annexation as corrected. Terry Baker seconded. Don Calvert – yes; Terry Baker – yes; Frank Buczolic – yes; Ed Bitner – no; Dan Swafford – yes; Dianna Bastin – yes; Sandra Hash – yes. Motion carried 6-1.

Parking Report

Frank Nierzwicki has received information a property on Cannon Court in Greenbrier Knolls Subdivision has installed

a gravel driveway. The Plan Commission was given photos of this. The Planning Department does not have a driveway permit on record for this property. He will follow up with the property owner. The real issue may be larger than just the lack of a driveway permit. The Town Code allows a gravel driveway extension except for (Town Code 152.220 (9)) “new driveways intersecting street that are hard surface must have a surface apron made of concrete, asphalt or pavers back into the lot from the street at least ten feet”. This is the first time the Planning Department has seen a gravel driveway extension in a “new” subdivision. It is the staffs reading of the code that a hard-surfaced driveway is required in the Greenbrier Knolls Subdivision. Is this interpretation consistent with the Plan Commission intent? Frank Nierzwicki explained he was not here when this was put together. From reading background information; the idea for the gravel extension was in older neighborhoods that did not have space for other types of extensions; gravel and pavers were allowed but he does not know if the intent was for the newer subdivisions.

Frank Buczolic does not recall there being a difference between the older and newer additions. He recalls a very lengthy discussion that anything up against the street had to be a hard surface. After much discussion there was not going to be a difference between old and new, it would be for all. If there is gravel, there would have to be a hard surface from the street 10 feet in to keep the sidewalk from being broken down. The Town Code was reviewed and read in its entirety by Sandra Hash starting with section (8). It was verified there is a width requirement maximum 26 feet wide. Ed Bitner questioned “if the Planner allows gravel to the hard surface street; can you drive over a sidewalk”? Sandra read from the Code book under “Parking Regulations”; all vehicles shall be parked according to the guidelines painted upon either the pavement or curbing and no vehicle shall be parked on that area located between the sidewalk and the Town Street or State highway. There was continued discussion and review of the Cannon Court photos.

There were questions and discussions from the audience regarding future driveway additions and what should be done. Frank Nierzwicki stated if anyone comes in for a driveway permit with a plan using gravel first and then come back to add concrete he would request a date for the concrete.

The discussion went back to the house on Cannon Court. How will the Town get this resident to be in compliance? Frank Nierzwicki will approach him and try to negotiate a solution. He will follow the process of enforcement including fines.

Don Fisher spoke from the audience and not at the podium. He spoke about the past planner’s attempt to alleviate parking problems. Don questioned the “new and the old”. Frank Nierzwicki explained if there is a concrete or hard surface driveway it needs to come out from the street 10 feet and can only be 26 feet wide at the mouth. Don is not against the people coming into town; the town has set rules and the new residences should follow them. Don continued to talk on this subject from the audience and could not be heard on the recording.

Frank Nierzwicki made up packets for the new Plan Commission members on Ellettsville parking, tickets and zones including memos, minutes and follow up meetings. He went over Parking Code Enforcement. Sandra stated the Plan Commission voted to send a resolution for Parking Zones and Enforcement as read but no resolution ever went to the Council. Frank Nierzwicki will work with the Plan Commission, Town Council and citizens on this issue. Sandra reiterated the Plan Commission has already voted and agreed on this resolution (she read in its entirety). The resolution was never written up and sent to Town Council because it was noted the Town Council President, at that time, stated he would not sign anything that was complaint driven. Sandra read the section of the minutes, May 11, 2006, that stated after all discussion a motion was made to generate a resolution. The Plan Commission tried to comply but it was not moved forward to the Town Council. Frank Nierzwicki will try again. Don Calvert asked if we should approach the new Town Council with the request. Will we accept “complaint driven” issues? The issue tonight regarding Cannon Court was “complaint driven”. There was continued discussion on parking issues. Frank Nierzwicki will work with Mike Spencer, using the language that was presented last year, and put together an ordinance before the May Plan Commission meeting.

Rezoning of New Redevelopment Area (Vine/Main/Temperance Streets)

Frank Nierzwicki explained the Redevelopment Commission is looking at a Redevelopment Area. The area they are looking at is between the one way pairs and two parcels away from Main and Temperance including some areas to the east behind Peoples State Bank. According to Indiana Code, the Redevelopment Commission establishes an area for redevelopment. It then goes to the Plan Commission to see if the zoning is consistent with the uses in the projected

Redevelopment area. This is an opportunity for the Plan Commission to rezone areas within the Redevelopment area. He went on to explain the procedure and open it up for discussion. He is proposing to change the current R-1, C-3, I-1 and I-2 all to C-2. The zoning change would allow for the redevelopment area to change the area to a professional, recreational and small business center. The proposed zoning change would not force current business or residential uses to change. These uses would be “grandfathered” and remain the same. All current commercial and residential individuals were sent letters to let them know they could be rezoned. There will be a public hearing for the proposed zoning changes scheduled for the May Plan Commission meeting. Ed Bitner has a conflict of interest in this; he would like a vote because it affects his property. Not all of his property was listed on the map presented for the Redevelopment area but he would like all of it included. Frank Nierzwicki does not see a problem in including Ed’s two other parcels. This Redevelopment Area is going to benefit the Town. There are many people who are nervous about this and who do not understand how this will work. Frank Nierzwicki is being careful about getting information out to the public, have notices and discussions. People are not going to be booted out of their property. The Town is trying to remake and redevelop that area to make it more useful. Ed Bitner questioned the houses along Main Street; what happens when someone wants to sell? Can a house be sold as a “resident”? Sandra Hash reiterated you can still have “a house” in a commercial zone. Ed went to courthouse and asked about his taxes. The courthouse explained to him “if you are a resident and rezoned into commercial property; as long as you are still using it as a residence, taxes will not change”. Frank Nierzwicki explained “with an R zoning in a C-2; you can have a house with no problem. An Industrial or C-3 zoning would not be consistent to what they want to do”. There was a discussion about a property that paid to be a C-3 and will this be down graded. Frank Nierzwicki will look in to this. If the Plan Commission would like for Frank Nierzwicki to move forward with the Redevelopment Area he will send letters to the residences that are highlighted on the map to invite them the public hearing in May.

There was a discussion about how the public hearing would be held. Russ Ryle asked why the rush to have all this done by the next meeting? Frank Nierzwicki stated there are some Redevelopment Commissioner members that have not seen any progress and if this continues to be delayed, nothing will ever get done.

Russ Ryle suggested having a separate public meeting before bringing it to a Plan Commission meeting. He then suggested a first class mailing be sent to the residents inviting them to a meeting to show them what the Town has planned for rezoning and get their input. A workshop will be planned for the area affected. The next Redevelopment Commission meeting will be held Thursday, April 19 at 7:00 p.m.

Frank Nierzwicki announced his intern will be leaving April 26 for a job in Kansas City and he will need extra help with the technical maps and other things. He can work with the Fire Department and others on this. Frank Nierzwicki will need to define the area considered for Redevelopment so there is a starting point for the workshop. It would be a good idea to have two representatives from the Redevelopment Commission and the Plan Commission attend this workshop. Terry Baker and Dan Swafford volunteered to represent the Plan Commission.

Ellettsville Comprehensive Plan/Thoroughfare Update

Frank Nierzwicki presented a Comprehensive Plan. The intern typed it into the computer, edited it for grammar but did not make any changes to the content. The results of the 2006 Residential Survey and the Thoroughfare Plan will be added. The Plan Commission will need to review and approve the final draft. Frank Nierzwicki received from Rick Coppock cross sections of principle and minor arterials, major and minor collectors, local roads and streets. This is a starting point for new roads and streets. He went on to explain some ideas. Frank Nierzwicki stated there is a reimbursement available on this from the MPO and it needs to be done before the end of June.

Privilege of the Floor – non Agenda Items

Russ Ryle requested the street be improved on Mustang Drive with the new Town Council. Frank Nierzwicki said this is being worked on with cost estimates on asphalt. He can not promise this be will done by May. Russ Ryle is more interested in progress than hard dates. He is also collecting data; looking at statistics and historical maps showing the growth of Ellettsville. The population in Ellettsville could grow to 20,000 people in the next ten years. Russ Ryle went on to say the only way to mitigate the impact of taxes on residential property is by having equal value of commercial.

Ed Bitner received a complaint about a road in the Meadowlands new addition. Frank Nierzwicki stated it is a

“logging” road but it is platted to be straight.

Adjournment

Ed Bitner made a motion for the meeting to be adjourned. Dan Swafford seconded. Motion carried. Meeting adjourned 9:16 p.m.