

April 7, 2005

The Ellettsville, Indiana Planning Commission met in regular session on Thursday, April 7, 2005, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Ed Bitner called the meeting to order at 7:05 pm. William Evans opened with the Pledge of Allegiance.

Roll Call: Frank Buczolic, President; Ed Bitner, Vice President; Lisa Creech, William Evans, Terry Baker, Don Calvert and Sandra Hash, Secretary were present. Frank Nierzwicki was also in attendance.

Approval of the Minutes for March 3, 2005

Terry Baker made a motion to approve the Plan Commission Meeting minutes of March 3, 2005. William Evans seconded. Motion carried.

New Business

Request for a rezone, from residential to commercial, for lots 79 and 80 located on the southwest corner of Main and Matthews Streets.

Frank Nierzwicki explained this is an informational meeting on a request to rezone the vacant lots 79 and 80 of Sharps Addition on Main Street. The Plan Commission official hearing will be on May 5, 2005. It will go to the Town Council on May 9, 2005. The meeting was then turned over to the petitioners.

Dr. Bob Burkett, Sell4Free Real Estate, introduced the petitioner, David Baugh, owner of the property. These lots are located along Main Street and have potential for being business property between Temperance and Main. It is compatible with the Town's long range plans. There are two road accesses to this property enhancing its availability for traffic flow and parking.

Ed Bittner asked about the size of the two lots.

Dr. Burkett answered both together are ¼ acre.

William Evans asked if anyone has talked to the neighbors.

Dr. Burkett replied, "Yes, we sent out letters to the neighboring property owners and have certified receipts as requested". Plus at the next hearing we will be putting a notice in the newspaper that will also stimulate interest to adjacent neighbors a little further out so everyone will be properly notified.

Ed Bittner then asked, "Is this property in the flood plain?"

Dr. Burkett said near the back of the property there is a portion in a flood plain due to the stream so not all the property is useable.

Don Calvert inquired about what would be going there.

Dr. Burkett answered "When someone purchases the property from Mr. Baugh, they need to get a permit and at that time their purpose will be reviewed and voted on." Dr. Burkett has no definite plans at this time. It is up in the air as to whether or not they will sell or develop the lots.

Terry Baker asked what is on the other lots. What businesses are in the C1 zoning?"

Dr. Burkett answered, "Just to the south of this plot is an apartment complex on the back side." A comment was made the apartment complex is on lots 37, 38, 39 and 40. Dr. Burkett added an extension of apartment dwellings would be compatible with the residential nature of that corner.

Frank Nierzwicki described the area. At the intersection one corner is zoned C3 and one corner is a parking area for a home. Presently the two lots that are being discussed tonight are open and vacant. We have an "open feeling" with the apartment behind it. To the east is the new attorney's office which is zoned C1. Sandra Hash added there used to be a

house on this lot that was torn down after it flooded. Frank Nierzwicki explained the state road project helped route the flow of water off of the land.

Terry Baker asked, “Is there any reason you are going for the C3 instead of the C1 which is most of the surrounding areas?”

Dr. Burkett answered after talking with Frank they discussed the various options and what is included in each category. They felt C3 was more comprehensive therefore making the property more useful and enhancing the value.

Ed Bittner asked for his own personal reason, “When you have a commercial zone and you are not using it for commercial,, are you taxed as commercial or taxed as residential?”

Sandra Hash replied she asked this question to the assessor’s office and the land would be assessed at the commercial rate, but if the house was residential it would be assessed at the residential rate. She then added the two properties, 702 & 720 West Main, were zoned commercial in April 2003. Dr. Burkett also mentioned “there’s not much land there to be developed so it’s not going to be a huge store or something like that. It is probably going to be something very compatible. It could just very well be a couple of houses because you can put residential in a commercial zoned area but you can’t do it the other way. Because of the flood plain issue, because of the road set back issue with two corners, there is not a lot of space to build there.”

Frank Nierzwicki mentioned they would have to provide on site parking.

The petitioners’ desire is not to do anything radical or different but to enhance the opportunity to sell it or build upon it with more options than just homes.

Ed Bittner then asked, “How many receipts have you got back from the notifications that went out?”

Dr. Burkett answered, “Three went out and all of them have come back.” He provided copies of the mailings. He added one of the letters went to Texas.

Frank Nierzwicki explained tonight was just a discussion. There will be two other occasions for comments. It appears to be something the Town has looked at before since we have C3 zoning cattycorner from this property. This is something the Town needs to look at because commercial development will be coming at some point.

No motion needs to be taken at this time. This was just an information meeting. Sandra Hash added, “They sent out their certified letters notifying them of this meeting but they didn’t get their ad in the paper so we will do this again next month.”

Non Agenda Items

Frank Nierzwicki explained a situation on driveway permits. There have been questions about parking on easements. All driveways go across easements.

Terry Baker said when the Planning Commission worked on the Parking Ordinance; it was decided not to allow parking on easements because it would destroy the site distance.

Lisa Creech added in Arrowhead and Kelli Heights additions people want to put driveways in the easement. We wanted to get away from that. If we need to get in there for utilities it is a bigger hassle. Lisa’s concern is we have a lot of driveways this way. How are we going to get at these driveways that are there illegal and should never have been there to begin with? We have discussed this ordinance three or four times now. It is ready to be enforced. Now we are going to reinvent the wheel again to try and make it okay for these parking lots on the easement. She doesn’t think we should be parking on the easement. One we talked about sits on a curve and is on the easement. When they start to pull out the other person can’t see them. It is a wreck waiting to happen. Lisa added you can’t sit in the five foot set back.

Frank brought up the 10 foot concrete apron. Lisa responded that it would be up to the discretion of the Planning Director based on the elevation he would make the determination whether the concrete apron was needed or not to keep the gravel from spilling out into the roadway. Frank added if the driveway was more tilted away from the street there

would be less of a need but if the elevation was going toward the street there would be more of a need for the apron. Lisa gave the example when a driveway permit was issued, Jeff (the past Zoning Administrator) would go out, look at it and tell them what needed to be done. The decision was made this would be on a case by case basis depending on the elevation. Sandra mentioned she had reread the ordinance and it has some discretion but it didn't appear the apron was one of them. We can look back at the minutes but we need to make sure the wording is correct in our ordinances because that is where the rules are.

Lisa said she also looked at the ordinance and it said "there is no parking in the 5 foot set back". That means parking would be prohibited in the 5 foot easement of her existing driveway.

Frank stated in reading the ordinance it appears he has authority to determine the barrier to contain the driveway. "You are saying I also have the authority to determine the concrete apron according to the elevation." Frank expressed his appreciation for this discussion. It really helped him a lot.

Terry Baker commented, "What our intentions were on it, the wording, once we vote on it and how it actually comes out are two different stories sometimes. It doesn't come out the way we discuss." He added the set back area was discussed several times.

Frank wants to be consistent, treating everyone the same way and be true to what the rules exactly are. Lisa added she and Frank discussed the driveway issue this week. If someone sees someone else putting a driveway in and says my neighbor has a driveway just like that, why can't I? Lisa's argument is "yours was put in after the law was put into place. We are trying to get away from that."

The possibility was discussed on seeking a contractor to quote a group rate so any homeowner could go to them and get a reduced price. Also looking for grant money to help people in need or who have special circumstances.

Lisa added "the driveway requirement is something that has been in place for a long time but was never enforced. It has gotten out of hand. We have worked very hard to write this law so we can put Ellettsville back to where it needs to be. We do not want to impact the citizens so horribly that we are causing a hardship or they don't want to live in Ellettsville. We should try to work with them to get the law followed. Our intention is to get Ellettsville to be a really great place to live."

Ed Bittner questioned Frank concerning a concrete driveway in front of his house which the State put in. He wants to know what is required to put up a pre-built carport. Frank suggested since he is on a state highway, he should check with the district office to see how close the structure could be to the highway. Ed added the set back line is marked. Terry Baker commented "in the past, storage sheds, as long as they were not permanent and could be moved, you could put one wherever you wanted too." Ed added this is not permanent and it is held down with four bolts. Sandra Hash mentioned the Street Department didn't need a building permit for their structure. As long it is a nonpermanent fixture it would not require a permit. Ed has a truck that he wants to keep from the sun. He doesn't want to build a garage and increase his taxes.

Don Calvert commented in Phase III of Spring Valley about a week ago contractors redid Lot 74 and all the water now runs down on his property. When it was set up originally they put in a swell and the water ran down to a creek away from the house. Not only did they run all the water off the one lot onto his property, but they blocked the swell on one or two of the other lots so there is also water coming off the hill behind him now. It runs into the stream that has been blocked and then comes straight down on to his property which is one of the lowest parts of the property. He would like it looked into. He asked who the developer is. Don answered he thought the builder is Robinson. Sandra added this is one area we have always had problems with. We have developers present the plans and the building inspectors inspect the house but we have no one to inspect the property to make sure it is the correct elevation as planned. She feels we have had numerous drainage problems because we don't have someone to do inspections on the development. Don added they are not allowed to run water off on someone else and that is exactly what they did to him. Terry Baker said we have had a lot of problems with the plans. All the water retention is on the plans but when the development is finished, the retention is not there. Sandra feels we are getting to the point where we can not afford not to have inspections done; for example, the house in the Meadowlands with all the water problems and in Lisa's addition where people have brought in pictures of their water problems. It is something as a Plan Commission we should try and take a

hold of and make sure we are going to follow through on. Frank mentioned when there are voluntary annexations of large tracts we should follow through on that. A development is coming so it is important we have a large scale plan. It is one thing to just process the application, we now have Monroe County to do the inspections for us but there is going to be more development coming faster. Sandra asked if Monroe County Drainage Board could help us. Lisa Creech feels they have to come out and look at this because we don't have one. If we don't have one, they supercede. Lisa mentioned she had Bruce Watson from the DNR come down and look at her problem. She asked if the Monroe County Building Department should be coming in on this. Frank answered the Monroe County Building Department will only review building plans and see if they meet code. If there is a drainage problem, it needs to go to the Monroe County Drainage Board or DNR. Lisa said Warren Henegar from the Monroe County Health Department came out to her property and wrote a letter to the developer telling him what needed to be done to correct the water situation. Warren told her that her house would be uninhabitable one day if the water problem wasn't corrected.

Frank Buczolich asked if there were any other question.

Frank Buczolich mentioned that for purposes of conducting business this body needs to nominate and elect officers. Ed Bittner made a motion nominating all officers stay the same. Terry Baker second. Motion carried.

Terry Baker made a motion for the meeting to be adjourned. Everyone seconded. Motion carried. Meeting adjourned at 7:53 pm.