

August 2, 2007

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, August 2, 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 was also present.

Approval of the Minutes

Ed Bitner made a motion we approve the June 7, 2007 minutes of the Ellettsville Plan Commission as written. Terry Baker seconded. Motion carried.

Old Business

Parking Ordinance

Frank Nierzwicki presented a draft ordinance amending section 152.228 regarding parking enforcement that is open for discussion and changes before being submitted to the Town Council. Frank Nierzwicki read the proposed ordinance in its entirety as presented.

Dianna Bastin asked the definition of a “vehicle”. Frank Nierzwicki said “a vehicle is a licensed vehicle not a lawnmower; items that can be used on the road.” Dan Swafford asked what the purpose of this is. Is the Town trying to keep people from parking on the grass, abandoned cars? Frank Nierzwicki explained the long history of the parking issues:

- Older neighborhoods having one car garages or smaller driveways which was fine in 1960’s and 70’s when people had one vehicle now people have several vehicles
- New subdivisions are required to have a two car garage parking area
- Areas with no grass and mud pits; disrepair with the parking on the lawns

Sandra Hash explained “no parking on the lawn is already in the Town Code”. This ordinance would give Frank Nierzwicki a way to enforce it with tickets. Special situations such as washing a vehicle or delivering groceries shall not warrant a “parking on lawn” violation. Early notice of an upcoming party would not be in violation. There is also an Appeal Board.

There was a discussion about “licensed” vehicles parked in high grass areas.

Ed Bitner is not in favor of a parking ban in your yard. He would be against four wheeling in the yard and mud throwing. He is against raising the driveway permit fee from \$5 to \$10. He feels there should be members of the public on the Appeals Board.

Sandra Hash suggested continuing this discussion at the end of the meeting because there were others in attendance to speak on other issues.

Fred Steinhagen, resident of Union Valley Farms asked if there is an ordinance against parking on the street. Frank Nierzwicki stated there is no parking on the street in most areas of Ellettsville. Mr. Steinhagen asked if a complaint needs to be filed before the police enforce it because the police drive by all the time and never give out tickets.

Frank Buczolich asked if it is the desire of the board to move this discussion to the end of the agenda. It was agreed upon and so moved.

Merle Lagneaux, resident of Union Valley Farms added to Mr. Steinhagen's comments. There is a gentleman who lives on Nestle Down that has a trailer parked in front of his property on the street. The trailer is parked for 3-4 days a week and is a traffic hazard because it sits on a curve that can not be seen at night.

Mark Abplanalp, Union Valley Farms resident pointed out to his neighbors there is a restrictive covenant that was signed by all when their property was purchased. If there are persistent problems that warrant a change, any member of the Monroe County Bar would be happy to address the issues. Restrictive covenants also provide for the cover of legal fees.

Ed Bitner told a story of an incident that happened in the 1980's. An ambulance needed to get into an apartment complex and asked a lady to move her car. She parked on the street to make room for the emergency vehicle and was ticketed for parking in the street.

Russ Ryle, Reeves Road resident announced the parking ordinance is an enforcement issue. This is one of many "enforcement issues". There are many enforcement issues, for example, the blinking sign is still blinking. Mustang Drive has many enforcement issues (too many to list). It has been hard to get the Town Council to address issues. There are things that can be accomplished by an ordinance, there are things that can be enforced but what is the functionality of putting something out there if there is no will to enforce it especially when it might mean spending money to go to court to deal with it. The "blinking sign" was brought to the Town Council November of 2006 and nothing has been done about it.

Frank Nierzwicki tried the letter writing campaign and it was not very effective. He looked at alternatives trying to find streets wide enough for on street parking. He met with the different departments looking at all requirements. Letter writing did not work and feels ticket writing could be more effective. This has been two years in the making.

Frank Buczolich announced this will be moved to the end of the meeting.

New Business

Request for Preliminary Plat approval of 23 single family lots and 52 units paired patio home subdivision, adjacent and just south of the Union Valley Farms subdivision

Frank Nierzwicki summarized the request. The property is just south of the Union Valley Farms subdivision. The staff recommends approval of the petitioner's request for the new development. The supervisors met in June to look at the preliminary plans for the subdivision; safety issues, fire hydrant access and police service, they did not have a problem with the subdivision and would work with the developer as the plans become more set. The land request is to build 52 paired patio homes and 23 single family homes on a 30 acre tract. The land is currently zoned C-3 and would allow for a higher density than what is requested by the petitioner. Water and sewer is available to the area. The Town Engineer has reviewed drainage plans concerning water with the petitioner and is satisfied with the proposal. The site will require a grading permit before construction is permitted. There would not be an added financial cost for the Town with petitioner's development plans. The petitioner would be required by the Town Code to provide the following:

- Construct streets
- Install street lights
- Provide sewer connections
- Provide street trees
- Provide a performance bond to cover above construction activities

During construction phase, the Town will need to work with the developer on in and out access to the site. If this development is approved, the street conditions from Union Valley to the construction site, prior to construction, should be documented and if there is damage done to the surface, there will be a bond set to take care of the damage. The existing land use around this property is; to the north is R-1 single family residential, to the south C-3 Commercial also connected to the approved driving range, east and west is Monroe County.

Kristen Taylor with Smith-Neubecker and Associates reiterated the proposed development is 23 single family lots and 52 paired patio units. There was a question regarding the buffering. Ms. Taylor explained the developer plans to make every effort to preserve all the tree lines on site. The ordinance requirements on the setbacks will be met and every tree

that can be saved will be preserved. Sandra Hash asked if this property was known as the “Staggs annexation”. Rick Coppock clarified the Staggs annexation was to the north, this property is to the south and part of the Barry Gordon property. Don Calvert asked if these units will be rentals or for sale. Ms. Taylor answered these units will be individually owned and not rentals. Don Calvert commended Ms. Taylor and Rick Coppock on the admirable job of all the information pointed out during the review of the property.

Construction will be around the two sink holes found. Ed Bitner asked if all that was said tonight will be in writing. Frank Nierzwicki stated if the motion is approved, all stipulations stated could be added in the approval. Ed Bitner asked if there will be sidewalks. Ms. Taylor pointed out the sidewalks on the reduced site plans that were passed out. Frank Nierzwicki stated all stipulations could be added in the approval. Don Calvert asked if there are plans for another entrance or exit other than Union Valley. Ms. Taylor pointed out on an aerial photo there are road stubs to the north and south of the development. In the future, when this is all built out, the connectivity in the Thoroughfare Plan shows a street running east and west connecting Lakeview Drive and Union Valley. Frank Nierzwicki stated the roads in the Thoroughfare Plan are put in as development happens and there are no set dates. Ed Bitner clarified this area is zoned C-3 commercial and if this subdivision is not approved, the owner of the property could actually put in so much more with a different use. Sandra Hash asked if a study of the market was conducted to see if there is a need, market or desire for these types of patio homes because there is another project with condominium type units presently going in.

Alan Dick, petitioner, outlined the reason for this type of housing. The patio homes are going to be restricted to buyers age 55 and older. A lot of people come to Monroe County to retire because it is a great place to live. There are some similar projects, priced very high and not practical for most people. His patio units will be in the range of \$140,000 to \$170,000 depending on one of three floor plans with the square footage being just under 1400, 1575 and 1700. There will be a homeowners association. Alan Dick explained the sink holes can not be built on but they can be turned into an asset; green space. Don Calvert asked if the units will be built as needed or in a large number for marketing. Alan Dick will construct one building (two units) and use it as a model home. The development will be built in stages. Dan Swafford asked Frank Nierzwicki to point out on the Thoroughfare Plan map exactly where the street comes out. There were many discussions and conversations going on. Alan Dick clarified the units are for active individuals 55 year and older. There will not be any health care facilities or community rooms. He also clarified there is not a secondary exit at this time but two roads will be stubbed to the north and south for the next developments and he would support the Thoroughfare Plan coming through.

Russ Ryle reminded the Commission this is the 15th construction season for Edgewood Village. Last November the Plan Commission passed a resolution to the Town Council asking them to take specific action on Mustang Drive deficiencies. The Town Council would not put it on the agenda. There had been ads running consistently for six months advertising age restriction. Now the units have been opened to Section 8. It was clarified these are the condos that are already built. Russ Ryle went on to explain Mr. Fish (the new developer) promised the residents, adjacent to Edgewood Village, when he purchased the property and had the plans approved last winter that there would be 3-5 units built. At this time, dirt has not been moved but it has been mowed. Mr. Ryle pointed out the Town Council will not enforce anything even if it is a legal issue. The past, present and future Town Council has never “acted” like a Town Council. Russ Ryle served on the Thoroughfare Plan Committee and knows Union Valley Road is already overused and undeveloped. He feels the Plan Commission needs to stop approving developments because the developers are promising a lot and not doing anything.

Rick Coppock addressed some of the comments Ed Bitner made. Sidewalks are required by Code and do not need to be addressed in Frank’s report. The difference between Edgewood Village and the subdivision south of Union Valley Farms is this property is not a PUD but a straight zoning request. Edgewood Village asked for reduced lot sizes and other concessions from the Town. The new subdivision meets the zoning and subdivision development requirements.

Russ Ryle agreed with Rick Coppock on this new subdivision not being a PUD; but a PUD requires more oversight and enforcement that the Town never enforced. He questions “why do you think because it is not a PUD they would be any better at oversight and enforcement?”

Fred Steinhagen asked if the County would consider making the intersection a three way stop. Frank Nierzwicki explained a traffic study would need to be conducted to see if there is enough traffic to warrant traffic control. He could work with the County when there are more cars going through this area. Union Valley Road has many hills, the sight

distance is not very good but it is under consideration for improvement for ten million dollars out of the Metropolitan Planning Organization within the next ten years. Frank Nierzwicki suggested having some of the trees taken down on Union Valley but it is actually a county road. Mr. Steinhagen will attend every meeting until something is done with Union Valley Road. Frank Nierzwicki will work with the County Engineer on three way stop signs.

Dan Swafford asked “with the Thoroughfare Plan coming through this area can we accommodate the stubs to three, including a turn lane”? Frank Nierzwicki stated this would be an engineering decision.

Alvin Campbell, resident of Lakeview Drive asked about water drainage during rain. His neighbor presently has to have water pumped out of the yard. What will happen when this development goes in? There needs to be a guarantee the water situation will be taken care of because they can not handle any more water in the area. Rick Coppock addressed Mr. Campbell’s concern and stated any new development must provide a detention pond. His property and the new development were pointed out on a map; a discussion took place. Mr. Campbell asked how far off his property will the building start. Kristen Taylor stated code requires 20 foot rear yard setbacks, which will be met. When the zoning is different with adjacent properties, the code requires double the rear yard setbacks. In this case, 40 feet will be the closest they can be to the property line. Mr. Campbell’s main worry is the water. Kristen Taylor stated the design of the development detention is in accordance with Monroe County standards. She went on to explain the sink holes will have an overflow in case of an overflow. All of this was accounted for in the design.

Mark Abplanalp shared some concerns of the residents. They want to maintain the character of a preexisting neighborhood and make the community better. The Commission has correctly identified egress as a major concern; there is a blind exit out of their subdivision. There is constant traffic. His understanding of this is there is a developer who has purchased a land locked parcel and wants to develop it. Is it right to develop it now at our expense or wait until the Thoroughfare Plan is in place and allow this project to be done right. The other concern is property value; a well done, completed development will add to property value but a half completed development with on going construction and damage to the roads will have the opposite effect. His neighborhood can still be built out, homes are less and there is a frequent turnover so he is not convinced we need another batch of homes. Is there a plan in place for wild life to go? We keep taking away from them. His final point is parking on the streets; his neighborhood has restrictive covenants to protect them and hooking into another development will give his neighborhood a different feel. Will the new neighborhood be subject to the kinds of covenants that are presently in place?

Frank Nierzwicki addressed some of the comments made by Mr. Abplanalp. From January 1, 2007 until today he has approved 56 single family home starts. Last year from January until December 2006 he approved 62. He can not guarantee that all those home starts are sold but they have started. He has seen an increase in this area. His market survey showed a market for this type of community; being close to the university and cheaper than Bloomington. Mr. Abplanalp added he grew up in Bloomington and he moved to Ellettsville because it is not Bloomington. In his opinion the development in Bloomington has run “rag tag” with the government “rubber stamping” anything that will involve building things out. He hopes Ellettsville is not the same and feels confident entrusting this decision to the Plan Commission.

Jon Fresh, resident on Shadow Wood Drive in Woodgate added that since his road was opened to Lost Mans Lane, the traffic and speeding has increased. He asked if something could be worked into the plan to slow traffic down in the area. Frank Nierzwicki is trying to design streets with progressive engineering including the increase of gentle curved roads in subdivisions and not having straight a ways.

Russ Ryle feels this development is another Edgewood Village and once it is approved the developer will have “carte-blanch” and it could take him 15-20 years to finish. He suggests if this development is approved, can it include a time limit. Don’t give them an unlimited, indefinite ability to build on that property. Covenants are expensive to fight and hard to enforce. Russ Ryle likes seeing development and is pro development but thinks there are a lot of pitfalls with going forward with this proposal from a traffic standpoint and the functionality in making sure it is built out.

Frank Nierzwicki discussed a few items going on with this development. This is a C-3 zoning and not a PUD. The Sims’ Capitol Avenue development is a PUD and a seven year build out plan was negotiated in the beginning. As a Plan Commission, a seven year build out on phases could be added to the Code. Developers gamble on the market and Frank feels this market is still moving.

Don Calvert encourages everyone not to become discouraged. People who purchased homes in Union Valley Farms surely realized the problem with the drive and intersection. There has not been any criticism on that. Don does not like to see a developer discouraged based on what someone else did. As a Commission, they get caught in the middle trying to correct previous mistakes. When you buy a home and see an open field, surely something is going to go there. When there is a stubbed road, it will lead somewhere. The owner of the property could change his plans and put in something no one likes. The Plan Commission likes the residents' cooperation; they have had some good results dealing with the developer.

Dianna Bastin made some comments on past development issues and Union Valley Farms.

Sandra Hash asked if there was a possibility of a construction entrance through the George property. Frank Nierzwicki said no. The ideal construction road would be off Lakeview Drive but that road is not wide enough. There are not a lot of options at this time. Frank Nierzwicki spoke with Alan Dick, Smith-Neubecker and an adjacent property owner to coordinate the type of uses in the area for the benefit of the town. Working with Alan Dick on the east west thoroughfare street will make a major improvement in the area. Sandra asked if the developer would help with the condition of the entry on to Union Valley Farms and also repair the road after construction. Frank Nierzwicki said a bond to repair the main road after construction will need to be added as a condition and that is known as an "impact fee". The State of Indiana does not allow much on impact fees. He gave an example on how the fees work. There was a discussion between Frank and Sandra on impact fees. She would like Frank to speak with the County Engineer and see if he could offer any suggestions for the Union Valley intersection. She gave examples of problems with existing subdivisions having a cut through. She would like something that will work for everyone. Existing development should not be punished for new development. When Litten Estates was being developed, they had a construction entrance.

Mark Abplanalp feels one of the benefits of waiting is because the residents of Union Valley Farm were notified less than a week ago about this development and there was no time to speak with the firm that reviewed the plans and many would like the opportunity to.

Frank Nierzwicki listed the options that are available this evening for the commission. He clarified if this is not a rezone and it is consistent with the zoning, it does not have to go to the Town Council.

Sandra Hash made a motion that we continue this issue until the next September meeting. Ed Bitner seconded.

A gentleman from the audience clarified if this is going to be a development for 55 years and older; persons of this age are more susceptible to medical problems and there is only one entrance for emergency access.

Alan Dick understands everyone's concerns. He has developed buildings in Bloomington and houses in Ellettsville. The goal of this project is to build a product that an older person could live in comfortably. These units would be all brick with no outside maintenance. The homes are one level with three foot doors, panic buttons in bedrooms and strobe lights on the porch to let everyone know where the emergency is. He would love to build all 50 units at one time but he can not predict the future. He wants to build the best possible, be good neighbors and take care of streets that are damaged. A month delay would be a lot to them.

Ed Bitner received his notice on this development two days ago and if forced to vote on this tonight he would vote no. He prefers to look at the property and lay of the land. He would like to meet with the developer and get a visual of the plan.

Alan Dick has driven in and out of the subdivision many times. If there is an additional demand put on the intersection, would that force the county to do something? Frank Nierzwicki explained how the warrants work and gave an example; if there are two roads with a cross section and one road has 90% of the traffic, a stop sign will not be installed. If there are high volumes on both roads, there needs to be some kind of control device at that intersection. The more traffic there is at an intersection, the better chance of having a control device.

Bob Case, resident Union Valley Farms clarified for the people not familiar with the intersection; if you are driving a "car" at the intersection, you can not see the vehicles in the dip of Union Valley Road. When he is driving his van, he can see the roofs of vehicles in that dip.

Frank Buczulich announced there is a motion on the floor to continue and a second to continue. Roll call vote: Don Calvert – continue; Terry Baker – no; Frank Buczulich – no; Ed Bitner – continue; Dan Swafford – no; Dianna Bastin – no; Sandra Hash – continue. 4-3 vote for “no”.

Don Calvert asked if the petitioner is aware of what he can do with the property. Frank Buczulich said yes. Frank Nierzwicki listed different structures that could go into a C-3 zoning; auto repair, gas stations, commercial businesses. Sandra would like to work with the George’s (original owners of the whole parcel) to see if they would be willing to work with the town to put in a construction entrance. Frank Nierzwicki clarified there is a bridge between this property and the property on Love Lane that the Town has already clarified traffic would not be allowed on. There would have to be a crossing of the creek between the two properties. Sandra stated Litten Estates and Autumn Ridge both have construction roads. She went on to say Autumn Ridge has sold beautiful brick homes; if the houses are built nicely, there is a market and she is not sure putting a 55 year or older restriction is necessary or in the best interest of the development. If it is a nice, well built facility it can be appealing to other ages. Setting an age requirement will reduce the market. Her concern is with the existing neighborhood and the construction traffic.

The Plan Commission took a recess at 8:47 and reconvened at 8:54 p.m.

Dan Swafford, resident on Capitol Ave understands the concerns of the existing neighborhood because he is going through it now. There is and has been new development construction at the end of his street. He has to go through construction to get across State Road 46. He does not feel this developer has to pay the price and wants to decide something tonight. The Plan Commission should not be able to tell him what to do with his land. He has read through the plan, we are on the right track and should be able to vote on this tonight.

Frank Nierzwicki stated a lot of the stipulations are redundant with Town Code. A video tape should be made of the road’s surface now between Union Valley and the subdivision to compare the damage after the construction is finished. A bond could be taken out for those repairs. A gentleman from the audience announced video tape inspections have been done for the Monroe County Highway Department for various roads. Frank Nierzwicki suggested requesting Monroe County Highway Department conduct a traffic warrant at the intersection of Nestle Down and Union Valley. It may be unsafe to have a stop sign due to the crest of the hill. Rick Coppock believes the warrant for a stop sign includes having 125 vehicles per hour during an eight hour period in each direction. It would be hard to meet that with a subdivision. There were suggestions of “Hidden Drive” sign, rumble strips prior to the crest, flashing warning lights. Frank Nierzwicki clarified this area is under two jurisdictions. Another stipulation that could be added is working with the developer and county to improve the safety of the intersection.

Terry Baker made a motion to approve the plat with stipulations stated (construct streets to Town Code, install street lights, provide sewer connections, provide street trees and provide performance bonds on different sections on this to also include road sections of construction route from Union Valley Farms on Nestle Down to Andrea Lane as stated on the Town map). Dan Swafford seconded. Roll call vote: Don Calvert – abstain; Terry Baker – yes; Frank Buczulich – yes; Ed Bitner – no; Dan Swafford – yes; Dianna Bastin – yes; Sandra Hash – no. Motion carried 4-2-1.

Request for Development Plan approval for the expansion of Zion Church of the Nazarene, 6287 West Ratliff Road

Robert McCoy, construction manager for this new project announced the church has grown. Their daycare averages 115-130 children a day with 30 on a waiting list. This expansion will allow for 250 children including before and after school care. The plan calls for twenty-two new parking spaces and the church will be adding 107 giving them a total of 198 parking spaces. This church will be able to add 496 more people with the expansion. The building already has town water and sewer. The new building will have a sprinkler system that has been approved by the Deputy State Fire Marshal, Ellettsville Fire Department and the State Inspector for daycares.

Frank Nierzwicki read the staff report. The building is on a large track of land. This will expand the church building by 10,740 square feet. He pointed out the building on a map. The staff recommends approval on this.

Don Calvert informed the Plan Commission when the church was first given permission to build; the question of sidewalks came up. The original plans called for sidewalks but the Plan Commission gave the church a variance at the

time allowing for discussion if the church approached the Plan Commission in the future. Don asked if the area has built up enough to consider sidewalks while the expansion is taking place or is the area still not in need of a sidewalk. Mr. McCoy feels a sidewalk on the side of the church made more sense than putting one in front on the property. Frank Nierzwicki sees a sidewalk in front of the church would be a benefit since Robinson Construction is developing across the street allowing people the ability to walk to church. Mr. McCoy asked why the sidewalk would have to be on his side of Ratliff Road and not the side of the Robinson Development. It was clarified a sidewalk will be on both side of the road and the church would only be responsible for the one on their side of the road.

Ed Bitner, looking at the map, asked where the additional parking spaces would be located. Mr. McCoy explained the parking lot will be on the west side, looking at the map, with more parking on the north side between the full parking lot and the church sign. Don Calvert stated the church is a nice, well maintained, quality facility. The people are very friendly. Ed Bitner asked about the lighting in the parking lot. Mr. McCoy explained the parking lot there has two, thirty foot poles facing both the road and the building. There will be two of the same lights on the west side. The new parking lot, closer to the street will have lights pointing towards the church and not Ratliff Road.

Frank Buczolic entertained a request to approve the development plans for the expansion of Zion Church of the Nazarene at 6287 West Ratliff Road. Ed Bitner so moved. 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.

Request for voluntary annexation of approximately 32 acres at 4011 West Lost Mans Lane

Frank Nierzwicki presented a staff recommended voluntary annexation of approximately 32 acres. The property is located adjacent to the Headley property, east of The Arbors at Woodgate and north of Highland Park Estates. There is water and sewer in the area. Any construction or additional buildings on this site will require site inspections by the Town Engineer and the Director of Planning Services. A grading permit will be required if and when this site is developed. The assessed valuation of this parcel is approximately \$15,100. Frank Nierzwicki went over the Fiscal Plan of this property. There is no cost to the Town at this point. Any development in the future would have to follow the Town Code requirements on new developments. Sandra Hash asked if the petitioner presented any ideas of what he will be doing with the property. Frank Nierzwicki has not seen anything and they do not have to present anything during annexation. The petitioner is asking for an R-1 designation. Dianna Bastin had a question about the “Financial Cost”

Section and fire protection; the property is currently under Monroe County and will be switching to Ellettsville. Frank Nierzwicki explained the Town has annexed open land before and the Ellettsville Fire Department would take care of any fires.

Dan Swafford asked if this property is crossing the “magic line”. Frank Nierzwicki explained, in 1997 the City of Bloomington and the Town entered into an agreement; Indiana Code stated towns would have to get permission from the adjacent city to come within three miles of the city’s boundaries. In 1997, the Ellettsville Town Council and the Bloomington City Council came to an agreement allowing Ellettsville to annex to Smith Pike and north on the “imaginary” north line running towards Maple Grove Road. A lot of research has been done on this and the petitioner wants to be in Ellettsville. The Indiana Code has changed since 1997 and now if there is 100% voluntary annexation or 51% voluntary annexation, the town does not have to receive permission from the City of Bloomington to proceed with annexation. Out of courtesy, the petitioner contacted the City of Bloomington on this; Bloomington reviewed the Indiana statue and agreed we did not have to ask for their permission and appreciated the cooperation and coordination with their Planning Department.

Rick Coppock explained the petitioner will not be the developer; the property will be sold and the developer wants to build an R-1 single family subdivision. The developer is the same one that built Union Valley Farms. There will be road connections; one to Woodgate and two connections to Centennial Drive in the new portion of Highland Park Estates, currently under construction. Centennial Drive will be used as the construction road. There was discussion about the connection roads, the additional 36 acres between Lost Mans Lane and the requested voluntary annexation land.

Frank Buczolic entertained a motion for voluntary annexation of 32 acres at 4011 West Lost Mans Lane, annexed as

R-1. Ed Bitner so moved. Dan Swafford 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.

Request for change of façade and signs of the Richland Plaza shopping center

Kevin Powell, representing Richland Plaza and Rubicon Construction stated Richland Plaza has recently changed hands. As part of this, Rubicon Construction is proposing a much overdue façade upgrade on the property. Mr. Powell outlined the construction plan:

- Remove existing “blue” aluminum sheathing
- Increase parapet wall height one foot four inches
- Maintain elevation changes; steps
- Re-clad with a Stucco finish
- Level concrete pillars and apply Stucco finish
- Paint exterior block a complimentary color
- Update lighting
- Re-seal and coat parking lot
- Stripe lot, paint curbs and posts

Mr. Powell included photos of similar designs of a shopping center at Winslow and Walnut Drive. They will do away with panel signs and install “raceway” raised letter signage following Town Code. They are expecting the timeline to be three months starting on the east end with Pizza Express. The plan will include the Union Valley and State Road 46 easements. The parking lot will be completed in “zones”. There was discussion about the building located on the “out lot”. Dan Swafford asked about redoing the existing signs on State Road 46 and the back alleys behind the buildings. Mr. Powell said “at some point we plan on redoing those” but there are no plans for behind the buildings in the first phase. Mr. Powell explained the plans were originally drawn for the previous owners and they are not going to include aluminum roofs with this change. They will work hard to keep disrupting the businesses to a minimum.

Joe Walker announced all the tenants will be notified and their input will be used to make a schedule. Terry Baker asked if the signage will be backlit. Joe Walker answered yes and gave the example of Subway and CVS signs.

Frank Nierzwicki clarified sign permits will be required with this project. The Planning Department supports this request.

Frank Buczolic entertained a motion to approve the request for change of façade and signs of Richland Plaza. Dianna Bastin made a motion. Terry Baker seconded. Roll call vote: Don Calvert – yes; Terry Baker – yes; Frank Buczolic – yes; Ed Bitner – yes; Dan Swafford – abstain; Dianna Bastin – yes; Sandra Hash – yes. Motion carried.

Request to vacate the existing right-of-way along the west side of Clover Drive at the intersection with McNeely

Frank Nierzwicki explained the petitioner is requesting the vacation of the public right-of-way. The Planning Department recommends approval with stipulations. This request is to have approximately .185 acres of public right-of-way vacated and reverted to adjacent property owners. The adjacent property owners would then allow the Town to have utility easements in this area. If the vacation is approved, 75 feet of right-of-way would remain at this location. There would be no cost to the Town to vacate the land and actually save the Town some money since they would not have to mow it anymore. Frank Nierzwicki went on to list the condition of approval:

- The developer will need to install sidewalks and plant street trees
- The Director of Planning Services will assist in the efforts
- The adjacent property owners will need to have written approval from the Town Engineer before any structures are built at the corner of McNeely and Clover to ensure clear sight distance
- Adjacent property owners will need to work with the developer of Overbrook to coordinate landscaping of the area since this will be an entrance to their development

Rick Coppock, Bynum Fanyo representing the petitioner, stated Charlie Wright owns the existing house shown in the plans. He summarized how this all came about by pointing things out on the map. There were continued questions,

answers and discussion about the plans. Ed Bitner questioned the adjacent property owners having to install sidewalks. Rick Coppock explained the developer will install the sidewalks for Lots 33 & 34. Frank Nierzwicki added that the main issue is to have a sidewalk on the corner of McNeely. Frank Nierzwicki would like to start a sidewalk system along McNeely with new buildings.

Frank Buczolich entertained a motion to approve the request to vacate the existing right-of-way west side of Clover Drive. Dianna Bastin made the motion. Ed Bitner seconded. Roll call vote: Don Calvert – yes; Terry Baker – yes; Frank Buczolich – yes; Ed Bitner – yes; Dan Swafford – yes; Dianna Bastin – yes; Sandra Hash – yes. Motion carried.

Resume discussion on parking ordinance at 9:45 p.m.

Ed Bitner would like the driveway permits to stay at five dollars. He asked why members of the public are not on the Appeals Committee. Sandra Hash explained “with the Clerk Treasurer and two employees, you can meet during the day for an appeal”. Frank Nierzwicki explained the City of Bloomington has internal committees. Ed Bitner feels the Town does not have to copy everything Bloomington does. There was discussion about who should be on the committee, who should appoint people etc.

Dianna Bastin feels ten dollars for a driveway permit is more than fair with the time put in to approving and checking on it. Frank Nierzwicki suggested if this passes, have it affected in the spring of 2008.

Dan Swafford stated there are going to be so many appeals and it will be overwhelming to whoever is on the Appeals Board. Frank Nierzwicki suggested taking digital pictures of the offenses; parking on the grass and other offenses, so having proof should cut down on the appeals. There was a lengthy discussion about different offenses and situations.

Dan Swafford does not think there is an answer to this. If this ordinance passes, it will become complaint driven. Frank Nierzwicki has noticed an increase of vehicles parked on the street than in the past. Sandra clarified a “ticket” process is what we are driving for, more appropriate for the problem and should take away from being complaint driven.

Terry Baker suggested taking the “parking time limit” out of the ordinance. Dianna would like to keep “except holidays”. Don Calvert would like to take out “Monday thru Friday”. Frank Nierzwicki asked which date to use; upon passage or in the spring. Frank Nierzwicki asked Sandra to read back the changes that have been suggested for the ordinance:

The Planning Department shall enforce lawn parking violations excluding Town Holidays.

Any and all offenses will be ticketed. The tickets will be levied at \$15 per offense if paid within 10 days. The ticket will increase to \$30 after 10 days.

The tickets will be paid in the Clerk’s office. Sandra explained the Town Attorney wrote up an ordinance violation bureau and Sandra thought that would solve the problem. She explained the procedure for police ticket collections and was informed it was not cost efficient for the attorney to take them to court. Mike Spencer suggested Sandra contact a collection agency for police tickets.

Russ Ryle reiterated “if you are not going to enforce it don’t put it on the books”.

Terry Baker made a motion we retain it until the next meeting. Dianna Bastin seconded. Motion carried.

Privilege of the Floor – non Agenda Items

Ed Bitner recently read in the paper that Bloomington has revised their noise ordinance. Is there any way we could do something with the jake-braking. Dianna explained, in the City of Bloomington, the officers roll down their windows and listen; if they can hear it from the sidewalk, while in their car, then they initiate a talk with the trucks. The officers use their discretion.

Don Calvert asked about the Jack & Jill sign and the flooding issue in Springs Valley; are they still being pursued? Frank Nierzwicki said “yes they are still being pursued” he will check the status in the morning on both. Sandra Hash asked Frank Nierzwicki for a report on both to present at the next meeting.

Russ Ryle asked Frank Nierzwicki if there were any further updates on attempts to talk to the people behind his property. Frank Nierzwicki will find out what Mr. Fish is doing.

Dan Swafford suggested not taking a break in July or skipping a month because it is too much for the following month.

Adjournment

Ed Bitner made a motion for the meeting to be adjourned. Everyone seconded. Motion carried. Meeting adjourned 10:10 p.m.