

## August 3, 2006

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, August 3, 2006, 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. opening with the Pledge of Allegiance.

**Roll Call:** Members present were Frank Buczolich, President; Ed Bitner, Vice President; Sandra Hash, Secretary; William Evans, Don Calvert, Terry Baker and Dennis Williamson, Frank Nierzwicki, Director of Planning Services was also present.

### Approval of the Minutes

William Evans made a motion to approve the minutes of the July 13, 2006 meeting. Terry Baker seconded. Motion carried.

### Old Business

#### Depot Road Annexation

**Frank Nierzwicki**, Director of Planning Services explained the Plan Commission approved this as a PUD (Plan Unit Development). The petitioner requested a C-3. All the notification has been resent and received for this hearing. Don Calvert asked if just the classification was being changed. Frank Nierzwicki clarified this property was being annexed into town, it did not have a zone designation and the petitioner requested a C-3 zone. Don Calvert questioned what the Town of Ellettsville had planned or recommended for this property. Frank Nierzwicki explained in detail PUD versus C-3 when this annexation was brought to the board before, which he feels led to the confusion. Ed Bitner spoke with Roy Wever after the last meeting. Mr. Wever expressed he would like some waivers if he is annexed because he would not keep the grass mowed to meet Town Code. The field is a hay field that is harvested twice a year. Frank Nierzwicki said the Plan Commission could make some stipulations on the property. The area in question is agriculture in nature for now. Ed Bitner questioned the combination zoning of some being a PUD, other parts being C-3 and where would a buffer be placed? Frank Nierzwicki answered a C-3 zone will have to have a double setback of 40 feet between any type of structure located in the Wever land. There would also need to be a buffer between Paddington Park and any development on the Wever property. Ed Bitner questioned the "Financial Cost" being low for this property and the tax revenue was not listed. Sandra Hash clarified it is impossible to predict what the tax revenue will be with this property. Ed Bitner asked why is there such a difference in assessed value between Mr. Wever's property (\$226,800) and the Jiffy Treat property (also wanting to be annexed with an assessed value of \$106,400). Frank Nierzwicki explained Mr. Wever's property is 12 acres and Jiffy Treat has 3.1 acres. Dennis Williamson asked why this annexation was not brought to the Town Council since it was passed in June. Sandra explained the mistake with the zoning was realized right away and Frank added the annexation process was started over. If this annexation is approved this evening, with or without the stipulations, it will go to the Town Council for a first reading August 28<sup>th</sup>.

Ed Bitner discussed making a motion to approve as requested the voluntary annexation of 314 Depot Road with the following stipulations:

- A waiver be given for this particular time to maintain in a status that it has been maintained in the past with hay cuttings off the field unless there is complaints from the general public at which action will be taken at that point. If the general public does not say anything about it then the Planning Department won't go up and site him for having tall grass.

Ed Bitner then made the motion the Planning Commission accept the voluntary annexation request of 314 Depot Road as requested with the following stipulation as a C-3 that is if it remains in its present state as long as it is an agricultural usage. Any change to that; the stipulation falls off and he will have to meet all Town Codes at that point. Dennis Williamson seconded. Roll call vote: Don Calvert – yes; Terry Baker – no; William Evans requested the motion be read again. William Evans will not vote for this in this form. He went on to say when this comes into Town as a C-3

there are certain things the Town can do that are understood so we don't have to go through this (itemizing things for people). The further you go the worse it gets and the Town Code starts to be interpreted for each individual person and things change. The zonings are usually brought in as C-3, C-1 or R-1 and go with the Town Code pertaining to the particular zoning. The more that is put on this the more it will aggravate what happens if something comes up. Frank Buczolic asked William Evans and the property owner if there is a problem making this a C-3 or maintaining it as an agricultural piece of land. William Evans answered "no". The property owner was not present.

Frank Nierzwicki gave a "point of order" on this:

1. Ask for annexation with agricultural allowing for mowing of hay
2. Petitioner wants a C-3 but for some reason may not use it as a C-3 for a few years
3. This body can put stipulations on things
4. Annex it into Town as agricultural but if a developer comes in have it rezoned

Ed Bitner withdrew his motion and Dennis Williamson withdrew his second.

There was a lengthy discussion on the tall grass violation procedures.

Ed Bitner made a motion that we accept the voluntary annexation on 314 Depot Road as requested as a C-3. Dennis Williamson seconded. Roll call vote: Don Calvert – yes; Terry Baker – yes; William Evans – yes; Frank Buczolic – yes; Ed Bitner – yes; Dennis Williamson – yes; Sandra Hash – yes. Motion carried.

Frank Nierzwicki will get in touch with the petitioner before the first meeting with the Town Council.

### **Work complete without a Permit**

**Frank Nierzwicki** recently found a couple of sites where work was being conducted without a permit (driveway or building). After checking with the Town Code the Planning Department can issue a "Stop Work" order. After further reading, there is no penalty or fine. The Codes were not written to "catch" people but for safety issues. He gave an example of a house he found that was up off the foundation. He called the Monroe County Building Inspectors in and found the work was done well. The Monroe County Building Department can stop the construction and inspect any work that is up if a permit was not issued. This may hinder people from working with a permit. Some areas will double a permit price if the work was started before obtaining a permit. Frank Nierzwicki is not asking for action on this but would like to discuss it. He meets with other planners from Monroe County and the City of Bloomington monthly. They discussed this at the last meeting and decided this is something that needs to be looked at in all three jurisdictions. William asked what permit prices were and Frank Nierzwicki said a driveway permit is \$5.00 and a building permit is five cents a square foot with Monroe County's additional twelve or thirteen cents a square foot. There was a discussion about remodeling and building permits. It was clarified any remodeling having to do with structure will need a building permit for safety reasons.

### **New Business**

#### **Jiffy Treat Annexation**

**Frank Nierzwicki** presented the annexation fiscal plan for Jiffy Treat. This location is just east of Putter's Park and meets all requirements. The annexation area contains 3.11 acres and is 29% bordering the Town in the Northern boundary. It is a long established business that will not require any extra cost. It is already on city water and sewer. Frank Nierzwicki recommends this be annexed into Town as a C-3. Don Calvert asked if Monroe County has any concerns since this property is located in Monroe County. Frank Nierzwicki said anyone living in Bloomington or Ellettsville is also residents of Monroe County. The issue isn't Monroe County losing out it would just be the control with planning. Monroe County Planning Department anticipates this happening.

**Walter Reszka**, co-owner of Jiffy Treat for 32 years, been reading the paper on the different businesses annexed in and it made him think: he makes his money in Ellettsville and he and his brother's children attended school in Ellettsville but his taxes are paid elsewhere. He pays for Ellettsville water and sewer. He wants to contribute his share and the extra tax liability is very nominal for the services he has always received. He announced when the Town had the moratorium he purchased two sewer permits. He still has the receipts. The lines are still there, capped off and not in

use. One line was for a trailer behind Jiffy Treat and the other for a bungalow between Jiffy Treat and Swiftly. He does not want to lose either one since he spent a lot of money on them. Frank Nierzwicki said the only charge there would be was if the lines were being used. Mr. Reszka and his brother do not have any immediate plans to do anything with Jiffy Treat. They do not want to hinder the land and feel annexing would be a little added future for the store. Don Calvert asked how much land Mr. Reszka wants annexed. Mr. Reszka said he has two deeds with 3.11 acres. The store is on two acres and the other acre is between Jiffy Treat and Swiftly. He has a driveway permit for that piece of land, but does not want an additional drive in fear it would increase congestion. He also had the land surveyed with topography. Ed Bitner asked about the assessed valuation decreasing the overall property tax rates for the rest of the Town. Sandra explained every piece of property added to the Town increases the assessed valuation of the Town and the Department of Local Government Finance has a formula on the amount of increase we receive annually. For 2007 it is 4%. It does not matter what the assessed valuation is; we take the levy we received this year and we will get 4% additional dollars. If our assessed valuation continues to grow then the rate each person pays will go down.

Dennis Williamson moved to approve the Voluntary Annexation petition as C-3 for the Jiffy Treat property as located at 4727 SR 46. Terry Baker seconded. Roll call vote: Don Calvert – yes; Terry Baker – yes; William Evans – yes; Frank Buczolic – yes; Ed Bitner – yes; Dennis Williamson – yes; Sandra Hash – yes. Motion carried.

Dennis Williamson requested a Limestone flavored ice cream cone to celebrate.

### **Revision of Ellettsville Planning Fees**

**Frank Nierzwicki** presented revision of planning fees at the last Plan Commission meeting. He had Mike Spencer write an ordinance with the following changes:

Town Code 152.317 to read:

- (A) No Change
- (B) Development plan approvals: \$150 plus \$10 per lot
- (C) Preliminary plat: \$175 plus \$25 per lot
- (D) Final Plat: \$125 plus \$10 per lot
- (E) – (G) No Changes

Town Code 152.295 to read:

- (H) Fees for petitions: \$300

Town Code 152.296 to read:

- (I) Fees for petitions: \$150

Town Code 152.335 to read:

- (A) Petitions for all special exceptions: \$150
- (B) All variances: \$300
- (C) All other appeals and other special cases: \$100

While researching the Code, Frank Nierzwicki noticed section 152.335 (C) which was not discussed at the last meeting. It states (C) All other appeals and other special cases \$50 and he would like to change it \$100 to match other increases.

There was further review of the ordinance and typo corrections pointed out. Ed Bitner will not be voting on this because he was not at the last meeting and he did not agree with some costs and charges. Frank Nierzwicki explained the Code was changed in 2003 and some of the fees were reduced. These fees are lower than Monroe County. Dennis Williamson reviewed the changes and recommended making the fees lower than Monroe County to encourage developers to build in Ellettsville.

William Evans made a motion to accept the ordinance to amend section 152.295 (G), 152.296 (I), 152.317 and 152.335 of the Ellettsville Town Code concerning fees. Terry Baker seconded. Roll call vote: Don Calvert – yes; Terry Baker – yes; William Evans – yes; Frank Buczolic – yes; Ed Bitner – no; Dennis Williamson – yes; Sandra Hash – yes. Motion carried.

## **Redevelopment Commission Update**

**Frank Nierzwicki** stated at the last meeting there was discussions to have the Plan Commission appoint someone to the Redevelopment Advisory Board. He would like to have the Redevelopment Advisory Board put together this month. The Redevelopment Commission met last month and looked at designating areas for redevelopment: Cedar Bluff, Speedway gas station on Lakeview and SR46 and the site of the old Robinson block company on Vine Street. It was discussed to include all the areas between the one way pairs and jumping to the north to include the Wever annexation if that is approved. It was also suggested one parcel on either side of Temperance, Main or Sale Street. The next meeting will be August 24 at 7:00 p.m. at the Fire Station.

Frank Buczolic asked Frank Nierzwicki to explain what he is looking for in an Advisory Board member. Frank Nierzwicki explained the Indiana Code states the Redevelopment Commission appointees need to be a Town resident. There are a number of business owners who do not live in Ellettsville and are not eligible for the Commission. After speaking with the Town Council President, Patrick Stoffers, a Resolution was passed to have an Advisory Board. The Advisory Board gives input and feedback to the Commission. The Advisory Board appointees do not need to live in Town but have a connection to the Town whether it is a business or children in school. There will be a representative from the Chamber of Commerce on the Advisory Board. Dennis Williamson asked if there will be an advantage, impact or connection with the Historical District that might be coming through. Frank Nierzwicki spoke with the County Planning Department and it does not appear to be a problem. Historic vacant land is still historic vacant land. There was discussion about the different historical buildings in Town.

Frank Buczolic asked if there was anyone who would be interested in serving as the Plan Commission representative to the Advisory Board. Sandra questioned since Frank Buczolic serves on the Redevelopment Commission why would another appointment from the Plan Commission be needed? Frank Buczolic clarified the Plan Commission would appoint someone other than one of the current members. William Evans nominated Cheryl Fisher. She is the owner of the unfinished furniture store and she is willing.

William Evans made a motion to nominate Cheryl Fisher to this position. Don Calvert seconded. Frank Nierzwicki added this is nonpaying. The School Board appointee is Larry Thrasher. This is a separate organization from the Redevelopment Commission but there could be joint meetings with them. The meetings are published 48 hours in advance. Frank Nierzwicki stated the Advisory Board will choose their own leadership but he is “the staff” for both the Redevelopment Commission and the Advisory Board.

Roll call vote: Don Calvert – yes; Terry Baker – yes; William Evans – yes; Frank Buczolic – yes; Ed Bitner – yes; Dennis Williamson – yes; Sandra Hash – yes. Motion carried

## **Privilege of the Floor – non Agenda Items**

**Don Calvert** made the suggestion to adjust the meeting format when there are people in the audience waiting to talk. There was a gentleman who waited an hour to talk. Frank Nierzwicki said to Frank Buczolic, with the concurrence of the Board, alter the agenda.

**Frank Nierzwicki** announced on August 8<sup>th</sup> there will be a Rural Community Plan Meeting at the Monroe County Library from 6 p.m. – 8 p.m. The area they will speak about is outside the Town of Ellettsville. They will discuss how this area should be planned and developed. He also received an application for a house on a corner with questions about setbacks and wants to face away from the main roads. Frank Nierzwicki has never received a request like this and asked the Board for direction on setbacks and driveways. There was discussion between the members about these questions.

Ed Bitner asked Frank to research and rewrite the Ellettsville Code concerning the way the Planning Commission is paid. He has noticed other Commissions and Developments are paid per meeting whether they attend them or not. Sandra Hash explained we must follow the Indiana Code. The Indiana Code states the Park Board is paid a flat fee payment with no attendance requirement. It is different for Plan Commissions; the Indiana Code dictates if you abstain from voting you shall not be paid for that meeting. She feels if you vote for at least one item on the agenda then you will be paid. This has never been an “audit” point and if everyone is in attendance and voting she will pay them. William Evans said sometimes there is a conflict of interest (example William with Smithville Telephone, his employer

or Don Calvert with Springs Valley, where he lives). Ed Bitner still asked Frank to research the payments of meetings.

### **Adjournment**

Ed Bitner made a motion for the meeting to be adjourned. Terry Baker seconded. Motion carried. Meeting adjourned 8:51 p.m.