

December 6, 2007

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, December 6, 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. Frank Nierzwicki, Director of Planning Services was also present. Sandra Hash, Secretary was absent.

Approval of the Minutes

Dan Swafford made a motion that we approve the minutes of November 1, 2007 meeting. Terry Baker seconded. Motion carried.

Frank Buczolich announced some items on the agenda would be rearranged for expediency starting with the Proposed Zoning Changes. Frank Nierzwicki stated he received a number of calls regarding issues with notices being mailed to the correct addresses. He requested this topic be tabled until the next meeting, January 10, 2008. Questions and comments will still be taken this evening.

Proposed Zoning Changes within Ellettsville Redevelopment Area

Dan Boland, resident on Association Street and owner of the property located at 430 W. Vine Street. The building is a large automobile garage; it is part of the history of downtown Ellettsville and has always been an automobile garage. He has been negotiating the sale of this property for some time. On November 28th he entered into an agreement that would sell the property. The real value of this property lies with the C-3 designation. The bricks and mortar of the real estate are not worth the money; as C-3 footage it is more valuable. This would cause a considerable financial burden if the sale is not “grandfathered” or if it were agreed it was predicated before Mr. Boland was aware of this meeting or this issue. He looks forward to gaining more information and working with Frank Nierzwicki and the board in anyway to move forward.

Frank Buczolich clarified discussion can only be on the properties and the issues at hand. There will be no action taken on this issue. It is postponed until the January 10th meeting.

Bob Sowder requested an explanation of the zones. Frank Nierzwicki explained the most restrictive zoning is Residential. Commercial is the next level and then up to Industrial. The higher up the zoning goes, the less control and more uses. The reason for residential is to not mix business with where people live. C-2 classification is “Tourism” which allows businesses and professional offices together. The Redevelopment Commission has been discussing this for a year now. Using the overhead projector, Frank Nierzwicki pointed out the different zoning and color codes in the proposed Redevelopment area. The Redevelopment Commission is trying to have a downtown “district”. Different uses may not be compatible with what they would like to see downtown. They are trying to get the downtown area consistent. There is an I-2 zone that would like to “grandfather”. The Redevelopment Commission is aware of the concerns people have with their current business. They are not trying to make any one change their present use but will work with people in transition. Frank Nierzwicki stated: R-1 is a single family residential, R-2 is dual and R-3 is multi-family. Commercial zones are: C-1 is neighborhood shopping district, C-2 is a tourism district and C-3 is general commercial district. He also outlined the Agriculture and Industrial zones. Dianna will get a copy of the zones to Mr. Sowder.

Lynn Johnson has a small rental property at 406 W. Vine Street and asked if there is any interest in purchasing the property in the future that we should know about. Frank Nierzwicki does not have any developer interested in all this property. It is hard to develop this with all the different types of zoning. The Historic Society is concerned about losing historic homes in the area.

Dianna Bastin made a motion that we postpone until 1/10/08 the zoning changes within the Ellettsville Redevelopment Area. Terry Baker seconded. Roll call vote: Frank Buczolic - yes; Ed Bitner - yes; Terry Baker - yes; Dianna Bastin - yes; Don Calvert - yes and Dan Swafford. Motion carried 6-0

Old Business

Plan Commission Meeting Format Change

Frank Nierzwicki presented the third version of this document. The reason for the document is to have a more streamlined and productive meeting between the public and Commission. Frank Nierzwicki attached comments received on-line by Ed and Sandra. Most of the changes requested were made except the one Ed Bitner made regarding the running of the election at the beginning of the year. Frank Nierzwicki reviewed some of the changes that were made. The word "Council" is replaced by "Commission". The person seconding the motion will be added to the minutes. Ed Bitner still has concerns over "who" should run the election of officers at the first meeting of the year. The ladder of succession should not be turned over and all present offices should take precedence. Ed referred to Section 6 Quorum; the word *elected* was changed to *appointed*. He would like to see the succession of officers follow protocol but if for some reason all three appointed positions are gone, it would be Frank Nierzwicki to conduct the election of officers. Dianna Bastin commented it seems more formal that the Director of Planning Services presides over the election of officers.

Dianna Bastin made the first motion that we leave the legislative procedures, election of officers, as written on the first document the Director of Planning Services shall preside over the election. Terry Baker seconded. Roll call vote: Frank Buczolic - yes; Ed Bitner - no; Terry Baker - yes; Dianna Bastin - yes; Don Calvert - yes; Dan Swafford - yes. Motion carried 5-1.

Dianna Bastin made a motion that we adopt the Planning Commission Legislative Procedures as written, first document. Terry Baker seconded. Roll call vote: Frank Buczolic - yes; Ed Bitner - no; Terry Baker - yes; Dianna Bastin - yes; Don Calvert - yes; Dan Swafford - yes. Motion carried 5-1.

Trinity Lutheran Church relocation request at 501 Temperance Street

Frank Nierzwicki explained the Trinity Lutheran Church would like to relocate to 501 Temperance Street. Frank has been in contact with Rick Coppock and with the church. The concerns brought up with the last request have been approved; preliminary grading permit and entrance plan. The Planning Department recommends this for approval. The church has an acceptable grading permit.

Dianna Bastin moved that we approve the Trinity Lutheran Church relocation request at 501 Temperance Street. Dan Swafford seconded. Roll call vote: Frank Buczolic - yes; Ed Bitner - yes; Terry Baker - yes; Dianna Bastin - yes; Don Calvert - yes; Dan Swafford - yes. Motion carried 6-0.

New Business

Request for Voluntary annexation of approximately 40 acres at 4011 W. Lost Mans Lane

Frank Nierzwicki presented a request for approximately 40 acres to be annexed into the town. This is the second part of the annexation with the first part annexed in the fall. The property is located adjacent to the Arbors at Woodgate and north of Highland Park Estates bordering the south of Lost Mans Lane. The land, once zoned, would be zoned R-1 single family and AG-1. There is public water and sewer available on-site. Any reconstruction or additional building will require inspection by the Town Engineer and the Director of Planning Services. A grading permit will be required when and if the site is developed. There is no financial cost to the town to annex this parcel. The total assessed valuation of this parcel is approximately \$109, 400. The Planning Staff recommends approval. Rick Coppock with Bynum Fanyo stated there are no plans to do anything with this property. The reason for the Agriculture zoning is because the owner has a dog business where they raise and train dogs. Dianna Bastin stated the dog kennel has been there for years.

Don Calvert asked who protects and serves the area now. Rick answered the County Sheriff. Don Calvert clarified the

County will take care of the property for a year before the Town takes over. Rick stated the maps will be updated and the Police Department will be notified; State law requires services provided within one year. Frank Nierzwicki does not see this as an issue to provide services because it is an open field. Dianna stated the property lies within a “fringe area” off of Union Valley.

David Hinesen, resident of Woodgate which is a Bloomington address, asked why this area east of him is in Ellettsville and not Bloomington. Ellettsville will be on the east and west of Woodgate. Frank Nierzwicki stated “yes it is kind of complicated”. He went on to explain the Fire Department is in Ellettsville but has a Bloomington address. Frank Nierzwicki further explained the annexation using Power Point. Annexation will not change the postal address and as the area is developed, it will remain a Bloomington address. He explained the history “when the railroad tracks were here, anything north and east would have a Bloomington address and anything west and south would have an Ellettsville address. There are no plans for development at this time. The owner of the property is requesting 100% voluntary annexation.

Frank Nierzwicki introduced the new Monroe County Planning Director, Gregg Zody. As a planner, Greg meets with Frank Nierzwicki and the City of Bloomington once a month for coordination. He pointed out on the map immediately to east is Binford Woods with 5 acre lots. This is where the county begins. To the east is Murfield Development and north side is Eagles Nest with one acre lots. Everyone has a shared interest in maintaining a good, safe public infrastructure for our communities.

Darlyne Sowder, Ellettsville resident, inquired about the boundary with the proposed annexation. Frank Nierzwicki showed the contiguous boundary using Power Point.

Ed Bitner asked for an explanation on Section 7 Recommendations and Summary “*the Town will provide the services of a capital improvement nature related to the annexation as described in the plan within three years of the effective date of annexation*”. Rick Coppock explained the paragraph is written to comply with the state law. An annexed area has three years to comply with the town laws for example if the newly annexed area has 16 foot roads and they are now in a town that requires 24 foot, they have three years to comply. This paragraph would not come into play when vacant land is annexed.

Dianna Bastin made a motion that we accept the request for voluntary annexation of approximately 40 acres at 4011 West Lost Mans Lane. Ed Bitner seconded. Roll call vote: Frank Buczolic – yes; Ed Bitner – yes; Terry Baker – yes; Dianna Bastin – yes; Don Calvert – yes; Dan Swafford – yes. Motion carried 6-0.

Request for new communication tower on West State Road 46 (Chapel Hill Wilderness LLC) petitioner – Smithville Telephone

Frank Nierzwicki presented a request from Smithville Telephone Company to erect a wireless communication facility on the property located north of State Road 46. Micah Austin, Planning Department intern explained where the property is located using Google Earth. Frank Nierzwicki took over and pointed out where the facility would be located. The requirement for having a tower is separation from adjacent property owners. There are a number of applications required. Frank Nierzwicki met with Smithville this week and found out the application is not complete at this time but they would like to discuss their plans at a later date with a January approval.

Don Calvert asked what the tower height and other measurements are. Frank Nierzwicki explained lighting is required for towers over 199 feet. This tower would be a 195 feet high wireless facility with a small building associated with it. The access road would be from State Road 46 along the fence line. The closest property meets the prescribed distance requirements. Smithville is following all proper procedures and code with this.

Ed Bitner made a motion we will postpone this particular item for Smithville telephone Company Wireless Communication facility until the January 10th meeting. Terry Baker seconded. Roll call vote: Frank Buczolic – yes; Ed Bitner – yes; Terry Baker – yes; Dianna Bastin – yes; Don Calvert – yes; Dan Swafford – yes. Motion carried 6-0.

Request to replat four lots in Litten Estates

Frank Nierzwicki stated the petitioner Brian Hearne would like to replat four lots and eliminate one in Litten Estates and make the remaining lots larger. Brian Hearne with Hearne Development explained the purpose of the replat is to dissolve Lot #11 (quarter acre lot) and put it into Lot #10, #12 and #13 making them larger and more attractive lots. Ed

Bitner clarified all three lots would be increased.

Ed Bitner made a motion we replat Litten Estates concerning Lots #10, #11, #12 and #13 removing Lot #11 as platted. Dianna Bastin seconded. Roll call vote: Frank Buczolich – yes; Ed Bitner – yes; Terry Baker – yes; Dianna Bastin – yes; Don Calvert – yes; Dan Swafford – yes. Motion carried 6-0.

Tentative Schedule of Plan Commission Meeting in 2008

Frank Nierzwicki presented the tentative schedule for 2008. The first meeting will be January 10th because there was an issue with the holidays and vacations. There will be twelve meetings this year with the July meeting being held the second week.

Terry Baker made a motion to approve the meeting schedule. Ed Bitner seconded. Roll call vote: Frank Buczolich – yes; Ed Bitner – yes; Terry Baker – yes; Dianna Bastin – yes; Don Calvert – yes; Dan Swafford – yes. Motion carried 6-0.

Planning Staff Comments

Black Signs: The owner of the Black Signs gave a presentation and the Planning Department reviewed it. Frank Nierzwicki and Connie will be writing violations letters for all illegal and mobile signs. The Letters will be sent before Christmas. Frank is willing to meet with the public in January to discuss signs. Dianna Bastin commented the Town cannot be responsible for damage to the signs from snow plows since they sit so close to the road.

Goat Issue: December 14, 2007 at 7 p.m. the BZA will be hearing the case.

New Office: The Planning Department has been looking for new office space. They are inching closer to being located in the Street Department.

Community Development Planner Position: Frank has been working on a number of grants. They were awarded \$250,000 with the Richland Bean Blossom School Corporation on a sidewalk grant. He is currently working on a \$50,000 grant. With the success of the grants, a position will need to be grant funded. This position will work on grants for the Planning Department and other Town Departments. This position would act as a liaison between Planning and the School Corporation with an educational process program. Ed Bitner asked if the grants “quit” will the position removed? Frank Nierzwicki stated “if the funding runs out the position would probably disappear”.

Privilege of the Floor – non Agenda Items

Ed Bitner stated he has been on the Plan Commission for the last four years. His seat comes up for reappointment in January and he will not be seeking the position. Ed Bitner will resign as of December 31, 2007 from the Plan Commission. He is willing to fill the seat until someone is appointed but is not going for the appointed seat.

Dianna Bastin has been speaking with Fred Baugh concerning the “Capitol Avenue ordeal”. The Sims gave the residents an agreement (with glitches and the language was not exact). The agreement came after Dianna, Mr. Baugh, Mr. Coppock, Frank Nierzwicki and Bernie Guerrettaz were speaking outside one day. The agreement was sent to Fred Baugh and sent to Frank Nierzwicki with the changes. Dianna spoke to Frank and he will get the agreement back to the Sims. It looks as though this will be taken care of. Dianna apologized for taking so long and thanked Frank Nierzwicki for being “the runner”.

Adjournment

Frank Buczolich entertained a motion to adjourn. Ed Bitner so moved. Dianna Bastin seconded. Meeting adjourned at 8:07 p.m. Next meeting will be January 10, 2008.