

June 7, 2007

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, June 7, 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, Dianna Bastin, Don Calvert and Dan Swafford. Sandra Hash, Secretary and Frank Nierzwicki, Director of Planning Services was also present. Terry Baker was absent.

Approval of the Minutes

Dan Swafford made a motion to approve the minutes for May 3, 2007. Ed Bitner seconded. Motion carried.

Old Business

Request for development plan approval of a golf driving range located on Love Lane

Frank Nierzwicki presented petitioners', Mike and Mary George, request to construct a driving range on their Love Lane property consisting of 30 acres. The land is within the Town and zoned C-3. The petitioners are requesting twelve driving pads and six hard surface parking spaces for the pro shop. Since the May meeting, when this was first brought to the Plan Commission and tabled, the location of the driving range will be aimed to the north east, parallel to the creek that separates the George property and the Autumn Ridge subdivision. The petitioner has agreed to put a four foot high wall at tee box #12, which is the tee box closest to the Autumn Ridge subdivision. This wall will assist in keeping golf balls within the driving lane area. The closet point from tee box #12 to the creek is approximately 325 feet. The petitioner provided a diagram of the proposed location of the driving range. The Planning Department approves this with stipulations.

Mary George set hours of operations from 8 a.m. until 9:30 p.m. As the daylight hours shorten the hours will be adjusted. The driving range will be open all year, there will not be a PA system and they will not serve alcohol on the premises.

Dan Swafford asked about the bridge and what will be done with it? Frank Nierzwicki stated parking will be north of the bridge culvert. The Town Engineer will need to approve the widening of the road for two lane traffic.

Bill Schneider, resident of Autumn Ridge closet to the tee box, met with Mr. George. Mr. Schneider's concerns are the misdirected balls. He originally thought he was 120 yards from the tee boxes but according to the range finder, his back porch is 525 feet from a misdirected ball. He also asked about noise, noise levels, loud speakers, music and lights. Frank Nierzwicki said any lighting would need approval by the Plan Commission and currently there is no lighting plan submitted. There will be no music or alcohol permitted. They will maintain this as a "family operation" and people will be asked to leave if they use vulgar language.

Dan Swafford asked how far the tee box will be from the four foot wall. Rick Branham, contractor on this project explained the wall will extend five feet past the end of the tee box and this will increase the angle of a misdirected ball. He also stated if someone hit a house it would be deliberate.

Bill Schneider has been hit in the head twice by golf balls and had a windshield busted so he is leery of them. Frank Nierzwicki clarified the golf range will have full insurance and all the trees standing along the creek, to the right of the range, will be staying.

There was a suggestion from the audience to add some bars and an eight foot net above the wall. Frank Nierzwicki said the petitioner would be willing to add this to the proposal.

Frank Nierzwicki clarified for the Commission the proposal will be the original proposal in addition to extension of netting from the wall to an area twelve feet above the ground and the length of the wall. The Planning Department will work with the adjacent neighborhood if there is a problem with the golf balls.

Dan Swafford made a motion (with input from Frank Nierzwicki) we approve the development plan for the golf range located on Love Lane per the stipulations, of drainage on the bridge, to have a two lane facility from the driving range to the highway and the fence that will be five feet in front of tee box #12 with four feet high wall with an eight foot fence on top of that making it a total of twelve feet. There are no lights; if lights are requested they would have to be approved by the Plan Commission and the operations are as stated by the petitioner. The hours are 8 a.m. to 9:30 p.m. Dianna Bastin seconded. Roll call vote: Frank Buczolich – yes; Ed Bitner – yes; Dianna Bastin – yes; Don Calvert – yes; Dan Swafford – yes; Sandra Hash – abstain. Motion carried.

New Business

Request for development plan approval at 711 West Temperance Street

Rick Coppock, Bynum Fanyo and Associates explained this property is the former 7-11 site owned by Realco. He presented a proposed parking lot, striping plan, landscaping and curbing along Vine Street. This plan readapts the current property to accommodate the needs of Smithville Telephone. There are 18 parking spaces that are 10 x 18'. They are requesting a site plan approval.

Don Calvert asked if there will be any exterior renovation to the building.

Ted Najam, Partner in Realco gave the history of this building and explained his company has entered into negotiations with Smithville Telephone to use this building as a “server farm”. Realco conducted a phase II investigation and a site characterization with an Environmental Engineer and they also have a corrective action plan. By the end of June they will be excavating a large part of this site, under IDEM supervision, to remove the underground storage tanks and over excavate any contaminated soil and put the site back into a clean condition. After all this work is completed they will rebuild the parking lot and add the curbing indicated on the plot plan. His understanding is that Smithville will be making some changes on the front; solid brick façade and steel doors with no glass facing the parking lot.

Ed Richardson further explained no structural changes will be made other than the door. They will leave the glass in place, add an insulation barrier and brick the exterior of the windows. He outlined further changes to be made inside of the building. This facility will be used for communication equipment, broadband servers and some on site storage. There will be no walk in traffic other than personnel; it is a restricted area. The gas canopy will be removed.

Don Calvert read there is no signage package. Ed Richardson stated they are not considering signage, it will not be needed. Don Calvert pointed out the petitioner has not submitted a plan for lighting. Frank Nierzwicki does not see a need for lighting. Ed Richardson said this building will be used 24/7 and the request for outside lighting would be made by Rick or Ted Najam. Rick Coppock said there is no need for lights other than in the parking lot. There is no requirement in the Town Code to light parking lots. Ed Richardson stated their current structure is lighted around the perimeter and on the backside. Their Safety Director would have adequate entry lighting after dark with full electronic security.

Don Calvert clarified the written request for this development needs to be in order before he votes. The signage and lighting is not complete on the written memorandum that was presented to the Commission this evening. There was discussion about the lighting and the memorandum. A request for an “Employee Only” sign on the door will be allowed.

Ted Najam made clear “Realco” is the name of the owner of this property. The memorandum and plat lists Sandelson Properties Inc.; this should be changed to Realco. Realco is happy to be partnering with Smithville Telephone. The use of this building will be great and the lighting will be greatly reduced since there will no longer be a canopy or gasoline island.

Don Calvert asked about the removal of the tanks. Ted Najam explained the steel tanks were installed in 1979 and there has been some leakage. The site has been completely evaluated and they have done all their reports. A corrective

action plan has been approved by IDEM and will go forward by the end of the month. The lot will be “over excavated”; excavating down to bedrock, the area will be fenced and insured. The bad soil will be removed and samples sent for analysis. Ted went on to say all necessary State of Indiana permits to excavate, haul dirt, remove the canopy and tanks have been obtained, but asked if any permits are needed for the Town of Ellettsville? Frank Nierzwicki said no.

Don Calvert stated the Town is having a Fall Festival and asked when this project will be finished. Ted Najam replied the excavation should start the end of June but the whole project should be complete before the Fall Festival starts.

Ed Bitner made a motion that this panel approve the development plan by Realco for Smithville Telephone with said amendments of no signage and no lighting at the 7-11 location at 214 W. Temperance. Don Calvert seconded. Roll call vote: Frank Buczolic – yes; Ed Bitner – yes; Don Calvert – yes; Dianna Bastin – yes; Dan Swafford – yes; Sandra Hash – yes. Motion carried.

Request for development plan approval at Richland Square, West State Road 46 IU Credit Union (Ellettsville Branch)

Frank Nierzwicki presented a development for a new IU Credit Union located at 3647 West State Road 46. The petitioner, Indiana University Credit Union, is requesting development plan approval for construction of a new 3,600 square foot building. This new building will house the IU Credit Union, Ellettsville Branch. Richland Square I was just approved for annexation by the Town Council last month. This property is zoned correctly for a bank and currently has Town water and sewer. The petitioner has provided a parking plan that meets all Town requirements for parking but has not submitted a plan for signage or lighting. Landscape plan has been submitted that would include trees and shrubs meeting all town requirements. The Planning Department approves this pending final annexation that will occur July 2007. This is being brought to the Plan Commission now because there is no meeting scheduled for July.

Don Calvert stated the plan does not include signage or lighting. He understands what is being “told” but wants this information on paper. The Development Plan Memorandum lists “*Signage and Lighting: The petitioner has not submitted a plan and a package must be submitted and approved before construction begins on this location*” and Don believes since it is listed on the Plan then it should be submitted at this time or taken off. Sandra clarified signage does not go before the Plan Commission, they seek a permit from Frank Nierzwicki who will approve it, if it meets Town Code.

Ed Bitner agrees with Don and would vote “no” based on the lack of a sign or lighting plan. There have been too many problems in the past with signage and lighting. Don is trying to bring some consistency to this process. Frank Nierzwicki explained the Plan Commission has handled it both ways and does not feel it would be fair to this petitioner to change it now. Signage can not go up without Frank’s approval and a stipulation can be made during the approval this evening. For future plans, Frank Nierzwicki will make sure signage and lighting plans are included in the Development Plans when presented to the Commission.

Frank Buczolic reiterated out future development plan packages need to be complete with signage and lighting before approval.

Russ Ryle, Reeves Road resident believes two issues have been confused. The first being a fine presentation by a business and the second is the inter workings of the Plan Commission approval process. He suggests the Plan Commission move forward with the caveat that approval would still be needed for signs and lighting. He asked Sandra if signs and lights should be approved by the Director of Planning Services or Plan Commission. Ed Bitner understands if the signage and lighting comes before the Commission; they vote on it as a group. If there is a waiver, the Commission makes their suggestions but the Director of Planning Services would enforce it. Rick Coppock said signage is a separate permit which has it own section in the Town Code. Don Calvert brought up the gas station approved in town that ended up having lights flood a neighborhood.

Rick Coppock pointed out lighting is not addressed very well in the Town Code. Sandra suggested we create light regulations and amend the code.

Russ Ryle informed the Commission to have an enforceable action it must be in the code and approved in the development plan. Enforcement is the weakest “link” in Ellettsville’s process today. Why have codes, laws and

regulations if you can't enforce them?

Art Hayes asked if there was a light code. Don Calvert said there are two things presently being addressed. Art Hayes stated the Planner does not have the authority to make decisions and answers to the Planning Board. If information is supposed to be on a document and it is not then it should not be passed. He pointed out no one was representing the IU Credit Union. Sandra stated Rick Coppock was representing and working for IU on this project. Art Hayes announced this is a conflict of interest and it needs to stop.

Rick Coppock stated he is representing IU Credit Union this evening and he also represents the Town. He does not receive any special accommodations or favors because he represents the Town in issues. He presents everything in accordance with ordinances. There are no requirements for lighting and no requirement for the Development Plan to include sign permits. What was presented is what the code requires. He has never asked for a variance on any project he has done for the Town. He does not ask for special favors because he does represent the Town. They follow the code and develop plans that way.

Frank Nierzwicki added Ellettsville is growing and a lot is happening. We are adding to the code and trying to keep up with what is going on around us. Frank Nierzwicki had the signage and lighting sections in the packet more for his organization to track what he has or has not received. This has not been a problem in the past. The Plan Commission can decide what petitioners are required to have when submitting plan packages.

Sandra Hash again suggested a review of the lighting restrictions and regulations be added in the code as needed. Frank Nierzwicki added the enforcement of the code would not be a problem.

Dianna Bastin stated the lighting and signage section should not have been on the memorandum; it makes the plan look incomplete. The meeting took a side track to lighting and signage issues. The topic on the floor is IU Credit Union wanting to build in the Town. Is it possible to approve the plan "pending approval on signage and lighting"? This is a reputable business.

Rick Coppock explained this will be in a commercial center. Sandra asked Rick if he could explain the IU Credit Union plan. Rick outlined the development plan and stated it will look almost like the Member's Choice Credit Union located in the same area. The building is 3,600 square feet and will have 27 surface parking spaces.

Russ Ryle questioned the code not requiring a lighting or signage component to a plan submitted. Sandra said signage has never been tied to the development itself. There was more discussion on what should be needed for development plans in the future. Rick Coppock will bring a lighting plan to the Commission as soon as it is available.

Dianna Bastin made a motion that we approve the request for the development plan at Richland Square, West State Road 46 for the IU Credit Union barring signage or lighting approval that will come later. Ed Bitner seconded. Roll call vote: Frank Buczolic – yes; Ed Bitner – yes; Don Calvert – yes; Dianna Bastin – yes; Dan Swafford – yes; Sandra Hash – yes. Motion carried.

Sandra Hash stated Bynum Fanyo developed a lot of additions in Ellettsville and all those roads are wide. They have stubbed accesses for additional growth. Bynum Fanyo did not develop the last two additions that have gone in and they have narrow roads. They were not the engineers on the Capitol Avenue apartment complex project.

Ellettsville Comprehensive Plan/Throughfare Update

Frank Nierzwicki has met several times with the Thoroughfare Plan work committee. They looked at cross sections and potential new roads. He is requesting comments and approval on the Thoroughfare Plan update. Frank Nierzwicki presented and explained several color coded maps showing different roadway systems with proposed new locations:

- Route connection from Lostmans Lane going west from Union Valley to Lakeview through Paddington Park to State Road 46
- Sycamore Drive extension for school traffic
- New road from State Road 46 to Autumn Ridge
- Hartstraight Road extended by Peoples State Bank to cross over State Road 46 going through Flavia Burrell's development (she is aware of this)

- Connecting Hearne's development; Raymond Run west to Sycamore Drive Extension. Birch Street west to Sycamore Extension
- Sycamore Drive extension on the north side of State Road 46 through the 245 acres that was just annexed up to Chafin Chapel; Chafin Chapel west to State Road 46

There will be few stop lights on State Road 46; INDOT prefers traffic to move through Town. Connectivity gives people more options to drive out and helps with congestion. A Comprehensive Plan/Thoroughfare Plan, in place, gives future developments guidelines with minor collectors and cross sections.

Sandra pointed out the widths and plans of all the streets were listed in the Thoroughfare Plan. When the Comprehensive Plan is adopted, all developers will have to comply with it.

Frank Nierzwicki explained "typical cross sections" have conditions. These are for new street construction carried out by developers. Existing streets and roads may not have the right of way required to meet the cross section requirements. Each existing street and road has its own set of obstacles and restraints concerning expansion. The Town will consider these restraints when street expansions are considered.

The first reading of the Comprehensive Plan will be at the Town Council June 11 meeting and second reading June 25. The town will get reimbursement from the Bloomington MPO on the Thoroughfare Plan and it needs to be complete by the end of June.

Sandra announced this is a big step in the right direction.

Ed Bitner asked if any houses will be lost on with the Sycamore Drive extension. There is a house at the very end of Sycamore Drive. Frank Nierzwicki pointed out on the map and explained the road will be moved left at an angle and not through any homes. Another reason Sycamore Drive is on the Thoroughfare Plan proposal is because many different municipal offices and the School Corporation have put together a proposal for special funding for this roadway. They are asking for a fair amount of money. Sandra suggested to Frank Nierzwicki to check on "Major Moves Money". Ed Bitner asked if any homes will be lost. Frank Nierzwicki explained one house on the end of Lostmans Lane in conflict with this plan. He gave examples of the different things that could be done.

Russ Ryle applauded Frank and everyone who had input with this project. He requested changing the Sycamore Road and Loudon Roads to "major collectors" and also Hartstraight. Hartstraight has a slight width difference but it will make a major improvement with the traffic volume. There was a discussion about Russ Ryle's suggestions.

Art Hayes stated "this is an example of bad planning". Paddington Park and Kelli Heights are residential areas with no sidewalks; cars are parked on the street and have high traffic in the middle of town. He does not think it would be a good idea to put more traffic through a major subdivision. The street should run another way or sidewalks will need to be put in. Art Hayes would like another meeting with community input before a vote is taken. He went on to talk about past meetings and conversations he had with a past Plan Commissioner Member and road connectivity discussed at that time.

Frank Nierzwicki apologized for the Town not having a strong Thoroughfare Plan carried out and enforced for the last twenty years. Opportunities have been lost to serve the community. We need to work with what we have. The Thoroughfare Plan will serve the town in the future with road connections. Sandra added the proposed road going through Paddington Park will be years in the future. Sidewalks will not be added to existing neighborhoods unless the Town receives a grant to put in sidewalks, it is impractical to impede the growth of a connector street because we are not capable of putting sidewalks into existing neighborhoods. Frank Nierzwicki added with the Thoroughfare Plan all new streets will have sidewalks.

Art Hayes suggested the fences, extended to the streets, be removed. Frank Nierzwicki explained items in the existing cross sections will not be ripped out for street expansions. Don Calvert added there was a gentleman at the last meeting who does not want sidewalks. There are people who do and there are people who don't. Art Hayes said, by law, there has to be an area next to the property line for walking not necessarily a sidewalk or concrete area.

Frank Nierzwicki explained the Plan Commission will decide if they want to endorse the Comprehensive Plan or not.

There will be two public readings; the first June 11 with the final agreement on June 25 before it is finalized.

There were discussions concerning the major and minor collectors. Russ Ryle questioned the turn lanes and how there were no provisions shown on the map with the major and minor collector street sections. Rick Coppock said turn lanes are based on traffic flow. There was continued discussion on turn lanes and street widths.

Frank Nierzwicki summarized all the classification changes to be upgraded from minor to major collector streets:

- Louden Road Sycamore Drive from Ratliff Road to Chafin Chapel Road
- West Chafin Chapel Road to State Road 46
- Hartstraight extension north from State Road 46 to Paddington Park going east to Union Valley Road

Art Hayes stated in the current Town Code there has to be a 6 foot grass strip and a 5 foot sidewalk; all sidewalks will adjoin the property line. Rick Coppock said too much time is being spent on the details. The reason for the schematics is to require new developers to accommodate this plan. The ordinances will need to be looked at later.

Frank Buczolich entertained a motion to approve the Thoroughfare Plan as presented and amended with Frank Nierzwicki's stipulations (above). Don Calvert so moved. Ed Bitner seconded. Roll call vote: Frank Buczolich – yes; Ed Bitner – yes; Don Calvert – yes; Dianna Bastin – yes; Dan Swafford – yes; Sandra Hash – yes. Motion carried.

Redevelopment Update/ Special Plan Commission Meeting

Frank Nierzwicki pointed out on a map an area the Redevelopment Commission has designated for redevelopment. The Plan Commission needs to review the area and see if this will be consistent with the Comprehensive Plan and with the future development of the area. Any rezoning will need to be done at this time with a public hearing. Notices will need to be sent to each parcel owner affected by the rezone. This will take time. The first opportunity for a hearing would be June 21, 2007 and then again August 2nd. Frank Nierzwicki asked the Commission if they want to rezone this area. He suggested a zoning of C-2 between the one way pairs and adjacent areas. There are some industrial zones within the one way pairs not consistent to what the land use should be in the future. Clarification on the area was pointed out on the map and a discussion took place. Sandra said she has learned residents are excluded from and do not contribute to the development area as long as they remain a residence.

Privilege of the Floor – non Agenda Items

Sandra Hash has received quotes for flowers in the Gateways. It is expensive and is not in the budget. She asked if anyone knows a flower or service club. The watering and weeding alone was quoted at \$60 a week. Frank Buczolich suggested contacting the 4-H Extension office about their “Master Gardener” program.

Frank Nierzwicki complimented the flags on the Town Hall building.

Art Hayes thanked Stuart York for his coverage in The Journal. He requested the Plan Commission make a suggestion to the Town Council to have the Plan Commission and Redevelopment Commission meetings televised. Ed Bitner agreed. Sandra replied money was an issue.

Adjournment

Ed Bitner made a motion for the meeting to be adjourned. Dianna Bastin seconded. Motion carried. Meeting adjourned 9:30 p.m.