

**May 3, 2007**

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 3, 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; Terry Baker, Don Calvert and Dan Swafford. Frank Nierzwicki, Director of Planning Services was also present. Dianna Bastin, Ed Bitner and Sandra Hash were absent.

## **Approval of the Minutes**

Terry Baker made a motion to approve the minutes of the April 12, 2007 meeting. Dan Swafford seconded. Motion carried.

## **Old Business**

### **Parking Report**

**Frank Nierzwicki**, Director of Planning Services was asked by the Plan Commission to put together an ordinance on parking. The ordinance is not finished at this time due to some other items that have come up with Planning and Redevelopment. He will have the ordinance by the next meeting.

## **New Business**

### **Request for Voluntary Annexation of approximately 3 acres at 4125 West State Road 46 (Smith Pike and State Road 46)**

**Mike Carmin**, representing Don Cowden the petitioner and landowner, explained where the property is located; corner of Smith Pike and State Road 46 along the frontage by Arby's and Member's Choice Credit Union. The vacant land immediately north and west of that extending back a little, the undeveloped portion of the commercial center not the existing buildings. They do have a committed buyer for a portion of the frontage, another banking institution, waiting for action to close. There are no other current plans for the remaining 1.18 acres. All utilities are available.

**Frank Nierzwicki** read the Staff Report recommending approval of the Voluntary Annexation with a C-3 designation. The land use is consistent with the Comprehensive Plan and the Corridor Plan along this area. The land on the north side of State Road 46, adjacent to this property, was annexed last year. There will be no cost to the Town. The approximate assessed valuation of this parcel is \$300,000. The staff recommends annexation.

**Edith Tate**, adjacent property owner asked what the voluntary annexation will do for Cowden Enterprises and at what expense to the adjacent property owners. Frank Nierzwicki explained Mr. Cowden approached the Plan Commission requesting voluntary annexation. He is eligible because the property is adjacent to the Town. Regarding Ms. Tate's question, that would be something Mr. Cowden would have to answer himself. The Town is looking for growth areas and there is capacity in the sewer system. The assessed valuation is \$300,000 undeveloped and will go much higher with development. Ms. Tate asked Mike Carmin to answer her question "how will we benefit or not benefit from this"? Mike Carmin reiterated the area being submitted for annexation does not include the existing buildings; it is the vacant ground. He went on to talk about the tax rates, annexing into the Town versus staying in Monroe County, Monroe County ordinances regarding commercial zonings and how this will not impact the neighbors. Ms. Tate spoke about Mr. Cowden's past developments and how landscaping was not done properly. Frank Nierzwicki clarified when a development plan is submitted it requires a grading permit. He stated when there are two different zoning areas, there is a double set back area and buffering is required. The Plan Department works with the neighbors and adjacent property owners on Code Enforcement issues and will continue the work as this project moves ahead.

Dan Swafford made a motion we voluntary annex in approximately 3 acres (Frank Nierzwicki made the correction there

are approximately 4.98 acres) at 4125 West State Road 46. Frank Buczulich added this will be zoned C-3. Terry Baker seconded. Roll call vote: Don Calvert – yes; Terry Baker – yes; Frank Buczulich – yes; Dan Swafford – yes. Motion carried.

**Request for a Golf Driving Range located on Love Lane**

**Michael George** would like to put a golf driving range onto his property that is zoned C-3.

Frank Nierzwicki explained this property is approximately 30 acres and within the Town limits with a C-3 commercial zoning. The property is properly zoned to have a golf driving range and has enough open space for this use. There is no issue with the water and sewer. The petitioner is also requesting a small concession stand/pro shop at this location. The petitioner would be required to have 15 hard surfaced parking spaces for the 15 driving pads and 15 hard surfaced parking spaces for the pro shop. Frank Nierzwicki pointed out the area on an aerial photo. This property is located north of Autumn Ridge Subdivision and south of Union Valley Farms Subdivision. Love Lane is paved up to the George’s property. The Planning Department is recommending hard surface areas around the commercial use. There will need to be a signage plan before this is approved and the petitioner will do this before construction can begin. Lighting is in question for the neighbors. The petitioner is not requesting lighting for night time use at this time. The Plan Department does request the petitioner have set hours of operation. The Plan Commission would have to grant permission for any operations at night. The Planning Department recommends approval with stipulations.

Don Calvert questioned the Comprehensive Thoroughfare Plan has a proposed minor collector that will run from Lost Man Lane to Lakeview Drive; it looks as though it runs through the George’s property. Frank Nierzwicki stated the exact location of the street proposed in the Thoroughfare Plan would be developed at a later date. He will work with Mr. George in the future on this plan. A driving range is a low intensity use on the area with very few permanent structures. Mr. George has looked at the map, with the future Thoroughfare Plans, and the road in question seems to be quite a ways north of the driving range.

Dan Swafford asked if the road will be black topped or graveled. Frank Nierzwicki said the Town street system is paved. Dan Swafford asked if the map shows how the driving range will be laid out. Mr. George confirmed there was nothing to the left side or front of the driving range. The only thing on the right is the creek, an embankment and the condos are not in the way. Mr. George stated he had 1,300 yards marked off and there is still plenty of room.

John Hayes asked why lights were decided against. Mr. George wants to see how the business goes and stated we are in daylight savings time. Mr. Hayes questioned how the driving range was going to be laid out. Mr. George explained how it will be laid out; the grass will be taken off for the parking lot and building. Frank Nierzwicki added that when the ground is disturbed, there will need to be a grading permit. There are some retention ponds in the Autumn Ridge Subdivision that will be involved in this project. He wants to make sure construction stays out of that area. Mr. Hayes explained there is three feet of wash on the south end of the creek making it a quick sand area during the rains. Mr. George explained the grass will be mowed and the creek will not be bothered. The only area that will be bothered is where the building will be located. Frank Nierzwicki stated this type of use is as minimal as you can get on that property and still have use on it. An open field will stay an open field. Don Calvert clarified the creek bank Mr. Hayes talked about was not under the Town’s control. The Town looks into annexations to have the control over what goes into areas and have a voice on what happens.

There was more conversation and discussion on where the tee box will be and in what direction the balls will be hit.

Bill Schneider lives in the condo closest to the area in question. His biggest concerns are the parking lots, paved road and flood plain. When he purchased his property he was told by his realtor and contractor the discussed property is a flood plain. Since there is already erosion, what is going to happen when more concrete, cement and asphalt are put in? There is going to be more drainage and the gravity will pull it towards the creek. Mr. Schneider clarified the driving tee will be 250 feet from the creek. From the creek, the flood plain takes up 30 yards north (90 feet of the 250) which now gives them 160 feet from the flood plain and a “slice” would end up on his porch. This driving range will affect about 20 homes. He is concerned about lights, noise from a speaker and music. Dan Swafford clarified there are not going to be any lights at this time. Terry Baker explained the Town ordinance on lighting.

Rick Coppock drew a map on the board showing the area being discussed. There was more discussion and

conversation.

Dan Swafford suggested this being tabled until next month due to all the confusion. Frank Nierzwicki agreed. Frank Buczolic asked if this was the desire of the commission to be tabled until next month.

Bruce Frye, resident of Autumn Ridge asked what kind of sounds are going to come out of this area; loud speakers, music or sounds? Frank Nierzwicki explained the Town Noise Ordinance. Don Calvert walked the area in question and saw the erosion on the back side of the condos. The residents of Autumn Ridge need to consider what is going in there. It could be a junk yard. This will also be the buffer between them and a potential road.

Frank Nierzwicki went on to talk about the Thoroughfare Plan and laying out potential areas where new streets will be located. The Town Code has developers pay for the roads and streets.

Myron Lewis agreed with Don Calvert that a driving range would be more attractive than some other things. He asked about:

- Who controls the noise, lawn mowing, music or “four letter words”?
- What about alcohol?
- What is the zoning is on this property and what is allowed in that zone?
- How close will the building on the property be to the creek?
- The parking & parking lot gravel or black top
- The lights
- Is there going to be proper drainage

Mike George clarified his property does not have a hill like Autumn Ridge.

Connie Schneider recently moved from Minnesota and explained some information she received from a study about water runoff. She asked about the noise ordinance. Frank Nierzwicki went on to explain the noise ordinance. Mrs. Schneider asked about alcohol and trash debris? Mr. George stated alcohol will not be served. Frank Nierzwicki explained the trash ordinance.

Roger Havronek, resident Autumn Ridge stated the developer never told him the property was zoned commercial but did say it was in a flood plain. He was also told the hills would have an upscale subdivision. Commercial zoning in his backyard never crossed his mind.

Willis Ziece, resident Autumn Ridge questioned where the driving tees would be located. Dan Swafford answered they were not clear at this time where the tees will be placed.

Frank Nierzwicki announced all this information will be available at the next meeting June 7, 2007. He will make the information available, at the fire station, for the homeowners by Monday June 4<sup>th</sup>.

Don Calvert made a motion we table this until the next meeting. Dan Swafford seconded. Motion carried.

Mark Ryan asked when the zoning was applied for and when was it granted? Frank Nierzwicki answered 2001 and it is public record. Frank Nierzwicki went on to add you can not build in a flood plain.

Janet Hochstetler, resident Autumn Ridge requested feedback of the meeting Frank Nierzwicki had with the developer regarding the lights and holes in the ground. Frank Nierzwicki discussed with the developer:

- Stabilization of a hillside
- Stabilization of holes; seed and grass cover
- Safety issues were addressed
- Letter of credit has been renewed

Frank Buczolic reiterated the request for the driving range has been tabled until next month.

### **Ellettsville Comprehensive Plan/Thoroughfare Update**

Frank Nierzwicki went over a map, produced by the Town Engineer, of new streets in the Ellettsville area showing

typical cross-sections and locations. There will be a meeting with a work group before the Comprehensive Plan is taken to the Town Council. There is also a list with the descriptions of the street, classification and whether it is new or existing.

Russ Ryle, citizen member of the Thoroughfare Plan Committee handed out some information to the Plan Commission. He has been looking for a computer display of a map of the area, aerial display or GIS. There have been other meetings held in the conference room and the people were using the computer equipment and he wants to know why the Plan Commission is still drawing pictures on the board. He questioned Dan Swafford about getting this done. Dan Swafford apologized and explained there is a laptop available for Power Point presentations. Russ Ryle went on to explain the information he handed out. He has been doing some research and this is a summary:

- Growth in Ellettsville
- Amount of developable land
- Traffic volume from Spencer/Owen County to Bloomington
- County road system is a one square mile grid; provisions need to be made for upgrading those roads
- Financial long range plans

Russ Ryle requests a formal memo or resolution be passed for major improvements be planned now to make land available for future primary and secondary thoroughfares. He would like to see a four lane divided highway starting at Highway 37/46 interchange south of Bloomington. He would like a secondary thoroughfare north of Ellettsville. He stated, in thirty years Ellettsville will leave the growth phase and be into a phase of a mature community with a population of 12,000 to 16,000.

Frank Nierzwicki explained the Thoroughfare Plan is to map the future roads and streets. The issue they are having is trying to predict where the growth is going to be. Once there are streets and roads lined up, a Capital Improvement Program will look at and prioritize the improvements needing to be done. He went on to add he has been working with INDOT, concerning I-69, a potential interchange north of Highway 37/46/69. There needs to be another entrance into Ellettsville. When North Park is developed, there will be a lot of traffic and other options need to be available. There was discussion and conversation of meetings held regarding I-69.

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

**Myron Lewis** inquired about the sidewalks going in Autumn Ridge and feels this is a waste of resources both of concrete and the work. Where is the best economic investment? Is this where we want community dollars going? Frank Nierzwicki commented the sidewalks on State Road 46 are used quite often. The Town prefers to have two routes in and out of all subdivisions for traffic and safety. The developer pays for the road. Mr. Lewis said “safety is key” and we need to look for a better balance and sustainability in usage of resources and not requiring things that do not add significant value.

**Don Calvert** had a few items to go over:

- The driveway on Cannon Court. Frank Nierzwicki has not contacted the individual at this time but he did speak with the neighbor.
- The Parking Plan. Frank Nierzwicki answered this will be discussed during the June meeting.
- Letters sent to people in the Redevelopment area. Frank Nierzwicki stated there will be a workshop May 22<sup>nd</sup>.
- Thoroughfare Plan needs to be completed by June.

Don Calvert went on to comment about the Thoroughfare Plan reiterating there were two commercial businesses that were spoken against this evening. As a Commission they are trying to move on these items. He summarized other plans that were brought to the commission that the residents fought against. Don then remarked about trying to annex in Autumn Grove and they fought the Plan Commission but the Town Police and Fire Departments protect them, our ambulances help out but they do not pay taxes in our city. He is not criticizing anyone but wants everyone to realize what the Commission deals with as a group. He would like the public to continue bringing ideas to the Plan Commission and don't get discouraged.

Russ Ryle thanked Don Calvert for his comments and encouraged everyone to come out, get educated and get involved. The Town has many needs and few resources.

**Terry Baker** asked about Eagles Landing being in compliance? Frank Nierzwicki was asked to drive by and see the sign lights; he will check on it.

## **Adjournment**

Terry Baker made a motion for the meeting to be adjourned. Dan Swafford seconded. Motion carried. Meeting adjourned 8:44 p.m.