

## November 2, 2006

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, November 2, 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. leading the Pledge of Allegiance.

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

### Approval of the Minutes

Ed Bitner pointed out in the minutes under “Old Business” in the “Drainage Issue” the roll call vote stated 6-1 and should be 6-0-1 since Don Calvert abstained.

Ed Bitner made a motion to approve the October 12, 2006 minutes of the Ellettsville Plan Commission meeting as amended. Terry Baker seconded. Motion carried.

### New Business

#### Meadowlands Section Three Final Plat, Amendment One

**Frank Nierzwicki** explained the request is to combine two lots into one (18 and 18a). The land is best suited to have one house not two houses. The petitioner will be required to submit a grading plan before the construction can start at this site. The Planning Department approves this request.

Rick Coppock, Bynum Fanyo is representing the petitioner and reiterated the developer wants to combine two lots into one with one house on the corner.

Ed Bitner questioned if the Plan Commission had the right or authority to say two platted lots are now one. Rick said yes the purpose of a replat is to create a legal document to record at the court house. These lots have not been deeded.

Ed Bitner made a motion to accept the changes in Section 3 Final Plat for the Meadowlands to combine 18 and 18a Lots into one. William Evans seconded. Roll call vote: Don Calvert – yes; Terry Baker – yes; William Evans – yes; Frank Buczolich – yes; Ed Bitner – yes; Dennis Williamson – yes; Sandra Hash – yes. Motion carried 7-0.

#### Litten Estates Preliminary Plat Phase II, Change in density

**Frank Nierzwicki** read the memorandum. The petitioner is requesting approval of twenty-eight lots for single family homes and also constructing Raymond Way to State Road 46. This request would decrease the density in this approved PUD from having apartments and duplexes to single family homes. The original plan called for density of 5 units and 15 units. The current plan calls for 4 units per acre in the total project. The petitioner is looking at market surveys and trends in making this request. The extension of Raymond Way to State Road 46 will allow for more exposure to highway traffic. The proposed plat also calls for the mounding and landscaping for the buffer between the commercial and residential uses. The petitioner will be required to submit a grading plan before construction can start at this site. The Planning Department approves this request. He went over the changes that have evolved over the years and explained the different maps and site plans.

**Brian Hearne**, the developer of Litten Estates gave the background for the density change. In the beginning there were several neighborhood meetings with the surrounding neighbors with concerns of the multi-family units for this project. The surrounding neighbors felt this would lower property values; possibly bring in lower income homes, increase vandalism and crime. Since that time he has conducted surveys pertaining to Litten Estates at the fair and festival; the answers showed no interest in apartments or multi-family and this is the real reason for the density change.

Ed Bitner asked if this would change the development to one house per acre. Brian Hearne said there will be four units per acre.

Frank Nierzwicki went on to say the request from the petitioner is consistent with the overall plans of the area. The commercial area is now slightly larger and he pointed out the buffering between the residential and commercial uses will be very beneficial.

William Evans expressed his appreciation for Brian Hearne's willingness to work with the surrounding neighbors

William Evans made a motion we accept the Litten Estates Preliminary Plat Phase II density change. 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 7-0.

### **Young (Louden-Reeves Road) Area Annexation**

**Frank Nierzwicki** explained this is a request to annex sixty-one (61) parcels, approximately 122 acres located at the southeast corner of Louden and Reeves Roads into the Town. The land, once annexed, would be zoned R-1, single family residential. This property is adjacent to the Town with School View and Prominence Pointe subdivisions. According to Ellettsville Utilities, public water and sewer is available; therefore, no private water wells or septic systems will be permitted. There would be no added financial cost for the Town to annex this parcel. Water service, sewers, police protection, fire protection are already in the general area of these parcels. Any future development cost in this proposed annexation area would borne by the developer. The total assessed valuation of this parcel, with improvements, is \$140,400. He explained this is approximately 122 acres because there are 61 parcels and this is a little more complicated. Sandra asked if there was ever a proposed preliminary plat for subdivisions. Frank Nierzwicki said the record shows this was subdivided in the 1950's but he has not seen or reviewed the preliminary plat records. A new preliminary plat would override the first one.

**Lisa Young**, petitioner said the whole property is for sale and she is hoping for one buyer.

**Russ Ryle** asked when the Town will decide on road access and proper drainage. This property will drain toward Terry Court, Mary Street and Mustang Drive which already has a problem. Frank Nierzwicki stated we now require a grading permit and this should help. Mr. Ryle went on to say additional development is going impact existent developed lands and the issue of grading 122 acres; the problem is how do you move the water over the existing yards? Rick Coppock said if and when this is developed in the Town, the Town Code refers to the County drainage ordinance as one of its governing factors. There is no advantage or disadvantage by annexing into the Town. When the property is developed a plan would be submitted for public review and comments. Sandra stated retention areas would accommodate new rooftops and could improve the problem. Rick said the ordinance states the property owner would have to detain their water on site and decrease storm events. There was continued discussion on the water problems in this area.

**Don Calvert** stated there are a whole lot of drainage problems and we need to focus on correcting current problems before we annex additional areas. We need to lean on builders to correct and do things properly.

**Matt Lavender** lives off of Terry Court on the east side of the corn field. His concern is there is a thin line of woods dividing his house and the corn field and he would like those to stay. Frank Nierzwicki said if there is different zoning there will have to be buffering between the two areas.

**William Evans** asked if the Town is stricter than the County in our zoning. Frank Nierzwicki said the County has minimum requirements (1 – 5 acres) for development with the Town requiring less than 4 homes per acre. We have the same Building Inspectors and grading requirements as Monroe County and the City of Bloomington. Don Calvert informed the Commission that if we accept the voluntary annexation then we have control. If we do not accept the annexation we will not have control.

**Russ Ryle** does not want his discussion on drainage to effect the decision to bring this into the town. He agrees annexing it in will give the Town control in the process of development.

**Ed Bitner** commented on the rain during August 1997. The water was chest high and he has video tape of it. He asked Frank Nierzwicki to explain the five specifics items on page 5 section C of the Annexation Fiscal Plan. Frank Nierzwicki explained the seven items listed on page 5 section B. On page 2 there is a list of requirements from the Indiana Code. Ed had a concern with the police protection and if the Town keeps adding on subdivisions we will have to start paying for more additional police officers. Frank Nierzwicki said this was a good point to bring up and added there is a difference between bringing in vacant undeveloped land versus bringing in a subdivision with multi homes. With vacant land there is no time table as to when it will be developed and it may not be developed. Sandra added as the land is developed then homes will be built, the tax base will broaden and the Town will increase the number of officers as needed. Over the last 15 years the Town has grown and added 3 or 4 officers. The Town is keeping up pace and every time property is annexed that does not justify the addition of an officer; it comes over time as those large properties are developed. Frank Nierzwicki went on to say the developer will be responsible for building and lighting the streets.

**Ed Bitner** requested annexation packets be sent earlier so he and other Plan Commission members have time to read over the information and are able to walk to the property. The only reason he knew about this was because he read about this property in the paper a few weeks ago. Sandra suggested when the petition is filed Frank should let the Plan Commission know it is coming up.

**Joyce Jackson** resident of Reeves Road asked the Plan Commission to annex this property so the Town will have control of what will be developed. This property is close to our children who we want to protect and this would be to our advantage to have this be part of our Town. Sandra felt Ms. Jackson brought up a good point; this property is close to the school and would be a wonderful place for a new housing addition.

William Evans made a motion we annex the Young (Louden-Reeves Road) Area Annexation. 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 7-0.

**Randy Stevenson**, resident 5205 N. Louden on the west side of the Young property stated when there is a heavy rain, his driveway washes out because the rain comes off the corn field. The ditches run in front of his house and have not been cleaned out for years. Since this has now been annexed it is in control of the Town and not the County and he is asking the Town to clean out the ditches. Frank Buczolic explained annexation will not take place until voted upon by Town Council. Randy Stevenson will attend that meeting.

## **Headley-Kinser Annexation**

**Frank Nierzwicki** is requesting to have two parcels (3888 and 3820 W State Road 46) located on the north side of State Road 46 adjacent to Springs Valley subdivision annexed into the Town. The Headley parcel, 3888 W State Road 46 once annexed, would be zoned R-1, single family residential. The Kinser parcel, 3820 W State Road 46 once annexed, would be zoned C-3. According to Ellettsville Utilities, public water and sewer is available on-site. The total assessed valuation of this parcel, with improvements, is \$342,100.

Sandra Hash stated the Kinser parcel has his home on it; does he say why he wants the property zoned C-3 since it is currently residential. Frank Nierzwicki explained the current zoning on this property in the County is “Corridor Enhancement” meaning “development a long State Road 46”. A C-3 zoning is consistent with the uses in the area and he does not know Mr. Kinser’s long term plans would be.

Ed Bitner questioned where this property was located. This property does not include the intersection and is west of the retaining wall on State Road 46. Sandra explained in the east side of Ellettsville Highway Corridor Plan it states “to retain the existing residents along that to help maintain the difference between Bloomington and Ellettsville”. It does specify, in the comprehensive plan, to maintain homes with large yards. Frank Nierzwicki agreed with this but the area across the street is heavily commercial with out lots to be sold. He went on to explain this area is transitional which would be better for building homes on the northern part of the Headley property. Dennis Williamson asked what the acreage was on this property. Frank Nierzwicki stated “19 acres for both properties”. There was discussion about which areas and streets were already in Town.

William Evans made a motion we accept the Voluntary Annexation of the Headley-Kinser property. Dennis

Williamson seconded. Ed Bitner asked, before the roll call vote, about the drainage. Frank Nierzwicki said everything from now on will have a grading permit requirement. He also announced “we are trying to protect the Ellettsville border”. Roll call vote: Don Calvert – abstained; Terry Baker – yes; William Evans – yes; Frank Buczolic – yes; Ed Bitner – abstained; Dennis Williamson – yes; Sandra Hash – yes. Motion carried 5-0-2.

**Lakeview Drive II (West) Annexation**

**Frank Nierzwicki** explained this is a continuation of an annexation from last year. This area is west of Lakeview Drive and south of the Meadowlands. This request is to have six (6) parcels located at or near 5980 W State Road 46 annexed into the Town. The land, once annexed, would be zoned as Commercial/Residential PUD. The zoning of these parcels will match the Burrell properties to the east. According to Ellettsville Utilities, public water and sewer is available on-site. The total assessed valuation of this area, with improvements, is approximately \$10,000. Frank Nierzwicki pointed out the parcels on the map.

**Flavia Burrell** is representing this property for annexation. She explained this is a continuation of the annexation from last year. She had a copy of the new legal description for the land listing all parcels into one except a residence that will be left out at this point. She also had a plat map for review.

**Ed Bitner** pointed out most of this is in the SFHA (Special Flood Hazard Area) that drains into a small creek and then into Jack Defeat Creek which is the lowest part of Ellettsville. He would like to know what they plan on doing with the property because it will have a great effect on his house. Rick said “like all the others, this will have to come back to the Plan Commission”. This will probably be zoned R-1 and required to have all the same restrictions including retention. Flood hazard areas would require easements with no developments. This property sits lower than the Meadowlands. There was continued discussion between Ed and Rick on water flow, flooding and retention. Ed clarified they will be voting on annexation only this evening. Any future development plans would need to be brought before the Plan Commission. Frank Nierzwicki stated this annexation is 35 acres and the previous annexation with the same owner was 29 acres. If and when this property is developed, it would be developed as a whole.

Ed Bitner made a motion we accept the Voluntary Annexation of Lakeview Drive II (West) as described by Frank as a Commercial/Residential PUD. 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 7-0.

**Plan Commission Meeting Dates 2007**

**Frank Nierzwicki** stated the Fire Department requested the meeting dates for 2007 in order to reserve the meeting room. Most of the Plan Commission meetings will be the first Thursday of the month with the exception of July 4th and summer recess. Frank Nierzwicki changed the January meeting to the second week due to a prior engagement. The change in April is due to Easter. Sandra believes having the meeting the second week of January would be beneficial with the new Town Council starting. Ed Bitner agrees with the summer recess in July. The dates are as follow:

All meetings are held at the Fire Station starting at 7:00 PM  
First Thursday of the month (most months)

Thursday, January 11, 2007	July 12, 2007 (summer recess)
Thursday, February 8, 2007	August 2, 2007
Thursday, March 1, 2007	September 6, 2007
Thursday, April 12, 2007	October 4, 2007
Thursday, May 3, 2007	November 1, 2007
Thursday, June 7, 2007	December 6, 2007

Ed Bitner made a motion we accept the scheduled calendar as printed for 2007 with the exception the month of July is summer recess and no meetings will be held there in. Dennis Williamson seconded. Motion carried.

**Privilege of the Floor – non Agenda items**

**Russ Ryle** followed up on a request he made at the previous meeting for a written report on his Mustang Drive

concerns. Frank Nierzwicki stated this requested has been passed on to the Town Council but did not come up at their meeting. Don Calvert asked Sandra to put this report request on the next Town Council meeting. Don was told at the last meeting Frank Nierzwicki would get back to him in a couple of days; it was 18 months the time before. Russ Ryle talked about some research he has done on the computer with drainage, how other states deal with it and what options are out there for Indiana.

**Rick Coppock** explained the Town has been looking at several different plans from different states. This would have to be a Town wide structure that everyone would have to contribute to and raise funds for making those improvements. This has not been brought to the table but it is in the works. The City of Bloomington adds a charge to customers' water bill for storm water. Sandra added Ellettsville will eventually have to have a storm water fee because of the requirements through Rule 13 and our proximity to Bloomington. We have been working on this and have already invested \$30,000. It is on the agenda and sooner or later Ellettsville will have to have a storm water fee.

**Sandra Hash** announced she made the motion at the last meeting to request a report from the Town Council for Russ Ryle. She spoke with Patrick Stoffers who said this was a Plan Commission issue and these types of issues should not be forwarded to the Town Council. The Town Council does not have the capability to produce a written report. She understood him saying the Plan Commission will have to deal these types of situations. Also regarding the other motion for Mr. Calvert's request giving the Town Engineer and Plan Director authority to proceed with instruction for corrective measures and turning them over to Council after thirty days; there again, the Planning Director has the authority to enforce the Town's Planning and Zoning chapters of the Code. These items need to be discussed with the Plan Commission and not passed on to the Council. It was asked if the Plan Commission could legally encumber the Town. Frank Nierzwicki feels this would leave the Town open for legal actions. Sandra says it is unrealistic to think that we have in place the ability and manpower to produce a written report to say if the existing drainage complies with the plan in any area.

Russ Ryle was requesting this report because there are two documents he is looking for. There is a DNR approval for construction in the flood plains that was issued for Mustang Drive development and no one will produce a copy of this plan. He is looking for the DNR plan for building in flood plains. He saw it once and it was not a small report. Sandra explained she no longer controls, maintains or has these files. She does not know where these files are stored but all that information was in one file at one time. Russ stated it was originally DNR and it is now IDEM. The state has also redefined the bureaucracy. Ed Bitner informed the commission FEMA handles all the special flood hazard areas. Rick Coppock added that FEMA determines the maps and sets where the flood hazard areas are but DNR does a lot of the calculations. Rick will get Russ copies of the flood plain maps. Dennis Williamson said we need to look at Farmers Home because this was a rural housing project at first. He first saw a Farmer's Home map of the road and lots. This was a Farmer's Home Federal Government approved area. Russ Ryle reiterated federal money was used for this project and he will continue to question whether it was really built out according to the restrictions. Sandra informed Russ she has boxes of Area 10 development information. There was discussion about who was developing before Rex Voils, Edgewood Heights and other developments. Sandra let Russ know that this report he is asking for could be very costly and do we want to put our money in that direction or do we want to put the money towards correcting the problem. After all the Rule 13 things are in place and another developer starts in that area; maybe we can work toward correcting some of those things. Russ asked if this land was properly set up, are we dealing with a problem that has developed since then or was this improperly built causing the problems. Rick will talk to someone at Smith-Nuebecker and see if they have any files on this. He will sit down with Russ Ryle and go over each item issue by issue. Do we go back and see who was supposed to do what years ago or do we address the current problems. We need to keep costs down. Rick will try and meet with the surveyor before the December meeting. We need to look towards a solution and not back in the past.

**Bob Holland** set up a sign to demonstrate how the Sign-tronics worked and to explain how message centers have evolved in the past years. They have some clients requesting electronic message centers. Message centers use LED and not bulbs giving them a life expectancy of 11-15 years. The power consumption is 98% less than regular bulbs. The Town Code presently states you can not have a blinking or flashing sign; the message center companies have gotten around that because now they have time delayers. He continued to explain the lights and other steps they have taken to be used in towns and cities with these types of codes. Mr. Holland explained electronic message centers have been brought into Ellettsville and this was the first time it went to the Board. Ted and Linda Smith purchased a message center but were told they could not turn it on until the ordinance approved it. Mr. Holland stated this message center

does not have to blink or flash. Frank Buczolich went on to add the ordinance also states “marquee lighting is not allowed”. Marquee lighting is lights that move or scroll. Mr. Holland questioned “how does the high school have a message center with flashing, scrolling and blinking lights?” Where do you draw the line between schools and businesses? It was clarified the school was in the town limits when the sign was put in and permission was not asked.

**Linda Smith**, business owner just off of State Road 46 did some research on this herself. She spoke with the School Administrative office to see if there were School Board minutes on the sign. She found out Bybee stone donated the stone work and Smithville Telephone Company donated the sign. She was told the minutes of the meeting showed the sign was installed the beginning of last school season. Ms. Smith used to have a sign for her business; when State Road 46 was being put in they took her sign down. She wants the message center to attract customers to her business and bring clientele to the Town of Ellettsville.

Ms. Smith added there has been some confusion on her zoning. When she purchased the property in 1996 she was told she was zoned commercial. The BZA told her she is residential and that is why her message center was denied. She wants a variance to use this sign. Sandra remarked Bob Holland has been in her office and read the Town Codes and ordinances. He was aware of what the Codes were and how the Town felt but still sold another sign. The BZA denied the sign because it flashes and blinks. Sandra asked Mr. Holland if he can guarantee the people will not use the flashing and blinking abilities on this sign. Terry Baker suggested an ordinance needs to be written, that states a fine that is stiff enough, to prohibit flashing or blinking. There has to be some give and take. William Evans stated the Plan Commission can not over rule the BZA. Bob Holland and Linda Smith would like the Plan Commission to revise the sign ordinance.

Frank Buczolich announced the Plan Commission has no authority to do anything other than look at the ordinance and suggest any alterations. Frank Nierzwicki suggested Linda Smith meet with him before the December 7<sup>th</sup> Plan Commission meeting. Bob Holland was under the assumption he was on tonight’s agenda because he drove six hours for tonight’s meeting. Frank Nierzwicki, when he recommended this sign approval to the BZA, was under the assumption the sign would be turned off every night and changed daily. This sign would be located where their current sign is. You will not be able to read it from State Road 46. Ms. Smith would also like to use this sign for public announcements.

**Sandra Hash** reviewed the minutes from the last meeting where she made a motion for sign fees. This was not discussed in the meeting but in that ordinance it contained stated there will be a \$50 fee when changing the face of a sign. She does not agree with that. She spoke with the people who handled the sign fees in the past and they stated if there was a structural change, there would need to be a review and permit fee. If there was a change to an existing sign, she does not see the need to have a sign permit and fee. That portion of the ordinance was never brought up. Frank Nierzwicki says this is common practice to charge a fee for a sign face change. Terry Baker suggested charging a fee for a light sign change. This has been presented to the Council and Sandra brought it up there about the oversight. Sandra suggested the Council could strike the one part and the rest of the ordinance would be fine. Frank Nierzwicki disagreed. Sandra felt obligated to bring this up because she did not agree with the last part of the ordinance which was overlooked. There was continued discussion and conversation about what to do.

Terry Baker suggested leaving the ordinance in place as is and making changes later after review. As for Linda Smith’s sign, the BZA wasn’t presented with all the functions and controls the message center has. He suggests Mr. Holland do a message center sign presentation for the BZA.

**Russ Ryle** has thought about his previous request for a report and decided to let the Plan Commission fight the drainage issues out with the Town Council.

**Sandra Hash** has received calls on parking issues. The only way to stop redundant requests is to solve a few problems.

## Adjournment

Ed Bitner made a motion for the meeting to be adjourned. Terry Baker seconded. Motion carried. Meeting adjourned 9:33 p.m.