

November 3, 2005

The Ellettsville, Indiana Planning Commission met in regular session on Thursday, November 3, 2005, 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: Frank Buczolich, President; Ed Bitner, Vice President; Terry Baker, Don Calvert, William Evans and Sandra Hash, Secretary were present. Frank Nierzwicki, Director of Planning Services and Rick Coppock were also present. Lisa Creech was out of town.

Approval of the Minutes

William Evans made a motion to approve minutes of the October 6, 2005 regular Plan Commission Meeting. Terry Baker seconded. Motion carried.

Old Business

Request for change in zoning at 242 W. Main Street from Residential, Single Family R-1 to Commercial C-3 – Sheila Zerface and James Groh, Petitioner

Sheila Zerface explained last month they requested this property be zoned R-2 to convert an existing garage into an apartment. It was not appealing to the Board. They have decided to request C-3 and rent it out as an office or photography type studio. Both ends of the block are already commercial property. Don Calvert asked if the neighbors agreed to the commercial zoning. Sheila said no, they decided to come to the Board first. James mentioned they originally talked to the neighbors about zoning this C-3 in the beginning. They decided to go R-2 thinking it was easier. Sandra suggested C-1 would be sufficient for an office since C-3 is the highest level. Frank Nierzwicki explained commercial zoning was more appropriate the first time around. He has been to the site and there is a concrete driveway wide enough to accommodate in and out traffic. There was a commercial C-3 request a few months ago on Matthews and that petitioner did not state what they were going to do. The report he puts out for any type of business coming in has to meet the parking, set back and zone requirements for a C-3. From a planning stand point, we need to start looking at the future use. There are a number of C-3s up and down State Road 46. This would be an ideal studio, CPA office or small use. Staff recommends approval to C-3. William Evans asked if this property was still connected to Kelli Heights. Frank's investigation shows it is not really in the Kelli Heights plat. Ed Bittner verified the farm house and his house were not put in the Kelli Heights addition. Kelli Heights was sold by Loren Chandler prior to those three lots being sold. Loren kept the farm house and the other two lots for his own property. Several years later he sold the farm house and the two other lots.

Ed Bitner was not in favor of the highway coming through Ellettsville but you need it for progress and growth. It is sometimes painful. The State told him Ellettsville is going through "growing pains". The Town Council did not want the highway but then changed their minds. Everyone who lives in this area continued to fight it but the people on the other side quit fighting. After the highway, the whole block fought the address change. The only person on the Board that voted "do not change the address" was Frank. There have been several changes in this whole area that he did not like which was supposed to be for the betterment of Ellettsville as a whole. He sees this whole area being zoned commercial in the future. He foresees someone in the next few years buying the whole block from everyone and developing it into something. When the highway was being built, he went to the Town Board and asked what he had to do to be zoned commercial himself. Mr. Sorokoty told him the state had to approve it. He went to the state and they said he had to go to the Town Board. It has been quite the conundrum trying to get questions answered. Since being on the Planning Commission Board, he has seen how to get property zoned. He sees the whole area going commercial at some point in time and doesn't see why this property can not be changed to C-3.

William Evans made a motion to change the zoning at 242 W. Main Street from Residential, Single Family R-1 to Commercial C-3. Terry Baker seconded. Frank Buczolich asked for a roll call vote. Don Calvert – yes. Terry Baker –

yes. William Evans – yes. Frank Buczolic – yes. Ed Bitner – abstained due to being a close friend and neighbor.

Sandra Hash commented she spoke against this at the last meeting and since then she has looked at the property a little closer and thought if the surrounding neighbors didn't mind then she shouldn't. She hopes it doesn't become a traffic congestion problem with an office when an R-2 would have been more suitable. They will still have the option to put an apartment in with the C-3 zoning. She asked if they put a business in this space, would there be enough concrete to accommodate the parking. Frank said the type of parking requirement depends on what they do with this property.

Sandra Hash – yes. Motion carried.

New Business

Fiscal Plan for Lakeview Drive Annexation

Frank Nierzwicki explained the fiscal plan. This is 29+ acres on Lakeview Drive, area south of Meadowlands, west of Lakeview Drive and north of State Road 46. He has been working with the County Auditors on the tax rate. The assessed value of this property is \$188,300. With the buildings on this property, the estimated annual tax revenue for this area for Ellettsville would be \$4,254.78. There is no other development on this land. There has been a commitment for infrastructure improvement with the street. Street lights are also included in this agreement by the developer. This will be the first phase of more annexation. There is approximately 147 acres in the County surrounded by the Town. Part of this land is wooded. There may be a sink hole and some steep areas that will not be developed. The developer has committed to having green space. He will work with the developer and neighbors adjacent to the property, to make sure this will be compatible with connections of roads, sidewalks and bike paths. Right now it is a net gain but the gain will increase in the future with more annexations and commercial involvement. Ed Bittner questioned Appendix A on the map and what exactly would be annexed in.

Flavia Burrell explained the packet was just a preliminary plan tonight and she is hiring a firm to do a Visibility Study of the area to see what will actually be feasible. She will bring the plans for the area after the studies and engineering are complete. The topography will not allow building on parts that are steep and heavily wooded. Ed Bitner said he walked the area but did not come across the sink hole. Mrs. Burrell pointed out on the map the pond is actually a sink hole filled with water. There is another insignificant sink hole on the edge of the North West side. Ed asked if Ellettsville uses the Lay Over Practice. Frank answered he has worked with the City of Bloomington and we are not quite at their level of environmental controls. We have requirements on how close we can build to sink holes. We also have set procedures on the number of feet back to build to sink holes and the type of percentage of grade to build on. In the County there are concerns about slope because of lack of sewer or septic field. We do not have that problem in Ellettsville. This area is well suited for sewer and water connections. The environmental concerns on this area would be the slopes. He will rely on Rick Coppock and Mike Farmer on these issues. Ed Bitner mentioned the County does not use Best Management Practice. On this property he thinks using the Best Management Practice would give the developer more ways of doing things. He wants to know if we are bound by the County rules. Frank said the City has tight controlled rules and the County is not as tight or controlled. In Ellettsville we have to be careful because of the houses already in place. Residents from the Meadowlands have called with concerns of this development being built right up to their homes. This will not be the case because of the slope issues. Mrs. Burrell mentioned the Monroe County standards are an 8% slope on the roads and 50 feet of clearance off a sink hole. Ed asked if this has been surveyed out as a sink hole conservancy area. Mrs. Burrell said she will find this out when she speaks with the firm doing the Visibility Study. She will also have an environmental study done. She spoke with Mr. Ike Grimes, the previous owner, about the sink hole and he said it use to be a large pond that is getting smaller every year. She would like to find a way to save it and not let it disappear. It feeds into an intermittent creek. She has a preliminary plan until her studies are complete. Ed asked if anyone else has walked this property. Frank mentioned he would arrange a time if anyone wants to go out. Sandra asked about the Public Hearing and Notification. She pointed out the hearings have to be done first. Frank mentioned the Fiscal Plan will be brought to the Town Council November 14 and 28, 2005. Sandra would like to see the written fiscal plan contain the schedule as provided by Mike Spencer.

- ❖ Introduce it in the Plan Commission meeting
- ❖ Fiscal Plan adopted by resolution
- ❖ The Ordinance would be introduced at the same meeting

- ❖ Two weeks later the Ordinance would be passed
- ❖ 30 day wait before it can be filed with the recorder

Frank said this is a good point. Sandra said a voluntary annexation reduces the time period. She would like to see the fiscal plan read 30 days instead of 60. Frank will verify this information and make the corrections.

Edgewood Village, status report

Frank has done a lot of work with this. He has direct instruction from Council on what they are looking at. The issues that need to be addressed are the age on the covenants (one resident being 50 and above), the definition of Townhouses or Duplexes and the Occupancy Permits. He does not know what went on during October of last year with the occupancy permit. The normal procedure is having a complete and livable site before anyone moves in. There is lack of incentive to finish a site before having a tenant and money for the developer. The Town is in transition. The building permits were done by the Fire Department, who did a great job, but have been switched over to the Monroe County Building Department. The Fire Department still has some building permits under their control. The other aspects are age and the number of health and safety issues. There are potential violations of code:

- ❖ Storage trailers located on the NE corner of Mustang Drive
- ❖ The development site itself with brick and debris between homes
- ❖ The concerns with the occupancy permits
- ❖ Date for final construction for a fence; complete fence
- ❖ Tree line with the Ridge property
- ❖ Concern about the drainage in this area. Working with Rick Coppock
- ❖ Dips in the road.
- ❖ Two retention ponds on the north side.

He is looking at ways to enforce these points. In fairness to the developer, once he has the violation codes, he will send a document to them, meet with them, and then work out a mutual agreement to proceed. He would like this development cleaned up as soon as possible.

Russell Ryle spoke about the map from the 1960s. He explained the water flow of the area. The map shows all the water draining to the north. With all the development and concrete in the area, it now aggravates the situation. His concern is the future developments on all the undeveloped land still available. William Evans asked if some of the “Lake Mary” Street flooding was due to storm sewers being clogged. Russell said it is quite possible but even if the storm sewers are flowing they do not have the drainage capacity. His concern is Mustang Drive’s elevation is wrong. It will force water to build up south of Mustang Drive. He would like to know if it is possible for a slab home to be code built only inches above street level. Frank said the houses are supposed to be technically above street level. He has been reading “Rural by Design” and found out Ellettsville is an edge city. It has been rural by nature but is being merged in to a metropolitan area. Russell suggested downloading “googleearth.com”. He mentioned some technical ways of zoning and occupancy requirements basing them on lots sizes, set back, square footage per occupant etc. The whole idea is not make housing anymore unaffordable than it already is. We need to have affordable houses with the correct requirements.

Roger Glick, resident on Mustang Drive, wants the dead trees removed. The developer came through and cleared the lots but left the dead trees up. His neighbor does not have a sidewalk and he thinks one should be there. He had to write a letter to have a sidewalk put in front of his house.

Ed Bittner asked if 64 units are planned for the Edgewood Village. Sandra said the original plan did call for some pretty dense duplexes. Russell Ryle added there was another exit planned off of Mustang Drive but that was removed. The only other exit option is to come out of the school property. There needs to be another exit. Pedestrians are another problem. Reeves Road was originally surveyed in 1843 as a County road. There is no way for foot traffic to go through there. Frank brought up the Richland Bean-Blossom School Corporation is interested in trying to extend Sycamore Drive before the Highway 46 project. Sandra added John Litton and Duffy Stevens approached Town Council to discuss the extension of Sycamore. This has been talked about for 14 years. Sandra is happy to have a full time Planner on staff to go out and work with the residents.

Enforcement Report

Frank explained the Enforcement Report. This Code Violation Report showed:

Parked on Grass	177
High Grass	39
Trash	2

We are doing a “proactive” approach to this instead of “reactive”. We have a system which has someone patrolling and then letters are sent. Laura and Frank attended a training session in Bloomington last week where Attorneys from Carmel and Indianapolis talked about high grass and getting the cost back. The fines included the amount of what it would cost the Street Department to mow, the amount of time Laura and Frank spend on review and the certified letter cost all factored in starting January 1, 2006. He mentioned Lisa Creech suggested raising the price of the tickets. He is working on it with Ron McGlocklin. On the report there is also a Compliance Rate of 67%. The compliance rate reflects the need for a second letter or a personal visit. They have also received 11 driveway permits in 2005. Ed Bittner mentioned a situation regarding parking on the grass. He wants to know how long you have to be parking on the grass before getting ticketed for it. Frank said when he and Laura are driving by and the car is on the grass, it is on the grass. They do not come back numerous times to see if the car is moved. It is not a perfect system but this is the best they can do. They have not fined anyone. The letters are a tool to get people to get in contact with the Code Enforcement office and work together. This is an educational process. Frank went on to explain the Building Permits report.

Residential	55
Comm/Church	2
Driveway	10
The Billings is	\$4,447.50

Four building permits have been issued in Litten Estates. He also had a Commission member ask him to look into the drainage in Spring Valley and Eagle’s Landing Signage.

Russell Ryle suggested people call and have information posted on a bulletin board by the police station so he is aware of where the broken down cars are so letters will not be sent right away.

Adjournment

Ed Bittner made a motion for the meeting to be adjourned. Terry Baker seconded. Motion carried. Meeting adjourned at 8:30 p.m.