

## October 6, 2005

The Ellettsville, Indiana Planning Commission met in regular session on Thursday, October 6, 2005, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Ed Bitner called the meeting to order at 7:10 p.m. Don Calvert led the Pledge of Allegiance.

**Roll Call:** Ed Bitner, Vice President; Terry Baker, Lisa Creech, Don Calvert and Sandra Hash, Secretary were present. Frank Nierzwicki, Director of Planning Services and Rick Coppock were also present. William Evans arrived at 7:20 p.m. Frank Buczolic, President was absent.

### Approval of the Minutes

Terry Baker made a motion to approve the minutes of the regular Plan Commission Meeting for August 4, 2005. Lisa Creech seconded. Motion carried.

### New Business

#### Creation of an Economic Development Commission for the Town of Ellettsville

**John Fernandez; Attorney with Krieg-Devault** explained he had been talking with Frank Nierzwicki and Patrick Stoffers about the concept of a Redevelopment Commission and what it would mean for Ellettsville. Bloomington has a Redevelopment Commission and has used the Economic Development tools it provides. In the state of Indiana there are very few Economic Development tools to help shape the future of cities. Having a Redevelopment Commission and creating a plan using a Tax Increment Financing (TIF) district gives you a powerful tool to capture the potential benefits of the Highway 46, I-69 or 37 improvements. To form a Redevelopment Commission the Plan Commission would pass a resolution supporting the idea or designate an area of the Town as an Economic Development area. Once it is approved by the Town Council they will appoint five members (three by the Town Council President and two by the Council at large). This Commission would meet and work with the community to develop an Economic Development plan. After the plan is created, the Town Council has the ultimate authority to move forward. A TIF district is an important tool giving the Town leverage and perspective allowing private development projects to provide resources for public benefit of the Town. A Redevelopment Commission, under Indiana Law, has some broad authority but does not have the power of eminent domain. They would have the power to create some levees but would need approval by the fiscal body. They have the ability to be a pass through agent for grants, help with leases and other construction contracts. They can be a useful administrative body to help advance the objectives of the Town. He asked if there were any questions on the process.

Lisa Creech asked if the Chamber of Commerce knew of this. Sandra answered no; it is just being introduced tonight. Lisa questioned the proposed tax rate. What would the money be used for? John replied the Redevelopment Commission would have broad authorities but it is up to the Plan Commission and Town Council to carve out and set forth a clear plan for the community explaining why they want these tools and what the objectives would be. In Bloomington, most of the time, it is used as the vehicle to accommodate the tax increment finance tools. In that context you are not creating special levees or raising taxes. The body is used to accommodate the TIF district not increase levees. They are capturing the taxes within the TIF district for future growth.

Frank Nierzwicki explained the TIF district concept is to look at under utilized or vacant land and encourage development into that area which would provide jobs and increase the value. The tax revenue generated from the growth would remain in the TIF district to help pay for additional infrastructure improvements, streets, lights and other items that qualify. It is not extra taxes. Lisa asked if the Redevelopment Commission are paid and act independently once they are appointed. John answered practically speaking, no; the Town Council is the fiscal body and in most cases will pass resolutions supporting activities of the Redevelopment Commission. There are some instances that may not require Town Council authority such as entering into leases. Ed Bitner asked if the members can be replaced. John answered the Redevelopment Commission members serve for terms. The people can be replaced but we should not

focus on that. Under Indiana Law growth can create issues which you do not have the capacity to generate revenue to accommodate. Since there are so few tools, establishing a Redevelopment Commission with an Economic

Development Plan gives the ability to bring some new tools into place and expand the benefits of private investment in a broader way for the public good. There are tax levy caps that limit your ability to finance infrastructure and government services. This is a great opportunity to generate additional revenue for the Town without raising the taxes and capture the benefit of private investment.

Frank used the example of the Town being in the Metropolitan Planning Organization (MPO) which has \$2.1 million coming into our region each year. We are eligible to get some of that money to spend in Ellettsville. The problem is having the money to start the work. It is 80% reimbursable. For a million dollar project, we would get \$800,000 back. We need a million dollars to start with. A TIF district would give us the revenue to use and then we could recycle the money. It is very advantageous for the Town to get a TIF district, tap in and multiply the money. It is a very effective way to use money. Ed asked if we would need to bond for a million dollar project since the TIF district would start at zero. Frank explained projects are built in phases and we would like a good revenue stream coming in to go on to the next phase. There would be some initial costs for start up. Ed asked if we will wait to do anything in the Town until there is money in the TIF district. Frank said as a planning tool, we need to look into areas we can develop and have these tools in place for when investors come in to actually utilize our area for development. John added if there is an Economic Development Plan in place, any development that comes in will be able to see if it is consistent with their plans. We would work with them. He used an example of the Acme Corporation who wants to make a sizable investment in the Town creating a number of jobs, all the things the community would be interested in using a TIF bond to get started. The bonds would be based on the projections from Acme Corporation. You can do a solid calculation and structure the bond so the funding will come from the incremental payments that go into the TIF district from Acme Corporation. It isn't coming out of the general till. The structure needs to be in place before having this conversation. This allows the Town to engage in the different levels of discussions from an Economic Development prospective using the tools available to work things out. We would get the public benefit of the private investment without having to raise taxes. He has seen many opportunities when using this structure to leverage private investment with the consequences being income growth, job growth and other public improvements which benefit the community. He feels we are in the perfect place to put these tools into place to develop this type of Economic Development Plan. Lisa Creech expressed concern that the ordinance should be written with the Redevelopment Commission reporting to the Town Council so they are on the same side of things. John said it was already set up that way by statute.

Ed Bitner wanted to clarify the plan is currently for information only. Frank said if there were major concerns he could them address now. The situation with this plan is there is a time table. It takes 90 days to get started. He recommended moving on it tonight because the Town Council will have two readings so there will be ample time for input. If we push it back another month, we will be into the holidays. He would prefer to have a motion now to recommend Council consider this. Ed would like to have all the members present to vote on this (Frank Buczolic is absent). He would also like to hear the Town Council President's view.

Patrick Stoffers expressed his view stating he has discussed this with Frank and John over the last several months. We are at the crossroads on whether we will take two steps forward or one step back. This will give us the ability to do some things that we can not currently do financially. On what ever piece of property is designated for redevelopment the current tax rate is frozen, you then capture the incremental taxes from development on those parcels and put them back into the TIF fund. You can use those proceeds to take care of infrastructures type needs. He does not want to see us miss an opportunity to do some thing at least two steps forward in the evolution of Ellettsville.

Frank mentioned there is no area that has been targeted or looked at and we don't have any place that we want to have a TIF right now. He would like to have this in place so the Town will be prepared for the future. Sandra thought there is currently a provision in the Town code authorizing Economic Development. Patrick said when the Planning and Zoning ordinance was adopted in May 2003 that particular section was abolished. It did exist at one time but not anymore. Terry Baker suggested a vote be made this evening because only one Board member was absent and there could be 3 absent next month.

Lisa Creech made a motion that we move forward to present an ordinance to Town Council to develop a Department of Redevelopment. Terry Baker seconded. Motion carried.

## **Request for a change in zoning at 242 W. Main from Residential, Single Family – R1 to Residential Two Family – R2**

**Frank Nierzwicki** spoke for Petitioners Sheila Zerface and James Groh. They are requesting a change from R1 to R2. The petitioners have a garage they would like to remodel and make in to a one unit apartment. The Planning Department is recommending approval. There is parking and a driveway for this apartment. The neighbors have agreed to this rezoning. There have been other rezones to the west of this property from residential to commercial. The area is not appropriate for large apartment complexes but this is one unit. Sheila Zerface explained this is an existing detached garage that was built three years ago. Sandra asked if they have a separate water and sewer hook on, electric meter and meet the set back regulations. Sheila answered they have not gone that far until they are approved. Frank added the set backs have all been met. Sheila noted the square footage was 780. Sandra questioned if 1,000 square foot is required for a residence. Frank said this is an acceptable variation from the minimum requirement. This is one unit that has met all fire requirements with entrances and windows. It is a studio apartment situation and the code gives him the ability to make a recommendation if he feels it is consistent. Sandra voiced her concerns with upkeep on a single family residence being divided up with a garage rental. Frank thinks Sandra has a good point but this house is on the fringe of the neighborhood on Main Street. Commercial is going up and at some point there might be request for more commercial uses up and down Main Street. He understands her concerns about trying to keep the neighborhood intact but this is not your typical neighborhood situation. Lisa Creech brought up the need for rental code in Ellettsville to help prevent some of the problems we are currently having with rental properties. Terry Baker said he has a real problem increasing the usage to a R2 within all the R1s even though the neighbors said they do not have a problem with it. This could open up a lot of problems down the road. If we approve one, then we will keep upgrading the zones and it may destroy the area. Frank mentioned the petitioners considered a commercial zoning. There are a lot of good points from both sides this evening but with the future of State Road 46 being commercial the petitioners thought about going for a lesser use. Terry brought up the fact the minimum square footage is not the minimum of the Town. Sheila said the Bloomington square footage was 720. Sandra reiterated Ellettsville is 1,000 square feet. Lisa questioned if the Plan Commissions main goal is to determine R1 to R2. If a variance needs to be made, doesn't it need to go the Board of Zoning Appeals? Frank agreed but they have to come before the Plan Commission first. There was a discussion on Main Street eventually being all commercial. Sandra commented there were a few lots on Main Street rezoned commercial with the thought they would sell for more money but that did not happen. There has been no other commercial development downtown on Main Street. She would like to see a restaurant or chain store but no one will locate on one way streets. Ed Bitner will abstain from voting since this is his next door neighbor and close friend. It would be a conflict of interest if he did vote.

Lisa Creech made a motion that we change 242 W. Main Street zoning from R1 to R2. The motion died for lack of a second. Frank will meet with petitioners and discuss their options.

Lisa asked when the new part of the Deer Run/Greenbrier Subdivision was accepted wasn't it approved at R2? The old part is R1. Rick Coppock stated from Greenbrier down to Ratliff is R3. Sandra said there is a difference between planning a development and converting a garage into an apartment. You are taking a lot that is meant to be a single family residence and turning part of it into a rental. Lisa feels a rental is a rental whether it is a house or converted garage. She doesn't think the Town is being fair, firm and consistent since we have allowed R2 and R3 in other residential places and commercial down State Road 46 but are not allowing it at this location.

## **Commercial Development (New Showroom, storage facility) at State Road 46.**

**Kevin Allen**, with Encompass Engineering, representing Petitioner Kevin Farris explained the plans for a new mattress showroom retail facility in front of the existing 1<sup>st</sup> Choice Self-Storage. Mr. Farris already operates a mattress showroom facility in the storage facility. He commented on the plan review from Mr. Coppock as follows:

Item #1: He has been in contact with Mr. Larry Stanger of East Richland Sewer District. Mr. Stanger received a preliminary plan showing the relocation of the sewer line to allow the construction of the building. The sewer line will be moved to the east so it will not be underneath the proposed building. Mr. Stanger has not responded officially and they are waiting to receive written approval on the sewer line relocation.

Item #2: The developer is required to obtain all applicable state and local permits. They are submitting for the state building plan.

Item #3: Parking is in accordance with the code.

Item #4: Mr. Farris will have three wall mounted lights facing the parking lot and there will be flag pole lighting. He does not know about signage at this time.

Item #5: Mr. Allen is waiting to get comments back on the site plan being acceptable on the storm water drainage. He has a set of calculations.

Item #6: Mr. Allen did not bring in the recorded plat to show the setbacks. This project is in a platted addition. There were no front and side yard setbacks on the recorded plat recorded in 1997. They will easily be able to accommodate the 10 foot front and side yard setbacks required in a C1 zone. Frank corrected Mr. Allen stating this is C3. C3 requires a 25 foot front yard setback. He will investigate where the building will sit. It might need to be pushed back to clear the 25 foot set back.

Item #7: A rock check dam will be placed in the retention basin as a permanent erosion control measure.

Item #8: The landscaping plan is a minimal. He is not sure what the Town is expecting. They are limited to what they can do. There will be a planting bed along the front side of the building.

Item #9: There is a trash dumpster enclosure located back where the buses are now parked.

Mr. Allen explained the building design. The brick is split face concrete block. Ed Bitner asked how this was going to lay in conjunction with flood plain. Mr. Allen said they will sit over two feet above the 100 year flood. The building will be lying adjacent to it but slightly out of it horizontally but a good distance above it vertically. He also noted an estimated 100 year flood elevation of 723.5. They have finished floor elevation on the building at 727.25. Mr. Allen's company did the research on the 100 year flood elevation by looking at the FEMA maps for that area. Those items within their control will be submitted in a day or two. Frank Nierzwicki added the staff recommends approval. The building permit will not be issued until the conditions have all been met. There will also be a check list on the landscaping and Frank will follow up to make sure that all things are completed before the final sign off. Mr. Allen explained the only check list he had received and discussed was from Rick Coppock.

William Evans made a motion we recommend approval of the commercial development for Kevin Farris at State Road 46. Lisa Creech seconded. Ed Bitner repeated there was a motion and a second for the approval of only the commercial development for Kevin Farris at State Road 46 providing the entire checklist is done prior to construction. Motion carried.

### **Voluntary Annexation request for a PUD on 29+ acres along Lakeview Drive.**

**Frank** explained the packet everyone received. This is 29 acres including 5 parcels. Three parcels are owned by Dr. and Mrs. Burrell and two are owned by Mrs. Bishop. Frank did some analysis on this property and it is adjacent to the Town. He has Mrs. Bishop's signed consent to be annexed into Town. This is a mixed use development. To explain where this is located, there are 100 acres west of Lakeview Drive, north of State Road 46, south of the Meadowlands and east of Kelli Heights. This area is surrounded by the Town of Ellettsville. He was contacted by the Monroe County Planning Department about potential development and they thought it was consistent that the Town of Ellettsville Planning Department would handle it. He appreciates the professionalism in steering this development towards us. He described it as a phased development with mixed use of townhouses, condos, single family, estate homes and also commercial development. It is consistent with the PUD. He is working with the developer on green space, allotment, connections, bike trails, sidewalks and other connections through this area. He is very excited about this potential.

**Flavia Burrell** represented her husband and Mrs. Bishop. She thanked the Board for the opportunity to share their project. She has been discussing this with Mrs. Bishop for over a year and they feel Ellettsville is due to have some nice developments come in. She feels Ellettsville has nice schools, nice community and would like to improve the area. Her intention for this development is not to make a quick buck but to have the people who live here, stay here. Her project consists of five phases, the first being a multi use family village. This will be town homes and condos owned by people. Several future phases will be a single family "cottage" village (cottage meaning smaller than "estate" size lots). Another phase would be a "craftsman village" consisting of craftsman style homes to match Dr. Coldwell's house. In the case of Mrs. Bishop's estate home, they would like to surround her home with estate size lots and comparable homes. They would have two entrances; one from Lakeview Drive and the other from State Road 46. The entrance from State Road 46 would have a commercial side which would service that neighborhood and would have small businesses that Ellettsville is way past due to have. She showed a proposed plan of the first 18 acres. Frank added Dr. and Mrs. Burrell could have come in as single family zoning but they are looking towards a bigger scale development in the future. The drainage in the area was discussed and Mrs. Burrell pointed out the flood plain. There was

conversation about the flooding in some of the surrounding streets in this area.

Frank also wanted to point out the fiscal plan will be developed and submitted by the Tuesday night meeting for Town Council. Sandra interrupted him stating she had not received any of this information and the agenda for the Council meeting has already been posted. The fiscal costs on this project, the road improvements are all going to be handled by the developer. The public improvements would not be Town cost improvements for this area. There are water and sewer connections. Sandra asked if the public notice has gone out and if all the adjacent property owners were notified. Frank answered yes and added a public meeting was advertised for tonight and also Tuesday night.

Lisa Creech made a motion to accept the Voluntary Annexation request for a PUD on 29+ acres along Lakeview Drive - Burrell and Bishop Properties. Terry Baker seconded. Motion carried.

### **Request for a grading permit ordinance for the Town of Ellettsville**

Lisa Creech made a motion to table the Request for a grading permit ordinance for the Town of Ellettsville until the next meeting. Terry Baker seconded. Motion carried.

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

**Frank** had one last item before adjournment. He handed out some photos he had taken of Mustang Drive, Edgewood Village Development. He explained each photo in order. The photos showed some patio homes that were discussed in an earlier Town Council meeting, heavy equipment working on Phase 3, a brick pile at the end of Mustang Drive, a tractor trailer that was in an area with tall weeds which has since been mowed, the cul-de-sac on Mustang Drive looking at the Reeves Road residents, a parked vehicle with trash and other items in it and a picture of the construction trailer with other items next to it. The last photo was taken from the western end of Mustang Drive looking east showing the condition of the road and a couple of the dips. He is working with the developer to set up a meeting in the next few days with the neighbors on a number of issues.

- ❖ The clean up and maintenance of the building area is a concern.
- ❖ Progress with the drainage plan in this area.
- ❖ Concern that there are two retention areas.
- ❖ A barrier between the land owners on Reeves Road and Mustang Drive.
- ❖ Enforcing Town codes.

Frank is asking for direction, feed back and comments from the Plan Commission on this development. Where does he need to go? What does he need to look at?

Terry Baker remembers the developer was going to put up a buffer between the areas. The problems with this development go back a long way. A lot of this development has not gone according to the way it was presented to the Planning and Zoning Board. They have not done what they said they were going to do. The pictures show trash and tall grass that is a health and safety violation. It doesn't look good for an area the developer is trying to promote. Lisa commented this is forming a "snowball" effect. If we don't correct this now then the next builder will come along and want to get by with these things. We need to be fair, firm and consistent. The health codes need to be enforced in order to get things cleaned up. If we do this throughout the town it will improve the town's image and build relationships with neighboring property owners.

Sandra mentioned she and Frank have been educated on the use of bonds. The Town has underutilized the use of bonds for quite some time. She spoke with Toby, who is in charge of the bonds with the County. They do more expensive and extensive bonding than we do. They bond from the beginning, before ground is broken; they have a huge bond for the erosion control and excavation. If there is a problem they send a letter requesting the problem be corrected or they will draw from the bond and correct it themselves. The developers really come around and make correction when you threaten to draw from their bond. Developers have two years from the planning stage to completion with the possibility of a one year extension. The Edgewood Village development has a \$29,500 bond which was renewed with the final plat request. It had been expired for 15 months prior to this request. Lisa added Indiana is a home rule state and local residents must depend on local government to help them with these issues. Sandra stated it is our responsibility as the Plan Commission to make sure what is done is done right. This is a long standing problem. The Plan Commission met with Rick Coppock on site a few years ago to look at these same problems. We are 10 years into this development and

the problems are not being solved.

Frank agreed one of the issues is the build out has gone on so long. Another problem is there are not a lot of people living out there now; trash and other things are being dumped at the end of the cul-de-sac and there are not any lights. The development was approved and now it is something he has to work with. Frank feels they are making some progress because the grass was mowed and we did receive a bond. He is going to work hard for the Town enforcing the codes and working with the developer. We also need to make sure the expectations meet reality as much as possible. We can't expect 20 foot trees or stone fences be installed. We need to work with the developers and get them to complete their work in a reasonable amount of time. He requested directions on how the Plan Commission would like him to proceed and solicited their concerns.

Lisa suggested moving forward full force on behalf of the home owners and enforcing the health and safety codes to bring them into compliance. She would also support a volunteer committee with representatives from different neighborhoods to help with enforcement or advise Frank and Laura of what is going on in their neighborhoods.

Sandra went out to the site. She had heard some negative comments about the construction and wanted to check them out herself. She spoke with Rex Voils who allowed her to see the inside of one of the units. It was small but nice. She asked about the wavy roof and he explained the fire wall went all the way to the roof in the center raising it slightly. This gave it the appearance of being wavy. Mr. Voils explained the roof vents were flexible which made it look like loose shingles and the landscaping couldn't be installed until the drives were put in. The drive couldn't be put in until all the heavy equipment work was done or it would break up the concrete. There are people living in two of the units that do not have the final plat. She thought property could not be sold until the final plat was approved. She also spoke with Bill Headley on the building and inspections and he stated these homes were built to the minimum building code. The problem she sees with the Plan Commission is meeting once a month and not requiring the supervisors to attend so they do not get reports from them on the progress they have made or things they have seen. We need to "tighten up" with the growth or we are going to see the same problems we have had over the last five years compound and it will be miserable for everyone.

Don Calvert brought up a problem he has had in the newly constructed area behind his home concerning drainage. The builder has been talked to, the site has been inspected and still 5 to 6 months later the problem is not resolved. He feels the Plan Commission is not effective. Lisa added along with Don the homeowners also feel powerless.

Frank suggested stop work orders and becoming more aggressive. Several Plan Commission members agreed we need to be more aggressive. Frank also suggested adding fines and making some changes with the support of the Plan Commission

Sandra brought up that the Ellettsville Town Code refers to a thoroughfare plan. She personally went out and measured her street and the streets in Litten Estates. The streets are four feet narrower. The code does not say you have to have a 24 foot wide road. It states you have to have 60 feet of right of way. This leaves it up to the developer to decide what size road they want. She does not want to go backwards. Rick Coppock stated there was a guideline on street width in the 1965 plan. Frank explained new developments have driveways and multi garages. Driveways should be designed long enough to keep cars off the sidewalks. The common neighborhood feeling is "smaller is better". Having narrower streets with curves tend to make cars drive slower. Terry Baker said in the past we asked the Fire Department how much room they needed to turn the fire truck around in. Rick added he was working on requiring a grading permit which would address road conditions.

Terry Baker brought up a new subject, Eagles Landing. He would like to know when they are going to take the signs down. They have six signs up and they are over the sign ordinance. The one made out of plywood looks like trash. Frank responded he is working with them on their signage.

Terry Baker made a motion for the meeting to be adjourned. William Evans seconded. Motion carried. Meeting adjourned at 9:13 p.m.