

September 2, 2004

The Ellettsville, Indiana, Plan Commission met in regular session on Thursday, September 2, 2004 at the Town Hall. Sandra Hash, Secretary as the only officer present called the meeting to order at 7:00 PM.

Sandra Hash asked for nominations for Vice-President of the Plan Commission. Lisa Creech nominated Ed Bitner for Vice-President. Terry Baker seconded. Motion carried.

Sandra Hash turned the meeting over to Vice-President Ed Bitner. He asked William Evans to lead in the Pledge of Allegiance.

Roll Call: Terry Baker, Don Calvert, Lisa Creech, Ed Bitner, Sandra Hash, William Evans and Jeffrey York, PZA were present. Frank Buczolic was absent.

Appointments: William Evans was appointed to Plan Commission on August 23, 2004 at the regular Town Council meeting.

Approval of the minutes for August 5th, 2004

Lisa Creech made a motion to approve the minutes for August 5th, 2004. Terry Baker seconded. Motion carried.

Old Business

Parking, Loading and Driveway Amendment Proposal

Jeff York explained this revision was the result of the suggestions by the majority of the Plan Commission members at the August 5th meeting. He went through page by page explaining if the proposes were added or removed. Comments by Plan Commission Members were discussed on the issues of contention and revisions as necessary.

- **Page 1** section 152.220 proposed adding the line “except where on-street parking is permitted” to #1. The majority agreed this was okay to add. He proposed removal of #3, #4 and #5. The majority agreed this was okay to remove.
- **Page 2** He proposed removal of #10 & #11. The majority agreed these are proposed to be left in. It was discussed whether to add the word temporary or permanent parking to allow for cases where a resident needed to park on the lawn for a short time. It was decided to leave the wordage as is and leave all potential violations up to Jeff’s discretion. Added #12 which reads “New driveways intersecting streets that are hard-surfaced must have a surface apron made of concrete, asphalt or pavers extending back into the lot from the street ten (10) feet.” It was discussed further whether to require everyone to have an apron or whether only those on a grade should be required or if it should be left to Jeff’s discretion. The majority agreed it should be left to Jeff’s review and discretion on a case by case basis.
- **Page 3** section 152.222 added “commercial and industrial uses shall be subject to the following standards.” He proposed removal of the rest of the introductory paragraph. The majority agreed this was okay as proposed.
- **Page 4** the original proposal added letter G which reads “Parking within a landscaped area or lawn area is strictly prohibited” and the majority had agreed to add this line but Jeff pointed out this is the exact same line (page 2, # 10) that’s already listed under General Requirements, so all agreed to remove this line. Section 152.223 (A), he proposed removal of the line “Where on street parking is available in front of a single family or two family home” and added the line “Required off-street parking spaces may include space(s) provided within a garage or carport. Where on-street parking is permitted in residential areas, any vehicle parked in specified areas permitted for on-street parking shall be considered in compliance with these regulations.” This was discussed further specifically whether to leave it as a minimum of two parking spaces, which has been a problem in the past if there are more than two drivers in the household or frequent visitors parking on lawns. It was suggested the number of parking spaces coincide with the number of bedrooms. It was also suggested if

the home owner is remodeling then the Town could enforce more parking spaces be added but those homes with the two spaces that didn't plan to remodel would not be required to upgrade. It was also suggested since it was agreed to allow gravel spaces then change it from two to four spaces; two paved and two gravel. The majority agreed to change it to read four spaces; two paved and two gravel and the decision whether to have an apron is still at Jeff's discretion.

- **Page 5** no changes made.
- **Page 6** Added section a new section 152.224 Location of Parking Spaces (a) Street Setbacks. 1. Single-Family Districts and Two-Family Districts. Parking for single-family residential uses shall be prohibited within the setback between the street and the building except on a single driveway not exceeding the width of an attached garage facing the street or twenty-two feet in width where there is no attached garage facing the street. Parking on any portion of the setback between the street and the building or on a lawn ~~in the front yard~~ shall be prohibited. Parking shall not be permitted in driveways serving parking lots. It was originally proposed to have twenty-two feet for the width of the drive and the line in the front yard deleted. This was discussed further specifically how an ancillary drive could be allowed and not be in the setback lines as well as the width allowed if there isn't an attached garage. It was suggested to change it to read twenty-four feet and the majority agreed. An ancillary drive may be added with no width limitations. 2. Multi-Family Districts. Parking for multi-family residential uses shall be prohibited within the required street setback as set forth in 12.190. Parking shall not be permitted in driveways serving parking lots. Parking shall be prohibited on lawns. The majority agreed this was okay to add. (b) Side and Rear Yards. 1. Single-Family Districts. Parking areas may occupy a maximum of fifty percent of the area extending from the rear of the principal structure to the rear lot line between side lot lines. The majority agreed this was okay to add.
- **Page 7** 2. Multi-Family Districts. The side and rear parking setback requirement shall be one-half the building setback for the district or five feet whichever is greater. The majority agreed this was okay to add. Changed the current 152.224 to 152.225 and changed 152.225 to 152.226.
- **Page 8** changed 152.226 to 152.227. He proposed removal of section 152.226 (152.227) A. Construction the entire paragraph which reads "New driveways intersecting streets that are hard-surface must have a surface apron made of concrete, asphalt or pavers extending back into the lot from the street ten (10) feet". However, he placed this paragraph in the General Requirements section. Jeff said he had proposed to remove the previous standards for gravel but after further discussion the Plan Commission wanted to have some standards. The middle paragraph starting with "Single-family..." and ending with "(B) 2. Ancillary parking areas are not required to be paved" is proposed to leave in. Also it was discussed to remove the line "behind the required ten foot hard-surfaced apron" and change a 4" layer of crushed stone to a minimum of a 2" layer of crushed stone. The majority agreed to delete the line "behind the required ten foot hard-surfaced apron" and change it to a minimum of a 2" layer of crushed stone.
- **Page 9** changed 152.227 to 152.228. Added an asterisk in the Driveway Standard Table under Single-Family Residential which refers to the line "Drives may be located at property line in the case of shared driveways." The majority agreed this was okay to add. He proposed removal of the line "A permit fee for a residential driveway shall be \$25.00. The majority suggested leaving the line in but changing the fee to \$5.00. He proposed removing "Fines associated for noncompliance with the above regulations shall be as follows:" as well as the paragraph detailing offenses and fines associated with each offense. The majority agreed this was okay to remove.
- **Page 10** He proposed removing the line "A person who violates this chapter commits a Class C infraction". The majority agreed this was okay to remove. He proposed adding the paragraph "A written letter, sent by regular mail, shall constitute as a warning. Additionally, tickets may be levied against the property owner who does not comply with the above regulations within 60 days after the written letter. The first ticket issued shall indicate a remedy for the violator to comply. Any additional tickets shall be levied a fine of \$25.00 each." The majority agreed this was okay to add.

Jeff York asked if the Plan Commission was okay with the proposal as discussed tonight, all agreed. He opened the floor for public comments.

Comments:

Larry Hash asked for clarification on page 2. # 11 does he need a permit to work on his driveway or is a permit required just for new driveways.

Lisa Creech and Ed Bitner agreed they believed it was only for new drives and Lisa suggested adding the word “new” before the word driveways. Jeff York agreed to add “new”.

Larry Hash asked for clarification on page 4 concerning remodeling and driveway upgrades. He currently has four spaces to park cars, but if he wants to remodel his bathroom does he have to add another parking spot.

Jeff York answered if you add square footage to the structure, then you need to come into compliance. For example, if you only remodel the interior of your home it would not be necessary, but if you add bedroom or living room then yes. In this case you already have four spaces so you’re already in compliance.

Larry Hash said the street has a fifty foot right of way on each side and does this mean you can’t park in that right of way if you have a two car driveway. He asked can he park in the road setback or does this mean that he can not park in the ten or fifteen foot at the end of his driveway, can he use his whole driveway?

Jeff York said your setback runs from your property line (at the edge of the sidewalk) up to your house that is the twenty-five foot setback. This means you can’t park in the setback except on your driveway.

Ed Bitner said he can use his whole driveway.

Mike Bentley stated he has five cars (one in the yard), a small boat and not enough space for them. He can not get rid of any of the vehicles because his family members each need transportation to work and college. He said what if a homeowner can’t come into compliance in sixty days because he financially and physically can’t do it. He pointed he and many others can not afford to spend lots of money for gravel or to apply for a \$100 variance to appeal his situation or extend his time. If a homeowner can’t afford to pay for gravel or variance and starts getting \$25.00 fines on top of \$25.00 fines, they will just add up and never get to come into compliance. He doesn’t think its right that a few complainers have complained enough to get the Town changing things. He added all this does is run people out of Town; in fact, he just lost the best neighbor he ever had. He doesn’t have the resources to come into compliance any time soon and asked what he should do. He said he has called and talked with Jeff repeatedly about his situation.

Jeff York said he could have a drive on each side of his house, the primary drive on one side would have to be hard-surfaced and an ancillary drive on the other side could be gravel. He suggested coming before the Town Council. He thanked Mr. Bentley for repeatedly checking in with him on his situation.

Lisa Creech and Ed Bitner reminded everyone that Jeff can review and extend deadlines on extenuating circumstances. They suggested Mr. Bentley write a letter to the Town Council explaining his circumstances, without giving specific details, so it can be discussed and a fair decision can be reached.

William Evans suggested the entire situation be handled by Jeff York; therefore, it wouldn’t have to go before the Town Council. Sandra Hash agreed.

Terry Baker said we need to have compassion and work with the citizens.

Lisa Creech recommended adding under section 152.228 that the PZA can grant a certificate of extension for documented extreme, special circumstances with a date on the certificate to comply.

Terry Baker said that would get into the Plan Commission granting variances which isn’t their place.

William Evans said we should let Jeff handle it which is what the Town hired him to do. He added the Town doesn’t want to put any undo hardship on anyone.

Terry Baker agreed and added if Jeff feels the person needs to go to the BZA then he can recommend that. It would be on a case by case situation.

Conclusion – Jeff York will handle Mr. Bentley’s situation.

Dan Henderson said his driveway slopes toward his garage and house so if he adds more gravel and borders it with landscape timbers according to this ordinance then it will run more into his basement. Water already runs into his basement when it rains real hard. The only option he would have to ensure the water not running into his basement would be to dig out the ground where he would need to add the additional graveled spaces so he would have to rent a backhoe and he doesn't have the funds to rent one. He has a paved driveway, three cars setting in the yard and wants to add gravel. He mentioned the ordinance requiring 4 inches of gravel. He wants to be in compliance with the ordinance but not cause himself any heartache.

Lisa Creech pointed out it was up to Jeff's discretion if adding the landscaping timbers would be detrimental to Mr. Henderson's property then he could offer other suggestions including alternative landscaping or waive the section requiring the landscape borders so it wouldn't be a dam so that the water could runoff as it should.

Terry Baker pointed out they reduced the gravel to 2 inches and there are other landscaping borders that will hold the rocks in but let the water run through.

Jeff York said he needs to come and look at this situation.

Conclusion – Jeff York will look at Mr. Henderson's property

Introduction of annexation request for Brian Hearne at 7405 W. State Road 46 (Proposed Planned Unit Development zone)

Phil Tapp of Bledsoe, Tapp and Riggert explained the proposed development. Brian Hearne is the petitioner and developer for the project. He was impressed and commended the Plan Commission for opening the meeting with the Pledge of Allegiance. The property lies between State Road 46, Mayfield subdivision, Ridge Springs subdivision and the Harmon property. It is approximately 38 or 39 acres and they are proposing some mixed uses for the project including single family, paired patio homes, town homes and a commercial area in the front by the highway. They want to be sensitive to the existing surrounding uses in the area. They would buffer up to Ridge Springs with their single family homes, the patio and town homes in the center of the development and have a commercial area out by the highway. This project will have sidewalks on all sides and it was mentioned to add bicycles paths and they are considering the idea. They know they have to be responsible for their storm water also. This is a long term project but tonight's request is to have the land annexed.

Public Comments:

David Drake lives at 438 Birch Street and his backyard borders this proposed new development. In his opinion most of the residents would prefer the area remain a "nice cow pastor forever" but understands that is not realistic. Since it is to be developed he thanked the developers for setting up the project with the R-1 buffer between the current neighborhood and the proposed commercial area, which has alleviated some of his concerns with commercial uses. It looks like a reasonable plan in his opinion, Ellettsville needs commercial development and this area along State Rd. 46 is an appropriate area for that. He doesn't like the apartments in the middle but at least they are buffered by the R-1 homes. Traffic is a big concern and connectivity between areas and how to implement the connectivity. He suggested no connection with the new development or if there is a connection only let it go to the single family area or if it has to be connected to make some curves and turns to ensure slower traffic flow and less cut thorough traffic from non-residents. He doesn't want a straight shot out of the subdivision to State Rd. 46 because that would just encourage traffic. He is not opposed to the development it seems reasonable.

William Evans asked about the driveway cuts.

Phil Tapp said they have spoken to the State about the driveway cuts and they are proposing to line one cut up with Red Hill Road.

David McFarland lives on 446 Violet Court which is on a cul-de-sac and he wouldn't be directly impacted. This subdivision has narrow streets, a lot of cul-de-sacs, neighbors can walk to speak to their neighbors and kids can walk to school. He prefers if it is to be connected to this development that it only be connected with a similar residential

area because if it is connected to the entire project more traffic will be dumped in his neighborhood.

Shelly Nelson lives at 527 Birch Street. She also is concerned about the traffic. Apartments, town homes and patio homes as well as the commercial will cause more traffic. They don't have sidewalks in Ridge Springs, this is a quiet family neighborhood and there is no where for children to ride safely if the traffic is increased. She is all for single family homes development. She said if a driveway cut is put at State Rd. 46 and Red Hill Rd. that this spot is a dangerous area with a curve and hill. She hopes if an access road is constructed here the State will install a stop light for safety reasons but realizes the purpose of the highway improvements was to move traffic through efficiently and a stop light would be a hindrance. Apartments tend to bring more transient type residents and generally crime increases with apartment complexes and feels they would be a threat to the value of her home as well as safety for her family and neighbors. She wants tree screens and buffering especially if apartments and commercial areas are developed. She is concerned after this development gets approved at a certain standard of the possibility of the lower value homes being constructed than originally proposed which would decrease the value of her home and if that happens she will probably sell her home and move. She presented a petition to oppose this development as proposed with 85 signatures from residents who mainly live in the areas that will be affected. She requested a traffic survey to be taken on Ridge Springs Lane if possible. She was originally informed the development would be 33 acres but heard 39 acres and asked how much acreage. Property values and traffic safety are her two main issues.

Phil Tapp said it is 35.19 acres. They hoped this project would benefit the Ridge Springs residents with another access road but it seems there are issues that need to be discussed and they are willing to revise the plans. This is a work in progress. They still want the connectivity but will not make it as "user friendly" as they originally planned to help reduce the potential traffic.

Sandra Hash said when the highway project was in progress it was suggested by several Senior Citizens and school officials to bring Sycamore Street out to the highway. She had suggested this to Brian Hearne when he presented the plans in her office, however, it would not benefit his project. She commended everyone for sharing their comments and appreciates the engineers for being willing to work with the public to alleviate their concerns. She also reminded everyone that tonight the Plan Commission only had to decide to annex the property.

William Evans commended the developers saying it was the most conscious and well thought out plan he has seen. The Plan Commission have been considering and hoping to develop commercial and light industry for the west side of Town along with residential properties. He likes this development plan.

Lisa Creech thanked everyone for being flexible and working with each other. She likes this plan also.

Ed Bitner said he liked the theory of what's being proposed but wants to see the site and get more information before voting. He understands and sympathizes with the traffic issue because his former front yard is now the new Highway 46. He likes the plan but thinks it should be revised as suggested earlier to inhibit a straight shot for traffic. He encouraged everyone to continue to work together as far as traffic flow issues.

Terry Baker also commended everyone for being so reasonable and working together in a calm manner. He lives on Sale Street and there is a lot of traffic here also but he's learned to live with it. He reiterated the developer is willing to revise the plan because of the concerns on traffic and we can't ask for anything more than that.

Don Calvert said he wants to hold his comments until he sees the changes that will need to be made to the plan and how it will affect this community.

Jeff York said he had suggested a boulevard entrance with landscaping. There are eight conditions to his accepting the plan. These conditions are detailed in his written staff report. (Hearne Development file in the Clerk-Treasurer's Office) He wants to have connectivity; it encourages people to communicate with each other.

Phil Tapp said he would have the revised plan by next Wednesday.

Lisa Creech recommended the proposed annexation on State Rd. 46 as a Planned Unit Development. William Evans seconded. Motion carried.

New Business

Proposed rezoning of 709 Main Street from R-1 to C-1 by Dana Kerr

Dana Kerr explained he wanted to rezone the “Shook” house property to C-1. The closing to purchase the property is tomorrow morning.

Sandra Hash moved to rezone the 709 Main Street property from R-1 to C-1. Lisa Creech seconded.

Ed Bitner asked Jeff for his comments.

Jeff York presented his staff report for case number 2004-EZO-002 to rezone the 0.38 acre to C-1 to provide for a professional office at 709 West Main Street and recommended approving the petition. C-1 is the lowest intense commercial zone. They will need to have paved parking, so Mr. Kerr will need to check back with them later.

Dana Kerr said his brother owns Kerr Asphalt and he has already bid to put in six parking spaces.

Motion carried.

Flood Ordinance revision proposal

Jeff York presented the Flood Ordinance proposal which came straight from the DNR. They met with Jim Davis on July 29, 2004. They reviewed our ordinance which was amended last year and found several items in it that needed to be corrected. DNR forwarded changes needed to make things legal and in compliance. He did not make any changes himself. He was told the ordinance we had before it was amended was better. This will not change any of the flood map areas. FEMA is the one that changes the mapping.

Lisa Creech made a motion to recommend to the Town Council to adopt the Flood Ordinance revision proposal from the DNR. Terry Baker seconded. Motion carried.

Privilege of the Floor - None

Adjournment

Ed Bitner asked for a motion to adjourn. Terry Baker made a motion to adjourn. Lisa Creech seconded. Motion carried. Meeting adjourned at 9:26 p. m.