

**April 1, 2010**

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, April 1, 2010 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Ron Wayt called the meeting to order at 6:05 p.m. with the Pledge of Allegiance.

**Roll Call:** Members present were: Dan Swafford (arrived 6:12 p.m.), Ron Wayt, Don Calvert, Phillip Rogers, Clayton Sullivan, Phillip Smith, Connie Griffin and Sandra Hash.

### **Approval of the Minutes- March 4, 2010**

**Dan Swafford** entertained a motion for approval of the March 4, 2010 minutes. Phillip Smith so moved. Phillip Rogers seconded. Motion carried.

### **Monthly Conflict of Interest Statement**

None announced.

### **Old Business**

**Ike Grimes Annexation – 5027, 5033, and 5029 N. Lakeview Drive, Bloomington, IN 47404 & Zoning Change Request from Estate Residential and Limited Business (Monroe County Classifications) to C-3 Ellettsville Zoning Classification – Continued from last Plan Commission meeting – outstanding issues not completed.** **Connie Griffin, Planning Director** – stated the outstanding issues are still not completed at this time. There has also been some concern that the hearing notices and the notification of the adjacent property owners has been done in a haphazard way and not being sent out certified mail with return receipt requested. It is being discussed with the Town's attorney to make sure we follow Indiana code. We have a couple of non-compliant things we want to get taken care of. Once those are done, the fiscal plan will come first through the Plan Commission and then a public hearing will be advertised for the Town Council. This issue was tabled again for this meeting.

### **Chapter 152, Sign Code Changes**

**Connie Griffin** – stated she placed an earlier drafted phase into the public library, emailed it to several people and she visited other businesses in the community as well. The code change has been slightly modified to make it more business friendly. She then reviewed the code changes since the discussion. A hard copy of the code was provided to new member Clayton Sullivan. After the review of the changes there was some discussion of LED sign specifics and it was decided each application would be looked at individually regarding size and placement, not design or wording. Dan Swafford commended Connie Griffin on her work on this code document and thanked her for her time committed to working through this document.

**Ron Swinney, Swinney's Discount Groceries** – asked if temporary sign footage is included in permanent sign footage guidelines. Connie Griffin answered that a temporary sign permit is for a two-week period; and is not part of the permanent signage total, it will be \$20 and will have a sticker on it. He asked if there was any provision for repetitive temporary signs, such as movable lighted signs. Connie Griffin replied that no, they had always been prohibited under the original sign code. Sandra

Hash commented that Jiffy Treat converted a temporary sign into a permanent sign and stated this was allowable. Connie Griffin replied as long as it was permanently affixed and was included in the total signage allowed for the business. Dan Swafford entertained a motion to approve the sign code changes. Phillip Smith so moved. Ron Wayt seconded. Roll Call Vote: Dan Swafford – yes; Ron Wayt – yes; Don Calvert – yes; Phillip Rogers – no; Clayton Sullivan – yes; Phillip Smith – yes; Sandra Hash – yes. Motion carried 6-1. The changes will now go forward to the Town Council.

**Protective Zoning Overlay for Wishing Well Nature Park – Recommendation  
Zone Classification for 0093181000, 53-00-93-181-000.000-013 - Municipal Public  
District (MPD) – Public Open Space**

**Connie Griffin, Director of Planning** – remarked this was a very important code to some of our younger members of the community with the Wishing Well Nature Park. It's also one of our I-69 grant deliverables to put a zoning classification over the Wishing Well Nature Park as a nature preserve. The zoning classification she has proposed is called Municipal Public District (MPD) 1, 2 and 3. It stays consistent with our commercial 1-2-3, residential 1-2-3 and industrial 1-2-3. This is a proposed acronym and is something that could be discussed for changes. There were only minor changes. Connie Griffin read the purpose of the MPD which is as follows: The purpose of the protection overlay zone is to provide and protect properties devoted to public and semi-public uses and uses providing social and physical services to the Town of Ellettsville. The zone is applicable to property owned or managed by the Town of Ellettsville. She went on to say we need to make sure these codes are found within our comprehensive plan. She also read the permitted uses and restrictions. The MPD 1 district is the nature preserve and the Wishing Well Nature Park, the MPD 2 is our public parks system, and the MPD 3 is the town-owned facilities such as water treatment, parking lots, public agency training facilities, and rental facilities. There are four new definitions that will be added to Chapter 152. Violations in these areas is steep. It is a Class B ordinance violation which packs a \$1000 fine for each offense. Dan Swafford asked for any input or problems with the fine severity. He expressed his thoughts that it is a steep fine, but as Connie Griffin stated, we need to protect our park areas and town-owned property. No further comments were expressed. Sandra Hash asked if this would protect the Wishing Well Nature Park area as a nature preserve and Connie Griffin answered that it would do so. Phillip Smith asked who would have jurisdiction over the area – who would give permission to do volunteer improvements. Connie Griffin replied we have it listed as a use for educational purposes. For improvements it is written in as the Town Council and the Parks Department will approve any improvements or changes. Dan Swafford asked for clarification of MPD-1 District page 2(b) – what are non-motorized bicycles? Connie Griffin clarified that these are regular bicycles and are prohibited. After some discussion, it was decided to remove the last sentence – “Use by all-terrain vehicles and non-motorized bicycles is prohibited.” Eventually, the park system will need to be ADA compliant since it will be receiving federal grant money. Connie Griffin commented these code changes were adequate to meet the grant requirement. Don Calvert asked if the wastewater treatment plant and the recycle center are in the Town limits and would be covered under this MPD zone classification. Connie Griffin replied she obtained the documentation from Sandra Hash and took it to the Monroe County Assessor's office for them to change the parcel numbers from 07 to 09 showing it is in the Town limits of Ellettsville. Dan

Swafford entertained a motion to adopt the new protective zoning overlay for the Wishing Well Nature Park area as well as the zoning classifications for Public Open Space and MPD 1-2-3. Don Calvert so moved. Phillip Smith seconded. Roll Call Vote: Dan Swafford – yes; Ron Wayt – yes; Don Calvert – yes; Phillip Rogers – no; Clayton Sullivan – yes; Phillip Smith – yes; Sandra Hash – yes. Motion carried 7-0. Dan Swafford asked that an e-mail be drafted to Judy Morran’s fifth grade class inviting them to the reading at the April 12 Town Council meeting.

## **New Business**

### **Assembly of God Site Development Plan - State Road 46 (Vacant lot next to the Fire Station) – (Rick Coppock)**

**0092074000, 53-04-14-100-025.000-013**

**Rick Coppock, Bynum Fanyo** – stated since they also do work for the Town, they have a conflict of interest statement on file with the Town and the State. This property has been owned by the church for several years and we are proposing a new building and parking lots – front and back. The structure will house the congregation, classrooms and gym facilities. He provided plans to the Commissioners. There will be a retaining wall on the east side. Detention and water quality treatment will be provided in the area between where the existing drive is off of SR 46 and the Fire Station parking lot. The current landscaping along SR 46 will remain in place with no grading taking place where those existing trees are. There will be another water quality pond to accept the runoff from the front parking lot parallel to SR 46 in the southwest corner of the property. It’s a ten acre site. We have a requirement for a set-back. This is a C-3 zone which allows this use but it is up against a different zoning designation therefore the set-back must be doubled. The required set-back from the Autumn Ridge subdivision will be 40 feet from the property line. They are actually going to provide close to 80 feet. That was done to save some of those existing mature trees and will screen the site from the Autumn Ridge subdivision. As it’s shown now, the drive serves only the church property and parking area – it’s not connected to the road stub up to the north. Sanitary sewer will also be provided and the water line will be looped through the property to Autumn Ridge.

**Connie Griffin** – The Development Review Plan Committee met about a week and a half ago. All the Town supervisors did meet and discuss the connectivity. What we have to do as a Plan Commission is to consider that in 2002 in the Comprehensive Plan considered the connection from Autumn Ridge to SR 46 as a minor connector collection. The Town supervisors were in agreement that they wanted to keep the connection. By Town code 153.071 General Design Considerations, safety is one of the largest concerns of the Fire and Police. The time difference could be as much as four minutes with the fire truck to go up and around compared to having the road connected. The connectivity on 153.074 Extensions of Streets, (d) connectivity 1 – except for subdivisions of ten lots or less of connecting streets through to channel traffic easily from one subdivision to another is required. Dan Swafford asked how this would affect the design of the building. Rick Coppock replied it would not affect the design of the building. There will have to be some adjustment to the right of way that’s platted because the right of way was provided when the Fire Station was built so that no property would be land-locked. It won’t affect the building site, but there will have to be some adjustments to the site plan to swing the road over to tie it to the road that’s already there. Dan Swafford asked if it would then be a Town street. Rick Coppock responded, yes, after completion, it would be turned over to the Town for maintenance.

There will be sidewalks required as well. Dan Swafford went on to ask if the church had any negative or positive input regarding this. Rick Coppock explained that the sidewalk will be an added expense. The streets are designed in accordance with the current Town code which is the same as the street code. Phillip Smith asked if the road will be connected to the parking lot. Rick Coppock answered the parking lot will access off the road so you won't drive through the parking lot. There will be a separation between the parking lot and the road. Ron Wayt asked if sidewalks are code and Connie Griffin replied they were. Ron Wayt asked if this would be built in phases. Rick Coppock responded the building would probably be built in phases. It's still in the planning process right now.

**Bruce Frye, Autumn Ridge resident** – stated what they heard in a previous meeting is different from what he is hearing tonight and would like to have it clarified. What he thinks he is hearing now is that there is going to be a street. At the last meeting they were told that the street would not be opened because the result would be a lot of traffic into Autumn Ridge. Dan Swafford responded that it is code and he apologized for the confusion, the road was not on the plans when they met with Autumn Ridge previously. When they met with all the supervisors it was found to be part of the thoroughfare plan and in town code, it must connect. According to all the supervisors, for safety, fire and police, they want this road because it could cut up to five minutes in response time into Autumn Ridge. Sandra Hash added that the road was also in the original design with Autumn Ridge as shown with the stub that leads out. She was on the Plan Commission at that time and it was understood that it would be available for any future development. Phillip Smith added he understood it would not be connected to the parking lot; therefore, there would not be that much increase in traffic into Autumn Ridge. Mr. Frye wanted to confirm that all the traffic from the parking lots would funnel out onto SR 46. Sandra Hash responded to Phillip Smith's comment the proposed road would have an access to the church parking lots. Dan Swafford reiterated you won't have to drive through the parking lot, but there will be an access road. Phillip Smith stated that wasn't the way he understood it. He thought they would be entering and exiting from SR 46. Rick Coppock explained they will have access to the parking lot from the road, but they will not be driving through the parking lot. Mr. Frye clarified that it would increase traffic to Autumn Ridge.

**Bill Schneider, resident of Autumn Ridge** – wanted to clarify whether the stub will be moved to the east. Rick Coppock responded it would not be moved, the road will be adjusted to meet up with the stub. He also wanted clarification of whether the church will be hooking up to the current sewer system in Autumn Ridge. Rick Coppock answered, no; they will hook up at SR 46. Mr. Schneider also asked if there will be four entrances on this road that will go through up to Harvest Lane. That road which goes from SR 46 straight through up to Harvest Lane will have four accesses into four different church parking lots. Rick Coppock responded yes, that all the parking lots are inter-connected. Mr. Schneider asked how many cars total in the parking lots. Rick Coppock answered probably up to 300 or 330. Mr. Schneider expressed his thought that no one in the housing addition would appreciate the possibility of that much increase in traffic on a given day of worship. He added when he bought in Autumn Ridge, he was told that stub was only going to be a construction access stub. Now that's getting dramatically changed. In all good conscience, if there was that much concern in saving four minutes, you should have put that road in seven years ago. He didn't think it was just not to have consulted the community before deciding to put the road in. Sandra Hash responded that roads are developed as the land is developed. The

Town doesn't normally put in roads because it is a huge expense. So, as the land is developed, the developer puts in the roads. That's why the developer of Autumn Ridge was not asked to put in that road because he wasn't developing anything on either side of it. All subdivisions are supposed to have two ways in and two ways out. Anything could happen on Harvest Lane and it would give the residents an alternative to getting in and out. The same is true for the church; it gives them three access points to get in and out to disperse the traffic. Mr. Schneider responded no one was worried about trees, fire or police seven years ago and this is a church, not another residential area. There's only going to be limited traffic on specific days. Dan Swafford expressed his sympathy for Mr. Schneider's concerns, but pointed out that it is good that it is a church and not a Wal-Mart or a Kmart. Mr. Schneider asked if there would be any cost to the residents of Autumn Ridge for the construction of this road. Dan Swafford replied, no, the church would have to put the road in. Rick Coppock explained the layout of the road using the overhead projector. Dan Swafford asked Rick Coppock to explain the purpose and design of the detention and water quality ponds again. Dan Swafford asked how many storm drains will be going underneath that street for runoff from the parking lots. Rick Coppock answered there are inlets on the road itself to pick up the road drainage. He described the drainage process. Sandra Hash asked if he perceived the ponds being empty except for during runoff. Rick Coppock responded in the affirmative. He went on to say the final plans will be submitted to INDOT for review of the drainage and the drive for the project.

**Connie Schneider, resident of Autumn Ridge** – asked if any consideration has been given to directing the traffic from the church out onto SR 46. She expressed her concern due to the increased traffic in the neighborhood in conjunction with the poor condition of the roads after the winter. Sandra Hash stated it had been discussed in their meeting, but it would actually be up to the church. Mrs. Schneider asked if the church would consider asking their parishioners, as a matter of courtesy, to enter and exit onto SR 46. Rick Coppock answered it could be presented to the church. Ron Wayt remarked that our hands are tied because it's in Town code. Also, this becomes a city owned street, so the church really doesn't have any control over that once it becomes dedicated. Sandra Hash responded they could still have a security person to direct traffic. St. John's did until they put up the light. Dan Swafford informed the audience the road will be fixed by the time this is complete. Any construction traffic could be blocked off. Mrs. Schneider added they had heard Autumn Ridge was selling two lots to the church and asked if anyone knew what they would be used for. They had heard parsonage, playground and parking lot. Dan Swafford answered before they put anything there, they would have to come before the Planning Commission.

**Max Dixon, resident of Autumn Ridge** – stated he would not be opposed to the road being put in, but feels the church should be required to have their egress and ingress from SR 46 and not the road into Autumn Ridge. He feels the Commission should take into more consideration the impact of traffic on Harvest Lane. He felt the Commission should have to communicate with Monroe County for the use of county roads for the church since two of the additions impacted by this are not within the jurisdiction of the Town of Ellettsville. He also stated there are several new additions in Monroe County which do not have two entrances and exits.

**Roger Hargronek, resident of Autumn Ridge** – stated it took a church to finally get a second road. He asked if the church owns property on the west side of the street and if so what their plans are. Dan Swafford responded the lots are PUD's and before the

church could change any usage; it would have to come back to the Planning Commission for approval. Sandra Hash read from the code: Under Extension of Streets – 153.074(d), Connectivity. Except for subdivisions of ten lots or less, a connecting street through to channel traffic easily from one subdivision to another is required. Then (e) Access, subdivisions over ten lots must provide two access ways in and out of the subdivision for emergency vehicles. Dan Swafford asked if he was the developer of this and the plan was against Town code, who he would go to in order to change the code. Would it go to the Board of Zoning Appeals or somewhere else? Connie Griffin answered it would go to the BZA for an appeal. The developer, the church, would have to go to the BZA in order to change the requirement. Ron Wayt asked Connie Griffin if the Commission approves this, it gets built; it does not go to Town Council. She responded in the affirmative. Clayton Sullivan asked if they were to approve this, would it be with the road or not. Are we approving the plan as shown here or with the design of the road? Rick Coppock responded it was however the motion is stated. Phillip Rogers stated he didn't think the Commission should approve a plan until it was in its final form. Ron Wayt replied that the Commission could approve it conditionally just like requiring them to adopt our landscaping plan. Connie Griffin stated the Commission could do a conditional approval but Mr. Rogers makes a valid statement that in order for you to feel the most comfortable with it, you would probably want to see what the specifications are with this discussion. Phillip Rogers made a motion to table this until we see an updated print and we can make a decision at that time. Ron Wayt asked Rick Coppock when they could see the final plan. Rick Coppock responded it would be at the next Plan Commission meeting (May 6). Don Calvert asked if there was any time limit or time frames to consider with this. Rick Coppock answered not specifically, but the church is ready to get approval so they can get bids in and start moving on this because it's getting to be the time of year to start moving dirt. Dan Swafford stated there was a motion on the floor and asked if there was a second. Sandra Hash seconded the motion. Don Calvert asked if the church couldn't begin construction on the side away from the road. Sandra Hash replied they couldn't begin construction until the Commission approves the plan. Dan Swafford confirmed that since this is a plat approval, they couldn't begin until the whole plat is approved. He added that he brought up the front detention pond earlier because he wanted to make sure that the storm drains put under the road are sufficient to handle the 100 year rain. This is a big hillside and he's on the same hillside down the road and when there's a rain, they have water washing over the road. Rick Coppock reassured the Commission the drains were large enough to handle the large rains. Ron Wayt asked if the church could do away with some of the parking lots without the Commission's approval. If they decided not to build this building as large as it's shown and do away with two of these parking lots that are stair-stepped, could they do that without our approval? Rick Coppock answered they could probably do that, but this would still be the approved plan. Ron Wayt asked if they were required to build those lots. Phillip Smith answered the Commission doesn't put a time limit on when they have to be built. Rick Coppock responded they don't have to build it all at the same time, but it would have to be in conformance with this plan. Don Calvert remarked they were getting off track. We were looking at whether or not we're going to connect the road and all of a sudden we're trying to change the design of their building. Ron Wayt responded he was asking what would be the difference if they built with or without the road. Dan Swafford answered when the Commission votes on this plat, the church can't change it without coming back to the Commission. Rick Coppock added, if your point

is about the road being a requirement, they have to complete the public improvements or they would have to bond for it since it's a public road in a public right of way. Dan Swafford asked for a roll call vote. Roll Call Vote: Dan Swafford – yes; Ron Wayt – no; Don Calvert – yes; Phillip Rogers – yes; Clayton Sullivan – yes; Phillip Smith – yes; Sandra Hash – yes. Motion carried 6-1.

Dan Swafford dismissed the Commission for a five minute recess.

## **Planning Department Updates**

### **Landscape Code**

**Connie Griffin** informed the Commission this code was actually derived from six different codes. There are several things that will go along with this particular new code such as a post construction certification form, a design manual, a tree removal application, and tree density worksheets. Sandra Hash verified with Connie Griffin that the tree removal form is not for residents. Connie Griffin went on to say that what single-family residential will be required to do is, if they put landscaping in, they will be required to keep it up. They do not have the same restrictions as commercial, multi-family and industrial will have. They will not be required to have a landscape plan. She added other than making sure they maintain it and don't plant invasive species, that's what will be required by zoning. Phillip Smith asked how the individual will know if it's an invasive species. Connie Griffin answered she would provide a list in the design manual. Dan Swafford requested perhaps the definitions could be put to the back of the document. There was some discussion regarding this. Ron Wayt mentioned it should be consistent throughout all the Town codes. Sandra Hash added the definitions are at the beginning of all other Town documents. Connie Griffin went on to review the plan for the Commission and asked if there were any questions. She reiterated this was just the beginning, not the final copy. She asked the Commissioners to get her the questions and comments before the next meeting.

### **Introduction: Abbitt Annexation**

**Connie Griffin** informed the Commission Mr. Abbitt lives out by the Early Childhood Development Center. He is just a little over 1/8 contiguous so he does have the option of coming in for a voluntary annexation. He has petitioned for this. She will be going out next week to check for any code violations.

### **Introduction: Ron Wayt Annexation**

**Connie Griffin** stated Mr. Wayt is coming before the Commission requesting an annexation as well. He has some property behind his home that is in the county that he would like to bring into the Town of Ellettsville.

### **Introduction: Rezone 200 S. First Street - Bloomfield State Bank**

**Connie Griffin** stated Bloomfield State Bank owns the property next to Eagles Landing which used to be an automobile upholstery business and is completely surrounded by asphalt from the church parking lot. He is requesting a rezone for that from C-1 to C-3.

### **New Code Additions for Wireless Communication Facility Code Change**

**Connie Griffin** stated this would be a new code change next month.

## **Adjournment**

Dan Swafford entertained a motion to adjourn. Phillip Smith made the motion to adjourn. Don Calvert seconded. Dan Swafford adjourned the meeting at 8:34 p.m. The

next meeting will be May 6, 2010 at 6:00 p.m. After the meeting, photos were taken for name tags for all Plan Commission members.

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Dan Swafford, President

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Ron Wayt, Vice President

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Sandra Hash, Secretary

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Don Calvert

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Phillip Smith

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Phillip Rogers

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Clayton Sullivan