

December 1, 2011

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, December 1, 2011, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Phillip Smith called the meeting to order at 6:00 p.m. Terry Baker led the Pledge of Allegiance followed by a prayer led by Phillip Smith.

Roll Call: Members present were: Phillip Smith, President; Terry Baker, Vice President, Don Calvert, Dan Swafford and Sandra Hash, Secretary. Phillip Rogers and Ron Wayt were absent. Connie Griffin, Director of Planning, and Rick Coppock, Bynum Fanyo, Town Engineer, were also present.

Approval of the Minutes – November 3, 2011

Phillip Smith entertained a motion for approval of the November 3, 2011 minutes. Dan Swafford so moved. Don Calvert seconded. Roll Call Vote: Phillip Smith – yes; Terry Baker – yes; Don Calvert – yes; Dan Swafford – yes; and Sandra Hash - yes. Motion carried 5-0.

New Business

Annexation Petition:

Richard's Small Engines/Alfred Purdie, 8273 West State Road 46, Ellettsville, IN, Petitioners Richard and Jennifer Gieselman and Kevin Potter Engineer. Monroe County Parcel Numbers: 0071852007, 53-04-05-100-006.000-011 and 0071852005, 53-04-05-100-008.000-011. Petitioners are requesting a Commercial 3 zoning classification for both parcels.

Connie Griffin, Director of Planning – This is an annexation of the Richard and Jennifer Gieselman and Alfred Purdie properties. There are two lots. The addresses are 8273 West State Road 46 and 8201 West State Road 46. The first lot consists of 2.5 acres. Richard's Small Engines ("Richards") consists of approximately 11.41 acres. They meet the contiguity requirement. The properties are 54.24% continuous with the Chapel Hill Wilderness area to the north and the Jerry Abbott annexation that took place approximately 1½ years ago. The physical plan has been written and has been reviewed by all supervisors. There were no additional comments. They have signed the petition for voluntary annexation. The petitioners have done the required hearing notices for the Plan Commission and Town Council.

Kevin Potter, Representing Richard Gieselman and Richard's Small Engines – Maps showing the existing plan and proposed work were provided. In the near future, Mr. Gieselman wants to add more gravel parking near the west end of his property. As his business continues to grow he needs more room for equipment storage, parking and to get semis in and out. Mr. Gieselman is planning on moving the sign by the entrance. The sign is too close to a power line and Duke wants it moved to the other side of the driveway. When the property was developed in 2006, they applied for a commercial driveway permit with INDOT. This shows he has a permitted commercial drive at the existing location. Copies of the permit were provided to Rick Coppock and Connie Griffin. Richard Gieselman wants to be annexed into the Town and is planning on expanding his parking lot. He will not be adding on to his building in the near future. Mr. Gieselman may move one of the lot lines closer to the house and amend the recorded plat in order to get more room around his building.

Connie Griffin - The petitioner is requesting a Commercial 3 zone. Both she and Rick Coppock did an inspection on the site, looked at the current uses and what their goals are in the future. They found a Commercial 3 to be the correct zoning. In addition, they discussed adding a few more pine trees along the lot line heading east to State Road 46. Mr. Gieselman is agreeable to adding the trees. They discussed secondary storage containment for stormwater goals for the future as part of the annexation. There were no code violations on site. This is a good annexation for consideration.

Sandra Hash – Asked Kevin Potter when he obtained the INDOT permit for the driveway if there was not a requirement for a turning lane to allow west bound traffic to go around. Mr. Potter replied there was no passing blister

requirement. There were requirements for tapers coming into the drive on Mr. Gieselman's side of the road. Ms. Hash stated you can't help but notice when driving past the property that there are quite a few skid marks on the road. It seems people are having a hard time stopping when traveling west bound and there is someone waiting to turn left into Richard's. Have there been any accidents at that location? Mr. Potter stated Mr. Gieselman did talk to him about the skid marks. Mr. Gieselman told him he did notice some skid marks when they petitioned the Town for annexation. As far as Mr. Gieselman knows, there haven't been any collisions. Ms. Hash asked if, according to INDOT, the site distance is good because it is in a curve. Mr. Potter replied he did the driveway permit in 2006 for Richard's before the drive was built. To get a permit you have to provide mapping and show the road for several hundred feet each way. INDOT goes out and checks it and the traffic counts. At that time, INDOT did not have the requirement for a passing blister at that location. Ms. Hash asked what the difference is between there and the Smithville warehouse which is very close. Mr. Potter responded he thinks it probably has to do with the amount of traffic going into the Smithville property. Phillip Smith asked if INDOT was worried about the bigger trucks turning into Smithville. Mr. Potter replied the road was going to have the same traffic volume on State Road 46. There are two criteria they base the passing blister on. One is how much traffic is on the main highway. The second is how many left turns are anticipated into the business. INDOT anticipated that Smithville was going to have a lot more left turns into the driveway compared to what they believe would be generated with Richard's business. Ms. Hash commented she thinks Flatwoods Road is also a bad spot and they are really close together. She has seen wrecks at Flatwoods Road where people waiting to turn were rear-ended. Can a review be requested from INDOT to look at the driveway? Rick Coppock commented it is based on the amount of traffic coming in and out of the sites. Terry Baker thinks for some of the skid marks speed is a factor. He has run radar on that road and they are running 55 mph and that is not the business' fault. Ms. Hash commented she understands that but it's hard for her to believe with the businesses a mile apart that they don't need a blister. Mr. Smith commented it's just the type of business. Mr. Baker stated it's also based on the amount of traffic they anticipate going in and out of the business. Ms. Hash asked what they would estimate for the number of customers they have going in and out on a day. Mr. Potter replied he is uncertain. Ms. Hash asked what year the permit was issued. Mr. Potter responded it was 2006. Ms. Hash stated it was after the highway was finished. Mr. Potter commented on the permit the drive is classified as a minor commercial driveway. Smithville's driveway was classified as a major commercial. Ms. Hash asked what the zoning is for Smithville. Connie Griffin replied they are zoned Industrial 1.

Dan Swafford – Asked when looking at Google Map if those are vehicles setting around. Ms. Griffin answered they are bodies of lawnmowers. There is some storage containment in the back area. Photographs showing the property were provided. Mr. Swafford noted it looks like a gated area. Ms. Griffin noted Richard's uses parts from the gated area.

Sandra Hash - Asked if the speed limit is 55 mph. Terry Baker replied it is 40 mph. Mr. Potter stated he thinks the speed limit changed and goes up to 55 mph as you're traveling out of town. A few hundred feet before Smithville's drive the speed limit changes to 55 mph. Ms. Hash commented this is a good reason to have a blister. If you're traveling around the corner and going 55 mph, and there's someone waiting to turn left, instead of slamming the breaks and sliding sideways it would be nice to slow down and go around. It would be nice to make sure a blister isn't required because it has been five years since the permit was issued. Ms. Griffin asked about talking to Mr. Gieselman about contacting INDOT for an updated count. She can get some figures and present them to the Plan Commissioners. Mr. Potter asked if she meant having INDOT review it again or do a field check. Ms. Griffin replied that was correct. Mr. Potter stated there would be no cost for Mr. Gieselman to do that unless he would have to get another drive permit. Ms. Hash asked if the permit cost \$5,000. Mr. Potter replied that's the cost for the bond. Ms. Hash asked if the permit is \$150. Mr. Potter answered that was correct. Ms. Griffin stated she doesn't have any traffic counts for outside of Town. Mr. Coppock suggested she contact Tony Moore of INDOT. Mr. Potter stated Mr. Gieselman did say his busiest time is Saturday mornings during the mowing season. Traffic counts may be a little less on State Road 46 on a Saturday morning. Mr. Coppock noted INDOT will not look at traffic counts on a Saturday or Sunday because they do not work on those dates. Mr. Potter stated as far as traffic coming in and out of his business, Mr. Gieselman told him Saturday mornings during the spring and summer are his busy time. Ms. Hash asked what Monroe County's suggestion was. Mr. Potter replied they never got that far. Monroe County wanted to see a copy of the permit and traffic counts. The county sent someone to Richard's to count the vehicles going in and out of the business. Ms. Hash asked what they were asking from the county at the time. Mr. Potter replied it was a development plan to add extra parking and crushed stone. Ms. Griffin stated the county wanted a lot of extra trees put in as part of the county landscape ordinance. The county was requiring an asphalt parking lot area for customers which Mr. Gieselman is putting in. Mr. Gieselman is

going to add crushed stone in the back area where he will have a dock. This way the larger semis can come in, turn around and back out easily. The parking lot and trees were a compliancy issue. Ms. Hash stated she thought at one time the Town required paved parking. Ms. Griffin stated the Town does require paved parking. Mr. Gieselman is going to put asphalt in the commercial parking and customer areas as required by the Town. Ms. Hash asked if it's the best idea to put gravel where semis will turn around. Mr. Coppock stated it's pretty common in those areas where you have large equipment turning around because it tears up the asphalt.

Dan Swafford – Asked if the driveway is concrete or black top. Ms. Griffin replied the driveway is gravel. Mr. Potter replied there is asphalt by the highway and back approximately 50 feet. This was put in with the driveway permit as it was required by INDOT. Everything from the black top back is crushed stone. Mr. Gieselman is planning on putting asphalt all the way back to the business. The first section on the east side of the building will be asphalt as well. Mr. Swafford confirmed they're going to add trees. Ms. Griffin responded they have discussed adding some pine trees and replacing trees that died from the drought the past two years. Dan Swafford commented they keep the proposed annexation with the Plan Commission until it's ready to be sent to the Town Council. It should be tabled until next month after the study has been completed. Ms. Griffin commented at that time conditions could be issued for the asphalt and trees.

Phillip Smith entertained a motion to table the annexation until the January meeting. Terry Baker made a motion to table it until next month. Don Calvert seconded. Roll Call Vote: Phillip Smith – yes; Terry Baker – yes; Don Calvert – yes; Dan Swafford – yes; and Sandra Hash - yes. Motion carried 5-0.

2012 Plan Commission Schedule

Connie Griffin – Has selected the first Thursday of each month and those dates were provided at the last meeting. She checked with Donya for scheduling the conference room and there are no conflicts for the year. The proposed meeting dates are as follows:

January 5th
February 2nd
March 1st
April 5th
May 3rd
June 7th
July 5th
August 2nd
September 6th
October 4th
November 1st
December 6th

Dan Swafford – Asked if there was any way they could move the start time of the meetings to at least 6:30 p.m. He has a conflict and has to rush to get to the meetings by 6:00 p.m. Phillip Smith asked if anyone knew why it was changed to 6:00 p.m. Sandra Hash replied she believes she was the one who suggested it because the Planner has such a long drive home and it would be nice to get an earlier start. Mr. Calvert commented at that time there wasn't a cap on the meetings and sometimes they were there until 10:00 p.m. People thought, and he agreed, that perhaps an earlier starting time and a cap on the amount of time they can meet might help out.

Phillip Smith entertained a motion to change the meeting time from 6:00 p.m. to 6:30 p.m. Dan Swafford so moved. The motion died for a lack of a second.

Planning Department Updates by Connie Griffin, Director of Planning

The First Assembly of God Church Erosion Issues – She was directed by the Town Council to notify the church that if they had not established measures to control the erosion by November 28, 2011, then fines would begin. An inspection is scheduled for Monday, December 5, 2011. They will be looking at the erosion control issues and the tree area that has been backfilled. She received some information from one of the members, Steve Bruns, who attends the church and is also a Monroe County Building Department inspector. He explained why the area had been backfilled because there had been a hole established by the road. Rather than having pooling water, mosquitoes, west Nile virus or someone slipping and falling in to the hole, they went ahead and backfilled it. The church is entertaining the idea that if any of the trees were to die an evergreen tree row would be established. The church's pastor has requested a second opinion from a landscaping professional. The pastor was also on vacation and family leave. Mr. Bruns does not know if the pastor has received the second opinion.

Miscellaneous - There are some code changes that need to be prepared but the Planning Department has been pretty busy the last few months. The Planning Department is getting ready to start the ADA Transition Plan and there is some mapping that needs to get done. This is another large project.

They are going to write the annual report and the department's goals will be stated. The goals will be prioritized as to which codes are the most important. Mr. Baker asked if one of those projects was the Mr. Lower's property on State Road 46. Ms. Griffin replied Robert Lowers removed the vegetation as requested. They have not been in contact with one another.

Clifton Bell – Has not been to see him for some time. At the last inspection, several vehicles had been removed. She will follow-up with Mr. Bell.

Lenzy Hayes – Has been inspected by her and the State. There was a demolished trailer they were taking too long to get cleaned up. They have talked to Lenzy Hayes about the demolished trailer. There are other areas being cleaned up so they are making an effort. There will still be some time involved in this case to get it where the Town wants it. The trash area looks much better than it did before. It's too late in the year to deal with the pot hole issues. There are still some cats running around but most of the dogs have been secured. They are definitely making an effort and there is still room to improve. Phillip Smith stated he drives through Lenzy Hayes about once a week. There is one trailer he thought they were tearing down but he thinks they may be fixing up. It has no siding on it and is on the back side. Are they working on it? Ms. Griffin replied yes they are repairing the trailer.

Privilege of the Floor – Non Agenda Items

Bill Schneider – Has been a resident of Ellettsville for 4½ years. Last month he addressed the Plan Commission regarding the situation with the First Assembly of God's erosion problems and the tree line. The tree line was "extra-excavated". Has anyone had an opportunity to talk with Kenny Underwood, the construction contractor at the site? Last month it was requested by the Plan Commission for them to get a professional opinion on the grading of the trees. According to Rob Abell, owner and landscaper at Abell Nursery, these trees are not dead. They will die in three to four years because when you get six inches or more of dirt above grade of the existing tree that soil causes decay above the original grade line. The cells die and suffocate the root system over a period of time. Those trees will die if they are left with the six inches to two feet of dirt that was pushed on them. Bill provided a photograph showing the swell that was referred to. It is 15 to 20 yards away from the trees he's discussing. Dan, an equipment operator, told him they needed to fill in one area because it was lower. There was a big beehive that was dangerous and one of the trees was dying anyway. They did knock down three to four trees. Kenny Underwood told him when Dan was grading and pushing the dirt up hill he pushed it further north than he needed to for aesthetic reasons. It was not intentional and it was an accident. Those trees have been in that gully for 30 to 40 years. There are white maples, walnut and hickory trees.

When they started the project the trees were to be removed. Dan, Rick and Connie came out and stopped the removal of the trees. They literally moved the retaining wall 20 feet further south which Kenny Underwood said saved them money. On September 21, 2011, Pastor Carter told him he was interested in saving the tree line. A month ago they got one landscaper's opinion and Ron Wayt had talked to Pastor Carter. Pastor Carter told Mr. Wayt that he would look into it and get an arborist or landscaper's opinion. At that time Pastor Carter did not have the opinion from Abell Nursery. He went to Bloomington and talked to the Director of Planning and got a copy of their code of saving trees.

He is proposing the Town have a code to save trees in the future. When the grading permit is issued, he's suggesting the Town take into consideration the existing trees and sets up a canopy type regulation. The City of Bloomington has an Improvement Location Permit ("ILP"). The Town could also make a determination as to the percentage of trees to be saved. There could also be a regulation that there can't be any additional fill placed above the existing grade on or about six feet from the existing trees. Both the developer and property owner could be fined for any violations. He requested an ordinance be written with the suggestions above. Phillip Smith stated the Plan Commission will take his suggestions in consideration, discuss it and see what they can do with it. Mr. Smith thanked him for his input. Connie Griffin commented Monday's inspection may yield some new or updated information. She had drafted a landscape ordinance and the canopy is one of the things that had stalled it. Their standards are less than what the other communities near Ellettsville require. This will be one of the code changes that will be prioritized in the annual report. Sandra Hash stated everyone knows the value of trees. They clean our air and give us fresh oxygen. The Orscheln addition was done by Monroe County Planning and they planted Bartlett Pear trees throughout the parking lot. When the trees are in bloom they are beautiful. There is no Ellettsville development that looks like that. When Circle S came in and she was on the Plan Commission she thought they had requested more vegetation. It just seems naked. Fast Max came in under Monroe County's rules and the vegetation holds the ground, adds clean air and has a purpose. It's not just for beautification. She strongly encourages the Town to become more of a tree city. The Town needs it for the future.

Russ Ryle – Thanked the Plan Commission for another year of service. The Plan Commission has tackled a number of very emotional and sticky issues over the last year. For the most part, it has been done in a very professional manner and it has helped to move the community along. The Town is finishing another year where by looking at the planning ordinances and requirements compared to Monroe County, surrounding counties and the City of Bloomington; we are the jurisdiction of least resistance or last resort for several classes of businesses that will not benefit the future of Ellettsville. These were recently listed in a letter to the editor of the local paper. Next year is the Town's 175th anniversary. Unless there is a goal set for next year to close the gaps, the Town of Ellettsville on its 200th anniversary may not look anything like it is today or be the Town we enjoy. Connie Griffin commented Mr. Ryle is correct. The Town's Comprehensive Plan has not been updated since 2007. The Comprehensive Plan discusses reviewing it in a couple of years and changing it every four years. This is another goal for 2012. The format will be changed and it will be upgraded to look like a new professional document. Sandra Hash stated both she and Terry Baker have been here since pre Planning Department and it is a world of difference now. They use to want to do things and they just didn't have the manpower to get them done. They have made strides but they are still small in department size. There is only so much that one and a third person can turn out. They have put a lot of time and effort in the ADA Transition Plan and it could really save the Town down the road. It won't be easy on the Town but they have put a tremendous amount of work in it. For the staff we have she thinks they have made considerable gains.

Richard Crider – Asked if they have voted on the chicken ordinance. Connie Griffin introduced him as the gentleman that submitted the letter about the chickens to the Plan Commission last month. He has a small area and wants to have chickens for the eggs. The ordinance was not prepared for this meeting. This will be one of the first ordinances they will be looking at in 2012. The Plan Commission is aware of the Bloomington code. They will reword the code to match Ellettsville and the Plan Commission will be considering a limitation as to the number of chickens and they will discuss something people will have to sign stating they have never been convicted of any crimes such as animal cruelty. Standards for the pen designs and a permitting process to track where the chickens will be located will also be discussed. Phillip Smith stated it sounds worse than it is. Basically, if there is a good safe place for the chickens and it's kept clean, people probably won't hear from the Town. Sandra Hash commented Mr. Crider lives in a rural part of the Town. Mr. Crider noted he has the space and before he proceeded he wanted to look at the code. Don Calvert asked Mr. Crider how many chickens he wanted to keep on his property. Mr. Crider replied he thinks he wants Bantams and is trying to figure how many he will need. Mr. Smith said he's been approached by several people in Town wanting chickens.

Adjournment

Dan Swafford made a motion to adjourn. Don Calvert seconded. Phillip Smith adjourned the meeting at 7:02 p.m.