

July 10, 2008

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, July 10, 2008 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 7:00 P.M. and lead the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, Vice President, Willis Ziese, Dan Swafford and Frank Buczolic, Sandra Hash, Don Calvert and Phil Smith were absent. Frank Nierzwicki, Director of Planning Services and Connie Griffin were present.

Approval of the Minutes

Terry Baker entertained a motion to approve the minutes from June 5, 2008.

Frank Nierzwicki- I have one correction to the minutes. I was speaking to Ed Bitner. I would like to clarify that when I stated “You need to be speaking to these people, and not me.” I believe I was pointing at the Plan Commission. (Page 9).

Dan Swafford - made a motion that we approve the minutes of June 5, 2008 with the correction, Willis Ziese seconded the motion.

Terry Baker- Terry asked that a roll call be taken, all present approved of the June 5, 2008 meeting minutes, motion carried. Seeing no new business we will go to new business.

Old Business - None

New Business

Request for rezoning at 815 Main Street, Don Baugh petitioner

Frank Nierzwicki- We have a petition from Mr. Baugh. He has two properties at 815 W. Main Street zoned C-3. He’s purchased four more properties to consolidate the area and to re-zone all parcels to C-2. There is an alley in between the parcels and he is interested in vacating the alley.

Dan Swafford- Frank is this in our packet? Do you have a map of this in the packet? Who put these packets together?

Frank Nierzwicki- I did, not Connie. Mine doesn’t have a map in the packet either. He approached the board to explain the location and parcel information. I talked with Jim Ragle, Street Commissioner, about a creek that runs in the back of the property. Jim has no intention of ever building a bridge over the creek, so he doesn’t have a problem and the Utilities Department doesn’t need it.

Terry Baker- Is there anyone here to talk about this rezoning?

Dan Swafford- I would like to table this, so we can have better maps to look at this all together. Has the petitioner been notified that we were going to talk about this?

Frank Nierzwicki- Yes. He said he would be here.

Dan Swafford- I would like to make a motion to table this request on 815 Main Street. Willis Ziese seconded the motion.

Terry Baker- Roll Call.

Connie Griffin- Roll call was taken, all present approved that the request for rezoning at 815 Main Street, Don Baugh petitioner would be tabled until the next Plan Commission meeting.

Request for rezoning at 4210 W. SR 46, Matt Cascio petitioner

Frank Nierzwicki- We have a rezone request on a property on SR 46. The petitioner is here if he would like to speak.

Matt Cascio- Basically, what we are trying to do is to pull all of the parcels into one C-3 zone, so the property is consistent. We've discussed a car dealership or putting apartments at this location, I would like to get this zoning finished, and if I have to downzone it later I'll do that.

Frank Nierzwicki- Most of the parcel property is all ready a C-3, we have some multi-family residential zoning in the back area of the property, and that is what he is trying to do to get the zoning consistent.

Dan Swafford- Again, do you have a map in the packet?

Frank Nierzwicki- That wasn't included? Frank approached the board. He discussed the area and the zoning classifications. I'll explain what this will mean to adjacent property owners. When we have areas in zonal transition we have in Town Code that a double set back is required. He is trying to develop one block of a consistent zone. It will be easier to sell the parcels. Before any development is conducted, the development plan would have to go to the Plan Commission for approval.

Terry Baker- Are there any questions?

Joe Sanders- I live on Deer Park Drive, and my property backs up to the Cedar Bluff Gardens property. I have a couple of questions or issues, concerning the residential property that sets at the corner of my street. I have a concern that if it is zoned to commercial property, are we going to have problems with commercial traffic coming into our neighborhood to enter into the frontage property from the rear, such as delivery trucks. This could cause safety issues and wear and tear on our streets. We don't have sidewalks in the neighborhood.

My second concern is when Circle K gas station went in the lights were so bright, especially in the winter. So, I'm concerned with what could happen with commercial bright lights at this location.

Frank Nierzwicki- One issue on the access and the connection to the neighborhood, this issue would be addressed in the developmental review stage of the site, to limit access to the subdivision.

Joe Sanders- The residential area is on my street now; I think when you are considering changing the classification from residential to commercial I think you need to look at this initially as a problem area you have to consider even at this point. By changing the zoning classification it opens it up for these potential issues.

Frank Nierzwicki- The one thing we will be looking at with the development plan is to have access on SR 46, you have a valid concern.

Matt Cascio- I don't think we have any property that connects to Deer Park Lane. So, I don't think we would be able to access this area.

Terry Baker- I would entertain a motion.

Dan Swafford- He wants to go from residential to C-3 or C-2?

Frank Nierzwicki- C-3.

Dan Swafford- Is there anything sitting on these properties right now?

Frank Nierzwicki- Frank addresses Matt Cascio, you have a rental property.

Matt Cascio- I have a few multi-family homes and a few single family homes, but our intent is to take the rental properties and redefine the property lines for the rental houses and get that as a separate entity, because if we sell it, I don't want to sell the rental property.

Dan Swafford- Is there a house and an egress onto that road?

Frank Nierzwicki- The apartments have access on the road.

Dan Swafford – So, it could actually be done if it wanted to be done that way.

Matt Cascio- There is no way to put a road without major construction, I put retainer walls in, you would have to do major excavation work to put in a road in. There is a pole barn and garage as well as the sales building on the property. A house is used as an office and there is a garage next to the house. They're several buildings on the site. We prefer to sell the parcels to one person as a consistent development. If it doesn't sell we will probably develop it ourselves. We have plans on taking down a gate that INDOT installed. INDOT will take the fence down, but they want to wait until they see a proposal for this area. We have two commercial entrances.

Terry Baker- Since there are no additional questions, I would entertain a motion.

Frank Buczolic- I make a motion that we approve the request for rezoning at 4210 W. SR 46, Matt Cascio petitioner.

Terry Baker- I'll second that. Roll Call.

Connie Griffin- Sandy Hash, absent, Terry Baker, yes, Frank Buczolic, yes, Don Calvert, absent, Dan Swafford, no, Phil Smith, absent, Willis Ziese, yes.

Frank Nierzwicki- This does not pass or is not defeated, my suggestion to the group is to carry this to the next meeting, and hopefully we will have more than four members at the next Plan Commission meeting in August.

Matt Cascio – I'll be out of town in August.

Frank Nierzwicki- August 7th is the next meeting. We have a lack of votes on this tonight, 3 to 1, we have to have 4 votes to pass. We can continue this until September 4th. If you have someone that could represent you or you could provide a written document that could be read at the meeting.

Dan Swafford- I would like to come up and look at the area, I'm confused about the parcel locations.

Matt Cascio- You're welcome to come up to the area at anytime, you can call me if you have any questions.

Joe Sanders – I think it would be best for him to continue this until September, so if we have any questions we can ask him at the meeting.

Dan Swafford- Made a motion to continue this at the next meeting September 4, 2008.

Frank Buczolic- Seconded the motion.

Terry Baker- Roll Call.

Connie Griffin- Sandy Hash, absent, Terry Baker yes, Frank Buczolich, yes, Don Calvert, absent, Dan Swafford, yes, Phil Smith, absent, Willis Ziese, yes.

Planning Staff Comments

Frank Nierzwicki- I have sent off the I-69 planning grant, which will be coming back to us in a month or so. Town code changes, we have a number of items that we have difficulties on enforcing. I will have recommendations on parking on the grass, through erosion control, Rule 13. Other issues, sign banners, have this spelled out and a better permitting schedule, as well as temporary signs. I recommend a new rental ordinance, and Connie has been working on this with the study group.

Connie Griffin- The first meeting was a great brain storming session. We basically determined that bare minimum standards will be the goal. We will model the Bloomington code. We would like to add registration of landlords and getting inspections started. We are looking at this from a liability perspective. Monroe County Building Department, Jim Gerstbauer, CBO Building Commissioner has shown interest in joining our group. We are taking Bloomington Code apart, line by line, and we are putting it into terminology that is easy to read and understand. We will meet a couple more times and then after that we would like to ask for supervisor and commissioner comments, and have the Town's attorney review the code for problems or concerns. We hope to have the rental code ready for adoption at the end or first of the year. After this is accomplished we may look at trailer ordinances.

Terry Baker- Have you had any input from actual renters?

Connie Griffin- No, not as of yet.

Terry Baker- I think that would be good, because they can discuss what they feel are problems.

Frank Nierzwicki- We will have a public meeting with the commissioners to go through this to take input.

Terry Baker- Any questions?

Frank Nierzwicki- The Plan Commission Journal was discussed. He would like to establish a discussion on some of these articles. He reviewed some of the articles that are related to the meeting.

Willis Ziese- He made the comment of the importance to review issues brought before the commission, but if questioned by a land owner or petitioner you need to respond that you are here to review the situation to develop a better understanding of the situation.

Terry Baker- It's hard in a small town not to come in contact with a petitioner during the process of their coming to the commission. You have to remember that you shouldn't discuss the situation.

Frank Nierzwicki- We will have a training class in 2009. We could have some good speakers come to the meeting.

Terry Baker- Seeing no new business, I would entertain a motion to adjourn.

Frank Buczolich- seconded. All agreed, none opposed. Meeting adjourned at 8:30 p.m. Next meeting will be August 7, 2008.