

July 8, 2010

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, July 8, 2010 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Dan Swafford called the meeting to order at 6:04 p.m. Phil Rogers led the Pledge of Allegiance.

Roll Call: Members present were: Dan Swafford, Ron Wayt, Phillip Rogers, Clayton Sullivan and Sandra Hash. Don Calvert and Phillip Smith were absent. Connie Griffin Director of Planning Services was also present.

Dan Swafford reminded everyone of the three minute time limit for speakers before the Commission. If additional time is needed by the speaker, he asks that the speaker request further time.

Monthly Conflict of Interest Statement - None noted.

Approval of the Minutes – June 10, 2010

Dan Swafford entertained a motion for approval of the June 10, 2010 minutes. Ron Wayt so moved. Clayton Sullivan seconded. Motion carried.

Old Business

Request for PUD Amendment Autumn Ridge – Sidewalks: Jason Walls petitioner Jason Walls, Developer – refreshed everyone's memory regarding his presentation last month asking for a PUD amendment to the Autumn Ridge subdivision sidewalks. He explained the request was to place the sidewalks where the x's are on the map and turning down both sides of the stub road to the church property. Dan Swafford clarified that would delete the rest of the existing sidewalks that were in the plat. Mr. Walls confirmed that. Dan Swafford asked if Connie Griffin had any comment on this. She responded she did not; they were at a tabled position at the last meeting. Dan Swafford stated there was quite a bit of confusion at the last meeting and he apologized for that. However, there was a need to vote on this issue at this time as it is brought to them. Clayton Sullivan made a motion to grant the petition for a PUD Amendment as requested and to send to Town Council with recommendation. Phil Rogers seconded. There were no Commissioner comments. Dan Swafford asked for public comment.

Bill Schneider, resident of Autumn Ridge – asked for clarification on what Mr. Walls is asking for. Dan Swafford stated it was to install sidewalks just where the x's are on the plan and removing all the other proposed sidewalks on the plan (there would be sidewalks on the South

side of Harvest Lane and on both sides of the existing stub that will connect to the proposed road intersecting with State Road 46. There will be no sidewalks on September, October or Gathering Court). Mr. Schneider added the residents will now be responsible for snow removal on those sidewalks, where, in the past, they have not had to because there were no sidewalks. He also stated he understands the two entrances and exits are due to the church going in and he doesn't see why they can't have the two new entrances and exits off of SR 46. The traffic will be greatly increased in their neighborhood. Ron Wayt stated he feels they are going down a dangerous road by amending these plats. There is a possibility of many more neighborhoods being expanded or built. If we continue to take this and that out, why even have ordinances for sidewalks or landscaping or other things. If we do it for this neighborhood, we will have to do it for every neighborhood. We need to be consistent with every development brought into the community. Bill Schneider asked if the plat was present. Dan Swafford stated it was not. Mr. Schneider stated he looked at the plat very carefully a couple of years ago. He recalls seeing sidewalks around the residences. He does not recall seeing sidewalks on the south side of Harvest Lane on the plat. He said he doesn't recall when the ordinance was passed to require sidewalks, but they haven't had sidewalks for seven years. Why, all of a sudden, is it a priority? Who in the Plan Commission or the city would have approved the route for fiber optic to be buried? None of the neighboring additions have sidewalks either. Ron Wayt commented they were in the County, not the Town of Ellettsville. Mr. Schneider stated the Commission is going against the wishes of the residents of the addition and they are holding up the completion of the street. Dan Swafford informed Mr. Schneider that he has stated several times and will clarify once again that this issue with the PUD has nothing to do with the developer completing the street. This is a completely different issue. Therefore, if the developer is holding this up waiting on an answer from this, he doesn't know why. Ron Wayt added the Town Council should follow through and they need to be consistent.

Roger Havronek, Autumn Ridge resident – has been a resident for four years. We are asking for an exemption to this because the vast majority of the residents don't see the need. They don't lead to anywhere and we don't see the need. It is up to you to decide whether you will grant our request.

Sandra Hash stated she is a sidewalk advocate, but this poses a special situation. The residents don't want it and the slope of the land doesn't accommodate it. It's already a finished neighborhood. She doesn't feel they are necessarily setting a precedent because the residents came to us requesting the change. Ron Wayt reiterated he did feel it was setting a precedent.

Connie Schneider, Autumn Ridge resident – feels the residents shouldn't be punished because the Town didn't follow through from the beginning. The residents don't want it and they should be grandfathered in.

Ray Nelson, resident of Autumn Ridge – stated he understands Mr. Wayt's comments regarding setting a precedent. However, many precedents are set and many are broken. The fact you act one way today and another way tomorrow is just a part of politics. It's done every day, by every group in many situations. He asked the Commission not to require the sidewalks.

Roll Call vote: Dan Swafford – yes; Ron Wayt – no; Phillip Rogers – yes; Clayton Sullivan – yes; Sandra Hash – yes. Motion carried 4-1. Dan Swafford stated this would be sent to Town Council with Plan Commission recommendation.

Landscape Ordinance, Chapter 97, New Code

Connie Griffin, Director of Planning – informed the Commissioners she received a comment from Don Calvert and she would read it. “Only 30% of all the shrubs are to be Evergreens. Evergreens give year-round privacy, color and limit visibility - just a thought.” It was something they had discussed amending from the original code. The suggestions discussed the last time have been added into the code.

- The table talked about has been added in
- The visibility triangle has been clarified
- Zoning classifications have been clarified
- No more than 30% of all shrubs required shall be evergreen
- New fences will require a permit and an application
- Unfinished concrete block walls shall not be permitted with any new required yard unless capped

Page 21 and 22 at the site triangle is where they last left off that had the most change. We removed from “There are additional restrictions...” through the end of that paragraph. The Sight Safety Triangle, Height of Obstructions, and Figure 1 were added. We left off at page 22 with the Sight Distance Diagram. She added she would present from this point to the end of the document at the next meeting.

Dan Swafford stated that before proceeding to New Business, he would like to say that Chapter 93 Leaf, Tree and Brush Removal Code Introduction was removed from the Agenda. It will be sent directly up to Town Council.

New Business

Chicago’s Pizza LED Sign Request – Petitioner Craig Schwartz

Connie Griffin, Director of Planning – explained Mr. Schwartz, owner of Chicago’s Pizza, is the first LED petition. When we had the sign code changes, we stipulated we wanted to have some type of input regarding these signs until we felt comfortable with this code change. He has filled out all the elements of the sign permit application. His sign will be above nine feet so it meets the original code request. The sign is 64 square feet. He is allowed these dimensions.

Craig Schwartz, Owner of Chicago’s Pizza – informed the Commissioners it would always have time and temperature on it. It will have their specials, any community

activities, and school activities. The colors will be red, green and yellow. It will move across the screen. We plan on leaving it on 24/7. Sandra Hash asked if the brightness was adjustable. The brightness can be controlled. Sandra Hash asked to clarify if the sign will be nine feet above the ground or nine feet above the road. Mr. Schwartz stated he had the same question. Connie Griffin stated it could go as high as 26 feet according to code. She stated they just need to amend his application to increase his request for height.

Bob Holler, sign manufacturer – stated you do not want to put it 20 feet in the air. If people are driving along, they would have to look up to see the sign at 20 feet and this could cause an accident. You don't want to go higher than 13 to 15 feet.

Dan Swafford entertained a motion to approve Chicago's Pizza LED Sign Request. Clayton Sullivan so moved. Ron Wayt seconded. Roll Call vote: Dan Swafford – yes; Ron Wayt – yes; Phillip Rogers – yes; Clayton Sullivan – yes; Sandra Hash – yes. Motion carried 5-0.

PUD Amendment – Russ Ryle Introduction

Russ Ryle, Reeves Road resident – states he's not sure if this requires an amendment to code, or whether it is a policy decision. The PUD project defined is a negotiated project between the Plan Commission and the developer. What he and his wife would like to do is see there is sufficient financial incentive and guarantees in any PUD that the general taxpaying public of the Town does not get stuck with the bill for incomplete sidewalks, landscaping or other problems that might come up. Once you approve a project and it is built, it's a part of your town forever. When you make modifications on the plan, you're putting less than ideal developments in your town that the town is going to have to financially support throughout the future. This is why they are asking the Town to make sure that after two years, if a developer does not complete its required infrastructure, there's a financial asset there the Town can go against and see that infrastructure is completed so it doesn't become a burden to the taxpayer.

Ron Wayt asked Connie Griffin what the process would be to do what Mr. Ryle is asking. Connie Griffin said the process would be to review our code, consider what Mr. Ryle has stated, and then for her to propose a new code and do an introduction. Then, once discussion has taken place, if a code change was desired, public notice would have to be published. Ron Wayt interjected it would be similar to landscaping and such and Connie Griffin responded it would be. A couple of other PUD codes should be researched to make sure they came up with something similar. Ron Wayt added since he has been in the Town, there have been two neighborhoods with problems related to this issue and the Town will end up putting streets in Autumn Ridge when the Town cannot afford it. He added he is all for this amendment. It's not fair to the taxpayer to have to take over what a developer fails to finish. Dan Swafford stated its time they need to make stricter guidelines here. Russ Ryle commented developers need to know the rules. Sandra Hash commented the Commissioners are not professionals and she feels it would be wonderful to have guidelines that spelled out the possibilities of what types of conditions can be negotiated. She feels there is definitely room for improvement. Dan Swafford added there needs to be time limits placed on these projects as well.

Frank Nierzwicki, private citizen – felt there was confusion on two items which were bleeding over into each other. His thought was there should be a build-out time frame in code for subdivisions. The other issue is to have things written down when developers come to you for variances. There could be the amount of green space and other issues you could put in there to negotiate.

Amend Driveway Standards Code 152.227(B) – Ancillary parking areas are not required to be paved

Connie Griffin, Director of Planning – stated this was mentioned by Rick Coppock. He felt if people were putting in additional or access roads when they were putting in driveways they should be paved as well. This is to introduce this topic for discussion. Sandra Hash stated this has been a long-standing issue discussed over many years. The Plan Commission in the past had stated you couldn't park in your yard and you couldn't park on the street. They began allowing some gravel because people couldn't afford to pave that much. She added she would love to see all paved driveways. Dan Swafford commented with the economy the way it is now, there are people who are not going to be able to pave their drives. He went on to suggest new construction should be required to put in a driveway capable of parking two cars. Sandra Hash agreed, but stated this was brought up to deal more with existing drives. If anyone makes any change to an existing driveway, they would then be required to bring it up to code and pave it. Sandra Hash suggested they take this issue under advisement and have more discussion at a later date. Dan Swafford agreed.

Planning Department Updates

Smithville – Connie Griffin stated they have been reviewing the development plans for the new warehouse located at Chapel Hill Wilderness, LLC. They are in discussion for a rezone. It's an agricultural zoning and we want to bring it up to a C-3 classification. They are only interested in rezoning the section they are going to build the warehouse on. Some of the supervisors are meeting with Mrs. McCarty tomorrow morning. They want to go over some of the other requests. They want to build in phases. There will be some septic and water issues. We have assured them we will try to move through this as quickly as possible. Ron Wayt asked if this was a temporary building. Connie Griffin stated it would not be, it would be a permanent structure. It will be built in phases and the public will not be coming back to that area. She suggested there may be some conditional approval. Ron Wayt asked could the conditional approval give them a time line in order to have the area paved. Connie Griffin answered right now they have just been looking at rezoning, but as the questions come up, there may be additional clarifications. Dan Swafford asked if they would have opportunities for input before these things come to pass. Connie Griffin stated most definitely.

Grimes Annexation – Connie Griffin stated the last time Mr. Grimes and Mr. Clark came in was on June 24. Mr. Clark did not have the invoice from the landfill for removing the soiled waste. She spoke with Mr. Grimes about that and he is going to get that for the Planning Department. She also spoke with him about the church needing a certificate of occupancy ensuring the church can be in that location and the building code standards are met for that use. She does have a letter back from the Monroe County Building Department, which is who we contract with to do our inspections. Right now Mr. Grimes property is still in the county and we have to keep in mind we do not have any jurisdiction over them

other than ensuring that building has a certificate of occupancy. Once the landfill invoice and certificate of occupancy are turned in, Mr. Grimes can be put on the agenda for annexation approval.

Code Enforcement – Connie Griffin stated she is putting minimal effort into code enforcement right now due to so many other responsibilities. She does receive them and she tries to take care of the most urgent ones; particularly the ones that are safety issues. She is still working with Mr. Cascio. He still has some time before it will have to be taken to the next level of enforcement.

Privilege of the Floor – non-Agenda Items - None noted.

Adjournment

Dan Swafford entertained a motion to adjourn. Phillip Rogers made the motion to adjourn. Clayton Sullivan seconded. Dan Swafford adjourned the meeting at 7:15 p.m. The next meeting will be August 5, 2010 at 6:00 p.m.

Dan Swafford, President

Ron Wayt, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Smith

Phillip Rogers

Clayton Sullivan