

**June 2, 2011**

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, June 2, 2011, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Phillip Smith called the meeting to order at 6:01 p.m. Dan Swafford led the Pledge of Allegiance.

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

### **Approval of the Minutes – May 5, 2011**

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

### **Old Business**

### **Subdivision Approval Continued - Cole-Sykora-Romine Property – 36.51 Acres, Parcel ID No. 53-04-13-100-005.000-013, Preliminary Plat Approval 3 Lots, Located South of Lost Mans Lane and East of the Woodgate Subdivision**

**Connie Griffin, Director of Planning** – The subdivision has been approved. However, the potential septic waiver was tabled until this meeting. Rick Coppock, the Town Engineer, is present and will review the estimate from Mike Farmer.

**Rick Coppock, Town Engineer** – The cost to run the lines is \$6,400. There is an additional cost of \$6,400 for the pump, \$4,137 for an additional pump, labor is \$3,000, a cost of \$2,050 to hook on and the septic is \$7,500 (and it will cost twice this amount to hook on).

**Dan Swafford** – Uses the same system and his house was built in 2003. The total cost to hook on to the sewer was \$3,800. His sewer system has two tanks with a pump to the main sewer line. Mr. Swafford is concerned with how the proposed sewer hook up could cost \$12,000. Rick said this requires 2 grind pumps.

**Sandra Hash** – Asked if Mr. Coppock had talked to Larry Barker, President of Eastern Richland Sewer Corporation. Mr. Barker thought there might be a place to hook on that was closer. Rick had not talked with Mr. Barker, but said it is procedure to make connections within utility easements and at manholes. Ms. Hash asked Rick Coppock if the estimate was from the Town of Ellettsville or Bynum Fanyo. Mr. Coppock responded it was from Bynum Fanyo.

**Dan Swafford** – Stated if Bynum Fanyo does the work they would charge approximately \$12,000. Mr. Swafford asked Mr. Coppock what the actual parts would cost. Mr. Coppock answered the parts would cost \$8,170. Mr. Swafford asked what the difference is between his pump and the pumps for this property. Mr. Coppock explained the differences. After some discussion Mr. Swafford clarified the estimate of \$12,000 is for one parcel and the other two parcels can hook on to it. Mr. Swafford asked if the \$2,050 hook on charge was for membership in Eastern. Mr. Coppock said yes. Mr. Swafford stated he is concerned with going backwards with a septic system but can't see spending \$12,000 on an elaborate system. The Town Code states the Town is not permitted to allow septic systems. Mr. Swafford asked if there is any other less expensive way this sewer can be installed. Mr. Coppock stated there are cheaper systems but they would not be as reliable. This is a system that has been approved by Eastern. Sandra Hash asked if Eastern would be willing to bring the pipe to their property line. Mr. Coppock answered no that is the developer's responsibility. Dan Swafford asked Sherry Cole how she felt seeing the estimate.

**Sherry Cole** – Responded, all she wants to do is make it affordable for her son to build a home on the property.

**Phillip Rogers** – Asked Connie Griffin what the Town Code states for this issue. Ms. Griffin stated the distance is 300 feet. If it is over 300 feet the Town can grant them a septic system. There could be a conditional approval on the septic system. If the property owner continues to develop the property then she would have to go into a commercial system. Sandra Hash stated if there is a connection point within 300 feet then they would have to hook on to the Town's sewer system.

**Dan Swafford** – Asked if this is in the Town Code. Connie Griffin stated it suggests in the Town Code, if a person can connect to the Town's system it is the best thing to do. If not, if it exceeds the distance and is a financial hardship, then the person can seek a waiver from the Plan Commission. The Plan Commission would grant the waiver and then they would pursue the appropriate permit for a septic system through the County. Phillip Smith asked if 2 ½ acres is the minimum for a septic in Monroe County. Rick Coppock confirmed that was correct. Phillip Smith asked if there was currently a house on the property. Sherry Cole answered yes; she lived on the larger parcel. Sandra Hash asked if she has a septic system. Ms. Cole responded she has a septic system and stated her septic system cost. Phillip Smith asked if a perk test has been done. Ms. Cole stated the test has been completed.

Phillip Smith made a motion to approve the septic waiver of Lots 1 and 2 of the Cole-Sykora-Romine Subdivision with the condition that if there is further commercial or residential development of any kind and sewer becomes within 300 feet, they would have to return to the Plan Commission. Phillip Rogers seconded. Roll Call Vote: Phillip Smith – yes; Don Calvert – yes; Phillip Rogers – yes; Dan Swafford – yes; and Sandra Hash - yes. Motion carried 5-0.

**Connie Griffin** - Will issue a formal waiver.

### **New Business**

**REZONE- Kocolene Development Corporation, Discount Tobacco, "Fast Max", 4724 W. SR 46, Bloomington, IN 47404, Tax ID Number: 53-04-14-105-001.001-.113, Historic Parcel ID: 009-30430-01, Petitioner requests change from Residential 1 (R1) to Commercial 3 (C3). Petitioner: Brian Cross Civil Site Representative for Kocolene.**

**Brian Cross, Civil Site Representative for Kocolene** – This is a rezone petition of a small parcel (0.053 acres) and is currently zoned R-1. Kocolene operates the Fast Max located at 4724 W. SR 46.

**Connie Griffin** – This dates back to November 2008. There was a tree row Mr. Williams no longer wanted to care for so it was deeded over to the Kocolene Company. The signed petition has been completed, all rezone fees have been paid, the public hearing notices were advertised correctly and it is in accordance with Indiana Code 36-7-4 for the comprehensive plan review. It is a responsible growth and development for the community along the corridor.

**Sandra Hash** – Asked if the trees will stay. Mr. Cross stated a few trees will have to be moved.

**Phillip Rogers** – Asked if there have been any comments from the neighbors. Mr. Cross responded they have not received any written or verbal comments. They did receive a request on the development plans.

**Candy and Jim Santo, 4882 W. Sterling Court** – They are speaking not only for themselves but for two of their neighbors who could not be present, the Feathers and Shockneys. They are asking that consideration be given to traffic. Drivers turn off of SR 46 and then turn left into the station. They are asking that the entrance off of Briargate be made smaller and the entrance off of SR 46 be limited. Phillip Rogers asked if they were talking about the long entrance. Ms. Santo confirmed it is the long entrance off of Briargate. Mr. Rogers stated he thinks it is the entrance they use to get the transport in there. Ms. Santo stated people exiting SR 46 can just turn right off of Briargate without slowing down. Phillip Smith asked what this has to do with the drive through window. Ms. Santo replied if any improvements have to be made to modify the lot, she is hoping they can make the changes. Sandra Hash asked if she is saying children actually play in that area or is she talking about young adults driving vehicles in that area. Ms. Santo stated the children are playing in their own yards and the ball will roll down the hill or the kids are riding their bikes down Briargate and they stop at SR 46 and people are turning off of SR 46 without slowing down. Jim Santo stated 99% of the traffic traveling west on SR 46 comes through the Briargate entrance. He has rarely seen anyone turn at the SR 46 entrance. They also exit from Briargate causing a hazard in both directions. Another problem is the bushes are too high. The drivers can't see anyone coming down Briargate. It is worse in the winter because there is a drain that clogs. When it rains water accumulates at the drain. This is also affecting the Shines. They are having trouble selling their home due to the economy down turns, traffic and frequent accidents at the intersection.

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**Dan Swafford** – Stated the concerns are not valid on the rezone at this time. However, on the design phase they will be more valid.

**John Williams** – When the state surveyed he gained property. The property has four spruce trees. Mr. Miller said he would take the property if he didn't want it. It's the only non commercial piece of ground between the fire station and Union Valley Road. Briargate should be re-surveyed. Mr. Miller reminded everyone to be sure and check for the water line. The water line drops between three to four feet. Dan Swafford asked Brian Cross if there was not a development on the rezone. Mr. Cross responded it is just a rezone.

**Brian Cross** – Reiterated this is a rezone petition. However, safety is always a concern.

**Sandra Hash** – Confirmed it is one thin strip and it is commercial on both sides.

Phillip Smith entertained a motion for the rezone of the Kocolene Development Corporation, Discount Tobacco, Fast Max from R-1 to C-3. Dan Swafford so moved. Phillip Rogers seconded. Roll Call Vote: Phillip Smith – yes; Don Calvert – yes; Phillip Rogers – yes; Dan Swafford – yes; and Sandra Hash - yes. Motion carried 5-0.

**DEVELOPMENT REVIEW- Kocolene Development Corporation, Discount Tobacco, "Fast Max", 4724 W. SR 46, Bloomington, IN 47404, Tax ID Number: 53-04-14-105-001.001-.113, Historic Parcel ID: 009-30430-01.**

**Petitioner: Brian Cross Civil Site Representative for Kocolene.**

**Brian Cross, Civil Site Representative for Kocolene** – The proposal in the development plan is to add a small addition and remove the mini barn to allow a drive through window. Phillip Smith confirmed the drive through window will not affect the tankers coming in to fill the tanks.

**Rick Coppock, Town Engineer** – Summarized a letter to Kocolene regarding the proposed plan. Sandra Hash asked if the drainage from the condos that will go down on to the pavement and out the entrance to the road will have a filtering system since the additional traffic will create pollutants which will run across the parking lot. Mr. Coppock answered it is the will go into the existing grate and it is not filtered.

**Bob Reynolds** – Business is down 40% and the drive through is needed to remain competitive. Sandra Hash complimented Fast Max for looking nice. Mr. Reynolds stated years ago, they spent \$28,000 on landscaping. Monroe County was very assertive on the landscaping and development requirements. They will trim the bushes on Briargate Drive, if the Town permits them to do so.

**Dan Swafford** – One of the concerns of the neighbors is the height of the bushes. The Town gives them permission to trim or change the bushes. Mr. Reynolds said they will do whatever is necessary. Sandra Hash asked if the hours of operation will change. Mr. Reynolds thinks they will remain the same.

**Sandra Hash** – Asked Mr. Reynolds to explain why the entrance off of Briargate is so large when it is such an immediate turn off of SR 46. Mr. Reynolds stated Monroe County Planning had required the large drive. It is preferred to have an entrance off of a side road when possible.

**Connie Griffin** – Supervisors had the opportunity to review the Plans and the Town Marshal did not comment.

**John Williams** – The people in the duplex were told to direct their water to the cul-de-sac in front. However, they were not. They were draining it on to Kocolene. Dan Swafford commented when he went on site there was water movement behind the store coming from the duplex area. At the last meeting he had asked the Town Engineer to look at it to make certain this wouldn't create a problem on the highway.

**Rick Coppock** – The east inlet on Briargate is not carrying the water. The water comes out the grate onto the road and collects all the water up stream and it is dumped out at that location. Dan Swafford asked Connie Griffin to have Jim Ragle take a look at it. Ms. Griffin responded she would have Jim Ragle take a look at it.

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**Dan Swafford** – Asked Mr. Reynolds to get with Connie Griffin to work on the visual obstruction.

Phillip Smith entertained a motion on the development review for Kocolene. Dan Swafford so moved. Phillip Rogers seconded. Roll Call Vote: Phillip Smith – yes; Don Calvert – yes; Phillip Rogers – yes; Dan Swafford – yes; and Sandra Hash - yes. Motion carried 5-0.

**Frank Nierzwicki** commented the Metropolitan Planning Organization could assist with traffic and accidents counts.

**DEVELOPMENT REVIEW- Southern Bells, Inc, Project: Taco Bell 4125 W. SR 46, Bloomington, IN 47404, Tax ID Number: 53-04-13-300-056.000-013, Historic Parcel ID: 0091016101, Petitioner Michael Thompson, Representative of Taco Bell.**

**Michael Thompson, Civil & Environmental Consultants, Inc.** – Parcel in Richland Square and is  $\frac{3}{4}$  acre. They have changed six shade trees to ornamental shrubs on the north side. This is a 60 day project and will start in the fall or next spring. Dan Swafford asked if the building will be solely for Taco Bell or will there be another business. Mr. Thompson responded it will be Taco Bell only. Phillip Smith asked if the project will have a standard black top drive. Mr. Thompson responded yes.

**Phillip Smith** – Asked Connie Griffin where the project will be located. Ms. Griffin answered it will be located next to the credit union.

**Don Calvert** – Asked if local builders will be used. Lisa Murphy responded they will be out of Indianapolis. Dan Swafford asked the name of the engineering firm on this project. Mr. Thompson replied it is Peterson Architecture.

**Phillip Smith** – Stated this will really increase traffic and asked if there is anyway to remove the section of trees. Mr. Thompson answered they will be replaced with smaller scrubs which will also improve visibility.

Phillip Smith entertained a motion to adopt the developmental review of the Southern Bells, Inc. project for Taco Bell, 4125 W. SR 46. Dan Swafford made a motion to adopt the developmental review of the Southern Bells, Inc. project for Taco Bell, 4125 W. SR 46. Phillip Rogers seconded. Roll Call Vote: Phillip Smith – yes; Don Calvert – yes; Phillip Rogers – yes; Dan Swafford – yes; and Sandra Hash - yes. Motion carried 5-0.

### **Turning Point Apostolic Church, LED Sign.**

**Connie Griffin, Director of Planning** – This is an LED request for a wall sign at 210 W. Vine Street. The old sign will come down and the LED sign will face Vine Street. This is a 4' X 8', 32 square foot sign. According to the specifications, it has some program graphics, special effects, time and temperature display and ten levels of brightness. They are seeking approval so the sign permit can be issued. Phillip Smith asked what is across from the church. Phillip Rogers answered it is the old 7-11 building. Mr. Smith asked if the sign is too big. Ms. Griffin answered the building to sign ratio is approximately 10%.

**Don Calvert** – Asked if the sign will have flashing or scrolling. Ms. Griffin answered the sign has scrolling.

**Chad Southern** – Only two lines will scroll on the bottom half of the sign.

Phillip Smith entertained a motion to approve the LED sign for the Apostolic Church. Dan Swafford so moved. Don Calvert seconded. Roll Call Vote: Phillip Smith – yes; Don Calvert – yes; Phillip Rogers – yes; Dan Swafford – yes; and Sandra Hash - yes. Motion carried 5-0.

### **Planning Department Updates**

There have been recent discussions about adding to the legislative procedures a section that attendance by members should be a minimum of 70% of the time to remain on the Plan Commission. Phillip Smith commented there should be a

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maximum amount of meetings a person can miss. Don Calvert said he thinks there needs to be basic excused absences. Rick Coppock suggested notifying the person after they miss three to four consecutive meetings.

### **Enforcement Updates by Connie Griffin, Director of Planning**

**Lenzy Hayes** – Has been issued an agreed order. The State inspector and Connie Griffin will meet at the site at 9:30 a.m. on June 3, 2011.

**Cedar Bluff Gardens** – There is a meeting with the Town Attorney and Lorelei Sperry to discuss the Town's expenses and work and enforcement on the property. There is a large drum of sulphuric acid and other lawn chemicals in packages that are leaking. IDEM and hazmat may have to come in and make certain the chemicals are properly removed. During the annexation, the Town required a receipt from the landfill where those items were taken. If the Town does not have IDEM involved, the owners of Cedar Bluff can dispose of them and the Town can request a receipt.

**Clifton Bell** – The inspection will be at 8:30 a.m. on June 3, 2011, and she is requesting a Plan Commission member attend as well. Phillip Smith said he would be present at the inspection. Some property cleanup has been completed.

**Chad's Recycle and Refuse, LLC** – The Town has received a letter from the DNR about removing the fill. Another circumstance has been issued as well. The Town Attorney has drafted a letter to Mike Carmin. In May, Mr. Carmin had agreed to a Planned Unit Development ("PUD") Application and to come before the Plan Commission in July. The time frame on the PUD Application is a 45 day review as well as the Development Plan review. As of this date, the PUD Application and a petition to appear before the Plan Commission has not been received. Ms. Griffin told the Town Attorney the 45 day requirement would be waived because the Town wants to see the PUD Application in July so it can be forwarded to Town Council for resolution.

The Planning Department has a new sign for public notices. The petitioner will be required to pay for the sign. The cost is \$14.50.

**Storm Water Audit** – Is scheduled for June 15, 2011. Any Town Council or Plan Commission member who would like to attend the audit needs to see Connie Griffin for an agenda. Indiana University and Todd Stephenson have gone through the audit. She has been working with other departments on the updates. She trained her administrative assistant today.

**Trail System** – The Parks Board will be adding a new zoning classification, "Trail System". It will come under the Municipal Public District classification. She will seek Parks Board approval to take it before the Plan Commission so it can go through the appropriate public notices and be advertised. The Parks Board will work toward implementing the ordinances and they would like to mimic the City of Bloomington's Trail System Codes so when the trails merge they will be compatible.

Don Calvert asked about the status of the enforcement officer. Four applications have been received for this position. There is one applicant that stands out. He was born and raised here, does not have an issue with enforcing, has a thick skin and they tend to get along very well. She will bring him before the Town Council on June 13, 2011.

### **Privilege of the Floor**

**Frank Nierzwicki** stated the water and sewer east of Woodgate are in the Eastern Richland Sewer Corporation area. He suggested the town provide mapping, plans and a list of charges. It would be easier for people coming in to know the price per linear foot. Sometimes the Town pays for the labor. The county is looking at changing their cost. Ellettsville should consider changing their fees.

**Russ Ryle** – What did the DNR request to be removed? Connie Griffin stated the cease and desist order issued by the State allows Chad Stephens to go through a process of petitioning before the Commission. The problem is this issue has been going on for months and they have been told he would be providing a petition and nothing happens. Ms. Griffin read a letter drafted by the Town Attorney to Chad Stephens. Mr. Ryle asked if the Town has any responsibility with the

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DNR request. Ms. Griffin responded not at this time. From her understanding with the inspector, they have a 30 day process to appeal for various studies. Rick Coppock stated the DNR has a fine. Mr. Ryle asked if the DNR will move the dirt. Mr. Coppock stated no, the DNR will force them to do it. Mr. Ryle asked if the Town will have to assist with the movement of the dirt. Both Rick Coppock and Phillip Smith responded no, the Town will not assist with removal of the dirt. Ms. Griffin commented after the dirt has been removed, the public has asked for soil tests to be performed on the site prior to them evacuating the site.

**Phillip Smith** – Thinks it's a good idea to leave the lot on Vine Street in grass and confirmed the blacktopping had been canceled. Connie Griffin replied this was correct and she thinks there may be an issue with easement. Mr. Smith recommended putting a trash bin on the lot.

### **Adjournment**

Phillip Rogers made a motion to adjourn. Dan Swafford seconded. Phillip Smith adjourned the meeting at 8:16 p.m. The next meeting will be July 7, 2011, at 6:00 p.m.

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Phillip Smith, President

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Clayton Sullivan, Vice President

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Sandra Hash, Secretary

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Don Calvert

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Phillip Rogers

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Dan Swafford

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Ron Wayt