

June 5, 2008

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, June 5, 2008, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Sandra Hash called the meeting to order at 7:00 P.M. and lead the Pledge of Allegiance.

Roll Call: Members present were: Sandra Hash, President, Terry Baker, Vice President, Don Calvert, Willis Ziese, Phillip Smith and Dan Swafford (joined us at 7:08 P.M), with one member absent-Frank Buczolic. Frank Nierzwicki, Director of Planning Services, and Connie Griffin were present.

Approval of the Minutes

Sandra Hash entertained a motion to approve the minutes from May 1, 2008. Don Calvert made a motion that we approve the minutes of May 1, 2008, Terry Baker seconded the motion, all approved of the May 1, 2008 meeting minutes, motion carried.

Old Business

Rezoning Parcels Within the Heritage Redevelopment Area-discussion

Sandra Hash- Discussed the area between the pairs that are part of the parcels within the Heritage Redevelopment Area, for recommended zoning changes.

Frank Nierzwicki- Frank explained the total parcels under consideration, a total of 105, 26% did not change, 22% were down zoned, 26% that did not change and 52% up zoned. The draft was prepared from the Heritage Crossing Development Plan and the Comprehensive Plan. Staff recommends the Plan Commission determine the zoning within the Heritage Crossing development area at this meeting.

Sandra Hash- According to procedure I would entertain a motion to approve this motion and a second, and before any voting takes place, we'll open it up for comments for commissioners and the floor.

Frank Nierzwicki- The motion needs to approve the redevelopment plan with the stated zoning; it has to be in the motion.

Sandra Hash- Do I have a motion?

Phil Smith- I move to approve declaration resolution redevelopment plan of the heritage crossing redevelopment within the zoning changes.

Don Calvert seconded the motion.

Sandra Hash- Opened the floor for comments, she reminded the audience to limit their comments to 3 minutes each and be direct with their comments, so they need to only approach the podium once.

Do any of the Plan Commissioners have any comments or concerns that you would like to express?

Phil Smith- We have the Comprehensive Plan, so if we don't do this, we need to re-do the Comprehensive Plan. This was passed once before.

Don Calvert- We are here to serve these people, so I think we should listen to what they have to say.

Sandra Hash- Open the floor for comments on the redevelopment plan.

Bob Sowder- I don't have any problem with upgrading the zoning from residential to C-2, I have problems with down

grading businesses that are already in the area. When they go to sell the property they can't sell it as the business it was being used for. In my opinion that is taking money out of people's pockets.

Frank Nierzwicki- Mentioned to Bob Sowder that he needs to address the commission.

Bob Sowder- Those are my concerns with planning and I don't know if anyone has anything else to add to that, it already has my property, so I don't have anything to gain by it, I just would like to see my neighbors in the area protected.

Rick Bennett- I work at Thurman's Body Shop and he sent a statement for me to read. We regret we are unable to meet and address with you in person. We request that our property at 431 West Main Street be exempt from the rezoning. We feel that rezoning the property would diminish the value of our property and would hinder the future re-sale of our business. This location has been an automotive business, since its birth, and is well suited for this industry to sell it as anything else would be counterproductive. We feel the rezoning can be done without changing the zoning of this parcel.

Ed Bitner- The Comprehensive Plan is a plan and plans are made to be changed. I'm in disagreement with the plan as it is written. The plan should allow for upgrading properties. I was told that I could be zoned a C-3 after the highway came in, and I got on the Plan Commission and was hoping that we could get the same plan done. Everyone could be a C-3 or C-2 of their choice. It was brought up at a meeting, and it is in the minutes, that property owners would have their choice if they wanted to go C-2 or C-3 in that area. It is a common known fact that when you go to sell your property that a C-3 will bring more money. He stated several people paid money to have their property zoned a C-3. It isn't fair to strip away people's property, and you wouldn't want a highway running in front of your house, when you lived on a dead end street for 25 years, but that happens, change does happen. I'm not for the zoning as you have it planned and the Comprehensive Plan, everyone has a plan, plans get changed, it isn't etched in stone. I was quite disgusted with the agenda tonight, and it doesn't say discussion for this topic, it says approval and to me that says it is already a done deal and we are only having this meeting to satisfy the public.

Kenny Anderson- Although we've been excluded from the zoning at this time, I'd recommend both parallel lanes be both C-3, so that the town could grow better that way. I would like to see any property that is zoned a C-3 stay a C-3. Upgrade is good, but down grading isn't good for anybody.

Darlyne Sowder- I was asked by another person in the area, if I would help with a petition in the area. The petition has been signed by numerous persons. She read the petition statement.

"The undersigned, all residents of Ellettsville, Indiana, are opposed to the zoning changes proposed by the Heritage Crossing Redevelopment Plan for the downtown area. The undersigned oppose rezoning being forced upon property owners."

Mr. Anderson, mentioned something I hadn't thought of, zoning it all C-3, and that is a good idea. I also recommend you rezone the vacant properties, but leave the existing businesses alone. When you sell the business you should be able to sell the business and reap the rewards of your time and money you have devoted to the business. If you come in and re-zone the property, she discussed comments from Frank's newspaper article, which the new zoning will only come into play with the new owners of the property. What is so bad about automotive stores? Make everything C-3 like Mr. Anderson said or leave it alone as it is. If you have to rezone something, rezone the empty places and leave the existing businesses alone.

Russ Ryle- Be straight up with these people. If you are going to rob them and down zone them and not write them a check be honest about it. I think the whole area as a C-3 is excellent. Downtown is C-3. Ellettsville is a working community. If you have to do anything tonight amend the plan before you make all of the properties C-3, but what would really be better would be if you would adopt the plan without any forced zoning. You have the power to steal money from these people. Down zoning from a C-3 to C-2 you took X thousand dollars out of these people's pockets. And you are the only place in the U.S. Government and Constitution where robbery is legal to this degree. I ask you not to down zone these properties.

Sandra Hash- Any more questions from the commissioners, now that we've heard from the public?

Willis Ziese- How many people signed the petition that area affected by the zoning changes?

Sandra Hash- There are people outside of the area that have signed the petition.

Darlyne Sowder- Would like to clarify the names. I walked up and down each side of Temperance Street and went to each house and talked to each resident. I had two people who refused to sign. Those people were renting. Everyone else signed my petition. I went to some businesses, but some were not open when I could go out. We put an article in the Journal and in the Herald Times telling people that the petition would be available. So the names that you see that are not in the affected area were signed at these satellite locations. They signed as residents of Ellettsville. You could change whenever you wanted, so the statement that we made, is that it may not affect you now, but you don't know it might be you the next time they would be zoning.

Rick Bennett- If Carl sells the business it would not be automotive. I don't know what I would do in a bed or breakfast.

Frank Nierzwicki- The issue on the grandfathering, basically with the clause, there is no taking, the business would be able to do the business from that use. It is only when it changes in the future. If they want a variance on the use they can come to the BZA, this is not a taking.

Sandra Hash- There are only a few areas on the map that are being down zoned. It would affect Big Foot and Thurman's. It is a small part, most are being up zoned. I wanted to point that out. I personally wouldn't see a problem with letting a few of these stay a C-3, Thurman's Garage and Big Foot.

Dan Swafford- Is there anyone here that represents light industry in the area?

Darlyne Sowder- I was told, at a previous meeting that Mr. Robinson had no fault with any of this, and when I called him to see if this was true, he said he didn't have a problem with it. Then Karla Frownfelter wrote an article on this and he called me and said he was mad. I'm mad at what they are doing, so he hired a lawyer to draw up the petition, because Mr. Robinson is not in favor of this. He owns a large parcel, that is zoned industrial and you are down zoning him to a C-2.

Sandra Hash- I talked with his daughter Beth Pyclik, she said her and her father had spoken.

Dan Swafford- What does light industry allow?

Frank Nierzwicki- Adult entertainment.

Dan Swafford- What about small factories?

Frank Nierzwicki- Yes, along with adult entertainment and other types of uses.

Darlyne Sowder- Why don't you just re-write you zoning and what is allowed, instead of going through and wiping everything out.

Frank Nierzwicki- You need to talk to the commission.

Darlyne Sowder- Well, whoever. I'm addressing anybody in this room that wants to listen. Why not take out the people who you don't want in there, if it is adult entertainment, take it out of the zoning and make it X-2 or something, create a new zone for them and put them where you want to put them, but leave the existing businesses alone.

Dan Swafford- I can really sympathize with you, as everyone knows, I'm a business owner. One thing, I have to put on two hats and look at it, what we want to happen to our little town, and what do we not want to happen to our little town. I agree with leaving some of the businesses as is, but if industry allows for livestock or factories, then I think that is the area that we need to address more than we do need to make everything C-3. If we could leave things the way they are, and as developers come in to our town, look at the area then. If we have light industry, where someone can come in and put in a big nice plaza, then they won't think about it if a factory or livestock is going to be right next to them. The plan is to look at our community and see what we can do to better our community. I'm not here to punish any of you

small business owners, because I know how tough it is. We are not here to hurt anyone. The plan here is to improve the community.

Darlyne Sowder- but you want to get rid of automotive.

Dan Swafford-We haven't voted on anything yet.

Darlyne Sowder-But that is what you want to do. When you take away the C-3 zones that takes care of the gas stations and automotive.

Dan Swafford- Yes, as proposed, but we are trying to amend this. I think Frank has been trying to put in amendments into this plan to allow for existing businesses to stay, and that is what I would like to see.

Frank Nierzwicki- The one thing that I would like to state for the record is the job I have comes with some controversy. This is from the Comprehensive Plan and is based on the Heritage Crossing Development Plan; this is what I used to put this plan together. It is pretty clear from the Comprehensive Plan to reduce land uses which detract from the retail shopping areas. I wasn't even here when the Comprehensive Plan was created. If there are concerns, there should have been concerns at that time.

Sandra Hash- I think we should proceed and try to compromise and up zone the ones that we can, without punishing the existing. And unfortunately Darlyne, your business has been a C-2 for a very long time.

Darlyne Sowder- Well, we were told that the ink was still wet awhile back.

Sandra Hash- I have a book from Town Hall from 1965 and it said this area was C-2 then, and I'll be glad to show that to you.

Darlyne Sowder- I'm just telling you what the Town Council members told me, for years.

Sandra Hash- Well, you've been coming to meetings for as long as I've been working for the town since 1992.

Darlyne Sowder- This was prior to 1992.

Sandra Hash- Well, I didn't know what you meant, when you said the ink was still wet, like it just happened yesterday.

Darlyne Sowder- I was told that at a certain point it was not that way.

Sandra Hash- My proposal would be to leave those existing C-3 businesses.

Frank Nierzwicki- All of them, or are you picking out certain ones.

Sandra Hash- The one's that really wouldn't be affected by being C-2; I don't see a problem with down zoning. I just don't want to hurt the existing businesses. I think the only problems would be Big Foot and Thurman's. The church is fine at C-2 and you have exempted out the north side across from the library, the library is fine at C-2, so I don't think we would be harming anyone by upgrading to C-2 for most of the properties. People that have C-3 businesses normally don't locate on one-way streets. They can't make it, which is why 7-11 left they couldn't make it on a one-way street. I think a good compromise, is to upgrade the majority to C-2 and keep those existing that are profitable and doing well in that area as C-3.

Frank Nierzwicki- The lot on Main and Mathew, that was upgraded to C-3, Dr. Bob, has contacted me and they will be coming in to down zone to a C-2. It hasn't moved as a C-3.

Evelyn Ryle- My point was because of Mr. Sowder said, I thought I would make some clarification for him, I think. He doesn't realize, but he may. The way he said it made me think he didn't understand it. The Comprehensive Plan if followed forces this type of thing as being the only solution and that if you don't like certain things there, you can't wait for a developer to come in and convince them that it does have to be rezoned already prior to something you don't desire to coming in, it is more difficult after, to rezone something to prohibit a certain use. It makes a lot more sense to change the zoning of the town to eliminate businesses you don't want in certain areas. You won't hurt the re-sale of the

present properties. All C-3 is another good answer. You can't always wait for the developer to show up and arrange things.

Frank Nierzwicki- Do you want to make an amendment to the motion?

Sandra Hash- I wouldn't mind to amend it as I suggested.

Frank Nierzwicki- You can go ahead and make a motion, then you would have to have a second, and then you would vote on the amendment.

Sandra Hash- We have a motion on the floor now.

Frank Nierzwicki- You could amend the motion now, but you have to have a second. If you get a second, then the first thing you do is vote on the amendment. And if the amendment passes then you go to the full motion.

Russ Ryle- Point of order Frank, this current map, before the commission tonight, is this the same area we discussed in all of the meetings over the past few years.

Frank Nierzwicki- On what? On this?

Russ Ryle- Yes.

Frank Nierzwicki- Yes.

Russ Ryle- Including going all the way back to Mathews?

Frank Nierzwicki- Yes.

Russ Ryle- It is my recollection that it ended at Sale Street.

Sandra Hash- We accepted out the Fitness Center, Stop and Go Muffler and the used auto lot.

Frank Nierzwicki- You have to have it exactly by the name or address of the business.

Bob Sowder- Back again. It seems to me that it would be easy to leave the properties that are zoned above C-2 as is, and you don't have to point out or pick out certain businesses. Just exempt those properties. There are 23 properties that are being de-valued and down zoned in that area. That is 23 out of 105 properties. If you leave those parcels zoned as they are and zone everything else C-2 I don't see a problem. That sounds like a simple way to do it.

Dan Swafford- You mentioned a church that is a C-3.

Frank Nierzwicki- Yes.

Dan Swafford - Are they willing to go to a C-2?

Frank Nierzwicki- It wouldn't change their use at all. I've been contacted by a number of people that support this. If people are happy they don't show up. I've had conversations with the Robinson's, unless I have people come up directly to me, it is here say. The people who are concerned are Thurman's, I haven't heard from Shell, and I've had concerns by the Sowder's.

Dan Swafford- If we table this for a month, and notify the C-3 one last time, if they do not approach us or what they would have to do they would be definitely C-2 and we would take a vote on it then. If we did zone these tonight they have a right to the appeal process.

Frank Nierzwicki- From my stand point I feel you need to make a decision. We've been working on this for a year.

Dan Swafford- I agree.

Frank Nierzwicki- What goes on from here, two things: the motion on the floor is to approve the plan with the zoning

and if it is approved with changes or whatever, it will go back to the Redevelopment Commission and also Plan Commission. The Plan Commission on rezone you are not the final word on the rezone. It goes back to Town Council.

Sandra Hash- We want to make sure we get all of the kinks worked out here, before it goes back to Town Council.

Frank Nierzwicki- If you want to exclude those two businesses out, I don't think it would minimize the impact on the area that is consistent, somewhat, with what we are doing. Is that what you are asking me for, a recommendation on that?

Dan Swafford- Pretty much. I don't see any harm leaving existing C-businesses that want to stay C-3 and re-zone everything else C-2.

Sandra Hash- We have given certified letters to everybody.

Frank Nierzwicki- It has cost the Planning Department a fair amount of money to do this.

Dan Swafford- I just want to be fair. If we leave certain ones C-3 just because they showed up tonight and we change the others, downgrade to C-2. I want to be fair and don't want to face this.

Frank Nierzwicki- The ones that aren't happy show up at the meeting. The people who are happy with it don't come. If it is just the two parcels, it minimizes the conflict that you have with the Comprehensive Plan.

Phil Smith- You are still saying the Haney's car lot, Stop and Go and Guzik are outside the area and we aren't considering those. We are just staying between the two pairs.

Frank Nierzwicki- Right.

People were asking to approach and address the board.

Dan Swafford- There is a motion on the floor.

Frank Nierzwicki- Did you make a motion for an amendment?

Sandra Hash- No, because I felt like we were still discussing, and I wanted to open up the other option that David Drake suggested, he said not to down zone any of the commercial. We could leave the existing C-3's the same and just make everything else C-2.

Frank Nierzwicki- I've spoken to David, he would down zone the industrial zone.

Sandra Hash- I don't see this area ever used as an industrial zone again.

Frank Nierzwicki- but we can't guarantee that.

Dan Swafford- If there is no motion on the floor then she can speak.

Frank Nierzwicki- I thought there is a motion on the floor.

Darlyne Sowder- I would like to answer when it was said for two years it was discussed and no one raised any concerns about it, when they were talking about the CP the first person that worked on it was Mr. Land. I asked Mr. Land if we were going to be re zoned and he said no, he said no one would be re zoned. The people that get this letter don't even understand it. Mr. Land said no one would be rezoned, so if no one raised a fuss it was because they were told there wouldn't be any rezoning.

Frank Nierzwicki- Do you have a letter from Mr. Land.

Darlyne Sowder- Plus I don't have a letter from the Town Council saying that I was zoned the same as Robinson's.

Sandra Hash- Gavel!!! We need to talk calmly.

Darlyne Sowder- I'm just making a statement that I was told at a Town Council meeting that we were zoned the same as Robinson's. Thirty years ago I wouldn't have thought to ask for a letter, and that is the way business was done in Ellettsville, our town has really gone down hill. And if people don't like the way it is, I guess they can just move, can't they.

Frank Nierzwicki- We've had a lot of issues with the Planning Department, it was a council member that said that, and they don't know what year it was. The problem is a lack of paperwork and lack of records. I can't go by hearsay. I have to have something in writing. The Anderson's and Guzik's asked for letters and they both got them, and this is an official letter. We can't go by hear say and what has been done in the past. We are trying to improve the town, and that is what we are trying to do.

Sandra Hash- I would invite you to come to Town Hall, and chances are it is recorded in the minutes.

Dan Swafford- What is the original motion?

Frank Nierzwicki- To approve as is.

Dan Swafford- I would like to amend the motion to make existing C-3's stay C-3's. We need to leave them as existing C-3's.

Sandra Hash- Since Sowder has been operating as an automotive sales stores, can we up grade them to a C-3, it is just a question.

Dan Swafford- I don't think in this we need to, we can address this is at a later date, let's just deal with this.

Sandra Hash- I have a motion on the floor to allow all of the C-3's to remain C-3's and the remainder would be C-2.

Frank Nierzwicki- We have a couple that go to C-3. All C-3's would remain C-3's and the rest of the zoning map would remain the same.

Sandra Hash- Motion- I need a second, Terry Baker seconded.

Sandra Hash -Any discussion?

Willis Ziese- Are we talking about everything in the green area? Aren't we throwing away this whole thing then?

Sandra Hash- All of the blue would be upgraded from R-1 to C-2, and all of the industrial would be downgraded, the Eagles Landing would be up graded from C-1 to C-2, it would be more consistent.

Willis Ziese- I don't have a problem with making exceptions with the ones that have come to make their case tonight. I personally feel that the rest of the people, if they have been notified that if they haven't objected then we should follow through with the plan. Exempt those that we have heard from tonight make them C-3.

Dan Swafford- The only thing I have a problem with, with that, someone couldn't make it for a death, this would prevent, after all said is done. If someone was out of town....

Frank Nierzwicki- We've had this going on for a couple of months, it has been longer than one month.

Phil Smith- Darlyne, how long was your petition going on?

Darlyne Sowder- a month.

Phil Smith- You said just about everyone signed this, and they've had a month, except the businesses that were closed.

Dan Swafford- Was there anyone that objected from going from a residential to a C-2 was there?

Darlyne Sowder- No, but they signed it that they were opposed to being forced to re-zone; it didn't have anything to do with the numbers at all.

Dan Swafford- So we are still forcing re-zoning though.

Frank Nierzwicki- Yes.

Dan Swafford- Improving and increasing the land value.

Russ Ryle- In your opinion.

Darlyne Sowder- One person said that they hadn't been notified they were going to be de-valued.

Frank Nierzwicki- Devalued is a perception. Sales if a C-3 was worth as much, why did a realtor down grade to a C-2 at Mathews and Main.

Phil Smith- Residential is allowed in a C-2, right?

Frank Nierzwicki- Yes.

Dan Swafford- So, I really don't see how it would hurt anyone.

Phil Smith- Not residential anyway.

Frank Nierzwicki- No.

Dan Swafford- If we had a big developer to come in and even want to include some of the C-3 areas everything in a C-2 would be allowed in a C-3, so we aren't hurting the plan by allowing a C-3 to exist there.

Sandra Hash- We have a motion on the floor.

Don Calvert- To me it is obvious there is a lot of confusion. We're dealing with issues that haven't been dealt with for years. And that is why we are dealing with them, and if we have to take a few more months to get it straightened up, so we can eliminate or minimize the problems we are having now. I don't see a problem with that at all. It would be best if we were better informed and educated and make a decision, not necessarily tonight.

Frank Nierzwicki- Whatever is decided. We need to move to the next step. I have a Redevelopment Commission that I need to get going on some things. We've been treading water for the last three months, waiting on the next step to be approved to go on to the next step. We could wait another month and we could do that, but does that mean everyone will have all of the information in a month, or not be on vacation. If approved tonight, it still has to go to council twice for approval. It will take months down the road. If it gets to the end of the year, then I have a new Redevelopment Commission starting January, then I start all over again with the Redevelopment, trying to get them up to speed. I'm concerned about the calendar.

Sandra Hash- Don if we would leave the green, the same as he as proposed, then the whole strip is already C-2, we would only be down zoning the industrial area, and increasing residential to C-2. A lot of these were all ready C-1 or C-2, so we aren't affecting anything on the South side of Temperance.

Don Calvert- Some of these people still seem to be confused.

Dan Swafford- I don't want to be hasty, and make a quick decision. This has been 30 to 40 years, so I don't have a problem with waiting a few more months if needed.

Dan Swafford- We can vote on the motion and see how it goes.

Ed Bitner- Everybody has been talking about their business and they want to leave it as a C-3. I keep hearing the words I, I, I. The Zerfaces aren't happy and were unable to come. Have you talked to them Frank? I have and they are against what you are trying to propose. They want to maintain a C-3. Now let me speak.

Frank Nierzwicki- You need to be speaking to these people, and not me. (Frank was referring to the Plan

Commission).

Ed Bitner- I don't hear anybody saying anything for the people that want to be a C-3, where there are only R's. And I am one of those that want to be a C-3. I'm adjacent to a C-3. I will be able to sell my property for more as a C-3 than a C-2. I have no doubt that you guys are going to try to fan boozel me, because some of you have a discriminate against me. If it was your property, would you want it sold as a C-3 or as a C-2, would you get more money out of it? I like the idea of making Darlyne Sowder a C-3 tonight, because if you don't do it tonight it will cost her money to make it a C-3, right now it won't. I, I, I. I want everyone treated fairly, not just the business owners, but the residential owners as well. That is all I've got. I would like to be able to sell it to a body shop, maybe later on. Something conducive to Ellettsville.

Sandra Hash- There is very little not allowed in a C-2.

Ed Bitner- I know. Gas stations, dog kennels, you store it, and they are in a C-3. C-3's would allow those, what if you want to sell it for that. Now, you are telling us that you can't.

Frank Nierzwicki- Zoning and Comprehensive Plan, State Road east, auto based strip mall shopping, that is where the CP calls for this kind of repair niche. The CP calls for businesses downtown, is what you aren't looking for on the east side of Ellettsville. We're not trying to push businesses out. The area downtown hasn't done anything in the last 20 years. We need a CP for zoning.

Ed Bitner- I have no problem with change folks, I live on a dead end street, which none of you had to put up with. I had to change my address. You are not giving the residential people a say in it all so.

Terry Baker- Are you saying Ed, that you want to zone the whole town of Ellettsville a C-3?

Ed Bitner- Yes. If you are going to do it, then make it all C-3.

Dan Swafford- But we heard that someone didn't even want to be a C-2.

Ed Bitner- If you aren't going to give each individual property owner a choice for C-2 or C-3, then just leave them residential and not do it at all. If I can't be rezoned a C-3, then I don't want to rezoned at all. I want to be able to sell my property as a C-3.

Sandra Hash- The people that live in that area might appreciate it more to have small businesses or shops, but not another gas station that is lit up at night. We want to cluster businesses of that type and not encourage that growth in a residential area.

Ed Bitner- I have no problem with that, but write me a check for the difference.

Sandra Hash- We are working toward a spirit of compromise.

Phil Smith- I want a break.

Ed Bitner- Thank you for listening, and for taking money out of my pocket.

Sandra Hash- You are welcome.

Frank Nierzwicki- Anytime Ed.

Sandra Hash- A 10 minute break was granted. We will reconvene at 8:30 P.M.

Sandra Hash- Meeting reconvened with an amended motion on the floor. If we take a vote on the amended motion, as is, if it passes, that is the end, but if it doesn't pass can we re-vamp the motion?

Frank Nierzwicki- If the amendment doesn't pass you can come back for another amendment or can go back to the original motion. You take one amendment at a time.

Sandra Hash- Connie let's take a roll call. On the motion as amended to retain the C-3 as C-3 and everything else in the area would be C-2.

Frank Nierzwicki- There are a few parcels that will go to C-3 east of the rail road track. You want the motion to be is that to amend the motion to say that all C-3's would remain as C-3's the rest of the zones will be as proposed.

Connie Griffin- Roll call: Sandra Hash, no
Willis Ziese, no
Don Calvert, abstain
Terry Baker, yes
Phil Smith, yes
Dan Swafford, yes

Frank Nierzwicki- The motion fails.

Dan Swafford- So, now we have to go back to first to leave it as originally planned or another amendment.

Dan Swafford- Any amendments?

Sandra Hash- I make a motion that we leave Thurman's and Big Foot as C-3's and the remainder would be as proposed.

Willis Ziese- seconded.

Connie Griffin-Roll call: Don Calvert- abstain
Dan Swafford-no
Willis Ziese- yes
Phil Smith-yes
Terry Baker-no
Sandra Hash-yes

Sandra Hash- We are back to square one, we have an existing motion to make it all C-2. Can we vote on that?

Frank Nierzwicki- We have a motion to have the draft as proposed, because there are some C-3's in there.

Sandra Hash- Connie, go ahead and do a roll call. This was the motion that was seconded at the very beginning.

Frank Nierzwicki- Yes.

Phil Smith – I want to make this perfectly clear. Now, if it passes, it's passed. Done. If it doesn't pass then it is done?

Frank Nierzwicki- If it doesn't pass then you could either have another motion.

Dan Swafford- How about if I make a motion to table this until next month when we have seven members.

Frank Nierzwicki- You have to deal with the motion first.

Sandra Hash- We have to vote on the original one first.

Frank Nierzwicki- So, everyone understands what we are voting on?

Dan Swafford- We are voting on to leave everything as is stated.

Connie Griffin, roll call: Phil Smith, yes
Willis Ziese, no
Don Calvert, no
Terry Baker, no
Sandra Hash, no

Dan Swafford, no

Frank Nierzwicki- What is the pleasure?

Dan Swafford- Can we table it now that it has been voted on?

Sandra Hash- You can't question that, if a member makes a motion to table, it cannot be denied.

Dan Swafford- But, we've already voted on it.

Frank Nierzwicki- The official way on this is to continue this to the next meeting and not tabled, it would be continued to the next meeting.

Dan Swafford- I thought once it had died, it was done. Right?

Frank Nierzwicki- If you want to not have any other motions, you could just go on, on this, but basically what you are doing is stopping the redevelopment plan right now.

Russ Ryle- Point of order if I might.

Frank Nierzwicki- I think they need to go ahead and decide on what they are going to be doing first, before we have any comments from the public.

Russ Ryle- This is point of order of "Robert's Rules.

Dan Swafford- We didn't adopt "Robert's Rules of Order".

Russ Ryle- Friends, there is nothing here to continue. You have to put it back on the agenda and go back to square one.

Frank Nierzwicki- We have to re-advertise, that is what I was trying to do to continue.

Phil Smith- That's why I asked that question before we voted.

Frank Nierzwicki- It's not dead unless you actually decide to go on to the next item.

Sandra Hash- I feel we turned it down as presented, we turned down two revisions, we need a new proposal, and it needs to be re-advertised and re proposed and brought up at the next meeting.

Frank Nierzwicki- ok. What am I suppose to do with the next proposal.

Pause

Phil Smith- What do you mean with the next proposal?

Frank Nierzwicki- What do you want to see at the next meeting?

Willis Ziese- All three options presented were killed.

Frank Nierzwicki- You are missing one member.

Dan Swafford- I think before I called the motion the last time, I could have tabled it, before it was voted on, the final thing.

Phil Smith- You can't table it if you have a motion on the floor.

Dan Swafford- Yes you can, you can make a motion to table it, if it is seconded after the motion is made.

Frank Nierzwicki- You can have another motion.

Sandra Hash- I would like to table this until the end of the meeting. The next item on the agenda, request for rezoning at 101 Poplar Drive- Donette Ooley petitioner.

Frank Nierzwicki- The request is to have a property rezoned to C-2 tourist commercial, which is adjacent to Indiana and Poplar on Temperance, close to the Edge alternative school. It is surrounded by single family residential. In the report, if a commercial business is allowed it has to have a double buffer between the residential and the commercial zone, parking would have to have enough spots for parking. It would be ideal for professional office space, or other facilities that would fit into our requirements.

Sandra Hash- Would the petitioner like to speak?

Charlie Ooley- I am the petitioner's husband. I live at 520 Hickory Drive. The house on the property was built in the early 1900's and none of the kids want to live in the house, and to rent the house would require remodeling and bringing it up to code. We desire to go to a C-2, we will take the house down and level the property for what would be suitable for the area. We have four or five lots at this location. We have an entrance off of Poplar and one on Indiana, which is SR 46. We have an in and an out. We have a ton of traffic on Poplar in the morning. We think it would be great for a coffee shop or small restaurant for takeout.

Sandra Hash- I would entertain a motion at this time to approve the rezoning of 101 Poplar Drive from residential R-1 to commercial C-2.

Willis Ziese- I'll second that.

Sandra Hash- Any comments from the commissioners?

Dan Swafford- What are the zones in the adjacent properties?

Frank Nierzwicki- They're zoned residential. We haven't received any other comments by the adjacent home owners.

Sandra Hash – Any comments from the floor? Seeing none I would call a roll call to vote.

Connie Griffin- roll call:

- Sandra Hash- yes
- Dan Swafford-yes
- Phil Smith-yes
- Don Calvert- yes
- Terry Baker- yes

Sandra Hash- Motion carried.

Sandra Hash- the next item on the agenda- request for voluntary annexation at 7319 W. State Road 46, Brian Hearne, petitioner.

Frank Nierzwicki- the property is 3.6 acres, Litten Development LLC, has requested a C-3 zone, with a voluntary annexation, which is consistent with our Comprehensive Plan along state road 46. It is neatly adjacent curb development of Litten Estates.

Sandra Hash- The remainder of the adjacent property across the front of Litten Estates is also currently zoned C-3 is that correct?

Frank Nierzwicki- It is a PUD, mix use. The plans are to have this area commercial.

Brian Hearne- The front of Litten Estates is zoned commercial and it is approximately 5.36 acres in size. I don't really have a detailed plan with the new parcel. I wanted to secure the property and make it nicer and the current renters are working with me to make sure that happens. I wanted to bring it in town with the voluntary annexation and hopefully in the future do something nice and bring more business to the community.

Sandra Hash- I'm not sure if this was stated in the staff report, but that property is surrounded by town.

Brian Hearn- Correct.

Frank Nierzwicki- Except a small portion to the East.

Brian Hearn- Yes, a tiny sliver pie shaped to the south east is a residential home.

Sandra Hash- That should be in town, which was Henry Rue's property and he voluntarily, annexed his property several years ago.

Frank Nierzwicki- I don't have that from Rick Coppock's map.

Sandra Hash- Henry Rue is his name and there should be a file on it. You may have it.

Brian Hearn- I've made several attempts to contact them, but I don't get any response. I've sent them information to see if they have an interest in selling it. I think there is a renter there.

Phil Smith- I've seen someone cut it, but they are gone right after they cut the grass.

Sandra Hash- I'll look for that ordinance. Any questions for Brian? Any from the floor? I would entertain a motion to accept the voluntary annexation 7391 W. SR 46.

Dan Swafford- I'll make a motion.

Terry Baker- Second.

Sandra Hash- There has been a motion made and a second, roll call please.

Connie- roll call: Willis Ziese- yes - Phil Smith-abstain - Dan Swafford-yes - Don Calvert-yes - Terry Baker-yes - Sandra Hash-yes

Sandra Hash- Planning Staff Comments

I-69 Community Planning Grant

Frank Nierzwicki- We have an approved and signed grant for \$50,000, I've included a copy as well as the scope of work. We'll be looking at the capital improvement program, green space, open space and recreation plan and a training session for elected and appointed officials. The grant will run from September of this year through February or March of 2010.

Sandra Hash- I called the state board of accounts and with a reimbursement grant we can spend out of appropriations and then put it back in the appropriations, so this will reduce our worry about having up front money. A fund should be established for generalized grants, hey discourage commingling of funds, it keeps things neat and tidy.

Frank Nierzwicki- Any questions, what are deliverables from Don Calvert? The deliverables are reports that are required.

409 W. Vine Street

Frank Nierzwicki- A certified letter has been mailed, and Mike Spencer was consulted for the unsafe building condition of the home. The owner did not meet the time frame of boarding up the house, so the Street Department completed this. The time and costs from the Police, Street and Planning Department will be included in the costs for boarding up the house. The grass was also mowed by the owner.

Planning Commissioners Journal

Frank Nierzwicki- These articles are very good. I would like for you to read the journal and I'll prepare some questions for discussion. This is for you and the public to ask questions to make the dialogue more interesting. Since it

is 9 P.M. we could discuss this the next time.

Sandra Hash- Yes, we will discuss this at a later time, since we are not suppose to introduce any new business after 9:00 P.M. Do we want to go back to the redevelopment plan or not? Any comments?

Dan Swafford- I think we need to seek legal advice on how to precede.

Frank Nierzwicki- We've introduced proposals, and none of the proposals have passed. Your missing one individual and you have one individual abstaining. I can bring it back with different options, and have informal discussion and answer questions.

Adjournment

Sandra Hash entertained a motion to adjourn. Dan Swafford made a motion to adjourn, seconded by Terry Baker. All in favor motioned carried. Meeting adjourned at 9:00 p.m. Next meeting will be July 10, 2008.