

March 4, 2010

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, March 4, 2010 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Dan Swafford called the meeting to order at 6:10 p.m. with the Pledge of Allegiance.

Roll Call: Members present were: Dan Swafford, Don Calvert, Phillip Rogers, Phillip Smith and Sandra Hash.

Members Absent: Ron Wayt and Clayton Sullivan.

Dan Swafford welcomed Phillip Rogers to the Plan Commission.

Approval of the Minutes- February 4, 2010

Dan Swafford entertained a motion for approval of the February 4, 2010 minutes. Phillip Smith so moved. Phillip Rogers seconded. Motion carried.

Monthly Conflict of Interest Statement

None announced.

Old Business

Ike Grimes Annexation – 5027, 5033, and 5029 N. Lakeview Drive, Bloomington, IN 47404 & Zoning Change Request from Estate Residential and Limited Business (Monroe County Classifications) to C-3 Ellettsville Zoning Classification

Connie Griffin, Planning Director – stated the Ike Grimes annexation continues along with his petition to change classification to C-3 zoning. Using a PowerPoint presentation Connie presented a map of the area with an overview of the structures. Mr. Grimes rents a portion of his lot for school bus storage and a church; Guiding Light Ministries is located in the old Grimes Plumbing building. Photos were presented of the Grimes' primary residence as well as a rental home in front of the residence and a trailer behind Guiding Light Ministries. There were pictures of code violations and their corrections. One new code violation was observed on February 26, oil leaks from the buses. She spoke with Rick Coppock regarding the clean-up of the saturated oil. She will go over those recommendations with Mr. Grimes. He has presented five proofs of mailings, however, there are still some mailings he was unable to locate and verify those have been done. He has a statement he would like to present tonight.

Ike Grimes – began by saying this has been a hard thing to get done. When Hwy. 46 was built, Ellettsville had to move their water line. Mr. Farmer came to him and told him his property was the most available property to run the line through. Mr. Farmer asked Mr. Grimes if they could work out a deal to put the line across his yard. He said he is a nice guy and has always tried to cooperate with the Town. He said all the pictures presented were behind his property and could not be seen from the street. He added he has spent between \$1000 and \$1500 to clean up the problems. He asked the Commission to approve his request and let him move on with his life. Concerning the school buses – he has called the owner, Joe Clark, and informed him the inspection had

shown some oil on the ground. Mr. Clark said one of the rear end seals had broken and the oil had drained out overnight. Mr. Clark said he would clean up the oil spill. Dan Swafford thanked him for taking care of the improvements asked of him. He went on to say once Mr. Grimes gets the letters returned the Commission will be ready to move on and approve the annexation. Connie Griffin informed the Commission she could speak with the bus owner and take the listing Mr. Coppock has prepared. We could then put a time frame on the clean up and get started on that. Rick Coppock added they could probably take the contaminated soil to the Terre Haute landfill.

Russ Ryle, Reeves Road resident – thanked Mr. Grimes for bringing water to his home and thanked him for bringing his property into the Town. We always need good property in the Town. Mr. Ryle asked what is in the above ground tank beside the buses. Connie Griffin informed him it holds fuel for the buses and has secondary containment. If there is some sort of spill, it is contained within the tank like the street department's fuel tanks. It is stormwater approved. Mr. Grimes went on to explain this is a tank inside of a tank like a thermos. Mr. Ryle commented that Mr. Grimes property drains into Jack's Defeat Creek and if there are more spills on aggregate, it could go on to contaminate the Creek water. His concern was if the levels of contamination rise in Jack's Defeat Creek, IDEM might come to Mr. Grimes and the Town to fund a major clean up. Dan Swafford asked Rick Coppock about an oil pan. Mr. Coppock responded that an oil drain pan should be installed to catch any oil spills.

New Business

Kenton Robinson Plat Amendment 4051 N. Patriot Court – 0092326104, 53-04-15-400-019.000-013

Connie Griffin, Planning Director – displayed pictures and explained Rick Coppock was here to speak for Mr. Robinson.

Rick Coppock, Bynum Fanyo Engineer for Kenton Robinson and the Town of Ellettsville – Mr. Robinson lives on lot 4 and is selling that lot. The potential buyer would like to have 50 more feet of ground with that lot. The easiest way to do that, since Mr. Robinson owns the lot and the property to the west from which the 50 feet would come, is to do a plat amendment for lot 4. Mr. Coppock explained the addition using a photo. Dan Swafford asked if there would be any additional grading done to the added 50 feet of property. Mr. Coppock responded the 50 feet is the level area at the top of the property and it would be left as is other than to make sure there is no drainage problem. Dan Swafford expressed his concern over creating a drainage issue with the neighboring property. Mr. Coppock responded he did not think they planned on doing any kind of grading to the flat part of the property, but planned on using it for a garden area. Don Calvert announced he would like to take this opportunity to encourage the Town to require builders to post a bond. He stated he knew of a builder before who completely violated the landscaping and wouldn't correct it as requested. The city ended up having to come out and correct it. He has a problem in his own backyard now as a result of that. The money would return to them after the project is completed and the property has been sold. Dan Swafford agreed but this is an existing house with nothing being built. Rick Coppock remarked that the usual way of dealing with this is all those items should be corrected before the final occupancy is given on the house. Rick Coppock went on to say you would have to figure some way to set the amount of bond to be able to cover the corrections that might be needed. Don Calvert stated you wouldn't know how much it would cost for corrections. That's why he is saying they

need to post a bond ahead of time. You won't know if there will be problems until the work is done. It should be the responsibility of the builder, not the buyer. He asked if it could be checked into. Rick Coppock stated that with a bond on big projects, like a road project, the bond is good for a year and then extended if need be. Dan Swafford stated he thought we already do this. Rick Coppock remarked it is different if you are developing a site; there is a bond for all the public improvement. Then someone can build a house and change things. Don Calvert said that's what happened. The developer laid it out and it was great. Then the builder came in and changed it and that created a lot of problems. If there had been a bond from the builder, it would have saved the city some money. Rick Coppock proposed all contractors have a blanket bond in place before they start work on any project in town. If anything happens and he doesn't correct it, they pull that bond. The Town of Ellettsville doesn't have this in place at the present time. Don Calvert suggested this be in place before new growth in the area starts back up. He went on to say the inspection should be done before occupancy. Rick Coppock responded a blanket bond would not be site specific to that lot. It would have to run for the whole year after sale of the property. There wouldn't be multiple bonds. There would be one bond posted in order to build in the Town. Don Calvert verified the Town doesn't have that at the present time. Rick Coppock informed him this is correct. We need to look at other cities and towns to see what they have in place. Don Calvert stated there have been several occasions where there have been problems and the Town had to correct them because the builder had no bond. Dan Swafford asked Rick Coppock what would happen now if the Commission approved this plat amendment and the property owner goes out and re-grades and causes a problem for the neighboring property owner. Rick Coppock answered it would be between the two property owners and we would stay out of that. He went on to say there should also be some sort of stipulation that there be a final land survey after the development to certify it has been done as designed in the original documents presented to the Town. Connie Griffin added there should be some sort of time limit on development progression as well. Phillip Smith made a motion to approve the Kenton Robinson Plat Amendment at 4051 N. Patriot Court. Phillip Rogers seconded the motion. Roll Call Vote: Dan Swafford – yes; Don Calvert – yes; Phillip Rogers – yes; Phillip Smith – yes; Sandra Hash – yes. Ron Wayt and Clayton Sullivan are absent. Motion carried 5-0.

Assembly of God Site Development Plan – Introduction (Rick Coppock) – 0092074000, 53-04-14-100-025.000-013

Connie Griffin, Planning Director – introduced the plan which involves the property next to the Fire Station.

Rick Coppock – This is just an introduction tonight. It will be on the next agenda. He presented the site plan and the grading plan for First Assembly to build. It connects with the existing driveway that was put in with the INDOT project. According to code, it needs to be changed from a C-3 to an R-2 PUD which doubles the set-back from 40 feet of green space to 80 feet from the property line as shown on the plan. They did not connect the driveway to the road into Autumn Ridge. This allows 336 parking spaces. The only issue may be discussion about road access into Autumn Ridge which would increase traffic to the Autumn Ridge community. Rick Coppock would like a review committee to look at it. He thought it would be good to set up a meeting with the Autumn Ridge community to get their thoughts on it. They picked up the drainage and

there will be a detention pond between the church building and the Fire Station. Don Calvert asked how many acres are involved. Rick Coppock answered there were 10 acres. Dan Swafford asked how big the building is to be. Rick Coppock responded it is about 200ft x 300ft. They may also build in stages; the main building first and then the gymnasium later on. Dan Swafford also asked what the exterior will be. Rick Coppock answered he wasn't sure yet. They haven't finalized the plans for the building yet. The ponds are detention ponds to hold rainwater only. They also have under-drains in them which is six-inch pipe with stone around it and filter cloth so that when all the water runs off the parking lot and oil and gas runs off parked cars, it runs into the ponds and is then filtered to the grass. It eventually goes to the under-drains which go into the outlet structures and then out to the ditch. It provides some water quality treatment. Don Calvert asked what the parking surface area will be. Rick Coppock said it would be regular asphalt. The parking area will be terraced as well. Dan Swafford introduced concern over the final coat on the road behind this area in Autumn Ridge. If they connect there, the added traffic will destroy the existing road. Dan Swafford brought up concern over exit traffic onto SR 46. Rick Coppock suggested some larger congregations have a police officer there to direct traffic out when they dismiss.

Protective Zoning Overlay for Well's Park – Recommendation Zone Classification or 0093181000, 53-00-93-181-000.000-013 – Institutional Public (IP) District – Public Open Space

Connie Griffin, Planning Director – This is part of the I-69 deliverables for the grant application. We have documentation from the DNR and it is a worthy site for protection. However, the Town doesn't want to relinquish control of that property. So, one thought is to put some sort of protective overlay zone over that area. If opened to the public this would be an extremely valuable natural area and would offer the citizens of Ellettsville unique opportunities for passive and active recreation such as hiking and wildlife viewing. The Well's site area is approximately 20 acres. It is in Richland Township. It is an extremely valuable natural area for our citizens. It is a spring-fed southern flatwoods and is the headwaters for McCormick's Creek. The document before the Commission is a draft because we need to decide what type of zoning classification we want to use. Connie Griffin then presented slides depicting the area. The zoning ordinance will have pre-set regulations designed within them to be self-executing so we know the definition of the area and its permitted uses. It will require quite a bit of research to put something together. She asked for the Commission's comments on the draft over the next couple of weeks. The establishment of a new zone involves the legislative body having jurisdiction over the geographic area described in the zoning ordinance. According to Indiana code 36-7-4-601, we are within our rights to establish new zones. The legislative body has the exclusive authority to adopt a zoning ordinance under the 600 series. When the legislative body adopts a zoning ordinance, it shall act for the purposes of – promoting the public health, safety, comfort, morals, convenience, and general welfare... They have the power to establish one or more districts, which may be for agricultural, commercial, industrial, residential, special, or unrestricted... It regulates how real property is developed, maintained and used – any other provisions that are necessary to implement the purposes of the zoning ordinance.

- March 1, 2010 – went before the Park Board to see approval to approach the Plan Commission about a new zoning overlay

- March 15, 2010 – ad will be taken to the Journal
- March 17, 2010 – hearing notice published
- April 1, 2010 – return to Plan Commission to discuss the zones after Commission input
- April 5, 2010 – report back to the Park Board
- April 7, 2010 – update supervisors
- April 12, 2010 – first reading before Town Council
- April 26, 2010 – second reading before Town Council

Sandra Hash informed the Commission a letter had been received from Vi Simpson stating the Town did have the authority to designate that as a preserve and she encouraged the Town Council to do so. Russ Ryle asked if the wells have been properly capped for safety reasons. Rick Coppock answered in the affirmative and in fact one had been replaced a few years ago. Phillip Rogers asked who would have jurisdiction over the area if we make it a nature preserve. Connie Griffin answered that is why we are putting the protective overlay zone on it, in order to protect it and keep it under the Town's jurisdiction and ownership. Dan Swafford encouraged everyone to go out to the Wells Park and walk the area. It's a very nice place. Russ Ryle asked Connie Griffin about the diameter of the trees that were cut down in the area. She responded they were very small. A discussion of the cut trees followed. Dan Swafford added Judy Morran's class would like to put up a sign and a shoe-cleaning station. Connie Griffin stated they would be applying for a grant themselves to do that. Bill Evans asked what areas would be considered Municipal Public District. Connie Griffin answered it would include the Wishing Well Park, Campbell's Park, Memorial Park, and the area around the Utility Building. Mr. Evans stated he just wanted to make sure it will not include Township park land. Connie Griffin answered in the negative.

Planning Department Updates

Name Tags for Plan Commission Members

Connie Griffin informed the Commission to be prepared to have their pictures taken at the next meeting for name tags.

Technical Advisory Committee for Heritage Trail

Connie Griffin stated the committee met Monday, March 1 and will be meeting again before going to Town Council regarding the INDOT contract signing.

Privilege of the Floor

Russ Ryle – discussed bonding issues again. He stated there was a performance bond on the Mustang Drive issue and he asked why that property had a performance bond and it is not a common practice for the Town of Ellettsville. Sandra Hash answered that the Town does have developer's bonds for the street paving, trees, curbs, sidewalks, etc. Mr. Ryle went on to say he would like to see a performance bond required of all construction permits issued. He also said there needed to be an established method so that occupancy permits are not granted by the County before issues are complete on the properties. Sandra Hash informed Mr. Ryle the occupancy permits issued by the County is a good thing since the people issuing the permits for the Town were wearing several hats and the people doing it for the County specialize in just that. However, an

occupancy permit is issued just for the home and has nothing to do with the surrounding grounds. Rick Coppock has already suggested and requested we investigate more the same step you are requesting as well. Mr. Ryle asked if the Town can tie the occupancy permit issued by the County to the inspection of the land conducted by the Town. Sandra Hash said that this needs to be a condition we put on at the beginning. There's never been a defined way to take care of it. It needs to be an expense to the builder of the home just like the building permits. A surveyor's certification that says the land at the end of the building of the home is in the proper state and finished like it was presented to the Plan Commission in the beginning. Russ Ryle also brought up the issue of no time limits on developers as well. Dan Swafford stated there was a time limit on one project on Capital Avenue, so however that was done, we could look at doing it that way as well. Sandra Hash commented that the church building next to the Fire Station could potentially impact the Fire Station. Russ Ryle stated he was surprised and would hope that the Commission would require pervious pavement because that is a lot of asphalt to put down. That would mean nine acres of pavement shedding water during a large rainfall. Rick Coppock remarked that pervious pavement is a trade off between detention pond size and regular pavement. Russ Ryle asked how many inches of rainfall would the proposed pond for the church handle. Rick Coppock stated he couldn't say exactly. Mr. Ryle stated if it could handle four to six inches of rain, you're probably okay. Rick Coppock answered in the affirmative.

Dan Swafford commended Connie Griffin on her PowerPoint presentations and asked her to continue with them because they are very helpful.

Connie Griffin stated a sign permit application came in that day from Chicago's Pizza. Under our commercial district right now they would exceed their square footage per linear foot of lot line adjacent to the street right of way. Right now, they would be permitted to have 107.94 feet, but the total area right now exceeds it by just a few feet at 111 square feet. He's requesting three colors in scrolling lights 24/7. It would be a read board attached underneath the Chicago Pizza part. The height would be 24 feet and we allow up to 26 feet. We do require not less than nine feet of open clearance between the bottom of any part of the sign and the highest point of the surface of the street. The sign proposed is only 8 ½ feet. According to prohibited signs, it is a non-conforming sign and it's been at the current location for 15 or 20 years. She is asking for the Commission's comments as this would probably require a variance from the Board of Zoning Appeals. Dan Swafford asked if she has had time to meet with the owner. Connie Griffin responded she had met with him that day and looked at the sign but she doesn't have his deed. Connie Griffin stated she understood the Commission's opinion as being the owner would either alter his plans to bring his sign into code or go before the BZA and request a variance. Connie Griffin went on to say she is asking for help in researching sign codes from other municipalities and moving forward on the Town's sign codes. She needs some decisions on how to proceed and some good comments on what they want to see in the code. Phillip Rogers reiterated that you don't fit the code to each different business owner and what they want, you have them meet our code. Connie Griffin went on to say that is true and when you try to change the code to meet the requests of the different businesses, it makes it difficult to enforce. Dan Swafford asked for the opinion of the Commissioners regarding the Chicago Pizza request. It was the consensus of the Commission that they stick with the code as written and if the owner of Chicago's would need to go before the BZA to request a variance if he wanted

the sign as proposed. Connie Griffin then asked advice from the Commission regarding advising the Chicago Pizza owner the status of the work on the sign codes and giving him the option of waiting a couple of months until the code is revised and completed, or going ahead with seeking a variance from the BZA. Dan Swafford advised her to inform the owner of the status of the code ordinances and give him the option of waiting or proceeding with a variance request. Russ Ryle spoke up from the audience and informed them of his experience in Fayetteville, NC while visiting his son. He stated they have virtually no sign ordinances and there were so many strobe lights and flashing lights that he, as a stranger in the town, could barely tell where he was going. His point was that the issue of scrolling and flashing signs is a matter of safety. Sandra Hash commented on the East Ellettsville plan drafted by Bill Land quite a few years ago. His streetscape for that stretch of Hwy 46 encouraging the use of monument-type limestone signs for businesses and it was beautiful. But, the Town didn't follow through and they allowed the older businesses to grandfather in their old signage. She expressed her discouragement regarding this.

Adjournment

Dan Swafford entertained a motion to adjourn. Phillip Rogers made the motion to adjourn. Phillip Smith seconded. Dan Swafford adjourned the meeting at 7:42 p.m. The next meeting will be April 1, 2010 at 6:00 p.m.

Dan Swafford, President

Ron Wayt, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Smith

Phillip Rogers

Clayton Sullivan