

May 5, 2011

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 5, 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. Phillip Smith led the Pledge of Allegiance.

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

Approval of the Minutes – April 7, 2011

Phillip Smith entertained a motion for approval of the April 7, 2011 minutes. Phillip Rogers made a motion to accept the minutes of April 7, 2011. Don Calvert seconded. Motion carried.

New Business

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

Connie Griffin, Director of Planning – This is a three lot subdivision. All filing fees totaling \$250 have been paid to Town Hall. The public hearing notice was published on April 20, 2011, allowing for proper notice to appear before the Plan Commission. Letters to adjacent property owners were mailed on April 20, 2011, allowing for proper notice for them to appear before the Plan Commission. The Cole-Sykora property was voluntarily annexed on March 1, 2008, from Monroe County, and was issued, at that time, an Agricultural 1 zoning classification. Monroe County has approved the driveway location and a septic permit for the subdivision. The drives are to be located in the 50 foot easement located on the east side of Lot 1. Lot 1 is a 2.5 acre lot with a zoning request of Residential 1. Lot 2 is a 2.5 acre lot with a zoning request of Residential 1. Lot 3 is a 30.77 acre lot with a zoning request of Residential 1. Town Code §153.092 requires that residential waste water be treated by the Town's public waste water system. The petitioner would like to request a waiver of this requirement based on the rural location and size of the lots. The petitioner has applied to the Monroe County Health Department for septic permits for Lots 1 and 2 should the Plan Commission approve this waiver. These lots can be served by the Eastern Richland Sewer Corporation system should the waiver request be denied. §52.036, Construction Permit Required, would require the Town's public works' supervisor to approve the permit if the petitioner goes to the septic system. The permit inspection fee would be \$25 along with a completed application. The Eastern Richland Sewer Corporation has a sanitary sewer manhole located at the east end of Cansler Drive on the north side of the street and adjacent to Lot 3 of the proposed subdivision. §52.024 states, *"The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes that are situated within the town and abut on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the town is hereby required at his or her expense to install suitable toilet facilities therein and to connect those facilities directly with the proper public sewer in accordance with the provisions of this chapter within 365 days after the date of official notice to do so if the public sewer is within 300 feet of the property line."* A rough calculation from Cansler Drive, Lot 1, is an estimated 1,220 feet. At this point and time there is not a site plan showing where the home will be positioned. Lot 2 is estimated at approximately 900 feet. Please note at this time the location of the home structures has not been determined. §153.085 require sidewalks to be constructed along any public road frontage in the subdivision. The subdivision will have 894.74 feet of road frontage as part of this subdivision along Lost Man's Lane. The county has waived the sidewalks in the subdivisions in that area. The reason the Petitioner is requesting the waiver is because it is heavily wooded and has a very rough and rolling terrain. Constructing a sidewalk in this area would be very difficult and extremely expensive. There are currently no sidewalks along Lost Man's Lane in the other approved Monroe County subdivisions. Sidewalks would cause an undue hardship on the Petitioner. The Plan Commission is hereby requested to grant a waiver and not require sidewalks as a part of the approval of the subdivision. They are seeking two waivers, the first is to put septic on the property rather than connecting to the sewer system (they have applied for the septic permit) and the second is on the sidewalks.

Phillip Smith – Asked if the waiver of the sidewalks pertains only to Lost Man's Lane or the whole subdivision. Connie Griffin responded there are no other plans to subdivide. This request is for personal family use. This will not be a residential subdivision with multiple homes. Mr. Smith asked if any letters were received from the adjacent property owners. Ms. Griffin stated nothing was received from the property owners and all due diligence has been performed. After a discussion, it was determined the Town could consult with Eastern about extending the sewer to the property and to make this a condition of the approval.

Phillip Smith entertained a motion to approve the subdivision. Dan Swafford made a motion to approve the 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 Man's Lane and east of the Woodgate Subdivision without sidewalks. 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.

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Phillip Smith entertained a motion on the septic system. Dan Swafford made a motion that the septic waiver be tabled until the next meeting. Don Calvert seconded. Motion carried.

Sherry Cole-Sykora – The intent is to pull off 2.5 acres for each of her children to build a house. Her youngest child lives in Arizona and, therefore, there are no immediate plans for her to build on Lot 2. Her oldest daughter and son-in-law are planning to build soon on Lot 1. Dan Swafford asked if tabling the septic issue would hurt them in any way. Ms. Cole-Sykora responded it would not.

Privilege of the Floor

Chad Stevens, Chad's Recycling – The reason there are people in the audience is because they are his employees and customers. There have been a lot of things going on and being said about him being closed down as of today. He thought he would be on the agenda and he didn't receive any notice.

Mike Carmen, Attorney – Has a meeting scheduled with Connie on May 6, 2011, to discuss the rezoning petition on Chad's property. The petition will probably not be ready until the July meeting. Ms. Griffin stated this issue has been dragging on for months, and whether he is planning for a planned unit development or rezone, it needs to take place no later than next month.

Andy Minnick – Chad's has a good front, they run a decent yard and they're treating people good. Chad's is putting money back into the local economy. It is time to get this straightened up because it is dragging out. Some times his truck will be loaded and Chad's will be shut down for the day.

William Jans – Showed tickets from scrap taken to Chad's Recycling in the last three months. If he has to run his scrap into J.B.'s it will cost him \$10 extra per load for gas money. This is how he feeds his family.

Jonita Breeze – It is difficult for a woman to go into a scrap yard. This is the most respectful group of guys she has ever had the pleasure to work with. She has been going to Chad's Recycling for approximately three months. She feels safe going to Chad's Recycling. She lives in Martinsville and Chad's is the farthest from where she lives. This brings money into the community. She is hoping Chad's will not get shut down.

Phillip Smith – There are probably other people who want to come to the podium and say the same thing but tonight's meeting is not for that purpose.

David Bixler – He is a convicted felon and it is hard for him to find a job. Chad's gave him a job and he has been there for nine months. He couldn't ask for a better place to work.

Pat Gray – Sam Gray was his father. In 1950 his father purchased acreage on Vernal Pike. It quickly became known as Sam Gray's salvage yard. He has been doing this business all of his life. Chad's is buying everything. They are never cheated at Chad's. However, they have been cheated at J.B.'s. IDEM has stringent restrictions. Dan and Chad have promised to run a good business. They have been working on a catch pond and will monitor Jack Defeat's Creek. This is a good investment for Ellettsville.

Benjamin Terhune - Before Chad's opened he had no reason to come to Ellettsville. With the money he has made through Chad's he has been able to upgrade to a two vehicle operation. All of his bills are being paid and he can afford to feed his family. It has become his bread and butter.

Adjournment

Phillip Rogers made a motion to adjourn. Dan Swafford seconded. Phillip Smith adjourned the meeting at 6:38 p.m. The next meeting will be June 2, 2011, at 6:00 p.m.

Dan Swafford, President

Clayton Sullivan, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Smith

Phillip Rogers

Ron Wayt