

May 6, 2010

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 6, 2010 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Dan Swafford called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

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

Approval of the Minutes – April 1, 2010

Dan Swafford entertained a motion for approval of the April 1, 2010 minutes. Phillip Smith so moved. Clayton Sullivan seconded. Motion carried.

Monthly Conflict of Interest Statement - None announced.

Old Business

Assembly of God Site Development Plan, State Road 46 (Vacant lot next to the Fire Station) – (Rick Coppock) 0092074000, 53-04-14-100-025.000-013

Connie Griffin, Planning Director – introduced and explained the plan. The new plans have the road corrections as requested at the previous meeting.

- 10 Acre Site
- This property has been owned by the church for several years and we are proposing a new building and parking lots – front and back.
- The structure will house the congregation, classrooms and gym facilities.
- Detention and water quality treatment will be provided in the area between where the existing drive is off of SR 46 and the Fire Station parking lot.
- The current landscaping along SR 46 will remain in place with no grading taking place where those existing trees are. Rick Coppock wanted to make sure it was stated that the street trees will be required along the new section of the road as well as sidewalks on both sides of that.
- There will be another water quality pond to accept the runoff from the front parking lot parallel to SR 46 in the southwest corner of the property.
- This is a C-3 zone which allows this use but it is up against a different zoning designation therefore the set-back must be doubled. They are actually going to provide close to 80 feet. That was done to save some of those existing mature trees and will screen the site from the Autumn Ridge subdivision.
- Sanitary sewer will also be provided and the water line will be looped through the property to Autumn Ridge.
- The road connection won't affect the building site, but there will have to be some adjustments to the site plan to swing the road over to tie it to the road that's already there.
- After completion, the road will be turned over to the Town for maintenance. There will be sidewalks required as well.
- The building/project site will be built in phases.
- The church will have to complete the public improvements or they will have to bond for the road since it's a public road in a public right of way.

- The Development Review Plan Committee met on Wednesday, March 24, 2010.
- The Town supervisors discussed the connectivity. The 2002 Comprehensive Plan showed the connection from Autumn Ridge to SR 46 as a minor connector collection. The Town supervisors were in agreement that they wanted to keep the connection. By Town code 153.071 General Design Considerations, safety is one of the largest concerns of the Fire and Police.
- The connectivity on 153.074 Extensions of Streets, (d) connectivity 1 – except for subdivisions of ten lots or less of connecting streets through to channel traffic easily from one subdivision to another is required.

Connie Griffin stated Jon Thomas was present from Bynum Fanyo & Associates to answer any questions the Commissioners might have.

Jon Thomas, Bynum & Fanyo Associates - Dan Swafford asked if the road goes into the Town's property also. Mr. Thomas answered that it did not. The property corner for the church creates a triangle and they are dedicating the right of way then through that particular area. Dan Swafford inquired whether the setbacks were in place for the property and Mr. Thomas answered they were. Don Calvert asked if the church was going to be built in phases. Mr. Thomas answered that it was. Don Calvert then asked him to explain the phases. Mr. Thomas stated Pastor Doug Carter might be better able to answer that question.

Doug Carter, Pastor 1st Assembly of God Church – answered they were still working out the negotiations regarding the building and the phases. He would like to put up the superstructure all at once and then finish the gymnasium portion last. Don Calvert asked to confirm that access to the garage was only from the church parking lot. He responded that it was. Dan Swafford asked how many days per week they would be using the facility; do you have a daycare or plan on having one. Mr. Carter responded that was still up in the air. They haven't planned on it for sure, but that may be a future option we are looking at. But, primarily, we are looking at Wednesdays and Sundays. There may be small events and other things going on, but significant gatherings will be on Wednesdays and Sundays. Dan Swafford asked how many people were in their congregation. Mr. Carter answered on an average Sunday they would average anywhere between 400 and 450. There are over 1000 people on the mailing list. They are probably servicing, over a week's period of time, in excess of 600 people. Dan Swafford inquired if they anticipated any problem of getting out on the highway on Sundays. He replied they would probably have someone, perhaps hire someone on a part-time basis, to help getting out on the highway. Dan Swafford asked if he planned to complete the parking lot initially. Mr. Carter responded he would like to have that completed initially as well.

Frank Nierzwicki, private citizen – asked what the classification of the road going in is; is it local road or is it a collector. Connie Griffin answered it was a minor collector in the thoroughfare. He also asked how it aligns across the highway. Sandra Hash asked Jon Thomas if he knew the answer to that question. He said he thought it was Jack's Defeat Creek Mall, but he was unsure how it aligns with the entrance to that mall. He went on to say the state put the original entrance in. Frank Nierzwicki continued by saying if, in the future, you were looking at a traffic light there, the state would consider whether it lined up and would be beneficial to both sites. Connie Griffin remarked that Rick Coppock had recently filled out an INDOT

permit form for that, so the process is started just in case it gets to that point. Mr. Nierzwicki then asked if the road would be built up to the church property line. Someone answered it would be connected to the top of the property. Phillip Smith remarked someone asked if the road was going to meet up with Autumn Ridge. Dan Swafford answered that it would. Connie Griffin added that Jason Walls contacted her late this afternoon and wanted her to pass on information regarding the sidewalks on Harvest Lane which will be on either side of the road. She was not able to get back to her office to print that information out and will be emailing it to Commissioners tomorrow.

Dan Swafford entertained a motion to approve the Assembly of God Site Development Plan and recommend it to Town Council. Phillip Smith so moved. Clayton Sullivan seconded. Roll Call Vote: Dan Swafford – yes; Ron Wayt – yes; Don Calvert – yes; Phillip Rogers – yes; Clayton Sullivan – yes; Phillip Smith – yes; Sandra Hash – yes. Motion carried 7-0.

Landscape Ordinance, Chapter 97 Recommendation of Ordinance to proceed to Town Council.

Connie Griffin, Planning Director – stated this was introduced last month. This code was actually derived from six or seven other landscape codes. It was disjointed and she remarked she went over it and re-grouped and streamlined it. Every community needs a tree and landscape ordinance.

- This ordinance does not require single-family residential to produce a landscape site plan, but it does require anyone to maintain their landscaping.
- There are application requirements for removing trees.
- There is a \$25 fence permit now required.
- Eliminated one illustration.
- Kept the tables.
- Did get rid of the design of speed on through roadway majors and minimal site distance
- Added the bio-retention section of Monroe County for the parking lots

Connie Griffin went on to state the reasons for doing this landscape ordinance. We want to control invasive species, we want to make sure our community looks attractive, when someone does put landscaping it is maintained and we establish the procedures to administer and enforce this code. She pointed out applicability requirements on page 9 of the document. The document breaks down the standards into zone requirements beginning on page 10. There was some discussion regarding people taking down trees and putting limbs in the street for the Street Department to remove. Dan Swafford asked if Connie Griffin had a copy of the tree removal permit. She responded those permits were what she would be preparing in the future. Dan Swafford asked if she could put the requirements in the permit that would require them to remove the debris from the taking down of the tree. Don Calvert added there should be something in there to cover acts of God and the fact that the Town would then be responsible. Ron Wayt expressed his concern over having to get a permit to remove trees on his personal property. If someone's property is dense with trees and they removed some for visibility and for attaining more light on an area of their property, he felt they should not have to be required to replace those trees. Perhaps they would not have a good, open area to plant them in. There was some additional discussion regarding this. Dan

Swafford stated he felt this requirement should be removed from the residential property owner. Connie Griffin acknowledged this could be done. All Commissioners agreed with this decision. Dan Swafford stated that this may not be the venue to bring up the issue with the Street Department, but he wanted to bring it up for discussion. Phillip Rogers remarked he had suggested a notice be placed in the paper regarding what would and would not be picked up. Ron Wayt suggested a tagging system by the Street Department. They could put orange tags on the limbs they could tell had been cut, not fallen, and this would signify to the property owner they would not be removed by the Street Department. Dan Swafford stated he would bring this to the Town Council. Connie Griffin then reviewed the Landscape Development Standards beginning on page 10 of the document. Berms and buffers were also reviewed. This was followed by the fence, hedge and wall materials and design. Ron Wayt noted he did not agree with having to pay a permit fee for a fence that would be improving the property. Dan Swafford stated he still felt there needed to be a plan submitted to make sure everything is being done to code. Connie Griffin remarked she did keep it to the same fee as the driveway fee. Ron Wayt went on to say he felt it should not be required when you are replacing an existing fence. There was additional discussion on this matter.

Dan Swafford called for a five minute recess at this point.

- After the break, Connie Griffin read each point under Fences, Hedges and Wall-Materials and Design from page 11 and 12 of the document.
- Phillip Rogers expressed his concern regarding point G, unfinished concrete block walls. He felt this should be removed. There was additional discussion regarding what was or wasn't a fence or a wall and what was or wasn't finished. It was decided to add "unless capped" to the end of point G.
- Connie Griffin then reviewed permit requirements on page 12. There was discussion regarding the length of feet of fence in point A. It was decided to remove "...of less than sixteen lineal feet of a fence" from the end of the statement in point A.
- Under point C, Permit Fee, it was decided to add "If permit denied, fee refunded."
- At this point, the word "new" was added to point A reading "No person shall install a new fence..."
- In point D, page 13, "Zoning Administrator" was changed to "Director of Planning or designee".
- "No fees required for time extensions requested within the 180 days" was added to point E.
- "...zoning administrator" was changed to "Director of Planning" in (1) under point E.
- In the section titled "Existing Fences" on page 13, point A, the wording was changed to read "...shall not be enlarged or extended except in strict compliance..."
- Page 14, Visual Clearance Violations, point A, change "zoning administrator" to "Director of Planning".
- Point B, change "zoning administrator" to "Director of Planning" and "demand payment" to "secure payment".
- Point C, change "zoning administrator" to "clerk-treasurer or designee".

- Point D, remove "...with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum" and "...a One Hundred (\$100.00) Dollar..." The point now reads "The special assessment shall be a lien upon the real estate until paid in full. There shall also be an administrative charge added to the charge and special assessment to cover administrative costs of charging and specially assessing the property."
- Point E, "order" is changed to "decision", "zoning administrator" is changed to "Director of Planning or designee", "Board of Zoning Appeals" is changed to "Plan Commission", and the final "order" is changed to "determination". The statement now reads "The decision of the Director of Planning or designee may be appealed to the Plan Commission upon written notice of said appeal being served upon or sent by registered mail to the Director of Planning within ten (10) days after the date of the determination."

Discussion now moved to "OPEN SPACE"

- In "Landscape Open Space", point C, (b) "Lands in a designated floodplain or floodway" was removed.
- On page 15, "Residential 2 & 3, Commercial 1, 2, & 3, and Industrial 1 & 2" was moved above "Buffer between Incompatible Uses".

Russ Ryle, private citizen – expressed a concern regarding the Director of Planning or their designee going on private property to maintain "visual clearance" as stated on page 14 of the document. Connie Griffin responded the citizen would be notified with 30 days. Russ Ryle then asked what her definition of "visual clearance" was. He remarked that in regards to the sight triangle, it could be different for people of different height and the landscaping over the years could change so that what once was within the acceptable parameters could grow and become a hazard. He stated it needed to be definable and enforceable. He stated you are creating a bureaucracy, you are creating paperwork, and you are creating expense. Connie Griffin stated the parameters for the sight triangle are stated on page 11, under Buffers/Berms, point E, (1). Russ Ryle requested these rules be based on public safety. Ron Wayt asked if this is an engineering question and would there be one set standard set forth by the state. Connie Griffin responded she would check if there is a state standard. It was decided the illustration would be re-inserted under "Visual Clearance Violations" showing the sight triangle standards but based on state standards, if any.

Frank Nierzwicki complimented Connie Griffin and the Planning Department on the work put together on this. It's good to have the architectural and design standards in. Obviously, the issue on enforcement is going to be something else again. He said he thought it is a great step if the Town adopts it. He went on to ask if Connie Griffin had a percentage of green space in new development. Connie Griffin responded it was 30%. She went on to say she and Rick Coppock discussed that and he felt that was fair. Frank Nierzwicki went on to suggest letters be sent to area nurseries with the code stating what the new standards are. Dan Swafford added his appreciation to Frank's.

Wireless Communication Facilities, Chapter 152 Recommendation of Ordinance to proceed to Town Council

Connie Griffin, Director of Planning – When Mr. Baker was president, we were at the point where we were ready to approve this code. The only thing we were questioning

was whether to extend the PUD section. This section is located on page 17, under “Health and safety”, (J) of the document. The phrase “...except as accessory uses as specified in Section xxx” will be removed. Connie Griffin added she has two wireless communication facilities very anxious to see the code in order to start the application process. She went on to say she wants to move this code through since they were at this point when it got dropped last time. Ron Wayt made a motion to forward the Wireless Communication Facilities, Chapter 152 Recommendation of Ordinance to Town Council. Phillip Rogers seconded. Roll Call Vote: Dan Swafford – yes; Ron Wayt – yes; Don Calvert – yes; Phillip Rogers – yes; Clayton Sullivan – yes; Phillip Smith – yes; Sandra Hash – yes. Motion carried 7-0.

New Business

Jerry and Norma Abbitt Annexation/Rezone, 0071852001 and state id number 53-04-05-100-010.000-011. Rezone to Residential 1, single family residential. Total Acres: 20.21, three Tracts of Land.

Connie Griffin, Director of Planning – explained that all requirements have been met.

- Petition for voluntary annexation signed on 3/31/2010.
- Jerry and Norma Abbitt live at 6706 N. Starnes Road and have come before you to voluntarily annex in 20.21 acres of vacant land. The land area has been divided into a total of three tracts of land.
- The two smaller tracts of land are 2.50 acres and the larger tract is 15.21.
- A public hearing notice for Plan Commission was published on 4/14/2010 for tonight's meeting, and to date the petitioner has not received any questions, nor has the Department of Planning.
- A total of five neighbors were sent certified return receipt letters, and all have been returned and photocopied for the annexation file.
- No code violations were observed on the property. No code violations were reported by Monroe County.
- The fiscal plan has been written and submitted to the supervisors and Rick Coppock for review, as well as a copy to Darla Brown as an introduction.

Norma Abbitt, petitioner – Dan Swafford asked about her plan to subdivide the property into three tracts. Mrs. Abbitt responded she and her husband have two sons who live out of state and the two smaller tracts are intended to be given to their sons if they want them. Dan Swafford asked what the property is zoned as currently. Connie Griffin responded it is zoned Rural Agriculture by Monroe County but they wanted to take it to Single Residential – R1. Dan Swafford asked where the town limits are in relationship to the property. Connie Griffin informed him it was the Early Childhood Development Center. She went on to show the Commissioners the property on a map.

Frank Nierzwicki, private citizen – asked what water service will be provided? Connie Griffin answered it was in the fiscal plan. Mrs. Abbitt pointed out her house on the map and stated they have Ellettsville water. Behind the Early Childhood Center there is a water main which they gave the right of way to the Town to get water for the Fire Department. Connie Griffin added the lift station is located at the Early Childhood Center as well. Dan Swafford entertained a motion to recommend the Jerry and Norma Abbitt Annexation/Rezone, 0071852001 and state id number 53-04-05-100-010.000-011 be accepted. Phillip Rogers seconded. Roll Call Vote: Dan Swafford – yes; Ron Wayt – yes; Don Calvert – yes; Phillip Rogers – yes; Clayton Sullivan – yes; Phillip Smith – yes; Sandra Hash – yes. Motion carried 7-0.

Planning Department Updates

Plan Commission ID Badges

Dan Swafford thanked Connie Griffin for the badges. This makes everyone look very professional along with her uniform. Dan Swafford asked if there was a seal or embossing could be put on the badges in order to make them look more professional.

I-69 Grant Updates

Connie Griffin stated the green space plan is done, the capital improvement plan is done, the Ecologic, Inc., Well's Park inventory is completed. The Five Year Recreation Master Parks Plan has been revised, updated with new photographs. There is a Parks survey out now that is repeating the former survey. They had 56 responses out of 5000 that were mailed. The DNR thought it would be interesting to see if there had been many changes over the years regarding those responses. She is getting ready to start working on the Downtown area study. There are some funds remaining in the grant. She may see about an extension to look to have an ADA transition study for the Town of Ellettsville done.

Grimes Annexation – Mr. Grimes has not contacted her again this month. The last time she spoke with him, he mentioned Mr. Clark (the bus tenant) had no documentation of the disposal of the contaminated soil.

June Plan Commission

June Plan Commission date is June 10. Connie Griffin will be in Georgia on June 3.

Adjournment

Dan Swafford entertained a motion to adjourn. Phillip Rogers made the motion to adjourn. Phillip Smith seconded. Dan Swafford adjourned the meeting. The next meeting will be June 10, 2010 at 6:00 p.m.

Dan Swafford, President

Ron Wayt, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Smith

Phillip Rogers

Clayton Sullivan