

May 7, 2009

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 7, 2009 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:00 P.M. and lead the Pledge of Allegiance.

Roll Call: Members present were: President; Terry Baker, Vice President; Sandra Hash, Dan Swafford, Don Calvert, Ron Wayt, Phill Smith, Frank Nierzwicki and Connie Griffin.

Members Absent: Frank Buczolich

Approval of the Minutes- April 2, 2009

Terry Baker, A new item has been added to the agenda concerning potential conflicts of interest concerning commission members and items on the agenda. Terry asked the commissioners if any of them have any conflict of interest on any items listed on the agenda for this evenings meeting.

Don Calvert- Deer Park/S.R. 46- I have a conflict of interest with the Deer Park rezone, I live in the adjoining neighborhood.

Dan Swafford- I have a conflict of interest with Tractor Supply Company, they are buying my property.

Sandra Hash, I make a motion to approve of the April 2, 2009 Plan Commission meeting, Phill Smith, seconded the motion. All in favor-minutes approved.

Old Business

Terry Baker- Proposed changes to the Ellettsville Municipal Code.

Connie Griffin- Animal Ordinance, Chapter 96. The code was amended to include other animals, not just animals running at large. New definitions were added and more clarification was added to the code. The code now includes the ability of Town Council to approve or disapprove of animals within the corporate limits of the Town of Ellettsville.

Plan Commission Comments- Phill Smith thinks the code is perfect. Sandra Hash wanted to make sure that if Town Council receives a written request to have an animal in the corporate limits of the Town of Ellettsville, will the minutes/voting record be sufficient for record of approval or disapproval.

Connie Griffin- The minutes would be a record of their vote. Connie requested a motion to take the code before council.

***Connie Griffin will leave early to attend a Heritage Trail meeting.

Phill Smith- Phill made a motion accept the changes to Chapter 96 Animals code changes. Don Calvert seconded the motion. Roll call, motion carried.

Terry Baker- Asked for any public comment.

Connie Griffin- Connie stated the other proposed code changes have been submitted to Mike Spencer. Some revisions were suggested and certain terms are not acceptable. Mr. Spencer has requested that political signs be removed from code and that we work with the non-commercial sign definition and to strike the words "professionally produced" in the sign code. Additionally, Mr. Spencer wants to add the Town Marshall in code to enter residences under Chapter 93.02 and to separate land disturbing activities and off street parking.

Terry Baker- Terry questioned the Town's attorney wanting to take out certain language in the sign code-"professionally produced signs".

Concerns of Plan Commissioners-

- Handmade/drawn signs,
- Is the term not liked because of legal reasons or personal reasons,
- Discretionary opinion of what is professionally produced,
- Could the word "commercially produced" be used, this would be a sign that was paid for,
- Criteria is needed for the sign code

The commissioners would like to review the sign code before it is passed onto the Town Council.

Frank Nierzwicki- Tractor Supply Company. April 21, 2009 a developmental review with the supervisors was held and Sandra Hash attended. The items of discussion included:

- Parking,
- Entrance-traffic flow,
- Size of each parking spot,
- INDOT requirements,
- Lighting,
- Signage,
- External display area, fenced and secured,
- Fire hydrant locations,
- Drainage,
- Pervious surface material being used on the parking lot,
- Stortz-explained by Chief Davis

Keith Carter- representing the petitioner- the commission members felt the project was well presented at the last Plan Commission meeting.

Questions by the commissioners included:

- Terrace affect- external display locations

Terry Baker- Any public comment, seeing none I would entertain a motion.

Phill Smith-I make a motion that we approve of the new development at 5790 W. SR 46- Tractor Supply as presented. Don Calvert seconded. Motion carried unanimously.

Request for rezone at 009-02200-00 at the corner of N. Deer Park and W. SR 46 from R-1 to R-2. Randy Cassady and John Seeber petitioners/owners of the property.

Frank Nierzwicki- The petitioners are requesting 4 lots to be rezoned. Points were read by Nierzwicki to assist commissioners in making the following decision for the rezone:

- Comprehensive Plan requirements,
- Key land use regulations; higher density, site review of proposal
- Rezone requirements, drainage and stormwater management issues

Doug Curry- Bynum Fanyo- Land Surveyor for the petitioner. Curry discussed the following items:

- The land depression area on lot 1,
- Reduced number of driveways,
- Placement of duplexes,
- Drainage improvements

Terry Baker- Any questions.

Plan Commissioners questioned:

- The trees located in the area-would they be removed for the development,
- Thin row of trees which separates the proposed area from the gas station,
- Will additional trees be added,
- Will the cul-de-sac be put in immediately,
- Retention pond location,

Doug Curry- The trees would not be saved, they'll be taken out. The others are on the boundary line, and they should stay and act as a buffer between the gas station and the development. I'm not sure about additional tree plantings. There will be curb and gutter and a sidewalk from the bulb out to Deer Run. We will put in retention areas as required by the development. There will be less water running off of this project when developed as there is now right now.

Frank Nierzwicki- We are going for a rezone tonight; if it is passed then we would discuss the development plan. A draining permit will be required and will be subject to review.

Rick Coppock- Bynum Fanyo. Drains and sidewalks are all subject to the plat approval. Once the zoning is approved by Town Council this will come before you again and this is when the details will be discussed.

Terry Baker- Do I have any comments from the audience?

Rob Hood- Resident in the neighborhood that would be adjacent to two of the lots. His concerns consisted of;

- Drainage,
- Larger density,
- Concern of future development,
- Concerned of R-2 rezone and rental property,
- Future rezones,
- More water being channeled into my property

Doug Curry- We are just trying to get the rezone right now.

Rick Coppock- Coppock stated we use the Monroe County Drainage Ordinance and there cannot be an increase in drainage from what there is now. A retention area doesn't hold water all of the time it would be a depressed area where water can flow into it and stored and then drain out. We use stormwater quality codes as well.

Rob Hood- Questioned a conflict of interest with Rick representing the town as the Town Engineer and by speaking on the rezone for the petitioner.

Doug Curry- I think we have to do a better job.

Rick Coppock- We go by Ellettsville town code.

Frank Nierzwicki- I would like to read the five items we discussed in March at the training session for rezoning criteria. Frank read IC 36-7-4-603.

IC 36-7-4-603

Zoning ordinance; preparation and consideration of proposals

Sec. 603. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

As added by Acts 1981, P.L.309, SEC.23. Amended by P.L.335-1985, SEC.17; P.L.220-1986, SEC.17.

Terry Baker- I would entertain a motion of the rezoning of the parcel 009-02200-00 at the corner of N. Deer Park and W. SR 46 from R-1 to R-2.

Dan Swafford-so moved, seconded by Sandra Hash. Roll Call- Motion carried.

Request for voluntary annexation of House of Prayer/Mitchell property, approximately 68 acres, along Harbison, Hartstrait and Woodyard Roads.

Frank Nierzwicki- 6 parcels are to be annexed. A map of the area was shown. A-1 general agriculture use. This area is consistent with the rural community plan. We have water and sewer in this area. The church would like to advertise with signage. This area is about 68 acres.

Plan Commissioners questioned:

- Sign location,
- The whole parcel will be on an agricultural zone,
- Is the area in a floodplain,
- Did the county want you to take your sign down

Frank Nierzwicki- The sign would be located in its current location. The church can sit on an agricultural zone. Any development has to follow the agricultural zone requirements. Any change in development would have to go back before the Plan Commission for a rezone. A lot of the area is in a floodplain. This rezone was discussed at the Monroe County meeting I attend monthly.

House of Prayer, Larry Mitchell Pastor- Monroe County did ask for the sign to come down. We feel we are a part of Ellettsville and we help a lot of people. People come to our church for the first time and the sign helps them to locate us. We will plant some trees behind the sign, it's on vinyl and we keep signs up to advertise what we have going on.

Terry Baker- Any comments from the public.

Chuck Chmielewski- I live next to the house of prayer. We got the letter a few weeks ago. They have been good neighbors. I'm just a little concerned about the future use of the land. We had heard things about water from wells, building facilities, we hope things don't change and we don't want dormitories out there, will things stay about the same.

Larry Mitchell- Things will stay pretty much the way they are. Our congregation has grown and we've thought about building a larger facility. Other counties have developed houses of prayer, so we are happy that more churches are getting started, so right now we don't have any plans of more development.

Terry Baker- I entertain a motion. Phill Smith I make a motion for the voluntary annexation of House of Prayer/Mitchell property, approximately 68 acres, along Harbison, Hartstrait and Woodyard Roads. Dan Swafford, seconded the motion. Motion carried unanimously.

Sandra Hash- Requested Frank to send the plan to her for Town Council.

Frank Nierzwicki- Frank explained the process and the filing timeframe and the council meeting dates and getting the forms to Mike Spencer and Sandra Hash.

Request for outside seating, El Rancho, 3615 W. SR 46

Frank Nierzwicki- El Rancho would like to have outside seating/dining. We do not have anything in Ellettsville code that refers to outdoor dining only ADA requirements.

Dan Swafford- Excise would have to approve of outdoor drinking of alcohol.

Frank Nierzwicki- Any questions.

American Planning Association's Ethical principles in Planning

Frank Nierzwicki- This document is before you and if you would like to discuss this at a later date we can. Nierzwicki also discussed other documents that are available and before you.

Terry Baker- We discussed adopting the ethical principles. I think we should discuss this next month for consideration.

NON AGENDA ITEMS

Don Calvert- What's the story on Heritage Trail?

Frank Nierzwicki- From April 3rd, 2009 updates:

- Applied for funds for the stimulus package- Bloomington MPO eligible for \$300,000, 100% grant- we have to have environmental, right of way done by Feb. 2010,
- In house work,
- \$169,000- 2003 notified of a grant 80/20 match,
- Dormant on status of the project,
- Late March some money has been pledged toward the match,
- Unpaid intern- she can work on this project,
- Timelines, MPO meet their deadline- money can be lost (Sept. 2009)
- Things they need to be working on- project input, public input/meetings,
- Working with a number of people on the trail

Heritage Trail Comments by Plan Commissioners-

- Loose grant money,
- Who are the "they" that needs to be doing something?
- Is it the town board?
- What's the hold up?

Dan Swafford- Everyone is pushing for this trail; previous boards have been slow to move on the trail.

Frank Nierzwicki- I'm working with council and a number of private groups on this, and we have to know how to set this up and how everything is going to work. I think many people are interested in the project.

Sandra Hash- explained her understanding of the project and the timeframe on the project:

- Establish the ownership of the trail,
- Environmental study done,
- Lots of steps prior to a bid process,
- Reviewing files

Don Calvert- Are we doing those steps now? I haven't seen any plans lately. I thought this was part of the redevelopment plan downtown.

Frank Nierzwicki- Yes, up to a point. We are very cautious so not to incur expenses for things we don't have money for. We've done some preliminary work on ownership of parcels. We want to work with everyone. We've been dormant on the status of the trail for a few years. The problem was the local matching funds.

Dan Swafford- I think you brought up establishing a committee for this trail project. I think that is a great opportunity to get everyone involved with Ellettsville government. I would like to see some progress on this trail.

Heritage Trail Comments by Plan Commissioners-

- Hold ups- feeling like the bridge, was the bridge to nowhere,
- \$190,000 spent on a bridge,
- Rebuilding the depot,
- Land reverting back to the owners,
- Documents from CXX to allow the property to go back to the owner,
- The trail has been questioned by many citizens and they want it to get going,
- Changes in Town revenue,
- Can things be cut from the trail,

- We could start small and add to it in time, if we are being prohibited

Frank Nierzwicki- There are discrepancies in the easement information on individual parcels. Things aren't matching up; some land is in no man's land. Some properties we need clear title to. We have some momentum on the project. It takes a lot of money to build a trail, a lot of costs. And when this project was put together in 2002 costs have gone up and now things cost more. The longer we wait the more expensive things are, and that's the problem to begin with, as well as being underfunded. The longer we wait the worse things are going to be from a cost perspective. There are other elements; some people may not like a trail. People are excited to rebuild the depot. We've had some plans done and we've had different councils, staffing and other issues.

We need to work with other groups on private donations. There are a lot of issues, such as who takes care of the money, recognition for donors, and how this is going to be set up. The Bloomington MPO is guaranteed about \$300,000 in T-grants enhancement funds that can be used for sidewalks and trail enhancement. If we have a track record of actually completing these grants we can go back for another grant.

Terry Baker- It's easier to get money if you show you complete projects.

Dan Swafford- What about the committee?

Frank Nierzwicki- There are people that ask me about committees, there has to be public meetings, and there are times that advisory committees are set up to have representation from Plan Commission and Town Council.

Sandra Hash- Having representation from each group keeps us all up to date.

Frank Nierzwicki- It's obvious we need input we need a starting point on the design.

Sandra Hash- I thought we had our starting point? We have a map hanging in Town Hall.

Frank Nierzwicki- That's a conceptual idea of the project. That's not a bad place to start, but that's not a design. Rick could explain the difference.

Rick Coppock- It is a presentation drawing, you can't give this to a contractor; everyone will have different ideas. The bridge is the most expensive part.

Sandra Hash- Our office can handle the money.

Dan Swafford- I think we need to form a committee and get this going. I think Main Street, Sandy's office, the Planning office one of the commissioners, town council, even some of the public and Rick Coppock.

Sandra Hash- We already have a park donation fund, we could isolate the money from the grant and put the donations in this fund and track them. Do we have to ask council to start a donation campaign? With 5,000 people, if everyone would give \$10.00 for the trail then we could come up with the money.

Frank Nierzwicki- The issue on this is I'm fine and I'm the staff for the Redevelopment Commission and the Planning Commission I work for the Town Council. I will do what needs to be done I just need a little bit of direction.

Dan Swafford- Who do you want to tell you, do you want us, the council to tell you?

Frank Nierzwicki- Connie could do a lot for promotional stuff on this. We could have a concept and have different levels. We are talking about what we can do now. There are some issues on forming a committee; I can get some direction from council. This is not only our trail; this trail is part of Monroe Counties trail system. The future expansion of the trail was discussed.

Don Calvert- Sidewalks and bridges over SR 46 were discussed by the state in the past.

Frank Nierzwicki- Restrictions by INDOT were discussed, such as the height of the bridge.

Ron Wayt- Using current cross walks would help save money and spending the money more wisely and build bridges in the future.

***Lots of people talking, hard to distinguish comments.

Frank Nierzwicki- I have one last item- some items you may want to think about as we do more code revision is to actually put it in code the developmental review this is something I've done at staff level for review if we have it there will be something on the books that have to be followed through on this, obviously this is something I've done elsewhere. I think this will help the process.

Sandra Hash- I know all Connie wants is another code revision, but if you and her would work on this and bring it back to us, I'm sure you would get approval from us.

Terry Baker- I think this should be on next month's agenda. These are good suggestions, and let's not put them off for six months, let's get them going.

Adjournment

Terry Baker- I would entertain a motion. - I make a motion we adjourn. Dan Swafford- I second. All in favor say aye. Adjourned. Meeting time ended: 7:43 P.M. Next meeting will be July 9, 2009.

Terry Baker, President

Sandra Hash- Vice President

Frank Buczolich

Don Calvert

Phil Smith

Dan Swafford

Ron Wayt

Connie Griffin, Secretary