

November 4, 2010

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, November 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 6:00 p.m. Phillip Smith led the Pledge of Allegiance.

Roll Call: Members present were: Dan Swafford, President; Ron Wayt, Vice President; Don Calvert, Phillip Rogers, Phillip Smith and Sandra Hash, Secretary. Clayton Sullivan was absent. Connie Griffin, Planning Director, and Rick Coppock were also present.

Approval of the Minutes – October 5, 2010

Dan Swafford entertained a motion for approval of the October 5, 2010 minutes as corrected. Phillip Smith so moved. Phillip Rogers seconded. Motion carried.

New Business

Steven Stogdill – 530 W. Tecumseh, Ellettsville, IN 47429, Driveway Permit Code Enforcement in Arrowhead. Mr. and Mrs. Stogdill and Connie Griffin

Connie Griffin explained the Stogdills have debris and trash in their back yard. A permit for the driveway was issued in 2007. However, the driveway has been extended to the back of the house. The continual driving on the back property has killed the grass and left bare soil which is now an erosion issue. The Stogdills want to extend the driveway to the back of the property. When the Stogdills met with Ms. Griffin after receiving the code violation letter, they advised they were getting ready to put more gravel down and she instructed them not to do so until it was discussed at this meeting. The Stogdills were going to do an administrative appeal after receiving the letter regarding the code violations. The time period for their abatement had been extended due to the possibility of the administrative appeal. When Connie Griffin went to the Stogdill residence on November 4, 2010, to check on the status of their administrative appeal form, she was informed they would not be coming to this meeting and would not be filing the appeal. At their residence, Ms. Griffin noted additional gravel had been laid after she instructed them not to do so. Pursuant to Code 152.224(B), Location of Parking Spaces, Side and Rear Yards, Single Family Districts, *“The parking area may occupy a maximum of fifty percent (50%) of the area extending from the rear of the principle structure to the rear lot line between side lot lines.”* It was decided the Planning Department will issue an abatement to stop parking in the back area, a spring date for vegetating the area and an abatement of ten days for the trash and debris in the back yard.

On The Way – Marathon Gas Station (formerly known as the General Store) – 7398 W. SR 46, Ellettsville, IN, 317-374-3261 (store number 812-876-8750), Rajesh Patel Petitioner – Standard LED Marathon Gas Signage.

Connie Griffin – the Marathon Gas signage has a LED digital readout and requires approval of the Planning Commission. The Marathon Gas Station is where the General Store was located. The Marathon sign will be on the poles which held the General Store sign. Marathon will be closely watched to make certain they observe the nine foot clearance (if they’re closer than fifteen feet to the curb) and that they do not exceed

twenty-six feet which is the maximum height for signage. The proposed sign meets all code requirements.

Dan Swafford entertained a motion. Phillip Smith made a motion to approve the LED signage for the Marathon Gas Station located at 7398 W. SR 46 in Ellettsville. Phillip Rogers seconded. Roll Call vote: Dan Swafford – yes; Ron Wayt – yes; Don Calvert – yes; Phillip Rogers – yes; Phillip Smith – yes; Sandra Hash – yes. Motion carried 6-0.

Planning Department Updates

Sign Code

Connie Griffin – has been reviewing various sign codes because there needs to be more clarification in the Town's current sign code. A chart has been prepared which illustrates existing code and proposed changes for what would be allowable for each zone. The proposed changes are minor and there are some additions which will make the sign code fair and consistent for everyone.

Animal Control

Connie Griffin – Recently, the Town entered into an Interlocal Agreement with Monroe County Animal Control. It was discussed at the supervisor's meeting that we adopt the Monroe County Animal Ordinance because they do the Town's animal control. Within the Monroe County Animal Ordinance, chickens and livestock are permitted. However, they are not allowed to run free. Ms. Griffin requested Commission members email comments on the animal control ordinance to her within the next month.

Ron Wayt – asked if the Town Code is to mirror the Monroe County Animal Ordinance and not Bloomington. Connie Griffin responded it is based on the Monroe County Animal Ordinance. Mr. Wayt also asked if the Monroe County Animal Ordinance is divided between residential neighborhoods and agricultural areas. This could become a problem if animal control ordinance does not differentiate between residential neighborhoods and agricultural areas. Dan Swafford said perhaps we can address the issue of livestock in our zoning ordinance instead of the Town's animal ordinance. Connie Griffin will review the animal code.

Privilege of the Floor – non-Agenda Items

Ron Wayt – announced that effective December 31, 2010, he is resigning from the Plan Commission as he is moving to Bloomington. Mr. Wayt thanked everyone for the opportunity to serve on the Plan Commission. As the Town grows, some tough decisions will have to be made. Mr. Wayt hopes everyone will do what is best for the Town to assist it in growing responsibly, to make it a progressive community and to make it attractive for businesses and residents alike. Dan Swafford thanked Mr. Wayt for serving on the Plan Commission.

Russ Ryle – the violations at Arrowhead and the metal recycling operation in Ellettsville indicate to him the Planning Director can only go so far without legal counsel. The Town is at the point for the Planning Director to get legal advice on how to proceed. Once the complaint letter is sent and if there is not immediate or reasonable compliance legal counsel should be involved. This is new territory for the Town and the Plan Commission. Each time legal counsel develops a procedure then the next time

the Town will be in a better position for enforcement. He has researched other planning commissions and very few get into a conflict situation without some form of legal representation. Connie Griffin noted she has talked with her department liaison and will be requesting legal counsel for the December Plan Commission meeting. Dan Swafford stated this is a good idea and agrees with Mr. Ryle. Things are changing, we're growing and we are enforcing issues the Town hasn't had in the past. Legal advice at the meetings would be of great benefit for everyone concerned. Sandra Hash asked if the Planning Department has heard anything on the code violations previously submitted to the Town Attorney. Connie Griffin responded the Town Attorney is getting ready to file three different cases in the court system.

Adjournment

Dan Swafford entertained a motion to adjourn. Phillip Rogers made the motion to adjourn. Don Calvert seconded. Dan Swafford adjourned the meeting at 6:44 p.m. The next meeting will be December 2, 2010 at 6:00 p.m.

Dan Swafford, President

Ron Wayt, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Smith

Phillip Rogers

Clayton Sullivan