

November 5, 2009

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, November 5, 2009 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Connie Griffin called the meeting to order at 6:02 p.m. with the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President; Sandra Hash, Vice President; Frank Buczovich, Don Calvert, Ron Wayt, Phillip Smith, Connie Griffin, Acting Interim Director of Planning and Secretary.

Members Absent: Dan Swafford.

Approval of the Minutes- October 1, 2009

Terry Baker requested a motion for approval of the October 1, 2009 minutes. Frank Buczovich so moved. Sandy Hash seconded. Motion carried.

Conflict of Interest Statement

Terry Baker asked the commissioners if there were any conflict of interest with items listed on tonight's agenda. No conflicts of interest were stated by Plan Commission members.

New Business

Ike and Joyce Grimes- voluntary annexation

Connie Griffin presented the request for annexation by Ike and Joyce Grimes.

The Grimes are requesting a voluntary annexation into the Town of Ellettsville. The area is approximately 4 acres, according to the legal description, with 100% of the west, north and south border of their property being adjacent to the corporate limits of the Town.

Current land use consists of- residential, church, commercial business, rental property and school bus parking and the Grimes would like to continue with the present use of the property, therefore they are requesting a rezone to a C-3 at this time if the property is approved for annexation. (Monroe county- estate residential and limited business). By state law the Grimes meet the criteria for annexation consideration, as featured in Section II-State Law Requirements of the fiscal plan. The percentage of their property is over 50% contiguous.

Section III- Capital Improvement Plans- Town supervisors have reviewed the information as presented. It was determined that required services are available or within close proximity to the Grimes property.

Section IV- Non-Capital Improvements-It was determined that the Grimes property does not require expansion of existing police, fire and town maintenance.

Section V-Financial Recommendations- The additional potential revenues to be received are sufficient to cover the capital and increased operating costs to the Town for providing services to the Grimes.

Section VII, is actually Section VI- Recommendations/Summary- I have discussed the Ellettsville Municipal Code with the Grimes, and during my two site inspections I photographed the property, as well as the current observable code violations. You have both sets of photographs before you.

- § **152.259 Prohibited Signs**-Signs on wheels or movable stands or legs.
- § **93.16 Public Health Nuisances; Abatement**, rubbish and refuse is visible
- § **93.30 Burning; Disposal of Burning Materials**-some burning of brush and other items was visible
- § **93.01 Disease Control**- tires are uncovered and stored outside, which is a mosquito habitat
- § **94.03 Town Marshal, Department of Planning Services and Code Enforcement Officer; Powers and Duties**- there are inoperable vehicles stored on the property without current plates and registration
- § **53.12 Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices**- a fuel tank is present, which is uncovered and absent of secondary containment if a fuel

spill occurs, a spill kit is needed to reduce the impact of a fuel spill and I did observe a spot on the ground where a school bus is leaking a oily fluid.

Monroe County Planning Department Information

As part of the procedures for annexations I contacted the MCPD and was provided with current documentation that refers to the Grimes property. The documentation that I was provided covers the dates of April 16, 2009 to May 7, 2009.

Information was requested from the Grimes by the county to determine commercial uses on the property. Monroe County limits the number of commercial uses per lot, so therefore they were concerned about the multiple uses on the property. The school bus parking was not "grandfathered" and is considered a zoning violation. In order for them to keep the buses on the property they would have to file with the county for a Planned Unit Development, the parking lot would also have to be paved, as well as incorporating property landscaping. They requested that the business be removed by June 7, 2009, according to the letter dated on May 7, 2009.

Properties:

53-04-11-300-084.000-011, 007-16120-00, 53-04-11-300-013.000-011, 007-00630-00
53-04-14-200-028.000-011, 007-16120-99

3 State ID Parcels are listed: 2 of the parcels are located in Section 11 and a very small part of one parcel is located in Section 14.

1. 5027 N. Lakeview Drive, Bloomington, IN 47404-Valid Mailing Address (Property Owner Address- Deed Owner)
2. 5033 N. Lakeview Drive, Bloomington, IN 47404-Valid Mailing Address
3. 5029 N. Lakeview Drive, Bloomington, IN 47404-Valid Mailing Address

The hearing notice was published in the Journal on Wednesday, September 2, 2009

Adjacent Property Owners have been contacted

*******Proof of Mailings-**

Name	Owner Address	Property Address
1. Cornerstone Sedign	5980 W. SR 46	

Concepts LLC Or Current Resident	Bloomington, IN 47404	
2. Brown, Eddie W. Or Current Resident	5634 W. SR 46 Bloomington, IN 47404 Transferred on 7/14/2009 to: CWABS Inc. Asset-Backed Certificates 7105 Corp Dr. Mail Stop PTX B-35 Plano, TX 75024	
3. Buick Cadillac Or Current Resident	2906 Buick Cadillac Blvd. Bloomington, IN 47404	
4. Robertson, Robert and Darlene Or Current Resident	5570 W. SR 46 Bloomington, IN 47404	
5. Apostolic Church of Jesus Or Current Resident	5019 Lakeview Drive Bloomington, IN 47404	
6. Swafford, Betty Lou Or Current Resident	3114 Kennedy Drive Apt. 12A Fort Wayne, IN 46815	7. 5024 N. Lakeview Drive Bloomington, IN 47404
8. Axam, Patricia Or Current Resident	5026 N. Lakeview Drive Bloomington, IN 47404	
9. Kelp, Andrew L. Or Current Resident	5028 N. Lakeview Drive Bloomington, IN 47404	
10. East, Phyllis Jo Ann Or Current Resident	5030 Lakeview Drive Bloomington, IN 47404	
11. Henline, Shawn Or Current Resident	5777 S. Harmony Rd. Bloomington, IN 47403	12. 5050 N. Lakeview Drive Bloomington, IN 47404

Mr. Grimes did tell me that he forgot the Proof of the Mailings but after we finish this section, if needed, he can go back and get those to make that proof to you.

Ike Grimes spoke before the Commission to explain his reasons for requesting annexation into the Town of Ellettsville. He explained he was a lifelong resident of the area and had some difficulties with Monroe County and subsequently had decided to request annexation into Ellettsville. He met with Connie Griffin who came out to the property and took pictures. She then informed him of the code violations regarding his property. He went on to say he had begun the clean-up process but had been hindered by much rain recently. He asked the Commission for their patience with his clean-up process.

Phill Smith asked if Mr. Grimes could give an estimate of time when the clean-up process would be finished. Mr. Grimes responded that he thought everything could be

finished within 30 days. He expressed concern regarding removing and disposing of the tires on the semi truck. He stated he will have to explore a solution for their removal.

Don Calvert requested patience from Mr. Grimes with the Commission. Also, requested that all codes be met and there would be no problem. He added that he felt Mr. Grimes should be in the town, but not with the current violations. He asked that Mr. Grimes correct all the violations first and then return to the Commission in order to remain consistent. Terry Baker suggested the request be tabled until next month in order to give Mr. Grimes time to correct the violations and then come back before the Commission with his request without having to re-start the whole process again. Mr. Grimes questioned what "grandfathered" meant. The Commission explained that it was something the County required. Don Calvert informed Mr. Grimes that the Clark Transportation use is a new use parking facility which is not a "grandfathered" use and is considered a zoning violation. This is coming from Katie Moore with Monroe County. Don Calvert asked Mr. Grimes if the buses were removed by June 7, 2009 as requested by Monroe County. Mr. Grimes replied that they were not removed. Sandra Hash asked if Mr. Grimes was requesting a C3 zoning for the entire annexation and Connie Griffin responded that he was. Mr. Grimes reiterated that he felt he could remove all the violations within 30 days but did inform the Commission that his grandson had a wrecked car on his property that the grandson planned on restoring. He added that he could cover the car with a tarp and asked if this would be sufficient. Don Calvert asked if the car could be stored in one of the big buildings on the property and Mr. Grimes answered "no", that the church has the big building. Sandra Hash asked if the car was visible from the road and Connie Griffin responded that it was pretty far back on the property. Sandra Hash asked if a tarp was acceptable and Connie Griffin responded that it was and would probably protect the interior of the car. Don Calvert inquired if a date could be assigned to correct that violation and Connie Griffin answered that it could be. Don Calvert asked if he came into the Town would Mr. Grimes be required to pave the area where the buses park. Connie Griffin replied that it would be grandfathered in and if there were ever a change in use that he would then be required to pave the entire commercial area. If he modifies the property in any way, he would be required to bring it up to current code. Don Calvert asked Mr. Grimes if he understood that requirement and he answered that he did not. Don Calvert and Sandra Hash explained to Mr. Grimes that if he made any changes to his property that it would be considered new use and would have to be brought up to current code. Don Calvert asked if Mr. Grimes had a clean-up kit for the bus parking area and the gas tank stored there. He responded that he did not, that the man who owned the tank would need to move the tank to his house.

Sandra Hash made a motion that we table the Ike Grimes annexation until our December meeting to give him a chance to finish cleaning up his property and then we'll re-look at the request. Phill Smith seconded. Motion carried unanimously.

Connie Griffin advised Mr. Grimes that he could call her at any time to answer questions or come back out to the property to look at anything or take pictures. Sandra Hash asked if Connie Griffin knew of a way he could dispose of the tires on his

property and she informed him that she would look into it. Sandra Hash suggested he might check with Gary Burton as well. Terry Baker asked for any comments from the audience regarding the annexation. There were none voiced.

Old Business

Sign Code Changes

Connie Griffin read her statement regarding amendments and revisions to the Town Sign Code:

Sign codes often undergo many amendments and revisions and the Town of Ellettsville is no exception to that statement.

The codes are designed to promote effective communication while protecting the public and preserving the aesthetic character of our community.

We should aim to reach a balance of allowing access to information through signage, while limiting visual blight.

We recognize the importance and the rights of business people to identify their businesses with signs and other advertising graphics, however, the Town should also recognize that the location, number, size and design of signs significantly influences the Town's visual environment.

We should keep in mind as we go through these codes that sign regulations are often linked to land use patterns in order to ensure that the signage needs of a particular area are compatible with the architecture and use of the buildings where they are located.

This evening you will see that I've added several more signs to the prohibited sign section. Prior codes in this section are not spelled out, so based on conversations with local citizens, business owners and code research, several new additions are proposed for the sign code revision.

As you look around our community you can see what types of signs are problems, such as banners and off premise advertising, then look at our code and be ready and willing to eliminate or reduce such signs. We have greater power to limit signs when we do so in a content-neutral manner.

I feel the current enforcement program is not effective, which has resulted in the increase of small advertising type signs and prohibited signs, signs without permits to scatter throughout Town.

And finally, while it is possible to prohibit the posting of future signs we should consider eliminating existing non-compliant signs, after the amendments are passed, after a set period of time

Connie Griffin stated she revised the Purpose Statement again as a result of researching better ways of clarifying things in order to make them clear and easily understood. The intent of this code is to promote the public health, welfare, safety and community identity while improving the quality of the visual environment. It has been determined that these objectives may best be achieved by limiting the total amount of signing along town streets to an intensity that will adequately identify each premises without being unduly distracting. The sign code is not intended to and does not restrict, limit or control the content or message of signs. The sign code has a number of specific purposes. She then listed those purposes. Subsequent sections of the sign code were revised. Those are as follows:

- Approval process
 - Appeals
 - Definitions
 - Exempt Signs
 - Prohibited Signs
 - Signs Permitted in Agricultural AG 1 and AG 2 Districts
 - Signs Permitted in Commercial C1, C2 and C3 Districts and Industrial 1-1 and 1-2 Districts
 - Signs Permitted in Residential R1, R2 and R3
 - Sign Permit Fee
 - Additional Requirements – working on
-
- Sign Enforcement Procedures and Fines

Connie Griffin then directed the Commission to review the Sign Permit Application packet, the Notice of Completion and the Temporary Application. Also, the statistics for October were given to the Commission.

Connie Griffin also informed the Commission of a gentleman coming into the office requesting information on any restrictions regarding a Hooka Bar. He was looking at the area near the Sky Café or Richland Plaza. She went on to say that the Town does not have any codes preventing such an establishment, but that she would seek the opinion of the Commission. She did say that the State is considering a ban on smoking across the board. He is seeking a C1 permit. Sandra Hash asked if he was going into a pre-existing building and Connie Griffin responded that, yes, he was and he would have to be in the correct zone.

Sandra Hash stated that she needed to get the public notice published for next year and she had put it on the agenda for the Town Council meeting and she asked if the Plan Commission was still in favor of staying with the first Thursday of the month at 6:00 p.m. for 2010. There are no conflicting holidays. The Commission agreed to keep the same day and time for meetings in 2010.

Adjournment

Terry Baker entertained a motion to adjourn. Sandra Hash made the motion to adjourn. Phill Smith seconded. Terry Baker adjourned the meeting at 7:50 p.m. The next meeting will be December 3, 2009.

Terry Baker, President

Sandra Hash- Vice President

Frank Buczolic

Don Calvert

Phil Smith

Dan Swafford

Ron Wayt

Connie Griffin, Secretary