

August 6, 2015

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, August 6, 2015, 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. Don Calvert led the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President, Russ Ryle, Vice President, Don Calvert, David Drake, Scott Thomas, Pat Wesolowski and Sandra Hash. Kevin Tolloty, Planning Director, and Darla Brown, Town Attorney, were also present.

Approval of the Minutes

Terry Baker entertained a motion for approval of the minutes for the regular meeting on July 9, 2015. David Drake so moved. Scott Thomas seconded. Motion carried.

New Business

Petition for Voluntary Annexation, 6059 W. McNeely, Ellettsville; 17 Acres; Petitioner: Daniel Fischel; Case No. PC 2015-08

Kevin Tolloty, Planning Director, explained this is a 17 acre parcel off of McNeely Street, west of Stoneview Townhomes. There is one single family home on the property. It is 48% contiguous and it is a super voluntary annexation. It will be in Ward 1 after annexation. It is recommended it be zoned R-1, Single Family Residential.

Terry Baker entertained a motion to forward Petition No. PC 2015-08, 6059 W. McNeely Street to the Town Council with a favorable recommendation and zoning recommendation of R-1. David Drake made a motion to forward Petition No. PC 2015-08, 6059 W. McNeely Street to the Town Council with a favorable recommendation and zoning recommendation of R-1. Don Calvert seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; Don Calvert – yes; David Drake – yes; Scott Thomas – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 7-0.

Petition for Voluntary Annexation, 8181 W. Chafin Chapel Road, Ellettsville; 80 Acres; Petitioner: Dan Rarey, on behalf of the Virginia McNichols Irrevocable Trust; Case No. PC 2015-09

Kevin Tolloty, Planning Director, explained this is a request for a 100% voluntary annexation. The property consists of three lots totaling 80 acres. There is one house located on two lots and the remainder is undeveloped and will be used for farm land. After annexation it will be in Ward 1. It is approximately 44.7% contiguous to existing Town limits.

Sandra Hash asked what Township it is in. Mr. Tolloty replied Bean Blossom. Ms. Hash stated neither of the annexations will add to Town services other than police services. Mr. Tolloty agreed. Mr. Wesolowski asked if they want to subdivide in the future will they have to come before the Plan Commission. Mr. Tolloty answered yes. Mr. Wesolowski asked if they're thinking about subdividing the farmland in the future. Dan Rarey answered no. They're three parcels consisting of 40 acres, 39.75 acres and .25 acres.

They're wanting to take 10 acres off of the northwest corner and the farmer is buying the other 70 acres to farm. He doesn't foresee them wanting to subdivide it.

Don Calvert asked if the property is coming in as agricultural. Mr. Tolloty answered yes. Mr. Calvert asked if that will affect the house and property it sets on since it is residential. Mr. Tolloty replied no. He talked to the future owner of the house, reviewed what would be allowed under AG-1 and they're okay with it.

Terry Baker entertained a motion to forward this to the Town Council with a favorable recommendation. David Drake made that motion with it zoned A-1. Pat Wesolowski seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; Don Calvert – yes; David Drake – yes; Scott Thomas – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 7-0.

Petition for Final Plat Amendment, 4723 W. State Road 46, Bloomington; Petitioner: Richland Convenience Store Partners, LLC; Case No. PC 2015-07

Terry Baker advised there is a request to continue this case.

Terry Baker entertained a motion to table Case No. PC 2015-07. David Drake made a motion to table Case No. PC 2015-07.

Prior to the second on the motion, Darla Brown advised there was discussion between the Plan Commission members and Mr. Tolloty about meeting on August 20, 2015. She could not get a date the Petitioner, Petitioner's counsel, Joe De Spirito, O.D. and his counsel were available those last two weeks in August. She suggested a Special Meeting on Wednesday, September 2, 2015, at 6:00 p.m. Mr. Ryle asked since the meetings are scheduled a year in advance is there an issue of public notice. Mr. Tolloty answered they would have to do a regular meeting notice. Ms. Brown added there would be notice at this meeting to have the next meeting on September 2, 2015, and it would be posted.

Scott Thomas seconded the motion.

Pat Wesolowski stated this has been continued for two meetings. How long can they keep doing this? Ms. Brown answered under the rules if there are more than two continuances the petitioner has to start all over and file the application fee again. Mr. Calvert asked what protection the petitioner has if the other person is difficult and keeps extending it. Ms. Brown replied there are issues the Plan Commission would want them to try and work out before the meeting. At least, they need to narrow the issues before the meeting but if they can't, they can't. She thinks both sides are making a good faith effort to resolve their issues but she is not saying they will be resolved. Mr. Wesolowski asked what would happen if they approved the petitioner's request and the other person didn't like it. Does it become a civil case? Ms. Brown answered whoever loses and doesn't like the Plan Commission's decision can file a Petition for Certiorari in Monroe Circuit Court.

Terry Baker took a vote on the motion. Motion carried.

Planning Department Updates

Kevin Tolloty, Planning Director, mentioned the first Plan Commission Steering Committee meeting was held on July 23, 2015, and 12 people attended. There was good discussion and he will be sending out notes tomorrow as well as some thoughts on the next

meeting. The next meeting is scheduled for Thursday, August 27, 2015, at 12:00 p.m. in the Fire Department meeting room.

Kevin Tolloty, Planning Director, explained he, Denise Line and Darla Brown attended an annexation workshop. The Fiscal Plans will now have a lot more numbers in them because of new state requirements. Mr. Wesolowski asked if annexing a subdivision has changed. Ms. Brown explained the municipality has to do a community outreach program and a series of meetings has to be held over a certain period of time to explain the annexation to the public and give them an opportunity to attend the meetings and ask questions. It will lengthen the timetable for an involuntary annexation by several months.

Adjournment

Terry Baker entertained a motion to adjourn. Scott Thomas made a motion to adjourn. Russ Ryle seconded. Terry Baker adjourned the meeting at 6:19 p.m.

Terry Baker, President

Russ Ryle, Vice President

Sandra C. Hash, Secretary

Don Calvert

David Drake

Scott Thomas

Pat Wesolowski