

December 6, 2012

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, December 6, 2012, 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. Terry Baker led the Pledge of Allegiance.

Roll Call: Members present were: Dan Swafford, President; Terry Baker, Vice President; Don Calvert, Phillip Rogers, Russ Ryle, Phillip Smith and Sandra Hash. Connie Griffin, Director of Planning, Darla Brown, Town Attorney, and Rick Coppock, Bynum Fanyo and Associates, Town Engineer, were also present.

Approval of the Minutes – November 1, 2012

Dan Swafford entertained a motion for approval of the October 2, 2012 minutes. Phillip Smith so moved. Terry Baker seconded. Motion carried.

Monthly Conflict of Interest Statement

Don Calvert advised his housing addition adjoins the border of the Headley property.

New Business

120612-1 Headley Rezone Request from Residential 1 to Commercial 3, Address: 3888 W. S.R. 46, Bloomington, IN 47404, Parcel No. 53-04-13-300-062.000-13

Connie Griffin introduced the Headley rezone request. The petition was received on October 29, 2012. The public hearing notice was published on November 14, 2012. The fees of \$214.50 for rezone and signage have been paid. It is a rezone consideration for a Commercial 3. The findings are as follows:

1. The proposed rezoning is consistent with the land use policies contained in the Comprehensive Plan because:
 - 1) The 2007 Ellettsville Comprehensive Plan states on page 21 under Tax Base, the Town needs to attract higher dollar investment to aid the tax base with special emphasis on commercial and light industrial investment.
 - 2) To encourage development that utilizes, and is compatible with existing infrastructure.
 - 3) On page 22 under Commercial, the Town should encourage continued vehicle orientated commercial investment along State Road 46 east of Ellettsville, with access management to increase safety.
2. Conditions have changed in the area since the original zoning was established because:
 - 1) In 1966 a master plan map and text containing a land use plan was adopted by Resolution No. 1 on February 28, 1966. During the adoption of this plan the Plan Commission carefully considered the plan with special attention paid to the health, safety, convenience and welfare of its citizens, as well as commitment to plan for future development and growth potential.

2) Since the creation of this document several annexations have occurred along the corridor along with the establishment of commercial facilities.

3) The Town's jurisdiction on the east side reaches to Smith Pike Crossing, which is adjacent to the Headley property.

Rezoning the Headley property to commercial land use is consistent with the vision of the original master plan.

3. Community facilities are available to support the proposed development because:

1) The Town of Ellettsville has a 12 inch water line on the south side of State Road 46 and there is also an 8 inch water line and a sanitary sewer that runs through the north end of the property that connects into Springs Valley.

4. The proposed rezoning will establish a desirable precedent in the area because:

1) Local businesses in the Town are predominantly located along the State Road 46 Corridor.

2) Land development has decreased along the corridor due to lack of commercial land availability, and market conditions.

3) The land, if rezoned to commercial, has the potential to be commercially developed in the future; anticipating a rebound in the economy.

Historically shopping areas were located away from the city centers, but with the increased use of automobiles, the current trends focus on mixed land use and pedestrian life styles, and urban planning recommends clustering as compared to sprawl, so closer service oriented business options are often more appealing to the majority of consumers.

4. The proposed rezoning is compatible with surrounding land uses because:

1) The proposed rezoning is compatible with the surrounding land uses because a strip mall area with restaurants, banking facilities, service and retail establishments are located directly across from the Headley property, as well as to the east and a short distance to the west.

It is the Planning Director's recommendation for approval of the rezone from Residential 1 to Commercial 3 due to the above stated findings. The property has approximately 400 linear feet of State Road 46 frontage. The width of the property will allow for setbacks and adequate buffering of the commercial use from the neighboring adjacent residential land uses located directly to the north, east and west.

Bill Headley explained this is his mother's property and she passed away in September. They're seeking the rezoning so they have more options to do something with the property. If it's commercial they will have more opportunities to sell it. There is an easement for the sewer.

The following public comment was presented:

Lisa Hernandez asked what zoning for Commercial 3 entails. Ms. Griffin outlined the Ellettsville Town Code 152.065 for Commercial Districts.

Jorge Hernandez asked what the impact will be on the surrounding community.

Becky Morefield asked if there is a residential zoning other than Commercial 3 and why would they want commercial if it's surrounded by residential. There's a pond that overflows when it rains.

Russ Ryle asked Mr. Headley where the water from the property drains. Rick Coppock showed on a map where the water drains. Mr. Ryle asked if it ended up at Jack's Defeat Creek and Mr. Coppock replied that was correct.

Dave Grimm agrees with Ms. Morefield and doesn't see an advantage for the Plan Commission to grant this request.

Debra Hackman took a vote of the audience for those who feel it would or would not be a detriment to their property.

Kelly Wells asked where the easement is located on the property. She is concerned about traffic.

Russ Ryle asked Connie Griffin what is permitted in a C-3 that is not permitted in a C-2. Ms. Griffin outlined the different uses.

Sandra Hash asked how many feet are on the road frontage to State Road 46. Ms. Griffin replied it is 400. Mr. Ryle asked how wide the property is at the back and how long running north to south. Mr. Coppock replied it is 333 feet and is 1,200 feet running north to south. Ms. Hash commented she can certainly understand the desires of the petitioner. The front of the property would be appealing for commercial use but the fact it is long and narrow and surrounded on three sides by established residents makes it debatable if it is the best suited use of the property.

Warren Stout thinks a big concern is the traffic and how many businesses will be put in the area. Flooding is also a concern.

Dan Swafford asked Rick Coppock about the floodplain. Mr. Coppock replied he doesn't know if there's a designated floodplain in Springs Valley but it does get quite a bit of water when it rains. It's getting toward the upper reaches of the watershed.

Thelma Bartlett is opposed to it being zoned commercial but is not opposed to a residential area. Traffic is a concern if businesses were to go in.

Kevin Wells asked about the 250 feet requirement for liquor stores and the easement. Is opposed to a commercial rezone and is concerned about flooding.

Rick Coppock, Bynum Fanyo Utilities, Town Engineer, explained the Town Code references the Monroe County code and you can't have any increase over the existing conditions as it pertains to run-off. The water would pond and then release through a pipe and control structure.

The meeting was adjourned for a break.

Dan Swafford called the meeting to order.

Phillip Smith made a motion to approve the 120612-1 Headley Rezone Request from Residential 1 to Commercial 3, Address: 3888 West State Road 46, Bloomington, IN 47404, Parcel No. 53-

04-13-300-062.000-13. Russ Ryle seconded. Roll Call Vote: Dan Swafford – yes; Terry Baker – yes; Don Calvert – abstained; Phillip Rogers – yes; Russ Ryle - yes; Phillip Smith - yes and Sandra Hash – no. Motion carried 5-1 with one abstention.

120612-3 Gieselman (Richard's Small Engines), Request to Subdivide Land (amendment 1), 8273 West State Road 46, Ellettsville, IN 47429, Parcel No. 53-04-05-100-006.000-013, Purdie, 8201 West State Road 46, Ellettsville, IN 47429, Parcel No. 53-04-05-100-008.000-013, Preliminary and Final Plat Approval

Connie Griffin announced all fees have been paid.

Phillip Smith made a motion to approve 120612-3 Gieselman (Richard's Small Engines), Request to Subdivide Land. Russ Ryle seconded. Roll Call Vote: Dan Swafford – yes; Terry Baker – yes; Don Calvert – yes; Phillip Rogers – yes; Russ Ryle - yes; Phillip Smith - yes and Sandra Hash – yes. Motion carried 7-0.

120612-4, Hearne Development LLC, Litten Estates Phase III Address: 7405 W. State Road 46, Ellettsville, IN 47429, Parcel No. 53-00-92-060-000.000-013, Request to Subdivide Land with Preliminary and Final Plat Approval, Philip Tapp of Philip Tapp & Company Representing

Connie Griffin provided the information on the petition as follows:

- Petition is dated November 5, 2012.
- Publication date of public hearing was November 14, 2012, and certified return receipts have been provided to the Planning Office.
- Fees: \$320.00 have been paid.
- Preliminary and Final Plat with 2 lots. Lot 1 is 7.95 acres and contains lots 25-46 of the approved Litten Estates development plan (21 single family residential lots).
- Lot 2 is 5.36 acres and will be developed in the future to either commercial or residential use, as per site plan approval.
- Representing the petitioner is Land Surveyor Phil Tapp

Bryan Hearne requested approval of the preliminary and final plats.

Pat Campbell, who lives in the last house on Birch Street, expressed concerns of water issues and weeds.

Sandra Hash made a motion to approve 120612-4, Hearne Development LLC, Litten Estates Phase III Address: 7405 West State Road 46, Ellettsville, IN 47429, Parcel No. 53-00-92-060-000.000-013, Request to Subdivide Land with Preliminary and Final Plat Approval, Phillip Tapp of Phillip Tapp & Company Representing. Phillip Smith seconded. Roll Call Vote: Dan Swafford – yes; Terry Baker – yes; Don Calvert – yes; Phillip Rogers – yes; Russ Ryle - yes; Phillip Smith - yes and Sandra Hash – yes. Motion carried 7-0.

120612-5, Mary George Subdivision Lot 2, Amendment 1, Parcel No. 53-04-14-200-045.000-013, 53-04-14-200-051.099-013 and 53-00-92-072-000.000-013, Subdivision Plan Amendment Approval, Rick Coppock, Bynum Fanyo, Representing

Connie Griffin provided the information on the petition as follows:

- Petition is dated September 24, 2012.
- There are no public improvements for this plat.
- Publication date of public hearing is November 21, 2012 and certified return receipts have been provided to the Planning Office.
- Fees: \$350.00 has been paid. (Please note \$30.00 of overpayment, should have been \$320.00. It has been requested the Clerk return the \$30.00 to the George's).
- Preliminary and Final Plat with 2 lots.
- Original Acreage of the Max Flynn parcel 1.11 acres, Lot 2 B is 3.72 acres
- Representing the Petitioner is Rick Coppock, Bynum Fanyo and Associates.

Rick Coppock, Bynum Fanyo and Associates, presented his report as follows:

The property is a 55.45 acre tract of land which is Lot 2 of the Mary George Subdivision and a 1.11 acre tract of land which is part of Sections 11 and 14, Township 9 North and Range 2 West. The property is owned by Mary George and Max Flynn. The plat amendment will combine 2.61 acres of land from Lot 2 of the Mary George subdivision with the 1.11 acre parcel of land owned by Max Flynn. This plat amendment will not create any new parcels and does not include any public improvements. Water and sanitary sewer services are currently being provided to the properties by the Town of Ellettsville and Eastern Richland Sewer Corporation.

Phillip Smith made a motion to approve 120612-5, Mary George Subdivision Lot 2, Amendment 1, Parcel No. 53-04-14-200-045.000-013, 53-04-14-200-051.099-013 and 53-00-92-072-000.000-013, Subdivision Plan Amendment Approval, Rick Coppock, Bynum Fanyo, Representing. Dan Swafford seconded. Roll Call Vote: Dan Swafford – yes; Terry Baker – yes; Don Calvert – yes; Phillip Rogers – yes; Russ Ryle - yes; Phillip Smith - yes and Sandra Hash – yes. Motion carried 7-0.

2013 Plan Commission Meeting Dates and Times

Connie Griffin presented the proposed Plan Commission meeting dates for 2013:

January 3, 2013	June 11, 2013
February 7, 2013	August 1, 2013
March 7, 2013	September 5, 2013
April 4, 2013	October 3, 2013
May 2, 2013	November 7, 2013
June 6, 2013	December 5, 2013

Sandra Hash made a motion to approve 2013 Plan Commission Meeting Dates and time. Terry Baker seconded. Motion carried.

Rules of Procedure Area Plan Commission Town of Ellettsville, Indiana, Amendment to January 6, 2011 Resolution

This is tabled until January.

Privilege of the Floor

Bill Schneider inquired about the status of a tree ordinance.

Adjournment

Dan Swafford entertained a motion to adjourn. Phillip Smith made a motion to adjourn. Terry Baker seconded. Dan Swafford adjourned the meeting at 7:51 p.m.

Dan Swafford, President

Terry Baker, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Rogers

Phillip Smith

Russ Ryle