

February 2, 2012

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, February 2, 2012, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Phillip Smith called the meeting to order at 6:00 p.m. Sandy Hash led the Pledge of Allegiance.

Roll Call: Members present were: Phillip Smith, President; Terry Baker, Vice President; Don Calvert, Phillip Rogers, Russ Ryle and Sandra Hash, Secretary. Dan Swafford was late. Connie Griffin, Director of Planning, was also present.

Approval of the Minutes – January 12, 2012

Phillip Smith entertained a motion for approval of the January 12, 2012 minutes. Don Calvert so moved. Terry Baker seconded. Roll Call Vote: Phillip Smith – yes; Terry Baker – yes; Don Calvert – yes; Phillip Rogers – yes; Dan Swafford – yes; Russ Ryle - yes and Sandra Hash - yes. Motion carried 7-0.

Election of Officers & Ellettsville Plan Commission Rules of Procedure

Phillip Smith – Announced the Plan Commission elects a President, Vice President and Secretary every year.

Phillip Rogers nominated Dan Swafford for President. Don Calvert seconded. Motion carried.

Don Calvert nominated Terry Baker for Vice President. Russ Ryle seconded. Motion carried.

Phillip Smith nominated Sandra Hash for Secretary. Terry Baker seconded. Motion carried.

Changes to the Ellettsville Plan Commission Rules of Procedure

Connie Griffin, Director of Planning – There have been some changes to the Rules of Procedure and they are as follows:

- Section 1.5(k), Duties of the Planning Director/Zoning Administrator: Strike *“for the second meeting after the Commission meeting.”* She works closely with the Clerk and Town Attorney and their input on the Town Council agenda items is important to help determine if ordinances and resolutions are involved for the next Town Council meeting.
- Section 1.6(b), Plan Commission Committees, Standing, Formal and Ad Hoc Committees: Add after non-member citizens *“within the jurisdictional boundaries of the Town of Ellettsville.”*
- Section 2.5(b)(c), Discussion of Agenda Items: Since the Plan Commission allows the public an extension of time, by a majority vote of the PC members, she suggests the petitioner and the planning staff be allowed the same courtesy.
- Section 3.2(b)(1), Conduct of Hearings: To make this consistent with the discussion of agenda items she suggests this be changed to ten minutes. Five minutes is inconsistent with the former code. She suggests this be changed to three minutes for each speaker and add *“The time limit may be increased by three (3) minutes if approved by a majority vote of the Plan Commission.”*

- Section 4.1, Filing of Petitions(a), (i), (f) and (b) is in conflict with (g): Strike “*Comprehensive Plan*”. This document is prepared by the Town’s Plan Commission and Town Council and not citizens or petitioners. Section (i) adds “*certified return receipt.*” Section (f) strikes “*request for or made available for copying at the scheduled Plan Commission meeting.*” Section (b) already directs the director to schedule the petitioner on the next available commission docket, this allows her to better handle case loads.
- Section 4.2(i), Notice Requirements: Change “*as*” to “*at*”. Section (i) change “*read*” to “*road*”.
- Section 4.4(d) Amendment by Property Owner: Change “*10 days*” to “*two days prior to the Plan Commission*”.
- Rule 5.5.1, Amendment and Suspension of Rules – Amended Rules Require an Amending Resolution: These rules may be amended only by adopting an amending resolution. She will send these revisions and the completed document to Darla Brown for the Resolution and her final review.
- Section 8.4, Secondary Plat Approval: Code 153.030(B)(2) is inconsistent. The code grants the Director of Planning the authority to grant secondary approval, but the code as listed above states “*The Plan Commission must approve prior to the plat being filed and recorded.*” She suggests to remain consistent the following should be added “*. . . control ordinance, but must be approved by the Plan Commission prior to the plat being filed and recorded with the Monroe County Auditor.*”
- Section 9.3(f), Notice Requirements: Last year adding signage to petitions requiring public hearing notices was implemented. Section (f) needs to add the signage and the cost of the signage will be the responsibility of the petitioner. The cost is \$14.50 for each sign.
- Section 12.1(c), Forms: To remain consistent the following needs to be added, “. . . submitted two days prior to the project proceeding” and remove the “*t*”.

The Town Attorney has reviewed the document and found the changes were to correct minor errors. A revised copy with the proposed changes to the Rules of Procedure will be forwarded to members of the Plan Commission

New Business

Ellettsville Municipal Code Proposed Changes: Discussion and Priority Ranking

Connie Griffin, Director of Planning – It has been discussed doing some prioritizing of code changes. The first of these are the Planned Unit Development (“PUD”) revisions. There will be a public hearing notice advertising the proposed changes for the next Plan Commission meeting. The Town Attorney has reviewed the proposed changes and will be researching a couple of items. The Bloomington Planned Unit Development Code uses some of the following words:

- New
- Improve
- Advantages
- Enhance
- Conserving
- Compatible
- Protect
- Suitable
- Public benefit

Planned Unit Developments are not a means of granting a land use variance. A variance is the process by which an applicant can request deviation from the set of rules a municipality applies to land use and [land development](#), typically a [zoning](#) ordinance, [building code](#) or [municipal code](#). The APA Planner sent an email advising her to be careful not to set up a PUD as a means for people to go around and get a land use variance. The proposed code changes tighten the code for now. In the future, they want to work on the Comprehensive Plan and have it be a strategic plan as well for the next 25 years. They will have regular Comprehensive Plan revisions every few years. When the Comprehensive Plan is revised, Planned Unit Developments will be added within the code and the Town needs to specify what it wants within those zoning areas. Whenever the Town of Ellettsville is discussed, the word “Town” needs to have a capital “T”. Other changes to the Planned Unit Development code are as follows:

§152.276 DISTRICT INTENT

“The purpose of the planned unit development (“PUD”) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and Town services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that planned unit developments will offer one or more of the following advantages:

- (a) *Implement the guiding principles and land use policies of the Ellettsville Comprehensive Plan; specifically reflect the policies specific to the neighborhood or zoning ordinances in which the planned unit development is to be located;*
- (b) *Buffer land uses proposed for the planned unit development so as to minimize any adverse impact which new development may have on surrounding properties;*
- (c) *Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;*
- (d) *Counteract urban monotony and congestion on streets;*
- (e) *Promote architecture that is compatible with the surroundings;*
- (f) *Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and*
- (g) *Provide a public benefit without deviation from the standards of the established zoning ordinances.*
- (h) *Specify uses or a range of uses permitted in the planned unit development zoning district.*
- (i) *Specify any limitation applicable to the planned unit development zoning district, and*
- (j) *Meet the requirements of Indiana Code 36-7-4-1500 et seq.*

§152.277 GENERAL REGULATIONS

- (a) *Permitted Uses.*
 - (1) *The permitted uses in a planned unit development district ordinance are subject to the discretion and approval of the Plan Commission and Town Council.*
 - (2) *The permitted uses shall be determined in consideration of the Ellettsville Comprehensive Plan and the existing zoning district designation of the area being rezoned to a planned unit development, the land uses contiguous to the area being rezoned to a planned unit development and the development standards and design standards of the Ellettsville Municipal Code.*

- (b) *Development Standards.*
 - (1) *The development standards in a planned unit development district ordinance are subject to the discretion and approval of the Plan Commission and Town Council.*
 - (2) *The development standards shall be determined in consideration of the Ellettsville Comprehensive Plan, the existing zoning district designation of the area being rezoned to a planned unit development, and the development and design standards of the Ellettsville Municipal Code.*

§152.278 QUALIFYING STANDARDS

- (a) *The area designated in the planned unit development map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants or commitments that run to the benefit of the zoning jurisdiction.*
- (b) *The minimum gross area required for a planned unit development is five acres. The minimum gross area may be waived by the Plan Commission if it is demonstrated that granting such waiver is consistent with the district intent as specified in Section 152.276, District Intent.*
- (c) *A planned unit development may be established in any district except for the downtown area as defined by Matthews Drive to Park Street and Association to Main Street.*

Dan Swafford – Asked why she chose Matthews Drive to Park Street. Ms. Griffin replied she looked at the commercial uses and there is Eagles Landing and perhaps they could say Sale, Vine, Main or Temperance Streets but this was a starting point.

§152.279 PROCEDURE FOR APPROVAL. This is a new code number for this section.

The other changes to this section are paragraphs (B)(1) “. . . applicant’s proposal” and (B)(5) “. . . Director’s summary . . .”

§152.280 OUTLINE PLAN APPLICATION MATERIALS. This is a new code number for this section.

§152.281 APPROVAL PROCEDURE FOR OUTLINE PLAN AND PLANNED UNIT DEVELOPMENT ZONING. The code number for this section changed.

There is an additional change to this section in paragraph (B) “. Commission’s Rules of Procedure . . .”

§152.282 APPROVAL PROCEDURE OF DEVELOPMENT PLAN. This is a new code number for this section.

There is another change to this section in paragraph (A)(8) “. . . the owner’s title . . .”

§152.283 LIMITATION OF REVISIONS TO THE ELLETTSVILLE MUNICIPAL CODE AND ELLETTSVILLE COMPREHENSIVE PLAN

This is a new section which basically states if any of the codes or Comprehensive Plan are changed then it would also be enforceable on the Planned Unit Development.

- (a) *Changes to the Ellettsville Municipal Code that directly affect public health and safety, Chapters 93 Health and Sanitation; Nuisances and 152 Planning and Zoning Regulations, shall apply to any planned unit development even if such changes are adopted during the planned unit development build-out. In addition, changes to the Ellettsville Comprehensive Plan which alter*

any development standards for the planned unit development district ordinance shall be enforced upon the planned unit development.

- (b) If a planned unit development is no longer proceeding in accordance with its planned unit development district ordinance, commitments, or time requirements imposed herein or by agreement, amendments to the Ellettsville Municipal Code and/or Ellettsville Comprehensive Plan, may be subject to being rezoned into an appropriate standard zoning district if the Town Council deems it necessary.*

§152.284 CHANGES OR AMENDMENTS

- (a) PUD District Ordinance. Amendments to the planned unit development district ordinance shall follow the procedure for creating a new planned unit development district ordinance pursuant to this section.*
- (b) Preliminary Plan. To the extent that a preliminary plan is a conceptual and general rendering of a proposed development conforming to the planned unit development district ordinance, a final plan may deviate from the approved preliminary plan in some respects without necessitating an amendment to the preliminary plan. However, any deviation from an approved preliminary plan that alters the concept or intent of the planned unit development shall be subject to the procedure for approval of a new preliminary plan. The Plan Commission may require that an application for preliminary plan amendment encompass the entire planned unit development. Deviations that require a preliminary plan amendment include, but are not limited to, the following:*
 - (c) Changes in the location, proportion or allocation of uses, or changes to the types of uses allowed;*
 - (d) Increases in residential density;*
 - (e) More than a ten percent change to the proportion of housing types;*
 - (f) Changes in building structures or number of building structures;*
 - (g) More than a one percent reduction of proposed open space;*
 - (h) Changes in functional uses of open space, where such change constitutes an intensification of open space usage;*
 - (i) Changes in the ratio of off-street parking spaces to use;*
 - (j) Changes in standards, continuity, or general location of roads, utilities, or stormwater management features; or*
 - (k) Changes in the covenants, conditions and restrictions, or other governing agreements, that affect any matter regulated by the planned unit ordinance.*

The code changes above are for review by the Plan Commission. Commissioners can email or call her with any questions. The Town Attorney is also reviewing these changes. Upon an initial review she didn't see a lot of changes but wants to check on legal issues. This code came from the City of Bloomington PUD ordinance.

Chickens

Connie Griffin, Director of Planning – There are a few items with the Town Attorney. They have an animal management contract with Monroe County which is being reviewed by the Town Attorney. They're looking at the fact the Town doesn't have an animal control facility. This isn't an easy code. It has been around since 1913. This will be reviewed at a later date.

Trails

Dan Swafford – Asked if Ms. Griffin had any updates on the Heritage Trail. Ms. Griffin replied they have been waiting on a field check with Schneider and it has not been scheduled. The project manager, Steven Flores of INDOT, has contacted Schneider as she has done several times. The field check needs to get scheduled. Main Street will be meeting with her on February 3, 2012, and they will be going through the binders and reflecting on the project to find out where they are. There will be assistance from another

consultant who is looking at the project for free and who will also provide comments. She's sad to say the project is moving a little bit slower than anticipated. The environmental review has been done but it is uncertain rather or not it has been submitted to INDOT for their review. This has not been answered and they're certain Schneider has the environmental review. Sandra Hash commented they have paid Schneider approximately \$20,000 for what has been done to date. Mr. Swafford asked if they were to start breaking ground this spring. Ms. Griffin responded they had hoped to but it keeps getting pushed back and if anyone was to look at the quarterly reports those dates have been creeping back and that's their concern.

Planning Department Updates by Connie Griffin, Director of Planning

2011 Annual Report Submitted to Plan Commission Members

Connie Griffin – The Town Attorney made a small change and a revised Annual Report was distributed to Plan Commission members. The change was in reference to Cedar Bluffs. The report stated the Town had already collected the money from Cedar Bluffs pursuant to the court decision. However, the Town doesn't receive any money from Cedar Bluffs until they sell the property. The updated Annual Report reflects this change. The first page goes over her thoughts as to what the department is to be doing and some of the goals from 2011 are mentioned. It discusses how Ellettsville has grown from 5,078 to 6,378 residents. It also explains what will be contained in the report. The remainder of the report was reviewed with the Plan Commission members.

Dan Swafford – Asked if she has noticed a decrease in yard/garage sale signs. Ms. Griffin replied yes and it has been difficult. There were a lot of people who wanted warnings and waivers. It would be hard, in her opinion, to go back and credit everyone from whom they had collected fines. The department has been fair and consistent. He complimented Ms. Griffin on a good job with a lot of facts and figures. He really appreciates it and hopes she will present a small summary at the next Town Council meeting.

Terry Baker – He complimented Ms. Griffin on a nice job. They know how her hours were spent and what she was doing. Mr. Swafford commented he was pleased to see the money brought in. Mr. Swafford asked how much code enforcement was paid. Ms. Griffin replied it pays \$10 an hour. Mr. Swafford asked what amount is in the budget for code enforcement. Ms. Griffin responded it is \$6,000 or \$7,000 and she thinks it could be increased. Mr. Swafford commented it may be advisable to bring this to the Town Council's attention.

Privilege of the Floor – Non Agenda Items

Phillip Smith – The annual report looks nice.

Russ Ryle – The annual report was very well done.

Dan Swafford – It's been a great year and they look forward to a better year.

Sandra Hash – She talked to Connie Griffin today about the Census Bureau. The Census Bureau tracks an extreme amount of statistics about municipalities. The Town does report to them annually on any new annexations and sends them the annexation ordinances by March 1st. The Census Bureau sends the Town a complete set of maps and they have to be updated to show where the annexations occurred and Rick Coppock takes care of this. The Building Department reports on the building permits to the Census Bureau. It's interesting to know how it all works.

Dan Swafford – It was great to have a full Planning Commission. He welcomed Russ Ryle to the Plan Commission and as well as all returning and reappointed members.

Russ Ryle – He has been doing a little research and came across a group, "Indiana Chapter of the American Planning Association." A couple of years ago they put on a seminar at McCormick's Creek State Park which he attended. The individual membership is \$35 but if a number of the Planning Commissioners would see fit to join they could get a group rate of \$10. The reason he brings this up is because they have a public website that

has a membership section with a great discussion group. As the Plan Commission faces problems it may think is unique to Ellettsville they can get on the group discussion and ask counterparts if they've run into the issue and how they dealt with it. There are good resources for state and federal regulations and other information the Plan Commission may not have available. He asked Ms. Griffin if she finds the group useful. Ms. Griffin replied she does. Ms. Hash asked Ms. Griffin if she has \$70 in the budget for the Plan Commission members to join the organization. Ms. Griffin replied she would check on it.

Adjournment

Phillip Smith made a motion to adjourn. Russ Ryle seconded. Dan Swafford adjourned the meeting at 6:49 p.m.

Dan Swafford, President

Terry Baker, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Rogers

Phillip Smith

Russ Ryle