

February 7, 2013

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, February 7, 2013, 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. The meeting started with the Pledge of Allegiance.

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

Approval of the Minutes – January 3, 2013

Terry Baker entertained a motion for approval of the minutes for the regular meeting on January 3, 2013. Dan Swafford so moved. Russ Ryle seconded. Motion carried.

Old Business

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

Dan Swafford made a motion to table the Rules of Procedure Amendment. Terry Baker seconded. Motion carried.

New Business

02072013-1, Richardson Rezone Request from Commercial 3 to Residential 1, 5920 W. S.R. 46, Bloomington, IN 47404, Parcel No. 53-04-10-403-005.000-013

Jay Richardson, Petitioner, explained there are two commercial lots. One lot is frontage on the highway and the other is a commercial lot behind it. Both lots have been rezoned from residential to commercial a couple of years prior. Now, he is requesting to rezone the back lot to a Residential 1 so he can build a personal residence.

Sandra Hash asked if the existing residence he originally built is on a third lot. Mr. Richardson replied it is and is zoned residential. There are actually four lots which consists of the radio station, his shop lot and two other lots.

Terry Baker asked if the driveway for the house he wants to build would be accessed from the drive that goes back to the other residence. Mr. Richardson replied he has an easement through the lot his shop is on.

Dan Swafford asked why he is rezoning from an R-1 to commercial since a house can be built on a commercial lot. Mr. Richardson responded because the setbacks double and he has two commercial buildings that would be on the setbacks. Mr. Swafford confirmed the back lot is the one he wants to rezone to an R-1. Mr. Richardson said that's correct. Mr. Swafford asked Rick Coppock what the zoning is on the lot behind Mr. Richardson. Mr. Coppock replied it is zoned residential.

Russ Ryle commented there will be an R-1 abutting against a C-3 so there will be some setback requirement between the shop and the house. Mr. Coppock noted the commercial is existing so he only needs to follow the setbacks for the residential. Mr. Ryle stated he thought when there were two lots butting up against each other, and their both not R-1, there is to be a greater distance between the residence and commercial building. Mr. Coppock replied it's when commercial goes against residential. The residential doesn't have to provide that to the commercial. Ms. Hash noted it's double the setbacks for commercial and not residential. Mr. Swafford stated the side yard setback is ten feet.

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Terry Baker entertained a motion send a favorable recommendation to the Town Council for Richardson's rezone request from Commercial 3 to Residential 1 at 5920 West State Road. Sandra Hash made a motion to send a favorable recommendation to the Town Council for Richardson's rezone request from Commercial 3 to Residential 1 at 5920 West State Road 46. Russ Ryle seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; Don Calvert – yes; Dan Swafford – yes; and Sandra Hash – yes. Motion carried 5-0.

Alan Dick – Discussion Hidden Meadow Subdivision

Alan Dick is one of the developers of Hidden Meadow Subdivision located off of Union Valley Road to the south of Union Valley Farms. He is requesting advice on a plat amendment changing the type of development from a mixed use of paired patio homes and single family lots to all single family lots. They started the development in the summer of 2007 which was to be 54 paired and 24 single family lots. Later, that was changed to 50 paired and 23 single family lots. In October 2007, they started work and developed the western half of the property into 50 paired lots which totals 30 acres. That was completed by the following summer and in August 2008 they built and opened their model. To date, they have put up two buildings which is four units. Three of the units have been sold and one is still vacant. It was bad timing with a bad product at the wrong time. In the summer of 2012, they began looking at the possibility of selling the project. They have found a potential buyer but he wants to know what the Plan Commission thinks about converting the paired lots to single family lots. There would be little utility work that would have to be redone. All of the underground utilities are in. So, they wouldn't be changing any sewer lines. There wouldn't be as many laterals so some of them would have to be capped off. The water lines have been run to the property lines and it would be easy to convert to single family lots. The property was zoned C-3.

Russ Ryle asked if the section he is going to sell is all of their property in the area. Mr. Dick replied it is. Ms. Hash asked if it all was preliminarily platted but the infrastructure is only installed on the area shown on the map. Mr. Dick answered that's correct. It's all been preliminarily platted. They've recorded 26 of the 50 lots. In the northwest corner, Lots 35 and 36 have a building on them. In the southwest corner, Lot 1 which has the paired lots of 33 and 34 has a building also which has been sold. Lot 35 is sold but 36 is vacant. Ms. Hash asked if the land went with the patio homes. Mr. Dick replied yes, it's deeded to the property owner. It's uncertain if the potential owner will want to work out a couple of single family lots on 37, 38, 39 and 40 or keep them as paired lots. Ms. Hash asked if there was still going to be common area as noted on the plans. Mr. Dick responded yes, the common area is a retention area. There will have to be a homeowners association to manage it. Ms. Hash asked if the retention area would allow children to play there during dry weather. Mr. Dick answered no, there's a retention dam between two cul-de-sacs.

Dan Swafford asked how bonding for public improvements would be established if there's a new owner. Ms. Hash replied they will have to present a revised preliminary plat and when they ask for a final plat they will have to get a bond for everything not completed at that point. The bond expired some time ago. Don Calvert asked if it will have to be surveyed again. Mr. Dick replied yes. Ms. Brown advised she and the Planning Director have talked about this. There's another issue. Such as what happens to the bond for a subdivision when a new owner takes over. The Town code really doesn't address this. She has started working on amendments to the Town code which can be ready for the next meeting.

Alan Dick asked what the procedure is for bonds. Ms. Brown replied it can be a letter of credit. Ms. Hash added they have taken cash for a bond and it was held in an interest bearing account. When the project was completed the developer received a refund including the interest. Ms. Brown said there's a formula in the Town code that requires the bond to be a certain percent above what the cost will be for the infrastructure. Mr. Coppock advised they usually ask for 15% to 25% above the cost of the infrastructure. If there is a new owner they would have to post a bond for the infrastructure that wasn't completed. Most everything in the plat has been completed. Mr. Dick said they need to complete some surfacing, trees and sidewalks.

Russ Ryle noticed standing water on the property. Mr. Dick said it is a sinkhole on the undeveloped part. Mr. Ryle asked if there was only one access into the development. Mr. Dick replied there is another access. Mr.

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Ryle commented this is bigger than just his piece of the pie. Coming off of Union Valley Road, the existing road into the subdivision isn't the greatest intersection because it's at the crest of a hill. He's concerned they're building a traffic nightmare. Mr. Dick commented when they came before the Plan Commission five years ago it was brought up. At the time, it was mentioned it's not their fault the intersection is that way. Mr. Swafford noted this issue has been addressed in the Ellettsville Comprehensive Plan. As further development comes, Love Lane will become another access. Ms. Hash advised when Union Valley first went in the county certified it met site requirements.

Alan Dick asked where the current Town boundaries are located. Ms. Hash replied Union Valley Farms is in the Town and that's where it ends. Mr. Coppock showed the boundaries on a map. Mr. Dick asked where he proceeds from here. Ms. Brown replied he needs to meet with the Planning Director and start a petition for a plat amendment. Mr. Dick said he would turn it over to the new owners to get it the petition started. Mr. Coppock explained if he wanted to get it on the March 7, 2013 meeting agenda, he has to have the plans in 25 days prior to the meeting. They will have to meet with the Planning Director to get on the March meeting agenda. Mr. Dick asked as work is done is the amount of the bond reviewed yearly. Mr. Coppock replied the developer can ask for a reduction of the bond as things are accomplished.

Privilege of the Floor

Sandra Hash explained there was a public hearing for the Heritage Trail on February 6, 2013. Phase II was discussed. It is a bridge over the creek to the municipal parking lot at the corner of Sale Street and S.R. 46. People can park in the lot and walk the trail. The trail is scheduled to be completed by the end of 2014.

Adjournment

Terry Baker entertained a motion to adjourn. Dan Swafford made a motion to adjourn. Don Calvert seconded. Motion carried. Terry Baker adjourned the meeting at 6:49 p.m.

Terry Baker, President

Russ Ryle, Vice President

Don Calvert

Sandra Hash, Secretary

Phillip Rogers

Phillip Smith

Dan Swafford