

January 12, 2012

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, January 12, 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. Don Calvert led the Pledge of Allegiance followed by a prayer led by Phillip Smith.

Roll Call: Members present were: Phillip Smith, President; Don Calvert, Dan Swafford and Sandra Hash, Secretary. Terry Baker and Phillip Rogers were absent. Connie Griffin, Director of Planning, and Rick Coppock, Bynum Fanyo, Town Engineer, were also present. Phillip Smith thanked Community Action Television Services ("CATS") for televising the meeting.

Approval of the Minutes – December 1, 2011

Phillip Smith entertained a motion for approval of the December 1, 2011 minutes. Dan Swafford so moved. Don Calvert seconded. Motion carried.

First Meeting of the Year – Ellettsville Plan Commission Rules of Procedure and Election of Officers

Connie Griffin, Director of Planning – Suggested the legislative procedure updates and the election of officers be postponed until the February 2, 2012 meeting when there are more board members present. Dan Swafford made a motion to table the election of officers until the next meeting. Don Calvert seconded. Motion carried.

Old Business

Annexation Petition: Richard's Small Engines/Alfred Purdie, 8273 West State Road 46, Ellettsville, IN, Petitioners Richard and Jennifer Gieselman and Kevin Potter Engineer. Monroe County Parcel Numbers: 0071852007, 53-04-05-100-006.000-011 and 0071852005, 53-04-05-100-008.000-011. Petitioners are requesting a Commercial 3 zoning classification for both parcels.

Connie Griffin, Director of Planning – The contiguity requirements have been met and the fiscal plan has been prepared as well as the ordinance and the resolution to annex Richard's Small Engines. At the last meeting, requirements and changes to the petition and the Indiana Department of Transportation ("INDOT") review of a potential passing blister were discussed. A traffic count has been conducted. Travis Mankin, Permit Supervisor of INDOT for the Seymour District, has informed the petitioner and his engineer that a passing blister will be required. A permit will need to be applied for by the property owner. The installation of the passing blister is the responsibility of the property owner. The legal description and fiscal plan have been submitted to Darla Brown and they are prepared for the annexation. It has been discussed with the Petitioners that maybe the Town could work with them because the passing blister is going to be expensive. To help with this situation, perhaps a time frame could be developed for the asphalt for the commercial area the Petitioners have discussed putting in and they may want to postpone a few other things. The blister cannot be installed until the asphalt plant is open in the spring. They have also discussed some of the vegetative requirements and filling in to replace the dead pine trees. She's in full agreement to give him an extended time frame on some of the improvements. The petitioner is also compliant in other areas on his property.

Richard Gieselman of Richard's Small Engine, Petitioner – In the spring the asphalt plant will open and this will be a major expenditure. He would like to postpone some of the landscaping so he can get the blister installed and satisfy a major requirement. He would like to have the blister completed in early spring and all other improvements completed by 2013. He is proposing completing the blister in the spring, some minor improvements in 2012 and the remainder of the improvements by the spring of 2013. This also follows the

Plan Commission, January 12, 2012

seasonality of his business and this would help him to complete the improvements in two big phases with the completion of all improvements by the spring of 2013.

Phillip Smith – In his opinion, the blister is more important than the landscaping. The blacktopping of the parking lot and the blister are the two things they need to worry about.

Don Calvert - Asked if the state has a time frame for the blister. Mr. Gieselman replied not at this time but once he applies for the permit he will know the time frame for completing the blister. This will be paramount to him, then the asphalt and the landscaping will be completed. They have until the first of April to install the asphalt so they will have time to work out the details. Sandra Hash agrees the blister is the most important thing.

Phillip Smith – Asked if there was any reason to vote on this annexation. Ms. Griffin replied the Plan Commission would go ahead and accept the fiscal plan, a motion would be made to approve the annexation ordinance and then it would proceed to Town Council. Ms. Hash asked if the Plan Commission would do a favorable recommendation. Ms. Griffin answered that was correct.

Dan Swafford made a motion to approve the annexation petition for Richard's Small Engines on 8273 West State Road 46, Ellettsville. Phillip Smith seconded. Motion carried.

Centennial Park Subdivision Preliminary Plat Extension

Connie Griffin, Director of Planning – The Plan Commission asked Darla Brown, Town Attorney, about the construction and extension necessary for Centennial Park. Both she and Ms. Brown determined construction of the sanitary sewer line constitutes starting construction on the project and no time extension is necessary.

New Business

Ike Grimes Subdivision, Preliminary and Final Plat Approval Requested – Allen and Joy Grimes, Three Lot Subdivision, 5027 North Lakeview Drive, Bloomington, IN 47404, Application Number 152012-1

Connie Griffin, Director of Planning – She showed a map of the property. Bernie Guerrettaz is representing Mr. and Mrs. Grimes in the preliminary and final plat approval. This is application number 152012-1. The legal notice in the Ellettsville Journal was published on December 21, 2011. The preliminary plat fee of \$175 and \$25 for each lot has been paid for a total of \$325. The final plat receipt number is 10824. The specifications are a 3.45 acre parcel with one lot divided into three lots. The zoning classification when annexed was Commercial 3 and Ordinance No. 10-14 which was recorded on September 30, 2010. Lot 1 is the Grimes' residence with an existing driveway off of Lakeview and is .91 acres. Lot 2 is the church structure and is 1.60 acres. Lots 2 and 3 will share the other drive north of the Grimes' residence. Lot 3 is a manufactured home/trailer and used as a rental property and is .79 acres. The miles of these streets dedicated to the public is .49. The petitioners are requesting a waiver. In the Ike Grimes annexation he was informed after any additional work on the property, such as a subdivision, it would kick in all of the Town of Ellettsville codes which is a standard process. At that time, there was a personal residence, one rental home, some bus parking, Guiding Light Ministries Church and one trailer which was used as a rental.

Sandra Hash – Asked where the one-half mile of new road was going to be located. Mr. Guerrettaz responded it was .49 acres. He will double check this because he's not certain where the number came from. Ms. Hash doesn't understand why there would be a new street dedicated to the public. Ms. Griffin commented she was taking that information from some notes. Mr. Guerrettaz replied as a part of the subdivision process there is a right-of-way dedication that will be required along Lakeview Drive. He is uncertain what .49 represents. Ms. Hash asked if by right-of-way designation meant the Petitioner is going to give a larger easement. Mr. Guerrettaz showed where the easement will be located on a map. Ms. Hash would rather it state "right-of-way" than "street".

Bernie Guerrettaz, Bledsoe, Riggert and Guerrettaz - He is attending with Ike Grimes. Mr. Grimes' goal is to do a reverse mortgage on the single family home on Lot 1. One of the requirements for the reverse mortgage is the single family residential home be separate from any other structure on the property. Upon review of the property, there are different uses with the house, manufactured home and the church. It was decided to do three lots, one for each of the structures. It is his understanding the subdivision doesn't kick it into the improvements as it would if they ever change any of the uses or do any upgrades. For example, if the church converted to a C-3 approved use such as a veterinarian office, at that point and time the pavement would have to go in and the site upgrades would have to happen, not just with the subdivision petition that goes through. Mr. Guerrettaz asked if this was correct. Ms. Griffin replied according to the Land Use Verification Form dated June 24, 2010, *"I, Allen Ike Grimes, on this day 6-24-10, understand code 152.005 and shall notify the Ellettsville Planning Department of any proposed land use changes to the above listed property and parcels, and shall make the necessary changes to bring the said property to Ellettsville Municipal Code standards as required by the Ellettsville Planning Commission/Planning Department, Ellettsville Town Council and/or other federal county agencies/organizations as required by Ellettsville or Indiana Code."* She classifies a subdivision as a proposed land use change. Mr. Guerrettaz clarified that a subdivision would not mandate the asphaltting and installation of sidewalks. Ms. Griffin confirmed this would be correct. However, with any development these items would be required. In summary, they are requesting preliminary and final plat approval for the three lot subdivision. It started with Mr. and Mrs. Grimes wanting to do the reverse mortgage and because of the different uses on the property this is why they are requesting a three lot subdivision.

Don Calvert – Any decision he may make would be contingent upon the errors such as the .49 miles being changed. Mr. Guerrettaz stated he will look into this. He showed the dedication area as .15 acres on a map. Sandra Hash advised it states this on the application and asked Mr. Guerrettaz if he completed it. Mr. Guerrettaz said the application states .049. Ms. Griffin stated the .49 was a typographical error in her notes.

Dan Swafford – Asked if there was any other reason for dividing the property other than a reverse mortgage and if there wouldn't be any new construction. Mr. Guerrettaz replied Mr. Grimes called him to do the reverse mortgage and it would have been a two lot subdivision, one for the home and one for the others. It was his idea to include the manufactured home as well. There is no plan to his knowledge, and Mr. Grimes has not communicated to him, that there will be anything done on the property. Mr. Swafford asked what the area is currently zoned. Mr. Guerrettaz responded it is zoned C-3. Mr. Swafford asked if it will stay zoned as a C-3. Mr. Guerrettaz replied this is not a rezone petition.

Sandra Hash - Asked if the trailer is ever removed, could it be replaced with another mobile home. Ms. Griffin replied they would have to come before the Plan Commission to replace it with another mobile home. Mr. Guerrettaz asked if Ellettsville doesn't allow manufactured homes. Ms. Hash responded unless they've had a code change. It has to meet a square footage requirement and would go through a development plan process. Mr. Guerrettaz stated to his knowledge the manufactured home is staying where it is.

Dan Swafford – Asked if the Town had other subdivisions zoned C-3. Ms. Hash explained it's not a subdivision, per se, such as a housing subdivision. It is a subdivision of the land. Mr. Guerrettaz stated there is one parcel and they are making three parcels. Mr. Swafford asked the reason for not rezoning any of the property because it's going to be residential. Mr. Guerrettaz replied Mr. Grimes doesn't have any desire for the property other than what it is being used for right now. Again, a rezone petition doesn't suit his needs. Mr. Grimes needs to get the home separate from any other parcel. He learned some things from the reverse mortgage. Right after Mr. Grimes spoke to him about doing the work he also spoke with someone in a county office. There is an agency in a county office that reviews the reverse mortgages to make sure people aren't getting taken for their money. Mr. Swafford stated he's familiar with the process because he had researched it for his father.

Don Calvert – Asked if the terminology needs to be changed from "subdivision" to "subdivide". Ms. Griffin replied they will be reviewing the code but this is what it is currently referred to in the municipal code. Mr. Swafford commented this will clarify it when it's published so people don't think a subdivision is going in next

to them. He thinks Mr. Calvert is correct in that they need to look into changing the terminology. Ike Grimes stated he can't get a reverse mortgage unless the house is separate from the other property. He thought when he hired Bernie Guerrettaz that it could be divided into two pieces of property. Then it was determined they could split it into three areas instead of two. Mr. Swafford thinks this is a good idea for Mr. Grimes.

Phillip Smith entertained a motion to approve the Ike Grimes Subdivision. Sandra Hash made a motion to approve Ike Grimes Subdivision, preliminary and final plat approval with the blacktop and sidewalk waiver. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Don Calvert – yes; Dan Swafford – yes; and Sandra Hash – yes. Motion carried 4-0.

Russ Ryle – He understands what the Petitioner wants to do and it looks like an excellent project. He is curious as to what the surrounding land is zoned. Is the property a C-3 in the middle of a bunch of non C-3 properties, or is the whole area a C-3? What does this look like as far as the contiguous area around it? Ms. Griffin replied there is a PUD to the north which is Flavia Burrell and south is a church as well as some multi-family residential and commercial at State Road 46. To the west is an automobile sales and repair business which is a C-3. Sandra Hash referenced a photo that showed the surrounding properties. The properties to the east are in not in Town. There may be some multi-family residential coming in to the north in the future. Mr. Ryle asked if there are certain buffers required when you have C-3 next to residential. Ms. Griffin replied when the Grimes annexed into the Town because of the plumbing business the Town wanted to keep it as a C-3 because it had been its former use.

Jud Sears, Apostolic Church of Jesus – Their church is to the south of the Grimes home. The church has been at its location since 1978 and he has been associated with the church for the past 8½ years. They have a good relationship with Mr. & Mrs. Grimes. He approves of what they're doing. He has seen the plans and Mr. Guerrettaz explained the line between the church property and the house was being moved 2 ½ feet to the south. The church had always understood the property line to be along the tree line and it was 2½ feet south of the fence which gets into their parking lot. There was a utility pole with a security light placed there that would be on Mr. Grimes' portion of the property. He's not sure of what can be done or what they need to do. He explained to Mr. Grimes if he's willing to take 2½ feet of the hill, he would be happy if the property line moved south 2 ½ feet to where there is flat land. He wants to make sure through this process that the property line is in the proper place and the church still has the allotted footage across the front of the property from the north and south. He does not want to delay the Grimes. He knows there will be another survey done on the property. Phillip Smith asked Mr. Guerrettaz if any surveys had been done. Mr. Guerrettaz replied they did a survey from one that had been done several years prior. He thinks what Mr. Sears is talking about is the location of the fence which he outlined on the preliminary plat. There isn't any mention of a fence in the deeds. He told Mr. Sears he would provide a proposal to do a survey of the church property. They are not changing the parcel line. A subdivision does not change a parcel line. The south line is where they find the deeds to be. They don't locate a line where the fence falls, unless the deed mentions the fence. They don't know how the fence got there unless there is a boundary line agreement they could adjust to. Where they have the line is where the deed places it. He is very comfortable with the survey. They went all the way down to the south, brought all the deeds northward toward Mr. Grimes and through the Apostolic Church. This matched with the survey done years ago. The subdivision doesn't change the lines. Sandra Hash believes the line between properties would be between the property owners and not of concern to the Plan Commission.

Dan Swafford – Asked Mr. Sears if he's talking about he parking lot to the north. Mr. Sears answered that was correct. Mr. Swafford reviewed the property on Google Earth and by following the fence line it looks as if the parking lots were cut into it. He owns property close to the Grimes and from the tracks all the way over everything has shifted about ten feet. Depending on who did the survey company is which line they will go by. There is a ten foot discrepancy in that area. Mr. Sears asked the direction of the discrepancy. Mr. Swafford replied it depends on who you talk to. Mr. Sears stated the nice thing is Mr. Grimes owns the property south of him.

Matthew Burks Annexation Introduction – Petitioner Anticipates March Annexation Schedule – Annexation Parcel is Located on Lakeview Drive

Connie Griffin – Mr. Burks is not in attendance so this will not be discussed. Sandra Hash asked if the property was on the east or west side. Ms. Griffin replied the property Mr. Burks is thinking of annexing is north of Mr. Grimes. It's centered in the Flavia Burrell property area. It's the Walcott property that Mr. Burks is thinking about annexing. It is surrounded by a PUD which meets all contiguous requirements.

Planning Department Updates by Connie Griffin, Director of Planning

Goals for 2012 and future code updates starting in February 2012 – The Planning Department has had an address change. The Trustee's office, Street Department and Planning Department all switched addresses. The Trustee ended up with the 102 S. Park Street address. The Planning Department is 106 S. Park Street and the Street Department is 104 S. Park Street. Mr. Smith asked what the reason was for the address change. Ms. Griffin replied she preferred he talk to the Fire Department. Ms. Hash thinks it is 911 related. There were three businesses on one address.

Annual Report – She is working on the annual report and hopes to have it available in February. It will also have the annual stormwater report which is required by code. The annual report will have statistics in the department, what they've been working on, and her percentage of time and how she spends it so they are accountable to the taxpayers of Ellettsville.

First Assembly of God – They have been working with the church on erosion control. It was raining on January 11, 2012, so she conducted an inspection. She was pleased to see there wasn't dirt running on to State Road 46. There isn't any vegetative cover in the back portion of the property but it will be difficult for them to establish something in the dead of winter.

She will be working on press releases for developments to make sure they keep their grass cut. Although a lot of them have not been building, it doesn't take away the requirement for them to keep their property mowed. They will be making sure the bonds are up to date. There is an issue with one condo area that doesn't have a stop sign. The Town may have to install the sign to take care of the safety issue. Mr. Swafford asked if the developer did not communicate with her regarding the sign or did he refuse to put it up. Ms. Griffin replied they have been in communication and letters have been sent to no avail. The letters have gone to Darla Brown, Town Attorney, for review. At this point and time, it may be something the Town installs and seeks reimbursement from the developer.

Don Calvert – Noticed on the report one of the individuals didn't cut their field. Then he noticed the Town should put up a sign and bill the individual. There's a property where the Street Department was directed to do the cleanup and there will be a lien put on the property. How come we aren't doing that with the other properties? Ms. Griffin replied they are working on erosion control issues at that particular property. One thing she and the Town Attorney have discussed is announcing who the Town is working towards with enforcement and to send letters before they start releasing information into public comment. This has been an area that is somewhat difficult at times to work with. She has other people working with her on that particular case. There have been letters sent to a property that has several safety issues. Letters have been sent by certified mail to the address on Cedar that has been cleaned up by the Street Department and a lien will be placed on this property.

Next month she will go over statistics on the amount of code enforcement issues that were dealt within the department and how many were resolved. Some of the cases will be carried forward into 2012. There are some yard sale violation signs that have gone to collection. Others will be receiving their final letter. One of the goals for 2012 for the Planning Department is to speed up the code enforcement process. It can be time consuming, it's basically one or two letters, and at that point if there's no compliance it will be turned over to the Town Attorney. The Town Council would have that directive as well.

Plan Commission, January 12, 2012

They are diligently working on the ADA Transition Plan. From the Town's perspective they are not quite ready for public comments and assistance. They are getting all the ground work, papers and forms that are required for the self-evaluations. The department now has a Trimble unit which is a GPS device and the mapping software.

When the annual report is completed, she will come before the Plan Commission to start prioritizing some of the tasks such as the Comprehensive Plan update, development of a strategic plan and updates to the website for the Planning Department to include ADA and stormwater requirements. There will be a lot of changes coming up and she will be asking for the Plan Commission's assistance in prioritizing some of the tasks.

There are some suggested code revisions. She suggests they look at the PUD code first to add minimal acreage, then the natural habitats and landscape ordinance and development code changes. She will be working with her new liaison on suggestions for relieving the Planning Department of a few code duties.

Sandra Hash – In the past she has made a request to add a clause in the subdivision rules for an independent engineering review of the topography to make sure it is developed and laid out the way they viewed it in the beginning and then it would be certified back to the Town. Some of the problems with land development have been because they lacked that inspection and it should be the responsibility of the developer to do this and bear the cost. The developers need to be told up front this is required and they can choose the engineer. Ms. Griffin commented this is more like an as-built certification to the plans, so there would be that documentation.

Don Calvert - suggested there be a bond placed on some of the developers. If they fail to deliver as they should then the Town can do the work themselves and take it out of the bond. The certification for occupancy should come before a property is ever put on the market. If the builder gets their money and the Town doesn't have a bond and something goes wrong, then the person who bought the house is stuck with a bill. This is something the Town needs to take a look at. Sandra Hash stated she thinks there are some regulations that the bond itself is on the development and not the houses. The houses are with the building permits but the bonds are for the final topcoat on the street or the street trees, sidewalks and actual improvements to the grounds. Mr. Calvert said he's talking about guys who come in and modify something after the Town has already checked the area. Dan Swafford commented when the Town has certified as-builts at the end of the project and say they moved sewer lines, they will put them on the new maps and do a final inspection. Mr. Calvert said he's talking about the individual home on the individual lot. Ms. Hash said those issues would have to be dealt with during the building permit. Ms. Griffin stated there is a certificate of occupancy with Monroe County. Ms. Hash said she thinks it has gotten better since they went with Monroe County to conduct the building inspections. Mr. Calvert reiterated he believes in the bond and the certificate of occupancy before it is sold instead of selling it and it becomes the buyer's problem.

Sandra Hash – They received a suggestion by email. The county issues excavation permits and they are better equipped to do inspections. The person suggested since the Town contracts with the county to do the building permits, he feels the excavation permits go hand-in-hand and should be tied together.

Don Calvert – On page 3 of the Plan Commission notes of January 5, 2012, it states, “ *Increased roles for part-time staff (Administrative and Code Enforcement)-Additional responsibilities will be assigned to staff to assist with the work load of the department.* ”

Is this anything they're looking at or could look at? Ms. Griffin replied this is something that can be looked at. Mr. Calvert said he's not criticizing at all. There is too much to do for the limited number of people they have. He is wondering if it can fall under this item. Ms. Hash stated she thinks the Town needs professional outside help and that's why she asked for a certified engineer's report when the project is done. The Town doesn't have staff qualified to do that type of inspection. Rick Coppock of Bynum Fanyo is the Town's engineer but he doesn't do that type of inspection. The inspection is pretty involved and would require survey work and other things. This should be certified independent from the person who designs the addition. These are safeguards to protect the Town and it cuts down on the complaints. Mr. Swafford advised they had a meeting with the Town Attorney last week and brought this topic up for her to check into it.

Don Calvert – Has a couple of additional comments. Thanks for the big screen. It makes things easier to see. He also thanked the newspaper for advertising the positions within the Town government and whoever did it. This is wonderful. If people come in to complain we've asked for their assistance. Ms. Hash commented the Fire Department is responsible for the screen. She thinks Chief Davis realized the boards and commissions had a hard time seeing the information and had suggested the additional screen.

Dan Swafford – He would like to see the Town Attorney attend every meeting. He thinks the Town Attorney is needed at the meetings for advice. Unless there's nothing on the agenda, he thinks the Town Attorney should be present. If there is an extra fee they need to come up with the funds. Ms. Hash commented she thinks it is a good idea. Mr. Smith said this was brought up last year or two years ago for the budget meeting. Mr. Swafford stated bringing in the Town Attorney only on certain cases is not right because she should be at every session. He asked if Connie Griffin should look into this or if it should be brought before the Town Council. Ms. Griffin replied the Town Council would be the one to discuss it with. Mr. Swafford thought he had made a motion for the attorney to be present but it expired at the beginning of the year. Ms. Hash commented the Town Attorney does attend the meetings when requested to do so. Mr. Swafford said Monroe County has their attorney present and it would be a good idea to help them understand issues better and to make a better decision when sending their recommendations to the Town Council. Mr. Smith asked if this was ever or would have to be on the Town Council agenda. Ms. Hash explained she doesn't remember it being on the Town Council agenda but it could be brought up under Council Comments at any time. Mr. Swafford stated he thinks it needs to be put on the Town Council agenda. This will give the Town Council members time to consider it and think of any questions.

Phillip Smith – Announced he is replacing Dan Swafford as liaison to the Planning Department.

Dan Swafford – Welcomed CATS to the meetings. This is great and thanked Michael White for doing this and broadcasting the meetings live.

Adjournment

Dan Swafford made a motion to adjourn. Don Calvert seconded. Phillip Smith adjourned the meeting at 7:01 p.m.

Phillip Smith, President

Terry Baker, Vice President

Sandra Hash, Secretary

Don Calvert

Phillip Rogers

Dan Swafford

Russ Ryle