

**May 3, 2012**

The Ellettsville, Indiana Plan Commission met in special session on Thursday, May 3, 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. Phillip Rogers led the Pledge of Allegiance.

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

### **Approval of the Minutes – April 5, 2012 and April 12, 2012**

Dan Swafford entertained a motion for approval of the April 5, 2012 and April 12, 2012 minutes. Phillip Rogers so moved. Terry Baker seconded. Motion carried.

### **Old Business**

**Taco Bell Plan Amendment, Southern Bells, Inc., Project: Taco Bell, 4125 West State Road, Bloomington, IN 47404, Parcel Number: 53-04-13-300-056.000-013, Historic Parcel ID Number: 0091016101, Petitioner Michael Thompson, Representative of Taco Bell.**

**Connie Griffin, Director of Planning,** this is an amendment to the current approved plans reviewed on April 30, 2012. Michael Thompson is with Civil Environmental Consultants. The fee of \$100 has been paid. The original project was approved on June 2, 2011. It is a .727 acre site with a 30 feet ingress and egress and drainage easement. The dumpster will be enclosed. The set backs met requirements in the commercial area. They are looking at 2,110 square feet of a building design with 28 parking spaces and two that are handicapped. The building permit was issued on June 16, 2011, for a larger foot print of 2,855 square feet. The original plan review was summarized by Rick Coppock on June 1, 2011. A drainage report was provided with the development plans. A construction storm water pollution plan review was conducted and there were no issues. The building will now be a new design which features a smaller foot print. All other elements appear to be the same. The Planning Department has received a set of construction plans and notice has been sent to all supervisors. Rick Coppock has submitted his review and comments on modifications of the pavement section and summary notes. There will be landscaping with 23 trees, 147 shrubs and 46 different grasses and perennials.

**Michael Thompson, CEC** are requesting approval of a new building design. The previously approved BY07 building was a design from 2007 that Taco Bell has been building for five years. This is a new BRB building style that came about in April 2012. Their client asked that they change to the new building design. This will be the first BRB building in Indiana. The building is a more efficient design. The overall length of the building is the same and the width was narrowed by seven feet. This actually improved the site. The site has quite a bit of relief from the south to the north. It drops approximately 7½ feet. By narrowing the building the drive thru lane moved over by seven feet which allowed for a gentler slope from the adjoining property.

**Dan Swafford** asked for Rick Coppock's summary to be read into the record. Connie Griffin read the summary as follows:

#### **PROJECT SUMMARY**

*The proposal is to construct a 2,110 square foot restaurant in the Richland Square commercial development at State Road 46 and Smith Pike. The Richland Square development was originally approved by the Monroe County Plan Commission and has since been annexed into the Town. The proposal*

*restaurant will be located west of the IU Credit Union and [does] not [have] access directly on to State Road 46.*

**DEVELOPMENT PLAN**

**SECTION 152.160 & 152.070 – STORMWATER CONTROL**

*The project has complied with the Town code and provided a stormwater pollution prevention plan for the proposed work. The original detention pond for the Richland Square did not include storm water quality requirements as a part of the pond design so this plan has included an Aqua-Swirl unit AS-2 as part of the storm water drainage system. The detention pond and storm water quality measures will prevent any adverse impacts downstream of the project.*

**SECTION 152.175 – STORMWATER DETENTION**

*Storm water detention was originally approved and provided with the initial construction of the Richland Square development. Drainage calculations have been provided indicating the amount of runoff from the pre-developed rates for the 10 and 100 year storm events. The drainage calculations indicate a small increase of 2.58 cfs and 4.46 cfs for the post development runoff rates for the 10 year and 100 year storm events. The existing pond has more [than] adequate capacity to handle this slight increase.*

**SECTION 152.185 WASTEWATER DISPOSAL SYSTEM**

*The project will connect to the Eastern Richland Sewer Corporation sewer system which is located parallel to State Road 46 adjacent to the proposed project.*

**SECTION 152.222 PAVED PARKING STANDARDS FOR COMMERCIAL DEVELOPMENT**

*The proposed project exceeds the Town Code requirements for parking by having 26 standards and 2 handicap parking spaces.*

*(14) Food service establishments and micro-breweries.*

*(a) One space per three patron seats.*

**SECTION 153.082 PAVEMENT MATERIALS AND MINIMUM DEPTHS**

*The pavement section for the project should be changed to the following:*

*110 #/Syd of Bituminous Surface No. 11 on*

*220 #/Syd of Bituminous Base No. 5 on*

*7" of Compacted Aggregate Base Size No. 53.*

*Pavements shall meet the following standards:*

<i>Material</i>	<i>Depth</i>	<i>Local Streets</i>
	<i>Industrial and Collector Streets</i>	

*Sub-Base (Under All Pavements)*

<i>Compacted aggregate #53 (95% density)</i>	<i>8 inches</i>	<i>6 inches</i>
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*Flexible Asphaltic Pavement*

<i>Base #5</i>	<i>3 inches</i>	<i>2 inches</i>
<i>Binder #9</i>	<i>2 inches</i>	<i>N/A</i>
<i>Surface #11</i>	<i>1 inch</i>	<i>1 inch</i>

**SECTION 153.100 WATER SUPPLY SYSTEM STANDARDS**

*The project will be connected to the Town's water system which is located on the west side of the property.*

**LANDSCAPING**

*The project has included a landscaping plan as a part of the plans.*

**Dan Swafford** asked Mr. Thompson how many people the restaurant can seat inside. Mr. Thompson replied there are 54 seats. Mr. Swafford commented they've already started work. Mr. Thompson stated Ms. Griffin

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issued a grading permit based on last year's approval. Mr. Swafford asked when they will complete the restaurant. Mr. Thompson responded it will be in 60 to 90 days.

Dan Swafford entertained a motion to approve the new plan amendment for the Taco Bell project at 4125 W. SR 46, Bloomington, IN 47404. Russ Ryle made a motion to approve the Taco Bell Richland Square commercial development project, 4125 W. SR 46, Bloomington, IN 47404. Terry Baker seconded. Roll Call Vote: Dan Swafford – yes; Terry Baker – yes; Don Calvert – yes; Phillip Rogers – yes; and Russ Ryle - yes. Motion carried 5-0.

### **Planned Unit Development (“PUD”) Code Chapter 152 Amendments Ellettsville Municipal Code**

**Connie Griffin, Director of Planning,** The ordinance has been written and is ready to go to Town Council. At the last meeting, Russ Ryle made a suggestion which was forwarded to Darla Brown, Town Attorney. Ms. Brown submitted comments to the Plan Commission and Town Council. The goal is to allow flexibility. Ms. Brown's comments are as follows:

*“My thought would be that each PUD application should be considered on its own merit. There might be a time in the future when the Plan Commission or the Town Council sees a benefit to grant a PUD that would effectively permit a nonconforming use. The situation may not come up at all or that often. However, I would think that both the Plan Commission and the Council would like to keep their options open and review its application as it comes up. I don't think you want to basically limit someone or put language into the ordinance that would prevent you from ever permitting a nonconforming use within the PUD. PUDs are intended to allow municipalities to adopt a flexible approach to zoning.”*

In this particular ordinance, there are quite a few statements about conforming to the Comprehensive Plan and zoning ordinance. This particular code is tight enough to restrict situations. As Plan Commission members they have the ability to place conditional requirements as well as Council on a PUD development. This code ordinance is ready to go forward to Town Council. All legal public notices have been done. She is requesting this move forward to Town Council for a first reading.

**Dan Swafford,** This is exactly why the Town started using PUDs in the first place for specific areas they could not deal with in the regular code or they had to make an exception instead of sending them to the Board of Zoning Appeals. He's not a big fan of PUDs but they do have a good place in the system. He is glad it was updated. Ms. Griffin commented particularly in residential zones because they can maybe decrease the lot sizes to allow a larger density. Sometimes they can do tradeoffs as far as requesting open space and green space for little parks, or shelter houses in homeowner association type areas where people can enjoy family events. Those are the types of things they really hope to use PUDs for or possibly subdivision if they see fit in the future. Mr. Swafford doesn't want everything in PUD and to make sure this is used for specific incidents.

Dan Swafford entertained a motion to pass the proposed PUD revised ordinance on to Council. Russ Ryle made a motion to pass the proposed PUD revised ordinance on to Council. Terry Baker seconded. Motion carried.

### **Development Code Chapter 152 Amendments Ellettsville Municipal Code**

**Connie Griffin, Director of Planning,** this has gone through the public hearing process. She is requesting they look at individual sections going forward. This information has been provided in their meeting packets. The Town of Ellettsville as-built certification for commercial and residential site work is a form she would like for them to review. She will prepare a public hearing notice for the revisions to Chapter 153. They are ready to finalize the purpose and intent of development plans and forward to Town Council. The final reading of Chapter 152 is as follows:

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*"The Town of Ellettsville finds that it is in the best interest of the current and future citizens of Ellettsville to exercise control of land use and all the territory within its jurisdiction including lands both within and outside of its municipal boundaries."*

She is requesting one final review by Darla Brown, Town Attorney, before the above is submitted to Council. This is how the code was written.

*"The Town of Ellettsville, Indiana, hereby finds that it is in the best interest of the current and future citizens of Ellettsville to establish the control over the division and recording of lands, the development of lands, the control of land uses, the proper and legal description of said lands for the assessment of taxes, the recording of property purchased or sold, and for the health, welfare and enjoyment of properties by the current and future citizens of Ellettsville. Therefore, the Town hereby establishes the entity's procedures, standards and regulations contained herein all of which shall comply with the principals set forth in I.C. 36-7-4-201, et seq."*

Under Town Code 152.125, the following new section was added:

*"The development plans shall be required in all zoning districts within the planning and zoning jurisdiction of the Town and deliver to the Department of Planning 30 days prior to the regularly scheduled Plan Commission meeting held the first Thursday of each month at 6:00 p.m."*

She is going to request that it be in digital format (PDF) because she can send it on to the Plan Commission for printing purposes.

*"In order for the case to be added to the Plan Commission and Town Council docket[s], the written petition must be delivered 30 days prior to the regularly scheduled Plan Commission meeting held the first Thursday of each month at 6:00 p.m."*

She discussed with the Town Attorney the fact they have final plats, secondary approvals and a signature line for the Town Council. Town Council is basically not hearing about any developments until the Plan Commission has already done all of the work. Also, she has talked to the Town Attorney and Rick Coppock about development reviews needing a two reading process from the Plan Commission. One being the development plan presented by the Petitioner. Then she will go before Town Council to present those plans because they're the ones who will make the decision. This is one of the reasons the secondary approval was getting a little delayed because the Town Council hadn't heard the case. This is why the consideration for two readings is something to start thinking about. By the next meeting she would like comments about this process.

*"The written petition can be submitted by email, fax or mail to the Department of Planning. No amendments to the plan will be accepted one week prior to the scheduled Plan Commission meeting. If an amendment is submitted less than one week prior to the scheduled Plan Commission meeting the agenda item will be moved to the next regularly scheduled Plan Commission meeting. Two readings will be required by the Plan Commission and one reading by the Town Council for development plan approval. The Town Council reading will be scheduled at the next available date after the Plan Commission's regularly scheduled meeting held on the first Thursday of each month. All fees must be submitted three weeks prior to the scheduled Plan Commission meeting and sent or delivered to the Clerk-Treasurer. A receipt must be copied and supplied to the Department of Planning."*

The other change she is proposing is §152.128 under Plan Approval. Instead of "city" it needs to be "Town". She wants to strike the line, *"The Director of Planning Services shall approve all other development plans which are not associated with a subdivision of land."* This is to be kept running through the Plan Commission.

Town Code 152.129, Compliance with Comprehensive Plans, Subdivision and Zoning Ordinances. They actually go through a Town supervisory review of the development plans. The determination needs to be in the

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Town Code. The Town Council needs to approve the plan. This is why she's requesting the reading to the Town Council before the Plan Commission's review. She would like to add *"Any legal citation or reference to another statute, ordinance or regulation shall be meant to include all amendments thereto or replacements thereof and conflict with other statutes where the requirements of any other statute, law or ordinance that is in effect within the Town's territorial jurisdiction, then the more restrictive requirement shall prevail."*

**Russ Ryle**, in the part that discusses having the plans submitted in PDF format, he suggests having at least one printed copy for the file. Ms. Griffin replied she will add this. Mr. Ryle stated he is trying to work toward is having a consistent project file. So, ten years from now if they have to go back and look at a project they've processed during their term this year, there is a consistent file documenting every step.

She will also be updating the adoption of infrastructure that will be more specific. It will have street lengths, materials and a lot more. It will define what they're getting ready to adopt instead of just saying, *"yes, we adopt your infrastructure."*

The Chapter 153 revision is June 7, 2012, and she will post a hearing notice.

## **New Business**

### **Donation Drop Off Box, Disabled American Veterans, Marion County, Representatives – Timothy Phillips, District Manager, Indianapolis, IN and Becky Lee**

**Connie Griffin, Director of Planning**, on March 28, 2012, the Planning Department received a telephone call from Becky Lee and she wanted to know the zoning and code enforcement for placing Disabled American Veteran ("DAV") collection boxes on homeowners properties. Then, Timothy Phillips came by the office and stated they want to put collection boxes on private property and pay homeowners \$200 to \$300 per month. Mr. Phillips wants to know if they need the Town's permission to do so. On March 29, 2012, she called Becky Lee and told her they need to come before the Plan Commission at the April 5, 2012 or the May 3, 2012 meeting. Ms. Lee said they could not attend and she told her May 3, 2012, is the next meeting of the Plan Commission. Some of the concerns at that time were stated to Ms. Lee. There is a question if it is a home occupation but yet it is basically a commercial use in a residential zone. They are basically taking the donations to Indianapolis and it doesn't serve the local community. There is also the potential for trash accumulation, who will be monitoring the site and how often the site would be monitored. She has already dealt with a private apartment complex where someone brought in a box spring and mattress and then they had to get Republic Services to remove it off site or the Town would have been responsible for it. This is not listed as a permitted use in a Commercial 3 zone.

As the Director of Planning, she came to the conclusion that it would need to come before the Plan Commission. She noticed there was a DAV donation box at Orschelns in Richland Plaza. She called Orschelns and asked if they had approved the donation box. The manager said she was unaware of it. She called Tom Orman, Manager of Cowden Enterprises, who manages Richland Plaza, and he said it was not something they had approved. Mr. Orman wanted it removed.

**Dan Swafford** asked Timothy Phillips who gave him permission to place a box on private property. Mr. Phillips replied they had permission from Bloomington to place the boxes. Ms. Lee commented it is a Bloomington address. Mr. Swafford stated that is correct but it's in the Town of Ellettsville. It is also private property. This is not a legal use to put on private property. If you knock on someone's door and tell them you want to put it in front of their house, they cannot do that. He is upset with the fact the box has been put there without permission. He talked to the landowner yesterday and he wants the box removed. Mr. Phillips said they will remove it the next morning. Mr. Swafford asked if they are associated with the DAV? Do they have all the paperwork in line and have they presented it to the Planning Director?

**Timothy Phillips** replied they are the Disabled American Veterans. They have provided the paperwork. They have been doing this for many years and they do understand there are issues with trash and debris. The 8' x 8'

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sheds are called "site stations". They pay individuals who own the properties or rent and they would be specifically responsible for the maintenance. The property owner is to make certain there is nothing left outside of the building. They are brand new painted buildings. The merchandise is taken to the Indianapolis store. They would like to expand into the Bloomington market. The proceeds go to the Disabled American Veterans for a very good cause. Mr. Swafford asked if they are a not-for-profit organization. Mr. Phillips responded they are a for profit organization but the higher the sales, the more they collect and the more funds go to the Disabled American Veterans.

**Russ Ryle** asked Mr. Phillips for the last tax year, what percentage of total revenue was given as a donation. Mr. Phillips said he didn't have the numbers. Mr. Ryle said he would want the numbers before they move forward.

**Dan Swafford** asked if Mr. Phillips was proposing to place a site station at Thurman's Body Shop. Mr. Phillips replied that was correct. Mr. Swafford has a concern on whether or not they can give permission for private property to have this type of use. He reiterated he is upset one has already been placed without permission. Ms. Lee stated the box has been at Orschelns since October.

**Russ Ryle** asked what the mechanism is that needs to be followed. They're getting into an area they weren't anticipating when the code was written. They are getting into the conflict of what a private property business owner can do with their business. To them this is a revenue part of a business. Mr. Swafford said he thinks this is at the wrong level and it should go straight to the Town Council. After it has gone before the Town Council then it could return to the Plan Commission after the Town Council grants or denies their request. The reason it should go before Town Council is because they will have legal advice and they can find out whether or not they have authority to grant permission. He suggested this be put on the agenda for the next Town Council meeting.

**Russ Ryle** appreciates Mr. Phillips removing the box. He hopes he will respect not putting any more in Ellettsville until this is resolved. Mr. Phillips said he will not put more in Ellettsville and apologized. Mr. Ryle asked what type of permitting requirements he is running into in other Towns. Mr. Phillips replied signage. Mr. Ryle asked if they were putting these boxes on residential or commercial properties. Mr. Phillips responded they're putting them on both residential and commercial properties. They have one at Big Lots and one in a yard in Indianapolis.

**Dan Swafford** stated it would be a zoning violation to put a shed on a residential property in Ellettsville. He suggested they not approach local homeowners. Mr. Phillips said they have no intention of approaching property owners. They came to the meeting to discuss it. They apologized for the inconvenience of the box. They have every intention of doing this honorably and creating opportunities for the DAV. They have had a lot of success with this. Mr. Swafford said it is a good thing but the way it was handled was not proper around here. He is also interested to see the percentage that is donated to the DAV. Mr. Ryle asked Mr. Phillips to provide audited financial statements if they have them. Mr. Swafford asked Mr. Phillips if they are a corporation. Mr. Phillips replied that is correct.

**Terry Baker** asked Mr. Phillips if he talked to Monroe County Solid Waste about putting a shed at their facility in Ellettsville. Mr. Phillips responded he has not. Mr. Baker commented that would be the ideal place to put it because it's controlled. No one will be able to go in and dump stuff because there's someone there. Mr. Phillips said the concept was to pay a residents or businesses because they would have the keys to open and close it. It's not too big and cumbersome but it's large enough for a seven foot couch.

**Carl Thurman, Thurman Body Shop** explained Mr. Phillips approached him about the Disabled American Veterans collection site. Mr. Thurman's business partner suggested they approach it cautiously and find out more about it. It sounds like a good idea and a good cause. His concerns are the same as the Town Council. He doesn't want a trash collection site. He also lives on Vine Street and he's consistently at the shop. With the cooperation of the Ellettsville Police Department he doesn't think it'll be a haven for mischief. His soul intention is a revenue source for the property as well as a contribution to the Disabled American Veterans.

**Dan Swafford** can appreciate everything Mr. Thurman said. This is why he strongly suggests they send it to the Town Council for legal advice so they can all proceed with caution and make sure everything is done right. As Mr. Ryle stated earlier they do not want to hinder any business from making any kind of money. The next Town Council meeting is May 14, 2012, at 7:00 p.m.

**Connie Griffin** asked Becky Lee for the name of the person in Bloomington who gave them permission to place the sheds in Bloomington. Mr. Swafford asked if they approached the City of Bloomington Planning Department. Ms. Lee replied that was correct. Mr. Phillips said he applied for the permit with the City of Bloomington Planning Department.

**Don Calvert** asked Mr. Phillips how much success they were having at the current location since October. Ms. Lee replied they've removed 35 bags out of it in April. Mr. Phillips said they don't intend to trash cities. They understand the concerns. They're willing to contribute to the cause of the businesses and they do want to make sure they are maintained.

### **Matthew Burks, Introduction, Proposed Project Lakeview Drive**

**Matthew Burks** explained this is a project he is pursuing and he is looking for an investor. He has started to build a relationship with Transition Services. They are looking for places that are handicap accessible rather than trying to retrofit something that is older. He knows someone who owns the property at 5249 North Lakeview. The actual dimensions according to the GIS site is 458' x 372'. He now has an investor and Transition Services is ready to provide renters as early as August. He wants to know if they have any questions or concerns about a private road and if it's listed as a private road and zoned as a Residential 2. The buildings will be 40' apart. He talked to Connie Griffin and knows cul-de-sacs are a big issue and the Town is pushing back on them. He wants to get to know the Plan Commission members and let them know what his ideas are. If for some reason this fell through he would move on to the next property. He thinks it is lucrative for him and for Transition Services. These are fully handicapped accessible.

**Terry Baker** asked if the individual homes are duplexes. Mr. Burks replied they are duplexes. These are side by side units. The utility rooms per Transition Services would be a locked door key. They have an open floor plan, two full baths, two full bedrooms and they're larger so wheelchairs can get around.

**Russ Ryle** asked if they're going to be two people apartments. Mr. Burks answered according to Transition Services they like to rent the whole building. They usually require four rooms but they would consider the building as a four room apartment. The reason they're making them as duplexes is they would like to offer them to the public. Transition Services would also like to offer them to the public because they like to mingle. They don't like to be their own community. Mr. Ryle asked what is the clientele and funding base for Transitional Services. Mr. Burks responded the state minimum is \$850 a month. The negotiations with the state is at \$950 a month for these units. Mr. Ryle asked if Transitional Services provided services other than housing. Mr. Burks replied they're getting to know them. They're just starting a relationship. He does know they're the largest in Indiana and they're in 36 states. They are a profit organization. From what he understands most of their services are overnight care. As soon as the duplexes are built and pass inspection they move in and repurpose the duplex for cameras and monitoring systems for the refrigerators so they can monitor the duplexes when and if no one is there.

**Don Calvert** asked what the exterior of the buildings are. Mr. Burks responded for full price they would have a brick front and siding exterior. His dad owns JB Masonry so they plan on putting a brick ledge all the way around. Once he gets on his feet they plan on re-bricking the entire duplex. Mr. Calvert asked if they have any patios. Mr. Burks replied the fronts will have a front porch and the backs will have a covered patio.

**Russ Ryle** asked if it is Mr. Burks design. Mr. Burks answered this was based off of a design for a previous property. They had to reduce it and when he goes to an architect they're going to do their critiques. Mr. Ryle asked what the current zoning is on the piece of land they're looking at. Mr. Burks replied he hasn't spoke with Connie Griffin about that but they do know it is annexed in. He doesn't know if it's zoned Residential 1 but he

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doesn't think it's Residential 2. Ms. Griffin said it's possible it could even be zoned Agriculture because of its location. It could be R-1 or Agriculture. Mr. Burks said it borders the Meadowlands property. Meadowlands owns the three properties that are vacant next to it. He will definitely have to do some rezoning. Mr. Burks asked if the road would be a big concern. Mr. Baker said as it's private and is big enough for fire trucks and ambulances to get through it. Mr. Burks asked if this project takes off they would like to continue further back would they have an issue with that. Mr. Ryle asked what road it comes off of. Mr. Burks replied it is North Lakeview Drive by Long John Silvers. It is ¼ mile to the top. The property is at the top of the hill.

**Dan Swafford** asked Rick Coppock of Bynum Fanyo & Associates, Town Engineer, if he had any concerns on the road issue. If he's going to extend and purchase additional property they want the roadway laid out correctly. He doesn't know which architectural firm he'll go with. Mr. Burks answered Tabor Bruce and Doug Bruce are possible investors. Mr. Swafford asked if he's looking at additional units. Mr. Burks explained his budget is tight for starting but he wanted to let them know what he's looking to in the future.

**Russ Ryle** asked if North Lakeview Drive goes all the way north. Mr. Burks said it turns into Daisy but the road continues all the way into Kelli Heights and then it will come out to McNeely.

**Dan Swafford** asked if people purchase the houses. Mr. Burks replied no, they are only rental units. They only purchase houses when they do the large homes. He sees more profit margins in the future from this especially when they're done with the housing and he has to remodel it. Then, he still owns the property to resell it. Mr. Swafford asked if it was like assisted living. Mr. Burks answered yes, it's assisted living. The residents are advanced enough to where they can do most everything on their own but need a caregiver for food

**Don Calvert** asked if he will maintain the grounds. Mr. Burks replied he will maintain the grounds. There will be some type of vegetation. He would like to keep as many trees as possible.

**Russ Ryle** asked what the size of the land is. Mr. Burks responded it is 1.13 acres. Mr. Ryle asked how many units he's proposing. Mr. Burks answered three buildings with six units. The buildings are roughly 92 feet long by 38 feet wide.

**Dan Swafford** asked Mr. Coppock what kind of zoning would something like this project need. Mr. Coppock replied it would need to be Residential 2. Mr. Swafford asked if any type of medical zoning was needed. Mr. Burks answered according to Transitional Services he doesn't need any type of medical zoning. Transitional Services has told him they can fill his units. Transitional Services wants him to advertise to the public as well because they like to mingle and they don't want to become a community.

## **Planning Department Updates by Connie Griffin, Director of Planning**

### **Statistics and Monthly Tracking Reports**

Connie provided statistics from February through April

### **Code Enforcement Officer, Warren Hoobyar**

Warren Hoobyar is the new Code Enforcement Officer. Mr. Hoobyar started May 1, 2012. He interviewed well. His background is in construction, inspection, engineering and compliancy.

### **Code Violations**

They have tracked 31 complaints since January and some are unresolved. There have been 16 resolved cases. There is one yard sale violation case that has been carried forward and has a hearing date and a sign permit violation for not paying for the permit which has a hearing date. There are 13 open code violations and five potential land use violation cases. There was an ADA complaint about a business that converted to another use in March that has not been resolved. No stormwater complaints to date.



**Dan Swafford** asked if she could explain the rules on yard sales. Ms. Griffin replied she has written a press release which will be published in the Journal next week. The Town of Ellettsville does not restrict yard sale signs and they don't mind if people advertise the yard sales. The Town doesn't want people to put the signs on infrastructure, signage or light poles. Yard sales need to be put on stakes. The signs need to have the date, location and times. If they don't see the information on the signs they're going to pull them. After the yard sale or special event is over the signs need to be picked up. The signs are a form of litter and a public nuisance. The fine is \$25 per sign. They have been successful in collecting fines. Last year they collected \$675. Mr. Swafford asked if there is an additional fine when the signs have been taped on the antique light poles and have to be removed. Ms. Griffin replied the fine is the same. If the fines are not paid after a couple of letters then it's turned over to the Town Attorney for collection. Then in addition to the fine, court costs and attorneys fees are assessed.

## **Privilege of the Floor**

**Dan Swafford** asked Mr. Coppock if there were issues on Taco Bell's parking lot surface. Mr. Coppock replied they had a different pavement section than the Town requires. Taco Bell modified their plans accordingly.

## **Adjournment**

Terry Baker made a motion to adjourn. Phillip Rogers seconded. Dan Swafford adjourned the meeting at 7:11 p.m.

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Dan Swafford, President

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Terry Baker, Vice President

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Don Calvert

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Sandra Hash, Secretary

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Phillip Rogers

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Phillip Smith

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Russ Ryle