August 5, 2010

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, August 5, 2010 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 Smith led the Pledge of Allegiance.

Roll Call: Members present were: Dan Swafford, Don Calvert, Phillip Rogers, Clayton Sullivan, Phillip Smith and Sandra Hash. Ron Wayt was absent. Connie Griffin Director of Planning Services was also present.

Approval of the Minutes – July 8, 2010

Dan Swafford entertained a motion for approval of the July 8, 2010 minutes. Phillip Rogers so moved. Phillip Smith seconded. Motion carried.

Monthly Conflict of Interest Statement - None noted.

Old Business

Ike Grimes Annexation Update Documentation of Contaminated Soil Removal Sandra Hash, Plan Commission member - Mr. Grimes came to Town Hall and showed the plans he had for the church. The last stipulation given to him from the Plan Commission was to bring in the receipts for the contaminated waste from the oil leak created by the bus. He brought that information in. They took it on July 2, but it had to be tested. The results were not back until the 29th of July. He has satisfied that The other condition discussed at the last meeting was a certificate of occupancy on the church. Now, he's caught in a situation because the County gave him some stipulations on landscaping and paving the parking lot. It was so costly for him to pave the parking lot that prompted him to voluntarily annex into Town. There were some other problems the Plan Commission was concerned about and he remedied those. He's cleaned up everything they've asked him to clean up. But, the county will not let him have a building permit until he complies with the landscaping and paving requirements. So, now, he needs to proceed with his annexation because he can be grandfathered into the Town of Ellettsville. She feels he has met all of their requests up to the building permit. She called the building department to verify they would indeed issue that permit if we went ahead and annexed him into town. Mr. Gerstbauer said they would. Dan Swafford asked if he would like to come forward and speak. Mr. Grimes came forward and stated when he went to the planning committee; they implied if he was annexed into Ellettsville, he would not be required to come under the county inspection. When he took the blueprints into the inspector, they were ready to give him a permit to do the work. Then, he stated, when they were getting ready to sign the permit, the lady from the county came in and said something else had happened and told him he was going to have to go before the county rather than the Ellettsville board. Mr. Grimes said he didn't know what it was and Mr. Schick, the inspector didn't know either. If he is accepted into Ellettsville, he understands he will not be held under the county's zoning and regulations and he is asking the Plan Commission to accept him into Ellettsville rather than him being in Monroe County. Dan Swafford asked if Mr. Grimes had a copy of the conditions they gave him. Mr. Grimes presented those to the

Commission. Dan Swafford asked him if he had done any work on the handicap restroom. Mr. Grimes responded he had not because he was not given a work permit. Dan Swafford asked someone to read the conditions Mr. Grimes was presented by Monroe County. Sandra Hash stated it was addressed to the Guiding Light Ministry which is the church Mr. Grimes rents to and reads as follows:

On June 24, 2010, I and Bobby McGrue were called upon to do a preliminary inspection of a new Guiding Light Ministries in hopes of issuing a certificate of occupancy for the new use of the building. The previous use of the building was for Grimes Plumbing business. Upon completing the inspection, I regret to inform you that a number of changes or improvements need to be made to the facility to make it comply with the present building code for the new use. A Monroe County building permit will be required for the necessary construction and work to bring the facility into code compliance for the new use. Items observed that need correction are as follows:

- Section 675 ICA 12-4-11 of the Indiana General Administrative Rules states no change in the character or use of any building or structure shall be permitted which shall cause the building or structure to be classified within a different occupancy group or within a different division of the same occupancy group unless such building or structure complies with or is made to comply with the current rules of the Commission for new construction for the proposed revised use of the building. A change from a mercantile office, storage retail facility to an assembly group A3 place of religious worship requires the entire facility comply with the present day codes.
- Section 1105 Provide an accessible entrance maximum 1/4 inch vertical rise or 1/3 inch with a slope of 1 to 2
- Section 1008.1.9 Provide panic exit hardware on the exit doors from the sanctuary and dining area. Two exits are required from each space.
- Section 1011 Provide the required exit signs in the sanctuary and the dining area. The signs are to be powered by the primary power and have battery backup power for 90 minutes. The two spaces are each to have two exit signs identifying the two required exits from each space.
- Section 1006.2 Provide emergency elimination for the two required exits from the sanctuary and the dining area. Also, provide emergency lighting at each of the exterior exit doors to illuminate the landing outside the doors.
- Section 1008.1.2 the two required exit doors from each the sanctuary and the dining hall is to have the doors swing out in a direction of egress travel.
- Section 1008.1.81 Door hardware is to be of the lever type which does not require tight grasping, tight pinching, or twisting of the wrist to operate; all doors except the panic exit devices.
- The toilet rooms is to be a fully accessible toilet room with all of the required maneuvering space; fixture clearances, accessible fixtures and grab bars. See the attached accessible design or provide an alternative design.
- There is to be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. The back exit door from the dining area is to be level with the floor. Provide the required landing at the back exit from the dining room. The landing is to be a minimum of 36 inches wide and the length measured in the direction of travel is to be not less than 44

- inches. Stairways shall have hand rails on each side (the south exit door from the sanctuary with exterior stairs).
- Section 502 of the Indiana Energy Code requires the building envelope to be insulated to require thermal performance. If the dining hall is to be mechanically heated or cooled, the envelope of that space is to be insulated.
- Another section requires that the craft door or foil facing of that insulation meet a flame spread of 25 and a smoke develop index of not more than 450. The facing on the fiberglass backed insulation does not meet this requirement and is to be covered with a material that meets this requirement such as 1/2 inch gypsum board.
- Foam plastic insulation is to be protected from the interior of the building with an approved thermal barrier such as 1/2 inch gypsum wallboard. The blue foam board installed with the HVAC supplier diffuser is to be removed or covered with wallboard.
- Miscellaneous electrical conditions as open conductors not covered in a box, adequate support of electrical cables, and securing electrical boxes.
- Section 101 of the Indiana Fuel Gas Code requires gas piping systems to be maintained. The gas furnace within a hall closet smells of leaking gas.
- Section 407 requires gas piping be adequately supported in accordance with Table 415.1 and 1/2 inch size at six foot intervals or 3/4 inch by 1 inch by eight foot and a 1 1/4 inch and larger at ten foot. Gas piping crossing the dining area. (At this point Mr. Grimes interjected he had corrected all the gas lines because they needed to be corrected immediately.)

Dan Swafford asked Mr. Grimes what conditions he could not comply with. Mr. Grimes stated these were all conditions for Ellettsville as well and he did plan on complying with them. Dan Swafford asked him for the reason why he had not already complied with them. Mr. Grimes said he was told by the inspector not to do anything until he got his permit. Then, the day he went in to get the permit the inspector was ready to sign the permit, but something else happened and he stopped it. Connie Griffin added all building permits actually come back through to her office before they are approved. Dan Swafford asked for clarification on what was needed. Sandra Hash stated the stipulations were an occupancy permit and the tickets from the disposal of the hazardous waste. Sandra Hash added the occupancy permit is the last step of the building permit. Connie Griffin stated the holdup is the county codes they want him to update to - that's the Catch 22. Dan Swafford stated those are what he wants to know the county codes. Mr. Grimes stated if he is accepted into the Town of Ellettsville, then he will not be under obligation to Monroe County. If he is not accepted into the Town, then he will have to do all these things - unless they give him permission not to. But, if accepted into Ellettsville, he will still have to comply with all these things except under Ellettsville's jurisdiction, not Monroe County. Rick Coppock stated when Mr. Grimes went to Monroe County to change the use of the building, they wanted him to come into compliance with their landscaping standards and pave the parking area. He can't get a building permit until he does those things. If he comes into Ellettsville, he can get a building permit because Ellettsville doesn't require him to do update and pave the parking lot. Dan Swafford asked if Ellettsville did not require that. Rick Coppock stated you do with new construction, but other businesses that have come in have been grandfathered. They were not required to do paving prior to recently there wasn't any landscaping ordinance. Sandra Hash asked Mr. Grimes if he understood that if he should ever change the usage of the building again, he would have to come into compliance and pave the lot. He stated he did understand that. Dan Swafford asked if Mr. Grimes moved the buses. Mr. Grimes stated three have already been moved and the rest will be moved, but he stated he has until the 12th to do that. Phillip Rogers asked if everything has been done that the Commission has asked to be done. Connie Griffin answered they did have a land use verification form she has asked Mr. Grimes to fill out which states what the current land uses are so that if any change at all occurs then he would be into our code stipulations. The current land uses on the property that he agreed at the time that he signed this on June 24, 2010 was five uses. There is a personal residence at the home he and his wife reside in, there is one rental home, Joel Clark had bus parking, there is a church that rents the old commercial building (one tenant in the building), and there was one trailer that is used currently by a family member and no rental payments are received at that unit. There are no additional uses allowed at this time with this document. If any of these things changed he would have to adjust to our codes. Sandra Hash asked Rick Coppock for his expertise on her question. She stated this process started quite some time ago. We had our public hearing and he did his legal notices and as she recalled none of the neighbors came to voice any concerns. She asked Rick Coppock if they should start the process all over again with the notice to give the neighbors an opportunity to respond. Rick Coppock stated it had continued to be on the agenda and he did not feel they needed to be renotified. Mr. Grimes stated he wanted to answer Phillip Rogers question - yes, he has fulfilled everything and this was the last thing. He had 18 items and he lived up to it.

Dan Swafford entertained a motion. Phillip Rogers made a motion to accept Ike Grimes' annexation. Clayton Sullivan seconded. Roll Call vote: Dan Swafford – yes; Don Calvert - yes; Phillip Rogers – yes; Clayton Sullivan – yes; Phillip Smith - yes; Sandra Hash – yes. Motion carried 6-0.

Sandra Hash reminded Mr. Grimes this would have to go before the Town Council. The next meeting is August 23rd and he could be on the agenda for the first reading. She asked if the Annexation Ordinance and the Fiscal Plan could be ready. Connie Griffin stated the Fiscal Plan has been ready for seven months. Sandra Hash asked if Darla Brown had the deed and Connie Griffin stated she would make sure she had that as well. Sandra Hash told Mr. Grimes if the first reading was August 23rd, and if Town Council did not accept it on the first reading, the second reading would be September Then they would sign the document, it would have to be published in the newspaper, and after that advertising she would have to wait 30 days before it is recorded. After it's recorded he would then be in the Town of Ellettsville. Mr. Grimes asked if it would be satisfactory to go back to the building inspectors and ask them if they would give him permission to start doing the remodeling. Dan Swafford answered it was going with a favorable request to the Town Council, but we can't give you that advice to go ahead. But, it did pass the Plan Commission and now it will have to go to the Council. Mr. Grimes added, for the church's sake, the emergency doors and things needed to be done. Mr. Swafford agreed because he had heard there were a lot of safety issues. Rick Coppock told him he should be able to change door hardware and signs without having a building permit. He couldn't change walls and things like that.

Amend Driveway Standards Code 152.227(B) - Ancillary parking areas are not required to be paved - Second Discussion

Connie Griffin, Director of Planning - stated this was the second discussion on this. The additional parking areas are not required to be paved and that was open for discussion at the last meeting. She is asking for any additional thoughts at this time. Phillip Smith asked if this was businesses or residential. Connie Griffin stated this was residential in platted subdivisions. This would be when someone comes to request a new driveway permit. Right now, unless there is a restricted covenant in the subdivision, we do not require additional parking to be paved. Dan Swafford asked if they waived the new driveway permit with the Safe Routes to School people. Connie Griffin stated the fee of \$25 has been waived along Ridge Springs Lane. They would still be required to have the permit; we would just waive the fee. Dan Swafford asked if they would be required to pave the additional parking area and Connie Griffin answered, yes, they would. Dan Swafford stated that was his concern because he knows that area and hates to give them a double whammy there because the sidewalk is taking some of their area. Dan Swafford stated he understood it was a good code due to the ruts and such, his only concern is the economics of the situation with the residents. Phillip Smith asked why the residents would be required to pave their driveways if we are putting in the sidewalks. Sandra Hash answered she thought that was covered in the grants. She thought the grant would cover these people. Dan Swafford stated they would not add the additional. Connie Griffin stated not in the private area. They will take care of the area they tear up. Phillip Smith stated they will put the stub in, but they will not finish the driveway. Connie Griffin stated will come up quite a distance. Dan Swafford feels it is a good code, but he would ask for an amendment for these people because they are being forced into this right now and it is cutting into their drive where they will have to widen their driveways. It's something they don't want to do, but are being forced to do because of the Safe Routes to School. He feels if they do pass this they should be exempt from it.

Frank Nierzwicki, private citizen - stated that in the past there was an issue on the percentage of space covered. There were some people who would have paved their whole back yard into a parking lot. So, one thing that was done was a percentage and where it would be. He added that may be something they might want to think about in the future. Connie Griffin stated she would get some other areas and their driveway standards and bring them to the next meeting. Sandra Hash stated if they did allow the gravel drives, she feels there should be some standards regarding the borders.

New Business

Smithville - Subdivision, Rezone, Development Approval

Connie Griffin, Director of Planning, explained Smithville is coming before the Commission for a subdivision. The property site is 244 acres and they want to break 10 acres off making a two lot subdivision. She first spoke with Mr. Potter about a C-3 zoning. But, since then, she has spoken with Rick Coppock and they are thinking an I-1 (Industrial 1) use would be better for the warehousing. The project is in multiple phases. But, right now, the types of uses they want to use are for a warehouse, office buildings, truck garage, truck shed, trailer shed, equipment storage yard as well as an employee parking lot. They are also talking about doing a landscape buffer along the south and west side. She and Mr. Potter are thinking an I-1 zone would be more appropriate for this use. Phillip Smith asked what made her think that. She stated she

was basing this off on their current zoning at their warehouse is a C-1, but she failed to realize and she has not been here long enough, but that was probably a grandfathered use when it was re-zoned. Our actual code states warehouse usage in an I-1. C-3 does not have that statement. There is the statement that the Director of Planning is permitted to make a ruling if the zoning use has not changed that much. There is plenty of ground and there could be the appropriate buffering and setback to allow them to have that higher usage in order to be more compliant with how the code reads. Phillip Smith asked if she was saying that with an I-1 they would have more options than with a C-3. She said yes.

Kevin Potter, Certified Civil Engineer representing this project, stated in the packet there is a drawing of the overall property. It goes from SR 46 on the south, Chafin Chapel Road, to where Flatwoods Road intersects SR 46, and then he pointed out the east line. The square on the drawing is the 10 acres they are proposing to subdivide out and rezone for the proposed building and parking lots and storage facilities. There is an existing gravel driveway there now that goes back to their transmission tower that is further north. They are proposing to upgrade that driveway, widen it out to get two-way traffic and then they would access the proposed development off of the widened drive. There are no plans right now for further development of the 244 acres, but this existing drive and the upgraded drive would not be used for access to other development within the 244 acres. There would be a separate drive coming off of SR 46, probably right across the street from the kindergarten center, where there was an older house at one time. The state highway people like that location for a second access drive off SR 46 for later use. The State Highway Department has requested we install a passing blister on the south side of SR 46 so that cars coming to turn left can go around on the right side. We are planning on doing that as part of the State Highway permit. He then showed the Commission a more detailed plan of the 10 acre site including the buildings. The first phase of the project would include a new building for the parts warehouse and office building. In the second phase there would be a truck garage added to the building. There would also be an outside storage yard on the east side of the building. There would be a couple other open-sided, roofed sheds for pickup trucks and trailers. He pointed out the parking lot for employees. There would also be some room for expansion of the buildings in the future, if needed to the south for the office and warehouse building and to the north for the truck garage. The water detention area would be on the north side of the project. He pointed out a proposed septic field and stated they did have the letter from the State Board of Health regarding the septic field. Connie Griffin stated they have fulfilled the filing requirements, the fees, the notice to adjacent property owners, the hearing notice, and the affidavit from the Journal has all been received. Phillip Smith asked if the parking area for the employees would be black-topped. Mr. Potter responded the only thing they want to black-top initially would be the visitor and handicapped parking, seven or eight spots, they have to pave for handicap access. Other than that, they want to have gravel and crushed stone parking and driveways for a while and then pave later. Dan Swafford stated he noted they have 60 or 70 parking spots and asked Mr. Potter how heavily that road would be used. Mr. Potter responded there would be 30 or 40 people using this facility initially. A lot of this will end up not being used unless they do expand. Dan Swafford said he thought there were only going to be a few people working there. Mr. Potter stated that was true as far as working throughout the day, but this was where their field people would be parking and taking company vehicles to and from. Connie Griffin added this was a goal of the Comprehensive Plan, to attract commercial and industrial development along SR 46, especially toward the west. The Comprehensive Plan would be in agreement with a development of this nature. She added the supervisors have reviewed some of the comments she had sent to them. There were just a couple of concerns from the Fire Chief that the Bean Blossom-Patricksburg Water could supply in case of a fire emergency. They are seeking, with the developmental approval, the septic variance and the gravel variance. She went on to say, according to everything she could find in the Town Code, they met the criteria. Dan Swafford noted the variances are going to the BZA. He asked when they've gone to the BZA, will they come back to the Plan Commission or will they go to Town Council. Connie Griffin stated, technically, what we are looking at right now is the subdivision into the two lots, and then the rezone. It is our suggestion to go to an I-1. We believe I-1 would be the best classification. Then we would have a developmental review. That could take place at a later date. We definitely want to handle the subdivision and rezone issues first. If you felt comfortable with the development review based on Rick's findings and Mr. Potter's findings and Cullen's guarantee those aspects would be completed - that could also be for your consideration. Dan Swafford asked Rick Coppock what his findings were in this. Rick Coppock stated everything with the plat is fine. We are just working on the signature part of that. The zoning is really up to the Plan Commissioners. He had talked to Kevin and he wasn't anticipating having the development plan reviewed tonight. There are some things that haven't been completed on that. Dan Swafford asked Mr. Potter if they were in a time crunch. Mr. Potter stated in his last conversation with the Smithville people, they would like to do some grading, if possible, this fall and then start the building in the spring. Dan Swafford asked if it would be agreeable to vote on the subdivision and the rezone this meeting and then wait on the development approval till next meeting. Sandra Hash stated that would give them time to review Rick's remarks as well. Don Calvert asked if there would be a passing lane on the south side. Mr. Potter stated it would be further east where the existing gravel drive is now. Don Calvert stated his concern would be whether they would be going over any utility lines, will it change the drainage, is that going to be asphalted, how long it is going to be. Mr. Potter stated it had to be asphalted. Don Calvert asked if the state has already agreed to that or is it in the process. Mr. Potter stated they have verbally agreed. He added they are allowing them to have an 11 foot lane instead of 12 feet. Rick Coppock stated they would be cutting the bank back on the north side. There is a gas line there. He went on to say he thinks it will be deep enough.

Russ Ryle, Reeves Road resident - asked if the state already had the property right of way for the turn blister on the south side of 46. Mr. Potter stated yes, there is 30 to 35 feet of right of way on each side of SR 46 back when that was done in the 1930's. All the new construction for the passing blister would be in that existing right of way. Mr. Ryle asked if that was a private driveway across the street from their entrance road. Mr. Potter answered in the affirmative and stated it would have to be upgraded according to the state's standards where that driveway would intersect that passing blister. Mr. Ryle asked how far north of SR 46 the south line of the 10 acre property is. Mr. Potter stated it's about 600 feet.

Dan Swafford entertained a motion for approval. Phillip Smith made a motion to approve the Smithville subdivision and rezone to I-1. Phillip Rogers seconded. Roll

Call vote: Dan Swafford – yes; Don Calvert - yes; Phillip Rogers – yes; Clayton Sullivan – yes; Phillip Smith - yes; Sandra Hash – yes. Motion carried 6-0.

PUD Code Amendments

Connie Griffin, Director of Planning, based on a discussion with the Clerk-Treasurer, they wanted to develop a checklist for Plan Commission recommendations. prepared a checklist that states the findings, whether or not it should proceed to Town Council and The Plan Commission's recommendation. She displayed a copy on the overhead. The form was given to Sandra Hash. Connie referred to the packets and stated the changes are in yellow. This is the early stages of this. When she read through the current code, she noted there are often statements such as an application will be accompanied by all documents and four step processes with forms. particular ordinance is going to need new applications prepared. She looked at other cities and reviewed their PUD codes and application process. She has not had enough time to review their applications, but she really likes the format. What she has looked at so far has just been the minor changes to the PUD code such as clarifications. In our current code 153.034 along with plat approval we do require a cash bond be held in So, even though they are not in this chapter, we do still have those requirements for some sort of a bond. We are currently protected. She would like to have gotten further on this, but she has a new administrative assistant and they were working diligently on getting the code enforcement database updated. Sandra Hash noted in 152.279 it states notice must be published in two local newspapers, but if you have one paper in your jurisdiction that meets the required circulation, you can advertise in just one. We are meeting our requirements by just publishing in the Journal.

Planning Department Updates

New Administrative Assistant Nicole Brown – Connie Griffin stated she has a new administrative assistant whose picture was featured in the Journal. Nicole Brown is a long-time resident of Ellettsville. She has that knowledge of locations which helps her a great deal. One of the main reasons she was her first choice because she was already correcting her database after the proficiency exam she gave her. She's very observant. She thinks she is a good addition and she hopes to keep her for awhile.

Metropolitan Planning Organization Transportation Enhancement Grant INDOT

Connie Griffin stated the transportation enhancement funds, like a lot of organizations, was running out of money in different areas so they are starting to look under rocks. Therefore, our Heritage Trail Grant right now is requiring us to write a report giving a status of where we are in the project and to ensure this is still a very viable project. She has been working on a report to get to them. She would like to get that to them at the first of next week. It's just a short report to let them know we are making the movement on it; we have our matching funds, so forth and so on.

Stormwater Permit Renewal, Connie Griffin stated this is coming up in September. Her time will be shifting towards getting ready for that permit process. There's a presentation that accompanies this permit process to show what we have accomplished for the last couple of years.

Code Enforcement, Connie Griffin said one of the first things Nicole started on was getting the database updated and getting her back online on knowing when she has inspections. That will be one of her main jobs is to let her know where to go next.

Sandra Hash stated Rick Coppock is still a big part of that permit review and Connie is assisting him. She asked for clarification. Connie Griffin stated yes. She corrected her terminology stating it's actually an audit. There will be a PowerPoint presentation. She will be asking for Town Council members to join in on a tour of certain facilities. To show they have had some activity. Rick Coppock added there are six different minimum control measures we have to meet. He stated they just had their audit on their construction inspection. Dan Swafford asked how that went. Rick Coppock answered he thought it went fairly well. They said we should get our report back in about a month.

Privilege of the Floor – non-Agenda Items

Russ Ryle, Reeves Road resident - states he is puzzled about why we are allowing gravel driveways which do not meet the code requirements. He asks why we are allowing this to continue. Dan Swafford stated all they did tonight was allow a subdivision rezone. They did not include the gravel. Dan Swafford stated he was going to bring that up, but there wasn't much sense in doing that tonight. Mr. Ryle asked if they were going to pave the access road. Connie Griffin answered it would be done in phases and as it gets towards the end, that is one of their considerations and they would like to pave and bring that whole area in to connect to water and wastewater. Dan Swafford added during the construction phase there would be heavy equipment coming in and out and it would just destroy the road. Mr. Ryle stated at some point there should be an agreed to point in which paving is put in. Our current code requires paved access roads and parking lots in places where they have heavy equipment. We don't want this to grandfather in as septic and unpaved forever. Phillip Rogers stated if they don't start building out there, there won't be a sewer out there. He added there is a high pressure sewer out there now, but it's on the other side of the road where the Early Childhood Center is. It's difficult to hook onto though because it's under pressure.

Sandra Hash had one comment on the PUD. She agreed they need to work on it. She referenced an article in the planner's handbook that talked about how often PUD's are overused and don't have the stipulations required to guide them. In her opinion, she wouldn't care if they never had any Planned Unit Developments. Dan Swafford stated he thinks PUD's are good for the Council and he thinks that's where it stemmed from because any PUD has to go to Council. Sandra Hash added she thought they were bargaining tools.

Adjournment

Dan Swafford entertained a motion to adjourn. Phillip Rogers made the motion to adjourn. Clayton Sullivan seconded. Dan Swafford adjourned the meeting at 7:33 p.m. The next meeting will be September 2, 2010 at 6:00 p.m.

Dan Swafford, President	Ron Wayt, Vice President

Plan Commission, August 5, 2010	
Sandra Hash, Secretary	Don Calvert
Phillip Smith	Phillip Rogers
Clayton Sullivan	