

**PLAN COMMISSION
ORDINANCE # 2009-29**

Pathways Outline Plan Amendment #2 to add Tourist Home use to Lot 12 as approved use

An ordinance to amend the Monroe County Zoning Maps which were adopted December 1996.

Whereas, the Board of Commissioners of Monroe County, Indiana, passed a zoning ordinance and adopted zoning maps effective January 1997, which ordinance and maps are incorporated herein; and,

Whereas, the Monroe County Plan Commission, in accordance with all applicable laws, has considered the petition to amend said zoning maps;

Now, therefore, be it ordained by the Board of Commissioners of Monroe County, Indiana, as follows:

SECTION I.

The Monroe County Zoning Ordinance is amended to reclassify:

Lot 12 of the Pathways Subdivision, as shown on Pathways Final Plat Amendment Five, recorded under document number 2007000231 in the office of the Recorder of Monroe County, Indiana.

Request is to amend the Outline Plan for Pathways PUD to add "Tourist Home" as a permitted use on Lot 12 of the Pathways PUD subdivision.

SECTION II.

The following conditions of approval shall apply to this petition:

1. Perform a final plat amendment to designate a minimum of 25% of Lot 12 as open space in conformance with Chapter 811 of the Zoning Ordinance;
2. As part of the above final plat amendment, correct the misnomer on the previous plat amendment stating that Pathways Drive is located within an access easement; previous plat amendments showed right-of-way fifty feet in width for Pathways Drive (as required under a condition of approval for 97-0313);
3. The Tourist Home shall be subject to condition 48 of the Use Matrix in Chapter 802 of the Zoning Ordinance. The petitioner shall submit documentation satisfying demonstrating compliance with this condition prior to approval of a Land Use Certificate for the property;
4. The number of guests shall be limited to four until the septic system is upgraded to handle four bedrooms, then the limit shall be upgraded to eight guests; and
5. The Petitioner shall provide proof that the septic system will accommodate the intensity of the tourist home use.

SECTION III.

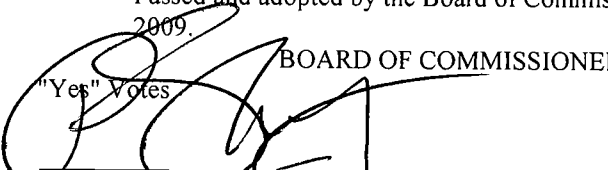
This ordinance shall be in full force and effect from and after its passage and adoption by the Board of Commissioners of Monroe County, Indiana.

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this 9th day of October, 2009.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

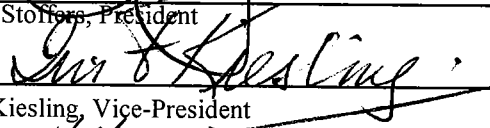
"Yes" Votes

"No" Votes



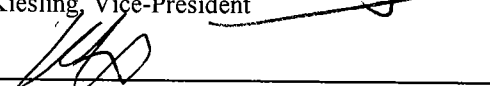
Patrick Stoffers, President

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Iris F. Kiesling, Vice-President

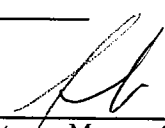
Iris F. Kiesling, Vice-President



Mark Stoops, Member

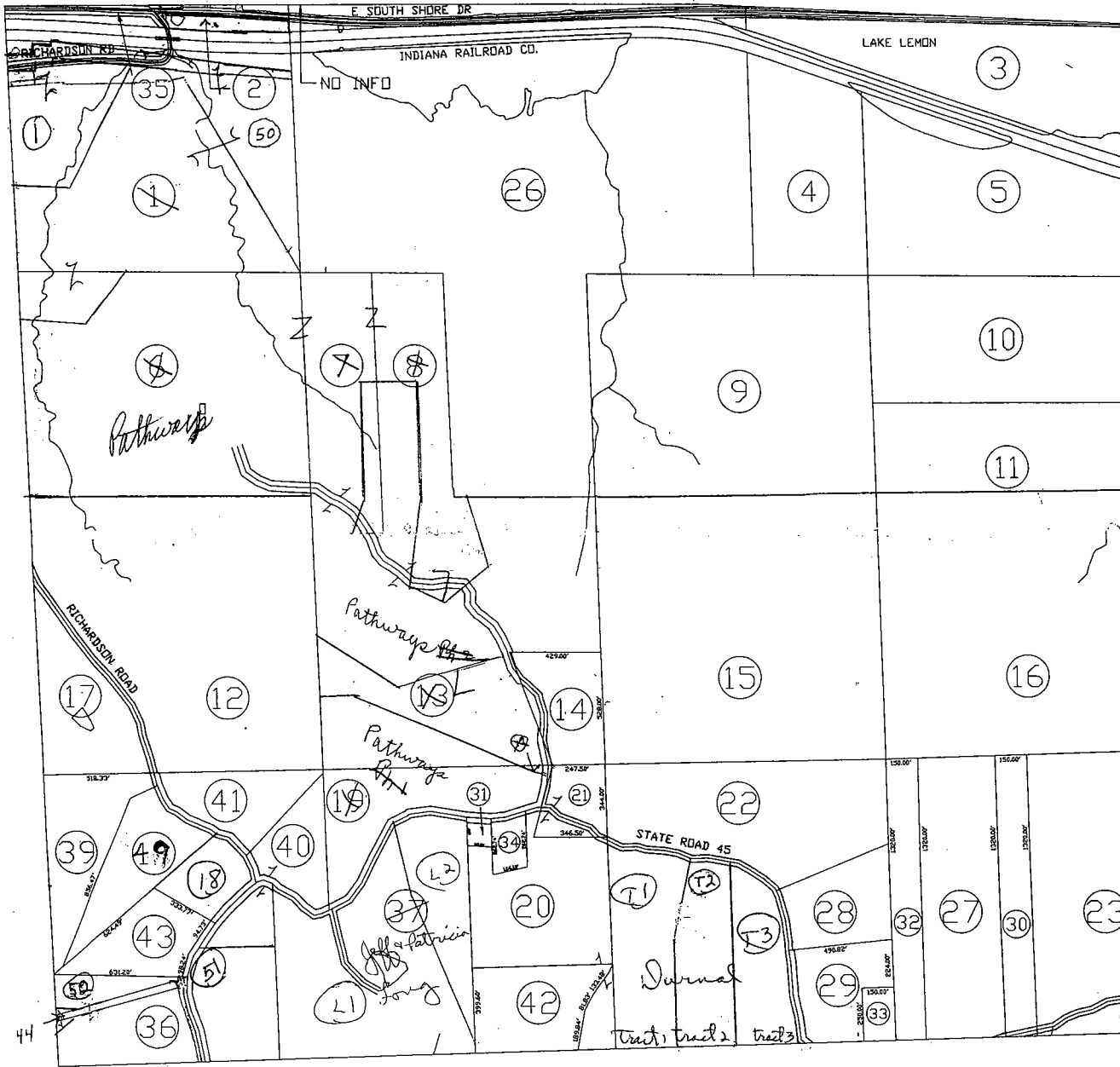
Mark Stoops, Member

Attest:



Amy Gerstman, Monroe County Auditor

BENTON
02-09N-01E
581.96 ACRES ACCORDING TO U.S. SURVEY



BEAM, LONGEST & NEFF
Consulting Engineers
Indianapolis, Indiana

This Drawing is a Graphical Representation of Land Ownership Records on file in the office, and are Accurate within the limits of the Original Surveying Accuracies. Not to be Considered a Legal Land Survey Document.

SCALE 1"=500'
9-12-94

MONROE COUNTY PLAN COMMISSION August 18, 2009

PLANNER Katie Moore
CASE NUMBER 0905-PUO-03
PETITIONER Scott Anspach
ADDRESS 5707 Pathways Drive
REQUEST Outline Plan Amendment #2 to add "Tourist Home" as a permitted use on Lot 12
ACRES 5.8 ±
ZONE PUD(FR)
TOWNSHIP Benton South **SECTION 2**
PLAT Pathways Final Plat Amendment 5, Lot 12
COMPREHENSIVE PLAN DESIGNATION: *Conservation Residential*

EXHIBITS

1. Site Plan
2. Petitioner's Statement

PETITIONER'S REQUEST

The petitioner is seeking to amend the Pathways Planned Unit Development Outline Plan to incorporate the use of "Tourist Home", allowing up to 10 guests, as a permitted use on Lot 12.

RECOMMENDATION: approve the petition, subject to the Drainage Engineer's and Highway Engineer's reports, and to the following conditions:

- 1) Perform a final plat amendment to designate a minimum of 25% of Lot 12 as open space in conformance with Chapter 811 of the Zoning Ordinance;
- 2) As part of the above final plat amendment, correct the misnomer on the previous plat amendment stating that Pathways Drive is located within an access easement; previous plat amendments showed right-of-way fifty feet in width for Pathways Drive (as required under a condition of approval for 97-0313);
- 3) The Tourist Home shall be subject to condition 48 of the Use Matrix in Chapter 802 of the Zoning Ordinance. The petitioner shall submit documentation satisfying demonstrating compliance with this condition prior to approval of a Land Use Certificate for the property;
- 4) The number of guests shall be limited to eight; and
- 5) The Petitioner shall provide proof that the septic system will accommodate the intensity of the tourist home use.

BACKGROUND

The original rezone and Outline Plan approval (94-0305) for this PUD was approved in March of 1994 by the Plan Commission, and in April of 1994 by the County Commissioners. The intent of the PUD at that time was to create seven single family lots and an arts retreat center. The PUD Development Plan and Preliminary Plat (94-0305) were subsequently approved at the April, 1994 Monroe County Plan Commission meeting. A PUD Outline Plan Amendment (97-0207) was approved by the Plan Commission in February of 1997, and by the County Commissioners on February 28, 1997 (Ordinance 97-03) to limit the approved uses within the PUD to single family residential only and to allow additional lots within the PUD. A Development Plan Amendment (97-

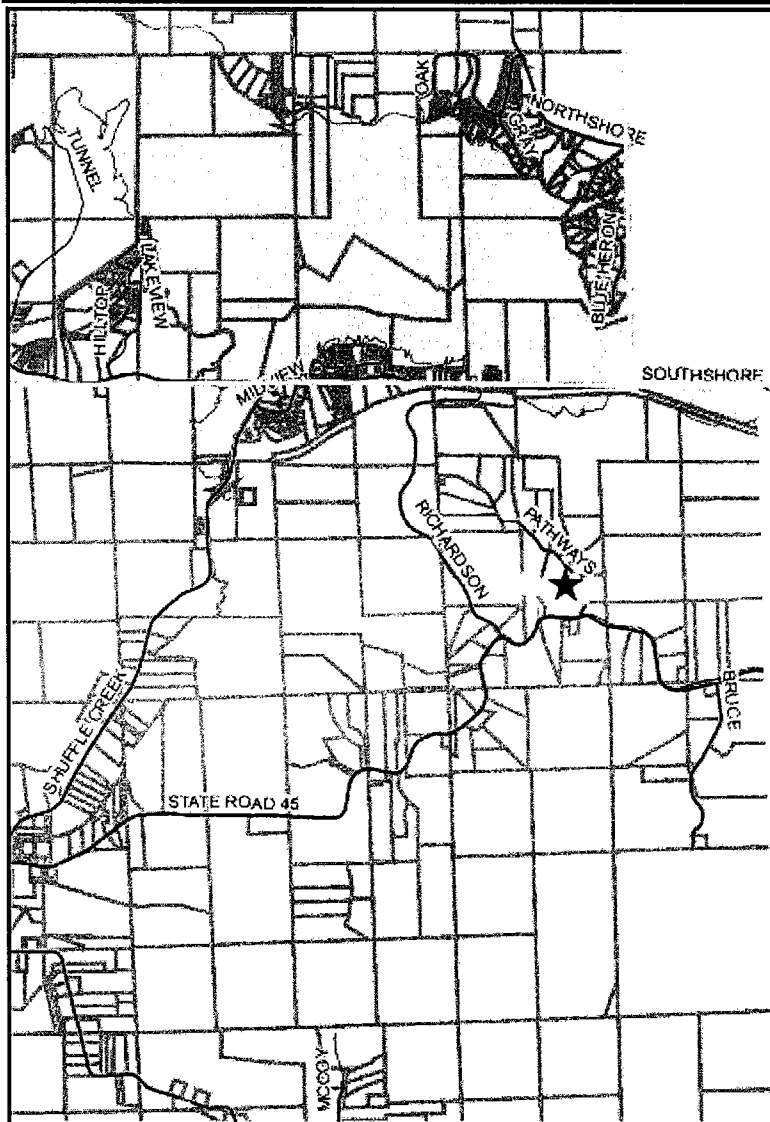
0313) was then received by the Plan Commission in April of 1997 to create thirteen lots from the original seven lots and retreat center (procedurally, this should have been a plat amendment). The additional five lots encompassed the area that was originally designated as the retreat center and open space at the north end of the site. A Final Plat Amendment (97-0315) was then approved at the April 1997 meeting to reconfigure and replat these additional lots. Another Final Plat Amendment (0205-SVA-07) was approved by planning staff in June of 2002 to reconfigure four lots into two lots towards the north of the site. In June of 2004, a Preliminary Plat Amendment (0403-PUD-04) was approved to divide Lots 4 and 9 into seven lots bringing the total lot count to sixteen. The proposed use for the subdivision was detached single-family residential structures. This Preliminary Plat Amendment was followed by several Final Plat Amendments in subsequent years to alter lot lines within the area of the Preliminary Plat Amendment (Amendment Three (0503-SVA-06), March of 2005, Amendment Four (0611-SVA-16), November of 2006, Amendment Six (0709-PUD-03), October of 2007). Final Plat Amendment Five (0612-SVA-19) amended Lots 1 and 12 to transfer approximately one acre of land from Lot 12 to Lot 1.

Please note that the property lines shown in the maps do not reflect the latest plat amendment. The petitioner's site plan is accurate.

The Plan Review Committee (PRC) reviewed the petition at their July 2, 2009 meeting, and discussion included concerns about whether the septic system could accommodate the tourist home use with a capacity of 10 people, where the site drained to (Lake Lemon), where there are tourist homes in the vicinity, where nearby homes are located in relation to the proposed tourist home, and traffic. The PRC discussed that the proposal is a stark contrast/anomaly to its residential surroundings, and that the tourist home limit of 8 occupants should be adhered to.



An old condition of approval for 97-0313, Pathways PUD Subdivision, Development Plan Amendment One, was that 50 feet of right of way would be dedicated for Pathways Drive, but it is unclear on the plats whether this was done for the entire length of Pathways Drive due to inconsistencies in terminology labeling the easement/right of way and due to the lack of right of way dedication language on plat amendments.

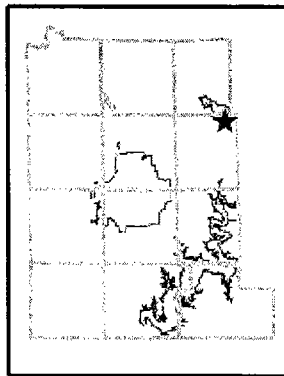
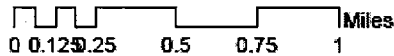
LOCATION MAP



Coordinate System: WGS84, NAD83
 Data Source: WCCO Planning Department and SEE
 Not to Scale

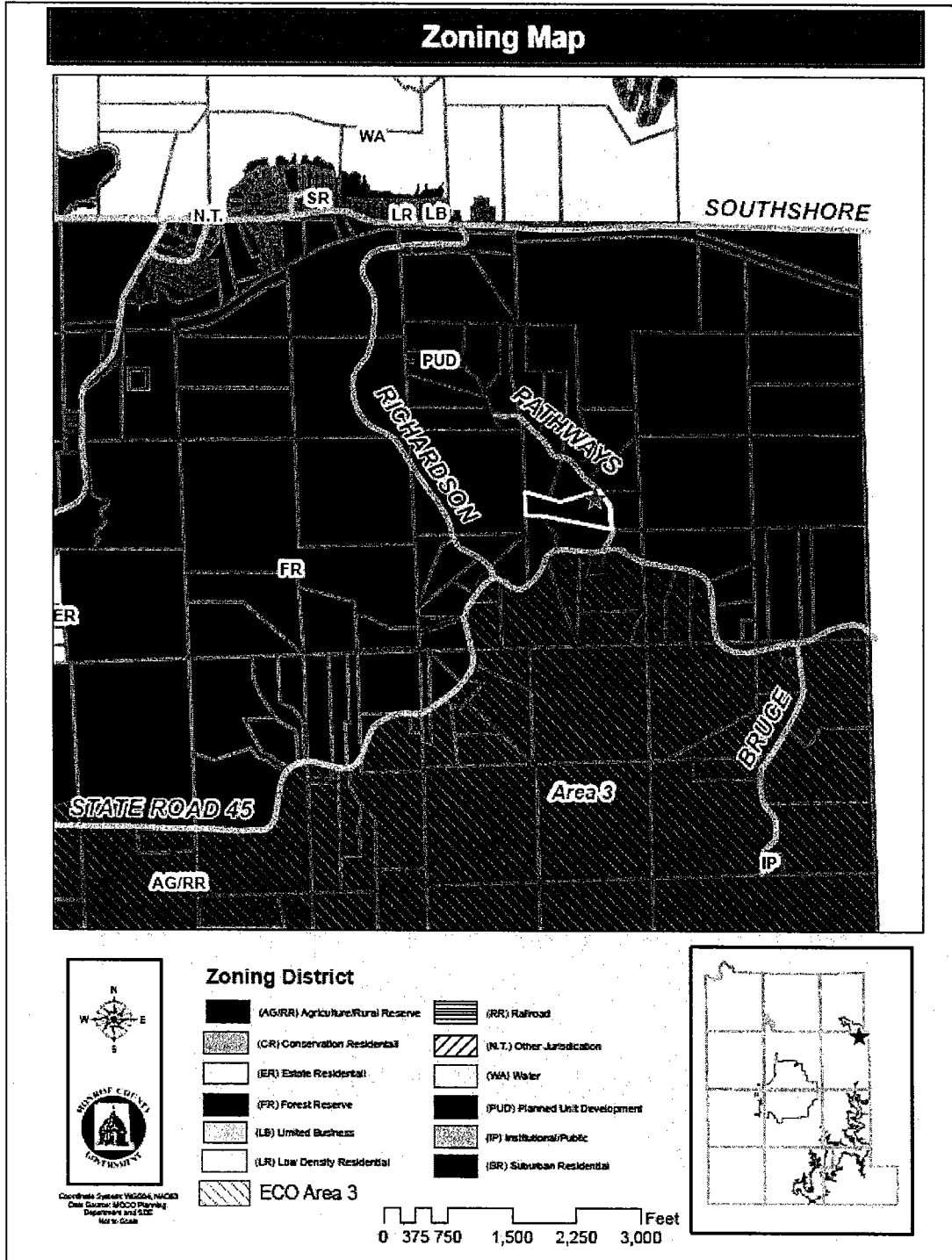
Legend

-  Roads
-  Parcels



ADJACENT USES/ZONING

The adjacent properties are all zoned PUD, with use limited to single family residential under the Pathways Outline Plan. The PUD is surrounded by properties in the Forest Reserve zoning district, which are used for agricultural and residential purposes. Tourist homes are a permitted use in the FR zoning district.



SITE CONDITIONS

The petition site contains steep slopes draining generally to the northwest. There are no apparent natural constraints such as karst features or FEMA-designated floodplain on site. Pathways Drive is a local (private) road, and State Road 45 is a major collector on the County Thoroughfare plan.

