

MONROE COUNTY PLAT COMMITTEE



**February 18, 2021
4:00 pm**

HELD VIA TELECONFERENCE

[https://monroecounty-
in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtgK0NQOIFLazRTQT09](https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtgK0NQOIFLazRTQT09)

Meeting ID: 823 0548 5858
Passcode: 278851

Phone Number: 312-626-6799

A G E N D A
MONROE COUNTY PLAT COMMITTEE

Telelink Conference:

[https://monroecounty-
in.zoom.us/j/89815128852?pwd=U1NRZm9tdVdQbUczWHc1RDk5bGFIdz09](https://monroecounty-in.zoom.us/j/89815128852?pwd=U1NRZm9tdVdQbUczWHc1RDk5bGFIdz09)

February 18, 2021

4:00 pm

REGULAR MEETING

OLD BUSINESS: None.

NEW BUSINESS:

- 1. 2010-SSS-13 Herbertz Sliding Scale Subdivision Preliminary Plat PAGE 3**
Road Width Waiver Request.
Plat Committee Recommendation.
Three (3) parcels on 69.38 +/- acres located in Section 13 of Washington Township at 4272 E Farr RD.
Zoned FR.

- 2. 2009-SMN-09 Deckard Farms Minor Subdivision Preliminary Plat PAGE 25**
Sidewalk Waiver Request.
Plat Committee Recommendation.
Two (2) parcels on 37.08 +/- acres located in Section 23 of Richland Township at 3807 W Walcott RD.
Zoned AG/RR.

- 3. 2101-SPP-01 Derby Pines Major Subdivision Preliminary Plat PAGE 40**
Plat Committee Recommendation.
Twenty-three (23) parcels on 5.34 +/- acres located in Section 21 of Perry Township at 4214 S Derby Drive.
Zoned HR.

- 4 2101-SPP-02 North Park Area B3 Major Subdivision Preliminary Plat PAGE 63**
Plat Vacation of Lot 1 in the ‘Ted Worley Addition Lots 1 & 2 Amendment 1’
Plat Committee Recommendation.
Three (3) parcels on 21.33 +/- acres located in Section 25 of Richland Township at 2900 N Stone Carver Drive.
Zoned PUD.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, apurdie@co.monroe.in.us, as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.

MONROE COUNTY PLAT COMMITTEE MEETING**February 18, 2021**

PLANNER Drew A. Myers
CASE NUMBER 2010-SSS-13, Herbertz Sliding Scale Subdivision Preliminary Plat.
Plat Committee Recommendation.
PETITIONER David Herbertz, C/o Eric Deckard, Deckard Land Surveying
ADDRESS 4270 & 4272 E Farr RD (53-02-13-200-021.000-017; 53-02-13-200-021.010-017)
REQUEST Sliding Scale Subdivision Preliminary Plat to subdivide 2 parcels into 3 parcels.
Road Width Waiver Requested. Plat Vacation Requested. Waiver of Final Hearing Requested.
ZONE Forest Reserve (FR)
ACRES 69.77 +/- acres
TOWNSHIP Washington
SECTION 21
COMP. PLAN
DESIGNATION Farm and Forest

EXHIBITS

1. Herbertz Sliding Scale Subdivision Preliminary Plat
2. Petitioner Submitted Findings of Fact – Road Width Waiver
3. Herbertz Minor Subdivision – to be vacated

RECOMMENDATION

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat and the Road Width Waiver request based on findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, County Surveyor reports, and the following condition:

1. The petitioner illustrate on the plat that proposed Lot 3 meets the 200' minimum lot width requirement throughout the portion of the lot so that it exhibits at least 1-acre of contiguous buildable area.

PLAT COMMITTEE – February 18, 2021

TBD

SUMMARY

The petition site is one 58.96 +/- acre parcel and a second 10.42 +/- acre parcel located in Washington Township and contains an existing ~3,160 sq. ft. residence and a ~1,716 sq. ft. residence, respectively. The larger existing parcel also contains a ~5,300 sq. ft. pole barn as well as a ~700 sq. ft. shelter. The petition site maintains frontage along E Farr RD (minor collector).

The site is currently zoned Forest Reserve (FR), which requires a 2.5 acre minimum lot size and a minimum lot width of 200' at building line for sliding scale subdivisions.. The petitioner is proposing to vacate the existing Herbertz Minor Subdivision entirely and subdivide the collective 69.77 acres into three (3) new parcels that meet the minimum requirements and the lot development standards of Chapter 862 for Sliding Scale Subdivisions:

- Lot 1:** 60.70 acres total (60.49 acres after R/W dedication), including 14.31 acres of buildable area; this lot is designated as the parent parcel and an existing home site (4272 E Farr RD), an existing barn, and an existing shelter.
- Lot 2:** 4.75 acres total (4.60 acres after R/W dedication), including 3.58 acres of buildable area; this lot contains an existing home site (4270 E Farr RD).
- Lot 3:** 4.32 acres total (4.14 acres after R/W dedication), including ~1.68 acres of buildable area; this lot exhibits a proposed septic site.

Lot 1 is designated as the Parent Parcel Remainder and shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance.

INFRASTRUCTURE AND ACCESS

The parcels maintain frontage along E Farr RD, a 16' wide minor collector paved with asphalt. Previous right-of-way dedication has been shown on the proposed preliminary plat of 30'. Proposed Lot 1, Lot 2, and Lot 3 will receive shared access off of the existing gravel driveway located within a 50' ingress/egress and utility easement that stems from E Farr RD and travels south through proposed Lot 1.

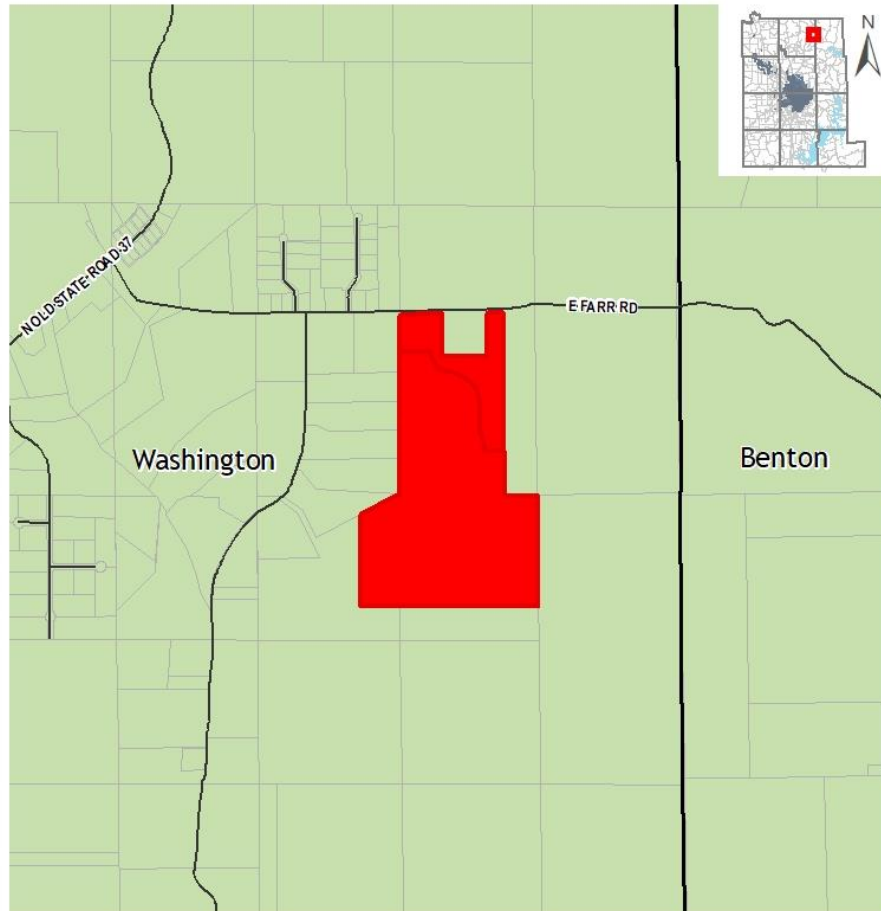
Septic permits have been submitted to the Planning Department for Lots 1, 2 and 3. The lots do not need to meet the sanitary sewer requirement of Chapter 856-39 because this provision does not apply to a Sliding Scale Option Subdivision under Chapter 862. A capacity letter for electricity service has been submitted to the Planning Department for proposed subdivision.

LOCATION MAP

The site is located at 4270 & 4727 E Farr RD in Section 13 of Washington Township (Parcel #: 53-02-13-200-021.000-017; 53-02-13-200-021.010-017).

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels



SITE CONDITIONS

The site contains a ~3,160 sq. ft. residence and a ~1,716 sq. ft. residence at 4272 E Farr RD and 4270 E Farr RD, respectively. The larger existing parcel also contains a ~5,300 sq. ft. pole barn as well as a ~700 sq. ft. shelter.

The petition site exhibits a sizeable amount of area greater than 15% slope located mostly within the proposed boundaries of Lot 1 and Lot 3. Areas greater than 15% slope are designated as non-buildable area per Chapter 804 of the Monroe County Zoning Ordinance and are displayed on the preliminary plat drawing. There are no known karst features on the property. There is no FEMA floodplain on the property. None of the property is within the Environmental Constraints Overlay. An existing pond with a dock is located on proposed Lot 1. All three proposed lots will meet the 15% buildable area requirements for each newly created lot per Chapter 862.

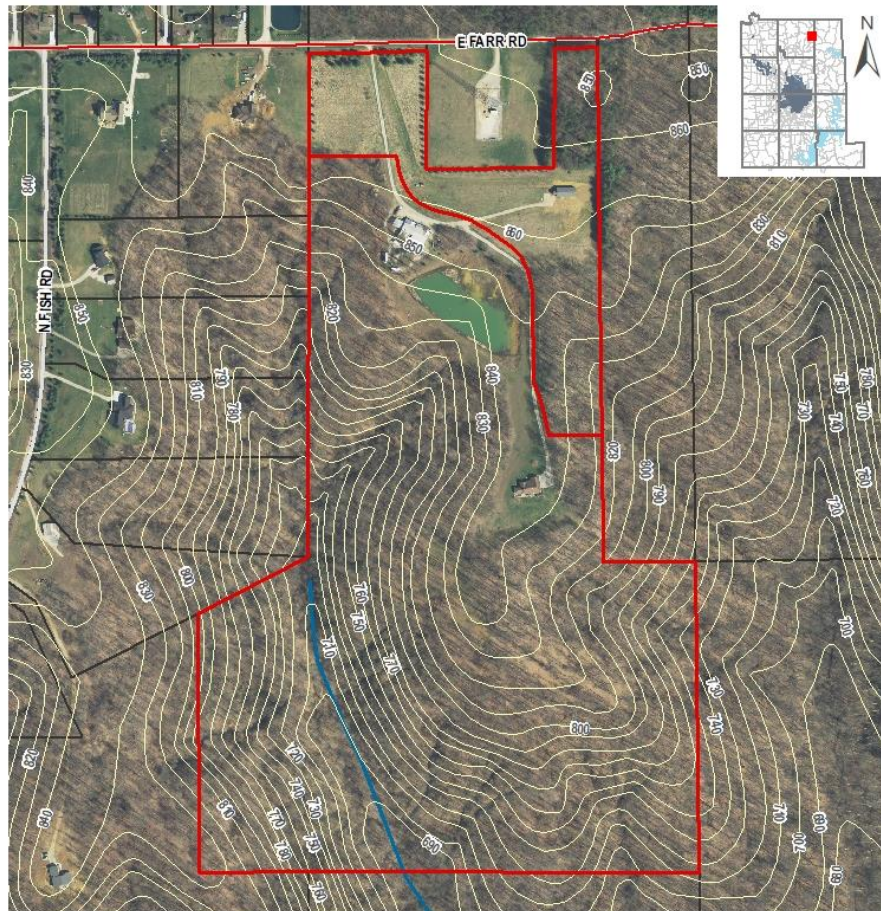
Site Conditions Map

- Minor Collector [90']
- Petitioner
- 10-Foot Contours
- Local Roads [50']
- Hydrologic Features
- Parcels

0 0.0325 0.065 0.13 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/10/2021



Slope Map

- Minor Collector [90']
- Local Roads [50']
- Petitioner
- Parcels
- 10-Foot Contours

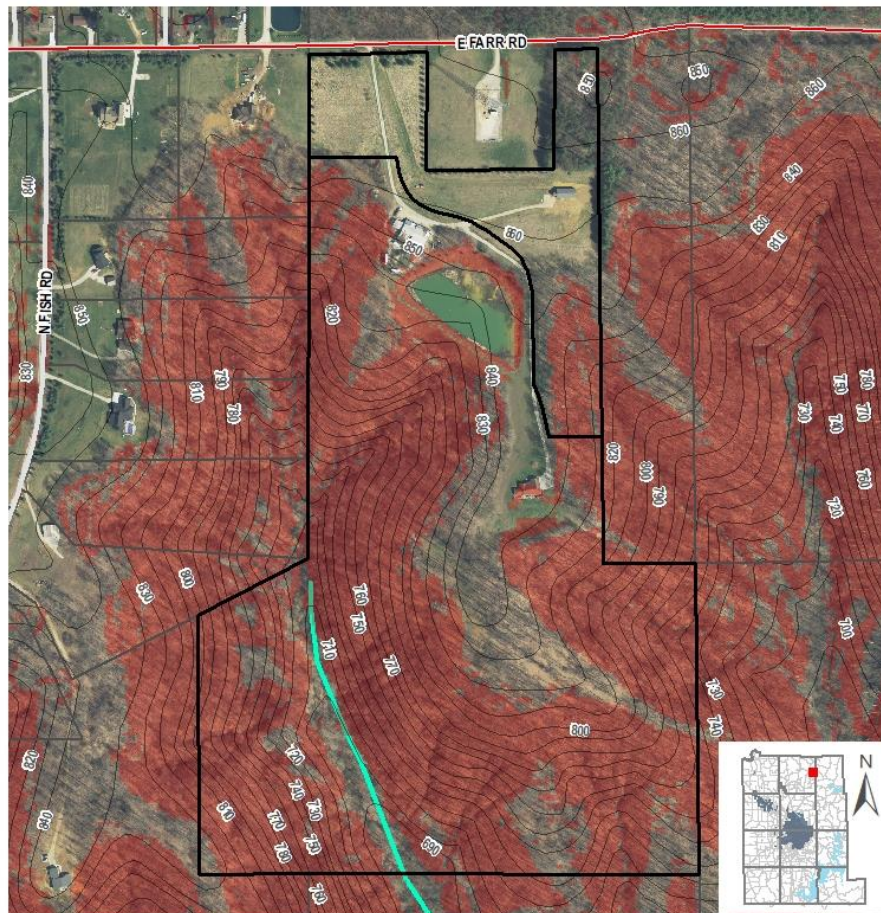
15_Percent Slope (2010)

- 0 - 15
- > 15
- Hydrologic Features

0 125 250 500 750 Ft










Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/10/2021

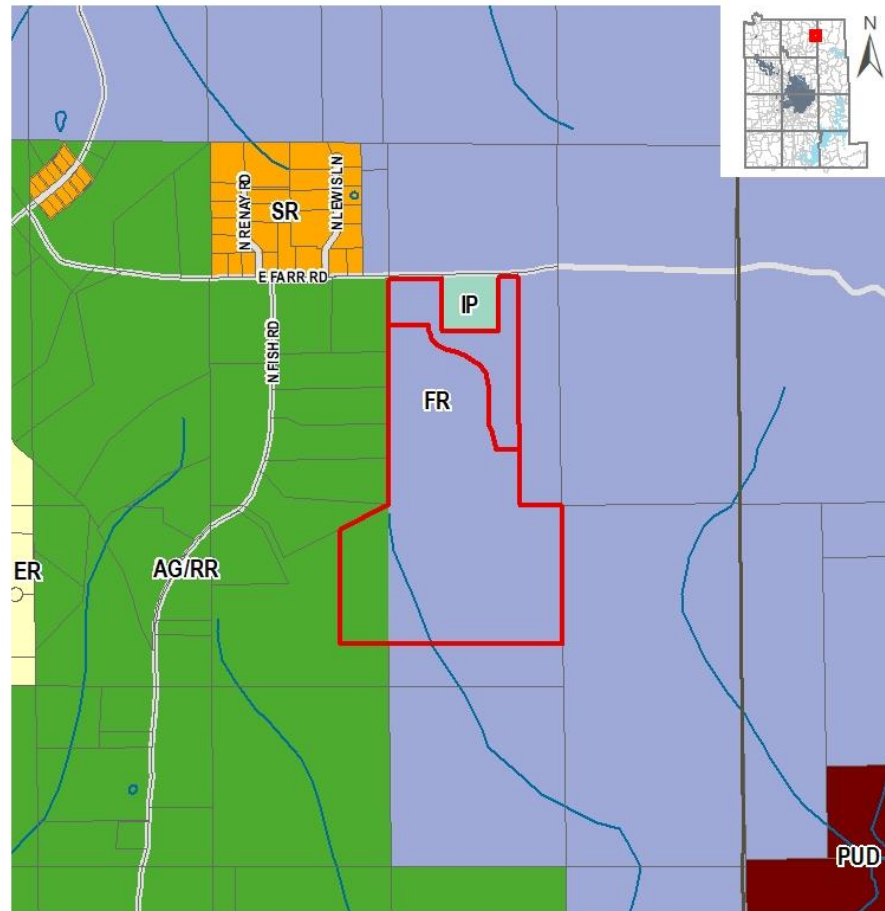
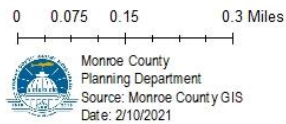


ADJACENT USES / ZONING

The petition parcels are zoned Forest Reserve (FR). A small portion of one of the petition parcels is split zoned with Agriculture/Rural Reserve. This does not present any issues with the subdivision as this area exhibits slopes greater than 15% and is classified as non-buildable area. The neighboring properties are zoned either Forest Reserve (FR), Agriculture/Rural Reserve (AG/RR), or Institutional/Public (IP). The property zoned IP is owned by Hoosier Energy R.E.C., Inc. and contains a wireless communication facility. The proposed use on Lot 1, Lot 2, and Lot 3 is designated as “Single Family Use”.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ER - Estate Residential
-  FR - Forest Reserve
-  IP - Institutional/Public
-  PUD - Planned Unit Development
-  SR - Suburban Residential



SITE PICTURES

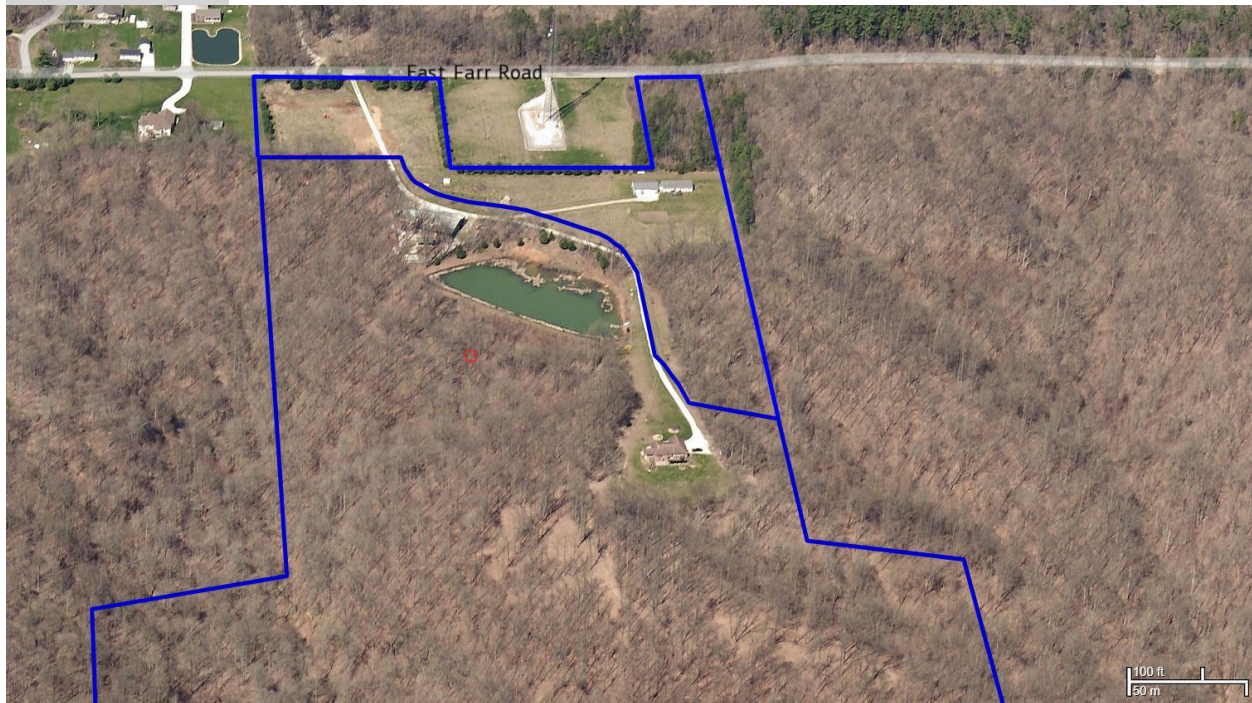


Photo 1. Pictometry view from the south



Photo 2. Pictometry view from the west

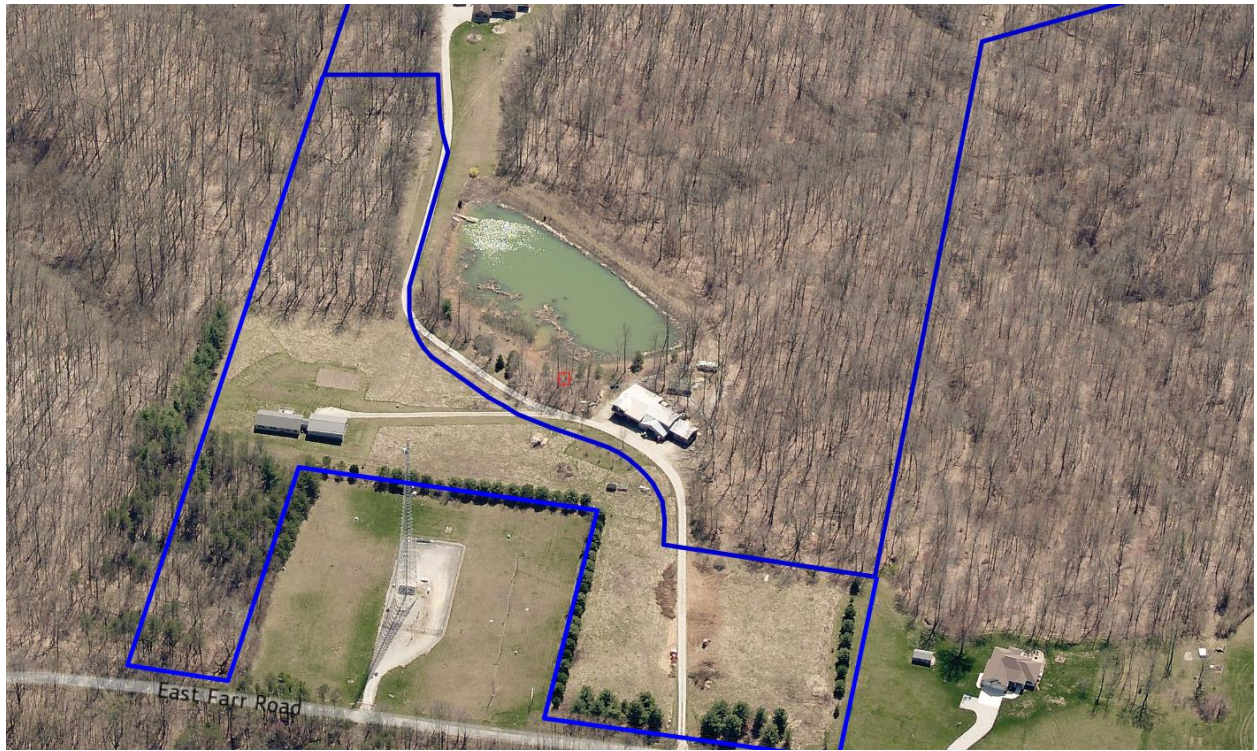


Photo 3. Pictometry view from the north

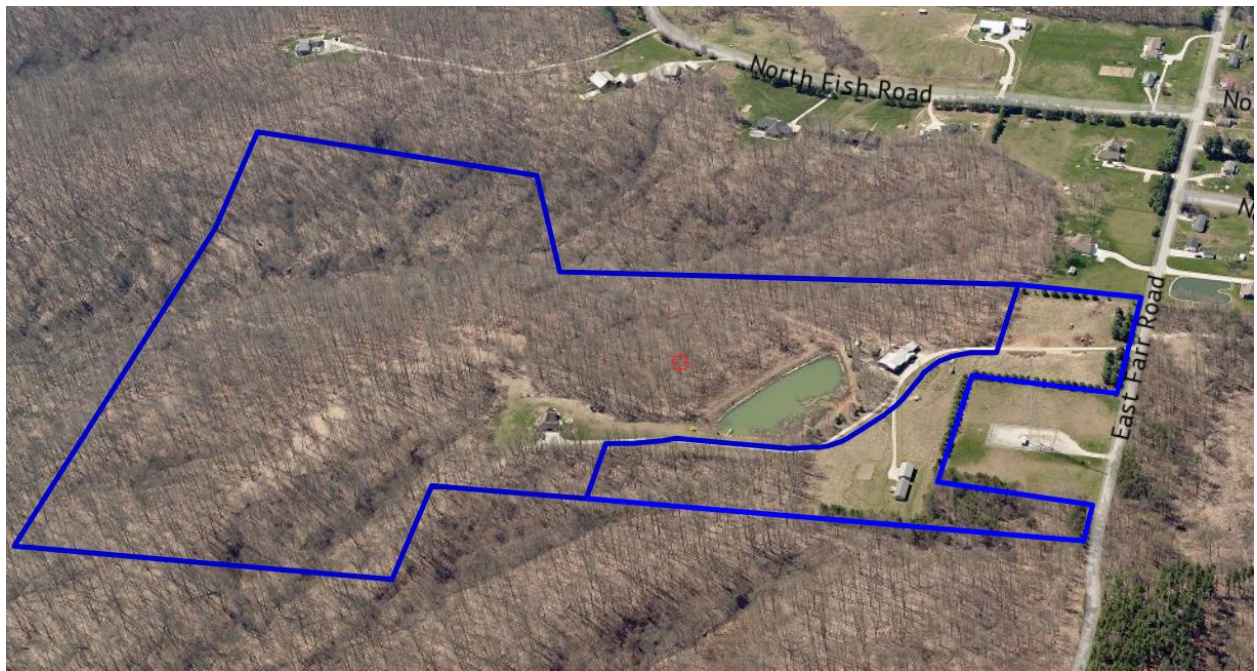


Photo 4. Pictometry view from the east

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Farm and Forest Comprehensive Plan designation, which states:

Farm and Forest

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadways shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

Comprehensive Plan

- Petitioner
- Townships
- Parcels
- Roads

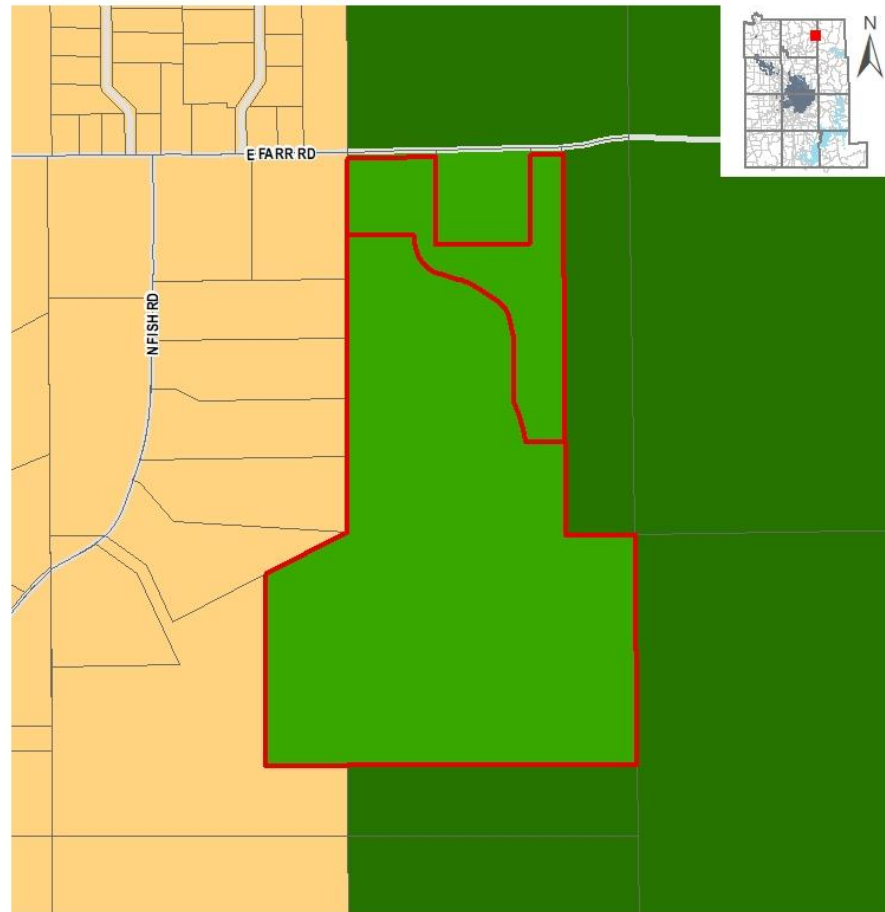
Comp. Plan Land Use (Updated 2015)

- Farm and Forest
- Managed Lands
- Rural Residential

0 0.05 0.1 0.2 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/10/2021



FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

- (A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The property is currently zoned Forest Reserve (FR), with a small portion to the southwest that is split zoned into Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would create three (3) lots that meet the design standards for the zoning designation Forest Reserve (FR);
- Approval of the subdivision would result in the following:
 - Lot 1: 60.70 acres total (60.49 acres after R/W dedication), including 14.31 acres of buildable area; this lot is designated as the parent parcel and an existing home site (4272 E Farr RD), an existing barn, and an existing shelter.
 - Lot 2: 4.75 acres total (4.60 acres after R/W dedication), including 3.58 acres of buildable area; this lot contains an existing home site (4270 E Farr RD).
 - Lot 3: 4.32 acres total (4.14 acres after R/W dedication), including 1.68 acres of buildable area; this lot exhibits a proposed septic site.
- The proposed use category for the lots is single family;
- Per Chapter 862, the parent parcel could not be subdivided for a period of 25 years unless access to public sewer became available;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- The Monroe County Comprehensive Plan designates the site as Farm and Forest which supports low density residential development;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- The surrounding uses are residential, agricultural, or utility in nature;
- See findings under Section A;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- The property is currently zoned Forest Reserve (FR);
- Adjacent properties are zoned Forest Reserve (FR), Agriculture/Rural Reserve (AG/RR), or Institutional/Public (IP);
- The property does not require sidewalks;
- Approval of the subdivision would create three (3) lots that meet the design standards for the zoning designation FR;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- The preliminary plat designates 100' drainage easements where applicable to the satisfaction of the Monroe County MS4 Coordinator;
- See findings under Sections A & C & D;

(F) To provide proper land boundary records, i.e.:

(1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

(2) to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site.

(3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

FINDINGS OF FACT – Waiver of the Road Width Requirement

The petitioner has requested a waiver from Chapter 862 *Sliding Scale Option Subdivision* outlined in 862-4(A)5 (General design considerations for Sliding Scale Option). The standard states:

(5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The site gains access from E Farr RD a designated minor collector;
- E Farr RD is measured by surveyor as 16 feet wide. Per Chapter 862, the road width is required to be 18 feet wide for sliding scale subdivision;
- The petition site has approximately 518.58’ of frontage along E Farr RD;
- The existing road serves properties to the east and west of the petition site, as well as the proposed petition site;
- E Farr RD in this location cannot be altered without disturbing existing drainage ditches;
- The addition of one new lot in this area would not increase vehicle volume in a significant manner;
- Further subdivision of any of the proposed lots is restricted due to buildable area constraints;
- The costs of widening of E Farr RD two (2) additional feet would likely outweigh the benefit;
- The existing driveway entrance to the petition site is to be coordinated with the Highway Department to meet safety standards;
- E Farr RD begins in the west at N Old State Road 37 and continues east until it ends at E Anderson RD;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section 1;
- The additional net density of 1 dwelling unit within Section 13 of Washington Township is consistent with the Comprehensive Plan’s Farm and Forest designation and the Forest Reserve (FR) Zoning District;

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- The Monroe County Department of Highway has yet to provide recommendations with respect to driveway permits for each proposed lot;
- See the findings submitted by the petitioner (Exhibit 2);

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- See findings under Section 1;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- See findings under Section 1;
- All property owners on E Farr RD would likely face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;
- Approximately three (3) miles of the existing road configuration of E Farr RD does not meet the 18 foot wide sliding scale subdivision standard;

6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under Section 1, 2, and 3;

7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;

Findings:

- See findings under Section 1;

8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

Findings:

- See findings under Section 1;
- E Farr RD is a public road in its current condition maintained by the County;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

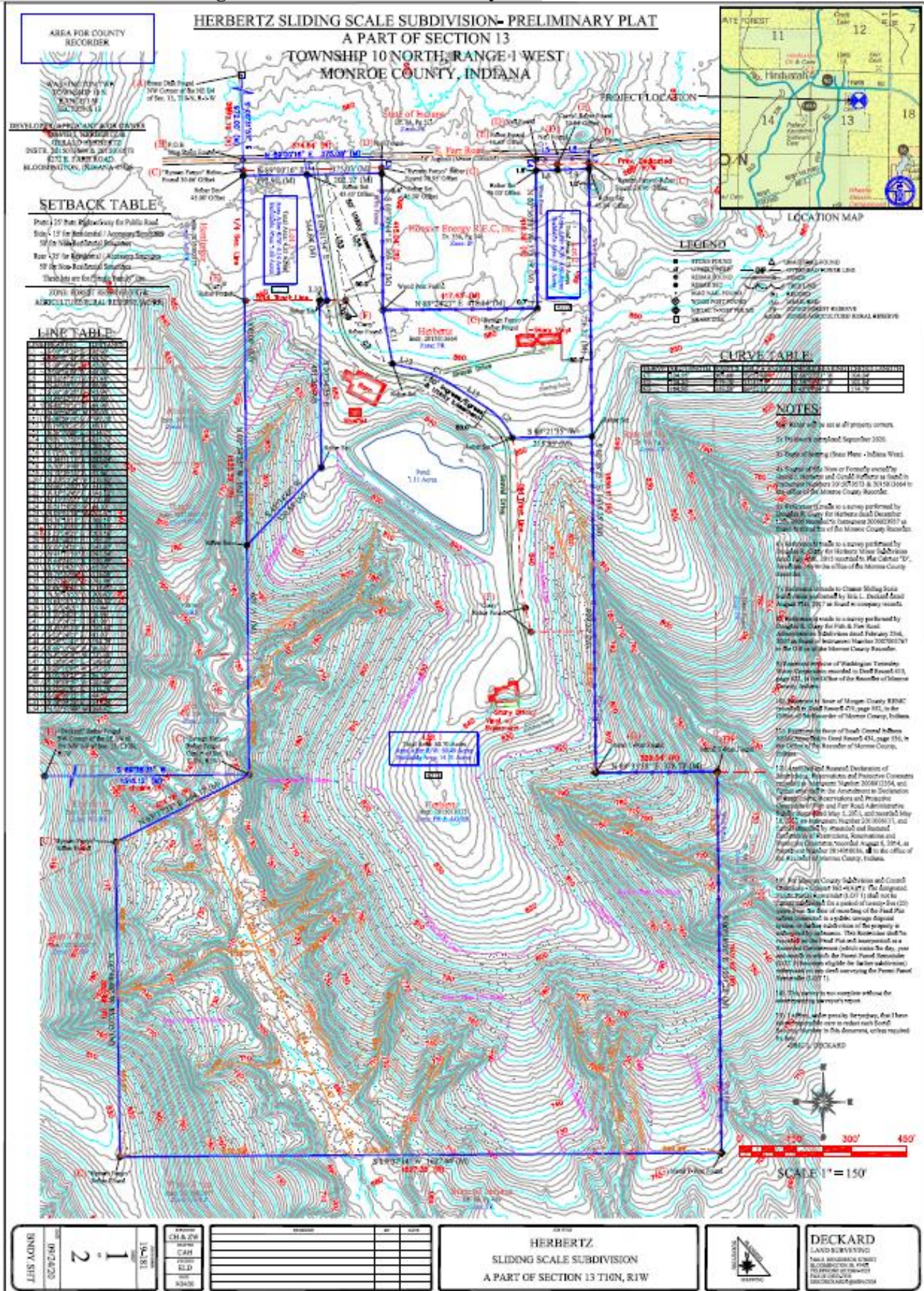
9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

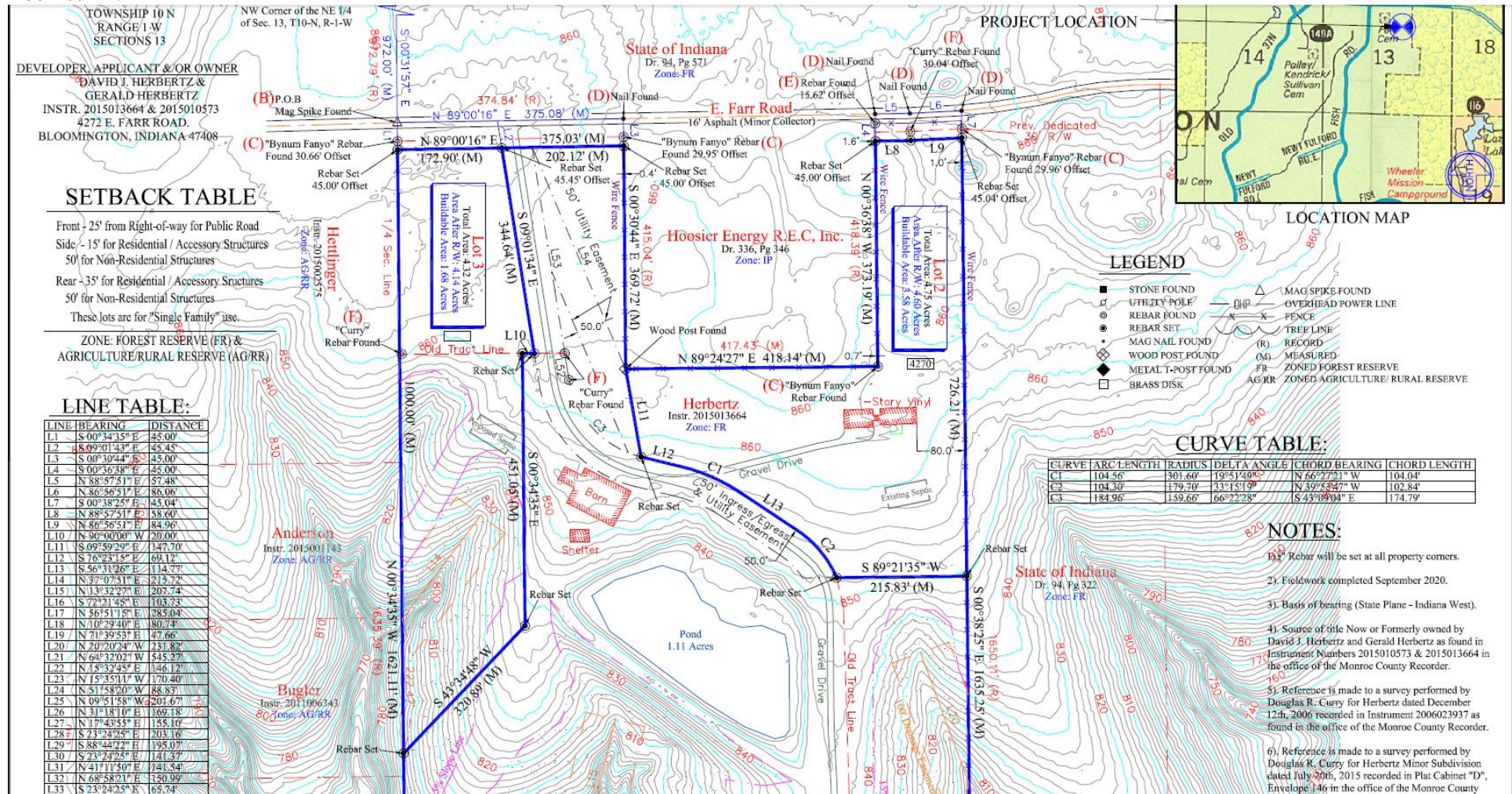
- See findings under Section 1;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 1: Herbertz Sliding Scale Subdivision Preliminary Plat



Zoomed-in:



20

EXHIBIT 2: Petitioner Submitted Findings of Fact



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235
Fax 812.323-7536

September 24th, 2020

To: Members of the Monroe County Planning Department:

RE: Herbertz Sliding Scale Subdivision

I have been asked by David Herbertz to request a waiver to 856-40 (A).

These are my findings and recommendations.

Road Width Waiver. The property is located in a rural area of the county and bounded by a 16 foot wide county road (E. Farr Road). We are respectfully requesting a waiver of Chapter 862-4 (5). The code states "Subdivision on roads less 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12".

Section 850-12 lists the findings that must be met for a modification of the subdivision requirements including waiver of the road width requirement. The criteria and a description of how this modification meets those criteria are as follows:

1. Practical difficulties have been demonstrated:

The road width of E. Farr Road was found to not measure the required 18 feet in width at the far east end of the property to the far west end of the properties.

2. the requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County:

No other area of this road currently meets these standards.

3. granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.):

This area can be accessed from two directions, one from the West at N. Old State Road 37 and one from the East at E. Anderson Road.

granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties:

The acceptance of this waiver would leave the conditions as they presently exist. Road width of 16 feet

5. the conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties:

These parcels are bounded by E. Farr Road on the north side of the

property. Given the amount of road frontage and existing size of E. Farr Road it would be impractical to widen this road 2 feet to comply when +/- 3 miles of this existing road configuration do not meet these standards as well.

6. *granting the requested modifications would not contravene the policies and purposes of these regulations:*

The parent parcel in this subdivision cannot be further divided and only one additional lot is being added. Further subdivision of these lots are highly unlikely due to the location of buildable area.

7. *the requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done:*

To widen only +/- 500 feet of E. Farr Road that measures +/- 3 miles with the present road configuration is impractical. Adding one additional lot would not increase vehicle volume significantly. Widening this road would not be practical and this additional cost to the county would outweigh the benefit.

8. *the practical difficulties were not created by the Developer, Owner, Subdivider, or Applicant; and,*

The practical difficulties are the result of the existing narrow road conditions.

9. *the practical difficulties cannot be overcome through reasonable design alternatives:*

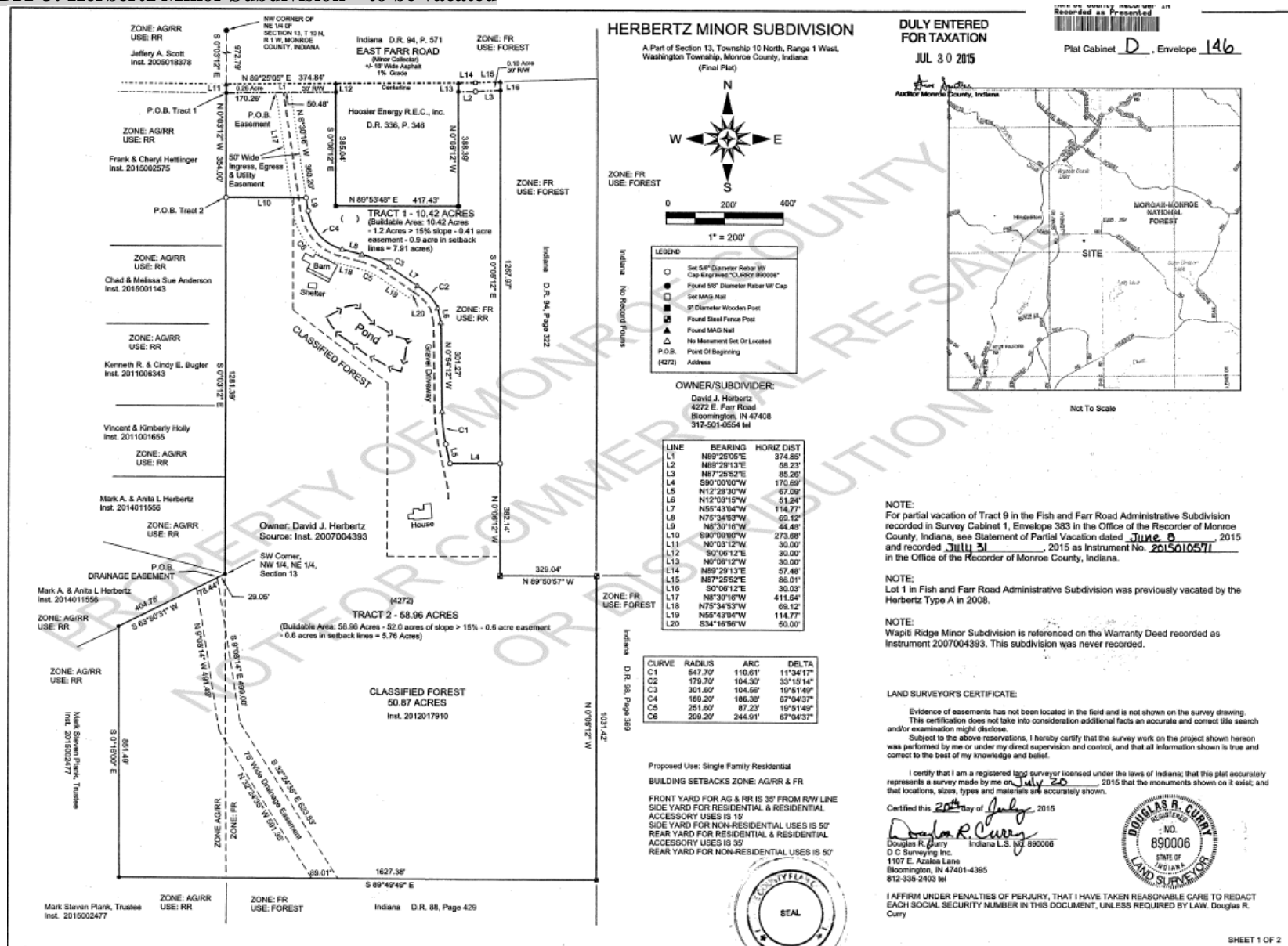
Without disturbing drainage ditches with existing usage the road in question can not be altered.

If there are any questions, please contact this office at (812)961-0235

Sincerely,

Eric L. Deckard L.S.

EXHIBIT 3: Herbertz Minor Subdivision – to be vacated



HERBERTZ MINOR SUBDIVISION

A Part of Section 13, Township 10 North, Range 1 West,
Washington Township, Monroe County, Indiana
(Final Plat)

2015010770 MSPL \$25.00
07/31/2015 01:57:55P 2 PGS
Eric Scheitz
Monroe County Recorder IN
Recorded as Presented

Plat Cabinet D, Envelope 146

TRACT 1

A part of Section 13, Township 10 North, Range 1 West, Washington Township, Monroe County, Indiana, more specifically described as follows:

Commencing at a rebar found marking the northwest corner of the Northeast quarter of Section 13; Thence on the west line of said Northeast quarter South 0 degrees 03 minutes 12 seconds East (basis of bearings being Instrument No. 2006023437, Monroe County Recorder) 972.79 feet to the centerline of East Farr Road; Thence continuing South 0 degrees 03 minutes 12 seconds East 30.00 feet to the true Point of Beginning;

Thence leaving said west line of the Northeast quarter and on the south right of way line of East Farr Road North 89 degrees 25 minutes 09 seconds East 374.85 feet; Thence leaving said right of way line South 0 degrees 06 minutes 12 seconds East 385.04 feet; Thence North 89 degrees 53 minutes 48 seconds East 417.43 feet; Thence North 0 degrees 06 minutes 12 seconds West 388.39 feet to the south right of way line of East Farr Road; Thence on said right of way line North 89 degrees 29 minutes 13 seconds East 58.23 feet; Thence North 87 degrees 25 minutes 52 seconds East 85.26 feet; Thence South 0 degrees 06 minutes 12 seconds East 1267.97 feet; Thence South 90 degrees West 170.69 feet; Thence North 12 degrees 28 minutes 30 seconds West 67.09 feet to the beginning of a curve concave to the east and having a radius of 547.70 feet; Thence on said curve Northerly 110.61 feet through a central angle of 11 degrees 34 minutes 17 seconds; Thence North 0 degrees 54 minutes 12 seconds West 301.27 feet; Thence North 12 degrees 03 minutes 15 seconds West 51.24 feet to the beginning of a curve concave to the southwest and having a radius of 179.70 feet; Thence on said curve Northwesterly 104.30 feet through a central angle of 33 degrees 15 minutes 14 seconds; Thence North 55 degrees 43 minutes 04 seconds West 114.77 feet to the beginning of a curve concave to the southwest and having a radius of 301.60 feet; Thence on said curve Northwesterly 104.56 feet through a central angle of 19 degrees 51 minutes 49 seconds; Thence North 75 degrees 34 minutes 53 seconds West 69.12 feet to the beginning of a curve concave to the northeast and having a radius of 159.20 feet; Thence on said curve Northwesterly 186.38 feet through a central angle of 67 degrees 04 minutes 37 seconds; Thence North 8 degrees 30 minutes 16 seconds West 44.48 feet; Thence South 90 degrees West 273.68 feet; Thence North 0 degrees 03 minutes 12 seconds West 354.00 feet to the Point of Beginning, containing 10.42 Acres.

Subject to a 30-foot right of way along East Farr Road measured from the centerline thereof.

TRACT 2

A part of Section 13, Township 10 North, Range 1 West, Washington Township, Monroe County, Indiana, more specifically described as follows:

Commencing at a rebar found marking the northwest corner of the Northeast quarter of Section 13; Thence on the west line of said Northeast quarter South 0 degrees 03 minutes 12 seconds East (basis of bearings being Instrument No. 2006023437, Monroe County Recorder) 1358.79 feet to the true Point of Beginning;

Thence continuing South 0 degrees 03 minutes 12 seconds East 1281.39 feet; Thence South 63 degrees 50 minutes 31 seconds West 404.78; Thence South 0 degrees 16 minutes 00 seconds East 851.49 feet; Thence South 89 degrees 49 minutes 49 seconds East 1627.38 feet; Thence North 0 degrees 06 minutes 12 seconds West 1031.42 feet; Thence North 89 degrees 50 minutes 57 seconds West 329.04 feet; Thence North 0 degrees 06 minutes 12 seconds West 362.14 feet; Thence South 90 degrees West 170.69 feet; Thence North 12 degrees 28 minutes 30 seconds West 67.09 feet to the beginning of a curve concave to the east and having a radius of 547.70 feet; Thence on said curve Northerly 110.61 feet through a central angle of 11 degrees 34 minutes 17 seconds; Thence North 0 degrees 54 minutes 12 seconds West 301.27 feet; Thence North 12 degrees 03 minutes 15 seconds West 51.24 feet to the beginning of a curve concave to the southwest and having a radius of 179.70 feet; Thence on said curve Northwesterly 104.30 feet through a central angle of 33 degrees 15 minutes 14 seconds; Thence North 55 degrees 43 minutes 04 seconds West 114.77 feet to the beginning of a curve concave to the southwest and having a radius of 301.60 feet; Thence on said curve Northwesterly 104.56 feet through a central angle of 19 degrees 51 minutes 49 seconds; Thence North 75 degrees 34 minutes 53 seconds West 69.12 feet to the beginning of a curve concave to the northeast and having a radius of 159.20 feet; Thence on said curve Northwesterly 186.38 feet through a central angle of 67 degrees 04 minutes 37 seconds; Thence North 8 degrees 30 minutes 16 seconds West 44.48 feet; Thence South 90 degrees West 273.68 feet to the Point of Beginning, containing 58.96 Acres.

50-FOOT WIDE INGRESS, EGRESS & UTILITY EASEMENT

A part of Section 13, Township 10 North, Range 1 West, Washington Township, Monroe County, Indiana, more specifically described as follows:

Commencing at a rebar found marking the northwest corner of the Northeast quarter of Section 13; Thence on the west line of said Northeast quarter South 0 degrees 03 minutes 12 seconds East (basis of bearings being Instrument No. 2006023437, Monroe County Recorder) 972.79 feet to the centerline of East Farr Road; Thence continuing South 0 degrees 03 minutes 12 seconds East 30.00 feet to the south right of way line of East Farr Road; Thence on said right of way line North 89 degrees 25 minutes 05 seconds East 170.28 feet to the true Point of Beginning;

Thence leaving said right of way line centerline South 8 degrees 30 minutes 16 seconds East 411.64 feet to the beginning of a curve concave to the northeast and having a radius of 209.20 feet; Thence on said curve Southeasterly 244.91 feet through a central angle 67 degrees 04 minutes 37 seconds; Thence South 75 degrees 34 minutes 53 seconds East 69.12 feet to the beginning of a curve concave to the southwest and having a radius of 251.60 feet; Thence on said curve Southeasterly 87.23 feet through a central angle of 19 degrees 51 minutes 49 seconds; Thence South 55 degrees 43 minutes 04 seconds East 116.39 feet; Thence North 32 degrees 25 minutes 39 seconds East 50.03 feet; Thence North 55 degrees 43 minutes 04 seconds West 114.77 feet to the beginning of a curve concave to the southwest and having a radius of 301.60 feet; Thence on said curve Northwesterly 104.56 feet through a central angle of 19 degrees 51 minutes 49 seconds; Thence North 75 degrees 34 minutes 53 seconds West 69.12 feet to the beginning of a curve concave to the northeast and having a radius of 159.20 feet; Thence on said curve Northwesterly 186.38 feet through a central angle of 67 degrees 04 minutes 37 seconds; Thence North 8 degrees 30 minutes 16 seconds West 44.48 feet to the south right of way line of East Farr Road; Thence on said right of way line South 89 degrees 25 minutes 05 seconds West 50.48 feet to the Point of Beginning.

DEED OF DEDICATION

I, David J. Herbertz, owner of the real estate shown and described herein, do hereby certify, layoff, and plat tracts, numbered 1 through 2 to be known as HERBERTZ MINOR SUBDIVISION.

Right-of-way not heretofore dedicated is hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as HERBERTZ MINOR SUBDIVISION.

There are building setbacks on the plat upon which no structures may be erected or maintained.

Subject to AMENDED AND RESTATED DECLARATION OF RESTRICTIONS, RESERVATIONS AND PROTECTIVE COVENANTS recorded August 8, 2014 as Instrument 2014010036 in the office of the Recorder of Monroe County, Indiana.

Witness my hand this 27 day of JULY, 2015

David J. Herbertz
David J. Herbertz Owner

STATE OF INDIANA }

COUNTY OF MONROE }



Before me, the undersigned Notary Public, in and for the County and State, personally appeared David J. Herbertz, acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my Hand and Notarial Seal this 27th day of July, 2015

Monroe
County of Residence
June 9, 2023
Commission Expires

Steven K. Emery
Notary Public Signature
Steven K. Emery
Notary Public Printed

Under the authority of Chapter 174, Acts of 1947, as amended, General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, this plat was created through the Minor Subdivision procedure and approved by the Monroe County Plan Commission on July 27, 2015.

Richard Martin
Richard Martin President

Larry J. Wilson
Larry J. Wilson Secretary



MONROE COUNTY PLAT COMMITTEE**February 18, 2021**

PLANNER Tammy Behrman
CASE NUMBER 2009-SMN-09 Deckard Farms Minor Subdivision
PETITIONER Mary Elizabeth Deckard Irrevocable Living Trust c/o Deckard Land Surveying
ADDRESS 3807 W Walcott LN
REQUEST Preliminary Plat to Subdivide (1) Parcel into Two (2) Lots
 o Sidewalk Waiver Request
ZONE Agriculture/Rural Reserve (AG/RR)
ACRES 36.89 acres +/-
TOWNSHIP Richland
SECTION 23
COMP PLAN DESIGNATION MCUA Conservation Residential

EXHIBITS

1. Preliminary Plat
2. Petitioner Side Walk Waiver Request

RECOMMENDATION

Approve the Minor Subdivision Preliminary Plat based on the findings of fact, subject to the Monroe County Highway Engineering and Drainage Engineering Reports with the following conditions of approval:

1. Submit a Letter of Consent with appropriate documentation.
2. Provide capacity letters for electric and water.
3. Submit Grading Permit Application for the shared driveway installation and connect to existing driveway that services Lot 1 residence.

Deny the Sidewalk Waiver request based on the findings of fact, specifically Findings 1 & 2, and subject to the Monroe County Highway Engineering.

BACKGROUND/DISCUSSION

The petition site totals 36.89+/- acres and is located in Richland Township. The site is currently zoned Agriculture/Rural Reserve (AG/RR). The petitioner is proposing to subdivide one (1) parcel into two (2) lots. Each proposed lot meets all design standards within the Monroe County Zoning Ordinance for the Agriculture/Rural Reserve (AG/RR) Zoning District. A waiver has been requested from the 5' wide and 180 linear feet of sidewalk required. The proposed lots can be served by private septic systems per the septic permits on file. The petition has not yet provided capacity letters.

The proposed acreage for the each lot is as follows:

- Lot 1 = 10 acres with 3.93 acres Buildable
- Lot 2 = 27.08 acres with 22.07 acres Buildable

The lots will be accessed by a shared driveway per submitted driveway permit applications pending Highway Department specifications. The site maintains frontage along N Hartstrait Road, a major collector. The current access is a driveway that bisects property adjacent north also owned by the petitioner. This access is not in a recorded easement and therefore cannot be used as the primary access point for this subdivision as the first draft of this plat depicted. Initially, staff had requested a final plat amendment to Lot 2 of John R/Mary E Deckard Minor Subdivision Final Plat from 2008 Plat to establish an easement. There was an additional problem with the driveway connecting to W Walcott Lane in that it was never confirmed if the driveway access was in or out of a Special Flood Hazard Area which is in conflict with 856-43(B) *Any new subdivision proposing sole access subject to flooding for substantial periods of time that impede the ability of emergency and public services to adequately serve created lots is prohibited, and this requirement shall not be waived.*

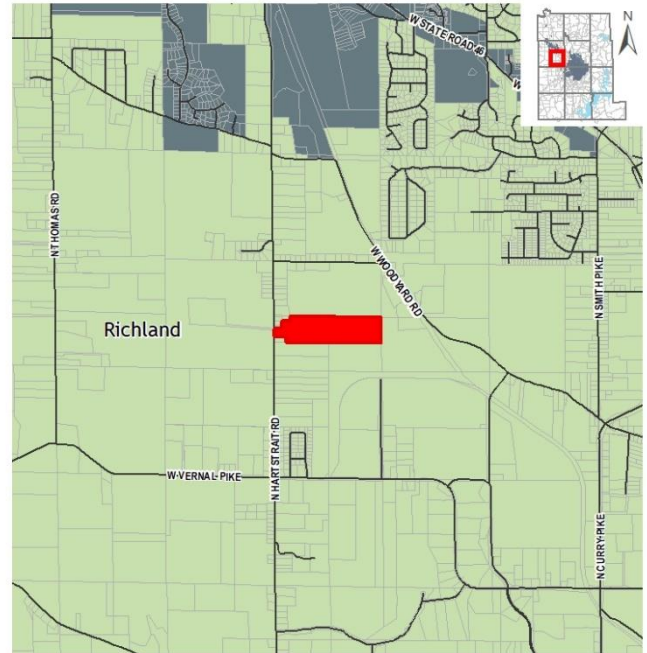
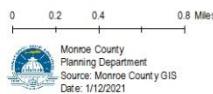
The current draft shown in Exhibit 1 shows access for both lots from N Hartstrait Road which has been approved by the Highway Department though the sight distance as the other W Walcott LN location was more ideal. As a result of the required shared driveway off of N Hartstrait Road the existing address for proposed Lot 1 will need to be changed to reflect the approved access point.

LOCATION MAP

The site is located off 3807 W Walcott Lane in Sections 23 of Richland Township. The property maintains frontage along N Hartstrait RD, which is classified as “Major Collector” per the Monroe County Thoroughfare Plan.

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Incorporated Areas
- Ellettsville
- Parcels

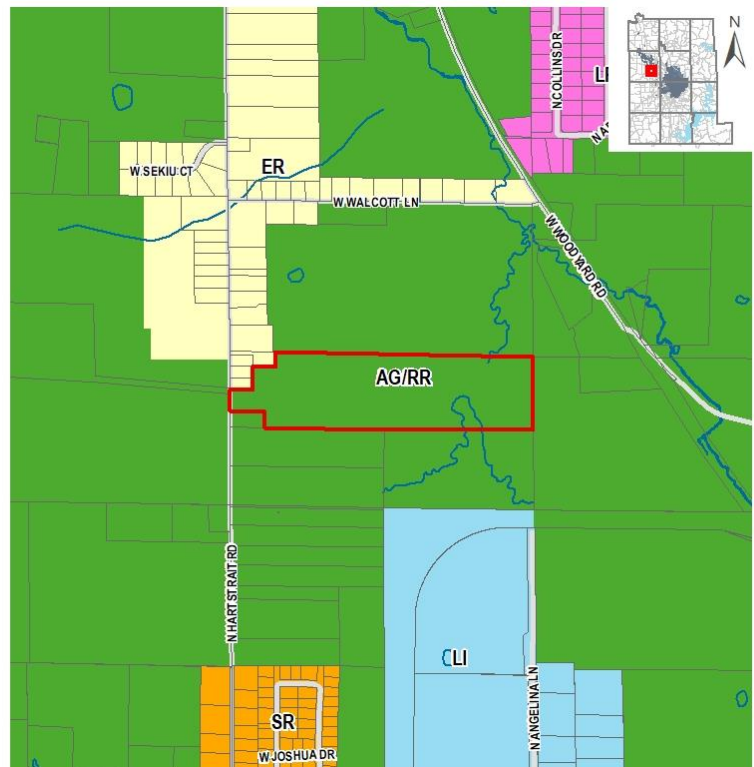
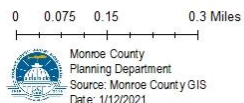


ZONING

The site is zoned Agriculture/Rural Reserve (AG/RR). Adjacent parcels are either AG/RR or Estate Residential (ER). Nearby uses are primarily residential and agricultural. Some commercial use is to the south.

Current Zoning Map

- Petitioner
- Roads
- Hydrologic Features
- Monroe County Zoning
- AG/RR - Agriculture/Rural Reserve
- ER - Estate Residential
- LI - Light Industrial
- LR - Low Density Residential
- SR - Suburban Residential



SITE CONDITIONS

The site has a 1595 sf home (ca. 1958) with 1080 sf pole barn (ca. 1992). There many acres of agriculture fields and some forested areas. There is no floodplain on the petition site but there is a perennial stream that bisects the property. There are karst features on the property in the northeast portion of the property. The property has a substantial amount of Buildable Area. There is frontage along N Hartstrait Rd. Current access is through the petitioner's adjacent north property on a driveway the ingress/egresses off of W Walcott Lane.

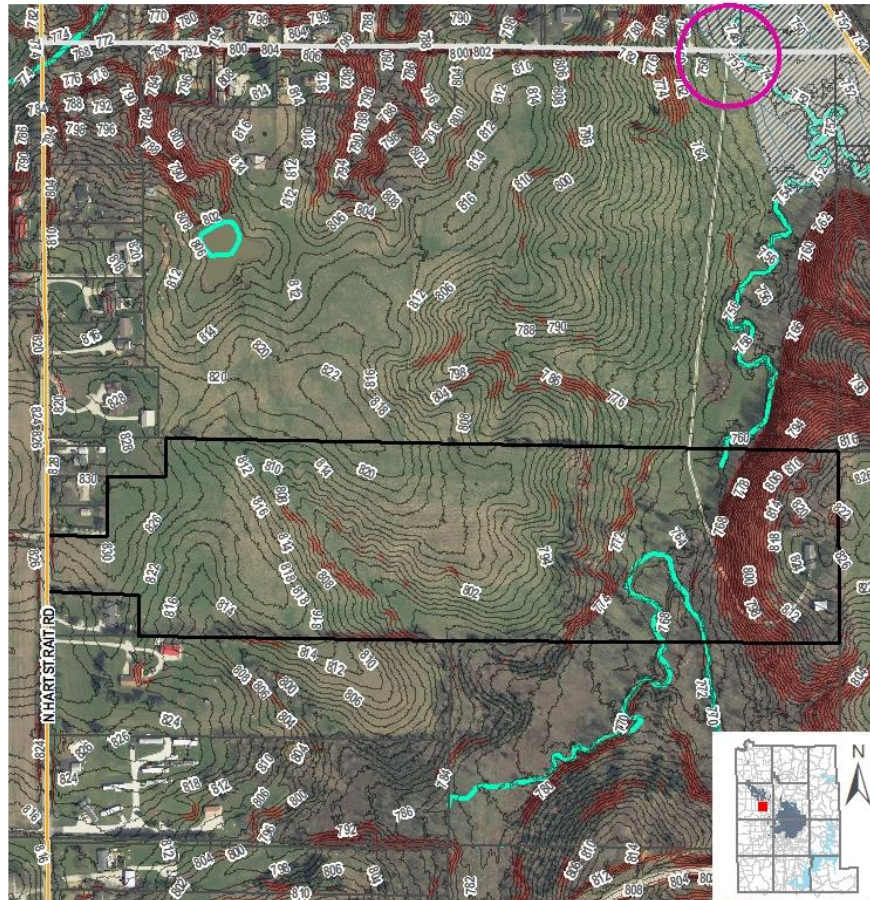
Slope Map

- Major Collector [90']
- Local Roads [50']
- Petitioner
- Parcels
- 2-Foot Contours
- 15_Percent Slope (2010)**
 - 0 - 15
 - > 15
- FEMA Floodplain
- Hydrologic Features

0 125 250 500 750 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 1/12/2021



SITE PHOTOS



Figure 1: Pictometry view from April 2020 of petition site.



Figure 2. Pictometry view from 2020 of east half of petition site.

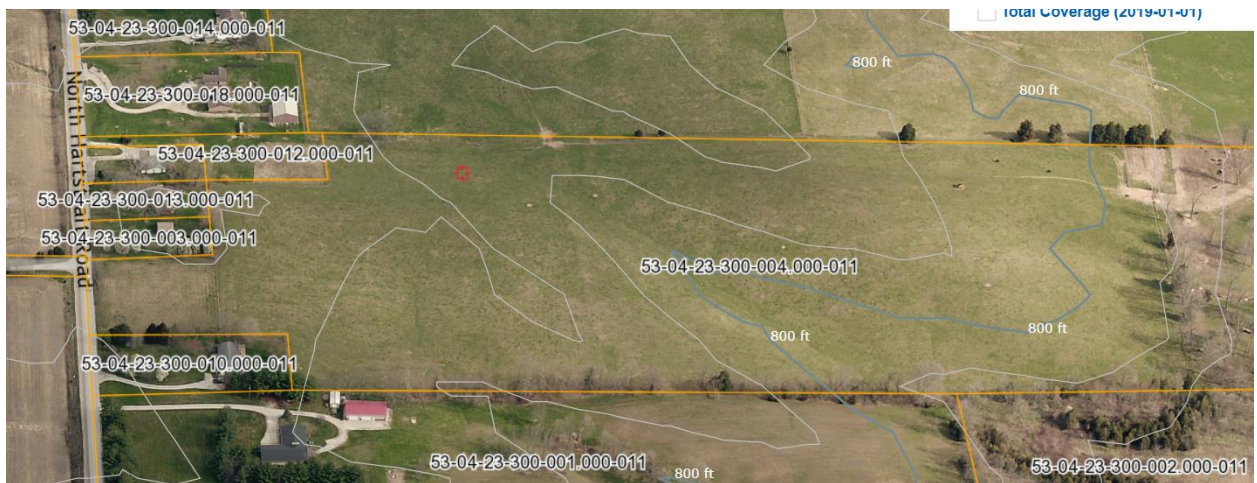


Figure 3. Pictometry view from 2020 of west half of petition site.



Figure 4. View of existing home and pole barn on proposed Lot 2.



Figure 4. Facing north: view of N Hartstrait RD and petition site on the right.



Figure 5. Facing east: view of the petition site.

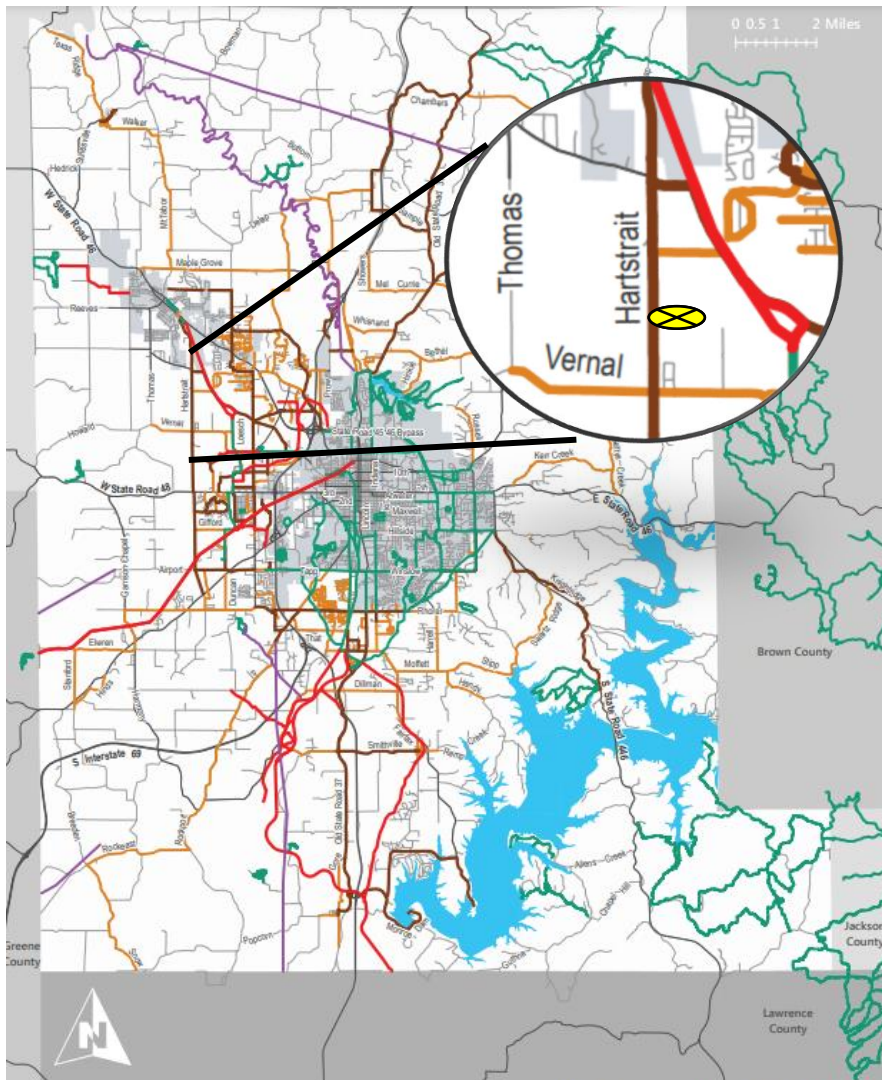
INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along N Hartstrait Road, which is classified as “Major Collector” per the Monroe County Thoroughfare Plan. Right of Way dedication will be 45’ from centerline. There will be one shared driveway to access both Lot 1 and Lot 2 as reviewed by the Highway Department permit process.

There is a preservation area for the 5 required street trees.

A note has been added to the plat to underground the **existing** and future utilities on the petition site.

Each proposed lot in the subdivision can be served by private septic systems. The petitioner has not yet submitted proof of capacity letters for the proposed subdivision. Staff has made this a condition of approval.



Sidewalks are required, per 856-40(A)(3) the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan. They are required to be 5’ wide as they are within a collector street.

- The [Monroe County Transportation Alternatives Plan](#) shows Hartstrait Road as a High Priority Road Improvement on the Vision Map.
- Hartstrait Road is 4.47 miles long and there is one property along this stretch of road with sidewalks.

Road Improvement Opportunity (Red)

- Signed Bike Route
- Urban Bike Lane
- Rural/Suburban Bike Lane
- Sidepath
- Urban Residential Sidewalk
- Rural/Suburban Residential Sidewalk
- Urban Collector Sidewalk
- Rural/Suburban Collector Sidewalk
- Connector Path

NOTE: Karst Greenway extension is just east of the petition site.

MONROE COUNTY VISION MAP



COMPREHENSIVE PLAN DISCUSSION

5.1.3 Conservation Residential

Conservation communities are master planned developments designed to preserve significant amounts of open space as a community amenity.

In the Urbanizing Area, these communities are likely to be entirely residential, but may incorporate mixed-use and commercial development at major intersections, where supported by the market. These neighborhoods may include a mixture of housing types, but typically with an emphasis on small lots, clustered together in the most suitable areas for development while preserving environmentally sensitive and scenic lands.

While the County currently has zoning provisions for “cluster subdivision development”, the current ordinance should be improved or replaced to better achieve the goals of this land use type (refer to Chapter 7 for an analysis of this ordinance). Potential expansion of Conservation Residential land use types into portions of the Land Use Map currently identified as Rural Transition may also be appropriate, and is preferable to expansion of the conventional Suburban Residential land use pattern.

A. TRANSPORTATION

Streets

Streets within Conservation Communities will share similarities in design with suburban residential streets. Local streets should be designed to encourage interconnectivity to and through the neighborhood and to surrounding subdivisions. Cul-de-sacs should be discouraged unless necessary due to topographic or environmental constraints. Streets may be designed with curb and gutter, but opportunities for well-designed open drainage systems should also be considered, whether through the use of direct surface runoff to landscaped swales and rain gardens or notched curbs that direct flow to roadside stormwater management areas. Collector streets through and along-side open space areas provide access to residential clusters.

Due to their more remote locations, automobile travel will remain important for residents of Conservation Communities. However, streets should be designed from the outset to calm traffic and discourage speeding.

Bike, pedestrian, and transit modes

Shared-use/bicycle paths should be provided throughout conservation communities. Residential development areas should have sidewalks and/ or shared-use/bicycle paths on both sides of the street. Collector streets connecting rural roadways to development clusters should have shared- use/bicycle paths along at least one side, using meandering alignments that provide space for landscape features such as mounding, fencing, limestone walls and naturalized plantings. Expansion opportunities for Rural Transit routes should be explored to provide Conservation Communities with pick- up locations near neighborhood entryways.

B. Utilities

Sewer

Many of the areas designated as Conservation Community in the Land Use Plan are located outside of existing sewer service areas. Extension of public sewer systems, if approved, will be the responsibility of the developer. Sewer extensions should occur only after thorough capacity analysis and consideration of long term maintenance capabilities of the service provider. Capacity limitations may limit overall development densities.

Future development should consider the use of “green” stormwater mitigation techniques such as underground detention, bioswales, and dry detention structures.

Power

Overhead utility lines should be buried within Conservation Communities, with the exception of high tension transmission corridors, which may be integrated into open space networks.

Communications

Communications needs will vary within the conservation development areas, but upgrades to infrastructure should be a key consideration for future development sites.

C. Open space

Park types

Open spaces within Conservation Communities should emphasize interconnected greenway systems and preservation of environmentally sensitive lands. Shared-use/bicycle paths should be provided to create continuous recreational and alternative transportation connections as part of the larger Monroe County and Greater Bloomington system.

Agriculture

Conservation communities offer a significant opportunity to incorporate small-scale, community-supported agriculture into new residential developments. Developers should be encouraged to explore other successful models of integrated farm-based developments such as Prairie Crossing, IL, Bundoran Farm, VA, and Serenbe, GA.

D. Public realm enhancements

Lighting

Lighting needs will vary by street type and width but safety, visibility and security are important. Street and site lighting should be provided using cut-off, downcast fixtures to minimize light pollution and preserve rural night skies.

E. Development guidelines

Open space

A minimum of 50% of the overall site area should be preserved as open space. Higher proportions of open space preservation are encouraged, particularly for larger sites. Development densities should be calculated based on gross site acreage, with no limit on net densities in designated development areas.

Parking ratios

Parking will typically be handled on a lot by lot basis. Condominium developments may incorporate shared parking and visitor parking areas.

Site design

Sites should incorporate large scenic landscape setbacks from existing rural roadways. Residential buildings should be clustered together and oriented in a manner that encourages community interaction among residents. Multiple connections to publicly accessible open spaces should be provided throughout the development.

Building form

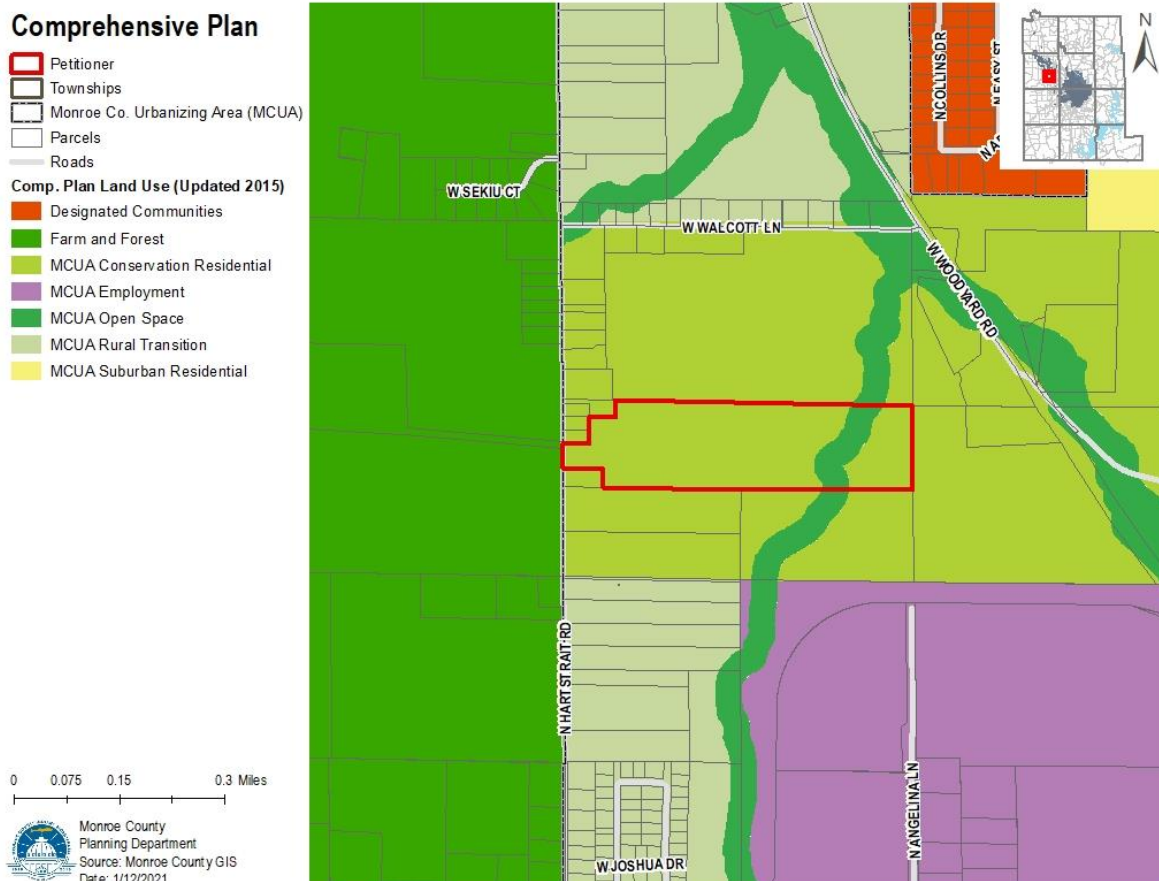
Residential buildings may take a variety of forms. Architectural styles reflecting the traditional Midwest vernacular of rural southern Indiana are encouraged; however, contemporary architectural styles may also be appropriate.

Materials

High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Vinyl and exterior insulated finishing Systems (eifS) may be appropriate as secondary materials, particularly to maintain affordability, but special attention should be paid to material specifications and installation methods to ensure durability and aesthetic quality.

Private signs

Neighborhood entry signs should be of a high quality, and integrated into landscape features coordinated with the overall landscape design of the conservation community.



FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

(A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The site is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would create two (2) lots that exceed the minimum lot size requirement for the Agriculture/Rural Reserve (AG/RR) Zoning Designation;
- Approval of the subdivision would result in Lot 1 = 27.08 acres and Lot 2 = 10 acres;
- The proposed use in the subdivision is residential and agricultural;

- Each lot can be served by a private septic system;
- Providing capacity letters for electric and water have been made a staff condition of approval;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- See findings under Section (A);
- The Comprehensive Plan designates the site as Farm and Forest, which is described in this report;
- The surrounding uses are primarily agricultural and residential in nature;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- See findings under Section (A) & (B);
- The property maintains frontage along N Hartstrait Road;
- The proposed subdivision is meeting the Monroe County Zoning Ordinance's Buildable Area requirement;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- See findings under Section (A);
- The adjoining properties are zoned Agriculture/Rural Reserve (AG/RR);
- N Hartstrait Road is classified as a "Major Collector" per the Monroe County Thoroughfare Plan and 45' of right of way has been dedicated on the plat;
- A driveway permit application has been reviewed and a shared driveway off of N Hartstrait Road is pending approval;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- See findings under Sections (A), (C), and (D);
- There a sidewalk waiver being requested with this petition;
- There are karst features on the property and have been platted with a Sinkhole Conservancy Area;
- There is a perennial stream in the northeast portion of the lot but it is not considered a regulated floodplain;
- Drainage easements have been placed on the plat per recommendation from the MS4 Coordinator;

- (F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

(2) to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate the parcel. The petitioner has provided staff with a copy the recorded deed of the petition site;

(3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded;

FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-40 (A) (Sidewalks), which reads:

- (A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way when any of the following are applicable:
- (3) the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner is requesting a waiver from the N Hartstrait Road required 5’ sidewalks along 180 linear ft;
- The sidewalk improvements are required due to the petition site meeting the criteria described in 856-40 (A) (3) above;
- The site gains access from N Hartstrait RD, designated a Major Collector in the Monroe County Thoroughfare Plan;
- Sidewalks do not currently exist adjacent to the petition site in either direction;
- The requirement is that sidewalks be constructed within the right-of-way along the petition site's frontage of N Hartstrait for 180’, unless the waiver is granted;
- There are no obvious existing physical constraints, including steep slopes and vegetation, where the sidewalk would be required along N Hartstrait Road;
- The total length of required sidewalk for which the waiver is requested is approximately 180’;
- Practical difficulties have not been demonstrated;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section (1);
- The petition site is located in the Monroe County Urbanizing Area as designated by the

Comprehensive Plan;

- The Comprehensive Plan calls for transportation alternatives throughout Monroe County;
- The 2018 Monroe County Transportation Alternatives Plan lists N Hartstrait Road as “High Priority for Road Improvement Opportunity”;

3. **Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

Findings:

- See finding under Sections (1) and (2);
- The absence of a sidewalk would not have a detrimental relationship to the delivery of governmental services (e.g. water, fire protection, etc.) to the proposed subdivision lots;
- There is one additional property with sidewalks along the 4.43 miles of N Hartstrait Road;

4. **Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

Findings:

- See findings under Sections (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood., as there are no sidewalks that exist near the petition site and the proposed subdivision would only create one additional lot;

5. **The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

Findings:

- See findings under Section (1);

6. **Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under Sections (1), (2), and (3);
- Granting the requested modification would not contravene the policies and purposes of these regulations;

7. **The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- See findings under Sections (1), (2), and (3);
- The requested modification is necessary to ensure that substantial justice is done and represent the minimum modification necessary;

8. **The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

Findings:

- See findings under Sections (1) and (7);
- The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant;

9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- See findings under Section (1);

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 1: Preliminary Plat

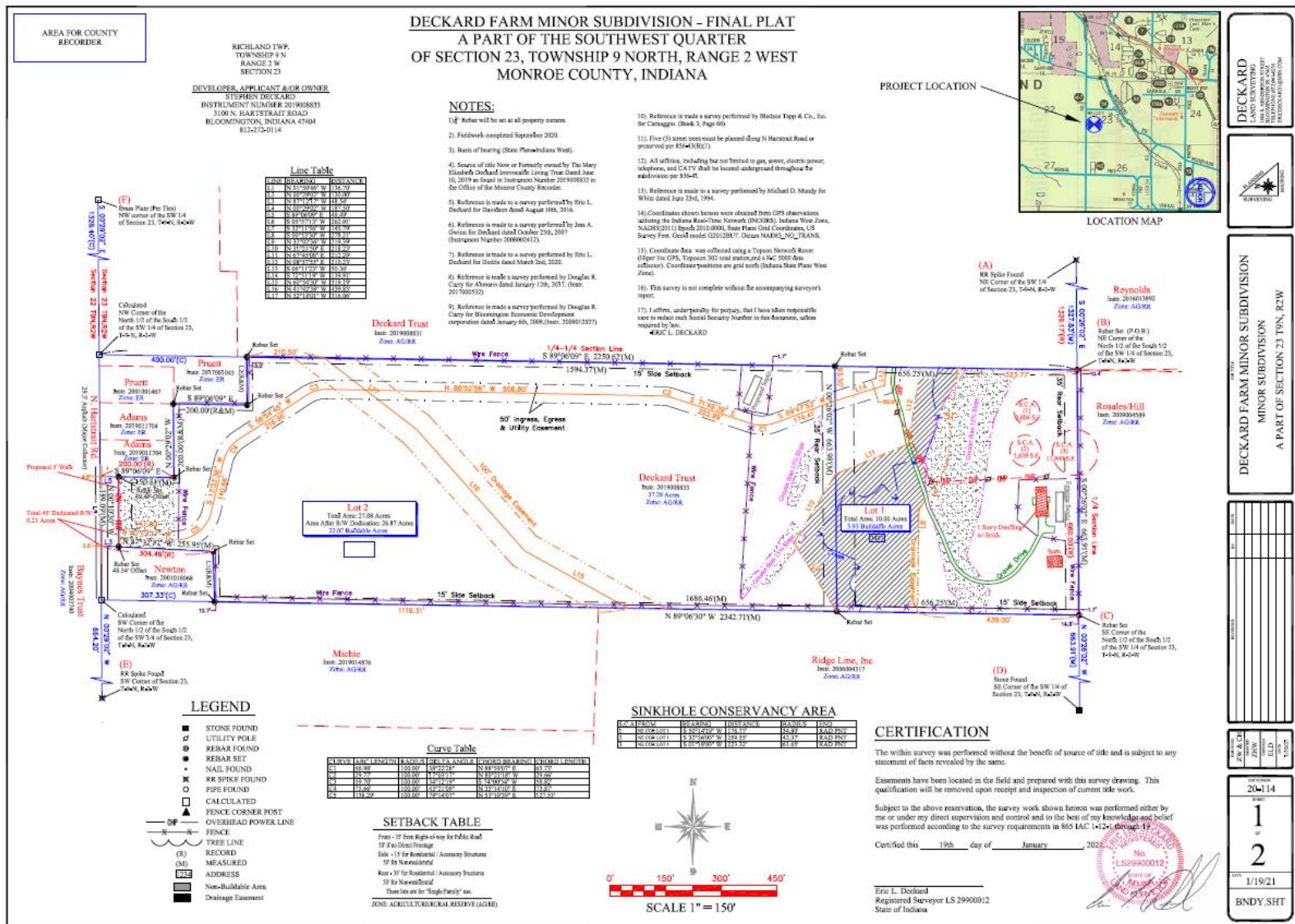


EXHIBIT 2: Petitioner Sidewalk Waiver Findings



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235
Fax 812.323-7536

January 20, 2021

To: Members of the Monroe County Planning Department:

RE: Deckard Farms Minor

I have been asked by Stephen Deckard to request a waiver to 856-40 (3).

These are my findings and recommendations.

Sidewalk Waiver. The property is within Urban Service boundary as shown in the comprehensive plan, and is therefore required to provide sidewalks along the existing County road frontage. The preliminary plat shows the sidewalk along the frontage near the proposed drive. We respectfully request consideration by the Plan Commission to waive the sidewalk requirement. This section of Hartstraight Road no sidewalks exist between the town of Ellettsville and State Road 48. The likely hood of sidewalk connectivity is believe to be slim, due to the need of right-of-way purchases by the county from individual land owners in order to allow for the construction of a new sidewalk. This area is moderately developed with small and large lots and it would be challenging to get land owners to agree to sell property to build a sidewalk.

If there are any questions, please contact this office at (812)961-0235

Sincerely,

Eric L. Deckard L.S.

MONROE COUNTY PLAT COMMITTEE**February 18, 2021**

CASE NUMBER 2101-SPP-01, Derby Pines Subdivision Preliminary Plat
PLANNER Anne Crecelius
PETITIONER Charles Layne LLC c/o Bynum Fanyo & Associates
REQUEST Major Subdivision Preliminary Plat to subdivide 1 parcel into 23 lots
Waiver of Final Hearing Requested
ADDRESS 4214 S Derby Drive
Parcel #: 53-08-21-100-089.000-008
ACRES 5.34
ZONE High-Density Residential (HR)
TOWNSHIP Perry
SECTION 21
PLATS N/A
COMP PLAN MCUA Ph. 1: Mixed Residential
DESIGNATION MCUA Ph. 2: Neighborhood Development (N2)

EXHIBITS

1. Preliminary Plat & [Development Plans](#)
2. Declaration of Covenants, Conditions and Restrictions
3. Utility Capacity Letters: Duke Energy, City of Bloomington, Vectren Gas

RECOMMENDATION

Staff gives a recommendation of **approval** to the Plan Commission based on findings of fact and subject to the Highway and Drainage Engineer Reports.

PLAT COMMITTEE - February 18, 2021

Recommendation to Plan Commission.

PLAN COMMISSION REGULAR – March 23, 2021

Waiver of Final Hearing Requested (April 20, 2021).

SUMMARY

The petition site is 5.34 +/- acres zoned High-Density Residential (HR) and is currently a Single Family Residential (SFR) use. The petitioner is proposing a 23-lot preliminary plat for the purpose of a Single Family Residential development that connects the Holland Fields and Bridlewood neighborhoods.

BACKGROUND

The petition site was rezoned from Estate Residential 1 (RE1) to High-Density Residential in 2020. HR zoning allows for a density of seven residences per acre. The proposed plat includes a road connection from a stubbed drive in Holland Fields, E Holland Drive, to S Derby Drive, the main north-south road within the Bridlewood neighborhood. The preliminary plat includes 23 lots total, 22 of which are buildable for a Single Family Residential use. Of the 22 lots, 18 lots are designated with a 0' side yard setback design standard that allows a paired townhome design style. A paired townhome, i.e. a SFR where two residences share a structural wall, was approved for the HR zone if platted within a subdivision under a Zoning Ordinance Text Amendment in 2019. The four lots facing S Derby Drive will not be paired townhome and will feature a larger lot size (0.22 acres) per conditions of approval from the rezone. The intent of this condition was to maintain aesthetic consistency when traveling through the Bridlewood neighborhood. The draft development plans can be found online at the link provided in Exhibit 1.

Listed below are the four (4) conditions of approval per the Rezone petition results letter completed in 2020. To date, all conditions have been met.

1. 15' wide conservancy easement along west and south property lines (designated on the plat).
2. Connections – The project will require a connection of the proposed extension of East Holland Drive through the cul-de-sac in Holland fields Subdivision to the west of the property. The

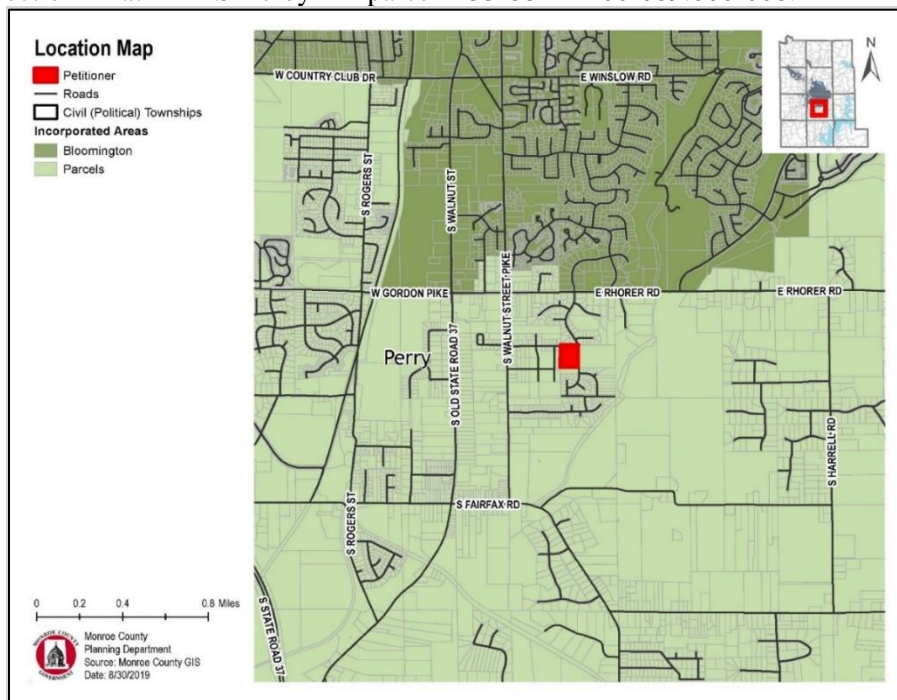
project will also require applicable sidewalk connections.

3. 0.22 acre minimum lot size adjacent to Derby Drive only (NOT 0.14 acre minimum lot size that 'HR' zone allows). This will not apply to the drainage facility lot.
4. Developers will take reasonable precautions to preserve existing trees. To this end, when infrastructure installation design is complete (utilities, road improvements, and sidewalks) petitioner will identify those trees with an arborist or other qualified person or agency to create a plan to preserve and / or protect those trees through the completion of the development.

The petitioner has not requested any waivers. If approved by the Plan Commission, the petitioners will be able to begin pre-construction site preparation. Upon the submission of a Final Plat for recording by Monroe County, the petitioner will be required to bond for the required site improvements (e.g. sidewalk construction, street trees).

LOCATION MAP

The petition site is located south of the City of Bloomington, with frontage along S Derby Drive in Perry Township in Section 21 at 4214 S Derby DR parcel # 53-08-21-100-089.000-008.



ZONING AND USE

The petition site is zoned High-Density Residential (HR). The adjoining parcels to the east and south are zoned Estate Residential 1 (RE1). The parcels to the north are zoned PUD. To the west is Single Family Dwelling 3.5 (RS3.5/PRO6). The current use for the petitioner's 5.34 acre lot is single family residential and contains one residence. All of the surrounding uses with a quarter mile radius are single family residential. The site was rezoned from Estate Residential 1 (RE1) to High-Density Residential in 2020. Below is a table of design standards from Chapter 804 specifically for the HR zone.

Height, Bulk, Area, and Density Requirements for Zoning Districts	
Requirement	HR
Gross Density per acre	7.3
Minimum Lot Area (acres)	0.14
Minimum Lot Width at Building Line	50
Minimum Required Setbacks (feet)	
Yard Fronting on any Street	
Local	25

Side Yards	5 (K)
Rear Yard	10
Minimum Open Space Area (All Other Zones - percent)	40%
Maximum Height (feet)	35
Maximum Floor Area Ratio	---

Legend:

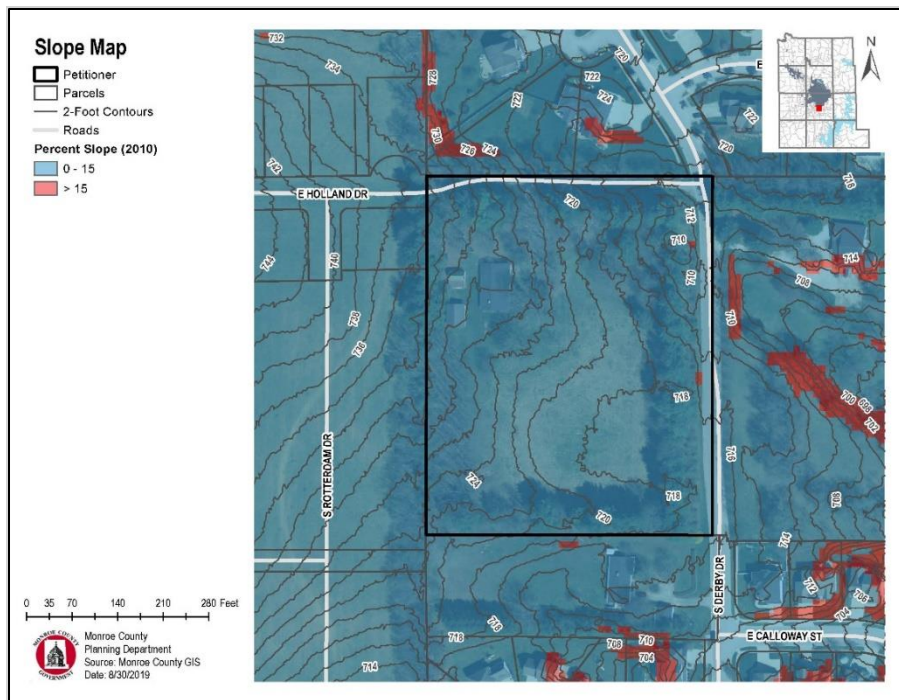
(K) 0 foot side setback on one lot line if designated on a subdivision plat.

Setbacks are measured from the road right-of-way line, not the centerline of the road

SITE CONDITIONS

The petition site is currently occupied by a 1,400 sf residence built in 1968, a pole barn (ca. 2008) and detached garage (ca.1978). Much of the 5.34 acre parcel either in woods or a meadow. There are large, mature pine trees along north, east and south property line and a younger well established walnut grove to the west. The property maintains frontage along S Derby Drive, a designated local road that has curb and gutter already in place. Holland Drive stubs into the property in the northwest corner. There are no known karst on the property. The property has access to sewer and water lines. The site drains to Jackson Creek FEMA Floodplain located about 0.2 miles to the east. All slopes are under fifteen percent.





SITE PICTURES



Photo 1. Looking north; April 2020 pictometry view of the petition site.



Photo 2. Looking north along S Derby Drive at the southeast corner of the petition site.

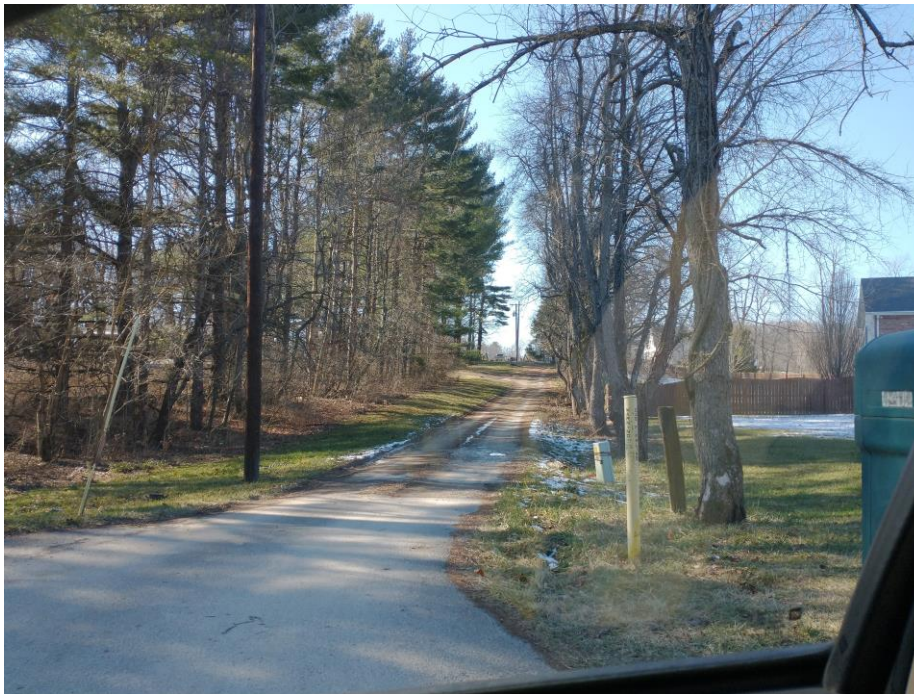


Photo 3. Looking west at the existing driveway and northing boundary.



Photo 4. Looking south along Derby Drive at the eastern property boundary.



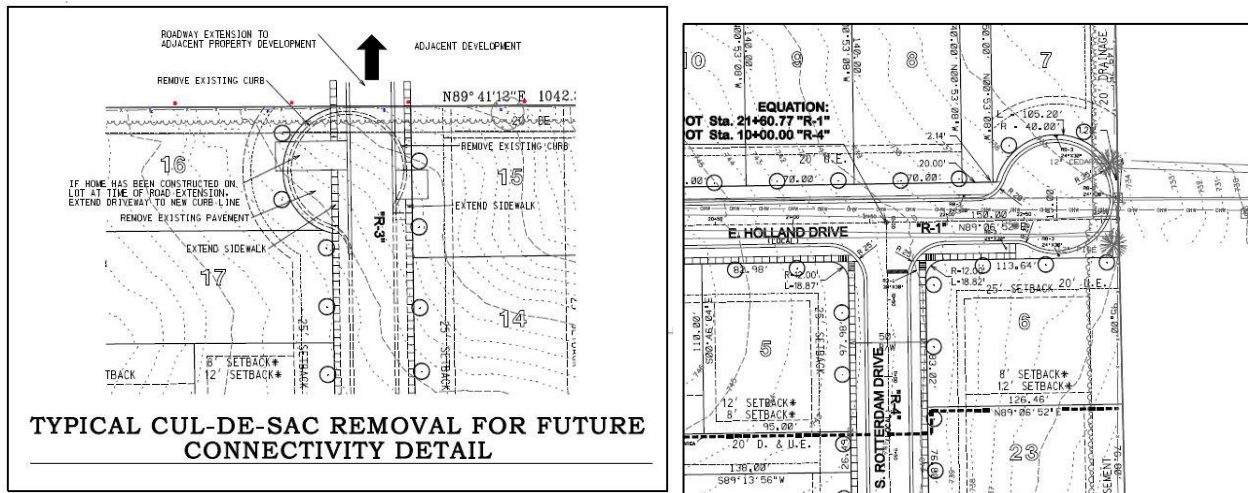
Photo 5. Looking east from the cul-de-sac at Holland Fields along the site's existing driveway.

INFRASTRUCTURE AND ACCESS

The site has access to CBU water and sanitary sewer services as well as gas and electric (Exhibit 3). Stormwater infrastructure exists on the stub for Holland Drive and along S Derby DR. The MS4 Coordinator has preliminary reviewed the plat and has provided comments, including the incorporation of drainage easements between lots (see Exhibit 1).

Access to the site is currently from S Derby DR, a local road with a 50' right of way easement and an adjacent 10' ingress/egress /utility easement on the petition site that will become dedicated right-of-way. The proposal includes connecting E Holland Drive to S Derby Drive along the northern property line. The

existing cul-de-sac will be removed for the connection using construction plans from the Holland Fields Subdivision (see images below). An eight foot side is incorporated along S Holland Drive to S Derby Drive. Sidewalks will be connected into the existing developed neighborhood as described in the Outline Plan. A new road called “W Red Pine Drive” will be constructed through the petition site. The new road will have 50’ of right of way and be 30’ wide.



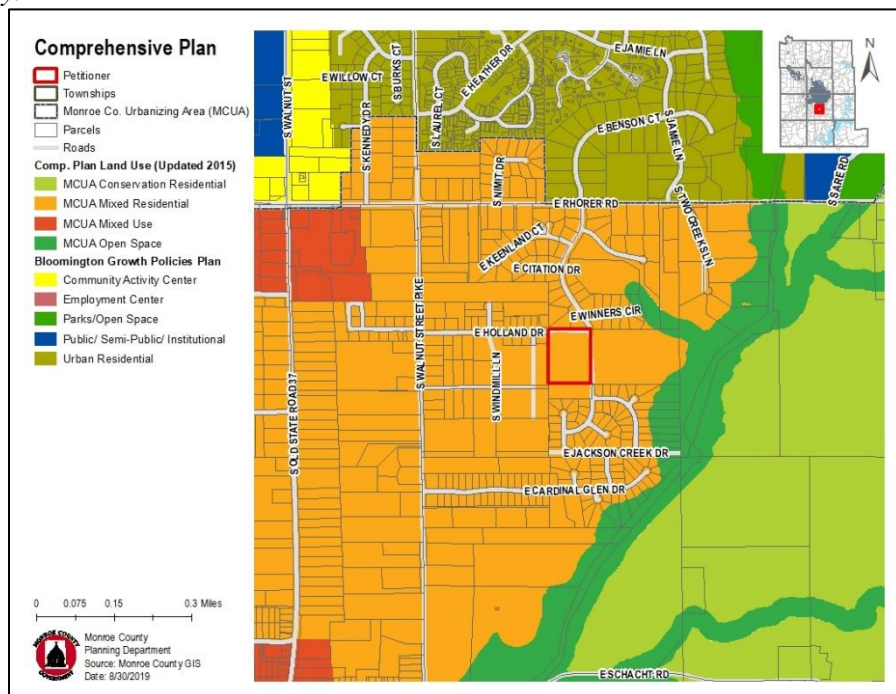
COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the **Mixed Residential** district in the Monroe County Urbanizing Area Plan portion of the Monroe County Comprehensive Plan. The immediate surroundings are also Mixed Residential.

MONROE COUNTY URBANIZING AREA PLAN PHASE I: Mixed Residential

The Comprehensive Plan describes Mixed Residential as follows:

Mixed residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity.



These neighborhoods are intended to serve growing market demand for new housing choices among the

full spectrum of demographic groups. Residential buildings should be compatible in height and overall scale, but with varied architectural character. These neighborhoods are often located immediately adjacent to mixed-Use districts, providing a residential base to support nearby commercial activity within a walkable or transit-accessible distance.

A. Transportation Streets

Streets in mixed residential neighborhoods should be designed at a pedestrian scale. Like mixed-Use districts, the street system should be interconnected to form a block pattern, although it is not necessary to be an exact grid. An emphasis on multiple interconnected streets which also includes alley access for services and parking, will minimize the need for collector streets, which are common in more conventional Suburban residential neighborhoods. Cul-de-sacs and dead-ends are not appropriate for this development type. Unlike typical Suburban residential subdivisions, mixed residential development is intended to be designed as walkable neighborhoods. Most residents will likely own cars, but neighborhood design should de-emphasize the automobile.

Bike, pedestrian, and Transit modes

Streets should have sidewalks on both sides, with tree lawns of sufficient width to support large shade trees. Arterial streets leading to or through these neighborhoods may be lined with multi-use paths. Neighborhood streets should be designed in a manner that allows for safe and comfortable bicycle travel without the need for separate on-street bicycle facilities such as bike lanes. As with mixed-Use districts, primary streets in mixed residential neighborhoods should be designed to accommodate transit.

B. Utilities

Sewer and water

The majority of mixed residential areas designated in the land Use Plan are located within existing sewer service areas. Preliminary analysis indicates that most of these areas have sufficient capacity for additional development. Detailed capacity analyses will be necessary with individual development proposals to ensure existing infrastructure can accommodate new residential units and that agreements for extension for residential growth are in place.

Power

Overhead utility lines should be buried to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

Communications

Communications needs will vary within mixed residential neighborhoods, but upgrades to infrastructure should be considered for future development sites. Creating a standard for development of communications corridors should be considered to maintain uniform and adequate capacity.

C. Open space

Park Types

Pocket parks, greens, squares, commons, neighborhood parks and greenways are all appropriate for mixed residential neighborhoods. Parks should be provided within a walkable distance (one-eighth to one-quarter mile) of all residential units, and should serve as an organizing element around which the neighborhood is designed.

Urban Agriculture

Community gardens should be encouraged within mixed residential neighborhoods. These may be designed as significant focal points and gathering spaces within larger neighborhood parks, or as dedicated plots of land solely used for community food production.

D. Public Realm Enhancements

Lighting

Lighting needs will vary by street type and width but safety, visibility and security are important. Lighting for neighborhood streets should be of a pedestrian scale (16 to 18 feet in height).

Street/Site furnishings

Public benches and seating areas are most appropriately located within neighborhood parks and open spaces, but may be also be located along sidewalks. Bicycle parking racks may be provided within the tree lawn/ landscape zone at periodic intervals.

E. Development Guidelines

Open Space

be appropriate at key locations within this larger district, consistent with the recommendations of the Mixed Residential land use type designated in the Urbanizing Area Plan.

FINDINGS OF FACT - SUBDIVISIONS

850-3 PURPOSE OF REGULATIONS

- (A) To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The site is currently zoned High-Density Residential (HR) and allows for residential uses at a density of 7.3 per acre;
- Approval of the subdivision would create 23 lots that would meet the requirements for HR zoning district;
- Of the 23 lots created, 1 lot (lot 13) would be designated within a drainage easement. Additionally, a portion of lot 20 contains a drainage easement;
- Approval of the subdivision would result in 22 buildable lots ranging in size from range from 0.32 acres to 0.14 acres;
- All 22 buildable lots are for Single Family Residential use;
- Off the 22 buildable lots, 18 of the lots would feature a 0' side yard setback allowing a paired townhome design style;
- Per conditions of approval of the Rezone, the four lots that face S Derby Drive will not be paired in effort to maintain aesthetic consistency with the older neighborhoods;
- Lots 1-12, 14-19, and 23 will access from the proposed new road called W Red Pine Drive. Lots 20-22 will have access from S Derby Drive;
- All drainage swales will be placed in drainage easements for maintenance and access should the homeowners association fail to maintain those areas;
- The property does have a capacity letter from the City of Bloomington Utilities for water and sanitary sewer;

- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- The Comprehensive Plan designates the property as Mixed Residential (Phase I) and Neighborhood Development (Phase II) district in the Monroe County Urbanizing Area Plan;
- Mixed residential neighborhoods are intended to “accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood”;
- Development is intended to be designed as walkable neighborhoods;
- Phase II states that the Neighborhood Development zone “is intended to provide a greater opportunity for diverse housing types and densities”;
- See findings under Section A;

- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- The property is currently developed with SFR;
- Adjoining parcels to the east and south are zoned Estate Residential 1 (RE1), to the north are PUD, and to the west is Single Family Dwelling 3.5 (RS3.5/PRO6);
Both W Holland Drive and S Derby Drive are Local roads per the 2016 Thoroughfare Plan;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- Approval of the subdivision would create fifteen (23) lots that meet the design standards required by Chapter 804 for the HR zoning district;
- See findings under Sections A & C;

- (E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- The petitioner received a will serve letter from the City of Bloomington Utilities for sanitary sewer and water;
- Any future utility lines must be placed underground;
- There are no known karst features on the property;
- Drainage has been preliminarily reviewed by the MS4 Coordinator;
- The design standards for this parcel requires 40% open space;
- See findings under Sections A & C;

- (F) To provide proper land boundary records, i.e.:

- (1) to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.

- (2) to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site. County Surveyor has also reviewed the plat for survey accuracy.

- (3) to provide public access to land boundary records.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

EXHIBIT 1: Preliminary Plat & Development Plans

Online link to Draft Development Plans: https://www.co.monroe.in.us/egov/documents/1613071331_34323.pdf

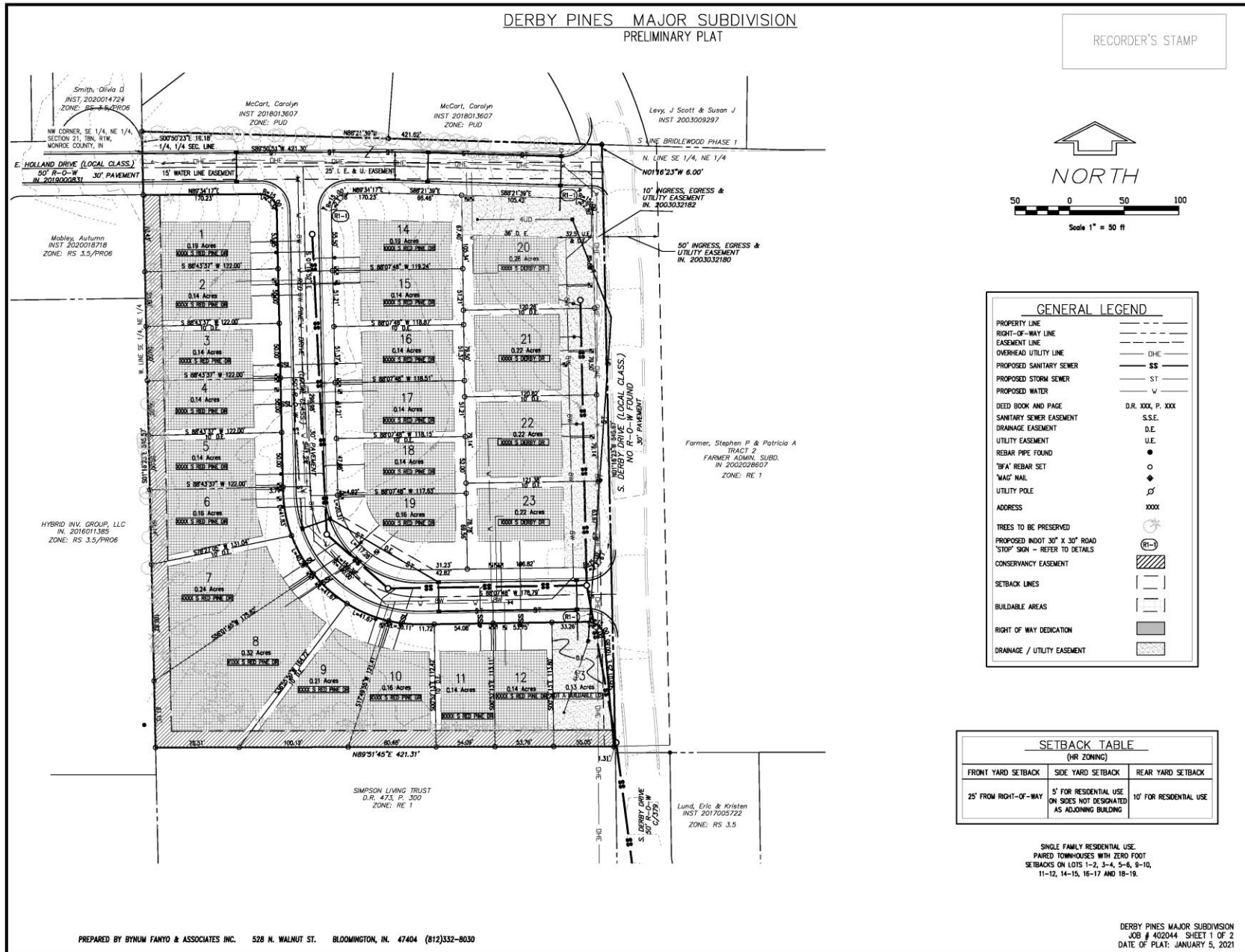


EXHIBIT 2: Declaration of Covenants, Conditions and Restrictions

**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
of
DERBY PINES SUBDIVISION**

This DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration") is made this 5 day of JANUARY 2019, by Charles Layne, LLC, an Indiana limited liability company. 21

RECITALS

- (A) Charles Layne, LLC (hereafter "Owner") is the Owner of the fee simple title to the Property described as:

A part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

Beginning at the Northwest corner of said quarter quarter marked by a 5/8 inch rebar with yellow cap; thence North 89 degrees 51 minutes 19 seconds East along the North line of said quarter quarter, 416.45 feet to a 5/8 inch rebar with yellow cap; thence South 00 degrees 52 minutes 13 seconds East, a distance of 545.68 feet; thence South 89 degrees 51 minutes 19 seconds West, a distance of 416.45 feet to the West line of said quarter quarter; thence North 00 degrees 52 minutes 13 seconds West along said West line 545.68 feet to the point of beginning, containing 5.217 acres, more or less.

ALSO, A part of the Northeast Quarter of Section 21, Township 8 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows: Commencing at a 5/8 inch rebar stamped Bledsoe Tapp found at the southeast corner of the Northeast Quarter of the Northeast Quarter of said section; thence North 89 degrees 46 minutes 05 second West along said south line 912.57 feet to the Point of Beginning; thence continuing North 89 degrees 46 minutes 05 seconds West 416.36 feet to a cut stone found; thence North 00 degrees 24 minutes 23 seconds West 19.09 feet to a 5/8 inch rebar with cap set; thence South 87 degrees 54 minutes 24 seconds East along the south line of Bridlewood Subdivision, Phase I, 416.80 feet; thence South 00 degrees 13 minutes 55 seconds West 5.53 feet to the Point of Beginning, containing 5.121 square feet, more or less.

Tax Parcel No.: 53-08-21-100-089.000-008
Auditor's Parcel No.: 014-16440-00

- (B) Charles Layne, LLC, or its designated assignee or successor, (hereafter "Declarant") intends to develop the Property by constructing homes on the Lots;
- (C) Declarant intends to sell the individual Lots; and,
- (D) Owner consents to this Declaration and subjects the Property to the Covenants, Conditions and Restrictions.

NOW, THEREFORE, Declarant declares that Derby Pines is and shall be subject to the terms of this Declaration and the Property shall be held, transferred, encumbered, used, sold, conveyed, leased and occupied subject to the covenants and restrictions hereinafter set forth

expressly and exclusively for the use and benefit of the Property and of each and every person or entity, who now or in the future, owns any Lot within Derby Pines .

1. Definitions.

- a. "Property" shall mean the real estate described on Exhibit A, together with any additional real estate added as an additional phase(s) of Derby Pines , and which real estate is subjected to these covenants.
- b. "Association" shall mean the association of owners of Lots in Derby Pines , all phases, to be known as Derby Pines Homeowner's Association, Inc.
- c. "Declarant" shall mean Charles Layne, LLC, or its successors, including the Association upon assignment of Declarant's rights to the Association.
- d. "Lots" shall mean the individual Lots created by the plat of Derby Pines and such Lots as may be platted by additional phases of Derby Pines , subjected to these covenants, conditions and restrictions.
- e. "Assessments" shall mean the amount to be paid by each Lot owner on an annual (or other installment basis) as necessary to defray the cost for Association to fulfill the obligations for maintenance and services described herein or as may be lawfully undertaken by Association on behalf of its Members.
- f. "Common Area" shall mean the areas shown on the Plat as common area, and shall also mean the drainage easements and detention areas as shown on the Plat together with any part of the Property over which the Association assumes maintenance responsibility.
- g. "Member" shall mean the record owner of a Lot.
- h. "Plat" shall mean the subdivision plat of Derby Pines including any additional phases subjected to this Declaration.

2. Use. All Lots shall be used exclusively for single-family residential purposes. Home-based occupation not involving employees, inventory, signage, shipment or deliveries, but conducted entirely within the residence utilizing telecommunication and computer facilities shall be deemed a residential use. Declarant may maintain a model home on any Lot. A Lot may not be conveyed pursuant to a time-sharing plan. A Lot may not be leased or rented for a term of more than 60 days, absent approval from the Association in unusual circumstances, to be determined solely by the Association. All leases of a Lot shall be deemed to include a provision that the tenant will recognize and attorn to the Association as landlord, solely for the purpose of having the power to enforce a violation of the provisions of this Declaration.
3. Size of Dwelling. The main dwelling must contain at least 1500 square feet above grade, excluding patios, porches, balconies, decks and garages. Split-level and bi-level structures shall be deemed a single-story structure. All dwellings shall have an attached two-car garage.
4. No Unattached Structures. No structure that is unattached to the residence, such as trailers, tents, RV's, motor homes, shacks, garages, barns, out buildings, flag poles, swimming pools, or any other unattached structure, shall be constructed upon the Property either temporarily or permanently.

5. Foundations. No dwelling units having wooden foundations shall be constructed upon the Property.
6. Downspouts. All downspouts must be buried and connected to buried drainage pipes extended away from the dwelling a sufficient distance to ensure water drainage away from the foundation or connected to a common storm water drainage line.
7. Lawn care. Each Member shall provide mowing services on each Lot and shall maintain all ditches, culverts and swales located on each Lot to allow free flow of drainage without erosion. Lot owners shall not impede or interfere with drainage upon the Property.
8. Prohibited Activities. No manufacturing, noxious, illegal, or offensive activities shall be carried on upon the Property. No activity shall be conducted on the Property which may be, or may become, an annoyance or a nuisance to the neighborhood in general. No modular, sectional, panelized or manufactured home shall be placed on a Lot. No signs shall be permitted on a Lot except "For Sale" signs. No yard incinerators for disposal or burning of trash or debris are permitted.
9. Trash Removal. All trash shall be kept in clean and functional sanitary containers and out of sight in the garage except on days of trash collection. Trash containers may be placed for pick up after 8:00 o'clock p.m. on the night prior to scheduled trash collection and shall be returned to the garage prior to 8:00 o'clock p.m. on the day of collection. All trash containers shall be covered when placed for pick up. No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste material. All dwellings shall be equipped with a mechanical device for grinding with disposal of garbage.
10. Pets. No animals, livestock, or poultry of any kind shall be raised, bred or kept on the Property, except that dogs, cats or other normally recognized household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose and do not constitute a nuisance or interfere with the use by other owners of their Lots. Household pets kept by a Member shall not be permitted to run free or to roam at large at any time. All animals or pets, except cats, when permitted outside the residence, must be under the direct control of the Member, or responsible person, through the use of a leash or similar restraint.
11. Subdivision of Lot Prohibited. There shall be no subdivision of any Lot, nor sale thereof in parcels, except a portion of a Lot may be sold to adjoining Lot owners if no new Lot is created. For the purpose of these conditions and restrictions, all adjoining Lots, or parts thereof, owned and used as a single building site shall be considered the only Lot lines for the purpose of these conditions and restrictions.

12. Driveways Required. Every dwelling shall have a driveway. All driveways shall be a poured concrete, dust-free surface and a minimum of twenty feet in width. Asphalt paving is not permitted for any driveway or parking surface.
13. Parking and Vehicles. No trucks larger than a one-ton pick-up may be parked on any Lot unless within an enclosed garage. No campers, motor homes or boats shall be stored in any driveway or on any Lot. No disabled or inoperable vehicle or vehicles not displaying a valid and current license plate shall be kept on the Property for more than three working days while arrangements are being made to have it repaired. No overnight parking of automobiles is permitted on the streets of Derby Pines. No repair of motor vehicles shall be permitted on the streets located on the Property, or on any Lot, except inside of a garage. All commercial vehicles must be parked overnight within an enclosed garage.
14. Fences. No fence shall be permitted except a privacy fence not in excess of six (6) feet in height and ten (10) feet in length. A privacy fence shall be constructed of wood or vinyl and located only adjacent to a patio or balcony in a manner reasonably designed to provide privacy screening for use of the patio or balcony.
15. Mailboxes. If a community mailbox facility is provided by Declarant, each Member shall have an easement for access to the mail box assigned to that Member's Lot. If individual mailboxes are provided for each Lot, the mailbox shall be maintained in the same color, size and style as the mailbox first installed on the Lot. Association shall maintain and repair mailboxes except that the cost for repair or maintenance required due to the fault of a Member, or a Member's guest, invitee or occupant of the residence shall be charged to that Member. Expenses charged to a Member are due and payable 10 days after receipt.
16. Underground Utilities. All telephone, data transmission, electrical and cable television or similar connections from the utility's lines shall be underground from the street unless deemed impractical by the company providing the service in writing. As soon as underground installation becomes practical, then such connections shall be placed underground.
17. Easements on Plat. All Lots are subject to any and all easements, including but not limited to utility, detention and drainage easements, as shown on the Plat. All lots shall have use and benefit of all easements.
18. Repair, Remodeling and Rebuilding. No construction or reconstruction, repair, remodeling or replacement of a residence or any other improvement on the Lot shall deviate from the color, style and materials used in original construction of the residence on the Lot. No repair, remodeling or rebuilding of a residence or other improvement on the Lot shall commence until the building plans and specifications, including materials and plot plan

showing the location of such building or structure, have been approved in writing by the Declarant as to the conformity of size, design and location of the building with respect to topography and finished grade evaluation and consistency in quality and appearance with existing improvements on the Property. This right of approval may be delegated by Declarant to Association or a Review Committee.

19. Association. The owners of all Lots shall automatically be a Member of the Derby Pines Homeowner's Association. The Declarant shall appoint the Board of Directors of the Association consisting of not fewer than three Members, except that the Board may consist of two Members until such time as Declarant assigns the Declarant's rights and powers to the Association. Control of the Association shall be granted to the Members who shall elect the Board of Directors from among the Members on the earlier of (i) Jan 1, 2031, (ii) the date of conveyance of the last Lot owned by Declarant in the Property or (iii) the date Declarant assigns its rights and powers to the Association. Prior to transfer of control to the Members, each Member shall be deemed automatically to have granted to Declarant an irrevocable proxy to vote for the Member on any matter undertaken by Association requiring a vote of the Members. The Association shall adopt rules and procedures for the election of and the term of Directors elected by the Members. If municipal trash collection is not provided, the Association is empowered to arrange a common contract for trash collection for all Lots on the Property. If a contract for trash collection is obtained by the Board of Directors, the Members of all Lots shall utilize exclusively the contractor designated by the Association. Each Member shall pay to the Association a pro rata share of the costs and expenses incurred by the Association to perform the duties and responsibilities described in this Declaration including reasonable administrative costs and insurance expenses. Pro rata shares shall be equal among all Members and shall be based on the number of Lots on which a residence is or at any time has been occupied. The Association shall invoice Members their pro rata shares in advance based on estimated costs, payable with fifteen (15) days of the invoice date with interest at 1.5% per month (or other rate as determined by the Board of Directors) on delinquent payments. The Directors shall determine the period of assessment which shall be no more often than monthly nor less frequently than annually. If the estimated assessments are insufficient to meet the Association's requirements, the Members shall be invoiced for a special assessment as required to meet the budget shortfall. Excess assessments shall be carried forward to the subsequent budget year. The Directors shall adopt the budget on or before December 1 of each year to be effective January 1 of the following year.
20. Satellite Dishes and Receivers. No satellite dish or receiver shall be placed upon any Lot or upon any dwelling.
21. Landscaping. The Association shall maintain any landscaping required by applicable subdivision approval or zoning ordinance. No additional shrubs or trees shall be installed

except with the prior consent of the Declarant. The Member of a Lot may install, and if installed, must maintain in a reasonable manner, ground plantings within a five-foot curtilage of the footprint of the dwelling unit. Plantings shall only consist of low growing shrubs, ground cover and annual and perennial flowers.

22. Duty to Perform Maintenance. Each Member covenants to maintain his or her Lot, the improvements constructed or installed on the Member's Lot in a reasonable manner, consistent with the restrictions and requirements of Section 18. Each Member shall be responsible for removing all snow, leaves and debris from all patios, decks, stoops, steps or walks, and the driveway of each Member's Lot. Each wall which is built as part of the original construction of the dwelling units upon the Lots and placed on the dividing lines between the Lots shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto. The cost of reasonable repair and maintenance of a party wall shall be shared by the Members who make use of the wall in proportion to such use. Excessively worn siding, and roofing, peeling paint, broken or missing windows or screens, loose shingles, chipped, broken or missing siding and similar conditions of disrepair or neglected maintenance are unacceptable and fall below the standard of maintenance required by these covenants. Association shall maintain an architectural review committee ("ARC"). If the ARC determines that a Member has failed to maintain the improvements in accordance with this Section, the ARC shall give written notice to the Member demanding maintenance, including a deadline for completion of the maintenance. Member may, within seven (7) days of receipt of the notice from the ARC, appeal the demand for maintenance and request a meeting with the ARC. The meeting shall be held within thirty (30) days of receipt of the request. The decision of the ARC following the meeting, or if no meeting is requested, the decision as stated in the notice to Member, shall be final and binding. If Member fails to perform the required maintenance, Association may, in its discretion, undertake the maintenance at the Member's expense. The Member shall be liable for the reasonable cost of maintenance performed by Association, together with 3 % interest per annum on the amounts expended or advanced by Association to perform maintenance on the Member's Lot. Expenses incurred by Association, including interest, shall constitute a common expense collectable from Member as provided by Indiana law.
23. Hazard Insurance. The improvements constructed on the lots are paired homes, sharing a common wall and roof line. Each Member covenants to maintain hazard insurance for the improvements installed or constructed on the Member's lot at full replacement cost. Member shall maintain current proof of insurance with Association by providing a certificate of insurance to the Association. Insurance must be placed with a company and agency acceptable to Association. Acceptable insurance and agency shall include

consideration of the compatibility and consistency of the insurance obtained, or to be obtained, by the Member with existing insurance on the adjacent lot.

24. Easement for Encroachment. If any part of a dwelling unit or other improvement installed on the Lot during original construction encroaches upon any Lot or building thereon, a valid easement for such encroachment and the maintenance thereof, so long as it continues, shall and does exist. If any part of any Lot or the building thereon encroaches upon the Common Area or upon another Lot or Lots, a valid easement for such encroachment shall and does exist. In the event that any building upon a Lot shall be partially or totally destroyed and then rebuilt and due to code or regulatory requirements, minor encroachments of a building upon a common Area or on another Lot are necessary, valid easements for such encroachments and the maintenance thereof shall exist.
25. Common Area. Common Areas shall exist as shown on the Plat. Declarant reserves the right to convey the fee simple title of the Common Areas to Association. All Members shall have the non-exclusive right to use the Common Areas, subject to reasonable rules and regulations adopted by Association. The Association shall maintain the Common Areas. The Association shall also maintain the signage for the Property on whichever Lot the signage is erected.
26. General. The foregoing covenants, limitations and restrictions are to run with the land and shall be binding on all Lots until JANUARY 1, 2031, at which time said covenants and restrictions shall be automatically extended for successive period of ten (10) years unless by vote of a majority of the present owners of the Lots covered by these covenants, conditions and restrictions it is agreed to change such covenants or restrictions in whole or in part. Until the Members are empowered to elect the Board of Directors these Covenants and Restrictions may only be amended with the written approval of the Declarant.
27. Invalidity. Invalidity of any one of the foregoing covenants, conditions or restrictions by judgment or court order shall in no way affect any other covenants, conditions or restrictions, which shall remain in full force and effect.
28. Enforcement. The right to enforce these provisions by injunction together with the right to cause the removal by due process of law of any structure or part thereof or maintained in violation hereof is hereby reserved to the Declarant, the Association, and the Members. Enforcement shall include the right to recover expenses and attorney fees incurred to enforce these covenants. Unpaid assessments together with interest and attorney fees incurred to enforce collection of the delinquent assessment shall constitute a lien on the delinquent Member's Lot. The Members and Declarant waive any right to trial by jury for any dispute arising out of this Declaration.

OWNER

Charles Layne, LLC

By [Signature]

Printed: Chris Bomba

Title: Gm

DECLARANT

Charles Layne, LLC

By [Signature]

Printed: Chris Bomba

Title: Gm

STATE OF INDIANA)

) SS:

COUNTY OF MONROE)

2021 9MTB 1-4-21

4th day of JANUARY, 2019, at which time the Owner, Charles Layne, LLC by Chris Bomba, its Member, personally appeared and acknowledged the execution of the above and foregoing Declaration of Covenants, Conditions and Restriction of Derby Pines to be a voluntary act and deed.

My Commission Expires:

AUGUST 13, 2022



Mary T Block, Notary Public

Mary T Block, Name Printed

A resident of Monroe

County, Indiana

STATE OF INDIANA)

) SS:

COUNTY OF MONROE)

2021 9MTB 1-4-21

4th day of January, 2019, at which time the Declarant, Charles Layne, LLC by Chris Bomba, its Member, personally appeared and acknowledged the execution of the above and foregoing Declaration of Covenants, Conditions and Restriction of Derby Pines to be a voluntary act and deed.

My Commission Expires:

AUGUST 13, 2022



Mary T Block, Notary Public

Mary T Block, Name Printed

A resident of Monroe

County, Indiana

EXHIBIT 3: Utility Capacity Letters: Duke Energy, City of Bloomington, Vectren Gas



Duke Energy
1100 West Second Street
Bloomington, IN 47403

June 19, 2019

Dishman Enterprise Inc.
PO 36, Clear Creek, IN 47426

To Whom it may concern,

We are pleased to learn of your proposed project, Hostetler Pines, at 4214 Derby Dr.

Duke Energy will provide electric service within Duke Energy's service area boundaries, as prescribed by the tariffs on file with the Indiana Utility Regulatory Commission. Duke Energy will extend electric lines for your development at no cost, so long as the estimated cost to serve does not exceed the estimated revenues generated by your project.

Please call 1-800-774-0246 to set up an Engineering appointment for one of our representatives to meet with you on site.

If I can be of further assistance, please call me at 812-332-1671.

Sincerely,

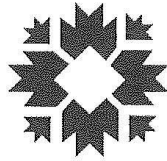
Seth A. Ferguson
Engineering Technologist II

cc: Nancy Ashlock

A handwritten signature in black ink, appearing to read 'Seth A. Ferguson'.

RECEIVED
JUL 02 2019
MEMBER COUNCIL OF CHAIRMAN

www.duke-energy.com



CITY OF BLOOMINGTON UTILITIES
Engineering Department

June 13, 2019

**RE: 4214 S Derby Drive
Bloomington, IN
47401**

To whom it may concern:

In response to your request concerning the availability of Sanitary Sewer and Water Service to the above referenced location, please be advised that we will be able to provide service to you under our approved terms and conditions of service.

Should you need further information, feel free to contact me at (812) 349-3625.

Sincerely,

Greg Nettleton
Senior Project Coordinator
City of Bloomington Utilities
(812)349-3625

RECEIVED
JUL 12 2019
MONROE COUNTY CLERK



6/25/2019

Kerry Dishman
Dishman Construction LLC

Re: 4214 S. Derby Dr.
Bloomington, IN

Dear Kerry:

Please be advised that the proposed development, 4214 S. Derby Dr. in Bloomington, IN. is located within the gas service territory of Vectren Energy Delivery of Indiana, Inc. ("Vectren").

The preliminary discussion regarding the above referenced project has determined that Vectren has the capacity and facilities to provide adequate service to this proposed property; subject to our standard policies and procedures. Under Vectren's Terms and Conditions Applicable to Gas Service, Vectren shall locate the point to which the service connection will be made, and subject to other provisions of Vectren's Terms and Conditions, shall furnish, install and maintain all piping up to and including the meter set.

Once a new service request has been received, Vectren's engineering department will commence the design and engineering work necessary to extend service to the proposed site and will provide cost estimates to you. Vectren looks forward to working with you to finalize a mutually acceptable proposal for the provision of gas service in Bloomington, IN.

Sincerely,

Kim Kelly
Lead Account Manager
Vectren A CenterPoint Energy Company
317-736-2915

RECEIVED
JUL 11 2019
BLOOMINGTON, IN

PLANNER Tammy Behrman
CASE NUMBER **2101-SPP-02-** North Park Area B3 Preliminary Plat
 ○ Request for Waiver of Final Hearing
 ○ Request for Street Tree Waiver
 ○ Request for Sidewalk Waiver
 ○ Plat Vacation of Lot 1 from ‘Ted Worley Addition Lots 1 & 2 Amendment One Final Plat’
2101-PUD-01 - Development Plan Lot 2 (IU Health EMS)
2101-PUD-02 - Development Plan Lot 3 (Mass Grading)

PETITIONER Indiana University Health Bloomington, Inc c/o Bynum Fanyo & Associates, Inc.
ADDRESS 2900 N Stone Carver DR Parcel #: 53-04-25-101-005.000-011
REQUEST Major Subdivision Preliminary Plat to subdivide 1 parcels into 3 parcels;
 Development Plans for Lot 2 and Lot 3
ZONE PUD
ACRES 20.93 acres +/-
TOWNSHIP Richland
SECTION 25
PLAT ‘Ted Worley Addition Lots 1 & 2 Amendment One Final Plat’
COMP PLAN MCUA Employment
DESIGNATION

EXHIBITS

1. Petitioner Statement of Character for Lot 2
2. Petitioner’s [Draft Preliminary Plat \(High Resolution\)](#)
3. Ted Worley Addition Lots 1 & 2 Amendment One Final Plat
4. Woodyard Road Neighbor Letter and signatures
5. Petitioner Waiver Findings
6. Planning Staff Concerns – specifically the N Stone Carver Drive extension

RECOMMENDATION

Staff recommends the following:

- **TBD** of Waiver of Final Hearing;
- **Approval** of the Preliminary Plat based on the findings of fact and subject to the Highway and Drainage Engineer reports;
 - **Approval** of the Plat Vacation of Lot 1 from ‘Ted Worley Addition Lots 1 & 2 Amendment One Final Plat’
 - **Approval** of the Street Tree Waiver request with one condition
 - **Denial** of the Sidewalk Waiver request
- **Withhold recommendation** for Development Plan Lot 2 (under staff review)
- **Withhold recommendation** for Development Plan Lot 3 (under staff review)

Should the Plan Commission choose to approve the Preliminary Plat and Development Plans (subject to the requirements of the Monroe County Highway and Drainage Engineers’ reports), the following conditions are recommended:

1. Address all staff concerns in Exhibit 6.
2. Twenty-four (24) trees be preserved or planted on Lot 3 in lieu of street trees.

SUMMARY

The petitioner would like to vacate Lot 1 out of the ‘Ted Worley Addition Lots 1 & 2 Amendment One Final Plat’ and subdivide into three (3) parcels. The intent of the petitioner is to allow for a ‘Hospital / Wellness’ use on proposed Lot 2. The use is currently permitted under the North Park ordinance, however the petitioner would like to create a smaller development lot to reduce the amount of required landscaping bufferyard. The [North Park PUD](#) requires that the Plan Commission also approve relevant Development Plans along with the Subdivision. The Development Plans are undergoing staff review. The proposed lots in this subdivision are as follows:

	ACREAGE	USE
Lot 1	2.50	Vacant – No Development Plan required
Lot 2	3.90	Hospital /Wellness Center – Development Plan required
Lot 3	14.53	Vacant – Mass grading – Development Plan required
Lot 4	X	Recommended by staff for Right of Way Dedication

Lot 3 should be subdivided further as a mechanism for dedicating right of way for the required N Stone Carver Drive extension. Though the North Park PUD does not require the extension of the road until 50 percent of Tract B is developed, the Subdivision Control Ordinance does state the following under 856-11 Streets: Frontage on Improved Streets “*Whenever the area to be subdivided is to use an existing street frontage, the street shall be suitably improved as herein provided and may be required to provide a minimum of two (2) points of ingress and egress for any new development.*” Staff recommends the Stone Carver Drive extension be included as a part of this preliminary plat to provide the second point of ingress/egress. Additionally, two waivers have been requested along W Woodyard Road to forgo installation of 24 street trees and 950’ of sidewalks.

HISTORY of Tract B-3 Development

The site is located at the southwest corner of the intersection of Curry Pike and N Lintel DR. The PUD Outline Plan for North Park was granted approval by the County Commission on December 10, 2004 with a subsequent Outline Plan Amendments approved in 2006, 2007, 2010, and September 9, 2011. North Park is a mixed use development with four different use districts. District A (approximately 106 acres) on the east side of SR 46 divided by the Phase II Curry Pike extension east, permits a town center, retail uses, office space, and multi-family developments. **District B** (approximately 115 acres) on the west side of SR 46 divided by the Phase I Curry Pike extension west, provides sites for retail uses, office space, hospital and light industrial uses. District C is (approximately 58 acres) directly adjacent to the new SR 37/46 interchange and is designated for hotel, office space, retail uses, and multi-family developments. The final district is District D (approximately 71 acres) which encompasses the northern sections of the site permits a mix and single family and multi-family developments. A series of roadway networks are proposed as well as major utility connections and extensions. The Outline Plan includes the dedication of land for public and civic uses as well as recreation and linear park amenities (approximately 75 acres total). An Open Space and Linear Park Plan has been approved for North Park, delineating the locations of these areas for the entire PUD.

The petition site is located northwest of the City of Bloomington, with frontage along N Curry Pike and N Lintel DR, N Stone Carver DR and W Woodyard RD. It is in Richland Township in Section 25. It is within Development Tract B-3 of the North Park PUD (yellow in North Park Ordinance Appendix B-1 diagram).



ADJACENT USES / ZONING


The petition site is zoned Planned Unit Development (PUD). It is part of the North Park Planned Unit Development. Adjoining parcels are zoned PUD to the north and east and zone Suburban residential to the southeast and Estate Residential 1 (RE1) to the south and west.

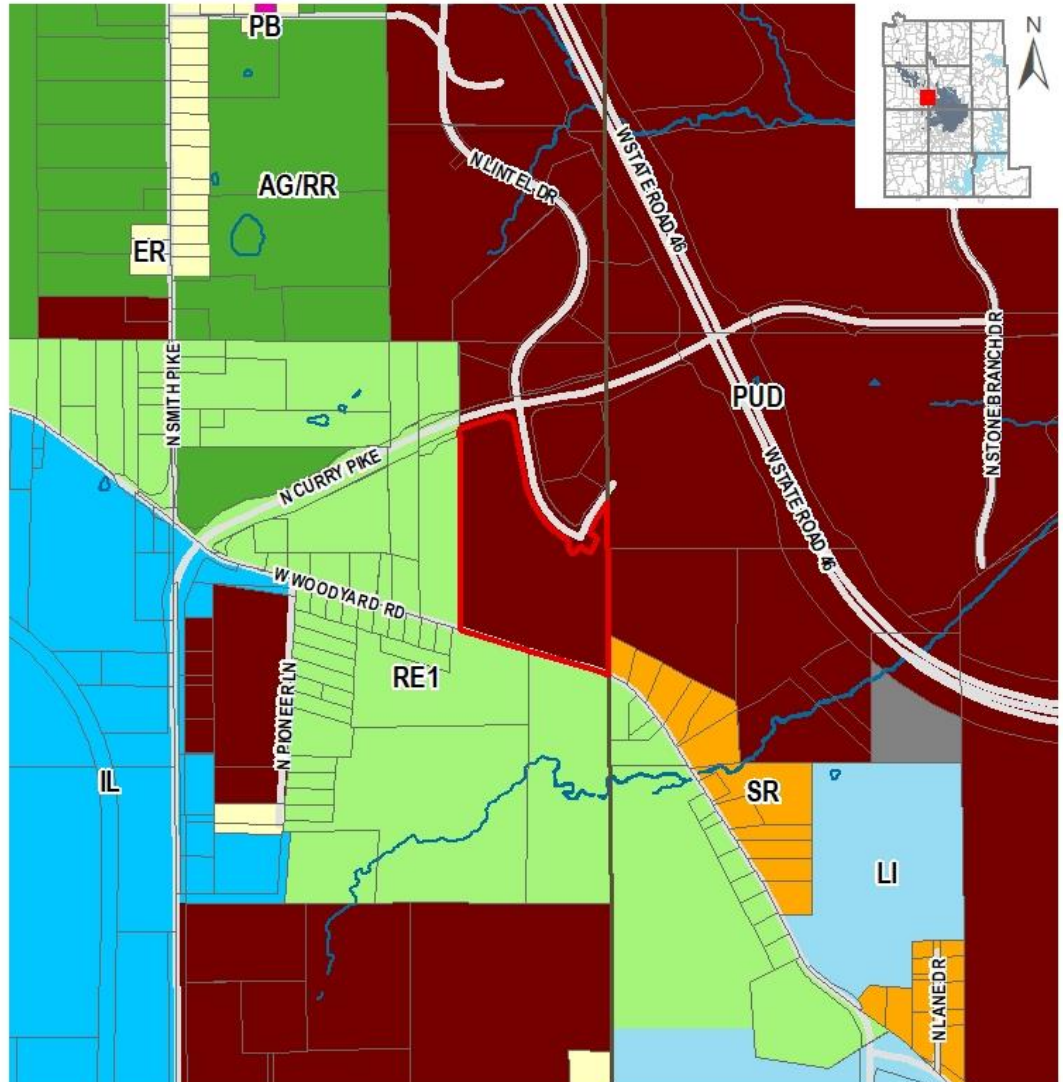
The petition site is vacant. Surrounding uses include vacant, nursing home, residential and offices.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ER - Estate Residential
-  IL - Limited Industrial
-  LI - Light Industrial
-  PB - Pre-Existing Business
-  PUD - Planned Unit Development
-  Q - Quarries
-  RE1 - Estate Residential 1
-  SR - Suburban Residential

0 0.075 0.15 0.3 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 1/15/2021



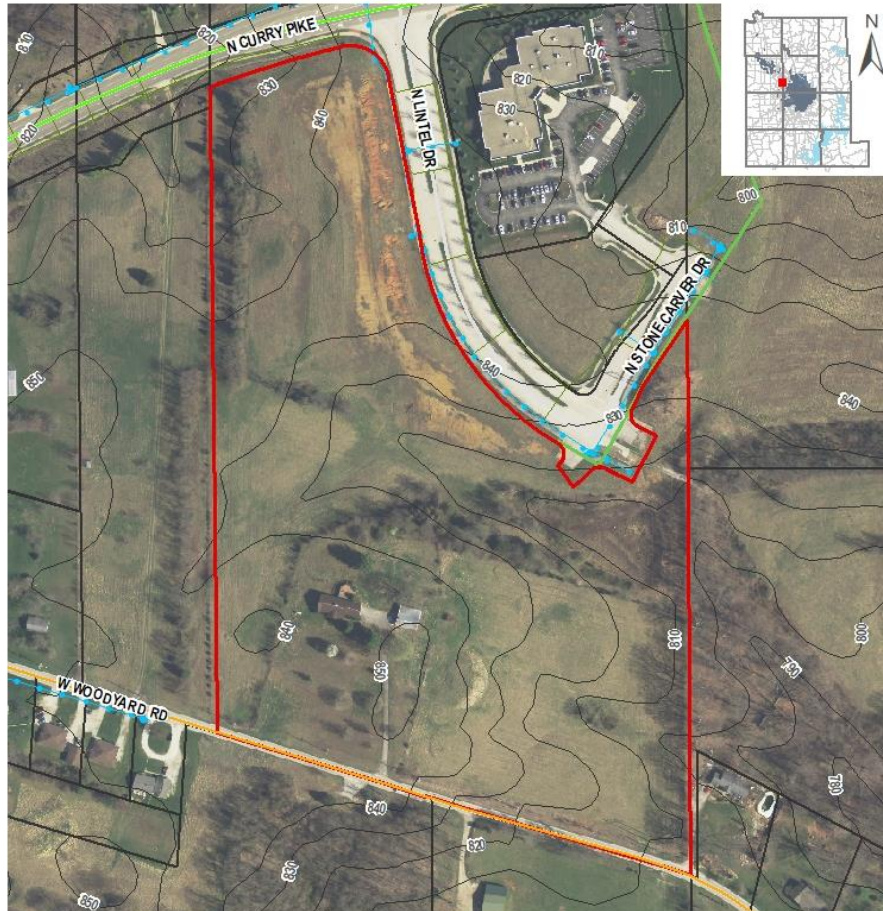
SITE CONDITIONS

The parcel is vacant but has been used as a fill site during the construction of N Lintel DR. The former residence and outbuildings have been demolished. This site has four frontages: N Curry Pike (Minor Arterial), N Stone Carver RD (Local Road), W Woodyard Road (Major Collector), and N Lintel Drive is classified as a Minor Arterial in the North Park PUD but a Local Road in the Monroe County Thoroughfare Plan. Two driveway cuts are shown on N Lintel Drive. There are no known karst features visible on the property. The property has connections to sewer and water lines. FEMA Floodplain is located offsite to the south and east. A large overhead power line runs adjacent to the petition site to the west and then also runs on the south property line in a 100' easement along W Woodyard Road. The site drains to the east and south.

The original approval identified 18 individual sinkholes scattered throughout the entire North Park PUD prior to the construction of new SR 46. All of the individual sinkholes were identified as less than 0.25 acre in size and some appear to have been filled during the construction of SR 46. It was determined that a full sinkhole evaluation was not warranted at the time of the original approval. The petitioner has provided no study regarding the sinkholes within Development Tract B-3. No sinkholes appear to be present in the area currently proposed for development for Lots 2 and 3.

Site Conditions Map

- Major Collector [90']
- Minor Arterial [150']
- Petitioner
- Sanitary Pipe
- Water Pipe
- Storm Water
- 10-Foot Contours
- Local Roads [50']
- Parcels



0 0.02 0.04 0.08 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 1/15/2021

Slope Map

- Major Collector [90']
- Minor Arterial [150']
- Local Roads [50']
- Petitioner
- Parcels
- 2-Foot Contours

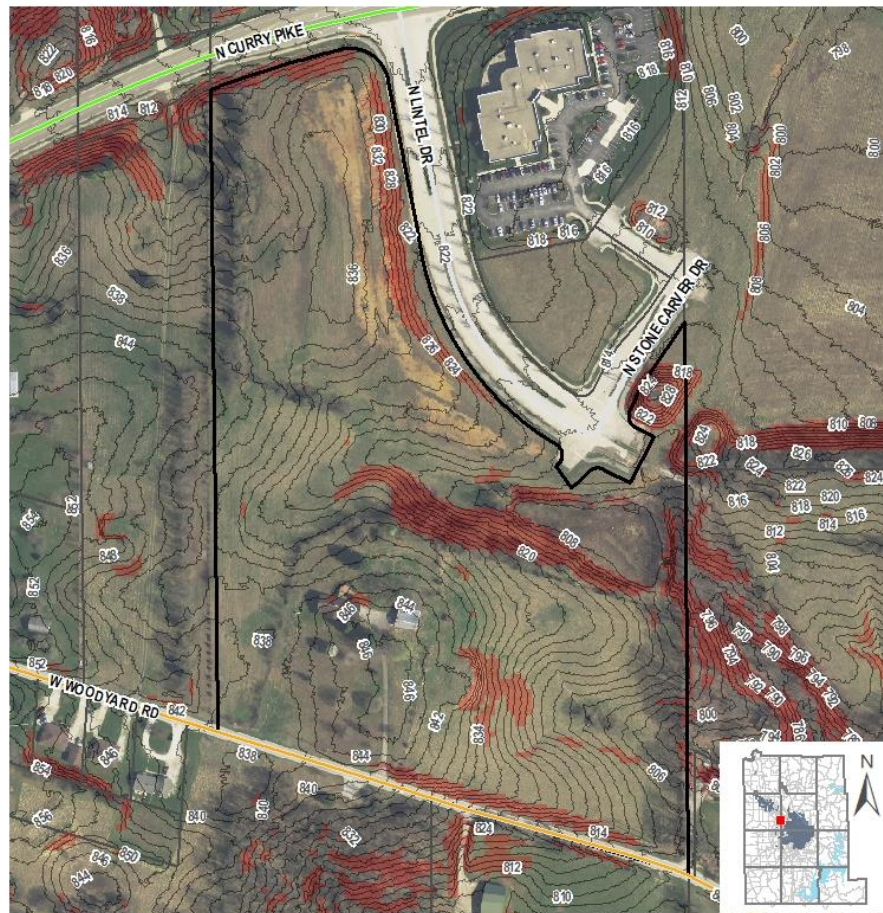
15_Percent Slope (2010)

- 0 - 15
- > 15

0 75 150 300 450 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 1/15/2021



TOPOGRAPHY

A mass grading plan has been proposed to add fill to proposed Lot 2 and level out proposed Lot 3. According to an email from the petitioner, “*Bedrock is deeper than 10 ft at the site. Lot 2 grading originally called for really deep cuts but has recently been raised by 3 ft. Lot 3 is to only receive earth fill at this time. So, I really don’t foresee any blasting on Lot 2 and certainly not on Lot 3 with filling operations.*”

There are neighbor concerns expressed in Exhibit 4 regarding any erosion, and blasting that could occur during development.

SITE PICTURES

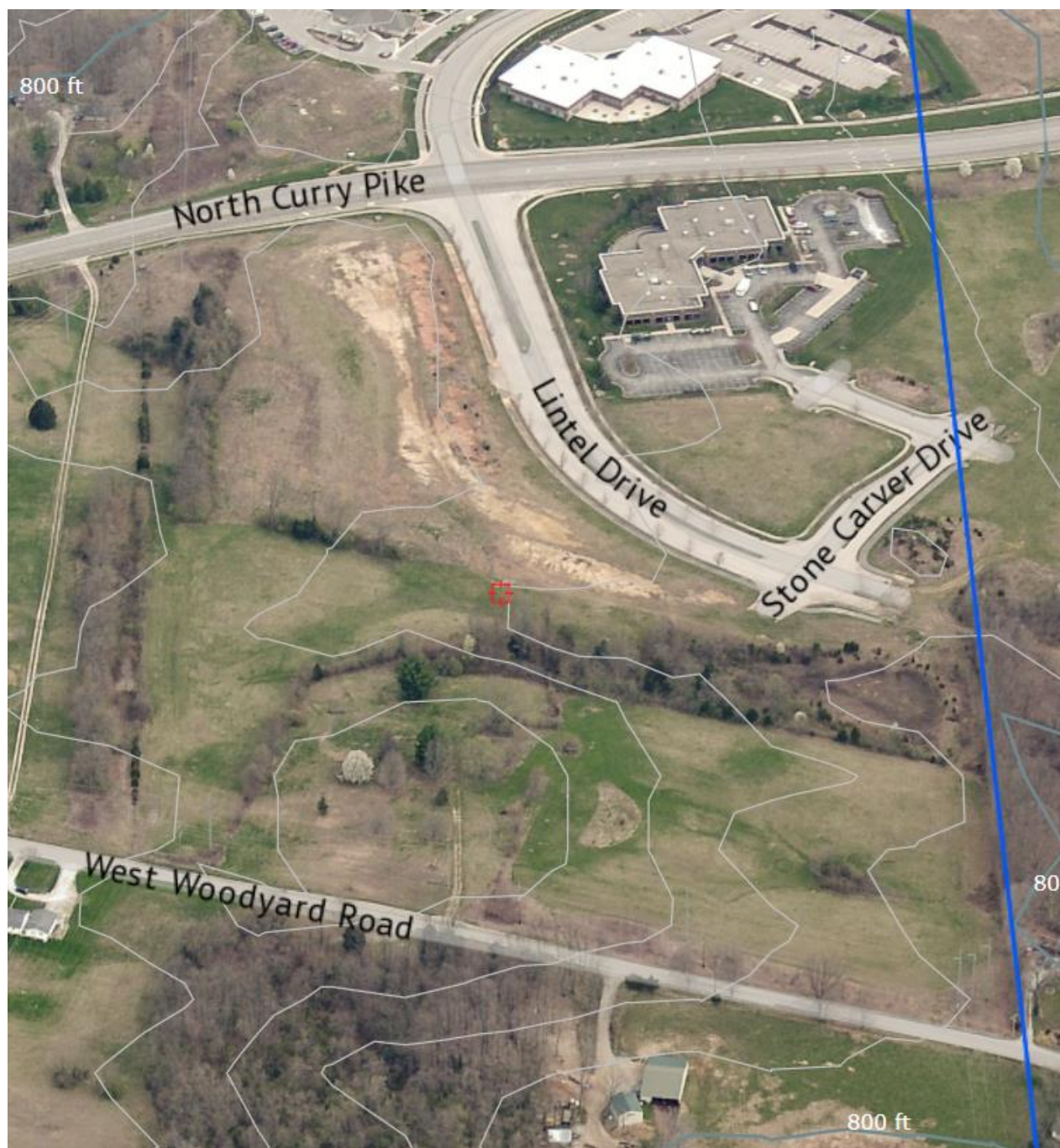


Figure 1. Facing north; aerial view from April 2020.



Figure 2. Facing north; aerial view from April 2020.



Figure 3. On Curry Pike, petition site on the right. Intersection with N Lintel DR.



Figure 4. At the intersection of N Curry Pike and N Lintel DR facing the petition site (right).



Figure 5. Facing east on N Lintel Drive. Notice the access point, sidewalks and street trees.- Petition site is on the right and Lot 1 & 2 would share this access point.



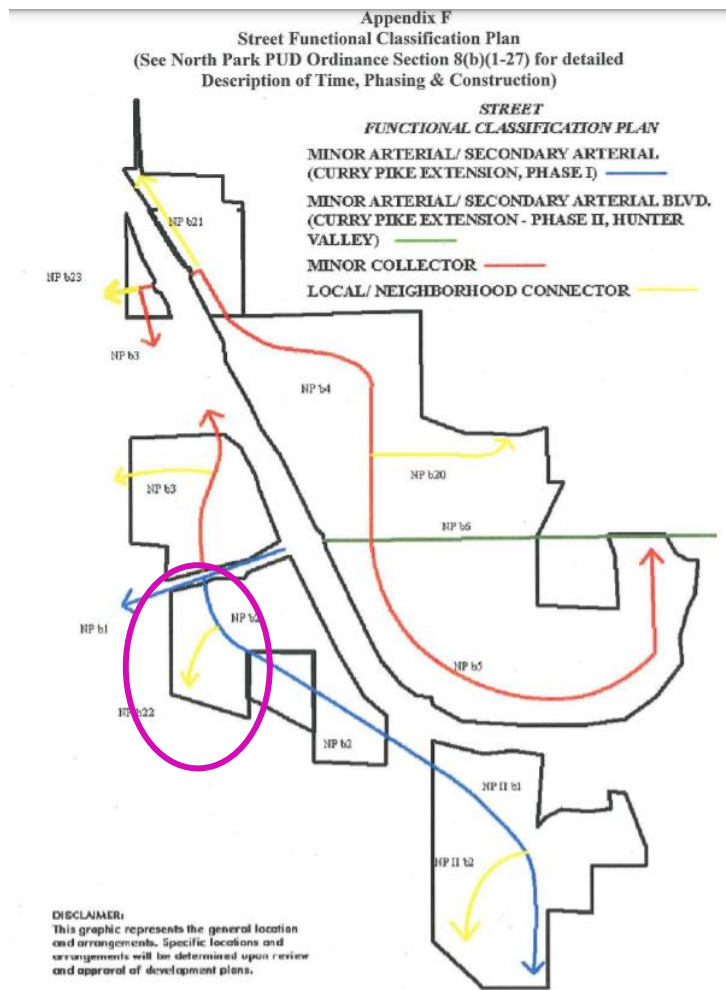
Figure 6. Petitioner site on the right at the intersection of N Lintel DR and N Stone Carver DR.



Figure 7. Facing west on W Woodyard RD. Note 100' powerline easement. Treeline on the right is the property line.

INFRASTRUCTURE AND ACCESS

TRANSPORTATION & CONNECTIVITY



intersection.

Table 1. Use District Acreages

Use District	District Acreage*
"A"	106
"B"	408 115 (Rev. Ord 2006-39)
"C"	58
"D"	71
"Open Space/Linear Park"	75

*exclusive of public street right of way and regional storm water management facilities

ALTERNATIVE TRANSPORTATION

Under the Subdivision Control Ordinance sidewalks are required, per 856-40(A)(3) as the a part of the proposed subdivision is within the Urban Service boundary as shown in the Comprehensive Plan. The sidewalks are required to be 5' wide as they are within a collector street. Sidewalks already exist along N Curry Pike, N Lintel Drive and N Stone Carver Drive. There are approximately 950 linear feet along W Woodyard Road that do not have sidewalks installed yet. The Petitioner has requested a waiver from this portion of the sidewalk requirement.

Should N Stone Carver Drive extend south, 5' wide sidewalks would be required on both sides of the road.

No other alternative transportation is called out for this area at this time in the North Park Ordinance. Not more than fifty percent of the acreage of the Curry Pike Industrial Use Area has been developed.

STREET TREES

The Subdivision Control Ordinance requires street trees planted along road frontage 1 for every 40' per 856-43 (B) (1) (Preservation of Natural Features and Amenities). Street trees currently exist along existing stretches of N Lintel Drive and N Stone Carver Drive. The preliminary plat has added the required eight (8) trees along N Curry Pike.

The petitioner has requested a waiver from the street tree requirement along W Woodyard Road. The approximately 950 linear feet of W Woodyard RD frontage would require 24 additional street trees.

Should N Stone Carver Drive extend south, street trees would be required on both sides of the road.

DEVELOPMENT STANDARDS

The following standards were approved with the outline plan:

Minimum Lot Size = n/a.

Minimum Lot Width at Build Line = 100'

Front Yard Setback = 15'

Rear Yard Setback = 35'

Side Yard Setback = 15'

Maximum Height = 100' for Hospital/Wellness use only. All other uses shall be to a maximum of 70'.

Maximum Floor to Area Ratio = 3.0 FAR for Hospital/Wellness use only. All other uses shall be to a maximum of 0.5 FAR.

There are three lots for the preliminary plat shown as a table in the Summary of this report. Each lot meets the development standards approved in the outline plan phase.

Use Area	Minimum Lot Area	Minimum Lot Width*	Setbacks ²			Build-to Line	Maximum Height	Maximum Floor to Area Ratio
			Front	Rear	Side			
Neighborhood Retail	NA	NA	NA	0'	0'	Within five (5) feet of ROW	40'	2.00
Office Commerce Center	NA	50'	15'	15'	5'		40'	3.00
Town Center	NA	NA	NA	0'	0'	Within five (5) feet of ROW	70	3.00
Multi-family Commerce Center	40,000 sq. ft.	50'	15'	15'	5'		50	.75
Public/Civic	NA	NA	15'	15'	5'		50	.50
Retail Commerce Center	NA	50'	15'	15'	5'		40	.50
Industrial Curry Pike District	NA	100'	15'	35'	15'		100'***	3.0***
Convenience Store	NA	50'	15'	15'	5'		30	.50
Hotel	NA	50'	15'	15'	5'		70	.50
Office Highway District	NA	50'	15'	15'	5'		70	3.00
Retail Highway District	NA	50'	15'	15'	5'		40	.50
Multi-family Highway District	40,000 sq. ft.	50'	15'	15'	5'		50	.75
Low Density Residential	20,000 sq. ft.	50'	25'	35'**	15'**		35	.25
Neighborhood Residential	6,000 sq. ft. ¹	25'	15'	10'	0'		35	.50
Multi-family Neighborhood	20,000 sq. ft.	60'	15'	15'	5'		35	1.00
Office SR46 District	NA	100'	15'	15'	5'		70	3.00
Open Space	NA	NA	NA	NA	NA		NA	NA
Apple Industrial/Office	NA	100'	15'	35'	15'	NA	100'***	3.0***

Specific Conditions

* As measured at the street frontage

** An additional 15' of rear yard setback and 5' of side yard setback shall be provided for each additional story

*** 100 foot height and 3.00 FAR permitted for Hospital/Wellness use only. All other uses shall be subject to maximum height of 70 feet and 0.5 FAR. (rev. by Ord. 2006-39)

The petitioner has submitted drawings for each of the proposed development on Lot 2 and Lot 3 for evaluation against these detailed criteria. Exhibit 5 contains staff concerns for deficiencies. All other density criteria have been met, including Floor to Area Ratio, Lot Width, and Side and Rear yard setbacks. The proposed uses are permitted uses in this area of the PUD.

ARCHITECTURE

The North Park PUD established a detailed set of design criteria for structures and architecture for the development overall. The Industrial Curry Pike District of Tract B-3 has the following design criteria:

7.4 Employment Areas.

The development of the employment areas shall be in accordance with the following:

a. General Requirements. The design criteria will be reviewed in the following manner:1.

General. General architectural elements and site design criteria will be reviewed through the Development Plan review. No development plan shall be approved until findings are established that demonstrate compliance with the identified and applicable design criteria. Inclusion of the stated design criteria into recorded covenants and restrictions may be used to achieve these findings.2. *Specific.*

Specific architectural elements and site design criteria will be reviewed through the ILP review process

and the construction plan review process, respectively. No ILP's nor construction plan approvals shall be approved until compliance with the identified applicable design criteria has been established.

b. Site Design Principles. Development within these use areas shall be in accordance with Sections 854-6 through 854-12; 856-1 through 856-44, with the exception of 856-44(B)(6); 858-1 through 858-11; 860-1 through 860-4 and 860-6; 860-7; 860-8 of the Monroe County Subdivision Control Ordinance unless stated otherwise in this PUD Ordinance.

f. Industrial Curry Pike District (Within District B-3)

f. Industrial Curry Pike District (Within District B) (Including Apple Industrial/Office)

1. Height, setbacks, minimum frontage, etc. shall be in accordance with Appendix D of this PUD Ordinance.
2. Individual buildings shall relate to adjacent buildings and those directly across the street in terms of scale and massing.
3. All elevations of buildings facing public streets, plazas, or open space shall incorporate all of the following:
 - i. All elevations shall be brick, stone or cultured stone, wood, or masonry/wood based siding product, masonry, or pre-cast panels finished with some architectural finish such as fluting, stamping, etc.,, excluding window, doors, and similar appurtenants. Materials such as exterior insulated finish systems (EIFS), anodized metal and glass may be used in combination with any of the previously mentioned materials as architectural accents, constituting 50% or less of the area of the elevation.
 - ii. All elevations fronting on a public street, parking area, plaza, or open space shall include an entrance. Entrances shall be defined by architectural elements appropriate for the design of the building and shall either be covered or recessed and shall incorporate street furniture into their design.
 - iii. All facades fronting on a public street shall include a minimum 30% fenestration which shall be calculated by taking the building's length multiplied by a height of ten (10) feet.
 - vi. All facades fronting on a public street, parking area, plaza or open space that measure greater than eighty (80) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least five percent (5%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any such façade shall exceed eighty (80) feet.
4. A minimum of two (2) materials or colors shall be used for all buildings.
5. All buildings shall be designed with a minimum of six (6) external corners, in order to eliminate "box" designs.
6. All other elevations not finished with the materials identified in the previously mentioned manner shall have the corners wrapped a minimum of thirty (30) feet with the same finish as that on the elevations fronting on a public street, plaza, or open space.
7. Rooftop equipment shall be fully screened on all sides from view at street level using parapets or other similar method which is integrated into the overall building design.

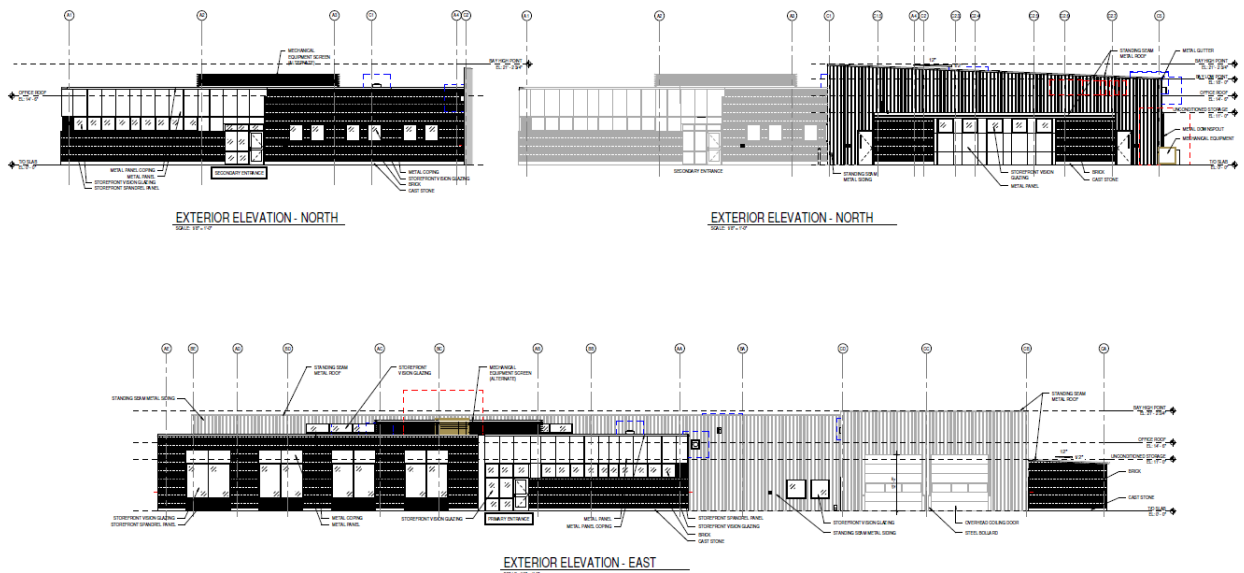
8. Gutters and downspouts shall be appropriate to or visually integrated with the architectural style of the structure
9. The primary base color of a building shall feature natural tones/hues.
10. Flat roofs are permitted, but must include a parapet wall or similar architectural element appropriate for the design of the building. Pitched roofs shall include articulated cornices and other appropriate architectural elements and shall be sheathed in dimensional asphalt shingles, cedar shingles, slate or composite slate, or standing seam metal materials.
11. Any accessory structures or permanent outdoor display (excluding silos, water towers, etc.) shall be constructed of the same materials and in the same manner as the principle building. Further, the height of the accessory structure shall not exceed that of the principle building and if provided, the roof shall be constructed in the same manner and of the same material as the principle building.
12. Parking for all structures shall be in accordance with the following:
 - i. On-street parking that may be counted as part of the required parking is permitted on local streets and parking aisles, but is prohibited on all other streets and alleys. On-street parking shall be in the form of parallel or angled head-in parking, with all spaces measuring at least nine (9) feet in width and eighteen (18) feet in length and shall be placed within a parking lane.
 - ii. All on-street and off-street parking spaces required shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of continuous storage of a vehicle for more than forty-eight (48) hours.
 - iii. All off-street parking areas shall be located behind or on the side of the buildings they serve except for the Hospital/Wellness use where off-street parking areas may be located in front of, behind, or on the side of the buildings they serve; provided that where adjoining open space areas or any publicly-maintained road, the parking areas are located behind a landscaped masonry wall meeting the requirements of Chapter 830, Figure 30-4 or a landscaped berm meeting the requirements of Chapter 830, Figure 30-2 or Figure 30-3.
 - iv. All off-street parking areas shall provide accessible spaces in sufficient numbers and to the specifications of the Americans with Disabilities Act and the Indiana Building Code.
 - v. Parking space access for all off-street parking areas shall be provided in accordance with 806-4(C)(1)(3) and (4); 806-4(D).
 - vi. The minimum number of parking spaces required shall be in accordance with the provisions of Chapter 806 of the Monroe County Zoning Ordinance. A parking plan

- detailing the calculations shall accompany all site plans and development plans submitted for uses within this area. On-street parking areas provided within the use area may be counted toward the required parking.
- vii. Loading areas equivalent to the standards established in 806-8 shall be provided. Minor deliveries such as those made by the U.S. Postal Service, express carriers, etc. may utilize any provided on-street parking areas.
 - viii. A dedicated transit loading, unloading, and waiting area shall be provided within at least one parking area in each use district, within three hundred (300) feet of a public entrance, unless otherwise provided for in an equal form on an adjacent public street. The area shall be large enough to accommodate a parked bus without blocking parking spaces or aisles and shall include street furniture to accommodate waiting passengers. There shall also be associated facilities for storing and securing bicycles. This area shall not be counted toward the required parking spaces.
 - ix. All parking areas shall be connected into adjacent alternative transportation features.
 - x. Structured parking may be used for off-street parking provided it is either located underground or utilizes architectural finishes and elements equivalent to that used in adjacent buildings.
 - xi. No off-street parking areas shall be adjacent to SR46 or Curry Pike/Hunter Valley Road unless located behind buildings, behind a landscaped masonry wall meeting the requirements of Chapter 830, Figure 30-4, or a landscaped berm meeting the requirements of Chapter 830, Figure 30-2 or Figure 30-3.
13. Landscaping and buffer yards shall be provided in accordance with the following:
- i. A landscape plan for each site plan and development plan shall be prepared in accordance with the provisions of 830-4 of the Monroe County Zoning Ordinance.
 - ii. All landscaped areas shall be in accordance with the provisions of Chapter 830-6 of the Monroe County Zoning Ordinance except that landscaping islands serving as part of the storm water management facilities need not be separated by curbing so long as they are protected through the use of wheel stops.
 - iii. Buffer yards shall be in accordance with the provisions of 830-7 of the Monroe County Zoning Ordinance, except that where adjoining open space areas and Curry Pike or SR46 a Type D buffer yard meeting the provisions of Table 30-2 of the Monroe County Zoning Ordinance shall be provided and where adjoining SR46 no less than seventy-five percent (75%) of the existing trees and vegetation shall be left

- undisturbed for a minimum depth of fifty (50) feet from the right of way line (See Appendix A).
- iv. All off-street parking areas shall utilize small parking fields separated by landscaped areas. In addition to the landscaping requirements of parking areas contained elsewhere in this PUD Ordinance, there shall be a landscaped swale measuring no less than sixteen (16) feet in width with a density of no less than 110 points per 100 lineal feet between every two parking aisles (every four rows of parking stalls). This swale may be counted as a required perimeter yard and may be divided equally among the two adjoining parking fields for the purposes of determining the percent of lot area located in an interior planting area as described in Table 30-3 of Chapter 830 of the Monroe County Zoning Ordinance. This area may also be designed to accept and manage storm water.
 - v. Street trees shall be provided in accordance with 856-43(B) of the Monroe County Subdivision Control Ordinance. All such street trees shall be maintained in healthy condition by the adjoining lot owner or other assigned entity (association, etc.).
14. Signs for uses within this use area shall be in accordance with the following:
- i. Permitted signs are as follow and as illustrated in Appendix C of this PUD Ordinance:
 - Directional
 - Directional signs are permitted as determined by the Administrator to be necessary for the orderly flow of traffic
 - Sign shall not exceed four (4) square feet in area per side with a maximum of two sides per sign
 - Sign shall not exceed three (3) feet in height as measured from the adjoining grade
 - Monument
 - One (1) monument sign is permitted for each platted lot or development tract
 - Setbacks shall be consistent with those of the principle building
 - Sign shall not exceed fifty (50) square feet in area per side with a maximum of two sides per sign
 - Signs in excess of twenty-four (24) square feet shall not exceed six (6) feet in height all other signs shall not exceed eight (8) feet in height as measured from the adjoining grade
 - No more than one-half (1/2) the sign area may be used for changeable copy
 - Wall-Mounted

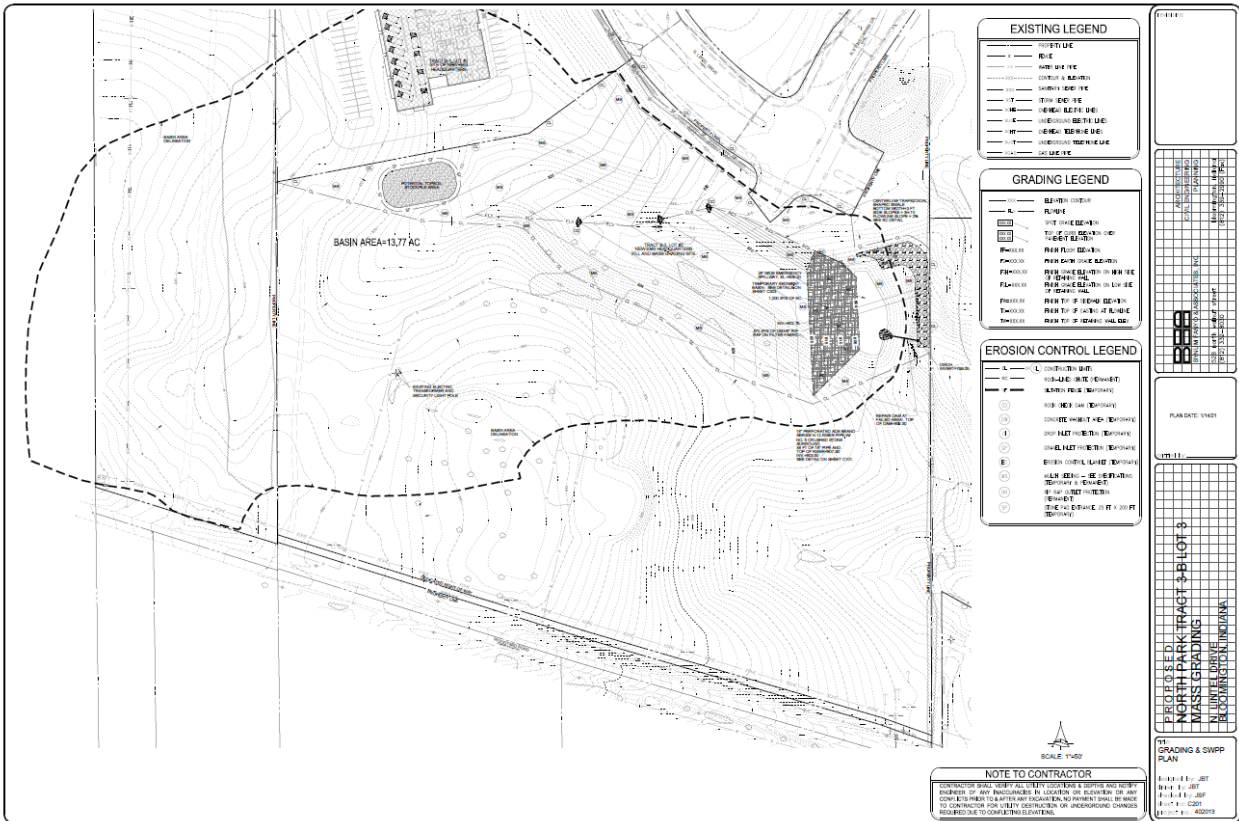
- Total permitted wall-mounted signs shall not exceed forty (40) square feet, except for the Hospital/Wellness use, where the total permitted wall-mounted signs shall not exceed five hundred and fifty (550) square feet with the sign area per façade not to exceed two (2) square feet for each one (1) linear foot of building façade provided that no greater than three hundred and fifty (350) square feet of wall-mounted sign area per façade is allowed
 - One (1) sign is permitted per building per façade per tenant
 - Sign shall not exceed forty (40) square feet
 - The bottom of the sign must be a minimum of eight (8) feet above the street or sidewalk level
 - Signage on a mounted sign shall be counted in the calculation of total allowable sign area
 - The sign shall not project from the façade more than twelve (12) inches
 - No more than twenty-five percent (25%) of the sign area may be used for changeable copy
 - Marquee
 - A maximum of one (1) marquee sign
 - Signage on a marquee sign shall not be counted in the calculation of the total allowable sign area
 - Sign shall not exceed forty (40) square feet in area per side, with a maximum of two sides per sign
 - The bottom of the sign shall be a minimum of eight (8) feet above the adjoining street or sidewalk level
 - The sign shall not project more than four (4) feet from the face of the facade.
 - Other
 - Political signs and signs offering the property on which they are situated for sale, lease, or rent provided they are in accordance with the provisions of 807-7(G) of the Monroe County Zoning Ordinance
 - Traffic control and public wayfinding signs are exempt from the provisions of this PUD Ordinance
- ii. Off-premise advertising signs or billboards and portable signs are prohibited within this use area.
- iii. All signs shall be identified on the site plan and/or development plan and shall secure a permit in accordance with the provisions of 807-3 of the Monroe County Zoning Ordinance.

- iv. All illuminated signs shall be either illuminated channel letters or shall be illuminated by a light source directed toward the sign face. Internally illuminated box signs are prohibited as are any signs that use flashing, intermittent, or strobe effects.
15. Lighting shall be provided in accordance with the following:
- i. Street lights may be provided where buildings front on any streets or drives. These lights shall be placed at a minimum of sixty (60) foot intervals and shall have a maximum height of twenty-five (25) feet. The lights shall have an opaque top or a full cut-off and visor that result in all light being cast downward.
 - ii. Lights that utilize full cut-offs and visors that result in all light being cast downward may be used in parking areas and shall have a maximum height of twenty-five (25) feet. The light intensity shall not exceed one (1) foot candle as measured at the edge of the associated parking area.
 - iii. Only lights utilizing full cut-offs and visors that result in all light being cast downward may be placed on buildings to illuminate loading berths, stairwells, etc.
 - iv. No lighting shall be placed on any façade that adjoins an open space area or a residential area (outside of this use area).
16. The design of this use area shall result in a “campus” type environment where buildings, roads, etc conform to the existing topography and landscape as much as practical. Extensive use of open space and preservation of existing features is expected. Connections to adjoining park space and civic space shall occur and a high degree of architectural design shall be incorporated throughout this area.

[illegible]



SITE PLANS for Lot 3 (Draft 3) Mass Grading



PARKING

Currently under staff review for Lot 2. None required for Lot 3.

LANDSCAPING

Currently under staff review for Lot 2. None required for Lot 3.

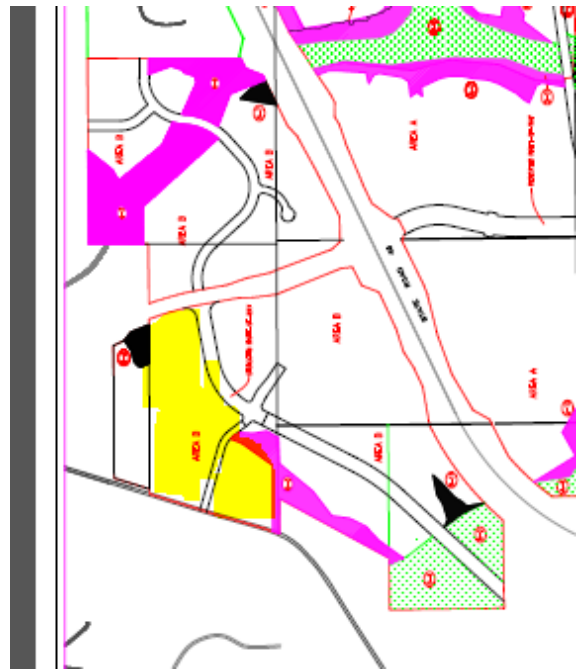
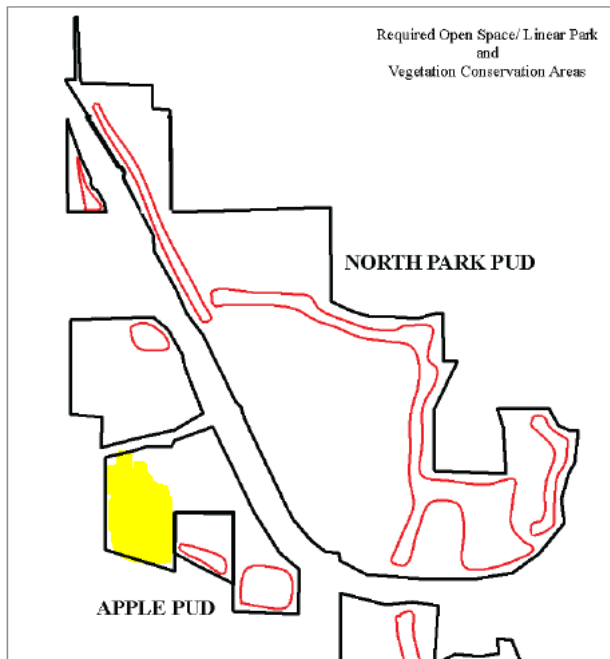
SIGNS

No sign permit information has been submitted at this time. Any future submittals will be required to meet both County and PUD design criteria prior to approval during the Improvement Location Permit review.

OPEN SPACE

According to Section 3.4b of the North Park PUD ordinance open space shall be provided in each of the use Districts and shall result in a total of no less than 25% of the gross area of the PUD being preserved as open space. The Open Space Overall Plan for North Park requires specific amounts of acreage to be dedicated in each area for open space. The overall North Park Open Space Plan calls for a total of 4.37 acres of open space in Area B-3. The petitioner has included 1.49 acres located in Lot 3 and following the open space location images below.

Appendix A
Open Space and Preservation Area Exhibit



UTILITIES

The petitioner has provided capacity letters for sanitary sewer to be provided by the South Central Regional Sewer District and approved for water service from the City of Bloomington Utilities (CBU) as required for the development of Lot 2. The regional sewer district plant is located immediately east of Stout's Creek on the east side of State Road 46. Water and sewer lines have been shown on the preliminary plat's infrastructure plan and h

Duke Energy recently relocated transmission lines and are within a 100' easement in the adjacent parcel to the west. A capacity letter has been provided by the petitioner for Lot 2 development. Other than the transmission lines, the proposed location of electric lines to serve the lots is not shown on the plans but a 20' utility easement on each proposed lot are shown just outside the right of way.

STORMWATER FACILITIES

The County Drainage Engineer has stated that: in accordance with 3.4a of the North Park PUD, parking areas and other large expanses of impervious surfaces shall utilize techniques that manage and treat stormwater *within or adjacent to the area* prior to releasing the water into a larger management facility. The minimum amount of stormwater treated in this manner shall be a minimum of one-half inch of runoff from impervious surfaces, and bioretention areas shall be designed in accordance with the requirements of Chapter 830 (including a minimum 18 inch soil depth with 50 percent compost content). A diagram showing the area draining to each bioretention area shall be submitted to the Drainage Engineer.

These plans for Lot 3 has been reviewed by the MS4 Coordinator and they are satisfied with the design. Lot 2 is still under review by staff.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the **Employment** district in the Monroe County Urbanizing Area Plan portion of the Monroe County Comprehensive Plan. The immediate surroundings are also Employment or Conservation Residential.

The Comprehensive Plan describes Employment as follows:

Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses that may not be easily integrated into a mixed-use environment.

These uses may require large, isolated sites for large-format facilities, or multiple facilities may be organized into coordinated campus-style or industrial park settings. This land use category is intended to accommodate the expansion and changing operations of a wide variety of companies and to foster a well-rounded and diverse economy as part of the Greater Bloomington area.

Special attention should be paid to vehicular access management, buffering and landscape aesthetics, building and parking orientation, and basic architectural design standards. Business support services are encouraged to be integrated into larger employment areas.

A. Transportation

Streets

Employment areas require special considerations in roadway design. These areas are typically accessed through arterial connections from the freeway and require accommodations for heavy truck traffic. Arterial connections may

Include mixed-use corridors, and special attention must be paid to balance the needs of all travel modes while also facilitating industrial deliveries and commuter traffic flow. Arterial streets, such as Third Street, should not exceed five lanes in width (four travel lanes with center turn lane). local and collector streets will typically be two or three-lanes (two travel lanes with center turn lane). Street connections are encouraged to help distribute traffic, but should be balanced with access management plans to maximize safety. Center medians for select arterial roadways should be considered to improve access management and corridor aesthetics.

Freight

Appropriate routes for truck traffic to and from i-69 should be designated with thoroughfares designed accordingly. Major highway access points to employment areas west of i-69 will include Sr-46, Third Street/Sr-48, 2nd Street/Sr-45 and Tapp road. Fullerton Pike will provide access to potential employment areas to the east of I-69. A new roadway connection between That road and South Walnut Street (old Sr-37) should be considered to open land between the highway and clear creek for employment uses.

Bike, Pedestrian, and Transit modes

Commuting by automobile will likely remain the primary form of transportation to work in the larger employment centers within the Urbanizing Area. However, opportunities to expand transportation options should be provided wherever possible. Streets within employment areas should include sidewalks and/or shared-use sidepaths and encourage connections to karst farm Greenway and clear creek Trail. Opportunities to expand City of Bloomington and rural Transit service to employment areas should also be explored.

B. Utilities

Sewer and water

Employment-generating uses provide a fiscal benefit to the community that may warrant additional investments in and possible geographic expansion of sewer systems. Some areas designated for

employment uses in the land Use Plan are located outside of current sewer service areas, most notably the area between Clear Creek and State Road 37. Additional studies should be undertaken to determine the potential for sewer expansion and necessary capital improvements to serve these areas. Additional studies and surveys may be required to determine the geographic restrictions within developable areas.

Power

Where possible, overhead utility lines should be buried to minimize disruption during major weather events. Care should be taken to locate underground utilities in a manner that does not interfere with site development or business expansion. Opportunities to create redundant power systems with new electrical substations should be explored.

Communications

State of the art communications systems should be prioritized in employment areas. Street infrastructure improvements should reserve space for burial of fiber-optic systems and/or other forms of high-speed internet and communications networks.

C. Open space

Park Types

Employment areas should provide open spaces primarily through the preservation of sensitive lands and creation of landscape buffers. Where opportunities exist, shared use path connections to the broader greenway network should be incorporated, providing a recreational amenity and alternative transportation option for employees, as well as linkages to the broader Bloomington/Monroe county system.

Urban Agriculture

Community gardens and urban agricultural systems should be encouraged in near employment areas as a recreational and wellness opportunity for employees. However, soil suitability in existing industrial areas should be verified.

D. Public Realm Enhancements

Wayfinding

regularly-located route signage for truck traffic to and from i-69 should be provided. business and industrial parks may incorporate multi-business panel signs at gateway locations to improve wayfinding, and should use high- quality materials, be aesthetically coordinated with surrounding architecture, and include attractive landscape features.

Lighting

Roadways should be lighted for safety and will typically require taller poles (± 30 feet).

Street/Site furnishings

Street furnishings will be limited in employment districts, but may include bus stops/shelters and benches.

E. Development guidelines

Open Space

Open space in employment areas should be provided on-site (with the exception of significant environmental preservation areas) and determined through maximum lot coverage requirements, with 15 to 20% of a site reserved for landscaping, buffering, stormwater management and outdoor amenities for employees.

Parking ratios

Parking needs will vary by business. In campus and business park settings, shared parking arrangements should be encouraged, although most businesses will require some amount of dedicated parking. Large industrial facilities, warehouses, and flex/r&d space will often have relatively low parking needs (e.g. 1

space per 2,000 square feet). Parking requirements should be based on the needs of individual businesses as opposed to mandatory minimum requirements.

Site Design

Buildings should be oriented toward the front of the lot to create a street presence, but will typically be set back from the front property line by 30 to 50 feet. Parking in front of the building should be avoided, and limited to small visitor-oriented parking lots with close access to the main entrance. Employee parking should be located to the rear or side of the building. Sufficient maneuvering aisles and loading spaces will be necessary for freight delivery. Loading docks and bays should be oriented away from public streets or screened with landscaping or architecturally integrated walls extending from the building.

Building form

Industrial, flex and warehouse buildings should balance economic construction with basic aesthetics. Office components and main visitor entrances should be located on the front facade, be designed as distinct elements from the rest of the building, and incorporate high amounts of window transparency. Facilities may require light-controlled environments, but where possible, high windows above eye level should be incorporated, particularly along street-facing facades. Buildings will have simple forms and flat roofs. Parapets should be used to screen rooftop mechanical units.

Materials

Acceptable primary building materials include brick, stone (natural or cultured), pre-cast concrete panels, concrete masonry units, architectural metal panels, fiber-cement siding and EIFS (exterior insulated finishing Systems). Smooth-faced and textured-faced metal panels are preferred, but corrugated or ribbed panels are also acceptable. Split-faced block may be acceptable if combined with other primary materials. Careful attention should be paid to how materials are installed, joined, and detailed, particularly at edges, corners and material transitions. Shadow lines, expression lines and variations in color and texture are encouraged to break up monolithic facades. Trees, shrubs and other vertical landscape elements should be incorporated along large, blank facades.

Private Signs

Sign designs should be coordinated with the character of the building, and may be building-mounted or ground-mounted monument signs. Pole signs should be prohibited. Monument signs should be located in landscape beds and may include exterior ground lighting. Digital and changeable copy signs are not appropriate. Sites will typically require directional signage for visitors, employees and freight delivery.

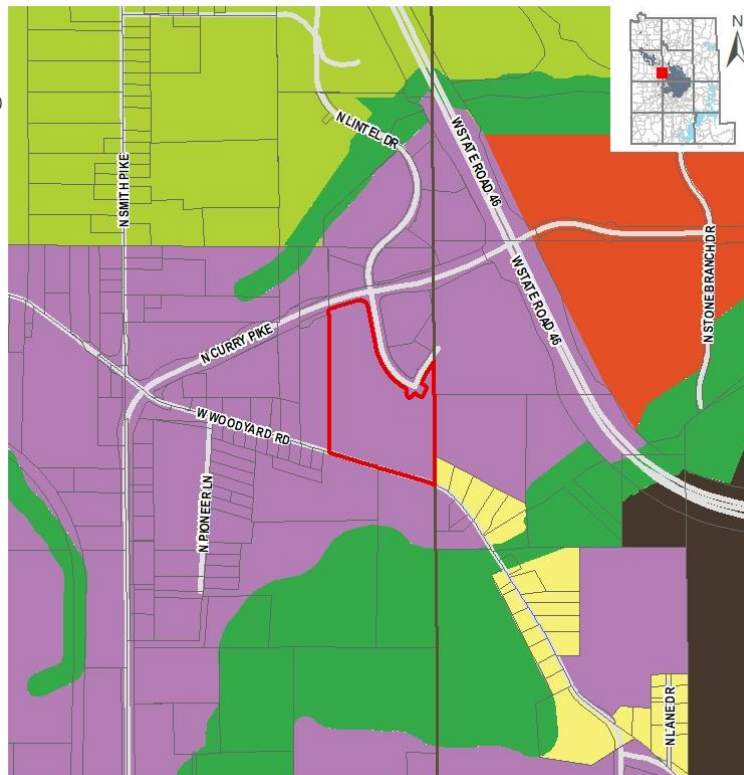
Comprehensive Plan

- Petitioner
- Townships
- Monroe Co. Urbanizing Area (MCUA)
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)**
- MCUA Conservation Residential
- MCUA Employment
- MCUA Mixed Use
- MCUA Open Space
- MCUA Quarry Landscape
- MCUA Suburban Residential

0 0.075 0.15 0.3 Miles

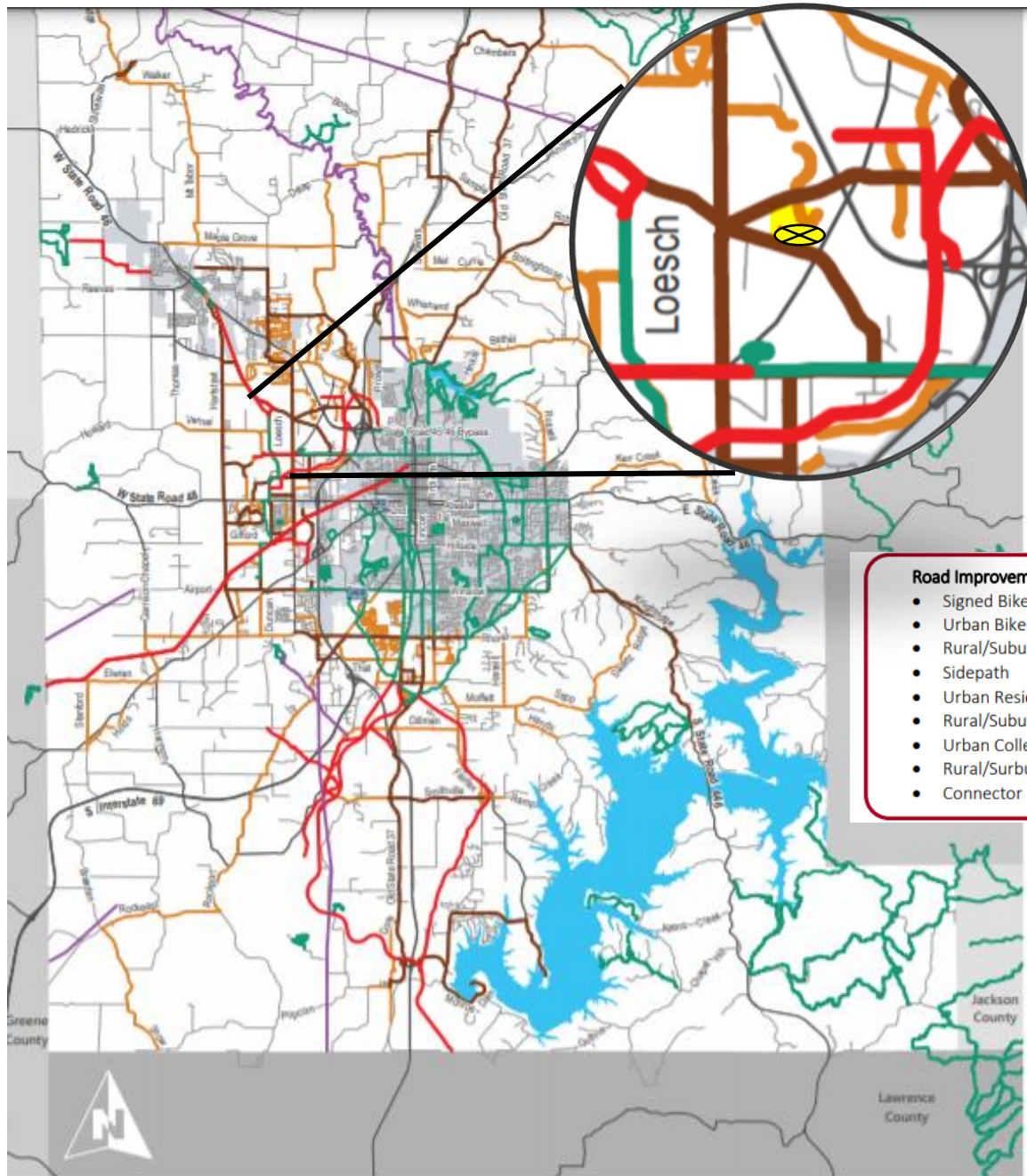


Monroe County
Planning Department
Source: Monroe County GIS
Date: 1/15/2021



MONROE COUNTY TRANSPORTATION ALTERNATIVES PLAN

The [Monroe County Transportation Alternatives](#) Plan shows W Woodyard Road as a High Priority Road Improvement on the Vision Map.



Road Improvement Opportunity (Red)

- Signed Bike Route
- Urban Bike Lane
- Rural/Suburban Bike Lane
- Sidepath
- Urban Residential Sidewalk
- Rural/Suburban Residential Sidewalk
- Urban Collector Sidewalk
- Rural/Suburban Collector Sidewalk
- Connector Path

MONROE COUNTY VISION MAP

- | | |
|--|-------------------------------------|
| High Priority Greenway Corridor | High Priority Road Improvements |
| Moderate Priority Greenway Corridor | Moderate Priority Road Improvements |
| Bloomington Trails & Other Recreational Trails | Incorporated Areas |

FINDINGS OF FACT - Subdivisions

850-3PURPOSE OF REGULATIONS

(A)To protect and provide for the public health, safety, and general welfare of the County.

Findings

- The petitioner has approved plans sewer service from the South Central Regional Sewer District and water service approval from City of Bloomington Utilities;
- Sidewalks are installed on 3 of the 4 bordering roads and a waiver has been requested for sidewalks along W Woodyard Road;
- N Lintel Drive, a minor collector, serves as the main access to the subdivision;
- Under chapter 856-11 states: *“Whenever the area to be subdivided is to use an existing street frontage, the street shall be suitably improved as herein provided and may be required to provide a minimum of two (2) points of ingress and egress for any new development.”*
- Drainage from the site will managed via storm sewer system releasing into a proposed storm water quality detention feature;
- Karst formations were not found on the property;
- A minimum of 25% open space is required in a PUD and this petition has dedicated 1.49 acres as open space. An additional 2.88 acres will be required for dedication when Tract B-5 develops in accordance to the overall Open space Plan for North Park;
- Hydrants have been located throughout the development as approved by the Bloomington Township Fire Department;
- Floodplain is not present within the petition site boundary;

(B)To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings

- The Comprehensive Plan designates the property as MCUA Employment;
- The property is currently zoned PUD of the North Park PUD;
- The current approved uses for the petition parcel are Industrial Curry Pike District as written in the North Park Ordinance 2011-28;
- The surrounding area is comprised as PUD or residential to the south and southeast;
- See findings under Section A;

(C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings

- Each lot complies with the Height, Bulk and Area standards of the Outline Plan;
- There is open space delineated in proposed Lot 3 and it totals 1.43 acres;
- See findings under Section A;

(D)To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

Findings

- Surrounding properties are zoned PUD, Suburban Residential (SR) and Estate Residential 1 (RE1);
- There is residential use to the south and southeast of this PUD;
- Approval of the subdivision would create three commercial lots for development;
- All proposed lots meet the design standards for the zoning designation PUD;
- The proposed subdivision is within proximity of a nursing home, medical offices and an insurance firm and has access to roads, utilities and fire protection;

- The proposed development contains permitted uses within Use District B of the North Park PUD;
- Architectural Design criteria have been partially submitted, and will be further reviewed at the Improvement Location Permit stage as allowed under Section 7.4(a)(2) of the North Park Ordinance;
- The proposed development has met the sidewalk and street tree standards but there is a request for a Waiver to forgo installation of sidewalks and street trees along W Woodyard Road;
- The required 20' landscape buffer yard has been provided along Curry Pike;
- See findings under Sections A & C;

(E)To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development, to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- The total acreage of Open Space platted on Lot 3 in Tract B-3 is 1.49 acres and the remainder of the 2.88 acres required for the Open Space Plan will be platted when B-5 is subdivided;
- There are no evident karst features visible on the petitioner site;
- Drainage easements have been incorporated into the preliminary plat;
- The petitioner's grading plan will alter slopes greater than 15% but all proposed lots will have a buildable area for commercial development;
- Bioretention will also be maintained and utilized for each development plan on Lots 2 & 3;
- See findings under Sections A & C;

(F)To provide proper land boundary records, i.e.:

- to provide for the survey, documentation, and permanent monumentation of land boundaries and property;

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.
- to provide for the identification of property; and,

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site. County Surveyor has also reviewed the plat for survey accuracy.

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, this petition will be recorded there as a plat. The plat must comply with Chapter 860 - Document Specifications to be recorded.

(b) The extent to which the proposal departs from zoning and subdivision regulations such as density, dimension, bulk, use, required improvements, and construction and design standards.

Findings:

- See Findings (a);

FINDINGS OF FACT – WAIVER OF STREET TREE REQUIREMENT

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-43 (B) (1) (Preservation of Natural Features and Amenities), which reads:

- (B) As a requirement of final approval, the applicant shall plant and/or preserve trees on the property or the subdivision in accordance with the following:
- (1) Street trees shall be planted or preserved within five (5) feet of the right-of-way of the street or streets within and abutting the subdivision, or at the discretion of the Plan Commission and the County Engineer, within the right-of-way of such streets. One tree shall be planted or preserved for **every forty (40) feet of frontage along each street**. Such trees shall be planted or preserved when any of the following are applicable:
- a. the proposed subdivision will connect with an existing or proposed subdivision or business development that has street trees, or has adjoining road frontage to a street that has street trees, or;
 - c. the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The street tree improvements are required due to the petition site meeting the criteria described in 856-43 (B) (1);
- The site maintains frontage along four roads: N Lintel, W Woodyard, N Stone Carver, and N Curry Pike;
- Street trees are currently in place on the N Lintel and N Stone Carver;
- The petitioner has added eight (8) trees along N Curry Pike frontage;
- The waiver request is for the 24 trees required along W Woodyard Road;
- The requirement is that street trees be placed within five feet of the right-of-way along the frontage of W Woodyard Road unless the waiver is granted;
- The total length of frontage along W Woodyard Rd is approximately 950 linear ft;
- There is a 100’ powerline easement along W Woodyard Rd;
- Right of way dedication is 45’ from centerline which would put the placement of the trees very near the center of the powerline easement;
- The powerline lowest lines measure as low as 25’ as measured through Eagleview aerials;
- The petitioner has provided Waiver Findings as shown in Exhibit 5;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- The street trees are required due to the petition site’s location in relation to 856-43 (B) (1) in the Urban Service Area;
- Street trees can add value to the aesthetic character of a proposed development and is consistent with the Comprehensive Plan and the Zoning Ordinance;
- See findings under section (1);

3. **Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

Findings:

- The waiver of street trees would may have a detrimental relationship to the delivery of governmental services (e.g. water, sewer, etc.) to facilitate the new building sites;
- Properties along W Woodyard Road east of the petition site do not have sewer services or water services;
- The height of the trees may cause maintenance issues for the overhead powerlines;
- See finding under section (1), (2);

4. **Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

Findings:

- See findings under section (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood;

5. **The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

Findings:

- See findings under section (1);

6. **Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under section (1), (2), and (3);

7. **The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- The street trees are required due to the petition site's location in relation to the aforementioned 856-43 (B) (1);
- There are existing street trees on the other three frontage roads for the petition site;
- See findings under section (1), (2), and (3);

8. **The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

Findings:

- See findings under section (1) and (7);
- The utility lines appear to have existed since 2006 as shown in aerial photos;
- No trees currently exist under the powerlines along W Woodyard Rd;

9. **The practical difficulties cannot be overcome through reasonable design alternatives;**

Findings:

- See findings under section (1);

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-40 (A) (Sidewalks), which reads:

- (A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way on both sides of all streets when any of the following are applicable:
 - (3) the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The sidewalk improvements are required due to the petition site meeting the criteria described in 856-40 (A) (3) above;
- Sidewalks currently exist along 3 of the 4 roads bordering the petition site;
- The road bordering the petition site to the south is W Woodyard Road and does not currently have sidewalks;
- The length of W Woodyard Road along W Woodyard Road is approximately 950’;
- Sidewalks are required to be 5’ wide;
- The requirement is that sidewalks be constructed within the right-of-way on the frontage along W Woodyard Road unless the waiver is granted;
- The petitioner has provided Waiver Findings as shown in Exhibit 5;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- The Comprehensive Plan calls for an alternative transportation system throughout the county;
- The sidewalk improvement is required due to the petition site’s location in relation to 856-40 (A) (3) mentioned previously;
- The Comprehensive Plan states the following related to sidewalks:
 - Monroe County shall continue to promote safety, diversity, and creativity of housing designs as essential components of the local quality of life (e.g., connecting neighborhoods with a combination of streets, sidewalks, and alternative transportation routes that unify the community).
 - Monroe County will focus its land and property use management responsibilities to:
 - Ensure connections between residential and commercial uses with roads, sidewalks and trails by limiting dead-end roads and cul-de-sacs;
 - Require sidewalks, side-paths and/or multi-use paths in new subdivisions if connections to the County and/or City’s Greenway System is feasible or if roads do not provide access to adjoining subdivisions or large developable parcels;
- The Monroe County Transportation Alternatives Plan designates W Woodyard Road as a High Priority Road Improvement in the Vision Map;

3. **Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

Findings:

- The presence of 5' sidewalk would not have a detrimental relationship to the delivery of governmental services (e.g. water, fire protection, etc.) to any new building sites;
- Properties along W Woodyard Road east of the petition site do not have sewer services or water services;
- There is a 100' electric easement that encompasses 25' to 40'+ tall powerlines along W Woodyard Road;
- See finding under section (1), (2);

4. **Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

Findings:

- See findings under section (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood;
- There are currently no sidewalks along 1.2 mile stretch W Woodyard Road between N Curry Pike and W vernal Pike;

5. **The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

Findings:

- See findings under section (1);

6. **Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under section (1), (2), and (3);

7. **The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- The sidewalk improvement is required due to the petition site's location in relation to the aforementioned 856-40 (A) (3);
- There are existing sidewalks on the northern portions of the petition site along the other three roads bordering the petition site;
- See findings under section (1), (2), and (3);

8. **The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

Findings:

- See findings under section (1) and (7);

9. **The practical difficulties cannot be overcome through reasonable design alternatives;**

Findings:

- See findings under section (1);

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

Written statement of Character for the PUD - IU Health EMS Proposed Headquarters Building Project

Proposed use:

IU Health Emergency Medical Services provides support for the Bloomington and South Central Indiana region provides out-of-hospital acute care and transport to definitive care to patients with illness or injuries which the patient believes constitute a medical emergency. In addition EMS provides response to 911-based emergencies with or without transport and provides schedule medical transport or Specialty Care Transport often referred to as non-emergent transport. EMS provides urgent pre-hospital treatment and stabilization for serious illness and injuries and to transport the patient to definitive care.

Stone Carver site is an ideal with access to in multiple directions via existing road systems, by Cornerstone Blvd and Curry Pike Road. New EMS will be located in one headquarters building, improving the ability to serve their population and work efficiently as an organization. Today the EMS Bloomington operates out of 4 different buildings, none now adequate to house the demand of the EMS work.

The western Utility easement is a natural separation from adjoining residences, with parking and circulation for the emergency response vehicles as shown on the proposed site plans. A secure vehicle parking bay for 8 to 9 vehicles, immediately accessible to the office building. The vehicle maintenance section, performs immediate simple but timely repairs, such as changing damaged tire. Major repair work is outsourced off site. Storage areas provide for equipment and other necessary items necessary to respond to natural disasters such as floods and tornados as well as man-made disasters.

Staffing is anticipated to be 20 persons maximum, 24/7 use.

Ownership:

Indiana University Health Bloomington, Central Southern Region, is the largest network of physicians in the state of Indiana, in partnership with Indiana University School of Medicine, one of the nation's leading medical schools.

Development Schedule:

Initiate Construction: March/April, 2021

Complete Construction: Third/Fourth quarter, 2021

Facilities Plan:

New building design is 3 building functions within a single structure. The Office area has staff offices, training & education area, staff and emergency response support in the areas of equipment storage & dispensing, durable medical supplies used by the response team, restrooms with showers, staff break room, residential style break room kitchen and lounge for 24/7 use. The vehicle storage function is a one way in and one way out vehicle secure garage. The maintenance garage serves to light duty repairs such as a tire change or similar to render the transport vehicle back in service quickly. Total building area is 19,330 sq. ft.

The building height is 16 office building parapet and vehicle areas range 18 to 21 feet heights depending on roof slope of vehicle areas.

The attached renderings indicate the overall character and massing of the building. Exterior finish materials will be selected to meet the requirements of the local zoning code as well as covenants, requirements and restrictions of the overall development.

EXHIBIT 2: Petitioner's draft preliminary plat (3 pages)

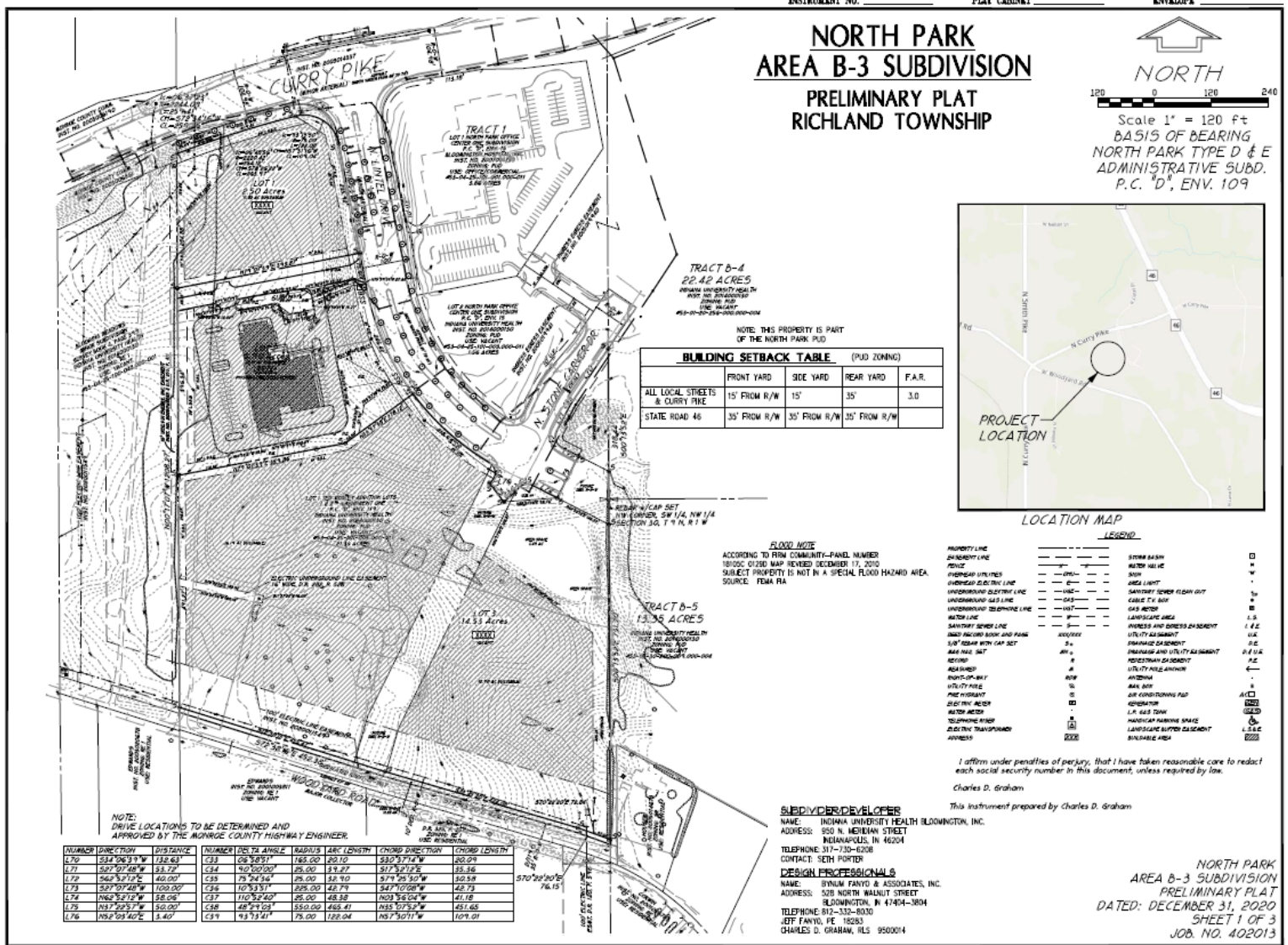


EXHIBIT 2: Page 2 draft preliminary plat

INSTRUMENT NO.

PLAT CADDIST

ENVELOPE

We, Indiana University Health Bloomington, Inc., the owner of the real estate shown and described herein, does hereby certify, layout and plat lots numbered 1, 2 and 3, to be known as NORTH PARK AREA B-3 SUBDIVISION Rights-of-Way not heretofore dedicated are hereby dedicated to Monroe County, Indiana.

In accordance with this plat and certification, this plat shall be known as NORTH PARK AREA B-3 SUBDIVISION.

NORTH PARK AREA B-3 SUBDIVISION is to be subject to the provisions of the Declaration of the Covenants, Conditions, and Restrictions of NORTH PARK recorded as instrument number 2005014011 on July 12th, 2006, in the Office of the Recorder of Monroe County, Indiana.

NORTH PARK AREA B-3 SUBDIVISION is to be subject to the provisions of the revised North Park PSD Ordinance dated September 19th, 2011.

NORTH PARK AREA B-3 SUBDIVISION is to be subject to the written commitments as prepared by Andrew, Harrell, Allen, Cannon & Parker of Bloomington, Indiana, dated 8-23-2012 as instrument number 2012014070. There are building setbacks on the plat upon which no structures may be erected or maintained.

The strips of ground that are shown on the plat and marked "Easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public for utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines, wires, drainage pipes or storm water facilities. Buildings or other structures shall not be erected or maintained on these strips.

The strips of ground that are shown on the plat and marked "Pedestrian easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public for pedestrian traffic across said ground. Buildings or other structures shall not be erected or maintained on these strips.

The strips of ground that are shown on the plat and marked "Landscaping buffer easement" are owned by the owners of the lots that they respectively affect. These strips are reserved for landscaping purposes. Utilities may be placed in said easement but no buildings or other structures shall be erected or maintained on these strips.

Subject to the rights of adjacent lot owners to use the ingress and egress easements.

Subject to the rights of the public to use the pedestrian easements.

Signed and Sealed this _____ day of _____, 20____

BY: _____ OFFICE

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the undersigned Notary Public, in and for the said County and State, personally appeared _____ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 20____

County of Residence Commission Expires

Notary Public Signature Notary Public Printed

Under the authority of Chapter 174, Acts of 1947, as amended, General Assembly of the State of Indiana, and Monroe County Subdivision Control Ordinance, this plat was approved 20____

MONROE COUNTY PLAN COMMISSION

PRESIDENT

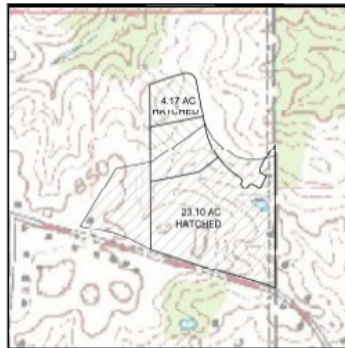
SECRETARY

LEGAL DESCRIPTION

Owner: Indiana University Health Bloomington, Inc.

Source: Instrument No. 2014000130

Lot 1 in Teal Worley Addition Lots 1 & 2 - Amendment One as recorded in Plat Cabinet D in Envelope 119 in the office of the Recorder of Monroe County, Indiana, being a part of the Northeast quarter of Section 25, Township 9 North, Range 2 West, Richland Township, Monroe County, Indiana.



DRAINAGE MAP

Lot 1 in Teal Worley Addition Lots 1 & 2 - Amendment One dated October 11, 2012 and recorded as Plat Cabinet D, Envelope 119 in the office of the Recorder of Monroe County, Indiana, is hereby vacated.

Witness our hand this _____ day of _____, 20____

BY: _____ OWNER, signed BY: _____ OWNER, printed IU HEALTH BLOOMINGTON, INC. Owner Lot 1

BY: _____ OFFICE

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the undersigned Notary Public, in and for the said County and State, personally appeared _____ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 20____

County of Residence Commission Expires

Notary Public Signature Notary Public Printed

PROPOSED STREET TREES (CURRY PK, R.O.W.)

DATE	LOT	ADJACENT OWNER	ADJACENT OWNER ADDRESS	ADJACENT OWNER PHONE	ADJACENT OWNER EMAIL	ADJACENT OWNER SIGNATURE	ADJACENT OWNER DATE	ADJACENT OWNER TIME
10/11/12	1	INDIANA UNIVERSITY HEALTH BLOOMINGTON, INC.	1000 N. WALNUT ST.	317.331.1111	iuhealth@iuhealth.org	[Signature]	10/11/12	10:00 AM
10/11/12	2	INDIANA UNIVERSITY HEALTH BLOOMINGTON, INC.	1000 N. WALNUT ST.	317.331.1111	iuhealth@iuhealth.org	[Signature]	10/11/12	10:00 AM

PLAT SHEET

PLAT NUMBER (ORDINANCE NO.)

RECORDING AGENCY

NORTH PARK AREA B-3 SUBDIVISION PRELIMINARY PLAT RICHLAND TOWNSHIP

Appendix D - Table D-1 - Height, Bulk, Density

Use Area	Minimum Lot Area	Minimum Lot Width*	Setback ²			Build to Line	Maximum Height	Maximum Floor to Area Ratio
			Front	Rear	Side			
Neighborhood Retail	NA	NA	NA	0'	0'	Within Five (5) feet of ROW	40'	2.00
Office Commerce Center	NA	50'	15'	15'	5'		40'	3.00
Town Center	NA	NA	NA	0'	0'	Within Five (5) feet of ROW	70'	3.00
Multi-Family Commerce Center	40,000 sq. ft.	50'	15'	15'	5'		50'	.75
Public Civic	NA	NA	15'	15'	5'		50'	50
Retail Commerce Center	NA	50'	15'	15'	5'		40'	50
Industrial Curry Pike District	NA	100'	15'	35'	15'	100' ***	30' ***	3.0 ***
Convenience Store	NA	50'	15'	15'	5'		40'	50
Hotel	NA	50'	15'	15'	5'		70'	50
Office Highway District	NA	50'	15'	15'	5'		70'	3.00
Retail Highway District	NA	50'	15'	15'	5'		40'	50
Multi-Family Highway District	40,000 sq. ft.	50'	15'	15'	5'		50'	.75
Low Density Residential	20,000 sq. ft.	50'	25'	35' **	15' **		35'	25
Neighborhood Residential	6,000 sq. ft.	25'	15'	10'	0'		35'	50
Multi-Family Neighborhood	20,000 sq. ft.	60'	15'	15'	5'		35'	1.00
Office SB46 District	NA	100'	15'	15'	5'		70'	3.00
Open Space	NA	NA	NA	NA	NA		NA	NA
Appl. Internal Office	NA	100'	15'	35'	15'	NA	100' ***	3.0 ***

Other General Conditions Applicable to all Use Areas:

- All accessory structures shall adhere to the setback standards identified in the Exhibit and shall be included in the FAR calculation.
- Chimneys, spires, flagpoles, etc. are exempt from the height limitations established in the Exhibit.
- Architectural features, awnings, canopies, bay windows, chimneys, fire escapes, porches, steps, patios, decks, etc. are allowed to encroach into any required setback areas up to 6 feet.
- Driveways, curbs, sidewalks, fences, retaining walls, hedges, flagpoles, landscaping features, planting boxes, recreation features and equipment, refuse disposal facilities, etc. can be located in any yard subject to any applicable provisions regarding screening, landscaping, sight triangle, etc. as established in this PSD Ordinance.
- On any corner lot, a wall, fence, sign, structure, display of merchandise, plant growth, etc. which obstructs sight lines at elevations between two and one-half (2 1/2) feet and ten (10) feet above the crown of the adjacent roadway shall not be placed or maintained within a triangle of the area of the lot twenty-five (25) feet from the street right of way at intersections.
- Temporary outdoor displays of merchandise, that is merchandise on display for thirty (30) days or fewer may encroach into the required setback by no more than ten (10) feet.
- Permanent outdoor displays of merchandise, that is merchandise on display for more than thirty (30) days shall conform to the required setbacks for the use area.

NORTH PARK AREA B-3 SUBDIVISION PRELIMINARY PLAT DATED: DECEMBER 31, 2020 SHEET 2 OF 3 JOB NO. 402013

EXHIBIT 2: Page 3 draft preliminary plat

THE FOLLOWING IS FROM THE NORTH PARK PLD ORDINANCE

SECTION 7.4

Industrial Curly Pike District (Within District B) Including Apple Industrial (Office)

1. Height, setbacks, minimum footage, etc., shall be in accordance with Appendix D of this PUD Ordinance.

2. Individual buildings shall relate to adjacent buildings and those directly across the street in terms of scale and massing.

3. All elevations of buildings facing public streets, plazas, or open space shall incorporate all of the following:

3.1 All elevations shall be brick, stone or cultured stone, wood, or masonry/wood based siding product, masonry, or precast panels finished with some architectural finish such as fluting, shaping, etc., excluding windows, doors, and similar appointments. Materials such as exterior insulated finish systems (EIFS), enameled metal and glass may be used in combination with any of the previously mentioned materials as architectural accents, constituting 50% or less of the area of the elevation.

3.2 All elevations flanking on a public street, parking area, plaza, or open space shall include an entrance. Entrances shall be defined by architectural elements appropriate for the design of the building and shall either be covered or recessed and shall incorporate street furniture into their design.

3.3 All facades flanking on a public street shall include a minimum 50% screen factor shall be calculated by taking the building's height multiplied by a height of two (2) feet.

3.4 All facades flanking on a public street, parking area, plaza, or open space that measure greater than eighty (80) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least five percent (5%) of the length of the facade and extending at least twenty percent (20%) of the height of the facade. No unperforated length of any such facade shall exceed eighty (80) feet.

3.5 A minimum of two (2) materials or colors shall be used for all buildings.

3.6 Buildings shall be designed with a minimum of six (6) external corners, in order to eliminate "box" designs.

3.7 All other elevations not finished with the materials identified in the previously mentioned manner shall have the corners wrapped a minimum of thirty (30) feet with the same finish as that on the elevations flanking on a public street, plaza, or open space.

3.8 Window equipment shall be fully screened on all sides from view of street level using parapets or other similar method which is integrated into the overall building design.

3.9 Buffers and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.

3.10 The primary base color of a building shall feature natural tones/finishes.

3.11 Flat roofs are permitted, but must include a parapet wall or similar architectural element appropriate for the design of the building.

3.12 Pitched roofs shall include articulated corners and other appropriate architectural elements and shall be sheathed in dimensional asphalt shingles, cedar shingles, slate or composite slate, or standing seam metal materials.

3.13 Any necessary structures or permanent outdoor display (including signs, water towers, etc.) shall be constructed of the same materials and in the same manner as the principle building. Further, the height of the necessary structure shall not exceed that of the principle building and if provided, the roof shall be constructed in the same manner and of the same material as the principle building.

3.14 Flat roofs shall be in accordance with the following:

3.15 On-street parking that may be counted as part of the required parking is permitted on local streets and parking areas, but is prohibited on all other streets and ways. On-street parking shall be in the form of parallel or angled head-in parking, with all spaces measuring at least nine (9) feet in width and eighteen (18) feet in length and shall be placed within a parking lane.

3.16 All on-street and off-street parking spaces required shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of continuous storage of a vehicle for more than forty-eight (48) hours.

3.17 All off-street parking areas shall be located behind or on the side of the buildings they serve except for the Hospital/Wellness use where off-street parking areas may be located in front of, behind, or on the side of the buildings they serve; provided that where adjoining open space areas or any publicly-maintained road, the parking areas are located behind a landscaped masonry wall meeting the requirements of Chapter 850, Figure 30-4 or a landscaped berm meeting the requirements of Chapter 850, Figure 30-2 or Figure 30-3.

3.18 All off-street parking areas shall provide accessible spaces in sufficient numbers and to the specifications of the Americans with Disabilities Act and the Indiana Building Code.

3.19 All off-street parking areas shall be provided in accordance with 806-402(2)(3) and 861-806-403.

3.20 The minimum number of parking spaces required shall be in accordance with the provisions of Chapter 806 of the Monroe County Zoning Ordinance. A parking plan detailing the calculations shall accompany all site plans and development plans submitted for use within this area.

3.21 On-street parking areas provided within the use area may be counted toward the required parking.

3.22 Loading areas equivalent to the standards established in 850-6 shall be provided. Motor deliveries such as those made by the U.S. Postal Service, express carriers, etc., may utilize any provided on-street parking area.

3.23 A dedicated transit-loading, unloading, and waiting area shall be provided within at least one parking area in each use district, within three hundred (300) feet of a public entrance, unless otherwise provided for in an equal form on an adjacent public street. The area shall be large enough to accommodate a parked bus without blocking parking spaces or aisles and shall include street furniture to accommodate waiting passengers. There shall also be associated facilities for storing and securing bicycles. This area shall not be counted toward the required parking spaces.

3.24 All parking areas shall be connected into adjacent alternative transportation features.

3.25 Structural parking may be used for off-street parking provided it is either located underground or utilizes architectural finishes and elements equivalent to that used in adjacent buildings.

3.26 All off-street parking areas shall be adjacent to SR44 or Curry Pike/Porter Valley Road unless located behind buildings, behind a landscaped masonry wall meeting the requirements of Chapter 850, Figure 30-4, or a landscaped berm meeting the requirements of Chapter 850, Figure 30-2 or Figure 30-3.

3.27 Landscaping and buffer yards shall be provided in accordance with the following:

3.28 Landscaping plan for each site plan and development plan shall be prepared in accordance with the provisions of 850-4 of the Monroe County Zoning Ordinance.

3.29 All landscaped areas shall be in accordance with the provisions of Chapter 850-4 of the Monroe County Zoning Ordinance except that landscaping islands serving as part of the storm water management facilities need not be separated by curbing so long as they are protected through the use of wheel stops.

3.30 Buffer yards shall be in accordance with the provisions of 850-7 of the Monroe County Zoning Ordinance, except that where adjoining open space areas and Curry Pike or SR44 a Type D buffer yard meeting the provisions of Table 30-2 of the Monroe County Zoning Ordinance shall be provided and where adjoining SR44 no less than seventy-five percent (75%) of the existing trees and vegetation shall be left undisturbed for a minimum depth of fifty (50) feet from the right of way line (See Appendix A).

3.31 All off-street parking areas shall utilize small parking fields separated by landscaped areas. In addition to the landscaping requirements of parking areas contained elsewhere in this PUD Ordinance, there shall be a landscaped waste measuring no less than sixteen (16) feet in width with a density of no less than 110 plants per 100 linear feet between every two parking aisles (every four rows of parking stalls). This waste may be counted as a required perimeter yard and may be divided equally among the two adjoining parking fields for the purposes of determining the percent of lot area located in an interior planting area as described in Table 30-3 of Chapter 850 of the Monroe County Zoning Ordinance. This area may also be designed to accept and manage storm water.

3.32 Street trees shall be provided in accordance with 856-438(1) of the Monroe County Subdivision Control Ordinance. All such street trees shall be maintained in healthy condition by the adjoining lot owner or other assigned entity (association, etc.).

3.33 Signs for uses within this use area shall be in accordance with the following:

3.34 Permitted signs are as follow and as illustrated in Appendix C of this PUD Ordinance:

- Directional

3.35 Directional signs are permitted as determined by the administrator. It is necessary for the orderly flow of traffic.

3.36 Signs shall not exceed fifty (50) square feet in area per side with a maximum of two sides per sign.

3.37 Signs shall not exceed three (3) feet in height as measured from the adjoining grade.

- Monument

3.38 One (1) monument sign is permitted for each platted lot or development tract.

3.39 Setbacks shall be consistent with those of the principle building.

3.40 Signs shall not exceed fifty (50) square feet in area per side with a maximum of two sides per sign.

3.41 Signs in excess of twenty-four (24) square feet shall not exceed six (6) feet in height at other signs shall not exceed eight (8) feet in height as measured from the adjoining grade.

3.42 No more than one-half (1/2) the sign area may be used for changeable copy.

- Wall-Mounted

3.43 Permitted wall-mounted signs shall not exceed forty (40) square feet, except for the Hospital/Wellness use, where the total permitted wall-mounted signs shall not exceed five hundred and fifty (550) square feet with the sign area per facade not to exceed two (2) square feet for each one (1) linear foot of building facade provided that no greater than three hundred and fifty (350) square feet of wall-mounted sign area per facade is allowed.

3.44 One (1) sign is permitted per building per facade per linear foot.

3.45 Signs shall not exceed thirty (30) square feet.

3.46 The bottom of the sign must be a minimum of eight (8) feet above the street or sidewalk level.

3.47 Signage on a mounted sign shall be counted in the calculation of total allowable sign area.

3.48 The sign shall not project from the facade more than twelve (12) inches.

3.49 No more than twenty-five percent (25%) of the sign area may be used for changeable copy.

- Marquee

3.50 A maximum of one (1) marquee sign.

3.51 Signage on a marquee sign shall not be counted in the calculation of the total allowable sign area.

3.52 Signs shall not exceed forty (40) square feet in area per side, with a maximum of two sides per sign.

3.53 The bottom of the sign shall be a minimum of eight (8) feet above the adjoining street or sidewalk level.

3.54 The sign shall not project more than four (4) feet from the face of the facade.

- Other

3.55 Political signs and signs offering the property on which they are situated for sale, lease, or rent provided they are in accordance with the provisions of 803-4-793 of the Monroe County Zoning Ordinance.

3.56 Traffic control and public wayfinding signs are exempt from the provisions of this PUD Ordinance.

3.57 Off-premise advertising signs or billboards and portable signs are prohibited within this use area.

3.58 All signs shall be identified on the site plan and/or development plan and shall secure a permit in accordance with the provisions of 807-3 of the Monroe County Zoning Ordinance.

3.59 All illuminated signs shall be either illuminated channel letters or shall be illuminated by a light source directed toward the sign face. Internally illuminated box signs are prohibited as are any signs that use flashing, intermittent, or strobe effects.

3.60 Lighting shall be provided in accordance with the following:

3.61 Street lights may be provided where buildings front on any streets or drives. These lights shall be placed at a minimum of sixty (60) foot intervals and shall have a maximum height of twenty-five (25) feet. The lights shall have an opaque top or a full cut-off and shall result in all light being cast downward.

3.62 Lights that utilize full cut-offs and stars that result in all light being cast downward may be used in parking areas and shall have a maximum height of twenty-five (25) feet. The light intensity shall not exceed one (1) foot candle as measured at the edge of the associated parking area.

3.63 Only lights utilizing full cut-offs and stars that result in all light being cast downward may be placed on buildings to illuminate loading berths, stairwells, etc.

3.64 No lighting shall be placed on any facade that adjoins an open space area or a residential area to be used of this use area.

3.65 The design of this use area shall result in a "campus" type environment where buildings, roads, etc. conform to the existing topography and landscape as much as practical. Extensive use of open space and preservation of existing features is expected. Connections to adjoining park space and civic space shall occur and a high degree of architectural design shall be incorporated throughout this area.

NORTH PARK AREA B-3 SUBDIVISION PRELIMINARY PLAT RICHLAND TOWNSHIP

NORTH PARK
AREA B-3 SUBDIVISION
PRELIMINARY PLAT
DATED: DECEMBER 31, 2020
SHEET 3 OF 3
JOB NO. 402013

EXHIBIT 3: Ted Worley Addition Lots 1 & 2 Amendment One Final Plat (Page 1 only)

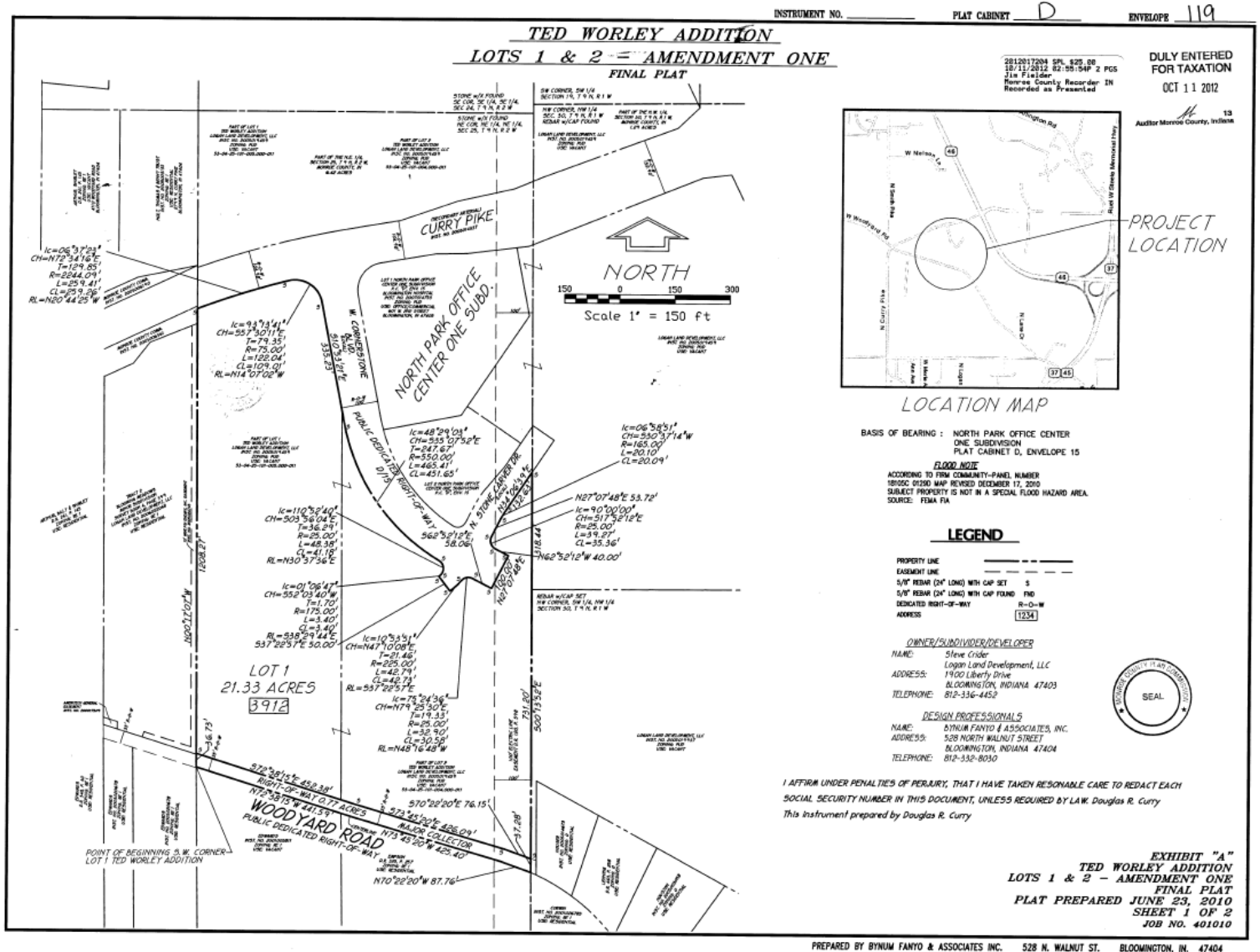


Exhibit 4: Woodyard Road Neighbor Letter and signatures

In reference to Petition number 2101-SPP-02, 2101-PUD-01, 2101-PUD-02

For 35 years we have owned, and are now the conditional sales contract holder, on the property known as 3740 W Woodyard Road, Bloomington, Indiana located in Bloomington township. This property provides affordable housing to 11 units located on 2 acres, and are currently utilizing wells and septic systems.

We have three concerns on the ramifications that the mass grading, future road construction, and development will have on this location and adjacent properties. Those three concerns involve the effects on the wells, septic, and drainage/flooding in this area.

Our experience in this matter is due to the effect on our property and adjacent properties, at the time of the development State Road 46 and I 69 projects a few years ago. During that time, the blasting, grading, and general construction, required us to replace wells on the property, a \$10000 + cost to us as well as deal with drainage issues. Developers/state officials/county officials knew property owners in this area relied on wells for their water supply. They knew there would be earth movement, because they installed a seismic monitor on our property to record ground motion. Afterwards our wells went dry, thus forcing us, at great cost, to replace them. The property owners across the street had the same issue, and elected to put in a cistern instead of drilling a new well. I am sure others in the area had similar problems. Furthermore, we have fears pertaining to the creek bed and the flood plain area that may ensue due to additional water and drainage issues. Specifically, will this create flooding on our property and affect the septic fields for which we rely, as well as our buildings and driveway. Also, the water runoff from the top of Woodyard Road (which would be appear to be near the east boundary of lot 3 of North Park) to Stout Creek needs to be addressed. Currently run off from the top of the hill veers into our driveway and septic fields in lieu of being directed to Stout Creek. We continually have to address this problem by replacing stone, regrading our driveway, and installing measures to prevent damage to our property.

In summary we are requesting the concerns (water, sewer, and drainage for all of the Woodyard Road properties in Bloomington Township) be part of the consideration for this development petition. This should include plans to address and resolve the water and sewage needs and the containment and proper grading needed to resolve and prevent run off to properties that are on the downward slope from the petitioner's lots to Stout Creek and the surrounding flood plain.

We have reached out to the planning commission numerous times during our tenure of ownership to inquire about the availability of water and sewer service for ourselves and our neighbors. We have always been given the brush off, and told we would have to wait for development of the land. It is quite mind boggling that there could be properties so close to existing water and sewage utility lines and yet not have this available for our property or the others along Woodyard Road. Now is the time to address these concerns.

Regards,

Janee and Nickie Kile

Below please find the contact information for property owners along Woodyard Road that will be affected in the future by the petition and agree that there is a need to address the water, sewer, and drainage in this area adjacent to the petitioner's property in Petition number 2101-SPP-02, 2101-PUD-01, 2101-PUD-02

Name James Brady Imps Comments: PROPERTY
MAIL Address 4355 W. Woodyard Rd 3401 WOODYARD RD
Phone 312 714 4420 Approx 18 acres
Email _____

Name Varvara Gehres Comments:
Address 3801 W. Woodyard Rd.
Phone (812) 361-2571
Email varya.gehres@gmail.com

Name Elmwood Comments:
Address 3500 W. Woodyard
Phone 812-927-8996
Email elmwoodlore@aol.com

Name Helen Robinson
Address 218 W. Woodyard Rd.
Phone 812-361-8512
Email helenr@hotma.1.com

Comments:

Name John Edwards
Address 4121 W Woodyard Rd
Phone 317-964-9404
Email John.edwards@gmail.com

Comments:

Need Sewer
on this
Property

Name Connie J. Peppler
Address 4131 W. Woodyard Rd
Phone 812-272-8492
Email peppconnie@yahoo.com

Comments:

sewer hook up.

Name Donna Stike
Address 4138 W Woodyard Rd
Phone 812-585-7535
Email randeStike@comcast.net

Comments:

Name Debut Miller
Address 441 W. Woodyard Rd
Phone 812-332-5890
Email _____

Comments:

Name Katie Duboc & Eric Morrow
Address 3755 W. Woodyard Rd
Phone 812-340-2355
Email moonstone-sky@hotmail.com

Comments:

Exhibit 5: Petitioner Waiver Findings – Sidewalk and Street Trees



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

February 10, 2021

Monroe County Plan Commission
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Re: North Park Area B-3 Major Subdivision (2900 N. Stone Carver Dr. Bloomington, IN 47404)

Dear Plan Commission Members:

Our client respectfully requests two design variances from the Monroe County Zoning Ordinance for a proposed subdivision of their land. The variances would be from a requirement under section 856-40 (A) that requires sidewalk connectivity on Woodyard Road frontage and associated street trees along Woodyard Road. This parcel of land currently has sidewalks/trails around the perimeter at the north and east sides. The property is currently 20.93 acres. The property's current use is vacant with a proposal to use the lot #2 as an EMS Headquarters for IU Health.

With the proposed subdivision plat, the existing parcel will become three; a 2.50 acre, a 3.90 acre and 14.53 acre lots. The new EMS building is planned for the new 3.90 acre lot. The use of both of the other two proposed lots will be the same as the existing – vacant.

Here are our findings to appeal to our request for a variances to construct a sidewalk and street trees along the southern perimeter of this large parcel of land according to chapter 850-12 (A):

1. Normally, the requirement for sidewalks for a subdivision would provide additional connectivity to the subdivision sidewalks as well. At this time, this requirement would not provide that since it would be stand alone at the southern perimeter. The straight-line required length from the southwest edge of the subject parcel to the southeast edge of the property is 948'. This means it would require 948' of sidewalk and 24 street trees.

A future ROW dedication and road would extend Stone Carver to Woodyard Road in the future. At this time, this sidewalk/street trees would be required along Woodyard Road in the same location because of a subdivision of proposed lot #3 (dedicated ROW would bisect lot #3). So, this would act as more of a temporary variance at this time.

2. This project will comply with the Monroe County Zoning Ordinance, Comprehensive Plan, and requests of the Monroe County Planning Department with the exception of these variances. All ROW dedication, easements, and other necessary provisions will be represented on the proposed North Park Area B-3 Major Subdivision Plat.

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

3. The proposed plat will contain dedicated public ROW and public utility easements to grant rights to protect public utilities. These have been coordinated with public utility providers, the City of Bloomington, and Monroe County.
4. The proposed plat and plan for the property will keep the same land use for lot #3 and will not alter the character of the current neighborhood and area along Woodyard Road.
5. Woodyard Road currently does not have public sidewalks or street trees to connect to. The purpose of the 856-40 (A) ordinance clause that requires sidewalk connectivity. This would be better to provide that when a road (extension of Stone Carver) with associated sidewalks occurs for connection and design for connection at that time.
6. The impracticality of this sidewalk with his project was not created with this plat and plan. The physical existing conditions are not being altered for request of this variance.
7. The alternative that would be suggested to this request is building this public sidewalk at a later date when the property is further subdivided as noted above. This later date trigger would include other development being created in this area that would introduce more pedestrian and vehicular traffic and trips that would necessitate extension of Stone Carver with public walks.

After you have had a chance to review our petition please feel free to contact us at any time with questions or clarifications you have.

We thank you in advance for your consideration of our project.

Sincerely,

Daniel J. Butler, P.E.
Bynum Fanyo and Associates, Inc.
Phone 812 332 8030

COPY: BFA FILE #402013

Exhibit 6: Planning staff concerns

North Park Office Area B-3, Preliminary Plat and Development Plan for proposed Lot 2 and Lot 3 of Tract B-3.

Preliminary Plat Comments:

- The 70' right of way local road, N Stone Carver Drive extension, should be labeled 'Dedicated Right of Way' and not 'Future';
- Include Monuments and legal description for N Stone Carver Drive right of way;
- Lot 3 should be west of the road and staff recommends adding a Lot 4 to the east of the 70' dedicated road;
- Provide a feasibility study or a preliminary road design for review by the Highway Department;
- Obtain a waiver for the Street Tree requirement for W Woodyard Road or include the design and species on the plat;
- Obtain a waiver for the Sidewalk requirement for W Woodyard Road or include the design on the plat;
- Highway and Stormwater comments may still be outstanding.

Development Plan Lot 2 Comments:

- Staff still reviewing this Development Plan
- Highway and Stormwater comments may still be outstanding.

Development Plan Lot 3 Comments:

- Staff still reviewing this Development Plan
- Highway and Stormwater comments may still be outstanding.