

**MONROE COUNTY PLAN COMMISSION
Virtual Meeting via ZOOM - Minutes
March 23, 2021 5:30 P.M.**

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – None

CALL TO ORDER: Margaret Clements called the meeting to order at 5:30 PM.

ROLL CALL: Margaret Clements, Dee Owens, Amy Thompson, Julie Thomas, Jim Stainbrook, Trohn Enright-Randolph, Bernie Guerrettaz, Geoff McKim Jerry Pittsford

ABSENT: *Beth Cate, City of Bloomington Plan Commission Representative*

STAFF PRESENT: Larry Wilson, Director, Jackie Nester Jelen, Assistant Director, Anne Crecelius, Planner/GIS Specialist, Drew Myers, Planner/GIS Specialist, Tammy Behrman, Senior Planner

OTHERS PRESENT: Michele Dayton, Tech Services, David Schilling, Legal, Terry Quillman, MS4 Coordinator, Lisa Ridge, Highway Department Director

INTRODUCTION OF EVIDENCE:

Jackie Nester Jelen introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

The Monroe County Subdivision Control Ordinance (as adopted and amended)

The Monroe County Plan Commission Rules of Procedure (as adopted and amended)

The case(s) that were legally advertised and scheduled for hearing on tonight's agenda

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

Motion to approve the agenda, as amended, carried unanimously.

APPROVAL OF MINUTES

No minutes to approve at this time.

ADMINISTRATIVE BUSINESS:

- 1. Approval of amendments to 2021 Meeting Calendar**
- 2. Appointments to Ordinance Review Committee, 1 Plan Review Committee appointee**

UNFINISHED BUSINESS:

- 1. 2010-PUO-03 Joseph Greene Outline Plan Amendment 2 (Clear Creek Urban) Final Hearing.**
One (1) 4.12 +/- acre parcel in Section 20 of Perry Township at 4831 S Rogers ST & 4833 S Rogers ST.
Planner: dmyers@co.monroe.in.us
Zoned RE1, RS3.5/PRO6, MR, and PUD.

NEW BUSINESS:

- 1. 2101-ZOA-01 Amendment to the Monroe County Zoning Ordinance:**
Chapter 807- Signs
Chapter 801 – Definitions
Preliminary Hearing. Waiver of Final Hearing Requested.
Amendments to the definitions and sign ordinance proposed.
Contact: lwilson@co.monroe.in.us
*****CONTINUED BY STAFF*****
- 2. 2012-PUO-05 Fieldstone Planned Unit Outline Amendment 3 (Parcel L) Preliminary Hearing. Waiver of Second Hearing Requested.**
One (1) 4.5 +/- acre parcel in Section 2 of Van Buren Township at Parcel Number#: 53-09-02-200-001.001-015.
Zoned Fieldstone PUD. Planner: acrecelius@co.monroe.in.us
- 3. 2012-PUO-06 The Trails (formerly White Oak) Planned Unit Outline Plan Preliminary Hearing. Waiver of Second Hearing Requested.**
One (1) 44.07 +/- acre parcel in Section 20 of Perry Township at 4691 S Victor Pike. **Zoned RE1.** Planner: rpayne@co.monroe.in.us
- 4. 2011-PUO-04 Southern Meadows Planned Unit Development Outline Plan Preliminary Hearing. Waiver of Second Hearing Requested.**
Two (2) 39.1 +/- acre parcels in Sections 20 & 21 of Perry Township at S Rogers ST & S College DR, Parcel #53-08-20-100-055.002-008 & #53-08-21-200-108.002-008. **Zoned MR.** Planner: dmyers@co.monroe.in.us
- 5. 2010-SSS-13 Herbertz Sliding Scale Subdivision Preliminary Plat Road Width Waiver Request.**
Preliminary Hearing. Waiver of Second Hearing Requested.
Three (3) parcels on 69.38 +/- acres located in Section 13 of Washington Township at 4272 E Farr RD.
Zoned FR. Planner: dmyers@co.monroe.in.us

- 6. 2101-SPP-01** **Derby Pines Major Subdivision Preliminary Plat
Preliminary Hearing. Waiver of Second Hearing Requested.**
One (1) parcel on 5.34 +/- acres located in Section 21 of Perry Township
at 4214 S Derby Drive.
Zoned HR. Planner: acrecelius@co.monroe.in.us
- 2. 2101-SPP-02** **North Park Area B3 Major Subdivision Preliminary Plat**
3. 2101-PUD-01 **North Park Area B3 Lot 2 Development Plan (IU Health EMS)**
4. 2101-PUD-02 **North Park Area B3 Lot 3 Development Plan (Mass Grading)
Plat Vacation of Lot 1 in the ‘Ted Worley Addition Lots 1 & 2
Amendment 1’
Street Tree Waiver Request
Sidewalk Waiver Request
Preliminary Hearing. Waiver of Second Hearing Requested.**
Three (3) parcel on 21.33 +/- acres located in Section 25 of Richland
Township at 2900 N Stone Carver Drive.
Zoned PUD. Planner: tbehrman@co.monroe.in.us

- REPORTS:**
1. Planning: Larry Wilson
 2. County Attorney: David Schilling

DRAFT

ADMINISTRATIVE BUSINESS:

1. Approval of amendments to 2021 Meeting Calendar

Clements: Jackie, would you be so kind as to just review any major changes to the meeting calendar for 2021?

Nester Jelen: Absolutely. This is an item under Administrative Business. The items that were changed in the 2021 meeting calendar include the filing deadline for the Historic Preservation Board and that is to be able to follow our paper requirement of notices and then we have 2 Administrative Meeting changes because there is not an election this year, so we wanted to push it to the normal first Tuesday of the month so there is no confusion on that.

Clements: If there is any discussion we could entertain that now, otherwise a motion would be appropriate.

McKim: **I move that we approve the 2021 Meeting Schedule as amended.**

Stainbrook: **Second.**

Nester Jelen: I will call the roll. Julie Thomas?

Thomas: Yes.

Nester Jelen: Jim Stainbrook?

Stainbrook: Yes.

Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph? Yes

Nester Jelen: Jerry Pittsford? Geoff McKim?

McKim: Yes.

Nester Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Nester Jelen: Margaret Clements?

Clements: Yes.

Nester Jelen: Dee Owens?

Owens: Yes.

DRAFT

Nester Jelen: Amy Thompson?

Thompson: Yes.

Nester Jelen: Motion passes.

The motion to approve the 2021 Meeting Schedule Calendar, as amended, carried unanimously (8-0).

Clements: With that approval I would like to thank everyone for their service. I really appreciate everyone showing up to all of these meetings and for helping them be as productive and as efficient as possible. So let us move on to the next item of Administrative Business and that is the appointments to the Ordinance Review Committee.

ADMINISTRATIVE BUSINESS:

2. Appointments to Ordinance Review Committee, 1 Plan Review Committee appointee

Nester Jelen: I will show this and also looking at the 2020 Ordinance Review Committee Members. We have vacancies on the Ordinance Review Committee. All of these members are from the Plan Commission, so there is no citizen appointees to the Ordinance Review Committee and then we have 1 citizen appointee for the Plan Review Committee that needs to be filled. In total we have 5 positions to be filled tonight.

Enright-Randolph: Madam President if you don't mind me asking a question. Didn't we have someone in mind for the citizen appointee? Maybe we could do that one first and move to the ORC.

Thomas: Yeah, **I would move to appoint Amy Swain.**

Enright-Randolph: I will **second**. I will also like to make the comment that I find it very, I am very appreciative that we took consideration to talk to our former citizen appointee. I spoke with him afterwards and he was fine with move outside of that roll and I just thank the Commission here that we took the consideration to thank our previous appointee prior to just reappointing someone new.

Clements: Thank you Mr. Enright-Randolph. There is a motion and a second to appoint Amy Swain as a citizen appointee to the Plan Review Committee. Could you please call the roll?

Nester Jelen: Jim Stainbrook?

Stainbrook: Yes.

Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Nester Jelen: Jerry Pittsford? Geoff McKim?

McKim: Yes.

Nester Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Nester Jelen: Margaret Clements?

Clements: Yes.

Nester Jelen: Dee Owens?

DRAFT

Owens: Yes.

Nester Jelen: Amy Thompson?

Thompson: Yes.

Nester Jelen: Julie Thomas?

Thomas: Yes. Thank you all.

Motion to appoint Amy Swain to the Plan Review Committee as the Citizen Appointee, carried unanimously (8-0).

Clements: Now we moved to the Ordinance Review Committee and are there appointments? Are there any recommendations for appointees for these positions?

Enright-Randolph: I would still be willing to serve and I think having Mr. Guerrettaz there is very helpful with his background and professionalism in the surveying field.

Clements: Mr. Guerrettaz: Are you willing to continue?

Guerrettaz: Yes.

Clements: Ok. Are there, Julie Thomas are you also serving on that?

Thomas: I would like to. I don't know if Jerry is interested. We might run into the same problem we had last time. Did he express an interest?

Enright-Randolph: He mentioned something but I thought you mentioned that Jim was interested last time. I do know that I stepped away from the Executive Committee and nominated Jerry to take over my roll or suggested in hopes that I could retain in my position for the ORC.

Clements: I think with the, I would just like to say that from my perspective and even though I know Commissioner Thomas is extremely busy serving as the County Commissioner during all of the ordinance revisions that we are going to be undertaking it would be awfully nice to have you continue to service on the Ordinance Review Committee.

Thomas: I would like to, thanks.

Enright-Randolph: I will shot a motion out here them. I am guessing that Jerry is not here. **I would like to appoint a slate to the ORC, Bernie Guerrettaz, myself Trohn Enright Randolph, Julie Thomas and Jim Stainbrook.** McKim would like want to serve as an alternate still or do you think we could put Jerry Pittsford in there?

McKim: I am perfectly happy if you would like to put Jerry as the alternate.

Enright-Randolph: Ok, perfect, then **I would like to add him (Jerry Pittsford) as the alternate**

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and let's see what we get.

Clements: Is there a second for that motion?

Thompson: **Second.**

Clements: Could we call the roll?

Nester Jelen: Jerry Pittsford? Geoff McKim?

McKim: Yes.

Nester Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Nester Jelen: Margaret Clements?

Clements: Yes.

Nester Jelen: Dee Owens?

Owens: Yes.

Nester Jelen: Amy Thompson?

Thompson: Yes.

Nester Jelen: Julie Thomas?

Thomas: Yes.

Nester Jelen: Jim Stainbrook?

Stainbrook: Yes.

Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Nester Jelen: Motion passes.

Motion to appoint Bernie Guerrettaz, Trohn Enright-Randolph, Julie Thomas and Jim Stainbrook to the Ordinance Review Committee, with Jerry Pittsford being appointed as an alternate, carried unanimously (8-0).

UNFINISHED BUSINESS

1. 2010-PUO-03 **Joseph Greene Outline Plan Amendment 2 (Clear Creek Urban) Final Hearing.**

One (1) 4.12 +/- acre parcel in Section 20 of Perry Township at 4831 S Rogers ST & 4833 S Rogers ST.

Planner: dmyers@co.monroe.in.us

Zoned RE1, RS3.5/PRO6, MR, and PUD.

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Can you guys hear me ok? Ok, great. There have been some updates since the last time that we have seen this at the last Plan Commission regular session meeting as well as the most recent Admin Meeting that was held earlier this month, so I am going to go through a couple of those updates for this petition as well as give a little more a brief background again just so you're back up to speed with it. Overall, this petition is located at 4831 South Rogers Street and 4833 South Rogers Street. It is the Joseph Greene Planned Unit Development Outline Plan Amendment 2 otherwise known as Clear Creek Urban. It is a request to create a Planned Unit Development Outline Plan Amendment to amend the existing Joseph Greene PUD into a new PUD called Clear Creek Urban. They are proposing a mixed development use that would include attached townhomes, multi-family residences, and commercial space. It is designed to provide additional housing options for working individuals and families within the county as well as act as a neighborhood center for the Clear Creek Community. The proposal includes multiple road connections and alternate transportation connections including a multi-use path as well as a nature trail and they are planning to build this in 3 phases over 3 years. Here we have some updates from the most recent changes and additions to this petition. As of March 1st, the left side of the pane here, you will notice changes to the permitted uses as well as some alterations to the design standards, some parking standards were updated as well. They also included requirements for removal invasive species for the open space areas as well as committing to the construction of 2 benches and 1 picnic table area for more use type open space in that northern section that they have. They have also updated their illustrative plans as well as updated some language to their outline plan. Now, as of March 18th, the most recent updates on the right hand side of the power point page here, they removed some language regarding staff level approval for the development plan submissions to make things more clearer and correct with relation to the draft ordinance as well as the outline plan and clearing up some space as that the development and outline plan match up well when we get to the stage. They also modified the gross density to specify the number of units in each of the areas in the outline plan instead of just a gross density per acre. They updated the parking space requirements and they also moved the nature trail requirements into the landscaping section per Area A. They added a construction trailer a permitted use and clarified that the existing buildings that are on the site could be used as construction trailer until completion of Phase 2 of their design, added come siding materials to Area D upon Planning Staff recommendation, as well as removed 4 new permitted uses that were recommended by Planning Staff to be removed. So, we have seen a decrease in permitted uses between each of these updates and we have also seen some updates in reference to some removing all of the conditions from the existing Joseph Greene PUD. Since this is technically an amendment, sometimes a PUD amendment will keep some of the old standards or old permitted uses of an existing PUD but the

petitioner in this case is electing to strike all of the Joseph Greene PUD and just start from scratch with their own outline plan and development etcetera. So, those are the primary updates to give a little bit of a background again and a little bit of a reminder. Here are the sections of the PUD, the proposed PUD, excuse me that are before us tonight. The red is the existing Joseph Greene PUD that is being amended and expanded. So, currently that red section has a PUD that has specific uses that are allowed, which are mostly industrial in nature. So, they are transitioning away from that type of industrial use in this area to a more neighborhood friendly center as well as residential by incorporating the yellow areas that are transferred from the Southern Meadows petition and then as well as the green section, which was add by way of quiet title action on the abandon railroad corridor. So this is the entire section of the proposed PUD that is being heard tonight. Just a reiteration here we have heard this before. Previously the petitioners were in enforcement action with the Building Department based upon those existing structures that are in the property right now. They removed middle section and split the remaining structures. However, based upon this letter received from the Building Department that was issued in January of this year the Building Department no longer finds then in enforcement. They find them compliant with the Building Department's standards. That is just a little reiteration here for this petition in that they are not in enforcement with the Building Department. Here we have a location map just as a refresher. South Rogers Street as well as West That Road comes in from the west. It intersects here about right in the middle of the red polygon for the petition site. Here we have the updated permitted uses. A lot of these figures you are about to see are already included in the packet. I hope that you reviewed them. All of the changes were listed in red and the green text as well were just updates from previous meetings. Here in red we see strike outs of some of the most recent uses that were removed from those March updates, March 1st and March 18th. You can review those. Here I created a parking table to kind of get a better idea of the ongoing conversation about parking here. The text box in the top left corner gives a breakdown of the parking spaces and garages that the petitioner is proposing. These numbers come from the petitioner and are verified from looking at their illustrated plan and their outline plan to confirm that these are the correct number of parking spaces that they are proposing and then this text box here to the top right of the table is pulled from the outline plan as well. This is the proposed minimum off-street parking requirements that the PUD is proposing. We are basically seeing some updates through some iterations of this report. They are now suggesting to have multifamily dwelling spaces, as in 1 bedroom multifamily dwelling has 1 space per unit, which is in line with the current zoning ordinance as well as a 2 bedroom with 1.6 spaces per unit and then they are suggesting have commercial spaces as 4 spaces per 1000 gross floor area. I did this break down in this table here. Essentially a lot of these numbers here are based upon the assumption that all of the residential units will be 2 bedrooms. We were not given a final number of how many units will be 2 bedroom and how many units will be 1 bedroom so I just went with the maximum. Area B, C and D, each have different residential units that will be proposed. Area B being the large commercial building that will have commercial on the bottom floor and then stories above that will be residential space. Also the commercial space on the main floor is proposed to be convertible to residential space if need be if commercial does not work out. Area C is the paired townhomes. Those are 15 residential units. Area D is that half commercial half residential building with one commercial space on the ground floor and one residential unit above them. For residential units it is up to 36. They are proposing currently and that is maintaining that the commercial space in Area B becomes actual commercial space. Also, we have the commercial uses in the next white column. They are proposing up to 5 for Area 5, that larger building, commercial all on the main floor. No commercial uses in Area C with those paired

townhomes and then one commercial use in that last building on that south end that will have the commercial downstairs and residential on the second floor. Jackie, would you go back to that page for second? Overall, all there seems to be a shortage of parking based on upon the calculations straight forward but the petitioner is proposing to incorporate shared parking for the entire PUD where they can use residential, residential visitors and commercial uses are all incorporated and can be used currently. Infrastructure and access. Nothing has changed in this section really. Stormwater management a lot of that will come along during the development plan section. There is a preliminary drainage plan available as an exhibit in this packet and in this presentation we will get to. Planning staff is encouraging that the stormwater and the bioretention areas are constructed for the first phase so that all of that is situated and prepared appropriately. Other utilities are all on site for this development, sanitary sewer. There is no proposed street lighting. Public utilities are present on this site and there is a water supply present on the site as well. Here we have some updates to the illustrative plan. Building 1 is Area B and that is the large commercial structure with residential on the upper floors. Area A is this area that has the nature path and that is all in floodplain. They are also proposing incorporation of park benches and picnic tables to make it look more usable space. Building 2, 3 and 4 are Area C. Those are all the paired townhomes. No commercial uses are proposed there. Building 5 onward to the left or south is Area D. That is one commercial space with one residence on top and then associated parking that is also proposed to be utilized for the post office across the street that is office site. Here we just have a few more slides of zoom ins of each of the sections and this would be Area A. This would be Area B. Area C with each of the paired townhomes and then Area D and Area E as well. Area E is this section that is being circled right now that is the detention bioretention area for the site and then the parking spaces to the right and then that Building 5 are the remainder of Area D. Here we have the preliminary drainage plan. It has been reviewed by the MS4 Coordinator. At this stage they do not have any comments in the direction that it is going so there is underground detention at Building 1 which would be Area B and then we also have the bioretention at the end of the PUD, which is Area E as well. Again, a lot of these details will be situated during the development plan stage. Here I included some of the height comparison we talked about throughout the meetings to get a feel for how tall these structures will be in the area. There are multiple images here that are each shown different heights located in the area so each one has a different corresponding number and then they also have the Clear Creek site highlighted in yellow in the top left photograph as well. Just some reference values here for the height of the proposed structures on the next slides as well I believe the comparisons continue because I know this was a conversation that we have had many times regarding height and how the building will fit the character of the area. We can come back to any of these images if you want to and look at them longer times or if you have questions about them. We have received some letters of support. In the first Plan Commission Meeting we had a number of petitioners come onto the call, the zoom meeting and voice their support for the petition or their support/opposition. Some of them were indifferent and just making sure Planning Staff and the Plan Commission were doing their due diligence to make sure all of the details were hammered out. From the previous meeting there were a number of those but only a few submitted actual letters so I will go through those here. We have some letters of support from a few members of the public as well as a couple of letters of remonstrance from the public. All of these, not all of these were included in the packet unfortunately because we received some of them after the publishing of the packet. But I will say that this one specifically, just to go back will quick Jackie, it doesn't say in the Power Point but it does in the packet that this one is specifically calling out the Clear Creek Urban Development but then it talks about a little bit about the Southern Meadows

petition. But we clarified with this specific community member that they intend to have they comments for all of the petitions going on in this area at the time and that email exchange is included in the packet if you would want to see that. Continuing on, just a few other letters of remonstrance, just concern for how it would fit into the community and then the letters of support were excited about how it would fit in the community and the amenities that it would bring to the community. So, we have both sides here. Overall, Planning Staff recommends denial of this petition based on the findings of fact and subject to the Monroe County Highway Department and Drainage Engineer reports, specifically Finding B, which states 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. Planning Staff felt that there is still too much going on in the petition site related to this binding section to provide a recommendation of support. I will now take any questions anyone has on the report and the changes that we have seen thus far.

RECOMMENDATION

Staff recommends **denial** based on the findings of fact and subject to the Monroe County Highway Department & Drainage Engineer reports, specifically finding (b), which states:

“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.”

PUD REVIEW CONSIDERATIONS

Section 811-6 (A) of the Monroe County Zoning Ordinance states: “The Plan Commission shall consider as many of the following as may be relevant to the specific proposal:

- (a) *The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County.*

Findings:

- The Comprehensive Plan designates the property as MCUA Mixed-Residential and MCUA Open Space;
- The property is currently zoned RE1, RS3.5/PRO6, MR, and PUD;
- The petition site contains an existing PUD permitting light industrial type uses, and contains a 4,460 sf commercial structure;
- The primary current permitted uses of the site are a blend of permitted uses from the existing Joseph Greene PUD, RE1, RS3.5 and MR zoning districts;
- Adjacent properties are zoned Estate Residential 1 (RE1), Single Dwelling Residential 3.5 (RS3.5/PRO6), and Medium Density Residential (MR);
- The petitioner is proposing open space to be provided by proposed Area A and Area E; however, a majority of this area is floodplain. Chapter 811 states: “Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.”
- The current proposal does provide 30% of useable open space as defined by Ch. 811;

- (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);
- Multi-family and/or mixed-use is not currently permitted within the RE1, RS3.5/PRO6, MR, or existing PUD zoning districts;
- The site had a minimum lot area requirement of 0.21 acres for Area B and Area D;
- The site has a minimum lot area requirement of 0.03 acres for Area C;
- The minimum lot area requirement for Area C is smaller than any other current zoning district;
- The minimum lot area requirement for Area C is similar to other PUDs located in Monroe County (e.g. lots in Townhomes at Creek's Edge PUD are 0.01 acres; lots in The Lakes PUD are 0.05 acres);
- The site has a maximum gross density of 14 units/acre;
- The site has a minimum lot width at building line of 60 feet for Area B and Area D;
- The site has a minimum lot width at building line of 20 feet for Area C;
- The minimum lot width at building line for Area C is similar to other PUDs located in Monroe County (e.g. lots in Townhomes at Creek's Edge PUD are 20 feet wide; lots in The Lakes PUD are 22 feet wide);
- The median building heights provided are compatible with the current zoning districts;
- The site has a minimum open space requirement of 30%, which is less than the current zoning districts. Some of the lots will have 0% open space as they will be covered with a building;
- The proposed landscaping requirements of the petition site do not meet all of the requirements as listed in Chapter 830;
- The proposed parking requirements of the petition site do not meet all of the requirements as listed in Chapter 806;
- The site proposes the permission of 48 total uses on proposed Area B and Area D;
- The site proposes the permission of 2 total uses on proposed Area C;

(c) *The extent to which the PUD meets the purposes of this Zoning Ordinance, the Comprehensive Plan, and other planning objectives. Specific benefits shall be enumerate.*

Findings:

- See Findings (a) and (b);
- The petitioners are working with staff to comply with Chapter 811 standards;
- The Comprehensive Plan supports a variety of housing types for the MCUA Mixed-Residential designation;
- Adjacent districts to the petition site are a mixture of low, medium, and high density Single Family Residential;
- The Comprehensive Plan does not support the inclusion of a Mixed-Use type development in this area designated as MCUA Mixed-Residential; however, it does support "neighborhood commercial uses as a local amenity;"

- (d) *The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.*

Findings:

- Staff will be reviewing a development plan if approved;
 - The petition site will be subdivided and the management of common areas (proposed Area A and Area E) will remain under the control of a Homeowner's Association (HOA) that will be formed as part of the subdivision process;
 - The petitioner is proposing 33% open space to be provided by proposed Area A and Area E; however, a majority of this area is floodplain. Chapter 811 states: "Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership."
 - The petitioner has submitted a preliminary drainage plan for review by the MS4 Coordinator;
 - The petitioners will coordinate with the MS4 Coordinator to ensure proper stormwater management facilities are designed and installed;
- (e) *The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.*

Findings:

- See Findings (a), (b) & (d);
 - The Southern Meadows Subdivision to the east consists of approximately 99 lots and has yet to be final platted;
 - The petitioner states in their written statement (Exhibit 1) that the development is designed to provide additional housing options for working individuals and families within the county, commercial businesses to serve the surrounding neighborhoods, and overall act as a neighborhood center for the Clear Creek community;
 - The proposed PUD outline plan would connect to existing neighborhoods together while extending pedestrian walking paths, and also to an MCCSC elementary school to the southeast;
 - The proposed PUD outline plan would provide additional parking spaces to serve the existing US Post Office on S Rogers ST;
- (f) *The desirability of the proposal to the County's physical development, tax base, and economic well-being.*

Findings:

- See Findings under Section (e);
- The petitioner submitted design plans that are aesthetic in nature. In addition, the petitioner submitted a set of potential benefits for this project:
 - *Establishes a neighborhood core for the Clear Creek community,*
 - *Provides neighborhood businesses that serve the residents of Clear Creek and*

- reduces trips outside of the community,*
- *Provides apartments in a geographic area where they are sorely needed,*
- *Fills a market need for modest sized dwelling units,*
- *Improves parking safety for post office patrons,*
- *Improves alternative transportation infrastructure for Clear Creek residents and businesses,*
- *Improves utility access to neighboring properties;*

(g) *The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.*

Findings:

- See Findings under Section (d) & (e);
- Multiple road connections are proposed within the outline plan that will increase interconnectivity between established neighborhoods;
- The petitioner is proposing a private two-way driveway with access off S Rogers ST and W That RD extension to provide access to private garages and additional parking to partially serve the existing US Post Office and proposed PUD;
- The petitioner is proposing a private two-way driveway with access off W That RD extension to provide access to the proposed PUD;
- A further review of traffic considerations will be reviewed at the Development Plan phase of the project by the Highway Department;

(h) *The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.*

Findings:

- The PUD outline plan has open space requirements that will be described legally as unbuildable;
- The petitioner states that Area A and Area E are to serve as common open space, which includes 1.06 acres (33%) of the total site acreage;
- Exhibit 1 states that the drainage/stormwater management areas will be managed by an HOA to be established during the subdivision process;
- Exhibit 1 states that street trees will be placed within right-of-way along S Rogers ST and that there will be no buffer yard requirements between mixed-use lots and residential lots within this PUD;

(i) *The proposed development is an effective and unified treatment of the development possibilities on the site.*

Findings:

- See Findings (a) & (b)

QUESTIONS FOR STAFF – 2010-PUO-03 – Joseph Greene

Clements: Drew, I would appreciate it if you could give us an overview of the area and what has been approved lately. Because there is a lot of density that is being approved and proposed for around that area and it is a Sinkhole Conservancy Area. It is kind of fragile land and I just wonder if you could give us kind of an overview or an account of what exist and what is being proposed.

Myers: Sure. So, this image here on the screen kind of gives an idea of some of the open PUD proposals right now in the area. This is one is the Clear Creek Urban proposal, which is going on here where the cursor is showing. Immediately adjacent to the east is the Southern Meadows petition and that is stemming from an existing approved major subdivision plat that was originally intended for 95 lots and is now being proposed to double the density essentially. They are not doubling the amount of structures but each structure will essentially be a townhome, so a lot of density growth there in that area. To the west we have the proposed Trails, formally known as White Oak PUD that I am not completely privy to the number of lots that they are proposing there but I do know that it is a sizeable number.

Nester Jelen: Around 145.

Myers: Thank you Jackie. So, some density going on over there as well. We have seen some discussion in the past about some subdivisions to the southeast of the Southern Meadows and the Clear Creek Urban project but those are still very much preliminary. I do not believe that we have received any filings for those petitions.

Clements: I think Commissioner Thomas has a question.

Thomas: I do. Thank you so much. I just wanted to verify that Building 4 is 2 stories proposed. On their outline on page 53 it doesn't say but looking at the square footage that would be my guess, just based on the square footage I wanted to verify that. It is interesting to see that, this is really just a comment, it is interesting to see the comparisons in terms of height are all downtown Bloomington, which this isn't downtown and that I think is interesting. I think my question for staff thought is besides verifying Building 4 is 2 stories because I think it is, it just says stories, what it would take for a recommendation of approval on particular proposal. What would that look like? I am just curious. Thank you.

Myers: I believe Building 4 is intended to be 2 stories much like Building 3. I think if we scroll down to the next few images that show closer to Building 3 and 4, you are correct it does just say stories but I have not heard of any changes where Building 4 is a lower height to Building 3 based on the models that have been presented and the other details that have been presented throughout the process. I am sure the petitioner could speak more accurately but I believe it is supposed to be 2 stories. Generally speaking to get to a positive recommendation I may suggest Larry or Jackie speak more on it but essentially, Planning Staff believes that the amount of acreage and physical constraints for the site they are asking for too much given how small the area is and how dense they are trying to go with the building coverage and density etcetera.

Clements: Thank you, Drew. Mr. McKim?

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McKim: Yes, could you talk for a minute about what the Comprehensive Plan and MUA Plan say for this area?

Myers: Sure. The Comprehensive Plan has this area designated, let me pull this up here one second, specifically designated as Mixed Residential and Open Space. The green is the Open Space and the orange is the Mixed Residential. Mixed Residential essentially states that it accommodates both 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 and in this section in the packet I go through highlighting in green point of the petition that are in line with Mixed Residential and then in grey points that are not quite in line. Through the time there has been more green than grey through these iterations but there still remain a few things that the Mixed Residential doesn't quite match up with this petition. If you want to talk about any of those specifically we can. Some of them are pretty standard like modest side setbacks. The petition site is proposing different types of setbacks front, side and rear that are not normally included in the zoning ordinance or are in line with the Comprehensive Plan but if we want to go more through that section we can. I think I answered your question but let me know if you want more.

McKim: Yes. I have read the specific points and I just wanted to kind of get it out there that Mixed Residential is a broad category for what land use the Urbanizing Area Plan and Comprehensive Plan designated as appropriate for this area.

Clements: Mr. Stainbrook?

Stainbrook: Thank you Margaret. Before we get into further details, Drew, I would just like to say that I have always favored some development here as a focal point for the community of Clear Creek. So, that is very, very general but I wanted to say that before we did get into further detail. Thanks Drew.

Clements: Mr. Enright-Randolph?

Enright-Randolph: Yes, so I guess I wanted to comment on what you brought to light with more of what is going on in the surrounding area. I know that I have made a few comments in the past that we should just maybe look at the whole area as one kind of way of dealing with this and seeing what staff would recommend and what the Plan Commission would potentially be deciding on if we having done anything like that. So, I understand your point that this is an environmentally a tricky area. We have aquifers. We have karst features. I am even looking at DNR well that is on their inventory. We have intermediate flows. We have classified flow line, unclassified flow lines. It is tricky but since we haven't looked at it more comprehensively of the surrounding area I just want to make this distinction that we shouldn't be looking at, we should be looking at each individual petition and I absolutely understand your concern. I even brought up the idea of a moratorium in this area until we maybe have more of a conclusion idea of how the county might want to develop it. We didn't take that up to consideration. We didn't take a lot up to consideration. So, I just want to point the fact out that we had an opportunity to look at it really regionally or not regionally but more within this area. I hope that we look at it as we have these other 2 petitions coming up next. So, just wanted to comment on that because I think it was needed to be said that we should look at the individual petition and we had the opportunity to look at more of what was

going on. I do know that it is a PUD and we do have the ability to look at that, well, outline plan PUD. It is a bit tricky. My other comment was kind of echoing Commissioner Thomas' what do they need to do to get a favorable recommendation and I feel like Planning has been very accommodating in trying to figure out a solution here. I agree with Jim Stainbrook's comment that I really think this is an ideal place for something like this and with Mr. McKim's comment that this does have a mixed use to it so as we enter to what I feel is going to be a very tough discussion, we need to be respectful that these are all each individual petitions and we need to move forward delicately.

Clements: Thank you. Mr. Guerrettaz?

Guerrettaz: I have just got one thing right now and then after we hear from the petitioner's representative or the petitioner maybe I will expand when he or she speaks I am just curious if the requirement of the stormwater and bioretention basins be constructed before anything else on the site would be a hindrance construction process once they would get started if its approved. That's it for now.

Nester Jelen: Margaret, did you have a comment?

Clements: I am just going to reiterate some of my prior comments and number one this looks a lot like downtown Bloomington. It doesn't look like the rural area in which this setting exists. So, that is comment number one. Number 2; I believe we have over indulged this idea of mixed used residential with our ideas for the other that there should be commercial space that is somehow magically successful on the first floor of buildings that we design for them. I would challenge anyone to make a business go in anyone of those 6 commercial units that we are proposing and as we drive around Bloomington we can see the idea has been really indulged in terms of the idea. The realization of that idea is more problematic. So, I would like to put that out there and at that point if there are any other questions from the members of the Plan Commission we could take those now, otherwise we will go to the petitioner or the petitioner's representative. Ok, great. If the petitioner is present or the petitioner's representative is present and would like to speak. Jackie, could you help me with this?

Nester Jelen: Yes. Just because we have a large meeting and large agenda I wanted to know do you want to put any time limitations on any public speaking tonight or how would you like to proceed?

Clements: Well, I would like to ask my fellow members of the Commission? Would you prefer to have a 3 minute comment period? If so, we will vote on that. We should have a motion on that and then vote on that.

McKim: **I move a 3 minute comment period for public comment for all of our petitions tonight.**

Pittsford: **Second.**

Thomas: **Second that with a clarification that doesn't include the petitioner.**

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Clements: That's right.

Thomas: Ok.

Clements: Ok. Could you please call the roll?

Nester Jelen: Sure. Larry, would you like to call the roll?

Wilson: If you can hear me I will?

Nester Jelen: A little echo-ey but yes.

Wilson: I am sorry. I have got a problem with my mic.

Nester Jelen: I am going to go ahead and call the roll. Geoff McKim?

McKim: Yes.

Nester Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Nester Jelen: Jerry Pittsford?

Pittsford: Yes.

Nester Jelen: Margaret Clements?

Clements: Yes.

Nester Jelen: Dee Owens?

Owens: Yes.

Nester Jelen: Amy Thompson?

Thompson: Yes.

Nester Jelen: Julie Thomas?

Thomas: Yes.

Nester Jelen: Jim Stainbrook?

Stainbrook: Yes.

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Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Nester Jelen: It passes.

Motion to have a 3 minute comment period for public comment for all petitions, carried unanimously (9-0).

Clements: Ok, thank you. Let's move to the petitioner and the petitioner's representative and if you could help me with that I would be grateful, Jackie.

Nester Jelen: Yes. I am looking for Tamby, Michael or Kendall.

PETITIONER/PETITIONER'S REPRESENTATIVE – 2010-PUO-03 – Joseph Greene

Cassady: Hi, this is Tamby. Hey, guys. How are you? Thank you so much for all of your efforts in helping us to make this a really good project for Clear Creek. This has been a property that has been so ugly my entire life and I really want to make a difference and create something that is cool that people can enjoy both living there, driving by there when they are on the trail and so as you know that has been our goal all along. I would like to make just a couple of comments. My first comment is about commercial space parking calculation. Your calculations are made on the total square footage footprint of the Building 1 that would actually be less for the commercial space because the back half of the building is parking garage so that changes that number slightly. Also, just to answer Julie's question, Building 4, yes it is 2 stories. It is commercial in the lower level and the upper level is to be an apartment. That is in the outline plan on page 6 at the top. That would be there is an image there of a rendering there that that would look like and then just want to give you an FYI about the comparisons to downtown, we simply did those because we wanted to provide feedback to those on the Planning Commission because they mentioned a lot of buildings downtown. We just provided that as a comparison but to let you know for example the building that is just on South Walnut Street to the north of the Chocolate Moose that new building there we can fit 5 of our apartment building in that building, so that is kind of how we compare. We are not nearly as big or as tall. We have cut off a story of that apartment building. We want to provide residences for people in the area. We have a lot of schools in the area. When my kids were going to Clear Creek I couldn't find an apartment for them when I was going through a divorce and that was something that was really important to me to stay in that school district so I think that provides on a small scale it fills a niche in that area and I think it would be greatly appreciated by some folks. I know the 2012 Comprehensive Plan calls for 14-20 units per acre. We are sitting at about just over 11 and half. We requested 14 originally but Planning Staff recently asked used to specify that by area so we did. We have made almost 30 changes since January at either the request of staff or observations and comments from the Plan Commission members. We appreciate that because we think that will make a better project and again just going over density. 2015 Urban Plan, 10-15 per acre so we are falling in those numbers quite nicely I think. Again, I just want to thank you all for your time. I do want to ask Michael if he would like to make a comment and I do

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want to comment to Bernie's comment about the stormwater. Yes, that can't be done in advance. Ok, so here is Michael. Thank you.

Clements: Thank you, Tamby.

Flory: I think the quickest response to Bernie's question is no I doesn't cause problems. Yes, it can be done. No, doesn't cause problems. So, I think we have got that situation worked out with Planning. I have been trying to work my head around how to go forward with the large building. It is a large building. We have known that from the beginning. From the goal the petitioner has brought forward to this to bring affordable essentially apartment like housing to this community and that is woefully underserved in this community, it has to be. I have talked with people and people have asked well, are they going to be elevators? Well, if you start looking at the possibly at even adding elevators we don't having any plan at this point, they might make sense at some point but there is going to be a certain density that is required to cover that. The best thing that I can think of off the top of my head to keep in mind as you think what this might look like would be what had happened around the Coke-Cola building where the housing the abused women shelter and things that have built up around there. That is across from a very park like open green area. It is a large building, large structure. But it doesn't seem packed like downtown Bloomington. This large building on this structure will have a very large green space, the floodplain that can be built in and it is going to be like a structure set in a park like area. So, I think that will have a very strong mitigating effect on what you are going to wind up with the look of this space. That is the best way I can think to get my mind around it. Across the street there are a lot of mixed people living there in little businesses scattered around. This is going to try to get some of those businesses together and in one space to be again more of a focal point for this community. It is definitely a change from 1930's on story houses across the street but that is not what the petitioner wants to build. If we did a zerox copy cut and paste and built the same structure across the street, it is not going to be a focal point or a big boost to this community. I know that some of the other areas that you have got under discussion around here there is a meadow lark field protecting the meadow larks, here you don't have anything like that. Here what you have is syringe needles and fires that are thrown. It is a dumping site and it needs this kind of vibrancy and life to get it turned around and be something that the petitioner who is born and raised there, lives around there and the entire community can be proud of. I just can't think of a more effective way to try to say it is not what it there right now. It is going to be a change that is intended to be a change and it is intended to be a very positive change and I think about the Coke-Cola all those units that have been built out there and you don't get the feeling that you are in a canyon or crowded around downtown Bloomington. You have a very strong sense even there on the edge of downtown, you have a nice pleasant area to live and get your life changed around. I can't think of, if you have got other questions or other things I will be glad and try to answer them but the big building is something of a hurdle but we don't see that it should be a hurdle that should trip this up at this point.

Nester Jelen: Thanks Michael. I see Julie Thomas has her hand raised possibly a question.

Thomas: I do thank you. I just want to thank the petitioner for being so willing to work on this project. I think the idea is a really interesting one. I do have a question one of which maybe the petitioner can't answer and if not then I want to hold it over and put a pin in it for someone else to talk about. The first question is whether or no Building 1 is viable at 2 stories instead of 3 because

if you compare it to the Showers Building, the Showers Building is 2 stories tall and then it would put it in line with the other buildings. The other question I had and again this one may not be petitioner question but if I remember correctly I looked through my notes and I don't remember writing down, I didn't write down who said it and I don't remember who said it but there was some discussion about using the parking area to the south of Building 5 as post office overflow parking as somebody raised an issue with that because of pedestrian safety crosswalk there now. Is that still an issue and again that maybe a staff question, maybe Lisa Ridge, I don't know. Thank you.

Nester Jelen: Drew, do you know I remember the discussion about the hot plate. Was that in the outline plan or was that something that was just discussed?

Myers: I think that was just discussed. I think that was more or less for the intersection of That Road and South Rogers Street. We do have the draft of the traffic study available and it has been reviewed. It talked about the applicability of a 4-way stop here but I am not sure how far the discussion went for that crosswalk area by the post office and how much we were requesting the petitioner to be in charge of that or something. I want to defer to the petitioner.

Nester Jelen: Larry, did you have something you wanted to add really quickly? You are on mute.

Wilson: Ok, can you hear me now?

Nester Jelen: Yes.

Wilson: Ok, the one concern I guess I would raise in regard to particularly the post office parking is and the petitioner can correct me if I am wrong on this is that, these individual lots or areas are set up that they could be actually sold off and so if you saying you have shared parking and yet a lot can be sold off, I am not quite sure how that works. I guess the question I have is there an intent to lease parking spaces to the post office? If so, then you can't really double count those as overflow parking for the rest of the project. I guess overall my concern is that this may work ok if you have retained ownership so that everybody has access to the open space and that there is shared parking and there is shared management so on, and somebody that is doing maintenance but once you start selling individual parcels off then I am not sure it works. Maybe the petitioner can address that.

Cassady: This is Tamby. Would you me to speak to answer I know I can answer Julie's question regarding the stories in Building 1. So we started out with Building 1 as a model of a building in French Lick which actually had a 4th story on one end that was more of an architectural feature but also had 2 units in it So reduce the building height already to remove that story the feasibility of Building 1 without an additional story in other words only making it 2 story high is not realist for us in this petition. I will say that the requested height for Building 1 is 45 feet, which is the current height of the current PUD. So, our building will not exceed what is already defined in the current PUD. The regarding the parking for the post office, I mean, the post office has been there since 1870. It appears that in about 1970 they paved their own parking lot across the street. I recognize as a resident and a person who utilizes the post office and drive by on South Rogers really frequently that it is something that needs to be improved and this is one manner for making that

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improvement. That is our suggestion for trying to make that happen and there is no intent of charging the post office for parking in that area. So, hopefully that answers your questions on that.

Wilson: I do have a question in regard to intend to subdivide.

Nester Jelen: Larry, I believe they are talking Drew had spoken with the petitioner today and Tamby can correct us if this is an incorrect interoperation but their plan would be to do a development and construct before subdividing.

Clements: Ok, well if the petitioner and the petitioner's representative are finished we can move to the public. I would like to ask the members of the public who are here to support this development to please raise your hand and then Jackie will call on you one at a time and you have 3 minutes.

Nester Jelen: Yes and if you are calling in just by phone and you want to raise your hand, you press *9 or if you want to unmute you press *6 but we will ask that you remain muted until the 3 minute time period for the other person has ended and we call on you. Brady, would you be able to have a timer set up for us?

Tech Services: Yes I can but I don't have the software to share it.

Nester Jelen: That's ok. If you could just do an audio that would be great.

Tech Service: Yes, will do.

Nester Jelen: Ok, looks like Tracy has her hand raised.

SUPPORTERS - 2010-PUO-03 – Joseph Greene

Tracy: Yes.

Nester Jelen: We can hear you Tracy, go ahead.

Tracy: I live right in Eagle View just about a minute walk from this area, drive by there about every day and have watched this area develop and grow. We need housing so badly. We need affordable and workforce housing so badly. This community is suffering greatly from it. You can look at houses in Eagle View that have gone on the market they sell before you get a sign in the yard. There is people scrabbling and looking and actually fighting over them at this point. People really need places to live that they can afford and this is going to provide some great housing for that, some great workforce housing. It will be good for our community. We very much need. The nice thing about it is that it is so close to 69 and it is got a couple of pathways to get there and it is so easy to get downtown. The location is superb for that. We have roadways in place to get where we need to go and it is just a perfect place to see development grow. It sits right beside 2 schools. You have got one adjacent to it and one just to the north, about a minute north, drive through the Eagle View Subdivision or up Rogers Street. There is churches. There is schools. There is businesses all around. To say that this won't support businesses I think just think that any

businesses that go in there are going to prosper and do well. There is so much traffic through there now that people are going to want coffee shops. They are going to want places to do business to run in, you know dry cleaners, that sort of thing, the little local neighborhood businesses that are in demand that I think will thrive in that area. I also think that if you look down the street on Rogers you see that the gym is always packed, always, go down through there and the parking lot is full all of the time. There is just a lot of people that live in this area that have been looking forward to something happening here. The only thing that I could see that might be thought about is the intersection at That Road and Rogers Street could use a little bit of improvement when this happens. It probably should have happened when they told you it was done. They tried. They made it better but it gets a little bit iffy when you are coming south on Eagle View Drive to the 4-way stop, so with increased traffic it is going to get a little more iffy and I think that could be cleaned up a little bit for better visibility. But other than that look at the trails, look at everything that is happening down here. We need this. We need this so badly and Monroe County has nowhere else to build. We have nowhere else to buy lots. It has all been stopped and until we can get more lots we will have no more housing and housing will no longer be affordable in any way shape or form, which is pretty much not now and it is just getting worse by the day. So, I hope that you guys will think about that and consider that. It is for the best of our community that we have places to live and they are close to schools in so many ways in this area. You couldn't get a better location when it comes to convenience. That's all that I have to say about that.

Nester Jelen: Thank you Tracy. Ericka Morris is next.

Morris: Hi, this is Ericka Morris. I am a resident near this and I think it is very important as we are looking at developing this part of the county really adjacent to the City of Bloomington that we keep in perspective. The reality is that sooner or later I think all of us have to recognize these open farm fields are going to be built on and my concern is this looks like a great project. It fits with the style. It adds to the surroundings. It doesn't detract and my fear is if we were to turn something down like this what would be put there in place? So, are we risking a situation where if this is turned down we get something that detracts from our neighborhood and I think that is something that has to be looked at and balanced? Because right now it is going to be an improvement. As far as the post office it is great to use. Whether a signal or not is put in there for a cross walk, it is currently like playing a game of frogger anyway. Anything that was done even to give more parking is only going to be an improvement to the area. But again I think as we are looking at all of these projects that are coming up in the area the most important thing to recognize is that it will be built at some point but can we make it the most appropriate to maintain the integrity of our neighborhood.

Nester Jelen: Thank you. Jennifer Pearl put something in the chat, which I will relay to everyone. Does anyone have a comment in support? Jennifer Pearl, did you want to read your statement?

Pearl: Sure, thank you so much. My name is Jen Pearl and I am the President of the Bloomington Economic Development Corporation. We are dedicated to the retention, development, and attraction of quality jobs across Monroe County. My statement is sort of echoing something that was said earlier just about the need for housing in our community at large. When new or existing companies are looking to invest in Monroe County they often review quality of life factors that impact their employees. That includes adequate workforce housing options for the current and

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future employees and they often describe adequate housing as factors that include housing quality, cost and quantity. We have been hearing the same thing from our current employers as well that this has been challenging for our existing workforce here. It has been a concern for BEDC members and employers across the county and there has been documentation of housing shortages across the region. In terms of this project, this is something that could potentially add to overall cost. I cannot speak to the technical aspects of the proposal but we just wanted to thank the Plan Commission for considering ways to expand housing options for residents across the community to enhance quality of life and our capacity for supporting folks living across the county. Thank you.

Nester Jelen: Thanks Jen and then Margaret you had your hand raised. I don't see anyone else in the queue to speak in support.

Clements: As President of the Plan Commission I would just like to caution us to be care about our solution. That we should be data driven as far as our state needs for more housing. In the ROI Study that Jennifer Pearl just referred I think she indicated that an additional 5,100 to 5,200 additional housing units would be needed by the year 2030 and according to my calculations, in the county alone we have more than have met that within just a few short years since the reports publication. If we add in what has been built in the city, which is more than 4,000 units I think that we need to not just make an emotional appeal to more housing and assert that there is a housing need but we actually have to do a very critical assessment of the housing stock that we have, the housing stock that we have approved, the housing stock that we are developing and the housing stock that is about to be built. I think that we run the risk of building too much housing and that can also present other problems. So, I would like us to be data driven and I would please beg for more respect in terms of data rather than just assertions. So, thank you. Turning now to those members of the community who are opposed to this project, I would like to open the floor to comments from in opposition to this project and the time limit again is 3 minutes.

Enright-Randolph: Madam President before we move forward if you would I would just like to express in the chat there is good discussion but there is some things that I would feel would be more of a public comment. I want to state that it's just in the chat it is not going on the public record, so please take the opportunity to speak so you can be on record. Thank you.

Clements: Yes and so at the end of the comments and opposition to this if Jackie if you could read the comments in the chat, I would be most grateful. Now, if the members of the public who are wishing to speak in opposition of this project could raise their hand. There is a 3 minute limit. Thank you.

Nester Jelen: I will recognize Mr. Ron Mallet.

REMONSTRATORS – 2010-PUO-03 – Joseph Greene

Mallet: Hi, this is Ron. Can you hear me?

Nester Jelen: Yes.

Mallet: Thank you. One of the questions I have, I guess there is 2. I guess there has been enough research to know that the existing job market is going to create a need for this kind of housing kind of going to what Margaret was saying the projected growth of businesses are going to require that kind of housing and the other is I live down here too and the roads are just not built for having construction. I see semis on it from time to time but they look way out of place. The roads are very narrow. No shoulders and they are not even at that intersection at that That Road and South Rogers a few months ago there were some really big diverts that were created in the road that had to be filled and that was not from heavy duty construction equipment and materials coming in to build construction grouping like you are talking about. So, what happens to the roads before the construction starts and after it is over to make sure the these roads are passable and put back into even better shape than they are right now? Thank you.

Clements: Thank you. The next, is there another person who would like to address the Plan Commission in opposition to this project?

Nester Jelen: I am not seeing anyone. I don't know Paul if briefly if you wanted to discuss about the offsite improvements that will be required for this project and the other project.

Satterly: Sure Rogers Street is going to be improved by Southern Meadows Development as well as the approach That Road intersection. There will be a left turn lane each direction on Rogers Street and then the extension of that That Road will have 4 lanes wide to accommodate left turns both directions as well as through and right turning traffic. Southern Meadows is still working on the traffic study to see when an all way stop will be needed and it looks like it will be needed sometime during all of these developments coming together so we are just trying to pin down the timing so we will be ready to have that implemented before the warrants are met.

Clements: Thank you Mr. Satterly. Could you Jackie please read any messages from the chat?

Nester Jelen: Yes. Lisa Ridge asked if anyone had talked to Pau Satterly our Highway Engineer on the hawk, pros and cons on the hawk signal. Tamby Cassady said we are suggesting the signal that you can press the button and it flashes in both directions. I am not have proper terminology and then Lisa mentioned we have hawk signals at other locations. They are very costly for ongoing maintenance, just want to make sure that out department is included on the type of signals you are looking to install. It usually becomes a maintenance item for our department. Tamby mentioned, yes Paul is familiar with conversations with the Smith Design Group, their consultant, and one of the consultants from Smith Design Group, Katie Stein, said, Lisa, Paul had mentioned he did not like the hawk signal but recommended the flashing beckon signal. Something to further discuss with Paul if needed. That is the main gist of it. Ron Mallet had spoken and then added some other comments question, thought, I am asking on the road is weight of the vehicles using the roads versus what they are rated for and again in reference to all heavy equipment and materials, supplies to be bought to the construction site. We have one more person that is wishing to raise their hand and that is Guy Loftman.

Ridge: Jackie, did you want me to comment a little bit on Ron's statement for the public roads? The only roads we have posted in the county is basically the ones that have a bridge weight limit on the roads. The rest of them are basically public roads. I realize that some of them have heavier

traffic than other roads. We can take pictures of the roads in the conditions of the roads before the development starts and then but again if you get an area like this and you have as for instance redevelopments are approved, you are going to have construction traffic going to all of these developments. You are going to have developers stating that it's not their development that is causing the road damage. So, it is kind of hard to pin point that down. It is a public road so we usually end up having to fix the repairs to the public road. If there was a means to hold the heavy equipment construction traffic a little bit more accountable it would be great. But usually we bond but that is just basically for their project limits it's not outside the project limits getting to that project area. Again, the only time we have a weight limit is basically freeze and thaw which is just a short period but mainly just on the roads that have a bridge weight limit. So, I hope that helps.

Clements: Thank you Lisa and this Mr. Loftman if someone could unmute him.

Loftman: I think I may be. I want to speak on the White Oak Trails. I was trying to learn how to get unmuted but you can save me from my fate.

Nester Jelen: We will acknowledge you when that petition comes up. Thank you. Just to confirm, Mr. Loftman, you do know what to speak on Clear Creek Urban?

Loftman: No.

Nester Jelen: Ok, thank you.

Clements: Public comment is now closed and we will revert back to members of the Plan Commission for further discussion and then a motion.

ADDITIONAL QUESTIONS FOR STAFF - 2010-PUO-03 – Joseph Greene

Nester Jelen: Geoff, did you have your hand raised?

McKim: Yes. I just wanted to make my comment. This area clearly had more of a village like past and it can have a village like future. I was really glad that Mr. Stainbrook referred to the community of Clear Creek. This project is very much in support of the Comprehensive Plan. The grey area is identified in the staff's report all seems much more narrow and technical while the petition directly addresses the philosophical underpinnings of the Mixed Residential zone. These parcels are challenging to work with but the petitioner has come to us with a plan to activate what is now a pretty scrubby, not very attractive strip of land that is sometimes used as an illegal dump and turn it into an attractive village center that honors our communities past. Importantly this project also creates a new workforce housing options for residences and with the new multi-use trail that connects with our existing network supports the vision of a walkable neighborhood with nearby schools and I think the petition has done a great job of scaling the project back to meet legitimate concerns Plan Commission Members and Staff to the degree that it is economically feasible. I think this petition deserves our support and it certainly has mine. Thank you.

Clements: Are there any other members of the Commission that would like to speak? Mr. Guerrettaz?

Guerrettaz: Yes, I am going to be brief because Geoff really said about everything I kind of wanted to point out. I think a couple things that I would add. I think the trail does make this kind of a unique focal point and I think this will be a destination. I think the developers understand construction. They understand development and I think they understand the market. I think there is a lot of potential for the commercial or the retail and the mixed use that is consistent with the Comp Plan with all the residential, the churches, the schools, and everything that is in this area to make this a success. I really do. It is also an anchor when we see the very nice homes, the people in the neighborhoods have kept them up very nicely but as time goes by I think that this is going to assist in people upgrading, investing and spending money on the existing improving, the existing dwellings that are there. I really echo everything that Geoff said and I am going to be excited to support it. I am excited about the project. I think it is a neat, exciting project that people will enjoy once it's done. Thanks.

Clements: Thank you Mr. Guerrettaz. Mr. Stainbrook.

Stainbrook: Margaret, thank you but I think at this point anything I might offer further would be a redundancy. So, thank you.

Clements: Thank you. Mr. Enright-Randolph.

Enright-Randolph: I could almost say what Jim just said. But I do want to point out one thing Geoff said it very eloquently and I absolutely agree with everything he just said the fact that we are talking about the height of the building and that they could actually building something higher than what is being proposed with its current restrictions or under its current ordinance I think should be notable. Also I understand that they used a lot of images from the city to reflect the height but I mean thank you. I know what those buildings are. If they chose a building out somewhere where I have never drove by you know how could I really use that in context of what maybe it would look like here, so I agree that we are not the city but I do appreciate them finding buildings for us to actually have some type of idea what the height would be there. I just wanted to make those 2 points and I am absolutely in support of this.

Clements: Thank you, Mr. Enright-Randolph. Commissioner Thomas.

Thomas: Yes, I have comments but I think I still have more questions. I am sorry to say and I think I have heard 2 things tonight, one I heard from Drew I think that there is a traffic study. But then I heard from Paul that there isn't one yet. Do we have a traffic study and what is it telling us?

Myers: We do have a traffic study. It is a draft traffic study. There is a link to it in the published packet and essentially it speaks upon how there will likely be a need for a 4-way stop at that intersection of West That Road and Rogers Street. Paul did respond to the consultant that had submitted that draft with additional comments to finalize the report but we have not yet seen that version of the report with Paul's comments included.

Thomas: I am so sorry I missed that. I swear I looked at that packet closely but not closely enough apparently so thank you for that and apologize. I am going to look at it real quick. The other thing is I think one of the questions that was raised is a really good one by a member of the public about

the roadways and I think it extends beyond this intersection because getting up to an intersection is one thing and the intersection is one thing but the question I would have for Ms. Ridge or Mr. Satterly is whether or not there is a planned further development of Rogers Street at this point. My guess is the answer is no because of where everything is located and right of way but if you could answer that directly that would be helpful for me.

Ridge: We don't have any current project that would be widening the road or anything. I know we did one of our very first community crossing projects was the paving of all of Rogers Street and that was basically the last project that we had for that area. I have been sitting here trying to ponder different ways because I do understand the construction traffic and what it does to a roadway but I have to sit there and I think back the Limestone Quarries and where they are at and they are not responsible for taking care of our roads there and that is on a daily basis. You have to consider that some of these developments if they are approved in that area they are going to have different time lines, some could be built in a year and some could take 5 years or 10 years to build out. So it's really hard to strict it that way too to have some responsibility of having the roads repaired. But as of now there are no projects to widen Rogers Street.

Thomas: Ok. Excellent, thank you so much. The other thing is I don't think that the issue of overflow parking for the post office was resolved and I feel like Mr. Wilson raised a really good point about if you sell the buildings off versus leasing them out then how do you accommodate and allow for that parking to occur? But overall I am appreciative of the fact that our Planning Staff has made a recommendation and I think we would be foolish to ignore Planning Staff's concerns at this point, that is why we have them there as the professionals and I appreciate everything everybody has done on this petition. I know there has been a lot of movement and that is awesome to see and it would be good to come up with something where Planning staff felt a bit more comfortable. Thank you.

Clements: Ok, if there is no further discussion among the members of the Commission, if there is a motion, I would appreciate hearing it at this time.

Enright-Randolph: Mr. McKim's hand is up. I was wanting to have an additional question too.

Clements: Ok, Mr. McKim.

McKim: I was going to make a motion so I will defer to Mr. Enright-Randolph.

Enright-Randolph: I guess my question is to Planning Staff. With some of this information being communicated today as far as the process goes this is the final hearing, if there was a need to have more consideration, which if you look at how many times we have discussed this, what would that process be or are we even allowed to continue potentially? Because I really want to see this happen and if we move this forward from the Plan Commission great but it doesn't fall in our lap for final decision, so I would be very curious how that process may work if we may need to continue this.

Nester Jelen: Trohn, you can continue, you have to make a motion since this is the final hearing to continue it to the next regular session to have another hearing. But you are not limited to that.

DRAFT

Enright-Randolph: Ok, thank you.

Clements: Mr. McKim.

McKim: I wanted to see if anyone else had any comments on Mr. Enright-Randolph's comment.

Thompson: I have a more general comment and I would just say I am very reluctant to vote against Planning Staff's recommendations but I do think this development fits the Comprehensive Plan that the petitioner has made multiple, multiple adjustments to try and meet concerns of the community and concerns of the Planning Staff and the Planning Commissioners and although I do certainly still have reservations as I do with wondering how any development is going to buildout, I do support this effort as well. I do think it will be a nice addition to the community as things develop in Clear Creek.

Clements: Mr. Wilson?

Wilson: I just wanted to respond a little bit quickly. Our job is to raise technical issues. Our job is to ensure the projects meet the standards of the zoning ordinance. In regard to the concept, in regard to the idea, I don't think we have any problem with that. But again our job is to say we have concerns in regard to meeting these technical requirements and that is not to say we are opposed to the mixed use or the style of the project it is just that our job, again is to review the technical requirements and make a recommendation. I just wanted to get that on the record. Thank you.

Cassady: Hi, this Tamby the petitioner. Would it be possible for me to make an additional comment?

Nester Jelen: I think Tamby they are about to make a vote so I would entertain that to Margaret since we are on to Plan Commission comments at this point.

Cassady: It is in regards to post office parking.

Clements: Well, I hate to conclude conversation so Tamby if you please make you comment before we entertain a motion I would be very grateful.

Cassady: Ok, I would also like to speak this one additional comment regarding parking for the post office because I think that post office has been an anchor for the community and should continue to be a healthy anchor. My company that is making this petition, Blind Squirrels, owns the parcel that is vacant next door to the post office. I would be willing to make a commitment to develop that lot into parking within the next 5 year period for the post office as a condition of this petition being approved. That is all that I have to say. Thank you.

Clements: Thank you Tamby. You have been wonderful to work with and I echo Mr. Wilson's comment's that the idea is wonderful. So, I just want to thank you for all of your perseverance. But that being said it is time for a motion, so if one of colleagues on the Commission would make it, I would be grateful.

DRAFT

FURTHER QUESTIONS FOR STAFF - 2010-PUO-03 – Joseph Greene

McKim: In the matter of petition 2010-PUO-03, Joseph Greene Clear Creek Urban Planned Unit Development Outline Plan Amendment 2, I move we forward to the Board of Commissioners a positive recommendation.

Pittsford: **Second.**

Clements: Mr. Wilson or Jackie would you call the roll?

Wilson: I can call the roll. The motion is to send a favorable recommendation in regard to petition 2010-PUO-03, Joseph Greene Outline Plan Amendment 2 Clear Creek Urban PUD. This is a final hearing. A vote in favor, a yes vote is a vote to send the Outline Plan Amendment the Commissioners with a favorable recommendation. I will now call the roll. Margaret Clements?

Clements: No, I am sorry. No.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: No.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: No.

Wilson: Amy Thompson?

DRAFT

Thompson: Yes.

Wilson: The vote is approved by a 6 to 3 vote to send a favorable recommendation on to the Commissioners.

The motion in case 2010-PUO-03, Joseph Greene Outline Plan Amendment 2 (Clear Creek Urban) Final Hearing, to send a favorable recommendation to the Monroe County Commissioners, carried unanimously (6-3).

DRAFT

NEW BUSINESS

1. 2101-ZOA-01

Amendment to the Monroe County Zoning Ordinance:

Chapter 807- Signs

Chapter 801 – Definitions

Preliminary Hearing. Waiver of Final Hearing Requested.

Amendments to the definitions and sign ordinance proposed.

Contact: lwilson@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition continued by staff.

NEW BUSINESS

2. 2012-PUO-05

Fieldstone Planned Unit Outline Amendment 3 (Parcel L)

Preliminary Hearing. Waiver of Second Hearing Requested.

One (1) 4.5 +/- acre parcel in Section 2 of Van Buren Township at
Parcel Number#: 53-09-02-200-001.001-015.

Zoned Fieldstone PUD. Planner: acrecelius@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Crecelius: Thank you very much. You are all familiar with this petition. It is the Fieldstone Planned Unit Outline Amendment 3 specifically for Parcel L. This is the preliminary hearing. We jumped a little bit with the skipped meeting but this is the preliminary hearing. They do have a waiver of the second hearing requested. The initial request of this petition is to add 3 additional uses to Parcel L, which is the Fieldstone PUD. It is located in Van Buren Township, Section 2. Parcel L is just one section of the Fieldstone PUD. It is 4.59 acres. It is currently undeveloped and vacant. The petitioners are requesting to add Government Facility, Community Center and Agricultural Uses under Chapter 802 to the approved outline plan. The parcel as you know is currently Fieldstone PUD on the right side we have the original. Parcel L was specifically for neighborhood commercial development area. It was called a Limited Neighborhood Business Park. Sorry, one second. The Fieldstone PUD, MCUA Phase 1 it was designated as Suburban Residential but for MCUA's Phase 2 it was designated as a Gateway West. These uses would be fairly consistent with the Fieldstone PUD for Phase 2, for Phase 1 not necessarily. Suburban Residential is fairly smallish lots. So what they are proposing, current and proposed under Parcel L the current uses are listed on the left, kind of small, neighborhood uses. On the right are the 3 uses that they are proposing to add to the list. On the right you can see, the right side is the zones where those uses would be permitted. Unfortunately, they don't all quite line up. This is all for the intent of having Van Buren Township Trustee's Office Community Center and also a Community Garden. In 2004 there was an amended use of Religious Facility that was added by Smith Design group for a church. That was added. In this scenario it would be the 3 uses. Again, they called them neighborhood serving retail services. In this area on the left is the proposed site plan that the petitioner filled out with the community garden area, some drainage and 2 community building areas. On the right is a kind of skewed pictometry photo. As I said the property is vacant, undeveloped so it is just mostly shrub land right now. The 2 access points are off of South Fieldstone Drive. They do maintain frontage off of West State Road 48. There are utilities, septic, I am sorry sewer and water is available. There are no known karst features. It is located within a critical watershed, which is called Cave Creek. The MS4 Coordinator has noted that they will review this when a development plan is submitted. So far the petitioner has been working with them and I'm paraphrasing, they have no major concerns so they will review the development plan when it is filed. Some of the other things that they are doing is that the design standards are unclear including like landscape, parking and setback. So, the first one we are going to review is landscaping. What we would like to see is they have proposed standards for 3 of the 4 sides of the landscaping but not for West State Road 48, so that is what is highlighted on the screen. For the current zoning ordinance under Chapter 830 we would want to require streetscape. They have not specified whether or not they would meet that or change the ordinance. For parking we have brought this up in previous meetings, they have not specified whether they would meet any of these requirements. They have not specified their own

requirement, so we would like to see that in planning. Their setbacks are consistent with ours, so there really are no issues. They have proposed a consistent amount of open space and maximum height proposed for buildings. Staff does recommend a positive recommendation based on the findings of fact. Since they do have a request to waive the final hearing staff would recommend that they do not waive that, that there is a final hearing so that the petitioner can provide the parking standards and the landscaping required for the streetscape just so that it does not continue on we would like to see that specified.

RECOMMENDATION

Staff recommends a Positive Recommendation based on the findings of fact and subject to the County Highway Department and Drainage Engineer reports.

Staff recommends a Final Hearing (April 20, 2021) to allow time for the petitioner to provide the following required information:

1. Parking standards
2. Landscaping for required streetscape

PUD REVIEW CONSIDERATIONS

Section 811-6 (A) of the Monroe County Zoning Ordinance states: “The Plan Commission shall consider as many of the following as may be relevant to the specific proposal:

- (a) The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County.

Findings:

- The MCUA Phase I plan designates the petition site, Parcel L, as Suburban Residential which are intended for primarily residential uses;
 - The MCUA Phase II plan designates that site as “Gateway West”, which encourages mixed-use and mixed residential uses;
 - The current zoning is Planned Unit Development (PUD);
 - The current approved uses for Parcel L from the 1994 PUD approval are Limited Neighborhood Business Park/neighborhood serving retail services;
 - The specific allowable uses include: Convenience Store, Day Care, Gift Shop, Retail Bakery, Drug Store, Personal Service, Arts and Crafts, Dairy Products, Floor Shop, Grocery, and Meats;
 - The petitioner requests to add the uses “Governmental Facility”, “Community Center”, and “Agriculture Uses, Non-Animal Related” from Chapter 802 to the list of permitted uses on Parcel L;
- (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:

- The petitioner is requesting to clarify development standards for Parcel L, including

- amended landscaping requirements;
 - The proposed standards are as follows:
 - Front yard setback from a Principal Arterial (W State Road 48) under current County Zoning standards are 50' from ROW line;
 - Front yard setback **proposed** for structures and parking from a Principal Arterial (W State Road 48) is 50' from ROW line;
 - Front yard setback **proposed** for structures and parking from a Local Road (S Fieldstone Blvd & W Stoneview Way) is 25' from the ROW line or from the existing landscape easement width, whichever is greater;
 - Side yard setback **proposed** for structures and parking is 25' with 0' additional for each additional story;
 - Minimum Open Space Area **proposed** is 20%;
 - Maximum Height **proposed** is 35'.
 - The PUD Outline Plan Map shows bufferyard required along the south line of property;
 - The petitioner **proposed** no bufferyard required along south line of property;
 - See Findings under section A, regarding use;
- (c) The extent to which the PUD meets the purposes of this Zoning Ordinance, the Comprehensive Plan, and other planning objectives. Specific benefits shall be enumerated.

Findings:

- See Findings under section A;
 - The parcel is currently approved for commercial uses only;
 - The proposed three (3) uses are not commercial uses;
 - There are limited commercial retail opportunities in the immediate vicinity – where there are underserved high-intensity uses (Ivy Tech and offices in Park 48) to the north of W State Road 48;
 - One of the purposes of the PUD, under Chapter 811, is to encourage a harmonious and appropriate mixture of uses;
 - The PUD designated an institutional use on the larger property to the east (Parcel B) which is at present developed with an institutional use (assisted living/skilled nursing facility);
- (d) The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.

Findings:

- Stormwater Drainage and Detention was designed and approved for the existing PUD;
- Said drainage and detention has experienced complications in this area;
- The Monroe County Stormwater MS4 Coordinator had identified the petition site to be located within a “critical watershed”, named Cave Creek;

- The petitioner has included information regarding the drainage for Parcel L;
- (e) The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.

Findings:

- The petitioner requests to add the uses “Governmental Facility”, “Community Center”, and “Agriculture Uses, Non-Animal Related” to the list of permitted uses on Parcel L;
 - Parcel L is currently approved for commercial uses only;
 - The other portions in the PUD are largely designated for residential purposes, with an institutional use on Parcel B (assisted living/skilled nursing facility);
 - The adjacent uses to Parcel L are an Assisted Living/Skilled Nursing Facility and single-family residential;
 - Ivy Tech Community College and the Cook Corporate Campus are also in the near vicinity;
 - The petitioner is requesting to clarify development standards, including amended landscaping requirements;
- (f) The desirability of the proposal to the County’s physical development, tax base, and economic well-being.

Findings:

- See Findings under Section E;
 - “Agriculture Uses, Non-Animal Related” is permitted in the following Chapter 802 zones after site plan approval by the Plan Commission or Administrator: AG/RR, FR, CR;
 - “Community Center” is permitted in the following Chapter 802 zones after site plan approval by the Plan Commission or Administrator: LB, GB;
 - “Government Facility” is permitted in the following Chapter 802 zones after site plan approval by the Plan Commission or Administrator: AG/RR, FR, CR, ER, LR, MR, HR, UR, LB, HI, IP
 - Parcel L is currently approved for commercial uses only;
 - **The petition site is located 0.40 miles to the west of the nearest TIF district;**
- (g) The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.

Findings:

- Access is derived from S Fieldstone Blvd;
- S Fieldstone Blvd is designated as a Local Road in the Thoroughfare Plan;
- No Traffic Study was submitted with this petition;
- All utilities are available to the petition site;

- (h) The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.

Findings:

- Open space has been dedicated through the 1994 PUD – there is 5.7 acres of open space owned by Fieldstone Community Assoc. Inc in the PUD;
 - There is no known karst on the property;
 - Parcel L is 4.49 acres in size;
- (i) The proposed development is an effective and unified treatment of the development possibilities on the site.

Findings:

- The current approved uses for Parcel L from the 1994 PUD approval are Limited Neighborhood Business Park/neighborhood serving retail services;
- The proposed use does not appear to meet the original intention of the PUD to have a commercial retail option adjacent to W State Road 48.

QUESTIONS FOR STAFF – 2012-PUO-05 - Fieldstone

Clements: Ok, thank you Anne. That was very nice. Is the petitioner here? Actually, we should go to the members of the Plan Commission to see if there are questions for Anne.

Nester Jelen: I am not seeing anyone, Margaret.

Clements: Ok. If the petitioner is here or the petitioner's representative we would like to hear from you. Is Rita here?

PETITIONER/PETITIONER'S REPRESENTATIVE – 2012-PUO-05 – Fieldstone

Cockerham: I am here. This is Chris Cockerham is here. Rita I believe is on the call and also we do have Katie Stein with Smith Design Group that can answer questions. I will start and one of things that we asked in the very beginning and before I asked the township to spend development dollars in design was to know what these 3 uses would even be permitted. Because as you guys know going through the design process is extremely expensive. I also sit on the Bloomington Plan Commission and I see these reports and I know that we need to have this information to make an informed decision but it can be tens of thousands of dollars. Here we have an affordable housing issue in development and we asking for all of this dollars so before I ask the township to spend dollars to go through this process, which we have hired Smith Design Group, I guess the thought is are these uses even would you even consider that? Really I just kind of want to go through the process a little bit. So, I am Chris Cockerham. I am a Commercial Real Estate Broker here and I have been working with the Bloomington Township and Rita Barrow searching for a new location. Part of this search was to find a location to better serve the citizens of Van Buren Township. Rita has a great board and with Rita they had asked if we could find a site to add these additional

amenities to the township and they amenities were the community building, a community garden and finding a site to incorporate their offices, a community building, and a community garden is not an easy task. Obviously we have to stay within the Van Buren Township. However, when we came across the Fieldstone lot we felt it was perfect to incorporate all of these services and amenities of the township trustee's office and we also noticed that this lot has sat undeveloped for over 25 years. Since the market has not supported the current permitted uses we felt adding these 3 uses would add value to help develop the lot but also add value to the Fieldstone Neighborhood and Van Buren Township. So, first I would just ask that you approve adding these 3 uses and then we would go through the design process as well. Rita is on here as well. Rita, I don't know if you wanted to comment and then also Katie is on here that can answer questions if needed.

Barrow: This is Rita. Can you hear me ok?

Clements: We can hear you. It is a little crunchy but we know you are there, Rita.

Barrow: (inaudible) I 100% agree with Chris that this was something that not just Van Buren Township the Trustee but the residents could find positive things here. This development is beautiful as far as being able to develop if it has all the things that I was looking for such as bus routes, sidewalks, areas big enough were we could make these buildings beautiful. I have spoken with a couple of the residents in Fieldstone and I think they have some concerns. We don't have those concerns until we do the design. Once we do the design then we can share it with the residents. But I don't want to spend unnecessary money until I know for sure that we change this.

Clements: Thank you Rita. I think that makes you a good public servant and a good steward of the tax dollars that you all receive so I just want to thank you for your conservative approach. I think at this time we would like to hear from Katie and then we will move on to the members of the public. Thank you.

Stein: Can you guys hear me ok?

Nester Jelen: Yes.

Stein: Ok. Katie Stein Smith Design Group. We have been working with Chris and Rita a little bit on this project. Like Chris mentioned we have not gone into full design mode on this we are just obviously just trying to get towards the approval of the uses that are proposed here. I guess I do really have a couple of questions on this as far as the parking standards and landscape standards. We prepared a schematic site plan and parking spaces based on what is in the current Monroe County code and based have not provided other parking standards assuming that the PUD if it is not specifically spelled out it would default back to the county code, same with the landscaping requirements. So, I guess I am a little confused as to why we are being requested for those specific statements. Can it just let at what the code states currently? I will say right now we have 62 spaces shown again this is our concept site plan. It is not final by any means and it is just based on the community center requirement and the government center requirement, those 2 alone only required 30 spaces. So we have got a lot of overflow for those use, but again this is not the final plan by any means and that is all that I have to say.

DRAFT

Clements: Thank you Katie. Jackie do you have an answer? Anne do you have an answer for Katie's question?

Crececius: Yes, if they were just to state that it does default back to the zoning ordinance that would be sufficient for landscaping and parking. Parking might get a little bit more complicated. It might be preferred that there is a specific kind of standard noted because there are 3 different standards not all of which that are necessarily compatible so if it could be stated that that is what the petitioner is agreeing to, I think that this proposal could possibly move on. I know the landscape and the streetscape is just silent so you could just specify that it is agreeable with the zoning ordinance. Parking standards I think you would need to state something. Otherwise we could take a little bit more time and have it stated in writing.

Clements: So, given that Katie and Rita is there anything that you would like to state for Anne in order to help facilitate this process?

Stein: I guess ultimately if Rita is ok with it we can meet the zoning requirements but I don't know if there is something specific that we need to state. I guess this is a planning question, for that community garden parking ratio. The landscape standard if Rita is ok with that then I would say we would just default to Monroe County Zoning Ordinance standards for that.

Barrow: As far as the landscaping, yes I am completely ok with the requirement there. The parking standards, 62 seems to be a lot parking. I don't think that the community building will be big enough for 62 along with the garden, along with the township. The township office has 3 employees and has a 4th one part-time. For us to put that many parking spaces there and that was one of the concerns of the addition, the Fieldstone Phase 1 because they didn't one individuals parking to where they could see the back to their homes. I told them, I talked with the yesterday and today that we make sure there was a barrier whether it be landscaping or no parking to the back of their house. I totally understand that I just don't see that we are going to need the 62 or whatever it was parking. (Inaudible) the community building and offices probably won't be operated at the same time along with the community garden, which is only going to be there during the season for planting. (Inaudible)

Clements: Thank you Rita. Mr. Wilson, who is the Planning Director has his hand raised and so Larry, if you would, thank you.

Wilson: It sounds like they are willing to do the landscape standards, which we could easily add in as a default. The problem is we have to have parking standards of some kind, either those proposed by the petitioner or to default to the county standards. I don't think Planning has any opposition to coming up with their own standards that might reflect more accurately kind of the mixed use they have of these properties and the actual demand for parking but we need to have those numbers in the outline plan in order to have a standard to be utilized when we review the development plan.

Clements: Mr. Wilson, do you think that it is possible to state that tonight or do you think that requires another review?

DRAFT

Wilson: I don't know that we have, Anne do we have any numbers at all on the parking that they are proposing?

Creceus: No. We have asking informally in a way during Plan Commission Administrative Meetings that we want these numbers. I have not reached out specifically and stated, hey, you have to provide these numbers. I believe we have mentioned that they should be required. No, we don't have any draft of any kind. So, no.

Wilson: One thought on this is that we are going to need an ordinance anyway in regard to have something to pass on to the Commissioners and we could one continue this to the Administrative Meeting on the first of April, first week of April and advertise that in advance as a public hearing, as long as you continue at this meeting to that hearing, we could address it at that time, that is an option that wouldn't delay their project unnecessarily. Dave, do you agree?

Clements: Anne do you agree?

Schilling: Yes.

Creceus: Yes.

Clements: I believe that Mr. Guerrettaz had his hand up.

Guerrettaz: No, I was just going to suggest that maybe we could work it out during that Admin Meeting to keep them on track so Larry tuned in on it.

Clements: I would be in favor of that myself and I also as you know I am in support of this project another government unit serving another government unit to try to save money for the tax payers is a lofty and noble goal. I just would like to say that I can see a lot of synergies here between this community garden and also the multi-use that is going in there at Westgate. I can see maybe them growing vegetables for a restaurant that might appear or Ivy Tech facilitating the growth of microgreens or something that could be used. I just see a lot of synergies here so I would like to facilitate this and to ensure that we can help them get it through with this low cost as possible on behalf of the tax payers. But that being said, I think it is time to go to the public and if we could if anyone who is in favor of this development if they could raise their hand. Each member of the public has about 3 minutes to speak.

Nester Jelen: I am not seeing anyone Margaret.

Clements: Ok, is there anyone here who would like to speak in opposition to this?

Nester Jelen: I see one person, Mr. Wolfgang.

SUPPORTERS – 2012-PUO-05 – Fieldstone – None

REMONSTRATORS – 2012-PUO-05 – Fieldstone

Von Buchler: Yes, I live in Fieldstone Subdivision and I am opposing this development on some legitimate grounds. These are elected people in each township who help the poor obtain basic necessities. That is what a Trustee does. The Trustee may help with shelter, home housing cost, utility bills, food, clothing, medical needs, burial expenses etcetera. It is to help the poor. I do not see where paying, that lot was for sale for \$250,000 a couple of years ago. Maybe it came down a little bit but Sam Smith didn't go down much so even if she got \$225,000 or \$220,000 that is very expense for 4.9 acres. That money in my opinion could be much better used to help the poor people that the Township Trustee by law is supposed to be helping. Originally when I talked to Rita a year and half or so ago she shared with me that yes the fire department had to be expanded and she was going to move the trustee's office across Kirby Road by buying one of those residential houses and converting it into the trustee's office. The next thing I hear is we are going to spend \$200,000 plus dollars for property and then we are going to have to build on it and I am thinking ok that is a lot of property that is a lot of money that could be better spent in other ways. The other thing that needs to be said is there was no public notice of tonight's meeting. The only way I found out about it is I called this morning and Barb told me, Barb Carter, I think, that this meeting was on. There were no signs like for the February meeting on our subdivision. My understanding is no letters were sent to the people that border this area and I don't border it but the newspaper is maybe legal but it's not a good way to tell people that we are having a meeting that we want your input on so I question this whole thing on a number of issues and primarily that the residents were not informed so you are not getting a true feeling for what is going on. I just go back to what is a trustee supposed to do? Do I want to spend \$400,000, \$200,000 plus on the lot and then more for building and then who is going to maintain it? I am a tax payer here. We are all tax payers in the county. Do I want my tax money used in that way? I don't. I think a building across the fire station would be just fine. There is hardly ever anybody there that comes to Rita Smith. I mean she has 4 or 5 parking spaces and that is all that she ever needs and the community center might be overfill but do we want to do that kind of luxury thing when you can rent place at the 4-h fairgrounds for very low money if you want to have a get together. That is my comment. Thank you for listening.

Clements: Thank you Mr. Von Buchler. Mr. Wilson, you have your hand raised.

Wilson: I just wanted to make sure, I believe we did advertise for the hearing on this. Is that correct, Anne?

Von Buchler: Yes.

Wilson: And people got notice.

Nester Jelen: We did advertise. The February meeting was cancelled due to the storm event but it was also noticed in the paper for this month's meeting and I see that the letter's, certificate of mailing was sent out here but because the meeting was automatically cancelled all of the agenda items were brought onto tonight's agenda and I understand that causes confusion.

Clements: Thank you. Is there any other member of the public that would like to speak in opposition? Seeing none. I would like to bring it back to members of the Plan Commission for

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further discussion and a motion.

ADDITIONAL QUESTIONS FOR STAFF - 2012-PUO-05 – Fieldstone

Nester Jelen: Geoff, you have your hand raised.

McKim: Yes. I definitely appreciate the comments from the member of the public who spoke here this evening. He certainly has a right as a township resident to express his views on the priorities township government. I did just want to make it clear that one of the expressed duties of a Township Trustee in Indiana Code 36664-3 is to provide and maintain township parks and community centers. So, I just want to make it clear that this is an expansion of duties. This is one of the core duties of a Township Trustee. Obviously taking care of the poor I think most people would agree if not everybody is the most important but this is a legitimate, statutory duty of a Township Trustee and I certainly just as a matter of process have no problem at all with the idea of continuing this to the Work Session Meeting and advertising that as a public hearing, which would also I think address the member of the public's concern about advertising and give other members of the public the opportunity to comment.

Clements: Thank you, Mr. McKim. Commissioner Thomas?

FURTHER QUESTIONS FOR STAFF - 2012-PUO-05 - Fieldstone

Thomas: Yes, just to echo that our goal here and I appreciate the comment by the resident, our goal is to consider whether or not this is an appropriate use for this space, not whether this is an appropriate use of township funds. That is a separate entity. I would encourage him to talk to members of the Township Board or to have a meeting with Ms. Barrow to air his concerns and deal with it that way because that is not our concern. Our concern is not to make decisions as a watch dog for other units of government but I do really like this project and it sounds like we have a couple of small things that are left to be worked out and I don't want to delay things for Van Burn Township. They have put some time and effort in here. I see somebody else's hand is raised but **I would make a motion that we continue this until the April 6th Administrative Meeting of the Plan Commission.** Do I have that date right?

Nester Jelen: Yes.

Thomas: Thank you.

Clements: Ok, thank you Commissioner Thomas. Just to me conducive to our environment, Dawn, your hand is raised and if you are member of the public we would like to hear from you but for no more than 3 minutes.

Nester Jelen: You are mute Dawn. I can hear you.

Dawn: Ok. I have been in contact with Rita Barrow and I was one of the residents that actually attended the November meeting that they had with this gentleman and our concerns were not reflected in the meeting minutes, which was attached to this meeting. We had several concerns

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about security, about the hours, the fact that there was no fencing that was proposed, no tree line, nothing like that and then on the very top of it the plan that was used to supplement this meeting, well, the February that was cancelled, a zoom meeting was cancelled during a snow storm, that was just a plan that was originally planned for Highland Community Church or Highland Park Church and so the plan that was supplemented with that in addition to meeting minute notes that were not reflecting some of the concerns the residents on this street had. That is something that has stuck with me as a representative for this neighborhood and I have been asked to cite those concerns both at this meeting or what was supposed to be the February meeting and at this meeting and every meeting that is subsequent from this. I have talked to Rita a little bit. I have got a sense that she wants to address these but the concern is the documents that supplement your February 16th meeting are not accurate and that is something that I would feel as a Planning Commission that should be cleared up to have all of the documentation before a decision is rendered. Thank you.

Clements: Thank you Dawn and I see Mr. Stainbrook's hand and I also saw Mr. Pittsford's hand. Jim, if you like to proceed.

Pittsford: Margaret, I have lowered my hand.

Clements: Ok, thank you, Jerry.

Nester Jelen: You are on mute.

Stainbrook: I am just awfully sorry. Margaret, if we have a motion pending, I would **second** Julie's motion if that is still

Clements: Ok, Jackie and Larry I think we do have a motion and a second continue this to the Administrative Meeting on April 6th.

Nester Jelen: Larry, do you want to call the roll?

Wilson: I just want to verify that there was a motion because I don't recall actually hearing that.

Nester Jelen: Commissioner Thomas made the motion. We had a public comment and then Mr. Stainbrook seconded.

Wilson: Ok, again I am literally operating in the dark here tonight. So, I will call the roll. The motion is to continue 2012-PUO-05 to the April 6th Administrative Meeting. The public hearing will be continued to that date and a public hearing will be held at the Administrative Meeting for the Fieldstone Planned Unit Outline Plan Amendment 3 for Parcel L. Again, a vote in favor is a vote to continue to the April 6th Administrative Meeting. Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz? Geoff McKim?

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McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes with a note that we need the additional information that Ms. Dawn spoke about added to the packet, please. Thank you.

Wilson: Ok. Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: I will go back to Bernie Guerrettaz?

Guerrettaz: I am sorry. I couldn't quite manage my microphone. Yes.

Wilson: The vote is 9 to 0 in favor of continuing to the April 6th Administrative Meeting in order to give time for the petitioner to supply numbers in regard to parking and clarify the landscaping standards. We will have those additional requirements available at that time.

Clements: Dawn and Wolfgang if you are interested to attend that meeting and to discuss that or bring other issues to our attention that will be April 6th at 5:30 just so that you are aware and thank you for bringing your concerns to our attention.

The motion in case 2012-PUO-05, Fieldstone Planned Unit Outline Amendment 3 (Parcel L), Preliminary Hearing, Waiver of Second Hearing Requested, to continue the petition to the April 6th Administrative Meeting, carried unanimously (9-0).

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NEW BUSINESS

3. 2012-PUO-06

The Trails (formerly White Oak) Planned Unit Outline Plan Preliminary Hearing. Waiver of Second Hearing Requested.

One (1) 44.07 +/- acre parcel in Section 20 of Perry Township at 4691 S Victor Pike. **Zoned RE1.** Planner: rpayne@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: I am going to cover for Rebecca tonight Margaret. This is the Trails. This is another Planned Unit Development Outline Plan for this evening. As we had shown in the beginning we have the Trails, then we have Blind Squirrels and then we also have Southern Meadows. So, if you want to speak at the end of this we will give time for that but just note that they are kind of 3 items on the agenda and we want you to make sure you have comments reflected under the correct petition if you would like to. This property is 4691 South Victor Pike. It is 44.07 acres. It is zoned Residential RE1 and it is near 2 trails here, so we have Clear Creek Trail and then Bloomington Rail Trail as well. Just a quick summary of the request here is an outline plan so it is changing the zoning from RE1 to PUD in order to accommodate a development that is not otherwise accommodated in our Monroe County Zoning Ordinance. What they are proposing is a mix of housing types. They have single family homes, paired patio homes or detached single family and they are also requesting flexibility for 4-plex or ROW townhomes. The proposal does include 2 ingress/egress point for vehicular traffic off of South Victor Pike as well as bike or pedestrian trail access to Clear Creek Trail and the Bloomington Rail Trail. They are proposing 3 phases over a period of 7 years, which would start if approved, time line for starting would be sooner rather than later showing summer 2021. There would be permitting and processing requirements but that is roughly their 7 year time line is to start when they can through 2028. According to the petitioner their request is designed in order to allow for attainable middle-class housing in the Monroe County area. So, as I stated this is 4691 South Victor Pike and you and you have the intersection of 2 trails. While I am here I will just mention, this is the area for the Southern Meadows petition and Blind Squirrels that we heard earlier. This area is zoned Residential 1, RE1. It requires 1 acre minimum lot size currently. Around this area is also zoned RE1 but you also have some PUD's in the area that accommodated either housing, we also have the gym that was mentioned earlier, some other commercial areas here and then MR and RS3.5 allow for about 0.21 acre minimum lot size. AG/RR is 2 and half, just to give you an idea there is some higher density above but also some lower density below. In the Comprehensive Plan this area is zoned for Mixed Residential and Open Space and then we also have a site conditions map here. There is floodplain and some karst areas that do touch the property. There is also a 100 foot utility easement that cuts the property in half that runs north/south. Existing on the property is one single home and it is primarily used as kind of a pasture or agricultural land. At this point no other development at this time. The proposed phasing plan that they have put together includes 3 phases and what they are hoping to achieve in this phasing plan it does cross through some of the zones of development because some of these zones have single family, some of them paired patio homes, and then some of them have townhomes or paired patio home options what they are hoping to accomplish is to have about 145 units is what is proposed right now and these would be the counts by the phases; in the immediate term 2021 through 2025, 44 units, 2024 through 2027, 57 units and phase 3 to completion would be 44 units by 2028. This is how they are breaking out zoning within the PUD. As you know

PUD's can have a little bit of nuance to them and this one is no exception. Area A they are showing about 0.14 acre minimum lot sizes here and that one is calling for a 0' setback lot line for paired patio homes. Area B is a 0.22 acre minimum lot size and that one is saying that it is community access to trails and green space and I believe this area is primarily for detached single family units. Area C has 2 options and both options there is 0.16 acre minimum lot size but in the one option they are wanting to have an option for shared walls townhomes and the other option could be something like a paired patio home allowance in this area. Area D is 0.16 acres here and I believe that is also the paired patio home development as well. Staff recommendation for this PUD is denial and the main findings and discussions with the petitioner is that there is a lot of built in flexibility here for this PUD but basically when you take out some of that flexibility for the townhomes which may or may not occur after this PUD, this development could actually take place under a by right zoning district such as Medium Density Residential or High Density Residential and achieve a very similar outcome. We do allow for applications for Planned Unit Developments but Planned Unit Developments are kind of a snapshot in time and they do not update as our code updates and so they are there, once they are zoned they are there and so we like to try to encourage where possible to follow the existing Monroe County Zoning Ordinance. Also, this PUD is just allowing for higher density residential and it is not including any other commercial uses or neighborhood commercial uses that is suggested in the Comprehensive Plan. I will take any questions that the Plan Commission has at this point.

RECOMMENDATION

Staff recommends **denial** based on the findings of fact and subject to the Monroe County Highway Department & Drainage Engineer reports.

Staff Concerns –

- This project could involve a rezone to a County zone such as Medium Density Residential or High Density Residential to achieve a similar outcome (paired patio homes and detached single family residences). The petitioner requests flexibility to create connected townhomes but is not committing under the proposed outline plan.
- This does not include any commercial uses and is a rezone to include higher density that could be achieved under a county zone. The comprehensive plan suggests neighborhood commercial also be integrated, which is not included in this proposal.

PUD REVIEW CONSIDERATIONS

811-6 Review Considerations

Section 811-6 (A) of the Monroe County Zoning Ordinance states: “The Plan Commission shall consider as many of the following as may be relevant to the specific proposal:

- (1) *The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County.*

Findings:

The Comprehensive Plan designates the property as MCUA Mixed-Residential and MCUA Open Space;

- The property is currently zoned RE1;
- The current permitted use of the site is residential;
- Adjacent properties are zoned RE1 and PUD;
- The petitioner is proposing 25% (10.74 acres) open space: of the 10.74 acres, 3.76 acres are usable, 3.77 acres are useable but with some limitations due to karst conservation areas and utility easements, the remaining acreage is drainage/detention areas. Chapter 811 states: “Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.”

(2) *The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.*

Findings:

- See Findings (1);
- The stated purpose of Planned Unit Developments are as follows:
 - Reflect the policies of the Comprehensive Plan specific to the neighborhood in which the PUD is to be located; **This proposal appears to align with the policies of the Comprehensive Plan in this area (see above). However, no mixed use commercial amenities are being provided.**
 - Provide substantial buffers and transitions between areas of different land use and development densities; **the layout of zones A, B, C, & D guides the transition of density. However, it is possible that connected townhomes could be located between single family homes as currently proposed under 1 phase. Staff would prefer more decisive and consistent request for housing types by zone.**
 - Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces; **They are preserving the minimum open space required. The open space being preserved is constrained due to existing environmental conditions.**
 - Counteract urban monotony and congestion on streets; **They have proposed three potential housing types. However, they have made it possible to only include only detached single family residential structures in all of the zones as staff interprets the current outline plan.**
 - Promote architecture that is compatible with the surroundings; **They have not provided architectural standards.**
 - Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development; **It is possible that different housing types will be immediately adjacent given how the outline plan is written.**
 - Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; **Staff finds that the environmental conservation borders the minimum needed to meet the terms of the PUD ordinance.**
 - Effectuate implementation of the Comprehensive Plan. **The request for smaller lot sizes and varied housing types near a trail meets the comprehensive plan**

for this area.

- The petitioner is **not** meeting one of the requirements for open space – “If the Outline Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.” The open space is primarily located in Area D
- (3) *The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.*

Findings:

- See Findings (1) and (2);
 - Multi-family is not currently permitted within the RE1 zoning districts;
 - The site has a proposed minimum lot area requirement of 0.14 acres;
 - The site has a proposed minimum gross density of 5.29 units/acre;
 - The site has a proposed minimum lot width at building line of 50 feet;
 - The proposed building heights are compatible with the current zoning districts;
- (4) *The proposal will not be injurious to the public health, safety and general welfare*

Findings:

- **See Findings 1-3 above;**
- (5) *The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.*

Findings:

- Staff will be reviewing a development plan if approved;
 - The petition site will be subdivided and the management of common areas will remain under the control of a Homeowner’s Association (HOA) that will be formed as part of the subdivision process;
 - The petitioner is proposing 25% (10.74 acres) open space: of the 10.74 acres, 3.76 acres are usable, 3.77 acres are useable but with some limitations due to karst conservation areas and utility easements, the remaining acreage is drainage/detention areas. Chapter 811 states: “Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.”
- (6) *The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.*

Findings:

☐ See Findings (1), (3) & (5);

- The petitioner states in their written statement (Exhibit 1) that the development is designed to provide a mix of housing options;
- The proposed PUD outline plan would connect to two trails as well as provide access via a trail to an MCCSC elementary school (Clear Creek Elementary School);

(7) *The desirability of the proposal to the County's physical development, tax base, and economic well-being.*

Findings:

- See Findings under Section (6);

The petitioner submitted design plans that are aesthetic in nature. In addition, the petitioner highlighted some potential benefits of this project:

- *Trail connections to the Rail Trail and Clear Creek Trail*
- *Fills a need for attainable middle-class housing*
- *Provides a mix of housing types*

(8) *The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.*

Findings:

- See Findings under Section (5) & (6);
- Multiple road connections are proposed within the outline plan that will increase interconnectivity between the proposed neighborhood areas;
- The petitioner is proposing two points of access off S Victor Pike to serve the proposed PUD;
- A further review of traffic considerations will be reviewed at the Development Plan phase of the project by the Highway Department;

(9) *The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.*

Findings:

- The PUD outline plan has open space requirements that will be described legally as unbuildable;
- The petitioner states that 10.74 acres will serve as open space which is 25% of the total site acreage;
- Exhibit 1 states that the drainage/stormwater management areas will be managed by an HOA to be established during the subdivision process;
- Exhibit 1 states that street trees will be provided a minimum of every 50 ft or every lot location, whichever is greater and that there will be no buffer yard requirements along the north and south property lines. Type D buffer yards may be established on the east side.

QUESTIONS FOR STAFF – 2012-PUO-06 – The Trails

Clements: Jackie, could you tell me how many homes would be allowed under a Medium Density?

Nester Jelen: Sure. Let me do a little bit of quick math here. I don't have to do it on the screen. We have got 44 and then some acres, so 44.07. What we usually say is about 20 percent is for utilities or roadways, so I am going to subtract out 20 percent here and divide that by 0.21. If this was Medium Density at 0.21 that would allow for up to 167 individual lots after removing areas for, 20 percent for basically roads and utilities.

Clements: Ok, thank you. Do other members of the Plan Commission have any questions for Jackie? If there are none we would like to hear from the petitioner or the petitioner's representative.

Nester Jelen: I know that they do have a Power Point that they are hoping to present. It is Kevin or Donnie.

PETITIONER/PETITIONER'S REPRESENTATIVE – 2012-PUO-06 – The Trails

Adkins: Good evening, everyone. I am Donnie Adkins. Thank you Jackie for everything you have done up to this point and for running the slides for us. We would like to introduce ourselves to everyone and can't say enough how we appreciate the effort that has been put in by the Planning team up to this point to get us here. We have got a really exciting opportunity and development that we are looking forward to taking you through it, introducing ourselves to you and of course receiving any feedback that you might have. Jackie, if you could go to the next slide please. Since Kevin and I are new to these meetings we thought it would be good to quickly introduce ourselves. I will start with myself real quick. I graduated from IU in 2001 and then entered the Airforce. Since then after 6 years in the military I have been with a major energy firm and conducted and managed projects all over the world to date. Kevin, as well doesn't have the exact educational pedigree that I do or with IU but he still has a great degree too and his introduction to IU is through his wife's parents, where they met back in 1968. So, we both have some very solid links to Bloomington and IU. We are so looking forward to taking on this endeavor in Monroe County. Next we wanted to just quickly touch on our inspiration. We both have young families and as I mentioned going to IU and spending so much of my life in Monroe County I have been looking forward to an opportunity to get back to Bloomington and to raise my family there. You can see a few snapshots. That is my daughter when she was 6 months old at the NCAA Tournament. Since at least that time she has known she was going to be a Bloomington resident and hopefully a Hoosier and you can see my kids as well in the middle picture when I caught them behind the waterfall at Cascades Park. Bloomington, Monroe County has been a big part of our lives even though we aren't residents yet and I will get to that in a minute. Jacob and Chloe, which are Kevin's children, both love the outdoors as well and really appreciate Monroe County as well. We talked a little bit about the need for housing not just in the United States but especially in Bloomington and in Monroe County and how challenging it has been. I, myself has I mentioned started looking for a house for my family back in the summertime. It was incredible difficult. Anything that was decent under \$400,000 was going in less than a few days if not within a few hours of the listing. So, to create, to make sure we are clear on the business case, we pulled the data from the National Association of Realtors. We have got it listed there right there, how challenging the situation is for middle class and young

families in Monroe County. Per the National Association of Realtors 6 months is what a good balance is for housing availability. Back in December you can see what the actual time frames were by the different prices of homes and these make it incredibly, number one hard to find a house and also of course increase the price escalations very quickly and that is what we have seen in double digit increase housing prices over the last 12 months, which has challenges families even more to obtain a house. This data has gotten even more challenging if we look at the latest stats since December where these numbers have gotten even shorter in supply even more dire. Our goal is to help solve this problem for Monroe County by providing middle class families high quality and attractable, attainable homes. This property right now is currently zoned Rural Estate and we seek to change that because we are not going to solve any of the problems by just building more, close to a million dollar acre lots. Our goal is to build and develop a gorgeous, beautiful neighborhood in an incredible neighborhood adjacent to the trails near the school and with the public utilities just as the Comprehensive Plan would like us to do. This is an incredible opportunity. I am going to hand it over to Kevin and he is going to take you through more of the specifics. Thanks again everyone for your time.

Schmidt: Thanks Donnie. While we are on this slide, a few other pieces, I know Jackie did a great job on introducing this neighborhood, something to really focus on is strong connection to the environment and we really like idea of the way this place, this neighborhood is going to be laid out, with rolling hills, with really a natural, unique neighborhood feel. It is going to be very akin to a lot of the neighborhoods that have been built throughout the years in Bloomington. This land is about as far south as you can get with access with city infrastructure, which is why as Donnie mentioned this really does align and the density we are looking for the density does align with the Comprehensive Plan intent. As it lays right now it is a farm, it is a hay field, so there is really minimal surface, environmental destruction. This is not a place where we are going into a huge forested area and just destroying a lot of trees. We are talking about building on existing farm land that is currently used for hay, so very minimal disruption. If you can go to the next slide, Jackie, Thank you. Jackie talked a little bit about this, the development plan. A PUD to develop anywhere between 140 to 160 homes. The current layout is 145 as Jackie correctly said, built in 3 phases. We really are looking at the attainable housing, really high quality attainable housing and we have talked a little bit about this but diversity of offerings we think is really, really important. We have spent a lot of time living in a lot of different places around the world and bringing that back to the Bloomington area the idea of divers offerings; single family homes, paired patio homes and townhomes with different lot sizes and the flexibility to have those different lot sizes all in a neighborhood really does bring a community together. I think we have shown over the last year with what has gone on with cove etcetera that bringing a community together is really, really important and you are who you are in the community so that is really what we want to bring here. Based on the PUD there are some unique attributes that we are going to be doing that neighborhoods will have parks and a few other things. Moving on to the next slide is the diversity of offerings. Again, we have talked about this. This is just a few examples of some of the houses that we would be building. Single family homes on your left, paired patio homes and then depiction of what a townhome might look like. Again, the idea on the townhomes and I will just touch a little bit on it right now is this was when we first started approaching this with some of Bloomington's best people, so Bynum Fanyo, Mike Carmin, and we started talking with the Planning Committee the Planners, one of the things they said to us was we really like Dodd Street. We really like the way they took density and put it around the trail and they made leverage and

access to the trail. So, that was sort of the genesis of where the idea of the townhomes came from was from that initial interaction. Jackie, you can go to the next slide. This is I think I pretty cool idea. We talked a little bit about it in that north east corner. One of things that we have done is taken that area that is a little bit more forested and has a few more trees and we have said we are not going to build houses there, we are going to try and look at a way to build something that will make this neighborhood unique. Looking at the trail infrastructure that the city and county have spent so much time and money on and really get leverage and used so much we said let's build a really cool adventure park up near the trail is that we would have something here that was accessible for not only the neighborhood but also for the community that uses those trails so frequently. Jackie, if you can just click to the next slide. This is a view from the bottom side. This is kind of a bird's eye view and if I can just kind of run you through from bottom right to top left. The idea was in the bottom right area there would be some high adventure areas. Again, focusing on the nature side of this a very natural build using the tress leveraging that, a BMX Park that would have a ramps that run through trails, dirt trails and then as you come up to the top left there would be a small, young kids park like an infants and small child's park up at the top left where it says lawn there would be a little bit of an adventure park there, just a smaller park there. Where the lawn is in just a big gazebo area for just people to hang out and again just enjoy the community that we envision. So, something that is not required but something we think is a really cool attribute. Again, we have talked about this and trying to stay in tune with what is going on in the world dog parks, community gardens are really, really important for people. So, gain, not something that we are required to do but something that we really think is useful for the community and really be a key interest for the neighborhood and also for the people using the trail. A natural dog park that allows people to go and socialize and be outside, same thing with the community garden. It helps teach and really emphasize the idea of connecting back with the land. We talked a little bit about our connection with the land. Donnie and myself are both akin to understanding what impacts things have and what we are doing and how we can best manage the development and leverage the unique attributes of this site. We have done a lot of environmental surveys. We will talk a little bit more about drainage. We have looked for wetlands. We have done some karst feature identification and again those karst features are all concentrated up in the north east corner where there isn't any housing development. We have done an environmental phase 1 and we really do believe that this plan minimizes site disruption. Throughout this process we have had the opportunity to meet with a lot of neighbors which is something that has been really exciting for us, meeting with the people that are in this area. I think you will notice that there are a number of remonstrances, that a lot of people have put in information about how things that they don't like or things that they don't like about the development. I would just mention that a lot of those were probably before we had conversations with them a lot of them were I think maybe misinformation and pieces of information that they were not fully developed or shared at the time and we have had 3 or 4 meetings with individual neighbors and with groups of neighbors to try and clarify those details as much as possible. So, I will just walk through maybe the 3 or 4 big topics were coming out of those neighborhood meetings and just so that really what we are doing in this is actually going to potentially help some of their concerns not hurt their concerns. So drainage is probably the first one, the major one. Current site runoff flows uncontrolled. There is no drainage system involved in this hay field at all and as people have mentioned as the current situation there has been flooding in the area. The design of our development will reduce runoff by more than 75 percent, actually the latest numbers are about 80 percent and this will clean and filter the outflow. So, we are reducing the runoff of this site after this built by 75 percent to 80 percent. The

downstream effect of runoff will be reduced, which means that there will be less flooding down the stream than if undeveloped and we are committed to all of the requirements for the critical watershed area. In fact, we have just gone through the Drainage Board Meeting and received approval on our preliminary drainage plans. We have had the luxury of working with not only the County Drainage Team but also Bynum Fanyo and really been supported by a great team. The second concern was related to traffic. We have shared plans with the Public Works Department and the Highway Engineer. Paul has been a very, very big asset for us and we have gone back and forth a number of times and incorporated his feedback. Jackie, if you can click on the next slide. You can see here, that is the planned upgrade for the entrance to the neighborhood and that planned upgrade has been approved by Paul. It has been approved by the Public Works Department and by the County of Monroe. It is all something that we have taken that feedback, understood and that neighborhood design really encourage alternate transportation. So, this is one thing you know that probably doesn't get addressed enough is because of the access to the trails and the location we really do believe that this is going to be something that people are going to be able to use the alternate transportation, biking to work, walking to work, going out and leveraging this area. It is going to be really, really great. Jackie, next slide. Another major concern that we heard throughout our conversations with the neighbors was tree removal. Again, I think this was something that we wanted to set the record straight on and make sure people understand because I think there is a lot of misunderstandings. We are committed to preserving all trees where possible. We are only going to be getting rid of essentially the trees that we need to. Currently our site has 350 plus trees and we estimate that the development will require removal of approximately or less than 100 trees. We also believe that the development plans will yield planting between 200 and 300 trees at a minimum, which means that when we are done with this we will have 50 percent more trees on this site than we did originally and you can see that that north east corner there is no disturbance of the trees planned up there. It is only in and around the existing area where the farm house and some of those in that area there and I think that the other key here is there has been some talk about large trees versus small trees and we plant them and I think you know really again the neighborhood is about sustainability for the future. So, if we are putting in all of this information we are going to have trees that are going to grow too much greater development in the future. Jackie, if you could go to the next slide and the final thing that I have heard and we have heard talked about a number of times is the density. People making the assessment that the density in the area is not akin to the area. So, again if we look at all of the areas that are assessable to current utilities which are storm sewer, water, and public utilities, these are neighborhoods surrounding that area and you can see that the 8 neighborhoods surrounding this area we are proposing a 3.6 lot per acre density. If you look at the densities associated with the neighborhoods around this area, we are exactly slightly below the average of the neighborhoods around this area. The average around this area is 3.7 lots per acre and we really believe that this is exactly what the Planning Board is looking for. The density of the Trails is lower than the Comprehensive Plan and the future CDO. The Comprehensive Plan and the future CDO, which I think Jackie just mentioned allowed for 167 lots and we are proposing up to a maximum of 160. There are some notable neighborhoods like Highland Park Estates that is currently 4.3 lots per acre and again that is a higher density than we are currently suggesting. The other benefit that you can see here is those yellow lines, the trail is really a constraint around the surrounding neighborhoods and it really does allow us to leverage the trails on the southern side of the property. Jackie, if you can go on. The final thing that we have heard and just want to address is why a PUD. I think Donnie and I are somewhat new to this in Monroe County so we spent a lot of time reading the zoning ordinances and when we came across

Chapter 811 that talks about PUD's it really seemed like it was the right answer. So, again, just reading some of those details. PUD is used to encourage flexibility in development and promote the most appropriate use. These are just some quotes out of Chapter 811. It encourages a harmonious and appropriate mixture of uses, which I think is exactly what we are going for with the paired patio homes, townhomes and single family trail density versus interior low density. Encourages to provide a mechanism for arranging improvements on site so as to preserve desirable features. So, again I think we really spent a lot of time talking about that north east corner where there is a ton of areas for educations. We have committed to putting signs up and talking with the Drainage Board about environmental learning, teaching people about what is a karst, what does a wetland mean, what are some of the endangered species in the area and this PUD allows us to do that. Reflect on the policies of the Comprehensive Plan. Like I said, based on what the Comprehensive Plan is suggesting that is exactly what we are doing. So, that sort of facilitates what we are looking for with the community parks. It allows us to have trail access, different density in different areas and size and layouts of the outs, again which we think is very advantageous to the benefit of the community.

Clements: Thank you Mr. Schmidt.

Schmidt: Thank you. I appreciate your time.

Clements: Is there any other member of your petitioner team who would like to speak with us?

Carmin: Margaret, this is Mike Carmin. Just a couple of comments. I want to address more of the staff report and Jackie's comments earlier regarding not the PUD but a different what she called a by right zoning development. I read the staff report and I saw the recommended denial based on findings and I read through the findings and I frankly struggled to find what were the findings that would lead you to a denial? I actually couldn't find it. We all had the chance to watch your earlier meeting and there is ongoing discussion of this commercial use and the mixed residential so I am not doing to dwell on that as you have aired that quite a bit. But I do want to go back to the source document and read the Urbanizing Area and the Comp Plan and the reference to the mixed residential area the statement is not the commercial uses are required, the statement is they, meaning the mixed residential areas may also include neighborhood commercial uses as a local amenity. It is an option. In fact, it is really as I read it in the plan offered as an incentive to allow some further development in mixed used but certainly is not a requirement. A mixed residential use is mainly what Kevin just went through in some detail with the different components and the different housing. It is not a cookie cutting, one size fits all checker board structure to go in there so I would submit that the plan is in support of what they are trying to do. As you have dealt with sliding scale zoning, sliding scale subdivision issues, arguments about keep rural rural and the promise of the Urbanizing Area was to push development into that area and to as a means to keep it from sprawling out into the county more into the more rural areas and it is working. I think you are seeing that now. You have seen it with some other petitions. You have seen it here. It is having that. I understand there are people that live in this area that have been there for many years. I suspect some of them have been there long before Bachelor School was built. I mean that neighborhood is changing. It city is pushing out. The Urbanizing Area is in recognition by the county and the Comp Plan that there is the donut around the corporate limbs of the city that is going to that area where you want the more development and this is going to be that part of that area. The negative that I

heard from Jackie with her comments regarding the denial was to do a by right zoning would change over time the codes change as the standards changes and that a PUD won't do that, once it's there, it's always going to be there. Actually that is true for a by right zoning in subdivision plat as well. Once the plat is built out you don't go back and knock down houses and say you have to rebuild these because our code has changed now you have to come into compliance. Once it's built out it's there forever. I just don't see that as an issue to say no PUD because otherwise it sounds like the staff had no problem with the development. It was let's just do it under a by right zone as opposed to a PUD and there are reason why as Kevin has highlighted the PUD works better and it takes nothing away from what the by right would have allowed, it takes nothing away but it adds some nuances and some flexibility that Kevin has detailed those. If the concern for getting current code was all that strong I don't know why we have been living with Chapter 33 in the ordinance for all of these years since 1998 when city reluctantly but hand it back to all of those areas back to the county for administering the zoning ordinance, so for all of these years, since 98' you have been administering the zoning ordinance, the city zoning code over all of those areas that came back from out of the Fringe Area and back into your control. There has been no push to we have to update the code on those areas, we have to rezone them on county zones so they are consistent with everything else that we do. You have administered the county code on these for more than 20 years on those lots and it is certainly is workable. I would submit that the PUD falls in that same area. It is not quite a by right zoning it is very close to it, by right uses within the straight zoning MR or HR which we think would be the more appropriate. That is even less than the calculation that Jackie gave you earlier and would submit that it's on all squares with the Comp Plan. You have talked about it with the Urbanizing Area and would certainly like to see it implemented here. Thank you.

Clements: Thank you, Mr. Carmin and you have raised some very interesting points. I would like to ask Mr. Schilling a question. Because this discussion of by right and the Comprehensive Plan etcetera, I would like to know from the County attorney's perspective if the Comprehensive Plan is just one of many factors that we should consider when we are approving proposals, that we should also consider current conditions and the character of current structures and also the most desirable use for the land and responsible development and growth. So, Mr. Schilling would you please be so kind as to weigh in on that?

Schilling: Well, I think you summarized it well, Margaret. Those are the factors that you consider when you are dealing with a PUD ordinances.

Clements: Thank you Mr. Schilling. We have heard from the petitioner. Mr. McKim I will hear from you before moving on.

McKim: Yes, I had a couple of quick questions for the petitioner's representative. I will address since Mr. Carmin just spoke I will address this one and I appreciate your passionate defense of the PUD. I do agree that it is in keeping with the Comprehensive Plan and I think in general the current low density of this property is not appropriate for the future of the area but I still don't really understand other than the 4-plex what can you not do with a rezone that you want to do versus a PUD? I get that the 4-plexes are going to be an issue but that aside is there anything else that you want to do that the rezone into a county will not allow you to do?

Carmin: Geoff, the 4-plex is the primary one that is true because that is a housing option that is not otherwise available in any zone. You have seen what is going on in the city now with the plexes and that issue and the controversy it has with trying to shoehorn plexes into already built and established neighborhoods, a lot of pushback and they dealt with that again the other night, they are going to deal with it the next several weeks getting to the council. We have the opportunity to do that in a newly built neighborhood not shoehorn it into an existing one where we have problems with off street parking and road width and those things. So to have that flexibility, staff has pushed back on that a little bit, there is no space where you are actually committed and you say this is what it will be here and that is intentional because despite best efforts of planning when you have got a development this size and the number of units involved, it will reactive to the market too on where those will be, how many of them and will be very reluctant to make a firm commitment on nailing those down to a particular lot or a particular lots in a particular part of the project because as this builds out over several years as you saw the 3 phases, there is a real issue trying to maintain flexibility to what is the market demand if 3 years from now the whole concept of plexes and the smaller homes and the packed a little closer together has died out and the market has said nobody wants them then we don't want to be in the position of committing to those. We need to keep flexibility. The market is really strong on those and they really do well and that is what people end up looking for which we think there is some, it is hard to gauge how many. We need the flexibility to do more than we had otherwise planned for. That is a real issue and the other things have to do with tweaking the development standards about green space where it is located, how it is calculated, some of the dedicated open space, the access to the trails is a little bit easier in the PUD how that is on the frontage lots compared to zoning but the real issue is the plexes, yes.

Schmidt: If I might add also as Mike was describing the various sizes of the lots becomes difficult in managing the different density in the different areas of the neighborhood becomes difficult. It is possible and achievable under an HR rezone, however the PUD as Mike described really offers the flexibility to do that.

McKim: Thank you.

Clements: Thank you both.

McKim: I am sorry. May I ask the other question that I had?

Clements: Yes, of course.

McKim: This is about the park amenities which are really kind of cool to what degree would they be restricted to residents of the neighborhood versus the public at large?

Schmidt: Great question. Jackie could you just go back to the park real quick on that slide? Is that possible? Sorry, just have it up while we are talking about it. Perfect. So, great question. I think the idea was if you can see on the bottom left right above the word trails, there is an entrance directly from the trail. The idea is that this is as much as a park for the people trail as it is for the people in the neighborhood. We have even gone as far as to be willing to turn this over to the city if that is something that they have the desire to do. We are more than willing to hear what the Parks and Rec Service and say we think that this type of area needs this type of park. This is our idea.

DRAFT

This is what we surveying some people in the area and coming up and engaging local landscape architects, some of the best in Bloomington, this is what we have come up with. But we are very flexible on this and we really see this as a huge asset to the overall community and area and happy to share it with everyone.

McKim: Thank you for the answers.

Clements: Thank you and I would like follow up since you brought it up a few questions about Homeowners Associations responsibility. Would they be responsible for the maintenance at the park if the city does not take it over, number one? Number two; would Homeowners Association be responsible for drainage? Thank you.

Schmidt: Yes, ma'am so, the answer is yes to both questions. The HOA which would be run by the developers until a set time, say 80 percent of the lots are sold would be responsible for managing the entire park system and drainage system. Now, if I can add just a little bit onto that. We will make sure if HOA's if you set them up appropriately at the beginning and manage them appropriately, they are very well managed, can be very well managed as long as they are well funded and the understanding of the neighborhood is from the beginning, right. I have had very good experiences from many HOA's, had bad experiences with some of course but many, many good experiences. As far as the drainage, not only will the neighborhood be responsible for managing that but we will also provide an OMN manual to the county and Drainage Board and they have the ability to facilitate that management as well. But yes the HOA is responsible and will be responsible. We are happy to look at ways to increase that responsiveness and willing to have whether it is certain members attend whether it is HOA meetings or be on the HOA to help facilitate and ensure that that maintains into the future.

Clements: If a child is injured and permanent maimed in the park would the Homeowners Association and therefore the residents become responsible for the liability of that child's injury?

Schmidt: Not the residents. I will let Mike, HOA's have their own liability insurance but I will let Mr. Carmin detail that out more. He is a lawyer.

Carmin: Margaret, the HOA will maintain insurance for a number of things but liability insurance would be a part of that to cover that, individual's homeowner's, I really can't see a theory that would make them responsible for an injury or something like that in the park. The law of what we call premise and liability it depends on who has responsibly for maintenance and what was the nature of the injury what was the condition? Was it just recreational play that resulted in an injury? There are a lot of questions so I am not going to initially say who is going to be liable but certainly the HOA would have responsibility and there would be insurance maintained by that for those kinds of individualities, yes.

Clements: What would happen if the Homeowners Association failed to pay the insurance premium? Then what would happen?

Carmin: I would certainly hope that all of the lot owners would be up in arms about it. But I don't mean to be grim about it but I don't have a good answer for that because it is the responsibility.

DRAFT

Members of the Board of Directors would certainly be exposed of liability I believe as malaises as directors to not maintain the insurance.

Schmidt: With the responsibility on the HOA comes some of that type of responsibility.

Clements: Ok, thank you. I think we have heard from the petitioner. Do other members of the Commission have questions for the petitioner?

Nester Jelen: I don't see any Margaret.

Clements: Ok, then we can...

Enright-Randolph: I do. I am sorry, I am on my phone so it is a bit tricky for me to raise my hand or notice if anyone else was. I guess my question to the petitioner he kept making the statement we don't have to do this, we are not under any obligation to do this at several different times, so I am kind of curious since the staff is recommending more of a rezone approach do you plan to maybe add some of these amenities and features? It felt like I was almost at a negotiation where like you are adding all of this benefit only if it moves forward as a PUD. If that isn't what happens today do you plan to submit something that isn't going to have those features like the park? I thought that thing was amazing, like to turn it into an education type of gathering area. I just want to ask that question.

Schmidt: Sure Trohn so I think fair enough that was not the intent to turn it into a negotiation but I think there is with added flexibility in a PUD comes additional requirements and those requirements we have laid out in the PUD. The short answer to your question is yes we plan on doing these somewhat regardless, it is just that the PUD does actually facilitate being able to do all of what we planned to do from the amenities standpoint.

Enright-Randolph: Perfect. Thank you. I appreciate you addressing that.

Clements: Thank you. Well, I think it is time to turn to members of the public. If there are members of the public who are in favor of this petition we request that you raise your hand and limit your comments to 3 minutes.

Nester Jelen: I am not seeing anyone who is wanting to speak in favor.

Clements: Ok, well if there are members of the public...

Nester Jelen: Oh, sorry. Tracy, you have your thumbs up. Do you want to speak in favor? She is on mute. Andy Walker has his hand raised.

Tracy: I do.

Nester Jelen: Tracy, you want to speak in favor?

DRAFT

SUPPORTERS– 2012-PUO-06 – The Trails

Tracy: I do.

Nester Jelen: Ok, go ahead.

Tracy: I said this earlier about another project that was here close to Eagle View, just talking about a need for housing and it is just such a critical need. I think they have already shown that there is enough infrastructure, well, not really infrastructure so to speak but there is a lot of businesses, a lot of activity here, a lot of schools, a lot of people in this area already to attract even more and it is a great place to live down in this section of town. It is kind of an untapped resource here. But I want to share with you a little bit of data since you guys shared some data earlier and felt like it was really important I just wanted to share some information with you from the Indiana Association of Realtors and from the state our state association, NAR, the national association. In comparing January to March 23rd, last year 2020 to year to date 2021 the average list price in Bloomington, Monroe County increased by \$37,688, a little over \$37,000. The average sold price increased by \$40,635. The average sold price went from a little over \$244,000 to \$284,000. The median price increased from \$209,000 to \$244,000, so that is a difference of \$35,000 from this time last year to this year. That is about \$11,000 per month and so at that kind of rate if we continue to see that kind of rate this year that could be an increase in the median home price of over \$125,000 by the end of the year this year. We have seen that quick of a turn in demand for housing and such a low inventory for it just in that last several months and I think right now we are just in March we are not even into the peak season yet. Based on those numbers that we have seen that it is a 21.2 percent increase in our average sales price. It is 14.8 percent in our median. The average days on the market has decreased from last year to this year. The average list price if you want to just look at Bloomington and take Ellettsville out of it because there is so much growth and it is a lot more affordable in Ellettsville, you are looking at a median price shift of \$40,000 of increase in this first 3 months of the year versus 2020 versus 2021. That's \$40,000. To me that says we have a real need for housing in this community, a serious need for housing. There is a 119 active listing Bloomington. Quite a few of those, I was trying to get the numbers of how many of those are in Ellettsville but 38 are pending right now and so far we have sold 333 houses year to date in 2021. It is about 111 per month so far and we right now have 119 so that is less than a month's supply of housing.

Nester Jelen: Thanks Tracy. I am sorry to cut you off. We have a long list of agenda items and that was your 3 minutes.

Tracy: Alright. I think you got the point.

Clements: Is there anyone else that would like to speak in favor of this petition?

Crecelius: Excuse me Margaret, this is Anne. In the chat there is a Guy Loftman that would like to speak.

Nester Jelen: I think Guy Loftman wants to speak in opposition.

DRAFT

Clements: Thank you both. We will turn to those opponents in just a minute. We would like those in favor. Is there anyone else in favor?

Nester Jelen: I am not seeing anyone Margaret.

Clements: If there is not, if Mr. Loftman would like to speak, if someone could help to unmute him. Please limit your comments to 3 minutes.

REMONSTRATORS – 2012-PUO-06 – The Trails

Loftman: I am Guy Loftman. I live at 4835 South Victor Pike, right next door to the Robertson Farm. I have been here for 45 years. I oppose 2012-PUO-06. I agree with the historic preservation concern board concern that this is loss of farm land, burden on historic roadways such as Victor Pike, That Road and Church Lane, and threatens flooding of historic downstream sites. The tree preservation plan that was just shown, which is not part of the packet, which I have asked and never gotten, says that they will destroy all of the trees except those in that little north east corner. That's what it says they will do. Now, they are saying, oh, we might not. The traffic study for Southern Meadows shows 142 east bound cars at the Rogers stop sign on That Road on February 2nd at rush hour for an hour. That will go up 50 percent if put in 145 units and tonight is the first time I have ever heard they want to do 160 units. The pond at the south side is going to drain 24 acres into that pond. To get 24 acres into that pond if it's sort of a cone shaped pond like these detention areas are, if that is a 1 acre pond to contain 24 acres it is going to have to be 6 feet deep just to control one inch of rain. At 3 inches of rain it is going to have to be 18 feet deep. Ms. Thetonia, Kelsey Thetonia at the Stormwater Drainage Board Meeting said do you remember 2019, February 7, 2019 where no stream water infrastructure is going to hold that water. That was 5 and half inches. The Stormwater Coordinator says we can't hold water like fell 2 years ago. I am asking you to vote no in large part because we know that the drainage plan won't work. Please vote no. If it is approved tonight please don't waive the second hearing. I do want to add that the staff has been very helpful thorough and I appreciate all of their cooperation. I want to say that zoom is wonderful for these meetings because it makes it practical for me to attend when it otherwise wouldn't be and regardless of how you vote how you how you guys can sit through this week after week is amazing heroic. Thank you.

Nester Jelen: Thank you Mr. Loftman. We have Ericka Morris next and then Dave Bush.

Morris: Yes, thank you. I am a resident on Victor Pike and I wanted to speak out against in opposition to this. There are several things that have concerned me about what was shared tonight. One, when we first had a neighborhood meeting it was shared that these would be homes that were affordable in the \$200,000 range. With lumber prices alone that is not achievable and now we are hearing affordable middle class homes, while what people consider as middle class has a broad range. The other thing that is concerning too is there is a lot of excitement about these parks and from when we first visited and we talked to that there are no parking spaces allotted within the neighborhood for people from the community to visit. If this is going to be a community park there should be parking spaces as done at the Sherwood Oaks Park or any of the other neighborhood community parks. But that is really not permitted because there is not space for it. We are hearing how this a beautiful rolling property too. Yes, it is a beautiful rolling property but it will be a

rolling property of solid homes and there will be no beauty to the rolling hills anymore. To go back to the parks, can someone clarify exactly how many acres allotted to that and also clarify is that in a floodplain? Because what you are proposing and showing is great but I am not really sure that it's achievable in the amount of space that you have allotted for it. It is really kind of pie in the sky appealing dreams but you know a dog park and community lot and all of this in an acre or 2 acres. That might not be really achievable to add any value to it. You have also talked about the Homeowners Association and I have had many experiences with this. By and large it takes a strong governing body and there is no way for the developers to guarantee a strong governing body once they turn it over. Additionally, the fees are also very important. I lived in a middle class neighborhood where the fees were \$1,500 a year. For that type of fee we had a pool house, we had a walking trails, which were quite expensive, of miles and miles, we had a playground, numerous amenities. This doesn't have a pool. This doesn't have that type of amenities. So, what is a reasonable charge to maintain all of this and ensure it doesn't become a county enforcement issue? The county has expressed earlier that they don't have the staff to deal with enforcement. So, this should not become a burden upon us when the developers have made their money, they have left the mark on Bloomington without respect to the surrounding neighborhood and the impact to the community. Thank you.

Clements: Thank you. The next person Jackie.

Nester Jelen: Mr. Dave Bush and then following that Kelsey Thetonia, the MS4 Coordinator does have some comments that we would like to share regarding draining. So, Dave why don't you go ahead.

Bush: Ok, thank you Jackie and a point of order before I begin, I know Patty and I are signed in together but I believe she would like to reserve 3 minutes for her contribution as well. Anyway, I am Dave Bush. I have lived at 1250 West Church Lane, 16 plus acre parcel directly south of the proposed development. We have lived at this development for over 21 years and during this time seen a marked increase in the number of flood events as well as the increase of the severity of the flooding and I would like to thank the petitioner for showing the housing density slide of the area. Because I think it illustrates the point I am trying to make that much of this increase is due to the housing developments being built upstream of our farm. The development were built in the late 1990's and the early 2000's and most of them created the Monroe County Stormwater Ordinance. They were not required to construct detention and retention basins to manage storm water runoff rates, which combined with the high density of homes and imperious surfaces created a situation where storm waters in our Clear Creek watershed at a much quicker rate than when these areas were farm, fields or woodlands. The petitioners have repeatedly stated that they have detention ponds and that these ponds will reduce the rate of which the water enters Clear Creek. This is only partially correct as their detention ponds are designed to withstand up to 100 year flood event. Anything greater than a 100 year event will overload their ponds and deliver an even greater storm water runoff into Clear Creek because once the building is completed the land will have a much higher percentage of imperious surfaces. As Guy mentioned at the March 17th Drainage Board Meeting, Kelsey Thetonia of the Monroe County Stormwater MS4 Coordinator stated, quote, 'we do not design infrastructure for more than a 100 year flood and I think this is a great step to start addressing these more intense grand events. We are not going to be designing for more than 100 though because that is, I mean it is going to take so much space to be able to store that much water,

there is no infrastructure that is going to be able to hold a 500 year event. It is just not going to happen. You remember 2019, February 7, 2019, where no stream water infrastructures going to hold that water. It's not practical." So, why the petitioner is asking for approval of a design that will not handle the flooding that we just had 2 years ago? Why would the county approve this to allow high density development to be shoehorned into this location? Placing here at the confluence of Clear Creek and West Clear Creek virtually guarantees more frequent and severe flooding for this part of the county. This is our ask of you, don't make things worse by approving this petition, abide by the existing RE1 zoning. Thank you all for your time.

Clements: Thank you and Patty if you are there if you could...

P. Bush: Yes, I am. Good evening, everyone. Thank you for spending so much time with all of us. My name is Patty Bush. I live at 1250 West Church Lane, the 16 plus acre parcel directly south of the proposed development. Perhaps you will remember in an earlier remonstrance, of mine that I mentioned that our property has flooded in 2019 February. We lost perfectly good horse fencing. It was 5 feet tall about 100 foot section as well as the original here probably dating back to the 80's when The Buckingham's lived here. I used to frequent that property at that time so I am aware of what the flood status was in this area then. I also want to mention that I spoke with an owner of May's Greenhouse and they had not seen a flood like February of 2019 since 1965. They have lived on that property since 1965 and they have never seen water that high. After reading some of the MS4 Storm reports and also the reasoning behind increasing our storm water fees, two of the reason they gave were impervious surfaces being a cause and also climate change. Well, climate change is an obvious change. People deny it but it is happening and impervious surfaces are happening in most of the developments in this area. I see that as very, very problematic. A couple of other comments that I want to make there was something on one of the slides by Kevin Schmidt that said minimal surface environmental disruption. Well, that is just not true. Anytime you bring in heavy equipment and roll it over pasture you compact the soil and that creates and impervious soil, so that is just not true. I want to say that some other things that have been said are just not true. We have never had a 4 to 5 hour time with the petitioners. It has never been over 2 and half hours total. I also want to add that these remonstrance were not submitted prior to our discussions with them, actually they came after. They have not given us any assurances to anything, nothing that was believable, anyway. And I am also going to add that I submitted to them, my husband and I did, I don't know probably 10/12 questions regarding HOA covenants, just simple things to kind of relieve our anxiety and one of them was for example, will there be an covenant for open burning? Well, what their answer was and this is what most of their answers were...

Nester Jelen: Patty, sorry to cut you off here but that's the 3 minutes. We will follow up with you after today's meeting and maybe we can facilitate the HOA questions to the petitioners.

P. Bush: Thank you Jackie.

Clements: Eve Cusack is here and she would like to speak.

Cusack: Hello. Can you hear me?

Nester Jelen: Yes.

Cusack: I also live on South Victor Pike adjacent to the property in question and I have heard my neighbors state most of my concerns. I wanted to just mention one more that my husband and I both travel to Bloomington every day. We are school teachers in Bloomington and we have seen the traffic grow through the development of some of the other neighboring areas and Lighthouse Christian School on the corner has increased the traffic a lot. I am very concerned. I was already concerned about a 44 acre property going up for sale that might lead to 45 new homes next door and thus 45 to 90 cars traveling at rush hour during that time when we are trying to get to work as well and the idea of that number possibly tripling to a 4-way stop at the top of our road that is not set up and it doesn't sound like from the plans I have seen tonight that there is anything being done about that situation. Then I heard from another discussion about the 4-stop possibly going in about Rogers Road, which again when you talking about another 100 cars possibly a 4-way stop sounds kind of nightmarish. Anyway, I am just concerned about what that additional traffic will do to our neighborhood in addition to of course 7 years of construction going on right now next door and for all of the people who enjoy using the Rail Trail throughout all year round. That is all that I have to say. Thank you.

Nester Jelen: Thank you.

Clements: Thank you Eve. I was muted, sorry. Mr. Butler, would you like to speak?

Nester Jelen: I think Daniel is part of the petition and this is still for remonstrance. Just as a point of order. I was going to have Ms. Thetonia mention she wanted to bring up a point about the drainage if she is still on.

Thetonia: Thank you. This is Kelsey. I just wanted to clarify information about what we are considering the 100 year storm event. In our Stormwater Drainage Ordinance we have set values for what these events are supposed to be, so we have 6 inches of rainfall over a period of 24 hours is considered our 100 year storm event. Terry Quillman before me and now it is in my hands we are working very hard to update our Stormwater Ordinance to have the most up to date climate information as possible and to make sure that newer climate trends are being reflected in those standards that we are requiring for a development. It was also mentioned the February 7, 2019 event and I just want to clarify that once you are clarifying that to the 100 year storm of 6 inches we had over 5 inches in just a period of a few hours on top of fully saturated soils. It was a very extreme event. It was not your 24 hour 6 inches of rainfall, it happened much quicker. So, that would define it as much more extreme and I stand by my comments that you have to include some level of risk when you are designing storm water infrastructure due to the cost. It could be astronomical to try and design your storm water system for such extreme rain events. Thank you.

Clements: Thank you Kelsey. I return now to the members of the Plan Commission for further discussion of this item.

Nester Jelen: Margaret, if there is anyone, there might be a few others that have remonstrance.

Clements: Oh, there are.

Nester Jelen: Let me just double check and do a final call since there is 71 participants on tonight's

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call. I am not seeing anyone.

Clements: Ok. So, let's bring it back to the members of the Plan Commission for further discussion.

ADDITIONAL QUESTIONS FOR STAFF - 2012-PUO-06 – The Trails

Nester Jelen: Geoff?

McKim: I guess I would like to hear if a petitioner has any comments. Several members of the public have raised some important points and I guess I would like to hear if the petitioner has any comments in response.

Butler: This is Daniel with Bynum Fanyo. If I could I have a couple of follow ups to the comments just from answer some questions if may.

Clements: Yes, please, please Mr. Butler.

Butler: I think someone asked about the acreage on the north east that would be dedicated to park. I have that acreage for you that is 2 and half acres. That acreage does not include the drainage area up there and that does not include the strip of land that would be north of that area so that would be just in the immediate park area and that is 2 and half acres. I heard that question and I wanted to respond to that. Just so you know we are protecting a wetland. I sure you guys have walked this property by now and there is a neat little wetland that we are going to be preserving and cleansing the water that would go to that. We will be using that as part of the park area but just to the north. So just as a heads up that is going to be conserved. The other piece that I just wanted to mention was the rate at which I heard that there was going to be a lot of storm water held back and you would need a certain size of basin so the calculations that we have done and that were approved by the Drainage Board that we went through and provided them different calculations, actually went to 3 different meetings with them and we go everything that they wanted, we were approved there and we did not receive any variances. Everything that we are doing on site would be per code. In fact they just approved as you well know the Red Hawk Development Project they approved a new Drainage Ordinance in a critical watershed. So, this would restrict us to a very minimal amount of new runoff rate coming off of site and that is why so low off of this site because of that new ordinance that you are probably not aware of. That is why we are indeed going to restrict this to 4 times less than what would be flowing off of it now. That is correct, even though impervious area is added we are still restricting it way down because and we do understand this that there is flooding downstream. We can't totally solve that but we can do our part with this development and that is why restricting it so low. I think that is all that I want to add right now.

Clements: Thank you Mr. Butler. Mr. Enright-Randolph.

Enright-Randolph: I just kind of wanted to follow up on some of the drainage discussion. I know that there is a huge push to move away from seeing a 100 year flood event to a 1 percent change. I think that should be something that we strive to do because I think the idea that it only happens 100 years is a little misleading so I just want to echo that. It has been a discussion point across the state with a lot of experts on drainage.

Clements: Thank you. I would like to reassert my concerns about Homeowners Association responsibility for drainage especially on fragile land and as there is pressure for us to build increasingly dense housing developments on fragile land, I think we risk placing our fellow community members at high risk at complete financial devastation that I don't think this is a good approach. One of the reasons why Homeowners Associations are necessary is because perhaps the adequate city and municipal infrastructure doesn't exist. We do live in the county this is not a city property and so I would like to dissuade us from such intense uses on fragile lands. The one home per acre sounds a lot more reasonable to me than a 167 individual lots with Homeowner Association responsibility for some of the big ticket items. I don't think it's fair if in the name of the affordable housing or approachable housing we force our fellow community members to place that risk, their life savings for things that they would not necessarily be able to control. Homeowners Associates are run by volunteers in the housing development and I have seen Homeowners Association after Homeowners fall apart especially as problems arise in the development. What happens when no one takes control over the Homeowners Association? Bills don't get paid. Problems don't get fixed and again the reason the Homeowners Association is needed in the first place is because we are in the county not in the city. There is not municipal authority over which this neighborhood would be otherwise in control. So, I have serious concerns about this and about this ongoing use of the Homeowners Association because we are building too densely on properties that are not covered by the municipal tax base that protects the homeowners. With that being said I am going to continue to solicit feedback or input from my fellow Commissioners and then we can have a motion.

Schmidt: If I may, Mr. McKim, I maybe want to address a little more of the things that you had asked about, if you would like me to.

McKim: If the Chair will indulge.

Clements: If you can keep it short that would be fine.

Schmidt: Sure. I guess 2 pieces. First, Mr. Butler talked about the dog park 2 and half acres, sorry that is the park in the north does not include the dog park or the garden that would be in addition to that 2 and half acres. I was a little disheartened to hear some of the comments that we had not supported the neighbors from the neighbors themselves. We have had 4 meetings with various neighbors not all with of course the same neighbors and I think every single one of the questions that they have asked us within reason we have answered. We have continued to suggest that we are more than happy to answer any questions. So, I will say now if there any other things that they believe we have not addressed and we are more than open and Jackie I am happy to facilitate that with you. The HOA is a concern for sure and something that we are happy to continue to address.

Clements: Thank you Mr. Schmidt. Any other questions or comments from our fellow Commissioners? I can't see everybody Jackie so if you could help me out here.

Nester Jelen: I don't see any other comments or questions from anyone.

Clements: If that is the case I would like to have a motion.

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Nester Jelen: Dee, did you wish to make a motion?

FURTHER QUESTIONS FOR STAFF - 2012-PUO-06 – The Trails

Owens: Yes. **I want to make a motion that we go with the staff recommendation of denial until such time as everything is met that needs to be met.**

Clements: Is there a second? I would like to **second** that. Mr. Wilson, could you please call the roll?

Wilson: Let me just clarify the motion because there wasn't a condition until the time that everything be met. This is a recommendation in regard to an ordinance amendment to create a PUD and standards thereunder. We either can continue it to resolve any underlying issues or you can move to deny it period.

Clements: So, Dee would you like to...

Enright-Randolph: Point of...

McKim: Point of information ...

Enright-Randolph: Sorry Geoff. I think we were asking the same question. Will this come back to the Commission for comment though?

Wilson: That is the other question I was going to answer. This is the first hearing.

Enright-Randolph: Sure but after there is a motion and second they will bring it back to the Commission for a final comment. I know Dave was on here at one point.

Clements: I can't hear you.

Nester Jelen: So, Trohn you are asking after a motion and a second bring it back to the Plan Commission. Typically after a motion and a second we take a vote but Larry's point is that the motion that was made is to deny until such time that they make recommended changes. This is a recommendation to the County Commissioners. So this would be a recommendation to the County Commissioners of denial or to not make a vote at all because this is a preliminary hearing.

Pittsford: If I may interject Madam President.

Clements: Yes Mr. Pittsford.

Pittsford: As a point of order I would say that this motion is out of order because of the stipulations that were placed on it. That is simply been a motion for denial I think it would have been in order but I think as voiced, myself consider it to be an out of order motion.

Clements: Would Dee, Ms. Owens, would you like to revise your motion?

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Owens: **Yes.** Whatever is in order is fine with me but **I am looking at the staff which recommends denial and I think we need to listen to staff. They have got their eyes on it and they know what is going on so if it needs to be a motion for denial then that is the motion I will make.**

Clements: I **second** that motion of denial. Mr. Wilson, will you please call the roll?

Wilson: Again...

Pittsford: Just real quickly if we have an approved denial are they still entitled to a second hearing?

Wilson: That is my question. This is a primary hearing. This is the first hearing. You can waive a petition and approve it. I am not sure you can waive it and deny it. Is Dave here?

Clements: Mr. Schilling?

Guerrettaz: This is Bernie. I have got a question.

Nester Jelen: Dave you are on mute.

Guerrettaz: Madam Chairperson?

Clements: Yes, Mr. Guerrettaz.

Guerrettaz: A lot of comments, a lot of input from the public, a lot input from the Plan Commission Members, some of it was relevant some of it isn't, my question is why wouldn't we go ahead and afford them a second hearing like we do everybody else?

Clements: Well, we do have a motion and a second.

McKim: Agreed.

Clements: If Mr. Schilling is here and he could speak to the legality of legal rounding of the motion and the second.

Schilling: Well, I think that if you have made a motion, you have second, you are having your discussion take a vote. Typically you would give them a second hearing but if you can approve on one hearing and waive I think you can deny and waive as well so.

Wilson: Ok.

Clements: Ok. Mr. Wilson, will you please call the roll?

Wilson: Well, let me question this? Does the motion also consist of a request to waive second hearing?

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Owens: No it is not to waive the second hearing? It is to deny as the staff requested but it is not to say that was should waive a second hearing, no.

Wilson: Legal opinion?

Schilling: Well, I think you should either waive the second hearing and deny, waive the second hearing and approve or move to continue this to the second hearing.

Owens: And really what I mean is the 3rd one, we need to go to another hearing so these items can be cured.

McKim: Which means we take no vote just like we normally do on the first meeting.

Wilson: Ok.

Clements: Ok. We will have this again before us.

Wilson: Just for the record can we withdrawal the motion so it is not sitting out there?

Owens: **Motion is withdrawn.**

Wilson: Thank you.

No motion was made in case 2012-PUO-06, The Trails (formerly White Oak) Planned Unit Outline Plan, Preliminary Hearing, Waiver of Second Hearing Requested, petitions will be heard again at the next regular meeting.

NEW BUSINESS

4. 2011-PUO-04

**Southern Meadows Planned Unit Development Outline Plan
Preliminary Hearing. Waiver of Second Hearing Requested.**

Two (2) 39.1 +/- acre parcels in Sections 20 & 21 of Perry Township at S Rogers ST & S College DR, Parcel #53-08-20-100-055.002-008 & #53-08-21-200-108.002-008. **Zoned MR.** Planner: dmyers@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Thank you. This is the first time we have officially heard this one at the Plan Commission meeting so I will go through as quickly as I can with some of the details regarding this petition as well as some of the updates we have seen since the last Plan Commission Admin meeting and PRC. To summarize, this petition is located at the 4600 block of South College Drive. It is currently zoned Medium Density Residential. It is in Perry Township, Section 20 and 21. It is the Southern Meadows Planned Unit Development Outline Plan. It is approximately 37 acres and originally it was approved for a preliminary plat for a major subdivision to create 98 parcels split into 6 phases. This was approved in January of 2020. It went through an amendment to permit 95 parcels which was approved by the Plan Commission August 18, 2020, of those 90 of the lots were for single family residential use. Since then the developer has changed the preliminary plat and the land was sold to a new to a new petitioner who is now proposing to amend the zoning map from Medium Density Residential to Planned Unit Development. Their intend with this new PUD Outline Plan petition is to propose the construction of 95 paired townhome structures where each townhome will sit on its own lot on its own yard and share one wall with its neighbor. So two sides of each structure will equal 190 lots but again it is not an increase in structures, it is an increase in density. The petitioner states there are many aspects that are previous approved of the Southern Meadows Subdivision will remain the same. Some of those items include the roadways, sidewalks, waterlines, sanitary sewer specifications those will remain the same from the previous preliminary plat that was approved for the Southern Meadow Major Subdivision. There is also a rail trail and offsite road improvements as outlined in the Southern Meadows Major Subdivision Preliminary Plat those will all still be built and the proposed PUD will alter the grading of the site, adjust lot sizes and layout. It will also change the type of residential construction i.e. the paired townhomes and it will also update the proposed storm sewer plan and adjust the layout of the multi-use path in addition to the incorporation or public alleys in one portion of this site that we will that we will see when we get to the exhibits. Overall the development will be built in 6 phases over 5 years. On your screen now are some of the updates that have come through comments and request from the Plan Review Committee as well the Plan Commission Administrative Meeting. Some of those update include impervious lot coverage comparison between the original Southern Meadows Major Subdivision and the current Planned Unit Development proposal. The draft traffic study was submitted. It was performed by the same consultant that was involved with the Clear Creek Urban petition so it is the same traffic study that we have a draft of. There is a karst study that was offered for the Southern Meadows Major Subdivision petition was included now in this petition. Comments from the Clear Creek Fire District regarding the increase in density are included in this new packet and report. We are still waiting to hear back from MCCSC's thoughts on the density. The petitioner's representative told me that they have had conversations with them but they are still waiting on a formal response to be submitted to them. The petitioner upon Planning Staff's

recommendation changed the density to 4.9 units per acre and that was because the original density that they had proposed could have technically allotted for an even denser development. That was not their intent so they quickly corrected that to 4.9 units per acre. They added a commitment to connect the road to South College Drive and complete improvements on Old State Road 37 as part of Phase 2 per Plan Commission request to provide for the second entry access point for ingress/egress that the subdivision area would need and they changed the front building setback back to 25 feet, which had been changed to 20 feet to accommodate the Comprehensive Plan but then back to 25 feet based on Plan Commission recommendation. Here is the location map. South Rogers Street on the west and South College Drive on the east. Here is the current zoning map and the Comprehensive Plan. Again, current zoning is Medium Density Residential and the Comprehensive Plan has it designated as MCUA Mixed Residential. Here we have a comparison on the design standards between the existing MR district and the proposed PUD. So there is only a slight uptick in the permitted density. Minimum lot area is changed. It's decreased at 0.05. Minimum lot width has decreased as well. Maximum height is seeing an increase. The minimum front yard setback of 25 feet is in line. Side yard setback of 5 feet with one of the side yard setback of 0 foot to accommodate the townhome paired design. The rear yard setback is 20 feet and then the minimum open space as 25 percent which is for the entire PUD as defined in Chapter 11. The red text here is just show updates that have been made to this table since the last time it was seen at the Admin Meeting. So, those are just updates they are not necessarily evaluation values. Here is the newest submitted imperious area comparison between the approved Southern Meadows Major Subdivision and then the proposed Southern Meadows PUD. You will see that the impervious coverage percentage does not experience change based upon this analysis submitted by the petitioner's representative. Here we have some site conditions. The site is currently vacant. There is FEMA Floodplain on the site which will be put into a common area. There is also 11 known karst areas present on the property. Those are in the yellow circles here. Some of those circles exhibit multiple karst features and not just a singular one. We will have an image that will show the reported karst features as well from the study that was submitted by the petitioner. Here is just a simple slope map showing the slope grades between 12 percent and higher, so fairly flat. Here is the submitted Environmental Engineering Report for the original Southern Meadows Major Subdivision and the analysis of where those karst features are located based on that report. This was all included in the packet as well for your review as reference so if you have any questions about any of this we can come back to it. Infrastructure and access like I stated before a decent amount of it will remain the same compared to the Southern Meadows Major Subdivision that is already approved. There will be an incorporation of an alleyway for some of the paired townhomes that we will see in the exhibits later on. Sidewalks are incorporated in this development. Sanitary sewer, storm water management will be re-evaluated for the new changes based on the PUD's density as well as street lighting and other public utilities are included on site like gas, electric, communications etcetera. Here are the Monroe County Fire District comments speaking about the increase in density in that the duplexes will need to have a full and complete fire wall. They don't feel like the hydrants will need to change due to the increase in density and then there are some other suggestions about the outside walls facing other structures. They should be designed with certain materials in mind in order to prevent fire extension from structure to structure. This information is also in the packet for your review and then down here in the bottom right I have a little blip about MCCSC status. We are still waiting to hear from the petitioner's representative whether or not they have received a statement from MCCSC representative about the increase in density and the effect on the school systems in that area. Here we have some exhibits. This is the

Southern Meadows PUD Outline Plan with all of the paired townhomes located on the property. Within the PUD development outline plan they do state that there is some flexibility for single family residence in the development. However, they are not displaying any at this time. They are simply displaying all paired townhomes but they are reserving the opportunity to do single family residence in the outline plan so keep that in mind. Here is a parking summary exhibit that breaks down the garage spaces that will be available, the driveway spaces as well as street spaces. We can pull up a more detailed map of this. I know it is kind of fuzzy when we copied them over into the packet and put them on the slide show here so they get a little fuzzy. If we want to get more detail about this we can. The parking summary has been evaluated by the Highway Department and there has been some exchange with comments there. Next slide. Here we have the original Major Subdivision proposal for Southern Meadows. This is what was approved and you will note that it has a lot of karst features outlined as well as each of the lots distinctly noted but again a lot of this will remain the same but primarily we are looking at just an increase in density from single family lots to paired townhome lots. We did receive some letters of support that were brought to Planning Staff basically talking about an excitement for families being able to own a home in the respect of a townhome paired design. This one is from Cook Medical about having some opportunity for employees to live in the community and then some other letters of support here from BEDC as well as BASCI all talking about employers and the opportunities for residents and employees to have affordable housing stock in the community, as well as a support letter from the BBR, the Board of Realtors. We did receive a few letters of remonstrance. This one, again, you have seen before for the Clear Creek Urban PUD. It was a member of the public that was concerned about the density and who the projected renters are and the affordability of the structures in the development as well as touching on some of the previous Plan Commission Admin concerns that were communicated and then another one here speaking about some of the environmental impacts as well as how the site will be met with all of the other developments going on in the area and how it will change some of the character in the area and just an overall concern for the high density and it's impact on economics and infrastructure in the area. Overall, Planning Staff is withholding a recommendation at this time with the following concerns;

- 1) Traffic concerns to be determined based on the traffic study's final submission and Highway Department's review.
- 2) Request for small scale commercial use so that it is truly a PUD but not just higher density housing.
- 3) Comprehensive Plan Recommendations: architectural diversity and standards should be set forth in outline plan to meet the Comp. Plan including a diversity of housing types.
- 4) Based on the plans submitted, it appears there will be street tree conflicts within the design.

I will now take any questions and I will note too that I will grab my charger really quickly so I will be off screen but I will be able to hear everyone on my headphones, so just bear with me while I go grab my charger.

RECOMMENDATION

Staff withholds recommendation at this time with the following concerns:

- Traffic Concerns – TBD based on traffic study and Highway Department review
- Request small scale commercial use so that it is truly a PUD and not just higher density housing

- Comprehensive Plan Recommendations: architectural diversity and standards should be set forth in outline plan to meet the Comp. Plan; consider including a diversity of housing types.
- Based on the plans submitted, it appears there will be street tree conflicts.

PUD REVIEW CONSIDERATIONS

Section 811-6 (A) of the Monroe County Zoning Ordinance states: “The Plan Commission shall consider as many of the following as may be relevant to the specific proposal:

- (a) *The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County.*

Findings:

- The Comprehensive Plan designates the property as MCUA Mixed-Residential and MCUA Open Space;
 - The property is currently zoned Medium Density Residential (MR);
 - The petition site is currently vacant;
 - The primary current permitted uses of the site are the permitted uses available to the MR zoning district;
 - Adjacent properties are zoned Estate Residential 1 (RE1), Single Dwelling Residential 3.5 (RS3.5/PRO6), and Planned Unit Development (PUD);
 - The petitioner is proposing 25% open space for the entire PUD proposal;
- (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);
- The site has a maximum gross density of 8 units/acre;
- The site has a minimum lot area requirement of 0.05 acres
- The site has a minimum lot width at building line requirement of 30 feet;
- The site has a minimum front yard setback requirement of 20 feet from right-of-way;
- The site has a minimum side yard setback requirement of 5 feet from property line;
- The site has a 0 foot side setback provision on one lot line if designated on a subdivision plat;
- The site has a minimum rear yard setback requirement of 10 feet from property line or alley right-of-way line;
- The maximum building height is as defined in the Monroe County Zoning Ordinance and should not exceed 45 feet;
- The site has a minimum open space requirement of 25% for the entire PUD as defined in Chapter 811 of the Monroe County Zoning Ordinance;
- Staff has requested clarification on specific proposed setbacks from the petitioners;
- The landscaping requirements of Chapter 830 are not amended with this PUD proposal;

- The parking requirements of Chapter 806 are not amended with this PUD proposal;
 - The site proposes the creation of 190 single family attached townhomes, where each townhome will sit on its own lot with its own yard and will share a wall on one side with its neighbor;
- (c) *The extent to which the PUD meets the purposes of this Zoning Ordinance, the Comprehensive Plan, and other planning objectives. Specific benefits shall be enumerate.*

Findings:

- See Findings (a) and (b);
 - The petitioners are working with staff to comply with Chapter 811 standards;
 - The Comprehensive Plan supports a variety of housing types for the MCUA Mixed-Residential designation;
 - Adjacent districts to the petition site are a mixture of low, medium, and high density Single Family Residential;
- d) *The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.*

Findings:

- County Highway has reviewed the petition site and has requested a traffic study to be completed before this petition is heard by the Plan Commission;
- County Highway requests more information on the garage sizes and the driveway dimensions;
- County Highway expresses concerns for the availability of street parking given the current roadway proposals;
- County Highway recommends the inclusion of alleyways that can accommodate two-way traffic;
- Staff will be reviewing a development plan if approved. In addition, staff has sent the petitioners a first round of comments, which have been addressed;
- The petition site will be subdivided and the management of common areas will remain under the control of a Homeowner's Association (HOA) that will be formed as part of the subdivision process;
- The petitioners will coordinate with the MS4 Coordinator to ensure proper stormwater management facilities are designed and installed;
- Exhibit 1 states that stormwater will be managed by three detention basins along the west side of the property that will be in accordance with all requirements of the Monroe County Drainage Ordinance;
- Exhibit 1 states that minimum 4 feet wide sidewalks will be constructed along all new public roadways as shown on the proposed site plan;
- Exhibit 1 states that a new multi-use path along a former rail corridor will be constructed as part of the PUD;
- Exhibit 1 states new sanitary sewers will be constructed to serve the PUD;
- Exhibit 1 states new street lighting required by the Highway Department will be provided and paid for by the HOA that will be formed as part of the subdivision process;

- (e) *The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.*

Findings:

- See Findings (a), (b) & (d);
- The Joseph Green PUD Outline Plan Amendment 2 (Clear Creek Urban) located adjacent to the west consists of a mixed-use type development that has yet to receive approval by the Plan Commission or Board of Commissioners;
- The petitioner states in their written statement (Exhibit 1) that the development is designed to provide additional housing options in the form of paired townhomes, which will be doubling the density compared to the previously approved Southern Meadows Major Subdivision without increasing the overall footprint;
- The proposed PUD outline plan would retain many aspects of the previously approved Southern Meadows Major Subdivision Preliminary Plat;
- Exhibit 1 states that other proposed improvements include a neighborhood basketball court, playground, and dog park;
- Exhibit 1 states that the feasibility of restoring the old railroad bridge across Clear Creek is being evaluated by the petitioner;

- (f) *The desirability of the proposal to the County's physical development, tax base, and economic well-being.*

Findings:

- See Findings under Section (e);
- The petitioner submitted design plans that are aesthetic in nature. In addition, the petitioner submitted

- (g) *The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.*

Findings:

- See Findings under Section (d) & (e);
- A traffic study is requested by the Highway Department to analyze the intersection of S Rogers ST and W That RD and check for the adequacy of the proposed turn lanes;
- The requested traffic study should also incorporate the estimated traffic impact of the Clear Creek Urban PUD proposal;
- Multiple road connections are proposed within the outline plan that will increase interconnectivity between established neighborhoods;
- A further review of traffic considerations will be reviewed at the Development Plan phase of the project by the Highway Department;

- (h) *The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.*

Findings:

- See Findings under Section (d) & (e);
- The PUD outline plan has open space requirements that will be described legally as unbuildable;
- The PUD outline plan defines open space the same as Chapter 811 of the Monroe County Zoning Ordinance;
- Exhibit 1 states that a sinkhole specialist is evaluating the sinkholes to provide a second opinion to the previous study performed as part of the initial approval of the Southern Meadows Major Subdivision;

(i) *The proposed development is an effective and unified treatment of the development possibilities on the site.*

Findings:

- See Findings (a) & (b)

QUESTIONS FOR STAFF – 2011-PUO-04 – Southern Meadows

Clements: Do members of the Plan Commission have questions for Mr. Myers? Mr. McKim?

McKim: Thank you. Mr. Myers mentioned in referring to one of the letters of remonstrance about the nature of the renters here. I just wanted to make sure I understood. The intention of this project is that these paired patio homes would be owner occupied. Correct? These are not intended to be owned by the developer and rented.

Nester Jelen: Geoff if that is a question for staff I think that they are going to be on their own lot so each side of the unit will be on its own lot and could be purchased outright. It would not have to be rented as a duplex on one lot would be. Ok, thank you and maybe the petitioner might clarify that.

Clements: I have a question about the VET Report from Sarah Hamidovic. She didn't make a recommendation there. She just identified the existence of the sinkholes. Is that correct?

Myers: Yes, I believe so. It is just a report that is establishing where the sinkholes were evaluated and their details of them physically.

Clements: Ok, thank you. Are there any other questions from members of the Plan Commission?

Guerrettaz: I have got a quick on Margaret.

Clements: Yes Mr. Guerrettaz.

Guerrettaz: I am looking at the VET Environmental Report and in that first paragraph it says that the purpose of this evaluation was to determine if the sinkholes at the site will affect the proposed development.

Clements: But she doesn't conclude anything there Bernie. I mean in the last paragraph...

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Guerrettaz: I understand that Margaret. All I am saying is that I am pointing that out to the petitioner that he or she may speak to that.

Clements: Thanks. Ok any other questions from Plan Commissioners for staff?

Nester Jelen: Julie has her hand raised.

Clements: Yes, Julie.

Thomas: Thank you. I am just wondering from staff if anything was done to accommodate the issue outlined on page 219 of our packet, which is street systems should be interconnected to form a block pattern. One of my concerns when we talked about this petition at Administrative Meeting is that if you are on the east side of this development area and you want to go west you basically have to walk around the block to get there. There is no pedestrian or vehicle cross traffic. There isn't a block pattern and that has not really been addressed. Has it or has it?

Myers: That section of the Comprehensive Plan and comparison to the PUD proposal remains in the grey version meaning that it does not fall in line with the Comprehensive Plan stating that it needs to be created in a block pattern. I know that there has been some communication with the petitioner's representative. They feel very strongly about the design in that they like the idea of the alleyway as well as the current layout so I am not sure how amenable they feel to creating more of an interconnected block pattern but certainly ask the petitioner/petitioner's representative to speak on that.

Thomas: the other question I had relates to the VET Report. It doesn't appear that any additional, there aren't any additional findings. Am I correct in that?

Myers: You are correct. I believe that is the only page to the analysis and that was the only thing that was submitted. There was a request from the Plan Commission at the Admin Meeting to see a karst study and I am not sure if this is quite what they had in mind of the previous study but it is what the petitioner submitted and it is done by an environmental engineering firm so this is what we have at this time.

Thomas: I would just ask that this appears as an executive summary or cover letter to something and I would like to see the entire report. Thank you.

Clements: Mr. Stainbrook.

Stainbrook: Thank you Margaret. It seems to me that some of our developments are cropping up just like Johnson grass here and there and when Julie asked Ms. Thompson, or Thomas, pardon me Julie, asked about the block pattern I haven't seen that very often and this question of connectivity. Again, maybe instead of Johnson grass like mushrooms just coming up here and there through the county and I don't see much of a pattern as a whole or in part as single developments. I think that is an observation rather than a question, I am sorry.

Clements: Thank you Mr. Stainbrook. Ok, are there any other questions of staff by members of

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the Plan Commission?

Nester Jelen: I am not seeing anyone Margaret.

Clements: Ok, so now we turn to the petitioner and the petitioner's representative to make your case to the Plan Commission.

PETITIONER/PETITIONER'S REPRESENTATIVE – 2011-PUO-04 – Southern Meadows

Stein: Hi, this is Katie Stein again with Smith Design Group. I also have Tom Wininger here and a couple of his staff members here as well that will speak after I do just real briefly touching on stuff that Drew had already mentioned. What we had we with this design is essentially the same design the same design with the Southern Meadows petition that was approved in 19 or 20, the previously preliminary plat, with of course we have got some pocket parks, things like that that Tom has incorporated into this design. Drainage patterns those have all been the same. We have incorporated the alleys in here and then with that I will let Tom speak and his group speak. But I know Jackie I just sent you an email with the power point presentation and I don't know if you are able to share that or if I can share my screen so that they can walk through that at all.

Nester Jelen. Ok. Let me pull that up.

Stein: Thank you. I will hand it over to Tom and his crew.

Wininger: Hello, my name is Tom Wininger. I just want to talk a little bit about myself. 3rd generation builder, developer. My family and I have built several neighborhoods throughout the Monroe County community. Wickens, Highland Park Estates, Renwick, Quail Ridge, Wyndemere Woods, that is just a few, that just touches the tip of the ice berg but we are a part of this community and we built a lot of good products that we are all proud of. Now, what I would like to do is build workforce housing for the next generation and hopefully build something that the next generation can afford under \$250,000 and they can be a part of this community. It is a great community. Like I said we have been here 3 generation and I love it here. As of today we checked and there is 1 home for sale a year newer under \$250,000 and with Cook hiring, Pete can probably talk more to it than I can but I think they wanting to hire 300 people in the next year and Catalent they want to hire 500. That is not to mention Baxter, IU, IU Health and we just have a critical shortage of housing and there is nothing for the workforce, nothing for that young couple that could afford a house and I am looking to do that. I really want to do this. I would like to invite all of you out to Wick. It is another project we did. It is kind of a genesis of this. It is a little different in that it is for rent but you can see it. It is built just north of the Highlands and it is a neighborhood feel. But it was the genesis of this plan and coming together and its density is 6 units per acre. The one we are proposing on this is 4.9. Like I said, I just want to leave this community better than I found it and I appreciate your time. I appreciate everything. Thank you.

Clements: Thank you Mr. Wininger. Is there any other member of the petitioner's team who would like to speak?

Nightenhelser: Good evening. My name is Holland Nightenhelser. I have been in Monroe County for 16 years, IU graduate, recent addition to the staff in Mr. Wininger's office and I am actually able to speak thanks to you all. Tom is allowing me to speak on behalf of the project and on his behalf at my request. I think that my few minutes that I am afforded to talk would really be best spent trying to kind of highlight the genesis of the project and the motivation behind it. I have known Tom for years but like I said I am new to his staff and I am quite privileged to be working around him. He demonstrates high quality integrity in everything he does and he has a moto that he believes we should leave this world better than we found it and here we are. We wants to take his years of experience in construction industry and all the knowledge he has amassed and do some good with it. He wants to give back like he says and he wants to do that in the form of this SOMO project through which our intention is to provide homes for sale under \$250,000 for the local workforce by workforce a workforce housing we mean under \$250,000, which we have talked to People's State Bank representative's recently and an individual who earns \$18-\$19 an hour can probably if they are diligent reach out and cross that threshold of homeownership at these prices and that is our goal. We are trying to do it in way that is really amenable to the community and actually will help toward the creation of a more robust community in the area. With our idea here and the in the SOMA neighborhood we intend on providing walkable streetscapes, sidewalks and lighting. There is going to be connection to the multi-use trail that runs through town, connection to Clear Creek Elementary, of course there is the library I believe which will be going in to the north there at Gordon Pike and not to mention all of the commerce nearby. We are just minutes from South Walnut Street and a hub at which a lot of progress can take place. So, some concerns have been raised and I believe that the hurdles in our way are quite minimal, a lot of concerns that have been raised we have been able to address at least to the point where I think the benefits far outweigh the uncertainty as no project is perfect. We have done another traffic study and we believe that there is not too many issue there. Of course we have to be realists and yeah, a new home does mean that probably a new car on the road. We have done the geological survey and we think that we are in good standing there. The impervious surface comparison by our findings, the runoff situation will actually be slightly better after we provide this community and its infrastructure. Of course, we can't solve any problem conclusively but we can certainly do our part to make sure that things are done correctly and that we are in better shape for the future. One concern that has been raised a number of times is that there might be a lack of variety in the neighborhood. Some of looked at the proposed plat and seen a lot of properties and very straight lines and we want to give the community and everyone here our word that our intention is to create a neighborhood not only of the highest quality but also aesthetics as well. Internally and I believe one of the slides we have seen, actually a handful of the slides that might be ticking past the screen right now kind of show our idea that we are working toward thus far as creating variety. We do intend on having a variety of setbacks. We are working on proposing the units to have a shift in them, maybe a 2 foot shift between units so there is some variety in the breakups of the lines. We have I believe 3 working blue prints through which we will demonstrate 3 sets of exteriors, kind of variation of the external façade. Of course, we are going to do our best to provide quality and that means we are going to stick with high quality materials; stone on the outside, granite countertops on the inside, and high quality appliances and mechanics inside because part of helping out this generation, helping these people kind of overcome the threshold into the entry of homeownership means that we have to provide them something that will last and something that is going to contribute to their future and not cause them any duress in the near future. Again, I am sorry coming back to the idea of variation. By our calculation and what we are planning on now

with the amount of exteriors and floor plans that we will provide of course, options for single car garage, we might offer units without those if that is allow and the reason we would do that would simply be to offer ourselves further to the budget of anyone who might really be trying to get up into homeownership. But we plan on providing a really nice looking neighborhood with a lot of variety, up to 15 permeations of color styles and variations as far as roof lines and elevations and setbacks. Again, we are trying to help the workforce here sell these homes, all of them for under \$250,000 of the highest quality built to last. We really firmly believe that this is the right thing to do because we are doing our best to respond to a need. We are trying to provide a solution to a public issue that we see and that is attainable, what we are calling affordable, under \$250,000 homes for the people who need so we can continue to thrive and build our county. This is a new idea. This is not something you see. This might make some people who look at it initially feel a bit uncomfortable and I remind people who are having those thoughts or maybe experiencing a bit of doubt that every decision we have made going into this project has been focused on and working toward our keeping the price point under \$250,000 so that we can provide something to the market place that is essentially unheard of at this time. We believe we can make a difference. So in essence I suppose what we are doing is we are really asking the community and everyone in attendance here and I apologize I am going to break for just a minute for anyone looking at these. These are just rendering that we have to conceptualize our ideas and we feel that they represent what we are working toward fairly well. But back to it, what we are doing here we are trying to get everyone in the community on board and we are basically asking permission and asking you all to join us in being champions of progress. We see this as a real opportunity and with interest rates at an all-time low we feel privileged to be in our position in this junction in time. We are hoping that enough people here feel as we do and would like to put their name on the project. I think that is all that I have at the moment. Thank you.

Clements: Thank you so much for your comments. I think that I should ask members of the Commission if you have any questions for the petitioner.

Nester Jelen: Bernie and Jerry go ahead.

Pittsford: Ok, thank you. I have heard the estimated price point. What I want to hear from the petitioner is an answer to one or 2 questions. The first one would be based on the price that you are throwing out there have you already done your materials take off list? Do you have a cost analysis that says you can actually deliver this product for \$250,000 or less?

Wininger: Yes, sir we update them, every quarter, all our quantities and numbers on all of our products. Of course we are building right now in Highland Park Estates and Wick project so we update all of our numbers every 90 days, so I am very comfortable we can meet that in under \$250,000.

Pittsford: Ok, good. So, what's your estimated building cost per square foot versus list price per square foot?

Wininger: Did you want DCC's per square foot to sale price?

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Pittsford: Yes. You have got your materials so what is your estimated building cost per square foot?

Wininger: If you are just talking, well, there is direct construction costs and you indirect construction costs, ICC's interest carry, professional fees, and then you have commissions and people have to make money to get paid.

Pittsford: Right.

Wininger: So, you are just talking about bricks and sticks.

Pittsford: No, give me the full boat since you offered it.

Wininger: Well, what we are going to do to is we will make 10 percent. That's it.

Pittsford: Ok, so...

Wininger: By the time we pay commission, pay everybody and that's what I will you know.

Pittsford: Ok so give me your best building cost per square foot.

Wininger: Well, you have to work backwards but it is under a \$100.00 per square foot.

Pittsford: Ok.

Wininger: I feel really comfortable after 3 generations of building that I got it figured out.

Pittsford: I am not doubting your acumen I just want numbers.

Wininger: Ok.

Pittsford: So what is the list price per square foot?

Wininger: it is about 1,500 square foot so divide it out, I don't have a calculator. \$166.00.

Pittsford: Ok. Thank you.

Wininger: Thank you.

Clements: Mr. Guerrettaz?

Nester Jelen: Bernie you are on mute.

Guerrettaz: Pardon me. I get into the packet and then I don't turn it back on so I do apologize. So, that was an interesting question. Does that include your carrying cost on the development?

DRAFT

Wininger: Yes, sir. I have 2 CPA's on that and they calculate all of that.

Guerrettaz: Right, so but so going to the site looking at the karst it looks to me that you are actually pushing the buildings that are around the karst features away. Am I reading the plan right, that you are actually increasing the distance from the karst features that are listed on the site?

Wininger: Yes.

Guerrettaz: Like at 20 and 21, 107 and 106 and then 109 and 108. The numbers are hard to read on the plat but it looked like we were separating that a little bit more than the original plan.

Wininger: We are unmuted, ok. Yes, we are separated past the county standards and we are using those as our green space and pocket parks for the neighborhood.

Guerrettaz: Ok and then looking at this the grading doesn't really change. The footprint for the impervious surface for the roadways, the buildings, I know that is in the report but all of that is comparable to what the original plan was. Is that right?

Wininger: Impervious is slightly less, yes and the roads we have kept those the same except for the alleyway we added it but that is kind of what I was trying to do was to keep it simple and the fact that we didn't reinvent the wheel. It is approved for 90 single family homes. We kind of kept the layout the same in order to get it to where the workforce can afford it we need density.

Guerrettaz: What I was trying to understand with the affordable housing concept if you look at most of the inputs your grading is going to stay the same compared to the original plan, your infrastructure your sewer your water, all of that is going to be pretty much the same. The square footage of the rooftops is pretty much the same and that is how your math works out for reducing the number of houses because the infrastructure pretty will stay the same and then you are able to bring it down because you are selling more houses.

Wininger: I will share it with you. It is public knowledge. The ground is 9.9 million dollars. Stanger Excavating gave me a price, which they have done all of my excavating for me on Wick, which is already up.

Guerrettaz: Hey, Tom you don't have to share that with me. I am not interested in that.

Wininger: It is just the fact that you are dividing it by ...

Guerrettaz: I am just looking at inputs and outputs.

Clements: Ok. Are there any other questions by the Plan Commission for the petitioner?

Nester Jelen: I am not seeing anyone.

Clements: Ok. Mr. Figg has had his hand raised for a long time and if it's ok I would like to take comments of about 3 minutes of those in favor of the project. Mr. Figg?

SUPPORTERS– 2011-PUO-04 – Southern Meadows

Figg: Thank you Doctor Clements. My name is Mark Figg, I am with Figg Property Group. I also recently Chaired the Bloomington Economic Development Corporation and the Monroe Apartment Association so I am here to speak in favor of this project and urge you to support it. I mean, it is my business to know the numbers in Monroe County and I have been doing it since '81 so. I really like this development. I think it hits a niche that is not being hit enough because a lot of people are not going to be able to afford a single family home that is \$350,000 plus. I participated in the Indiana Uplands Regional Housing Study in September of '19 and the Bloomington Housing study in May of 2020 and then we recently did a study at Monroe County Apartment Association that resounding states that we are full, we have full occupancy. We have actually 97 percent, 98 percent in the southern area that is for rental. That is also an indicated of houses for sale and it has also been eluded to previous development proposals tonight so I won't heap on there. But population growth equals housing growth. We have had it for a long time. You can look back at building permit numbers. We have not been building enough homes in Monroe County for a long, long time. So we really need to ramp it up to try to meet the demand. This is not a high density project at that number. I think it was 4.9. We used to have high density developments in Monroe County that were 15 to 20 units per acre that was really common. They are still functioning fine. I would just urge that I would have the Plan Commission not worry about over supplying because developers put up the money, banks loan them money, us money to do the developments and we simply are going to be build and do our own market studies and figure out what the market needs. We need a lot of options in a lot of different areas. This is one that is obviously very much in demand and has been for a long time. Not every zoned parcel is going to get build for various reasons. I mean, there are lots of examples of that things that have been available forever, so I would not worry about that as a Planning Commission or as a Board of Commissioners. I would also add that this particular developer has probably the best track record in Monroe County. I know everybody in the business. They have been rock solid. They have done some of the most pretty and interesting developments and I know that they keep their promises, which means a whole in this business. So, I would just simply say don't worry about over building. The market will take care of itself. We are not going to ruin our market by building these townhomes down south. Thank you for your time.

Clements: Thank you so much Mr. Figg for your comments and for your patience tonight. Mr. Yonkman, would you like to speak?

Yonkman: Yes, thank you. I am Pete Yonkman. I am the President of Cook Medical and Cook Group. I felt compelled to speak in support of this project tonight after speaking with Tom and hearing his vision. We work with developers all over the state of Indiana and across the country really and to be honest there are a lot easier ways to make money than what he is proposing. There just aren't a lot of developers that are interested in working at this price point and we struggle to find them. So, when I heard about his passion for the project and what he was trying to accomplish it really checked a lot of boxes for us. Just to give you an example, I know that we have talked about data a lot tonight but we did a survey of our employees, about 1,000 of them in Monroe County and 75 percent of them said they wanted to move in the next year. Of those 80 percent said they did not believe they would be able to find a home and I just on the numbers front we have hired just already this year 300 people. Catalent had hired 1,200 people in the 3 months this year.

So there is growth and I think it is growth beyond what some of the projections have said. The other thing I would say to you is we have a program at Cook, in our community we have 25,000 people who are working age but don't have a high school diploma and we created a program for them where they could work for us full time but go to school part of the time. We have graduated 300 people through that program now and I have lunch with all of the graduates every time and they say 2 times. One is they are going back to school because they want their kids to see the importance of school and they want to improve their families lives and number one on that is home ownership. What they say is they want to be in Monroe County and they want to own a home and so a project like this a lot of our folks they are young, first job or they are coming back to the workforce from being chronically unemployed through this high school program and what you hear from them is they just don't feel like they can find a home. So, I think if what we are trying to build is a community is really an inclusive community, it is these types of projects that is going to give people that first step to getting on to that path of upward mobility and the other thing that I would say is that there has also been a lot of discussion on commercial properties as part of this project and whether or not they should be there. We have a unique perspective. We own commercial properties too. What we have seen is that it is very hard pre pandemic for a lot of these businesses to make it in these types of small commercial properties. There just isn't a lot of need for them. Retail is changing a lot, partially over the last year or so. I would just again highlight the question around is including commercial a viable situation for all of these communities. Anyways, I just want to say thank you again to Tom and his team. Thank you for the opportunity to speak and really do hope that you support this project and I think it is well needed for the community. Thank you.

Clements: Thank you Mr. Yonkman and thank you for coming tonight and sharing your thoughts with us. Is there any other of the community that would like to speak in favor of this project?

Nester Jelen: Tamby.

Clements: Tamby.

Cassady: Hi there. As you know, I am Tamby Michael Cassady. I am the adjoining property owner to the petitioner. I just want to say that I was actually pretty relieved and grateful when I found out that Wininger was purchasing that property after it had been approved for the Southern Meadows project and I think they have a really great reputation and I am glad to be working adjacent to them. I wish them all the success in their project regardless of what that turns out to be. Thank you.

Clements: Thank you Tamby. Is there any other member of the public who would like to speak in favor of this project?

Nester Jelen: I am not seeing anyone.

REMONSTRANCE – 2011-PUO-04 – Southern Meadows

Clements: Ok. Is there any member of the public who would like to speak in opposition to this project?

DRAFT

Nester Jelen: I don't see anyone Margaret.

Clements: Ok then we bring it back to members of the Commission for further discussion and a motion.

ADDITIONAL QUESTIONS FOR STAFF - 2011-PUO-04 – Southern Meadows

Enright-Randolph: I have a discussion point. This is again just our preliminary review at our Plan Commission, correct? We have only heard this at our Admin Meeting.

Myers: That's correct.

Enright-Randolph: Ok, thank you. So, I guess I would like to ask the petitioner or at least get consideration from the Plan Commission if we are not looking to move this forward in a favorable or recommendation that we continue this as well and I guess I would like to ask the petitioner if that would be something that he would support if us as a Commissioner aren't moving this forward with a favorable recommendation, would you want us to continue it?

Nester Jelen: So, Trohn just to clarify this is preliminary hearing and they have requested a waiver of the final hearing.

Enright-Randolph: I am just trying to prevent what happened at the last meeting. Just like we give consideration to public that remonstrate against things and sometimes waive the final hearing or we don't waive the final hearing request due to those concerns, I would like to offer that same type of consideration to developer and the petitioner. That is it. I am not looking to make a motion. That is my point.

Clements: No motion has been made at this time and Mr. Pittsford has his hand raised.

Pittsford: Thank you. I just wanted to make something clear. When I requested the petitioner numbers I wasn't really interested in the business finances, I was just trying to wrap my brain around the idea of how you could build a house and sell it for that kind of money and make sure it wasn't a pipe dream kind of proposal and I felt like the numbers that he gave me were consistent with what I would like to see in terms of actually being able to carry this from design to development completion. Thank you.

Clements: Thank you. Is there a motion from any member of the Commission to continue to approve etcetera?

FURTHER QUESTIONS FOR STAFF - 2011-PUO-04 – Southern Meadows

Pittsford: **I would make a motion for continuing this to the next meeting even though we don't have to have a motion I think.** In order to move things forward let's continue on. I think it needs a little more time to percolate and resonate with Commission Members.

Clements: Thank you. So, there is no need for a vote on that.

DRAFT

Wilson: Unless there is a motion to approve and waiver. Unless there is a motion to waive the second hearing it goes on automatically.

Clements: Ok, thank you.

The motion in case 2011-PUO-04, Southern Meadows Planned Unit Development Outline Plan, Preliminary Hearing, Waiver of Second Hearing Requested, not waive second hearing and continue to next meeting.

Clements: Well, ladies and gentlemen it is after 9:30 and despite the fact that there are still 61 participants in attendance, in order to continue we have to see if the members of the Plan Commission are willing to continue to hear x number of cases, there are still 1, 2, 3, 3 cases left So I am asking...

Guerrettaz: Margaret, **I will make a motion that we go ahead and hear the agenda out for the evening.**

Clements: Ok, thank you Bernie. Is there a second?

Pittsford: Yeah, I would go ahead and **second** that and I would also like to request that the most recent comment in the chat be read into the record. Because it does pertain to the last petition that we heard. Somebody was unable to get in, so I think their comment should be read into the record, please.

Clements: The person says, I was unable to get on for being in favor. Please read comment if you can that I have known the project Wininger Construction has currently and in the past completed and they are always in the highest quality and consideration for adjoining properties. It is greatly needed more and I don't think that there is, I think that is the end of the comment.

McKim: There is more.

Nester Jelen: It says, it is greatly needed more homes in the price range that they are building to offer. Highland Park Estates has been in such demand because of the price range and quality that Wininger Construction offers. Upgrades included in their bases prices.

Clements: Ok, great. Thank you. So, there has been a motion and a second to continue hearing the rest of the agenda items. Mr. Wilson would you please call the roll?

McKim: I'm sorry, just point of information. I just want to make sure I understand the motion. The motion is to continue all 3 agenda items to the next meeting.

DRAFT

Clements: No. It is to continue hearing them tonight and to complete the agenda.

McKim: Ok, thank you. I just wanted to make sure I heard the word continue right.

Clements: Yes, thank you for clarifying. It is getting late. Anyway, there has been a motion and a second to hear out the rest of the agenda items this evening. Mr. Wilson, will you please call the roll?

Wilson: Can we do, in the interest of speed, can we do this by acclimation?

Clements: Ok, yes. All those all in favor?

Enright-Randolph: Aye.

Guerrettaz: Aye.

McKim: Aye.

Clements: Aye.

Owens: Aye.

Pittsford: Aye.

Thompson: Aye.

Clements: All those opposed?

Stainbrook: Aye.

Clements: Mr. Stainbrook is opposed and another person.

Thomas: I am opposed. I just got a family emergency I am dealing with right now, so I am not sure that I can stay.

Clements: Ok, well, those who are opposed, well, we have a majority to continue, so I just beg of you to do your best and also let's try to work through at least one or two more. Let's try to power through a few others.

Motion to continue hearing the rest of the agenda, passed by majority acclimation vote (7-2)

NEW BUSINESS

5. 2010-SSS-13

Herbertz Sliding Scale Subdivision Preliminary Plat Road Width Waiver Request.

Preliminary Hearing. Waiver of Second Hearing Requested.

Three (3) parcels on 69.38 +/- acres located in Section 13 of Washington Township at 4272 E Farr RD.

Zoned FR. Planner: dmyers@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Drew, in the interest of time maybe we just do like a quick 3 minute slides and then if people have questions or if the public wishes to speak, we will go back.

Clements: Thank you.

Myers: Sure. This one is the Herbertz Sliding Scale Subdivision Preliminary Plat located at 4270 and 4272 East Farr Road. It is in Washington Township, Section 21. It is zoned Forest Reserve. Essentially the Plat Committee has voted unanimously to forward this petition to the Plan Commission with a positive recommendation and it is a petition to subdivide 2 parcels into 3 parcels. The current petition site is 58.96 acres that is one parcel and a second parcel is 10.42 acres. They are both independently owned but the owners are brothers and they are essentially taking these 2 parcels creating 3 lots instead of the 2. There is a plat vacation. There was an original plat that was the Herbertz Minor Subdivision and they are vacating that entire plat to create this new 3 lot Minor Subdivision. Lot 1 will be 60 acres and will include 14.31 acres of buildable area. Lot 2 will have 4.75 acres with 3.58 acres of buildable area and Lot 3 will have 4.32 acres and have approximately 1.68 acres of buildable area. They will be meeting all of the standards for the Sliding Scale Subdivision. The only thing that is driving this petition here tonight is that they requested a Road Width Waiver. East Farr Road is on 16 feet wide as designated as a minor collector and it needs to be 18 feet in order for the Sliding Scale Subdivision to go through the approval process. As I stated, the Plat Committee has unanimously voted a positive recommendation for this petition. There is no known karst. There is no FEMA Floodplain. There is an existing pond on the property that will be incorporated into one of the lots and each of the lots will be meeting the buildable area requirements pre Chapter 862 and there are some existing structures on the properties. There is existing single family residences for 2 of the lots. The third lot will be vacant upon its creation and they intend to eventually build a single family home at that location. You will note in the staff recommendation that we did have a condition of approval in that the petitioner illustrate on the plat that proposed Lot 3 meets the 200 foot minimum lot width requirement throughout the portion of the lot that it exhibits at least 1 acre of contiguous buildable area. That condition has been met and was met at the time of the Plat Committee Meeting but I kept here just for transparency but those standards will be met now with the newest configuration of the proposed subdivision. If anyone has any questions, please let me know. It is fairly straightforward. I can go into any details that anyone sees fit.

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.

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.

QUESTIONS FOR STAFF – 2010-SSS-13 – Herbertz

Clements: Are there any questions? Mr. Stainbrook?

Stainbrook: Margaret, I am hoping that under consideration of the question that any questions or further consideration could be part of discussion. You can rule on, well, of course you can rule on propriety of this but **I move that recommend or that we vote approval of the Sliding Scale Subdivision Preliminary Plat and the Road Width Waiver with the understanding of course that the condition Drew shared with us has been met.** So, if you can make sense out of the motion, I so move.

Clements: Thank you Mr. Stainbrook and in the interest of time that is very helpful. I would just like to turn to the public to see once if there is anyone here that is opposed to this? Jackie?

Nester Jelen: I am not seeing anyone. I know the petitioner's representative is here.

PETITIONER/PETITIONER'S REPRESENTATIVE – 2010-SSS-13 – Herbertz: None

SUPPORTERS– 2010-SSS-13 – Herbertz: None

REMONSTRATORS – 2010-SSS-13 – Herbertz: None

ADDITIONAL QUESTIONS FOR STAFF - 2010-SSS-13 – Herbertz: None

FURTHER QUESTIONS FOR STAFF - 2010-SSS-13 – Herbertz

Clements: But I think in the interest of time Mr. Stainbrook's motion is on the table. Is there a second?

McKim: I **second** Mr. Stainbrook's motion.

Clements: Mr. Wilson, could you please call the roll?

DRAFT

Guerrettaz: Point of question real quick. Do we need to **include the waiver of second hearing** or final hearing?

Clements: Mr. Stainbrook: Would you like to amend your motion?

Stainbrook: **I did include that.** I don't think Bernie was listening.

Guerrettaz: I just want it to be right Jim.

McKim: **My second is good** too.

Clements: Ok, Mr. Wilson, would you please call the roll?

Wilson: The motion is to approve petition 2010-SSS-13, Herbertz Sliding Scale Subdivision Preliminary Plat with the condition with the staff's condition set forth in the plat that the petitioner will illustrate on the plat that proposed Lot 3 meet 200 fee minimum lot width requirement throughout the lot so that exhibits at least 1 acre of contiguous buildable area. Again, a motion is to approve the waiver of second hearing and approve the preliminary plat. Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

DRAFT

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: The subdivision is approved by a 9 to 0 vote.

The motion in case 2010-SSS-13, Herbertz Sliding Scale Subdivision Preliminary Plat, Road Width Waiver Request, Preliminary Hearing, Waiver of Second Hearing Requested, to approve all requests, carried unanimously (9-0).

NEW BUSINESS

6. 2101-SPP-01

Derby Pines Major Subdivision Preliminary Plat

Preliminary Hearing. Waiver of Second Hearing Requested.

One (1) parcel on 5.34 +/- acres located in Section 21 of Perry Township at 4214 S Derby Drive.

Zoned HR. Planner: acrecelius@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Crecelius: Thanks Margaret. The petition site is 5.34 acres. It is currently zoned High Density Residential and it is currently used for a single family residential use. I am going to try to be smarter than my computer for a second, we will see. The petition site was rezoned from Estate Residential to High Density Residential in 2020. The High Density Residential allows for 7 residences per acre. The property is currently located in Perry Township, Section 21. It is a 23 lot Preliminary Plat for this single family residential development that will connect Holland Fields and Bridlewood neighborhoods. Again, it is currently zoned High Density Residential. On the right is a quick little crop of the preliminary plat. It is 23 lots total. 22 lots are buildable. 1 lot is for storm water specifically, only for storm water. 18 lots are designated with a specific 0' side yard setback. That will be 9 home pairings, with will be called a paired patio home an attached single family residence. 4 of the larger size lots are located on South Derby Drive. Those homes do not have a 0' setback, those are per the rezone petition that was formally known as the Holland Pines Rezone. The site had frontage along South Derby Drive. Holland Drive stubs on the property at the northwest corner, which is at the Holland Fields neighborhood. There are no known karst. There is access to sewer and water. The entire site is under 15 percent slopes. With this petition, with the preliminary plat petition, there are 2 new proposed roads. One of which is a road connection from East Holland Drive, which is the cul-de-sac from Holland Fields to South Derby Drive, so a new road connection, that includes the removal of the Holland Fields cul-de-sac. Formally we did talk about sidewalks on the north side of the road, I was incorrect about it at the last meeting. I thought there would be an 8' side path. There are 4' sidewalks and there is a new road through the addition called West Red Pine Drive. Stormwater has been actively engaged with this petition. They have been actively involved with 2 drainage easements, well, not 2 drainage ponds, that's not the correct word, 2 drainage areas. One is Lot 12, which is the lot that is not buildable and one on Lot I believe it is Lot 22, no Lot 20. There is a good majority of Lot 20 that is not buildable. It is going to be in a drainage easement and in between each paired home there will be drainage easements. The MS4 Coordinator does state that they have been working close with the petitioner to address all comments. They don't necessarily have any concerns. This is the overall plan. You can see West Red Pine Drive go from the proposed connection between Holland Drive and South Derby. Formally I had originally talked that there would be an 8' side path. I had thought there was an original draft. I was incorrect. The petitioners have very willingly added in the 4' side path. It's required so I am happy that they did that. They will remove the cul-de-sac, add in this 4' sidewalk on the north side. West Red Pine Drive will go from the South to East. The 4 lot, 20, 21, 22 and 23 will be not paired townhomes, they will all be single family residences but those 4 will not be paired, they will not have an attached patio home style. They will be larger lots per the Holland Pines Rezone so that it will look a little bit more consistent as you drive the neighborhoods and Lot 13 will be the drainage easement. Overall, the petitioners have met all of

the requirements that we have asked. In the report I originally said the recommendation was to include 4' sidewalk. The petitioner has met that. So, staff does give a recommendation of approval to the Plan Commission based on the findings of fact and subject to the Highway and Drainage Engineer Reports.

RECOMMENDATION

The Monroe County Subdivision Ordinance require at minimum a 4' sidewalk along the north side of the proposed road extension of E Holland Dr.

If the petitioners meet this requirement, Staff gives a recommendation of **approval** to the Plan Commission based on findings of fact and subject to the Highway and Drainage Engineer Reports.

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 patio-home 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;

- (D) 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.:

- (4) 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.

(5) 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.

(6) 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.

QUESTIONS FOR STAFF – 2101-SPP-01 – Derby Pines

Clements: Thank you so much Anne. Thank you for your patience tonight and for sticking through all of this and everything. So, I would just like to ask if there are members of the Commission who have questions of Anne or of any of the planners about this project.

Nester Jelen: Geoff, do you have your hand raised?

McKim: Yes. Since the petitioner is meeting all of the requirements of the Subdivision Control Ordinance and not asking for any waivers, we are legally expected to approve this. Is that correct?

Crecelius: Yes. There would have to be a good reason based on the ordinance to deny the request.

McKim: Thank you.

Clements: Ok, is the petitioner here and would the petitioner like to address the Plan Commission?

PETITIONER/PETITIONER'S REPRESENTATIVE – 2101-SPP-01 – Derby Pines

Butler: This is Daniel with Bynum Fanyo.

Clements: Hi Daniel.

Butler: I am here for any questions. I don't think there is anything for me to add at this time.

Clements: Thank you. Do members of the Commission have questions for Mr. Butler? If there are none, are there members of the community who would like to speak in favor of the petition with the 3 minute time limit? Jackie?

DRAFT

Nester Jelen: I am not seeing anyone Margaret.

Clements: Ok. Are there members of the public that would like to speak in opposition of this petition?

SUPPORTERS– 2101-SPP-01 – Derby Pines: None

REMONSTRATORS – 2101-SPP-01 – Derby Pines

Nester Jelen: I see one; Ken Buzzard.

Clements: Mr. Buzzard if you please speak and try to limit yourself to 3 minutes we would be grateful.

Buzzard: Absolutely. I am actually necessarily opposed. This is more of a question for the Commission. I realize that this will be approved pending Engineer and Drainage. What are the conditions under which if those are found unsatisfactory, what are the conditions under which this will be returned to this party or where the public will be notified?

Nester Jelen: Mr. Buzzard I will try to answer your question. So, you are saying if this were to be approved for a subdivision but when they come back to do the development, they are unable to meet satisfactory standards such as drainage or other considerations, is that correct?

Buzzard: Nearly. If I am understanding correctly what I am reading here is that you are be asked to approve this and waive next hearing, pending the satisfactory response of those 2 outstanding reports and all that I am asking is what is the process by which those reports will be evaluated and brought back? Unless I am misunderstanding where we are standing on this. Anne, can you clarify that perhaps?

Wilson: I think I can jump in here quickly. It is subject to the existing Highway and Drainage Engineer Reports, not pending. They have been issued and any conditions set forth in the reports would be placed upon the approved subdivision. So, it would not come back for another hearing. It is just approved subject to those reports.

Buzzard: Very well. Thank you very much.

Clements: Thank you Mr. Buzzard. Is there anyone else here who would like to speak in opposition to the proposal? Jackie if you see anyone?

Nester Jelen: I am not seeing anyone Margaret.

Clements: Ok, we will return to the Commission for either further discussion or a motion or both.

ADDITIONAL QUESTIONS FOR STAFF - 2101-SPP-01 – Derby Pines: None

DRAFT

FURTHER QUESTIONS FOR STAFF - 2101-SPP-01 – Derby Pines

McKim: I am ready to make a motion.

Clements: Thank you Mr. McKim.

McKim: In case number 2101-SPP-01, Derby Pines Major Subdivision Preliminary Plat, I move approval of the petition, based on findings of fact and subject to the Highway and Drainage Engineer Reports and include Waiver of Final Hearing.

Thompson: **Second.**

Clements: Mr. Wilson, will you please call the roll?

Wilson: I will. The motion is to approve 2101-SPP-01, Derby Pines Major Subdivision Preliminary Plat. The motion includes waiver of the second hearing. A vote in favor is a vote to approve the subdivision and waive the second hearing. Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

DRAFT

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: The subdivision is approved by a 9 to 0 vote.

The motion in case 2101-SPP-01, Derby Pines Major Subdivision Preliminary Plat, Preliminary Hearing, Waiver of Second Hearing Requested, to approve all requests, carried unanimously (9-0).

NEW BUSINESS

- 2. 2101-SPP-02** **North Park Area B3 Major Subdivision Preliminary Plat**
- 3. 2101-PUD-01** **North Park Area B3 Lot 2 Development Plan (IU Health EMS)**
- 4. 2101-PUD-02** **North Park Area B3 Lot 3 Development Plan (Mass Grading)**
Plat Vacation of Lot 1 in the ‘Ted Worley Addition Lots 1 & 2
Amendment 1’
Street Tree Waiver Request
Sidewalk Waiver Request
Preliminary Hearing. Waiver of Second Hearing Requested.
Three (3) parcel on 21.33 +/- acres located in Section 25 of Richland
Township at 2900 N Stone Carver Drive.
Zoned PUD. Planner: tbehrman@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Behrman: I am here. I am not turning my camera on. My brain shuts down at 9 o'clock so I will do my best. Jackie was unable to share the screen so we will just try to do this in tandem. Go ahead to the first slide Jackie. This is located at 2900 West Stone Carver in Richland Township. It is part of the North Park PUD, which is on the right hand side and I have highlighted in yellow and the red dot represents where IU Health EMS wants to locate. It is zoned Planned Unit Development, North Park PUD and the Comprehensive Plan as it as Employment. These are some of the site conditions. This is an older photo on the left. There is no home there anyone. It was demolished several years ago so it is essentially vacant. I will say that I don't think that you can see the power lines in this photo but there are power lines that run along the south there on West Woodyard Road. It also maintains frontage on North Curry Pike and North Lintel Drive and sort of starts the intersection of North Stone Carver Drive. These are some aerial views of the site. To the left one kind of hones in. You can actually see those power lines now a little bit and then the right picture just shows an overview of the entire area. Lintel Drive is actually standing more north across that ravine there at this point in time as a result of the development of that 80 bed acute hospital that was approved last year about this time. These are just a few of the google maps photos showing the intersection there at North Curry Pike and Lintel Drive. The bottom picture is Lintel Drive entering into that where that Lot 1 would be. This is also North Lintel Drive. It is mislabeled in google maps and then the intersection on the bottom the right is where North Stone Carver Drive is slated to extend. This is West Woodyard Road. There is a subdivision proposed, which requires that sidewalks and street trees be installed along all road frontages. The petitioner already has sidewalks along North Curry Pike and Lintel Drive but not West Woodyard here so they are asking for a waiver from that requirement and street trees along here as well. This is the Ted Worley Plat that they are asking for a Plat Vacation from for the subdivision and then this is the proposed plat. It is currently proposed 3 lots and Lot 1 will be closest to Curry Pike. It is 2.5 acres. Lot 2 is 3.9 acres and is slated to house the IU Health EMS Center, which will house approximately 12 ambulances inside and support staff and be a dispatch center. Lot 3 is a mass grading site sort of to help prepare the site for the IU Health Center and technically it cannot be developed until it re-subdivides ever because the driveway access has be 300' from the intersection Lintel Drive and North Stone Carver, so it can be a mass grading project but won't be developed in the near future

if this passes. This is just the second page of the plat. There is a third page that has all of the design standards. Planning Staff has some issues with the Preliminary Plat. It is relatively good to go with the exception of there is a road that Planning Staff feels should be installed as a part of the subdivision process, which would require a 70' right of way dedication for North Stone Carver Drive. It would include a detailed legal description and not just a place holder, that they are showing on the plat right now and we also recommend that Lot 3 be separated and have a Lot 4 added on the east side of the 70' dedicated right of way. Along with the road there would be a feasibility study supplied to the Highway Department for review. Also in order to approve the plat there needs to be a Street Tree Waiver and a Sidewalk Waiver and any Highway and Stormwater comments should also be met, which I don't think they have very many. I think they have mostly been met. So, we are at a cross roads with this subdivision is the road. On the left is the North Park Road Plan and you do is that yellow North Carver Drive extension, it is a local connector road, and it triggers, under the North Park Ordinance, Use District B. This is most everything you see west of Highway 46 when it develops out by 50 percent. So, they are not anywhere near that 50 percent. However, the petitioner chose to do a subdivision for their project. They could have left this as an entire parcel and just done some extra landscaping but they chose to go this subdivision route and this subdivision route is what has triggering this street and I have included the language here Chapter 856-11 describing that 2 points of ingress/egress for any new development needs to be provided on the plat. At the Plan Commission Admin Session we discussed this and there were talks that maybe a written commitment would be put forth to maybe come up with a time frame for when this would be installed and staff reviewed a draft written commitment. We had talks with the petitioner and the representatives regarding that and at the end of all of those discussions they withdrew their written commitments, so we have none to work with here. So, along with the subdivision is a Sidewalk Waiver. I think staff would, if I remember correctly, staff would like to see the sidewalks installed at this time. The Alternative Transportation Plan supports it also there is going to be some construction at the intersection of West Woodyard Road and Curry Pike. They are going to be re-doing the roundabouts there all next year and there will be sidewalk stubs as a part of that project so even though we don't so any real sidewalks along West Woodyard at this time because I did review that and there were not any, we do have it on the plan and we are making connectors for the future in the Highway Department's improvements to the road. The petitioner did supply some findings for their Sidewalk Waiver and Street Tree Waiver. Hopefully you had a chance to read those. They did not touch on the power lines. I saw the power lines and that was what was helping me to support the Street Tree Waiver options. This is open space. I did review the open space requirement as a part of the PUD. Tract B-3 requires 4.37 or at least that area does, they provided 1.49 in the preliminary plat. There is more that they can still include. That was the portion of the subdivision that I wanted to discuss. Also we are working on reviewing two development plans. This is the more complicated one, which is Lot 2 and staff has gone a couple of rounds of comments and we have ironed out several things with parking. We are almost done with getting landscaping approved. There is a bus terminal that we are working on still. In a few slides I can show all of the things that I am still trying to approve with this development plan but I don't think there is anything that would necessarily make it so staff wouldn't support it other than the subdivision is kind of the hang up here with the road not being built and there is that alternative that they could re-submit that Lot 2 development plan and develop the entire lot as one which would require a different landscape plan. This is the development plan for Lot 3, which is the mass grading and these are the staff comments that are still outstanding for the development plan of Lot 2 and Lot 3. I did include here the petitioner's

statement. We did have a few letters of remonstrance and they came from the same property one that is being bought on contract if I recall, but they had experienced some issues in the past when I believe it was Highway 46 was being installed and there was some major upgrades of the area and blasting was occurring and the blasting caused their wells to crack and had to be replaced, which was expensive and on their dime. I do have in the packet and within the staff report a statement from the petitioner's engineer that they don't intent to see much blasting on the site that if any because they are doing the mass grading that should alleviate that. Now, there has not been the road study for that extension of North Stone Carver and so I am not sure how that would possibly impact the development on that lot but by bringing that road down south would also bring utilities down south and would allow those folks off of West Woodyard too potentially tap into city water and possibly sewer systems because they are currently on wells, cisterns for a water supply and septic systems out there. We have a lot of other neighbors that were chiming in just kind of expressing their concerns also about the access to utilities and fear of extra flooding and erosion issues. Plat Committee met February 18th, thanks Jackie and then this was the Plan Commission summary. I think I already discussed that we were hoping that we would have some written commitments to bring here today and there are none. So, it made it difficult for staff to make a recommendation because staff does feel that that road needs to be installed going south and have that second point of ingress/egress. We did have one of the Plan Commissioners last Admin Session mention that it would maybe only take one bad accident to block off that intersection and then you are really having issues with your EMS have access and plus with West Woodyard Road and North Curry Pike intersection going to be under construction all next year I don't know if that timing is going to interfere with those vehicles being able to go south. That was also a thought as well, that you would have to take the long way around potentially. This is the Highway Department's comments. They have no conditions at this time. Their comments seem fairly reasonable and easy to incorporate into these final remaining approval steps. The next is Stormwater and again, the Stormwater comments pretty much have been addressed. There are just a few minor things that need to occur unless we start opening up that discuss of building a road and then we are opening up a full new review of the site. So, the recommendation for these 3 petitions, we are recommending denial of the Waiver of Final Hearing because I don't feel like this has been ironed out enough yet to make any sort of recommendation. We are withholding a recommendation for everything. We do feel that there is an alternative path that if they don't want to build the road that they should just develop the entire the lot and not have a subdivision here and by not doing the subdivision you would be getting rid of the Street Tree Waiver, the Sidewalk Waiver and the request to build that road to the south. With that what questions do you have?

RECOMMENDATION

Staff recommends the following:

- **Denial** of Waiver of Final Hearing;
- **Withhold recommendation** of the Preliminary Plat based on the findings of fact and subject to the Highway and Drainage Engineer reports;
 - **Withhold recommendation** of the Plat Vacation of Lot 1 from 'Ted Worley Addition Lots 1 & 2 Amendment One [Final Plat](#)'
 - **Withhold recommendation** of the Street Tree Waiver request with one condition
 - **Withhold recommendation** 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)

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.

FINDINGS OF FACT, DEVELOPMENT PLAN 811-6(A) PUD Review Considerations

In their consideration of a Planned Unit Development Outline Plan, the planning staff in its report to the Plan Commission, the Plan Commission in its recommendation, and the Board of Commissioners in its decision, shall consider as many of the following as may be relevant to the specific proposal:

1 The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County.

Findings:

- To be addressed – See Exhibit 6

2 The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.

Findings:

- To be addressed – See Exhibit 6

3 The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.

Findings:

- To be addressed – See Exhibit 6

4 The proposal will not be injurious to the public health, safety, and general

welfare.

Findings:

- To be addressed – See Exhibit 6

5 The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space, and furthers the amenities of light and air, recreation and visual enjoyment.

Findings:

- To be addressed – See Exhibit 6

6 The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.

Findings:

- To be addressed – See Exhibit 6

7 The desirability of the proposed plan to the County's physical development, tax base and economic well-being.

Findings:

- To be addressed – See Exhibit 6

8 The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.

Findings:

- To be addressed – See Exhibit 6

9 The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.

Findings:

- To be addressed – See Exhibit 6

QUESTIONS FOR STAFF – 2101-SPP-02, 2101-PUD-01&2101-PUD-02 – North Park

Clements: Do members of the Plan Commission have any questions for staff?

Pittsford: I have one quick question.

Clements: Thank you Mr. Pittsford.

DRAFT

Pittsford: So, Tammy, if they go the other route they would not be required to put in the road connection to West Woodyard and they could proceed to build this with only one point of ingress/egress. Is that correct?

Behrman: That is true actually. That would be by right because the North Park Ordinance would not be triggered by developing this lot yet. It wouldn't trigger that 50 percent rule. It is the Subdivision Control Ordinance that is triggering this now.

Pittsford: Yeah, ok. At this location I just find it difficult to believe that one point of ingress/egress is suitable for this kind of structure with the purpose of the structure but that's ok, it is just my opinion.

Clements: Are there any other questions for staff? If not is the petitioner here or the petitioner's representative and would you like to address the Plan Commission?

**PETITIONER/PETITIONER'S REPRESENTATIVE –
2101-SPP-02, 2101-PUD-01&2101-PUD-02 – North Park**

Carmin: Margaret, this is Mike Carmin. I am representing the petitioner.

Clements: Thank you, Mr. Carmin.

Carmin: Bynum Fanyo Engineers Dan Butler and Jeff Fanyo are both present and will have some of the points to address as well. So, I will be fairly limited and defer to them on most of the comments that deals with the waivers. I wanted to comment first on the remonstrators that Tammy referred to several times. If you haven't read the statements that accompanied the signature page that go with the remonstrators then you need to. I think you need to put the remonstrations in context. There is really nothing about this petition that they are objecting to. They are looking for an avenue that will get them water and sewer installed out there for the benefit of the properties along Woodyard Road where we are not proposing to develop in any event. That really has nothing to do with this petition. The remonstrations concerned about blasting would certainly be more universal than that issue but the issue of them signing on as remonstrators because they want water and sewer brought to their properties on Woodyard has nothing to do with this petition. What I do want to talk about though is this road connection. It is a little bit of a glib to say that they just need to develop the whole parcel and then this problem goes away. What? You saw the plan. It is only a part of this lot that is proposed for new development. To say that we will just develop the whole lot means do what? Vacant lot, develop vacant property just for the sake of doing it. The proposed subdivision is intentional. If it was only a part of that lot that was subject for any intended development at this time what would be done with the rest of the property that is still owned by IU Health. It is a long term plan for IU Health down the road. They have not developed a plan for what would be next on this property but they do have this EMS building to get developed and we are anxious to get it moving forward. We would like to see this treated tonight, waive the second hearing and approval should be given tonight. So, the road connection that seems to be a problem. It is not a rule and I am sorry we have to go back and look at the documents. There is no rule that requires this road connection. The PUD Ordinance, The North Park Ordinance that there are thousands of man hours or whatever labor term we are using these days

DRAFT

into that and only a couple of you were around at the time, Julie was a part of that and I believe Bernie was, most of you were not. But it was very intentional.

Pittsford: I was part of it.

Carmin: Ok. But it was very intentional. The road triggers those are extensive road connections out there and to trigger 50 percent of Area B being developed it is triggering this road connection was intentional. Nothing has changed on that. In that there would be further subdivisions of these parcels is certainly none at this time. It was planned for. It was intended. To now say that the Subdivision Ordinance requires a trigger for road construction that the ordinance did not require is not appropriate and it's also wrong. Look at page 293 of the packet and the report happens to quote the applicable section from 856-11 regarding this road connection and what it says is; whenever the area to be subdivided is to use and existing frontage the street shall be suitable improved and may be required to prove 2 points of ingress/egress. It doesn't say shall. It doesn't say must. It says may be. That now throws it back into the realm of not being a rule but being discretionary and I believe Jeff Fanyo addressed more of why 2 points of ingress/egress are not needed at this place at this time. Jerry notwithstanding your assumption that it is. I will let Jeff address that. So, now you are confronting with a discretionary requirement, if you call it a requirement at all, a discretionary issue confronting an ordinance issue that says not yet. An intentional development standard that says not yet that is 50 percent build out on Area B then the real requirement is and there is no plan to build along Woodyard Road at this time that would trigger the need for this connection. So, I will let Jeff address the issue of safety and the reasonable issue of one point of ingress/egress on this site. Jeff.

Pittsford: May I ask question of Mr. Carmin before we go?

Clements: Yes, Mr. Pittsford.

Carmin: Sure.

Pittsford: Thank you very much. Mr. Carmin, you make a point of saying it is discretionary. Who holds the discretion there? The petitioner? The lot owner? Or the Plan Commission?

Carmin: The Plan Commission.

Pittsford: Ok, so it's our discretion not theirs, right.

Carmin: Yes my point was it was presented to you as a rule and a requirement and it is not. It is not a requirement.

Pittsford: Ok. I accept that it is not a requirement but I would like us all them on the Plan Commission to note that this is a question that is our discretion as to whether or not we think it is necessary at this time. Thank you.

Carmin: Before we go onto Jeff let me have a comment here because I think you also have to then when you exercise that discretion consider the PUD Ordinance that is in place that has specifically

identified a special test of when that would be required and that test is not being met yet. It is the 50 percent build out of Area B and we are not there and Tammy told you we are not going to be there for a while. So, you are talking about exercising a discretion of a very clear adopted ordinance standard and I think you need to be cautious about running afoul of that and there is a good reason that you shouldn't but I will defer to Jeff.

Clements: Ok, I would like to move on to the rest of the petitioner's team and who would like to speak next?

Fanyo: Can you hear me? This is Jeff Fanyo.

Clements: Hello Jeff. Yes, we would like to hear from you.

Fanyo: The comment has been made about 2 points about ingress/egress and there are several things that I would like to mention here. First of all, Mike has already covered the threshold in the triggers and those were, Jerry was on the Plan Commission at the time, those were well thought as we when these triggers were going to cause the infrastructure needed to be installed. But in this case if there was an accident that's blocked Curry Pike, there is currently a boulevard at the entrance, there is 2 lanes inbound, 2 lanes outbound, there is a likelihood of blocking both lanes would be unlikely and if they were the hospital has multiple ambulances sites throughout the county and if there was something that blocked, an accident that blocked the entrance to Curry Pike the first responders to that accident would be from the facility. Any other calls that would be dispatched from more than likely the ambulances that are provided at the Ellettsville Fire Station a little over a mile to the west on State Road 46. I don't know all of the locations of all of the stations around Monroe County but if one crew is called out there are other crews that can be used that can be used to cover an emergency. The fact that Lintel Drive is not extended past the entrance to Stone Carver Drive is that there is not through traffic. In fact there is very little traffic on Lintel Drive at this time. You have 2 users, you have the Administration Building, that used to be the Great West Building and you have this proposed EMS Building that has 20 employees. The possibility of having lots of traffic going through, if that was a through, there would be a lot of traffic that could go through there and there would be a likelihood of possibilities of an accident would be much greater than it is right now, which right now is very, very low possibility and there are backups in the event that that would occur. The other point is with lights and sirens, these ambulances can get through situations that other people can't and the likelihood of blocking both sides of this boulevard I think is very limited. If so there are other options for ambulances throughout the county to assist in whatever emergency there would be. This connection to Woodyard Road is about a half a million dollar connection and the fact that we are developing approximately 3 and half acres of a 23 acre site to have to absorb that kind of expense at this initial phase of developing this area is not something that would be easily financed, in fact there is no budget for it at this time. We do need the EMS facility as the headquarters. It is going to have the administrative staff there. It is going to have dispatchers. It is going to have maintenance personnel and it is going to have I believe there is one or two emergency ambulance crew on site at a time. I don't have that number with me exactly but trying to absorb that kind of expense at this early stage of developing this part of Area B is not something that is financially feasible to so and then especially when it's in our opinion when it's not really necessary to do at this time. That's what I have to say about the connections. There could be all kinds of circumstances. If someone saw a

bad actor comment, well if someone wanted to be a bad actor, they would go right to the driveway of the access of the EMS Facility and they would block it right there. They wouldn't block at Curry Pike or at the boulevard but it is such a wide intersection and 4 lanes in traffic would have to be blocked. So if someone wanted to do it they would do it right there at the entry drive into the EMS and that secondary access to Woodyard Road would not help in that situation. I would also like to address the possibility of blasting in page 296 of the staff report they talk about that this site had been used as a fill site and that is actually incorrect. That site is soil, so they were there since time immortal. When we built the little drive, little drive is actually being cut and the maximum cut we had in there was 23 feet and we did not encounter rock. When we did the soil borings for this proposed building they took several borings at 10' depth and they terminated the boring without hitting rock and they had several borings at 15' depth under the building and again they did not encounter rock. Under the building we have approximately 2' of cut, on the west side of the project, property where the parking lot is we have 4 to 5' of cut and then where we have some retention areas there is about 8 or 9' of cut, so we are not going to be close to rock. There is not going to be a necessity of blasting unless we are really unlucky but I don't anticipate that. When we are cutting at 23' to build a little drive in that rock we should not encounter rock in this site and blasting would not be necessary. I will be happy to answer any questions you may have regarding the access or blasting or anything about the site.

Clements: Thank you Mr. Fanyo. I think we should continue hearing from the petitioner before we have questions from the Commission to the petitioner. Is there another member of your team that would like to address the Plan Commission or is that it?

Fanyo: We can address that fact that we have been to Drainage Board and on the drainage issues we are going to provide storm water retention part of the county requirements as we always have. So I don't think those other issue are really relevant. I believe they have been dealt with. But we can discuss it in detail. To try to save time we can just leave it up to questions from the Plan Commission.

Clements: Thank you Mr. Fanyo. Do any members of the Plan Commission have questions for the petitioner?

Nester Jelen: Julie, Bernie, Trohn, and Geoff. So, we will start with Julie.

Thomas: I think Trohn was before me, if that is alright.

Nester Jelen: Ok, Trohn?

Enright-Randolph: Sure and I am just going to be super brief. It is getting late and I thank everyone's patience too. I thing I want to address was some of Michael Carmin's points. They proceeded down a path there it needs 2 points of ingress/egress. Yes, the language does stipulate that it may be needed. Yes it may be more of a subjective thing but that does fall with the realm of the Plan Commission and the way that you kind of picked it apart you almost kind of said its unnecessary or what have you nots. I don't appreciate that. I think you do a fabulous job of building your case but that right there is just unnecessary because if you were defending us you would say yes it is the Plan Commission's legal right to use discretionary measures. So, I am glad Jerry

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stopped you to correct that. I do appreciate everything you do Michael. Jeff spoke very clear to a lot of points that I think do shed some light to this and I do appreciate that but one thing again that I am not too pleased about is we have been hammered about the urgency of this and now we are hearing that oh, they can just dispatch from this area and that area and this area. Well, what happened to the urgency of getting this done? That is again a little just kind of you know, giving us the glaze on the doughnut instead of how it was cooked. So, those are just more comments. I am a little deterred by that and then the one other comment that these are all people with vehicles that emergency lights. Now we spoke to the dispatch, the people that are going to work every day aren't necessarily driving those vehicles and it is important for them to get to the location as well. So, I do believe that there were some points that were made that I appreciate a lot more that does give me a second thought about how I might determine my decision on here but I just wanted to point those out and it might be the late hour but, you know, but I think everyone gets the idea who I am I would probably point those out regardless.

Nester Jelen: Ok, Bernie is next.

Guerrettaz: Yeah, I have got to cycle through this because I don't think we are as far as part from the petitioner as what maybe we think we are. From what I understand the ordinance it says, pardon me, the PUD, it says that once that 50 percent threshold is built a roadway has to be built. Am I correct?

Fanyo: That is correct.

Guerrettaz: Ok. So nobody is saying that the roadway is not going to be built. It is really a matter of timing. Am I correct about that?

Nester Jelen: Yes.

Guerrettaz: So, the only way that the road will not be built is if a petitioner comes back to this behemoth North Park and says, we want to do an amendment to the PUD. Is that correct?

Nester Jelen: Or if the B tracts don't ever hit 50 percent threshold.

Guerrettaz: Right but then that is still a threshold that an amendment wouldn't be required so I am just looking at if the requirement goes away or not.

Nester Jelen: Yes.

Guerrettaz: Because I look at what is remaining on that lot and there is a lot of property there. I really hate to look at tying that property up because something else is going to want to go in there and go ahead and build the road now and forever leave and imprint that doesn't use the most efficient use of the parcel for what the uses may be in the future. I mean, does that resonate with anybody at all?

Clements: It does with me Bernie. It does with me because it seems like a common sense solution.

Guerrettaz: I think that IU knows there business and I know where staff is coming from and I respect it but there is a way to work around that because it isn't a hard fast requirement now. It is hard fast requirement in the future. But when I look at that corridor that goes through there that was really just an indication that there will be a road there at some point I don't think anybody is not agreeing that that road needs to be in there. But that Lot 3 or that big lot to the south there is just a lot of potential there that we don't know what that road needs to be and I think we need to let it bake a little bit, rely on IU's professionalism and the engineer's that says and I didn't look at it until Mr. Fanyo had mentioned the way the boulevard is designed out on Curry Pike, I mean, I don't have any heartburn on this. I think that everybody's goals can be met. That is all that I have got to say.

Pittsford: Bernie, I would like to say that I appreciate your comments and I find what you say very compelling and like you I hadn't thought about the boulevard concept until Mr. Fanyo mentioned that tonight and that is reassuring to me from my perspective since I introduced the concern. I think it is still a concern but with the possibility of future development coming more rapidly than maybe what we anticipate those fears can be put on hold I suppose.

Clements: Thank you Mr. Pittsford. Commissioner Thomas.

Thomas: I think I just wanted to hear from Mr. Schilling or Mr. Wilson, your perspectives on how this is being read.

Wilson: Again, we may we don't have to impose the second ingress/egress in regards to subdivision approval. We don't have to. I think the other concern is when and if the road will be put through but if you feel comfortable that this subdivision would be safe with one means of ingress/egress then you cannot require the second ingress/egress. Dave do you have any thoughts? Dave?

Nester Jelen: Dave, if you are on the phone it is *6 to unmute.

Wilson: Dave is not here.

Nester Jelen: He is here but I think we will just have to come back to him. Oh, there he is.

Schilling: How about now?

Nester Jelen: Yup. We can hear you now.

Schilling: I agree with Larry in the way that has been portrayed. It is up to the Plan Commission.

Clements: Ok. I see that Dee's hand is raised.

Owens: Question, if indeed when you get to the 50 percent threshold that road has to be built, who then builds it?

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Nester Jelen: Good question Dee. That is part of staff's consideration with requiring it right now is that IU Health owns these trail tracks that are proposed to be subdivided but if someone else in the North Park Ordinance not necessarily IU has to hit the 50 percent they need to then dedicate the right of way and build the road at that time through this property.

Owens: And they being whoever owns that piece of property?

Nester Jelen: Yes whoever hits the 50 percent threshold anywhere in B3, it doesn't have to be IU Health.

Owens: I just was thinking if IU Health has to build the road eventually wouldn't it be cheaper to build it now?

Wilson: I think the answer is I think staff's concern is there is no guarantee this road will ever be built because there is no incentive to finish the project. Once you get to a certain point it gets more expensive to build the road than what you can make from developing the remnant.

Owens: Thank you.

Clements: Mr. McKim.

McKim: I certainly don't have a problem with moving forward without the road. I think case has been quite compelling and extensively argued. Mr. Fanyo, I apologize if I missed this by sound glitch by about the last 2 minutes of your presentation, did you address Sidewalk Waiver at all and whether or not your thoughts have changed on that when presented with the plans for the roundabout at Woodyard Road?

Fanyo: Well, when I was looking at that roundabout it looks like there is about 1,500' from the intersection, current intersection now and our west property line and I am guessing the roundabout is not going to go any further than Pioneer Lane, although I don't know if it's going to go that far or not, I haven't seen the plans, there is still going to be a 900' length of gap between Pioneer Lane and our west property line. So it's not going to be an actual connection. There is going to be 900' of gap whenever we do build our sidewalk. Now, the problem we have is and we might be able to get around it but Duke Energy does not allow you to run parallel with their easements and they have an easement with the current right of way 100' into the property. They do let us cross it. So exactly where we would put that sidewalk is kind of up in question until we have a development plan for that area and I do know that there are master planning processes going on for the property there and we will know what is going on sometime in the future but we don't know what is going to happen right now. There might be another way of building that sidewalk where we wouldn't have to be underneath that powerline but until I know what the use of that land is going to be it is kind of difficult to say this is where that sidewalk ought to be.

McKim: That is a fair response. Thank you.

Clements: I have felt since we have begun discussing this project that a lot of common sense is going to need to prevail. There are practical difficulties like the powerlines and the staging of the

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progression of the project, etcetera and I think as scary as it is there are times when common sense must prevail and Bernie gave us a way. I don't know how everybody feels about that but I always appreciate it when Bernie weighs in with his comments. But I think the question is for me is do we approve it or do we continue it so that we can think about it? For me those are the questions. I am going to defer to everyone else here on the Commission as far as what you feel most comfortable with. I take staff's recommendation very seriously but I don't exactly, I feel we do need common sense to prevail.

Pittsford: Margaret, may I make a comment on the Sidewalk Waiver real quick please?

Clements: Yes.

Pittsford: This is in my area, not like directly in my area but I have grown up traversing Woodyard Road quite frequently as a kid and all the stuff and I will tell you that I don't think you can build a sidewalk in any form or fashion that would cause me to want to walk along West Woodyard Road at any time of day or night. I don't think there is any way you can build one that somebody would say yeah, that would be a good idea let's walk down Woodyard.

Clements: Thank you Mr. Pittsford. I agree with you. Mr. McKim.

McKim: Madam Chair you presented 2 options and I think there is also a halfway point we could continue it to the Admin Session as we did with another meeting and hold the final hearing then if we wanted to have a little bit more time to think about it given it is 11 o'clock at night and not delay the petitioner that much. I am just suggesting. I am actually probably satisfied with it as is but.

Enright-Randolph: I agree with Geoff that if we don't move it with a positive recommendation we move it to the Admin so we don't stack our next meeting like this.

Pittsford: Hey, I am prepared to make a motion, please.

Clements: Ok, great, Mr. Pittsford.

Nester Jelen: Margaret, sorry, just real fast, I may have missed this because I ran to the restroom but did we ask for any remonstrance?

Clements: No we did not. Thank you. Are there members of the public that would like to speak in favor of this petition?

Nester Jelen: Not seeing anyone.

Clements: Are there members of the public that would like to speak in opposition to this petition?

Nester Jelen: Mitch Kyle, you unmuted.

SUPPORTERS— 2101-SPP-02, 2101-PUD-01&2101-PUD-02 – North Park: None

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REMONSTRATORS– 2101-SPP-02, 2101-PUD-01&2101-PUD-02 – North Park

Kyle: I am Mitch Kyle and I am here.

Nester Jelen: Ok, would you like to speak?

Kyle: Yes, I worked with Tammy and she did a really great job. I actually, she spoke about the apartments that I took over from my uncle and the people that live more south down the hill on Woodyard Road regarding us fighting to get city water and city sewer, that is not what we are fighting for. We are not fighting anything. We are more than happy to have an ambulance garage and something closer to Ellettsville, I have grown up here and grown up here all of my life but what we are worried about is there are multiple people that live downhill directly from where they are developing that and they have lost sewers, wells and anybody that has to deal with that, that is \$10,000 a pop. I have heard a lot of people talking about people wanting to build affordable housing in Bloomington and people being comfortable to live and there is nothing more uncomfortable than thinking everything is ok and waking up and realizing that your well has gone dry and you have got to spend \$10,000. I would just ask the county to ensure that nothing affects us downhill and that you would take care of us. That is all that I have to say.

Clements: Thank you Mr. Kyle. Are there any other members of the public that would like to speak in opposition to this project?

Nester Jelen: I am not seeing anyone Margaret.

Clements: Ok, back to Mr. Pittsford.

**ADDITIONAL QUESTIONS FOR STAFF –
2101-SPP-02, 2101-PUD-01&2101-PUD-02 – North Park**

Pittsford: I have a questions for legal real quickly before I make my motion. In light of Mr. Kyle's comments, my question would be is there any way and I assume that there is not that we could put a condition on this because it is not an approval, it is a recommendation for an approval. Is that correct?

Schilling: All of your recommendations for approval can include conditions.

Pittsford: Ok, can a condition be included that would make the petitioner liable for any damage to wells that result from blasting that's demonstrable?

Schilling: I think that liability exists without any condition.

Pittsford: Ok. I thought so too. I just wanted to be clear. I didn't want him to think that we were disregarding his concern because I feel like there is civil action there if you can demonstrate the consequence. I find it difficult to believe that there was no legal pursuit during the construction of 69/46 that resulted in the failure of well that didn't have some sort of law suit against the road developer but that was just my assumption so I wanted to be clear on that. Thank you.

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Clements: I just wonder, would hate for the people that lost their well to have to pay the expenses of legal of lawyers. Is there a way to mitigate that in the condition?

Schilling: Well, I guess I don't believe that you can and it would be an expensive proposition to make that proof.

Pittsford: Right. My guess would be that you would be asking them to assume liability without demonstration of cause, which I think would be unfair. So, I think if something like that were to happen then you just have to sue for damages and legal expense and have a compelling case. The more I thought about it after asking the question it was like we are asking them to assume liability before they actually do anything if we make that a condition of approval and I really don't think that would stand up legally. Would you agree, Dave?

Schilling: Yeah, I think that would not be something that would be related to your duties for your land use considerations.

Pittsford: Right I also don't believe it would insulate the affected from the possibility of cost I mean. We could say we are asking the petitioner to assume liability but number one we don't have standing and number two it removes the burden of proof on the affected party, which I don't think would have any legal standing in court. I have never put a condition on anything that required the petitioner to assume liability for acts that have not occurred. Does that make sense Geoff?

McKim: Yes.

**FURTHER QUESTIONS FOR STAFF –
2101-SPP-02, 2101-PUD-01&2101-PUD-02 – North Park**

Pittsford: With that said in cases numbered 2101-SPP-02, North Park Area B3 Preliminary Plat, which is a request for a request for a Waiver of Final Hearing, request for Street Tree Waiver, request for Sidewalk Waiver and a Plat Vacation of Lot 1 from the Ted Worley Addition Lots 1 & 2, Amendment to the Final Plat, case number 2101-PUD-01, Development Plan Lot 2, IU Health EMS, and 2101-PUD-02, Development Plan Lot 3, Mass Grading, I move that we grant a Waiver of Final Hearing, that we recommend approval based on the findings of fact and subject to the Highway and Drainage Engineer Reports, I move that we recommend the Plat Vacation of Lot 1 from the Ted Worley Addition Lots 1 & 2 Amendment Final Plat, that we recommend Waiver of the Street Tree requirement with condition that we recommend Waiver of the Sidewalk Waiver request, that we recommend approval of the Development Plan for Lot 2 under staff review and that recommend approval for the Development Plan for Lot 3 currently under staff review. That is my motion.

Guerrettaz: **Second.**

Wilson: In the interest of reflecting the excellent presentation Mr. Pittsford just made I am just going to take a vote. I vote in favor is a vote to approve the motion for 2101-SPP-02, 2101-PUD-01 & 2101-PUD-02. Again, a vote in favor is a vote to approve all 3 motions.

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Nester Jelen: Larry.

Wilson: Yeah.

Nester Jelen: Just to clarify, the **Street Tree Waiver Request with One Condition** I believe to expand on that one condition and Tammy can step in if I am wrong, I think the condition was if **they would have to plant the equivalent number of street trees that would have otherwise would have been required elsewhere on the site as approved by staff.**

Pittsford: **I am amenable to that as long as Bernie will include it in his second.**

Guerrettaz: **More than fair.**

Behrman: I would like to also add that there were still some outstanding things for the development plan of Lot 2 and Lot 3 under Exhibit 6 that need to be completed.

Pittsford: Then I would **amend my motion to say that any outstanding Development Plan issues must be resolved with staff before continuing to final approval.**

Guerrettaz: Where are those listed?

Behrman: Exhibit 6. It is the very last page of the packet and in here those are Lots 2 and 3.

Guerrettaz: I am sorry I hate to mess up the mojo here but I got to but what page is that again? What page is that Tammy?

Behrman: It is the very last page of the entire packet, 339.

Pittsford: Bernie, while you review that I will ask the petitioner's representative, Mr. Fanyo, if they have any issue with addressing those comments listed by staff?

Fanyo: I am reading through Exhibit 6 myself by I don't think see..

Guerrettaz: There are 9 items.

Behrman: Correct.

Fanyo: It looks like we have covered most of them anyhow. It says provide feasibility study or preliminary road design.

Behrman: I am only referring to the development plan. Preliminary plat is fine I would say.

Fanyo: Ok.

Wilson: Let me make a suggestion. Can we remove development plans from the motion and deal with that at the Admin Meeting so we can go ahead and get their subdivision approved?

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Pittsford: I am ok with that if the petitioner is.

Fanyo: I am not seeing anything in the development plan that is concerning.

Pittsford: Ok, well then I am going to **leave my motion as it is with the condition that petitioner reconcile all comments and concerns listed in this report with staff before final approval is granted.**

Wilson: Ok, let me call the roll on all 3 motions. Again, a yes vote is a vote to approve. Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas? Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes sir.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Yes. Julie Thomas? Ok. I will show the vote is 8 in favor and 1 abstention or 1 absent. All 3 motions are approved.

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The motion in cases 2101-SPP-02, North Park Area B3 Major Subdivision Preliminary Plat, 2101-PUD-01, North Park Area B3 Lot 2 Development Plan (IU Health EMS), 2101-PUD-02, North Park Area B3 Lot 3 Development Plan (Mass Grading), Plat Vacation of Lot 1 in the ‘Ted Worley Addition Lots 1 & 2 Amendment 1’, Street Tree Waiver Request, Sidewalk Waiver Request, Preliminary Hearing, Waiver of Second Hearing Requested, to approve all requests, with conditions attached to the approvals, carried unanimously (8-0).

REPORTS:

Clements: I would like to just take a moment to thank Larry for his good work up at the State House and adding language to a bill that prevented Plan Commissions from regulating timbering and Larry if you just take a few moments to tell us what you accomplished and I would like to thank you that and your expertise.

Planning/Wilson: I really don't want to take any time right now but tomorrow night, let's do this again tomorrow night.

Clement: Ok and I would be remiss if I didn't ask from Mr. Schilling if he had anything that he wanted to share tonight. Ok, so given that. Is there a motion to adjourn?

Enright-Randolph: I move to adjourn and I also move to thank everybody for their time today. Petitioners, public, staff, tsd, thank you.

Wilson: Thanks everybody.

Clements: Thank you everybody, See you tomorrow.

Legal/Schilling: No reports.

The meeting adjourned at 11:10 pm.

Sign:

Attest:

Margaret Clements, President

Larry J. Wilson, Secretary