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**MONROE COUNTY PLAN COMMISSION  
Virtual Meeting via ZOOM - Minutes  
July 20, 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, Julie Thomas, Jim Stainbrook, Trohn Enright-Randolph, Geoff McKim, Amy Thompson, Jerry Pittsford

**ABSENT:** *Julie Thomas, Bernie Guerrettaz*

**STAFF PRESENT:** Larry Wilson, Director, Jackie Nester Jelen, Assistant Director, Rebecca Payne, Planner/GIS Specialist, Anne Crecelius, Planner/GIS Specialist

**OTHERS PRESENT:** Michele Dayton, Tech Services, David Schilling, Legal, Kelsey Thetonia MS4 Coordinator, Lisa Ridge, Highway Department Director, Paul Satterly, Highway Engineer

**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, carried unanimously.**

**APPROVAL OF MINUTES**

**No minutes to approve at this times.**

**ADMINISTRATIVE BUSINESS: None.**

**UNFINISHED BUSINESS:**

- 1. REZ-21-1      The Trails at Robertson Farm Rezone from RE1 to MR Final Hearing.**  
One (1) 44.07 +/- acre parcel in Section 20 of Perry Township at 4691 S Victor Pike, parcel #53-08-20-400-102.000-008.  
Owner: Jsr Asset Protection Trust; Robertson, Janet S W/l/e 1% Interest  
**Zoned RE1.** Planner: [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)
  
- 2. Ord #2005-32      Harrodsburg PUD Extension Request Preliminary Hearing.**  
Two (2) 6.60 +/- acre parcel in Section 29 of Clear Creek Township at 9300 block of S Harrodsburg Rd (Parcel #: 53-11-29-300-047.000-006 & 53-11-29-301-044.000-006). Owner: Miller-Robertson Inc.  
**Zoned PUD.** Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)  
**\*\*\*CONTINUED BY STAFF\*\*\***

**NEW BUSINESS:**

- 1. PUO-21-1      P & G Planned Unit Outline Plan Preliminary Hearing.**  
**Waiver of Final Hearing Requested.**  
One (1) 4.93 +/- parcel located in Section 29, Perry Township at 5100 W Victor Pike. Parcel number: 53-08-29-200-023.000-008.  
**Zoned PB.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)
  
- 2. SSS-21-5      Lasuertmer Sliding Scale Subdivision Preliminary Plat Plat Vacation Request.**  
**Road Width Waiver Request.**  
**Preliminary Hearing.**  
**Waiver of Final Hearing Requested.**  
Two (2) parcels on 10 +/- acres located in Section 23 & 24 of Washington Township at 4501 E Streach RD.  
**Zoned AG/RR.** Contact: [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)
  
- 3. PUD-21-5      Westgate on 3rd Development Plan Preliminary Hearing.**  
One (1) 37.99 +/- acre parcel in Section 2 of Van Buren Township at 4755 W State Road 48. **Zoned PUD.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)
  
- 4. ZOA-21-6      Amendment to the Monroe County Zoning Ordinance: Amendment to Chapter 802**  
Amendment to Home Based Business, Home Occupation, General Contractor, and Artisan Crafts.  
Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

DRAFT

**5. ZOA-21-7**

**Amendment to Monroe County Zoning Ordinance:  
Amendment to Chapter 813**

Amendment to add conditions for General Contractor in AG/RR, CR, and FR

Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

**6. ZOA-21-8**

**Amendment to Monroe County Zoning Ordinance:  
Amendment to Chapter 815**

Amendment to require certified site plans for new residential development.

Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

**REPORTS:**

1. Planning: Larry Wilson
2. County Attorney: David Schilling

## UNFINISHED BUSINESS

### 1. REZ-21-1                      **The Trails at Robertson Farm Rezone from RE1 to MR Final Hearing.**

One (1) 44.07 +/- acre parcel in Section 20 of Perry Township at 4691 S Victor Pike, parcel #53-08-20-400-102.000-008.

Owner: Jsr Asset Protection Trust; Robertson, Janet S W/l/e 1% Interest  
**Zoned RE1.** Planner: [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

### **STAFF ACTION:**

Payne: Thanks Margaret. I am going to let Jackie run the PowerPoint presentation. This is a rezone request from RE1 to Medium Density Residential. This is the final hearing and it is for one 44 acre parcel of land in Section 20 of Perry Township at 4691 South Victor Pike. The petitioners are here tonight requesting to the Medium Density Residential zoning classification. They have been before you in the past with first a request for a PUD and then a request to HR and after some discussions with Planning staff and other input they have altered their proposal so that it is now a request to Medium Density Residential. The purpose of the request is to develop the land in order to create obtainable middle class housing in Monroe County. On this slide I just included the text from the petitioners officially requesting the change to the MR zone request. Next slide. The petitioners under this proposal are requesting a mix of housing types that includes single family homes. They are anticipating about 125 lots. That is a decrease from their original rezone request of HR. In the MR zone it allows for a density of 4.8 lots per acre and the proposal includes 2 ingress/egress points at South Victor Pike, as well as one connection to the Clear Creek Trail and another connection to the Bloomington Rail Trail. Next Slide. Because you have seen some different iterations of this proposal I just wanted to provide the latest updates to you. When the petitioners decided to change their zoning request to MR they did follow the proper channels as required and did notice for this new revised request. Also in you packet, I know it is a pretty lengthy packet, so just wanting to point out some additions so nothing gets lost in the volume. Since it has changed to an MR request we did receive additional postcards in support of the MR zoning and additional letters of opposition. Here we have the site conditions map. This is a good bird's eye view of the property and of course we are considering the rezone tonight so individual lot level detail will be looked at in the platting process if this does get approved. But here you can see that when you subtract for roadways and other areas that cannot be built upon, you essentially are left without 27 acres and if you divide that by the 0.21 lot size you get about 128 lots. Once again, the petitioners are proposing 125 in this development. Bringing you up to date on the Drainage Board. The Drainage Board has heard this proposal. They have reviewed the plans to date. Most importantly to note, the final drainage plan will comply with the new critical drainage watershed requirements and there are 4 areas designated for detention. These will allow for adequate storage based on the release rates that were provided. The existing culvert that is under the Clear Creek Trail at the moment does adequate capacity for the 100 year floodplain event. The project will not adversely impact the floodplain sinkholes or delineated wetlands and if there are trees that need to be removed for the construction of detention ponds, they will be replaced at a ratio of 1 to 1. Those are notes from our MS4 Coordinator and some information from the Drainage Board as they considered this proposal. The petitioners are working with our Highway Department to get their proposal to satisfactory state. They are I think close at this point to meeting all of the requirements.

So, we don't anticipate at this point in time any major concerns coming out of the Highway's review of this proposal. Regarding will serve and capacity letters; Center Point will be providing the natural gas. Sewer there is a will serve capacity letter on file from CBU. The water will be provided by Southern Monroe Water Association and Duke has agreed to provide the electric. Just a note from the Fire Protection District they aren't going to provide at this point fire hydrants but the Fire District Engineer confirms that capacity for full fire hydrants would require private lines and an entity to maintain them. Sorry, I am getting flashes on my screen here. Overall, the Planning Department staff does give a positive recommendation for this proposal, this rezone request to Medium Density Residential based on the findings of fact, subject to the County Highway and Drainage Engineer reports. Based on findings of fact and in accordance with the Monroe County Comprehensive Plan, staff recommends Medium Density Residential zoning as an appropriate zoning designation for this site. This recommendation is based on the following; Medium Density zoning is a transition zone between the northern higher density neighborhoods in the southern lower density zoning districts and also the proximity to trails is an asset. Furthermore, the Comp Plan supports Medium Density Residential zoning. Other approximate parcels are zoned similarly under the Comp Plan and are currently zoned MR. Next slide. Just a quick review of the meeting timeline because this has gone through several meeting sessions. It was reviewed by the Plan Review Committee in May. Plan Commission Administrative meeting in June and then back to the Plan Commission regular in mid-June. Plan Commission Administrative again on July 6<sup>th</sup>, that was to hear it as the new request for MR zone and here we are tonight at the regular session. The petitioners did request a Waiver of Final Hearing. So, the next step would be going in front of the County Commissioners. Tonight we are looking for a recommendation from the Plan Commission related to the rezone request to MR. Options are to vote on the rezone request to Medium Density Residential tonight and waive the final hearing or do not waive the final hearing and request this case be advertised as Medium Density Residential zoning at the August PC meeting. That is kind of the options before you. If this rezone request is approved it will proceed to the County Commissioners for a final vote and if it is denied, a negative recommendation from the Plan Commission proceeds to the County Commissioners again for a final vote. That is the sequence of events that happens after tonight. With that, I will take any questions.

### **RECOMMENDATION**

Staff gives a positive recommendation based on the findings of fact subject to the County Highway and Drainage Engineer reports.

### **QUESTIONS FOR STAFF – REZ-21-1 – The Trails**

Clements: Do members of the Plan Commission have any questions for Rebecca? Mr. Pittsford.

Pittsford: Bear with me I have several. First of all, I got the impression from one of the emails from Mr. Loftman, that they felt like the notification standards did not or the notifications did not meet the County standards. Is that correct or not? That was one of this challenges.

Payne: Ok, sure. Dave Schilling are you on?

Nester Jelen: I don't see Dave on the call at this point.

DRAFT

Schilling: I am here.

Nester Jelen: There you are Dave. Do you want to respond to the Guy Loftman letter stating that the letters were not sent certified mail or do you want me to start out responding to that?

Schilling: Well, if respect to certified, certified is not required. Accountable mail is all that is required for a PUD Outline Plan and generally the rule in Indiana is that if there are notices on the, or mistakes on the notice that those notices are still effective as long as they are not so misleading that people don't have right to appear and speak. In other words, if the notice is sufficient to give you an idea of what is going on when it's going on and you show up and talk about it, then the purpose of the notice has been met. Even if there are mistakes on it.

Pittsford: Ok, so can we all agree and Madam Chairwoman I am going to ask your opinion on this as well, can we all agree that there is no material deviation on the notice that would indicate that the neighbors were not sufficiently notified?

Clements: Well, I would like to take that to a vote to the members of the Plan Commission to see if they believe that the notice requirements were met.

Pittsford: Well, then **I am going to make a motion Madam Chairman, if I may, that we enter into the record that the notice given was not sufficiently deviating from the material content of the meeting as to be misleading and that we accept the notifications sent out as sufficient to meet the standards.** That is my motion.

McKim: I will **second** that. But I also have a question.

Clements: About this item, Mr. McKim? Yes, please ask the question.

McKim: Yes this is actually a clarification on something that Mr. Schilling said. He specifically said that accountable mail was sufficient for a PUD Outline Plan but this is actually a rezone. I just wanted to make sure that that was a misstatement and he also meant for a rezone the class of mail that was used was sufficient.

Schilling: Yes. The PUD Outline Plan is a rezone.

Nester Jelen: Sorry, this is not a PUD anymore. Dave it is general rezone.

Schilling: Ok, let me see. Map amendment and, yes the notification requirements are the same for both of those items. So, it would be accountable mail for the rezone.

McKim: Thank you.

Pittsford: Chairman, can we continue with the vote, please?

Clements: Yes. Please Ms. Nester, would you please call the roll?

DRAFT

Nester Jelen: Sure and just to verify with Mr. Schilling, this is a requirement in the rules of procedure and the notification requirements that were referenced by Mr. Loftman came from the Subdivision Control Ordinance, which is not applicable to a rezone request. So, I just want to make sure we are calling the roll on the notification requirements be met. Is that something that we can proceed with Dave before we hear the petition?

Schilling: Yes, I believe so.

Nester Jelen: Ok. I will go ahead and call the roll. Geoff McKim?

McKim: Yes.

Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes and I would like to mention that Mr. Stainbrook had left a message in the chat that says unable to access zoom, so he may not be able to speak or vote. Just wanted to bring that to everyone's attention.

Nester Jelen: Ok. Amy Thompson?

Thompson: Yes.

Nester Jelen: Dee Owens?

Owens: Yes.

Nester Jelen: Jim Stainbrook?

Stainbrook: Yes.

Nester Jelen: I can hear you Jim. Jerry Pittsford?

Pittsford: Yes.

Nester Jelen: Margaret Clements?

Clements: Yes.

Nester Jelen: Ok, so **it was approved unanimously that the notice was sufficient.**

Pittsford: May I continue with my questions, Madam Chairwoman?

Clements: Yes, Mr. Pittsford, thank you. Please proceed.

Pittsford: Excuse me. My next question is what the estimated time of retention of water in those detention ponds that were called into question in so many of the remonstrance against this? I know

DRAFT

it was noted in the report but I wanted to hear it, please.

Payne: Noted in the Drainage Board report or the MS4?

Pittsford: Yes Drainage Board. I started to say M4 Coordinator but I wasn't sure if I had the right number on that.

Payne: MS4 Coordinator. Jackie, do you think that we can access that report?

Nester Jelen: Sure and I think Kelsey is also on the call.

Pittsford: I would accept a response from Kelsey.

Thetonia: Jerry, could you repeat your question please?

Pittsford: I wanted to know the estimated time of retention of water in the detention ponds would be because there was an expressed concern about standing water and the hazard of people being in those ponds and I assume possibly drowning.

Thetonia: Ok. The detention ponds are going to be designed so that they drain within 48 hours or less. I will also work with them on standards for certain steps of water. I think the County holds it to 4 feet but basically if it gets to a certain depth then you design benches on it so that you can have not just one big shallow pond but you will have safety benches and benches for access and things like that. They will be dry all of the time.

Pittsford: Ok, so there is an opportunity for revision should the drainage not occur in 48 plus or minus hours so the design would still create a safe impoundment of water. Is that correct?

Thetonia: Correct.

Pittsford: Ok, thank you. Next question. Is Center Point Vectron? Because we had a letter from Vectron but you referenced Center Point.

Nester Jelen: They did change names, Jerry. I actually have Vectron and it switched to Center Point so I can verify that with certainty.

Pittsford: Ok, well, that was a little shift that I was not aware of. The next question is we have to in my opinion anyway, we have to consider what the timeline is for annexation. We know that our friends in the City of Bloomington are very anxious to begin their annexation first with the most taxable portions of the former Fringe area but what the timeline on this area down in Clear Creek or do we even know?

Nester Jelen: Timeline for annexation, Jerry. Is that what you are asking?

Pittsford: Yes. Is there a stated timeline from the City of Bloomington on when they intent to annex in this area? I have long maintained that we have an obligation to zone and build according to that



potential annexation when it is intending and by that I mean within a 10 year period of time. So, my question is if they are 10 years or less away from annexing here, we may as well go ahead and zone it as if it's urban.

Nester Jelen: This is identified in one of the areas intended for annexation under the latest submittal by the Mayor and the City of Bloomington, so this is just the very southern edge of the annexation area and as I understand it, I may be wrong so I can check while we are asking other questions but I believe that the annexation is to happen all at once and the timeline for that effective date of that annexation would be 2024.

Pittsford: Ok, so we are within a 10 year period of time when we could conceivably see this property actually considered to be part of the urban planning district of the City of Bloomington. Is that a correct statement?

Nester Jelen: If annexation does go through and this area is included in that annexation then it would be in the City's jurisdiction as planned right now in 2024.

Pittsford: So, less than 5 years away even.

Nester Jelen: Yes, that timeline says correct.

Pittsford: I don't want to be label the point but I want to be really clear about what I am saying here because we have dealt with this nonsense for as long as I have been on the Plan Commission and if the City of Bloomington is actually now at a point where they are serious about doing aggressive annexation then we should quit pandering to the idea that we can zone these things as if are they going to be suburban or even qui-rural if the intention is for the City of Bloomington to annex them, then we should treat them if they going to be annexed into an urban area and follow an urban format. That is just where I am coming from. I have seen this happen now in 2 cases before this one and I just want to get that on the record because I really tired of seeing a situation where approach this as if we understand what is happening with the annexation and then we are treated as though we don't know anything despite the hours and days of effort put into these processes. Then to be voted down by 2 or 3 people in the County Commissioners office. I just wanted to get that on the record and I know that I am being very strident know and Madam Chairman I beg your indulgence but I wanted that to be part of it. To that end, I would also ask the question should be just go ahead and waive the final hearing and move this on to the Commissioners and let them do their deal with it and just quit messing with it? That is going to be my position if I get a motion. I promise you I will be requesting a waiver of the final hearing. Thank you very much Madam Chairman.

Clements: Thank you Mr. Pittsford. Are there other members of the Plan Commission who have questions of the Planning staff or any statements they would like to make in response to Mr. Pittsford's statements?

Enright-Randolph: I have a comment. Currently we are designated as Plan Commission members. We are appointed by the County Commissioners or we are ex-officiated by our positions. Me, I am voted into this chair and into this job. Mr. McKim, he is representative from our County

Council. Amy Thompson, she is in this role due to her job as well and also Julie Thomas is the representative of the County Commissioners. We are the stewards that oversee the growth in this and we have an ordinance now that we are able to implement that may not be the same if it is annexed. As stewards of the growth of this community, I find his statement very powerful. We need to look at what is best for the community in the growth, not what our fears or concerns may be due to what the annexation may, what parts of the county may/may not annexed. Right now we are able to have direct input in our ordinances, which allows us to more guidance being stewards of this part of county.

Clements: Thank you Mr. Enright-Randolph. Mr. Pittsford and then Mr. Stainbrook.

Pittsford: Yes, just really quickly I wanted to respond to Trohn. Trohn, at the time when the Areas Intended for Future Annexation or the 2 Mile Fringe was originally established, it was incumbent upon the other local planning originations to keep that in mind as they move forward and that is really the reason for my statement. If we have significant reason to be believe and I believe that we do now, I think we have seen the limitations of annexations on the City of Bloomington's part challenged in the county system and they have been given the go ahead we see that there is no limit within the Indiana General Assembly on their powers. So, if they are telling us they are going there then I think we should plan as if they are and that is simply my point. Again, I don't wish to be strident. I just really want this to be brought to the floor so that we quick pretending and spending so much time as if this is not an issue. It is an issue and it is a significant issue and if we really want to start a fight to keep these things within the control of the county, then the county ought to be taking the position on the City of Bloomington's annexation plan.

Clements: Thank you, Mr. Pittsford. Mr. Stainbrook.

Stainbrook: Margaret, are you able to hear me?

Clements: Yes.

Stainbrook: You do hear me?

Clements: Very well, thank you.

Stainbrook: I had a little difficulty hearing you and I am so perplexed, although I am knowledge that I am not tech savvy but savvy. But I have had an awful time this evening and having said that I would like to take note of Jerry's closing comment and emphasize that this is going to the Board of County Commissioners. We are acting in an advisory role. I should knowledge, I suppose that I also listened carefully to Trohn's comment. I believe though Madam Chair that the question whether it goes to them with our advisory recommendation being aye or nay. Do we recommend having spent the time that Jerry has eluded to? But ok, point being. This is going forward to the Board of County Commissioners. There is no doubt about that. I understand Jerry. The question is does it go forward with a favorable recommendation from this group? Thank you, Margaret.

Clements: Thank you, Mr. Stainbrook for your clarifying comments. I always find your comments to be very poignant and right on target. Since Mr. Pittsford has discussed annexation and City's

plan, during this process of annexation is one of the few times that county residents have an opportunity to weigh in and they can do it through the remonstrance process. We don't know yet if this area will be annexed or will not be annexed. I do know that there are neighborhoods in Area 1B that are mounting a petition campaign in the hope to get the 65 percent of the signatures that would defeat annexation. There are a number of people who don't like the way that the City is proceeding and there are a number of people in the county who feel this is their opportunity to have a right to say how the County should be developed. So, since you brought up annexation Mr. Pittsford, let's be accurate. It has not been achieved yet. The City Council has not voted on it yet. The County residence has not had a chance to remonstrate or even sue the City if they have 51 percent opposed to annexation, so it is not a done deal. Until that time takes place I think that we proceed as Mr. Stainbrook mentioned with a recommendation of approval or denial and a waiver of the final hearing or not a waiver of the final hearing. Mr. Pittsford, you have our hand raised so I will recognize you again but thank you very much for hearing me on that point.

Pittsford: Thank you and I did hear you Madam Chairwoman. My concern is this, we are planners. We don't act on what is on record. We act on what is potentially on record and we have a very, very clear indication of an aggressive annexation program that is going to move forward and we have a very clear record of County Commissioners who do not wish to see any kind of urban form development in the area where this development is proposed. So, if that is case if we are not going to plan as if this is going to be annexed then the City of Bloomington is going to be hamstrung in their annexation efforts. If that is what we are after, then great. Let's go ahead and do it. But let's apply it universally. So, my concern here is when you plan you don't act as if you know what is going to happen, you act as if you know what is potentially going to happen and we have a very clear indication right now that the City of Bloomington intends for this part of the county to be incorporated into the urban limits of the City of Bloomington and we should plan accordingly.

Clements: Thank you, Mr. Pittsford. I beg to differ with you on that planning right now. Planning says that it is RE1. That is what this is zoned. Nothing about the land has changed since the RE1 zone was designated for this piece of property and there is request on the table to do a Medium Residential density housing development and we will proceed with the consideration of the approval or denial of that request. MR. Stainbrook.

Nester Jelen: Jim, you are on mute. You will need to press \*9.

Clements: \*6.

Stainbrook: Evening with this. I had the computer worked on so that that problem may generate right here with me at home and I am sorry about that. But again, I am listening to Jerry and I think it is helpful but I don't know myself that the City has planning designation known as urban. I thought that just a real good point that in life for instance we plan as best we can but we don't know about tomorrow. The good Lord hasn't given us tomorrow yet. But I just don't know the planning categories. I don't know what first of all, it is still hypothetical according to some people who are opposed greatly to the annexation. Yeah, maybe it is going through. If I had to guess I would probably guess and bet my money with, well, I don't want to get into that. I don't like the thought. But it is somewhat hypothetical still whether the annexation will go through. If it were to

DRAFT

go through for my part, I don't know what the possible zoning designations would be for that area by the City's planners, Plan Commission and Mayor Hamilton. I know they have got some real good people in the Plan Department there in my opinion but I don't know. I don't know what those people would do. I am sorry. That is too long winded to try and make a point. Thank you.

Clements: Thank you. Do any other members of the Plan Commission have any other comments at this time or questions of staff? I don't see any. So, we will open the floor now to the petitioner. Is the petitioner here or the petitioner's representative and would you like to address the Plan Commission?

**PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-21-1 – The Trails**

Schmidt: Rebecca? Jackie, can you hear me?

Nester Jelen: Yes, Kevin I can hear you and I am promoting Daniel. Tech services, can you help me promote Donnie?

Schmidt: Can you also do please Mike Carmin? And, sorry Jackie there is one more. Jeff Fanyo.

Nester Jelen: Jeff Fanyo, ok.

Schmidt: I just wanted to make sure that all of them have the ability speak at any time during this presentation.

Nester Jelen: Ok. So, Kevin, Daniel, Mike, Jeff, Donnie, who would like to speak first?

Schmidt: I think Donnie is going to go ahead and get started.

Adkins: Good evening everyone. Jackie, could you put out presentation on please?

Nester Jelen: Yes.

Schmidt: Jackie, I think the phone number for, do you want me to read you the phone number in case you can't see the name?

Nester Jelen: For?

Schmidt: I think it might be for Danny. 812 332 8030.

Butler: This is Daniel. It worked. Thank you.

Schmidt: Ok, I just want to make sure everybody, Mike can you just confirm and everybody confirm that they can talk?

Carmin: This is Mike Carmin. I should be on.

DRAFT

Schmidt: Winning. Alright, thank you so much.

Fanyo: Jeff Fanyo.

Schmidt: Thanks Jeff.

Adkins: Alright, I will kick it off. Jackie, if you could go to the next slide please. Good evening everyone. It is great to see you all again and we really appreciate your patience and fortitude as we have continued to refine our plan to meet some of your requests and to work in a very collaborative way with the Planning staff as well. We are very proud of the plan that we now have and how it has matured up to this point and we are very pleased that we can take you through it further tonight again. So, thank you all for joining. We have talked a lot about the specifics in the past and we will get into some of the specifics tonight as well but I wanted to make sure that we started off with the vision. Hopefully we will get a solid vote tonight and before that we really wanted to make sure that our vision could sink in. We talked about what our inspiration is too and this neighborhood amongst our team we really talk about how we want it to be a new bench mark of quality and a desirable place that has a lasting legacy for Monroe County. That has been our goal all along and that is why we have put so much effort into this and that is why we worked so hard with the Planning staff and some of yourselves as well and the traffic folks. It has been a tremendous effort and we have come a long way. So we really appreciate everyone's efforts. Along those lines like we have talked about before we really want to keep the family focus. This place, this plot of land is such a gorgeous piece of property that was used to raise 3 girls on by the Robertson family and it is such a great vision that that is going to translate from one family into many more. When we look down the road that is where we see this neighborhood going. We want to make sure it is obtainable for middle class families. We have dropped the HR request, so we had to potentially lose some of our lower offerings but we are still very confident that we can build houses that are obtainable for middle class families. We want to make sure we respect and remain well connected to the environment and being in that setting so close to the trails on 2 sides with the gorgeous trees and the parks we are going to build it will be such a beautiful place in the end. Our keystone, the real keystone of this is that it will leave this legacy that will be well known throughout the county that many families will want to come and live in. Jackie, if you could go to the next slide. I think everybody has seen us a lot and again we appreciate your indulgence and patience but we did want to just spend a few minutes on all of the steps and how long and how much effort that has gone into this process. So if you look back we put the initial submission in. It was a PUD back in November and since then we have worked very collaboratively with all of the different resources and personnel to get to where we are today and so this thing just to remind everyone has matured. Our plan matured from a PUD to an HR request and now it is an MR request. We couldn't be more proud of that collaboration and that we have obtained a recommendation for approval from the Planning staff. Again, can't say enough that we appreciate all the efforts from that team and yourselves as well. We are here now, 6, 7, 8 months later and really can't say as much how much effort has gone into this across the design and engineering. So, thank you all for your time and I will hand it off to Kevin for the specifics.

Schmidt: Thanks Donnie. If you can see here we are going to spend most of our time going through some of the things that have changed since our last meeting, the first meeting of this request. The primary is that we changed from an HR to an MR rezone to develop about 125 homes. Again, we

are now as Donnie said have been working in lock step with the Planning staff and achieved a recommendation from them and believe that this is very much in line with the Comprehensive Plan. I know that there was a statement made that this land has not changed and it was zoned RE1 but if you look at a Comprehensive Plan, which was done a little less than 10 years ago it had always planned on this land being something different than RE1 and we are just trying to achieve that plan. It allows building of more attainable houses. Again, as Donnie mentioned we lost some of the ability to do some of the lower offerings when we lost the ability to have smaller lot sizes in specific areas. But we still maintain the 300-400 range and that is versus an RE1 zone that would be over \$700,000, which again I believe everyone saw last time was in our backup slides. That is a very saturated market currently. So, not something that the county is looking for. The second bullet on drainage design, again, was approved by the Drainage Board. It meets all of the critical watershed requirements and reduces runoff by more than 80 percent. So, I think we will talk more about that later but given some of the storms that have happened in the last month, I think this would be a welcome addition to the area. Aligned planned for approved on South Victor Pike with the County and Highway Engineers to not impact that traffic in the area. Again, I mentioned in the beginning we do have approval from them with the upgrades that are proposed that that is an approved plan and they have given us our blessing. So, that is fully achieved. South Victor Pike has a 90' right of way and is designated as a major collector. So, in the planning phase when the County laid out the roads and the Highway Department laid out the roads, this was always indicated to be a road that would increase in size and be able to handle more traffic. We did some looking at estimated with a 125 homes and found that the estimated is at peak hours so this would be rush hour times in the morning and in the evening would be 98 trips per peak hour. So, if you think about that that is adding about one and half cars per minute, which as you can imagine is not a significant increase for a road of that size and really does not given the experience and expertise of the Highway Engineer believe that with the added upgrades will not have an impact to the local community. Confirmed in another question last time was insurance rates. I think the statement was that they would be significantly higher because of what we were planning. We found that to be not true. When we did the research we confirmed the insurance rates are not significantly impacted by allowing parks to be open to the community and this is primarily because whenever an insurance company supports an HOA they always assume any park is open to the public. Because as you can image it is very difficult to keep people away. So, they always error on the side of caution, which is primarily how insurance works and then any of the other risks they believe could be managed. So, the HOA insurance we don't believe is an impact and should not be a problem. This was suggested or requested last time. Confirmed no significant impact on karst wetlands and floodplains as the development will not disrupt them. Again, I think you guys heard from the expert, Jason Krothe, he indicated that this area in land is no different than the rest of Monroe County that has similar karst features, does not anticipate finding new karst features during construction and is very confident that the development has protected not only the karst features but the wetlands and the floodplains associated with this area. The unique amenities planned to add the community anchor and again we talked about this before but some of the pictures are in the backup for those of you that have not seen park, the dog park, community orchard, garden, and etcetera. So, just a really focus as Donnie mentioned on being a keystone of the community. The last thing was a revised development plan with the Trails. Many times over the 8 months and we really have focused a lot on the feedback from our neighbors, Planning staff and the Planning Commission Members, so I think we mentioned last time but I will say it again that we have answered over 200 plus questions from our neighbors. We have given then every piece of

information that we have and in fact offered to provide them drainage information, all the details about our drainage, received no takers on the offer but did offer that out. The next slide. Thank you Jackie. This is just a summary of the change to the MR rezone from RE1. If you remember last time we had a similar slide but it was HR rezone with a cap of 160 lots to RE1. So, I will just go through this. MR rezone is a line to the Comprehensive Plan objectives, which I think Rebecca very eloquently articulated. The MR rezone is aligned with recommendation by the Planning staff. The MR rezone increases the Trails ability to meet the intent of the Comprehensive Plan, which says housing choices among the full spectrum of demographic groups, which is not really possible in RE1. You can imagine there is a lot more diverse individuals that can handle \$300-\$400,000 homes versus \$700,000 plus homes. Medium Density Residential allows the best pricing and more attainable homes versus current zoning RE1. You can see the updated details from the MR zoning plans target pricing if you look at the picture to right. You can kind of see this would be the new layout. This would be right now showing 125 lots and it gives an indication of our target lot size. You can again see that our average lot size in the blue area is about 0.22 and in the green area 0.25. The MR rezone allow the Trails to meet the needs of the county's families, who currently have very few home offerings in the 300-400 range and it is a line that the President of the Planning Commission, President Margaret Clements, to build more single family housing to meet the needs of our true constituents, as the Trails is 100 percent single family homes. I will let Dannie take this slide.

Butler: Hi, everybody. This is Daniel with Bynum Fanyo and Associates. I wanted to talk a little bit about traffic. I think Kevin has already talked about this but the kind of road width we will see out here is similar to other road widths that you will see around that county that have 2-way traffic. This is considered a major collector so it is built to collect traffic. We have been working closely with the Highway Engineer and there will be a need for left turn lanes into our development so we are going to introduce those. Everything was approved through him on that plan. Just to reiterate this is introduce about 98 trips at the peak hour, so that is only the worse possible hour. That is probably around that 5-6 time frame when people are coming home from work but total through the day there could be about 5-6 trips per house for the whole day and also to reiterate those numbers are created from the ITE Trip Generation Manual that Highway and Traffic Engineers use to develop an expectation for traffic in an area. That is not taking into account though, we haven't lowered those numbers with a consideration I know I do and I know some others do, bike to work from time to time. I do myself. So, that would take those trips off of that road being next to the 2 trails in a direct route into the heart of Bloomington. But we kept that as the ITE Trip Generation Manual. So I will speak on that for now.

Schmidt: Thanks Daniel. Yeah, again, I think the key focus there what Daniel is saying is we believe really truly given other roads in other locations that this is something that can very easily be managed with the right engineering and we believe with collaboration with the Highway Department we have done that and will continue to do that. Alright, so final slide here. Just try to summarize everything of where we are here. 120-130 single family homes. Again, just trying to allow people the owners who will own these homes the opportunity to invest in the community and in the county and in this area. The Trails is focused on high quality attainable homes. We have talked about this many times but it is really important to us. The neighborhood will feature amenities that will set a new bench march for families to enjoy. The development plan is truly guided by and follows the Comprehensive Plan. We really have utilized a number of local experts

and will continue to do so throughout the development to get what we believe and I think what a number of other people believe is truly a world class development. Planning staff has recommended approval. Again, Donnie mentioned the timeline that it has taken us to get there and the work that we have done with them and we were really appreciative of their support. We have had just a significant amount of collaboration with the neighbors over the last 7 months. There have been obviously a few that we understand are not going to get on board with what we are trying to do and we totally respect that and understand that. One of the things that we did want to do over the last probably 3-4 weeks was make sure that everyone around us and this was 40 plus people in the surrounding area had the actual latest information. Because not everyone has the time to come to these meetings and see all of the presentation so we sent it on to the Planning staff. But we sent a letter, a 3 page letter, as well as a 7 or 8 page package of some of the details in here to ensure that all of the neighbors had the latest information. We have spent as much time and money as we can to do that as well as set up a website for them to review the latest slides and email address and phone number for them to contact us if they have any questions or concerns. So, we really have taken their feedback and input seriously and we do truly believe that what we are going to do is going to build a better community in the area and that there has been a lot of inaccurate or false information or unclear information out there. So, we wanted to make sure that everyone had the latest information. The small modifications to South Victor Pike, the major collection, will really accommodate the additional traffic and our robust design will reduce rainwater effort significantly. We do truly believe that the unfortunate storm event that happened on June 18<sup>th</sup> that we would be able to reduce a lot of local associates with us. The last piece in here before I read one of the letters from one of our local neighbors is the density. I think there has been a lot of talk about density in the area that it is in the past meetings the discussion was that we are more dense than the surrounding neighborhood. We have shown that is not the case. Our actual density currently is 2.8 lots per acre, which that actually is a kin to low density residential. Again, we really do believe that this is a good medium. It is a good compromise between what everyone is looking for and the amount of work and collaboration that has gone into this is really important. So, I am going to jump to reading a letter from one of our 3 neighbors. Our 3 closets neighbors have all given us significant support in what we are doing. So, I am going to jump to page 204 in the package if anybody cares to go there. It is a letter from Mr. Keith Abram. It says, to who it may concern. I am directly adjacent property owner of the Robertson Farm. We share a fence and I support REZ-21-1. The developers have shared their plan with me and I find it extremely well thought out and very considerate of the surrounding neighbors, specifically their plans for drainage to reduce the runoff by a very large amount will be a big help to the surrounding properties. I have heard concerns by others on traffic and I do not believe 125 families will make a large difference on Victor Pike especially with enhancements the developers...

Clements: This is not an appropriate place to be reading letters in favor of remonstrations against the proposal. If the person is interested in to attend the meeting or submit that letter in writing for those in favor or those opposed to the proposed project that would be an appropriate thing to do. But not to have you read the letter on their behalf. I am sorry Mr. Schmidt.

Schmidt: I am just finishing my presentation, Ms. Clements.

Clements: I am sorry Mr. Schmidt that is not an appropriate part of your presentation to include the comments from the public at that time. They are not invited yet. So, if you would conclude



with your own words that would be an appropriate thing to do.

Schmidt: Ok. I am not sure of the basis for that but I will conclude. I guess the conclusion we are going to continue with is we believe you can see in the remonstrance, there is a significant amount of upper remonstrance. However, a lot of it is duplicative and/or old and outdated. So, I think I would like to maybe pass it over to Dannie who is going to speak on behalf of the storm that happened on June 18<sup>th</sup> and maybe give a little bit of perspective about what we believe we will see in this area versus some of the other developments he has been working on.

Butler: All I wanted to add is I regularly during the storm that I believe that was Sunday night that had a large flood impact I did go out to one of our sites, the Wick Apartments project to take a couple of measurements and see how high some of those storm events got in our ponds and it was in line with what we had anticipated in our calculations and we did not have any flooding in that area because of that. The calculations that we are giving you we believe will help, obviously may not solve the flooding that happens downstream but we do anticipate this will help the runoff coming to Clear Creek by about 5 times partially because of the new requirements the County for the critical watershed in line with possible global warming and events and it is appropriate to have that amount of detention on our side. That is all that I will add to that at this time.

Clements: Thank you very much. Do members of the Plan Commission have questions for the petitioner or the petitioner's representatives?

Enright-Randolph: I have just one. Sorry, I wasn't able to raise my digital hand.

Clements: Go ahead, Mr. Enright-Randolph.

Enright-Randolph: Daniel, Mr. Butler, would you speak and if you are not exactly sure could Kelsey Thetonia speak to when about did we just change the rates for drainage in a critical drainage area? That was something recent and I just wanted to make note.

Butler: Sorry, go ahead.

Thetonia: October 2020.

Enright-Randolph: My point there is we have heightened the release rate in our critical drainage areas through the Drainage Board, which I am also a member of just recently. So, they are now meeting higher flow rates than or more restrictive, I am not sure of the proper term, than what was just previously allowed for other developers in this area prior to that date.

Clements: Ok, thank you Mr. Enright-Randolph. Are there any other questions from members of the Plan Commission to the presenters and to the petitioners? If there is none, I would like to open the floor to public comment and each commenter has 3 minutes to speak. We are asking first for commenters from those in favor of the petition and then we will hear from those opposed to the petition. Each person has 3 minutes to speak. So, if members of the public could raise their hand and staff if you would be so kind as to help organize the presentations. I think Mr. Anderson had his hand raised first and if you could put up the clock for the 3 minutes.

DRAFT

Nester Jelen: Tech Services, do you want to have the clock as your screen share or do you want me to screen share the 3 minutes? Perfect, thank you.

### **SUPPORTERS – REZ-21-1 – The Trails**

Anderson: Hi. My name is Christine Anderson. Can you hear me?

Nester Jelen: Yes.

Anderson: I am the 3<sup>rd</sup> daughter of Don and Jan Robertson. Jan Robertson is the property owner and I wanted to speak in favor of this proposed development. From the earliest age I was told by my parents that the farm, as we called it, affectionately or the property would be perfect for development. As I grew I watched development happen around us. Across the street Earl Moore's place was subdivided. Later the Bailey Dairy Farm was subdivided on That Road and the later the Deckard place was created into the Eagle View Neighborhood. Our family viewed this growth as good growth that made sense. It also allowed for further family discussions of the potential for developing the farm. Having this development become attainable housing as the Trails at Robertson Farm is ideal to allow families and individuals and empty nesters to enjoy this land makes sense and it truly matches the vision I heard about as I grew up and as my parents wanted. But it also is more than just this because not just more than 2 years ago I moved into a very similar neighborhood. As empty nesters my husband and I decided that we would downsize. We wanted something that would be attainable and our home is in a very similar neighborhood. We have less yardwork yet we have trees that are part of our development. We have shared amenities. We have a thriving HOA and we have an efficient home. Our neighborhood is composed of about half empty nesters and half young families and individuals. We became a community and because of this the demographic, I am the demographic of this neighborhood. This would be an ideal place to develop because of the trail and I believe that my parents would be very pleased to know that many, many could enjoy the trails with convenience. We enjoy the trails on an almost daily basis and allowing a neighborhood to do that seems wonderful. The other thing is that the trail creates a very nice buffer to the adjacent property owners as well as the creek. So, they have an unusual division in my opinion. So, I hope that you will support this development and consider it because it will allow families to energy efficient homes, develop a sense of community, enjoy the trail, enjoy amenities, be closer to work and schools, to experience a safe place to grow and to learn and enjoy more county, just like I had as I grew up. So, I want to thank the Planning staff for recommending approval and encourage you to approve this to the next step. Thank you so much.

Thank you Ms. Anderson. Is there another member of the public that would like to speak in favor of this petition? Yes, Andy. You have 3 minutes.

Walker: Can you hear me?

Nester Jelen: Yes.

Walker: My name is Andy Walker. I have spoken a few times on the basics the developers have already covered. But something that I would like to mention is these guys have worked really hard in trying to craft something that would get Planning staff approval. They have basically come at it

from a standpoint of hey, what do we got to do to garner approval and create what the county need and I think they have been given a lot of direction by the Planning staff and the Planning staff has approved it. So, it seems to make a lot of sense to me and one other things earlier in this meeting that was mentioned we don't know what the City is going to do with this in terms of density in the future through annexation. I think it is clear. We all know what the City is going to do with it. It is going to be a lot denser than 125 units on the 44 acres when the City gets ahold of it. So, maybe this is the County's chance basically to get a density that makes sense to the County versus what's going to make sense to the City in 2 years because I think it is pretty clear it is going to be a lot more dense than what is currently being proposed. Thank you.

Clements: Thank you, Andy. Are there any other members of the public who would like to speak in favor of this proposal? If there are none, I would now like to open the floor to those in opposition to this petition and each speaker will have 3 minutes. Mr. Loftman.

### **REMONSTRATORS – REZ-21-1 – The Trails**

Loftman: Sorry. I was muted. My name is, I don't see the click.

Enright-Randolph: We can hear you Mr. Loftman.

Loftman: Very good. My name is Guy Loftman. I live at 4835 South Victor Pike right next door to the Robertson Farm. At page 243 of tonight's packet the petitioner says, the drainage design of our development will reduce runoff by more than 80 percent. Whatever the effect of the runoff rate it certainly won't affect the total runoff. Page 245 the text estimate about 100 trees will be removed but the accompanying diagram shows that all trees in the buildable area will be removed. Examining the aerial photo on page 14 it looks like approximately 200 trees will be removed. Page 246 says South Victor Pike was designed as a major collector. This is not true. It was designated a major collector because of its location and use many years after it was designed and built. The drawing on page 246 shows lots as small as 0.14 acres even though the minimum lot size for Medium Density Residential is 0.21 acres. The petitioner was instructed to send new notices but the notices were wrong. They haven't updated the signs. They continue to not tell the public accurate information. I think it is unwise to place serious responsibilities in the hands of people with no subdivision development experience, who can't get their facts straight and who consistently get them wrong in their own favor. If the proposed drainage plan was responsibly installed and maintained it would reduce the release rate of storm water so much so long as there wasn't too much water. Should work fine with a few inches of rain. But it is equally clear those features will not work in a storm of 5 or 6 or 7 inches. We have had 2 of them in the last 2 and half years. The June 22<sup>nd</sup> Herald Times quotes Monroe County Fire District Battalion Chief Jason Allen concerning recent flooding. The issue was that so much water was dumped so fast and when that happens storm drains back up, retention ponds overflow, ditches alongside roads start to fill up and it all happens so quick the water cant seep into the ground. It will find a path to follow. Petitioners plan doesn't help if there is too much rain. We know that every square foot of imperviable surface will hurt in the major storm water event. Responsible approach to development is to minimize imperviable surface. MR zoning is too intense. Thank you all for your work and your attention.

DRAFT

Clements: Thank you, Mr. Loftman. I would like to recognize now Patty and Dave Busch.

Busch: Can you hear me?

Clements: Yes.

Busch: This is Patty Busch and I live at 1250 West Church Lane. I am an adjacent property owner to this petition site. Clear Creek and all who reside near it are experiencing rising storm waters and flooding during high precipitation events. The pictures of flooding within your packet, now part of the public record are proof of an existing problem. Development upstream has contributed to this issue with heavy density and the impervious surfaces that come with it. It is evidence of incapability an example of what isn't beneficial for residences downstream. Monroe County experienced 2 significant flooding events February 2019 and June 2021. These rain falls exceeded 5 inches and caused widespread flood damage to property, infrastructure and sadly loss of life. The date indicates this trend will continue and worsen over time due to climate change. REZ-21-1 has a drainage plan which includes 4 detention basins. These basins are inadequate for precipitation events similar to February 2019 and June 2021 as previously stated by the MS4 Coordinator. A broader approach is needed in order to protect streams, watersheds and property owners downstream. Currently, a drainage plan for the site itself is all that is considered rather than how developments affect Clear Creek and the entire watershed. Alternative solutions for voluble areas include less density like RE1, higher water infiltration and purification through green space with mature trees and drainage systems that meet and exceed current weather conditions. Monroe County's definition for Medium Density Residential, MR district states to protect the environmentally sensitive areas, including floodplain, watersheds, karst and steep slopes and to maintain the character of the surrounding neighborhood. 125 remonstrators are opposing REZ-21-1 due to concerns regarding increased traffic, construction noise and flooding. Commissioners please vote no to REZ-21-1. Thank you.

Clements: Thank you, Mrs. Busch. Are there additional members of the public that would like to speak in opposition to this petition? If so, please raise your hand. Is that Mr. Busch? Is Mr. Busch wishing to speak?

Busch: Yes he is.

Clements: Thank you Mr. Busch. We would like to hear your thoughts.

Busch: Thank you. As it has been mentioned, I am Dave Busch. I live at 1250 West Church Lane, immediately next door to the Robertson Farm and I would like to reiterate that the list of objectors to this proposed rezone continues to grow with 125 objectors as of 7/08/21. 57 of them live adjacent to or within a quarter mile of the petition site and I know some of those were submitted back in March but that was because the petitioner's started out as a PUD and then it morphed to a high res and now it has morphed to a medium res. I think the objections are relevant. I submitted a flood picture portfolio. It is on pages 49 and 71 of your packet, much media coverage has already been dedicated to this event. However, I purposely focused my photos on the area near the Robertson site. These photos so the damage that can occur when heavy rains fall in Clear Creek watershed in a short amount of time. I acknowledge that the current plan for the trails does include detention

basins. However, the proposed design will be ineffective in preventing the site runoff associated with recent flooding of June 19<sup>th</sup> or the flooding of February 2019. I would like to challenge the County Planners and the Commissioners to raise the bar with appropriate requirements in critical watersheds. Merely requiring developers to meet the minimum standards is doing county residents an injustice as heavy rain events are becoming more and more common. I would like to propose the County Planners and Commissioners adopt best practices approach flood control design in critical watershed rather than requiring developers to meet the minimum standards. As development continues in the County with the Bloomington City limits careful attention must be paid to help flood control methods design county wide, otherwise flood damage as we experienced last month will be and all too familiar occurrence. I urge you to vote no on REZ-21-1. Thank you for your time.

Clements: Thank you, Mr. Busch. Are there any other members of the public who would like to speak in opposition to this proposal? Staff are you also checking the telephone dialers in?

Nester Jelen: This is Jackie. I am checking the email and then anyone that is by phone that wishes to speak Tech Services can they just go ahead and alert us in some way on the phone?

Tech Services: I don't think so but it also looks like the only number that is calling in right now is from a county work phone.

Nester Jelen: Ok, thank you. I don't see anyone else Margaret.

Clements: Ok. Then we have completed our public comment period and we take it back to the members of the Plan Commission for further discussion. Oh, I am sorry. I saw very briefly Mr. Carmin's hand was raised.

Carmin: Margaret, this would not be as a member of the public, it would be on behalf of the petitioner in response to comments that you just received. Are you going to allow the petitioner to have any further comments in light of the public comments you received?

Tech Service: Margaret, you are muted.

Clements: Normally we don't at this time, Mr. Carmin but I will allow it because you have requested it to be gracious I will allow it.

Carmin: I will try to be very brief. Remonstrators are certainly entitled to their say. As a matter of state law this is not supposed to be zoning by applause meter. It is the issues that are raised and presented as facts that you should consider and I trust that I encourage you to do that. I want to just keep this short. You are probably tired of hearing it, I certainly am and I am tired of cliques but if we talk about covid 19 we are tired of hearing trust the science, trust the science. If you don't trust the Drainage Board, if you don't trust those hard working individuals on the Drainage Board then they ought to be disbanded. They serve no purpose. Those pictures that were in the remonstrance packet about the 1810 flood ended with a question, seen enough. I have seen enough. I hope that you have too and what you saw is situation normal, what is going to continue and continue and continue until something gets developed that deals with that water and that is what

this project does in part and that is the reference. The guy was correct it is a reduction of 80 percent at the rate of runoff. It doesn't eliminate the water. It still has to go someplace. It is just in a controlled manner to prevent what you saw in those photographs. There is no drainage plan that is going to survive a biblical flood. It is just not going to happen and you just don't even try to plan for it. We could stop the Mississippi River from flooding its banks and from flooding half of St. Louis, those things if they happen they happen. But that doesn't mean you go in hole and you do nothing. The Drainage Board took a hard look at this. The MS4 Coordinator has. There is a drainage plan that is viable, workable, it helps solve the problem but it is not alone. One of the properties south of this just the other side of the trails is a 5 acre piece, it is one of the remonstrators. I took a look at the PRC today, the Property Report Card. That property has 15,000 square feet of impervious surface, 5 pole barns, a house and 1,200 linear feet of driveway. There is not a detention pond visible in the aerial photographs. So, that property drains toward the creek which is on the south side of the trail. They can do what they choose with that property. That is not the point. But there are a lot of contributors to this. This farm is going to be part of the answer of this can get developed. Thank you.

Clements: Thank you, Mr. Carmin. In all fairness because I have allowed the petitioner to speak and the people in favor to speak and only one occasion did I allow those opposed to speak and then I allowed the petitioner's representative to speak again, I am going to open up the floor to see if any of the commenters opposed to this proposal would like to rebut Mr. Carmin and then the public comment portion will be finished. If there is a member of the public who would like to speak in response to what Mr. Carmin just said please raise your hand and I am not able to see the participants at this time, Jackie and Tech Services so your assistance would be appreciated if you see a raised hand.

Tech Services: There are no raised hands.

Clements: Who is speaking?

Adkins: I, Donnie Adkins.

Clemens: I am sorry, Mr. Donnie we are turning now to the members of the Plan Commission. I am sorry Mr. Donnie are you speaking again and interrupting over us again. You are not recognized. I would like to turn back to members of the Plan Commission for further discussion among ourselves and any other further questions of staff. I can't see the participants in my screen right now but perhaps, oh, there we go. The panelist if you would please raise your hand in order to speak and discuss this petition further.

#### **ADDITIONAL QUESTIONS FOR STAFF - REZ-21-1 – The Trails**

Nester Jelen: Looks like Mr. Pittsford and then Ms. Owens hands are raised.

Clements: Ok, Mr. Pittsford.

Nester Jelen: You are on mute.

Pittsford: Sorry I was on mute. I thought I had gotten used to this but I am not apparently. I had 2 questions that arose from Mr. and Mrs. Busch's comments. Number one and I would like to address these two and our MS4 Coordinator, Kelsey, is it Thetonia? Is that correct?

Thetonia: Yes, Thetonia.

Pittsford: Ok, thank you. Number one; what do you believe is going on upstream that is causing these flooding incidents in the Clear Creek area and then the second question is Mr. Busch called in question best practices. Are we exercising best practices and are we meeting those standards of best practices downstream from the urbanized area of the City of Bloomington to address the flooding that they are creating.

Thetonia: I want to say that these critical areas release rates are in line with some of the most stringent release rates in the state now. Prior to October 2020 every new single new development or redevelopment site only had to match predevelopment conditions to their post development conditions to their predevelopment conditions. So, not putting any type of restrictions on how fast the water leaves the site we contracted Fist Rubact Engineering, in my opinion is one of the best engineers in the state, to work with multiple storm water utilities around the state to help us come up with representative release rates for our entire county. Plus the more stringent release rates, which is what the project is being held to for critical watershed, so basically Clear Creek, our 2 watersheds on the west side, Jacks Defeat Creek, Kerr Creek, so they are where we have the most flooding issues, the highest stakes and are protected with the more stringent measurements. In addition to that we also have a long term drainage plan for the county that was created in 2016. But I just want to state that the best practices that this site is being held to, it is meeting the most stringent standards that we have come up with so far and we haven't really had any new developments meet these yet because they were just enacted I guess less than a year ago. It is nothing that we have seen before and we are doing things to make sure that we are protecting our sensitive areas. But with that said it is only for development and redevelopment projects. Anything that was developed previously is meeting old standards or anything developed a long time ago such as downtown Bloomington, you are not seeing the detention.

Pittsford: If I may, I am sorry Trohn but I have a follow up question, if I may please.

Enright-Randolph: Absolutely. It just goes in line with your question just as a member of the Drainage Board, that was a big question for Kelsey but I will hold.

Pittsford: Ok, thank you sir. What I wanted to ask is if all of the places upstream have been meeting the requirements that we are putting on this property would we be seeing the same problems and the second part of the question is has this development actually helped to mitigate the failures of those previous hindrance upstream of this development. Thank you.

Thetonia: I am going to jump to your second question and say yes that is the reason why the Drainage Board perused more stringent release rates is to mitigate the flooding issues that we were seeing. The first question I don't think I can answer honestly. As with my urban areas that have been developed over time I cannot imagine how to correctly answer that question. I think in a perfect world with as much space as you want and probably a lot of green roots and underground

DRAFT

detention possibly, yes. But that would be a huge engineering feat and I have yet to imagine any city that would even be close to meeting that.

Pittsford: Your lack of an adequate answer is an answer in itself. Thank you very much.

Thetonia: You are welcome.

Enright-Randolph: If you would allow me to add onto the end of that as a member of the Drainage Board. I think there is one critical point that has just been a little overlooked.

Clements: Yes.

Enright-Randolph: Thank you. We moved forward the amendment that heightened our critical drainage areas in the mist to rewriting the ordinance. So, we didn't wait until the whole ordinance was done, we moved this measure forward immediately so we could take action. So, I would just like to make that point relative. We are in the midst of a new drainage ordinance but we knew that we needed to heighten these release rates in our critical drainage areas and we moved that forward immediately from the Drainage Board so we could set better minimum standards and you have to ask someone to meet the minimum standards. If they go above and beyond that is great but we have to set appropriate minimum standards and so we amended the drainage ordinance to do that immediately before waiting until the rewrite was finished and I think that is a bit component making sure that people are aware the county is taking those steps to address these concerns immediately.

Clements: Thank you Mr. Enright-Randolph. Ms. Owens.

Owens: Yes, thank you. I wanted to point out just that we are not automatons. We are supposed to listen to neighbors, positive and negative, that is part of our jobs. If that listening and that consideration were not necessary it wouldn't be allowed. So, I don't need admonition from anyone about doing my job and that is my comment. Thank you.

Clements: Thank you. Are there other members of the Plan Commission who would like to make any comments?

Nester Jelen: Geoff McKim has his hand raised.

Clements: Yes, Mr. McKim.

McKim: Thanks. I just wanted to make sure I understand. The distinction was made during one of the public comments of best practices versus minimum standards and to follow up on something that Mr. Enright-Randolph mentioned. Is it correct to say that our minimum standards essentially incorporate best practices or best practices are incorporated in the minimum standards at this point?

Clements: Mr. Enright-Randolph would you be so kind as to answer that question.

Enright-Randolph: I will defer to our MS4 Coordinator, Kelsey Thetonia.



DRAFT

Clements: Kelsey, we look forward to hearing from you.

Thetonia: Yes, the drainage ordinance requires these best practices to be implemented on site during construction and post construction per storm water practices. These are structural measures that are in place to manage the storm water according to our standards. The minimum standards are stated in the drainage ordinance and policies using the best judgement of the Drainage Board and others, so, yes, that is my answer.

McKim: Thank you.

Clements: Thank you. Are there other members of the Plan Commission who have any additional comments or questions? I am going to add my say here. Number one, I also echo what Dee Owens said about taking very seriously the concerns of the public. They are stakeholders in this community and their lived experience in that area is important to me and I think they have good recommendations and good observations and I think it is important that we weight their concerns in our deliberations and that is one of the purposes of inviting them to speak to us. Number two, I remain concerned about the utility running through the property, the road traffic, the Homeowners Association responsibility for big ticket items. I had the pleasure to walk around the county and see a lot of PUD's that have been approved with Homeowners Association responsibility for maintenance of big ticket items and in some places it is not going so well. I think that is one of our duties to kind of foresee and plan for and to approve projects that are not going to place at risk our community member's assets and their treasure and their property. Although I appreciate the professionalism and the best guesses and the best planning and the best science that people are employing on these fragile lands I don't necessarily see that it is working out so well in many, many subdivisions. So, with that said those are my comments. Number one, I am intending to vote no and I am intending to vote no against the waiver of the final hearing. So, I would like to hear any other comments from any of the other members of the Plan Commission and if there are any outstanding questions, let's just either speak or take it to the vote. Mr. Smith. Who is Mr. Smith? Is he on our Plan Commission?

Nester Jelen: No.

Clements: Ok. I am sorry, Mr. Smith but the time for public comment has finished and if you are part of the petitioner's group that time for presentation has finished as well. So, are there other members of the Plan Commission who would like to say anything to ourselves or to the Planners or to the petitioners? If not, let's have a motion.

Nester Jelen: It looks like Amy Thompson has her hand raised, then Jerry Pittsford and Jim Stainbrook.

Clements: Thank you, Ms. Thompson.

Thompson: I would just add that I take to heart all of the comments of the folks that have taken the time to share their thoughts with us and I appreciate that. I do think that this area is going to be developed. A higher density makes sense because I do believe it will be annexed and when we created the Comprehensive Plan it has the services we identified as being necessary for higher

DRAFT

density. So, I if, you know, if I had a magic wand development would stop in Monroe County and we would turn back the clock to the time that I grew up in here but the clock is not stopping. People continue to want to live and work here and I think we need to consider areas where there are amenities that can serve those higher densities. That is my comment.

Clements: Thank you, Ms. Thompson. For some reason I can't see the hands raised, Jackie, so if you would be so kind as to call on the members as they wish to speak.

Nester Jelen: Jerry, Mr. Pittsford.

Pittsford: Madam Chairwoman, I am prepared to make a motion and I will stand down if anybody would like to add comments but if there are other motions I would request that I have the right to the first motion, please.

Nester Jelen: Mr. Stainbrook. Jim Stainbrook, would you like to speak?

Stainbrook: Yes. Madam Chair can you hear me Margaret and Jackie?

Clements: Yes we can hear you Jim.

Stainbrook: Well, I would like to go back just now to Jerry but ever earlier than that I think that Jerry rightfully acknowledge and recognized and shared that we have asked a lot of questions and we have listened a lot. We have deliberated and this is the point at which we are ready to try to come to some conclusion for the Commissioners. But I would like to add I would like to refute my own point or at least injure it by saying on the HOA having lived in Florida for 10 years in a condominium on the 6<sup>th</sup> floor and with recent history and with our own history in surf and sand in Sarasota in the Keys, if you are ever out that way it is a nice area and I am not paid to stein by the Chamber of Commerce there either. But we had a lot of trouble. HOA's do have and this tragedy in Miami now this really shows the letter from the President or Chairperson of the HOA, the Homeowners Association, they didn't have the reserves and as I say again we have experienced that personally during our own time in Florida but again that is too long winded to make the point. That is one about which we have asked. That is one thing to which we have listened and I have a major concern about the HOA but all of these things to which Jerry eluded that have gone on and gone here several meetings and so thank you.

Clements: Thank you, Mr. Stainbrook.

Nester Jelen: Geoff McKim.

Clements: Mr. McKim.

McKim: I apologize. I am going to defer to Jerry. I was going to make a motion but I am going to let him.

Clements: Mr. Pittsford.

**FURTHER QUESTIONS FOR STAFF - REZ-21-1 – The Trails**

Pittsford: Thank you Madam Chairwoman. **In case number REZ-21-1, a request for rezone for Medium Density Residential, located at 4691 South Victor Pike, comprised of 44.7 acres, currently zoned Estate Residential with a request to be rezoned to Medium Residential in Section 20, an unplatted lot, which falls under the Comprehensive Plan designation as Monroe County Urbanizing Area Mixed Residential, I move that we move this forward to the Commissioners with no recommendation and with waiver of the final hearing. That is my motion.**

Clements: Is there a second? If there is none, **your motion has failed.** I think the members of the Plan Commission would like to forward a recommendation.

McKim: **Members of the Plan Commission on case REZ-21-1, rezone to Medium Density Residential, I move that we forward this petition to Commissioners with a positive recommendation and waive the final hearing.**

Clements: Is there a second?

Enright-Randolph: I will **second.**

Clements: Ok, Ms. Nester will you please call the roll?

Nester Jelen: Yes. Trohn Enright-Randolph?

Enright-Randolph: Yes.

Nester Jelen: Amy Thompson?

Thompson: Yes.

Nester Jelen: Dee Owens?

Owens: No.

Nester Jelen: Jim Stainbrook?

Stainbrook: No.

Nester Jelen: Jerry Pittsford?

Pittsford: No.

Nester Jelen: Margaret Clements?

Clements: No.

DRAFT

Nester Jelen: Geoff McKim?

McKim: Yes.

Nester Jelen: Ok. **Motion fails 3 to 4.** I will just reference for the last case in case there are those in the public who wish to come back, this will be automatically forwarded to the August Plan Commission Meeting for lack of majority vote and since we don't have all 9 members present and the vote was not 5 in favor or against, we are going to go ahead proceed to the next case. So, it will be heard again at the August 17<sup>th</sup> meeting. Thank you.

**The motion in case REZ-21-1, The Trails at Robertson Farm Rezone from RE1 to HR, Preliminary Hearing, Waiver of Final Hearing Requested, motion failed due to lack of majority votes, case will be heard again at August Plan Commission Meeting.**

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**UNFINISHED BUSINESS**

**2. Ord #2005-32      Harrodsburg PUD Extension Request  
Preliminary Hearing.**

Two (2) 6.60 +/- acre parcel in Section 29 of Clear Creek Township at 9300 block of S Harrodsburg Rd (Parcel #: 53-11-29-300-047.000-006 & 53-11-29-301-044.000-006). Owner: Miller-Robertson Inc.

**Zoned PUD.** Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

**STAFF ACTION:** Petition was continued by staff.

## NEW BUSINESS

### 1. PUO-21-1

#### **P & G Planned Unit Outline Plan**

#### **Preliminary Hearing.**

#### **Waiver of Final Hearing Requested.**

One (1) 4.93 +/- parcel located in Section 29, Perry Township at 5100 W Victor Pike. Parcel number: 53-08-29-200-023.000-008.

**Zoned PB.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

#### **STAFF ACTION:**

Crecelius: This is the P & G Planned Unit Outline Plan. It starts on page 199. This is the preliminary hearing. The petitioner's representative did withdraw their request for a waiver of final hearing today. Now, I did have some technical difficulties so I am looking at my phone and I am also looking at my screen. The property is 4.9 acres. It is currently developed. It is operating as the Sunoco Gas Station. It is accessed from South Victor Pike. It is within about 500' of Victor Pike and State Road 37. The petitioner is presenting that it would be called a P & G PUD. The main use of the site would be what they call a Truck Stop-Small. Currently the use proposed within this PUD are not currently allowed within the ordinance as a combination. So, right now the use of a convenience store is a legal and pre-existing nonconforming use and it is permitted to continue no matter the outcome of the PUD request. What triggered this petition is that currently is a use of overnight parking, which is not permitted within the convenience store use under the ordinance. One of the ways that we reviewed this petition is under Chapter 811, which takes about the planning and development and how we review the appropriateness of the proposed PUD. So, I wanted to go ahead and throw this up on the screen and I think most of you are very familiar with this but it is development that encourages flexibility, a harmonious and appropriate mix of uses and that it facilitates adequate and economic provision of streets, utilities, city services, and etcetera. I think we have seen this recently before so I am not going to stay too long but I would like to reference the code that we are looking at here. The site is located in Perry Township, Section 29. It is currently zoned Pre-existing Business, which Pre-existing Business is one of the unique zones under the ordinance which allows the business that existed before 1997 to continue existing at the intensity that they were that they were at in 1997. A business can change. It can stay within that same category but it can not necessarily increase in intensity under the Chapter 802 use table. This is the definition of the convenience store. This is what is permitted under pre-existing nonconforming Chapter 803. Any retail establishment offering for sale prepacked food products, household items, gasoline sales, etcetera. This is a pictometry photo from 2020. Here we can see a lot of truck parking. We see the main building and 2 fuel canopies. So, a few site photos. The left is kind of a wide angle photo looking at the main building. The right is looking at the petition sign. The view from Victor Pike looking at South 37 and also the sign that they put up trying to restrict overnight parking during this time. The petition did start as an enforcement case based on lighting and overnight truck parking. They did put up a sign to try to limit people, truckers, drivers parking here. They did face some difficulty with having people parking there without their consent. The photo on the left is a picture of the back of the building. You can see that there are some utility crews that have found a way to park. The photo on the right is a slightly different angle of the back of the building and the convenience store area. This is mainly looking south now. The bottom photo is looking north at the front of the convenience store. The top left is looking south at kind

of the, not residential parking but the small vehicle parking. There have been crews, like utility crews that have been parking there for a little while now as they have been doing work in the area nearby. Their vehicles are parked there. They get in trucks and then move on. The Comprehensive Plan this is under the Monroe County Urbanizing Area Phase 1 and II, I included only the Phase II description because it seemed like it really encompassed the best description of this area. Phase I is mainly just Employment and is much broader and has a little more of the design standard idea. Phase II has a little more information about like the intended use, which is this area is high visibility from I-69 and 37, generally designated as Employment, largely undeveloped and additional employment oriented development preserving landscape character. On the top left is the current existing site plan as it exists. It is a little bit more helpful to look at an aerial image so on the bottom right is site conditions with contours and buildable area, 15 percent slope. It is mainly buildable area. We can see most of the gravel parking lot, some of the area that is paved and the existing structures, the building and the 2 fuel canopies. The packet was published last Tuesday and we did get an update from the petitioner's representative on Tuesday in the afternoon a little bit too late to get a review in and to include that within the current packet. So, I did want to include some of their comments here. The petitioner's representative I know that they will speak tonight but they did say the proposed uses within the PUD are not necessarily comparable to how I, myself and with the instances of supervisors who wrote the report, which is in compare to the Truck Stop/Travel Plaza, which is a conditional use under the zoning ordinance and they think it is not necessarily a fair use because a PUD is supposed to be specific and unique to the zoning ordinance. At the last Administrative Meeting I had a really good question which was could staff recommend approval of this petition and staff cannot necessarily recommend approval of this petition because when I-69 went in, the use of a Truck Stop/Travel Plaza was created and defined by the Planning Department at that time. Since there are many similarities here the only way to really review this Planned Unit Outline Plan is with our closest use, which would be the Truck Stop/Travel Plaza conditional use. This slide lists some of the proposed uses under the PUD, proposed PUD, which is what they call a truck stop-small. It has the existing convenience store uses, overnight parking, which I will touch on this here in just a moment but there have been concerns about overnight parking of trucks with trucks idling and running creating fumes. The newest update which is included packet, I just wasn't able to review it within in the report time, so I went ahead and included the newest update of the Outline Plan and the highlights which will be the last exhibit of that report, the changes have been highlighted in yellow. So, I hope that helps a little bit as we try to compare. Hopefully at the next meeting I will have a very, well, I will have a good comparison but for this last minute comparison highlighted in yellow. For the overnight parking the petitioners are proposing that it would that it would only be with EPS, which is electronic parking spaces, so only plugged in, no idling at night. They are proposing there will be 5-10 percent of the lot area. They are also proposing an electrical vehicle charging station, which we don't have a definition for under the current ordinance, a restaurant, which they call small and then 2 accessory uses, which would be a residential dwelling and also seasonal sales. So, this next slide are the same uses but how we compared them within the report and how we compare it to Chapter 802. So, existing convenience store uses is the same as convenience store. That is what pre-existing nonconforming is. The overnight parking is still going to fall under the Truck Stop/Travel Plaza. We don't have a definition for electric vehicle charging station. Restaurant, we don't necessarily have sizes on restaurants. For an accessory use of a residence we have a single family residence use or an accessory apartment and for seasonal sales those definitions provide the petitioner they fall under either Temporary Seasonal Activity, which is a permit or Roadside Stand Temporary permit. This

was heard by the Plan Review Committee in June. The Plan Review Committee mainly focuses on looking at the Comprehensive Plan and how the proposed use relates to the Comprehensive Plan. One of the big concerns that we heard there was safety. So, on the right is a series of images that I put together trying to figure out where there are safe truck stops for drivers. I found a fairly accurate android application that helps truckers find places that they can park overnight and this location this petition site was the only one that was identified in Monroe County. That was one of the concerns that was discussed at the Plan Review Committee. Now, later in June it was also heard at the Historic Preservation Board. Just to the south of the petition site is a property that is designated as historic. The neighbors discussed concerns about the viewshed from the Stipp-Bender Farm, so that is the property highlighted in pink on the photo. The Stipp-Bender Farm does currently have an application pending at this state for the National Historic Register it is for a National Historic Register Nomination. So, to be nominated by the National Historic Register. We do have a proposed condition under staff conditions if this is considered for approval. Some other concerns that came out of the Historic Preservation Board meeting were similar to the Plan Review Committee so I am not going to duplicate them, things like lighting, which has been addressed, trucks idling, the fumes from trucks idling, etcetera. We do have within the packet that was published last week, we have 3 letters of remonstrance and since publication I have received 5 letters of they have all been of support. The 5 letters since then and it seemed appropriate to go ahead and share those so I did email them to you before the meeting tonight just in the hopes that you would have the ability to read them before the meeting. So, I will leave these on the screen. I am not necessarily going to read them. Overall, they are supportive of the business being where they are. There are comments of safety for truck drivers and parking. There are 2 emails from a foreman and I think the general manager, supervisor and general foreman of the Townsend Tree Service, which when I did do a site visit I saw Townsend Tree utility trucks on site. They are supportive of having this location to be able to park. They stated it is convenient and safe. So, hopefully the Plan Commission Members have looked at these beforehand. I will leave this on the screen for just another moment or two. Hopefully they are large enough to read. So, overall, staff recommends a negative recommendation to the County Commissioners based on the findings of fact and subject to the Monroe County Highway Department and MS4 Coordinator reports. To note because I know I have spoken with a few people and seen some letters that if this petition is withdrawn or denied by the County Commissioners, the site will be required to remove the nonconforming use of overnight parking and conform to the legal pre-existing nonconforming use of a convenience store. So, I have seen some wording that they were afraid that the full business removed and I would like to make that clear within this petition request that it would be the nonconforming use of overnight truck parking that would have to be removed or cease and desist. Does anybody have any questions?

### **RECOMMENDATION**

Staff recommends **Negative Recommendation** to the County Commissioners based on the findings of fact and subject to the Monroe County Highway Department & MS4 Coordinator reports.

Should the Plan Commission give a positive recommendation, staff recommends the following conditions:

1. Prohibit overnight truck parking from idling;



2. Petitioner to propose a landscaping plan that includes screening to protect the viewshed of the adjacent historic;
3. Dedicate and convey open space per chapter 811.

### **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 as “Employment”;
  - Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses that may not be easily integrated into a mixed-use environment;
  - The MCUA Phase II plan designates that site as “South Side Employment;
  - This district includes lands with access to and high visibility from I-69/SR 37, and generally designated as the Employment land use type;
  - The current zoning is Pre-Existing Business;
  - The Pre-Existing Business zones was created in 1996 to for uses that existed but were not compatible with the 1996 zoning. This zone allows the business to continue operation but limits further “intensification” of the use;
  - The current use and potential expansion of the site would support Employment uses;
  - The proposed use is not consistent with the Truck Stop/Travel Plaza use under Ch 813 and therefore is a deviation from the Zoning Ordinance provisions;
- (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 proposed plan is lacking design standards. For example, setbacks need to be provided for future development.
- There are no zones within the ordinance that would allow for the combination off all of the proposed uses;
- The uses proposed within the outline plan are existing. The use as a convenience mart is considered pre-existing non-conforming under Chapter 803. The use as a truck stop/plaza to allow overnight parking of trucks is illegal and began after 1998 but before 2003;
- 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;
  - One of the purposes of the PUD, under Chapter 811, is to encourage a harmonious and appropriate mixture of uses;
  - There is not one zoning designation that covers the mix of uses requested by the petitioner;
- (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:**

- The petition site has access to water and electric, and currently uses a commercial grade septic system;
  - Future internal changes to the existing structure would require an approved Real Estate inspection permit or an upgraded commercial septic;
  - The Truck Stop/Travel Plaza use would require a permanent right/left turn lane for access, which this site does not currently provide;
- (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 additional limited uses that have developed on the property over time ancillary to the gasoline station/convenience mart”;
  - Adjacent properties are either residential or commercial in use;
  - The use as a convenience store with gasoline sales pre-dates 1997, however the use as a Truck Stop/Travel Plaza appears to have started between 1998-2003;
- (f) The desirability of the proposal to the County’s physical development, tax base, and economic well-being.

**Findings:**

- See Findings under Section E;
- (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 Victor Pike which is designated as a Local Road in the Thoroughfare Plan;
- S State Road 37, designated as a Freeway under the Thoroughfare Plan, is adjacent to the site is within approximately 500' from the site's existing driveway cut to the intersection of S Victor Pike & S State Road 37;
- No Traffic Study was submitted with this petition. Per the Highway Engineer, no traffic study is required at this time;
- All utilities are available to the petition site;
- See findings under (d);

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

**Findings:**

- Chapter 811 requires that a proposed PUD dedicate open space per the requirements of 811-3 (E);
- Open space and the conveyance has not been specified by the petitioner's representative;  
☐ There is no known karst on the property;
- The drainage patterns are not expected to change as no new structures are currently proposed; ☐ The site is 4.93 +/- acres in size;
- A locally designated historic site is adjacent of the property to the south of S Victor Pike;

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

**Findings:**

- No new structures are proposed with the consideration of this petition;
- The existing and proposed development appears to be consistent with the Comprehensive Plan per the Employment zone;

**QUESTIONS FOR STAFF – PUO-21-1 – P & G**

Clements: Do members of the Plan Commission have any questions for Ms. Crecelius? Mr. Pittsford.

Pittsford: Yes, I put it in the comments but I decided to go ahead and ask the question so that I give Ms. Crecelius an opportunity to respond. Is not the adjacent historic site already near a major highway within the viewshed and the noise pollution of an interstate highway?

Crecelius: Yes. This property was purchased by the current owners and designated as a historic site after the site has already been existing pretty well as it is. I think about 4 or 5 years ago. So, it is within the view of 37 and the petition site.

DRAFT

Pittsford: Right so how does this proposal significantly change the viewshed and the noise pollution potential for that proposed historic site, if at all?

Creceilius: I think mainly this proposal it offers an opportunity to maybe remedy a little bit more of protection area for a historic preservation site.

Pittsford: What do you mean by a little bit more? I have been to lots of historic sites that are fairly adjacent to interstate highways. What is mitigation effective denying this? Is it significant? Is it moderate? Is it negligible? Or anywhere in between. Take your choice.

Creceilius: If the petition is denied say all large overnight truck parking is gone, they are going to have the same view, nothing is going to change. They will be legally allowed to run their convenience store. There won't be trucks parking. If it was considered to be approved, which I mean be kind of mitigating is there might be an opportunity to hold the petition site to commercial site standards which means a little bit more landscaping, maybe a little bit more buffering from what we would see of large trucks or commercial vehicles.

Pittsford: But with no approval isn't there the very realistic opportunity that or likelihood not opportunity, the very realistic likelihood that this business would not be able to survive in its present location without those added amenities because of decreased traffic that has resulted from rerouted of 37 to I-69?

Creceilius: That sounds like a great question for the petitioner's representative.

Pittsford: It is starting to feel like I have almost done this before.

Clements: Mr. Pittsford, did you have other questions for Anne or do other members of the Plan Commission have questions for staff?

Pittsford: I think my questions are sufficient for my part.

Clements: Thank you Mr. Pittsford. Mr. Trohn Enright-Randolph and then Mr. Stainbrook.

Enright-Randolph: So, a lot of these things are usually precipitated by people calling in and talking about what is out of compliance, so complaint driven, there you go. Do we know how many people have actually called the office before this petition has kind of unfolded through the Planning process? Do we have a significant number of people that called in and complained about this particular use or would it be like 1, 5, 10? I will accept a ballpark answer if we have that even.

Creceilius: I don't want to give you a quantity. We are complaint driven when it comes to zoning enforcement so one of the things that did come up and trigger this petition or at least the route of coming into this petition is there is no commercial site plan and that there was lighting that was shining on other residential properties.

Enright-Randolph: So, you can't answer the question, I guess. Is that confidential. I was just wondering if a number of people called in complaining about that particular use of trucks staying overnight maybe within this year. If you can't answer that, that's fine. I was just curious.

Nester Jelen: Trohn, we received a complaint in 2020 and it was, I will look again on the number of neighbors that signed on it. It was primarily corresponding with one neighbor in particular but the complaint was subject to the lighting had changed. So, the lighting from the site was leaving and causing some impacts across the street so had advised the owner at that time to replace with downward facing lighting that is dark sky compliant and then there was a complaint that vegetation right along Victor Pike had been removed and so we had asked that they replace those at a 2/1 ratio. That was completed. The final complaint was associated with some changes that happened with the site over the course of since 2005 to date, there had been an amount of grading, a minor amount of grading on the site that may have encouraged additional or may have allowed for additional room for truck parking and there was the obvious complaint of truck parking overnight. So, we have worked with the petitioners from the enforcement perspective and this was a remedy for that.

Enright-Randolph: Right, ok. Great. I am glad you can answer that. That allows me to have the follow up. So, it sounds like there was some issues and they moved forward with trying to comply with all of the issues that were addressed, the lighting, and some trees in the front but then there was grading and that precipitated into the trucks being parked. So, I just want to make sure I am hearing you correctly. So, I guess it wasn't really a follow up question. I just kind of want to clarify. Ok, thank you. It doesn't sound like we have had that many people calling in complaining about this but I do appreciate having some numbers. Thank you.

Nester Jelen: Sure and I am looking back and it looks like we have the original names listed for the complaint and the grading area I just want to verify it is just really close to the driveway off of Victor. You can kind of see it is this area that looks a little bit disturbed that the curser is right around, just that area right there.

Enright-Randolph: And that was from someone calling in and complaining, that wasn't from Planning coming out here and observing that this particular use was ongoing? Someone called about the trucks right?

Nester Jelen: Yes it was a complaint.

Enright-Randolph: Ok.

Crecelius: I think Mr. Stainbrook has his hand raised.

Clements: Mr. Stainbrook.

Stainbrook: Yes, thank you Margaret. I went by the site twice today. I guess that makes me an expert, maybe not quite but there were probably a dozen trucks parked there. Business seems to be booming. But my own experience and maybe I shouldn't say my own experience by my observation has to do with 2 truck stops with overnight at the intersection of 465 and Highway 37. I wouldn't want to be living next to there. There is a lot of commercial activity but none of the kind that I would want to be found out to have been involved with. This overnight parking has a lot of issues. Maybe in order to ask a question after my speechifying again. How close the residential areas are the homes? How close are the homes? There are things that are overnight

truck parking there are issues that it will bring in perhaps if not carefully policed. So, the question is aside from the lighting and incidentally, I don't recall any trees. Maybe I was speeding but that's not for the record. I don't think I was. Most of the time they are behind me trying to get the old man to move out of the way so I think I could have seen it. I don't know where the trees are. So, maybe that is another question. Number one how close are the houses to this and number two where are these trees? I guess that is for the planner where the houses are.

Clements: Thank you Mr. Stainbrook. Do you have a photograph of that Anne?

Creclius: Well, I think we can probably see pretty well on this photograph if you can see the mouse. There are sporadic homes to the east, which is this side. We have got one here and one here. This is an agricultural field and then a row of houses to the south. We have 2 residential homes, the Stipp-Bender Farm, another residential home and then commercial buildings and for the most part on the west side of 37 is commercial.

Stainbrook: Now, Anne, you young folks won't understand this for a while but I don't have my eye glasses on so I can't really see that very distinctly and then also well I do have my hearing aids on. What distant there as you pointed them out on the photograph? Are there 12 or 15 maybe? I am a little bit like Trohn asking for an approximate number.

Creclius: Just with the aerial images I can see 11.

Stainbrook: Thank you for that. Anne, I know Trohn and I neither one are trying to put you on the spot there. Maybe we should have gone by the, we have had these remonstrators, people that feel that this would detract from their enjoyment of their property as it is. Let's go to the trees. Where are the trees?

Creclius: I cropped out my scale bar so I am not sure how to get you a good scale.

Stainbrook: Are they on the front and along the highway there or are they along Victor Pike?

Creclius: They are along Victor Pike and Church Lane.

Stainbrook: Oh, back here in the back. That would help to obscure the site from these houses I suppose. Ok, I see trees back there and I can make those out. Thank you very much.

Clements: Ok, Ms. Owens.

Owens: Thank you ma'am. This is general comments that I have for consideration about this entire proposal. First of all, the historic farm was there before any highway was there so it kind of has preference I think. But piling on doesn't make any sense to make it even noisier than it was. As the map that was created shows there are plenty of spots in Greene County for truckers coming north or going south either way. The state didn't put any rest areas on north I-69 either trust me. I was on it last week and it was 95 miles between them so it seems to be a problem with the state. Unfortunately, we end up with it. I think that we are responsible to our citizens and to our plan and our zoning not to people who have other places to stop including even big stores, truckers do plan

ahead. They know when their stops are. They know when they can rest and so forth. That is just part of their jobs and last from a public health perspective I would like to say that I am sure we all remember Scott County back in 2015 I think that had the largest rural outbreak of HIV and Hepatitis C in the country. The CDC when they took the diseases and checked where they came from they proved that they came along with the drugs that were being used there they came from the truck stop that was right over at the interstate to this small town and I think that is a consideration that I haven't heard yet but I think it is one that we should think about. That is it. Thank you.

Clements: Thank you Ms. Owens. Well, if the petitioner is here or the petitioner's representative and they would like to address the members of the Plan Commission we would like to hear from you.

**PETITIONER/PETITIONER'S REPRESENTATIVE – PUO-21-1 – P & G**

Carmin: This Mike Carmin for the petitioner.

Clements: Thank you, Mr. Carmin.

Carmin: I'm sorry Jackie, was eluding to gently, we disagree with the comparison to the Truck Stop/Travel Plaza. The term Truck Stop-Small is mine to put a name on it, could have called it convenience store plus, could have called it anything but the critical issue that was going to surface on this was truck parking. So, I coined the term Truck Stop-Small because it is not a truck stop/travel plaza. Jackie gave you, I am sorry. Anne, I apologize. I keep going to Jackie. I don't know if you can let me share a screen to show a chart. There you go, thank you. That is exactly the one. Do you see the petitioner's representative slide? Is that displayed for everyone now? On the left side are the Truck Stop/Travel Plaza uses. When you read the definition of the zoning ordinance these are exactly what come from that. Truck wash, tire repair, barber shop, restaurant, shower facilities, motel/hotel, what amounts to an internet café, a truckers lounge, tv, internet. Of all of those things at a Truck Stop/Travel Plaza what this petition is seeking to do is fuel sales which is already permitted and that is not going away, that is not anything new or added, the restaurant, they required what I call a limited restaurant, limited seating to keep it scaled appropriately for the property, the convenience store Anne has already eluded to doesn't go away that is there and we get to the bottom of the overnight truck parking being added. That is really what the petition is about. Now to say we have withdrawn the request for waiver of second meeting because you got more information that came in today actually I received additional information today. I am going to do a write up and add it to the petition and I get it in writing. I will just touch on it tonight so you can see what is coming. But we will do it in writing where you will have more of an opportunity to think about it, reflect on it and see how that fits in. But the truckers are reaching out and they are asking for this to be approved including the nonsleeping overnight. When we talk about overnight parking I think what everybody is referring to is where they sleep in the cab. Overnight static parking. No sleeping. Nobody there is in a different realm. There is actually received today some specific detail on that request. Can you not allow that to continue with an explanation of what that is importation and I will do a write up on that. I won't take your time tonight on that. But to compare what P & G proposes to do to a travel Truck Stop/Travel Plaza is like taking a coffee shop where we want to add a bakery to it to make our own pastry. We going

to sell the coffee shop and that is what we are doing and compare that to Kroger. They can be compared but it is not a logical comparison. What the Truck Stop/Travel Plaza allows on 10 acres is so far different from what is being proposed that I would not believe it is a fair comparison. What we are really analyzing is some limited overnight parking. The petition proposed would be limited in terms of number of spaces. There are 20 designated. The petition, not the original write up, it didn't get in there, prohibits truck engine idling. Anne's chart and I may have misunderstood your chart, I read it to say that the petitioner was proposing that overnight parking have electrified parking stations and that is not correct. We are not proposing that and would actually oppose it. But if my write up read that way to you I will figure out what I said that caused you to read it that way and I will amend it, correct it. I apologize for that confusion if I have caused it. But no, we are proposing electrified parking stations. The trucking industry is going through a lot of changes. The old need to idle engines all night long particularly in cold weather because the diesel fuel jellified or gelled is pretty much a thing of the past. We don't see that now. We have different fuels. Better engines. Better diesel fuel. The use of what is referred to as emission fluid. It reduces emissions from diesel engines. You cannot do that and idle the engine. It causes some engine problems. So there is a lot going on in the trucking industry, which you are finding now the newer trucks come equipped with a battery, with a power source to operate the ac and operate the heater as needed so they don't need idle the engines. They come with a battery power and you can usually find that mounted on the back of the cab if you ever see a cab without a trailer on it so you can get the view of the back. So, there is a lot going on in the trucking industry. Some states by law have outlawed engine idling. California being one and what happens in California tends to spread across the country eventually. So, you see the newer trucks being manufactured with that in mind already so that they are coming equipped with power packs. So what the petitioner is requesting and there are reasons for it is a, I can't and I won't tend to put dollars on it but yes there is an income on that. They tend to fuel up when they park there and they buy some food. I had a request today from a work crew that wants to park there and not overnight sleeping just a work crew to keep their equipment there, ask why here and not someplace else. The answer was exactly that. Because our guys like to fuel up while they are there and grab something to eat before they take their vehicles and hit the job site. So there is some of an income issue there and it is certainly convenience. We are not going to see these truckers going to Solsberry to find a place to pull off and sleep. They will find a lane, a shoulder, a berm, or some place to park long before they are ever going to get to Solsberry and frankly I am not sure I could agree that is a reasonable answer to that issue to what is a 50 mile round trip to find some place to pull off and rest when this is a good spot for it. This is really a very good spot for it. We have been doing some work on the history of the property and actually the truck parking, now back to the mid 90's that truck parking at this site has been an ongoing feature, sales from this site food product and other sundries being sold from this site being dated back to the 1990's now, so that this is not a new use. I am going to have to talk with the Planning staff maybe get David Schilling involved. Anne's presentation on several occasions referred to the convenience store as a nonconforming use. It is nonconforming. It is a permitted use within the PB zone. That is the nature of the PB zone. It is an activity that is carried forward under the PB zone so it is not nonconforming and the difference is that as a permitted use and under the definition of the PB zone it even says in the definition the use can be spread throughout the property, throughout the lot. If it were a nonconforming use it couldn't be moved, enlarged or relocated on the lot. It would be fixed in place and that is not true under the PB zoning. We will work on trying to clarify that. If I am wrong then I will ask David Schilling to show me or Larry Wilson to explain it because I do believe that I am correct on that. It should not be deemed a



nonconforming use. It is in fact a permitted use within the PB zone or this site. This did start out as enforcement. It is our understanding that the only enforcement complaint that came in was on the lighting. The petitioner had added some exterior lighting to the building. I think 8 fixtures and they were not shielded and the complaint came in and the notice went out and once the petitioner had a chance to understand what was the nature of the complaint and what was needed then all of those light fixtures were replaced with shielded lighting so that you night sky, dark sky friendly. It shields it from that projection across the property which was the complaint from the neighbor and it was a justified complaint. Not making an issue of that. But the petitioner reacted appropriately and it was taken care of. The petitioner was not aware of any restriction on tree removal and actually not sure another question on enforcement but doesn't matter. I had asked the petitioner if they needed assistance in getting in compliance but they had already made arrangement to replant the trees that was requested at the 2/1 ratio, so that has been done. So, we are down now to the parking, which is our understanding arose incidental in looking into the lighting complaint not that the complaint itself was on overnight parking. There was a complaint for that the petitioners is not aware of it. Certainly the notice letter from staff presented overnight parking as an issue some time ago. That is correct. So, we are looking for the PUD because there is no zone that allows for this combination of use as Jackie noted. There is some precedent for looking at this and doing something as a way of creating this zone. For those have been around long enough in dealing with this, you can remember the tourist home, tourist cabin use that you have now that you in the ordinance arose out of an enforcement issue when these things were happening and developed around the county and actually Planning staff looked at it, I remember specifically talking about, but they looked at it and determined that apparently this is a use that is needed in the county and grant he spent some time crafting the zoning ordinance and adopted what we have now as you tourist cabin/tourist rental use. I would suggest that same approach ought to be considered for this. There is a big gap between a fuel station, convenience mart and full-fledged Truck Stop/Travel Plaza use. It is a huge gap. First of all the travel plaza requires a minimum of 10 acres. The travel plaza as you can see on the chart that I believe is still displayed for you, there are all sorts of uses in that, that you do not want at a site like this, nor does the petitioner want them. But if the choice is only between a fuel station, convenience mart and a truck stop it is not a good choice. It is too narrow and there are legitimate choices beyond the fuel station that would be done here. We ask for the accessory use for one residence as an accessory use that is specifically defined and limited to an onsite residence use as an employee/manager/owner. In all honesty, if that is a concern, if you don't think that is appropriate at all, just say so, it will come off. That is on there not because of this petitioner has plans to live on this site. He doesn't. He and his wife they don't. They have their property but it is certainly a realistic possibility that a future employee, a future manager of the property would choose to live on the site as a single person so would ask for the accessory use of a very limited one single residential use, an apartment built inside as a second floor loft. But the real issue is to deal with the truck parking. So when we were at the PRC, I understand the desire not to turn those into public input meetings because they kind of got carried away and even your Admin Meeting got carried away with full-fledged Plan Commission Meetings and public input from petitioners and neighbors and whatever and you are trying to limit that. I understand that. What ended up happening is now we go to the PRC Meeting and there is discussion, some negative, some I think I think factual mistakes and had no opportunity to say anything. Then we go to the Admin Committee Meeting and it happened again. Some statements were made and the staff analysis was presented and we were hand tied, all we could do was sit, watch and listen. This is the first opportunity with you to engage in any kind of exchange and

certainly welcome comments, feedback but the ultimate goal is to allow the very legitimate business use that this site is designed for. It works well. You have a signal light at the intersection at Victor Pike and 37. We have a high demand for it, a request for it. I received today and I will forward it to Anne for the packet for next time around that I received today a 7 page fully signed petition of support for this, very specific on the uses in support for it and before we go tonight I will forward that to Anne so it will go into the packet. I mean, there are 7 pages of signatures on that. So, is there support for what is being done here? Absolutely. Are there remonstrators? Absolutely. So, we are back to you to weigh the nature of the objections and the impact of those when you get to a decision and we will look for that another time. Thank you.

Clements: I am sorry Anne. Mr. Carmin, are there other members of the petitioner present with you who would like to speak?

Carmin: The petitioner I don't think he has anything additional. There was one other quick comment that I wanted to make on just on the engine idling. There is engine idling prohibited for overnight sleeping parking. There have worked up plans for how we enforce that is the obvious question I think we would have. Included in this petition has already been in contact with a heavy wrecker towing service to patrol the parking lot and if truck engines are found idling they are going to have authority to tow them because they would be unauthorized parkers. So, there is a reasonable method to enforce the no engine idling. Thank you.

Clements: So, Mr. Carmin, I still did not understand.

Carmin: The petitioner is logged on but I don't believe unless he has raised his hand he had any comments that he wanted to make.

Clements: Because there are members of the Plan Commission who have questions. Mr. Pittsford and then Mr. Enright-Randolph.

Pittsford: Alright, sorry I kept hitting the wrong button. Thank you Ma'am Chairman, Chairwoman. I have a couple of things that are of concern to me. First of all I will begin by citing one of my American author favorites and that is John Steinbeck said on essay "he was looking for a clean well-lighted place". I think that is indicative of what some of these truckers are looking for regardless of Ms. Owens very serious concerns regarding public health and safety. We already have a public health crisis in Monroe County and it begins in the downtown area of Bloomington where we have restaurant owners and other entrepreneur operating businesses that are severally handicapped by people leaving hypodermic needles on the sidewalks and in the bathrooms and in public spaces. So, this is not an invitation to a health crisis. It is not that large of a facility. Also, I would note that North 37/Interstate 69 gas stations and convenience stores are really not very accessible and convenient. If you are a trucker and you roll into Monroe County you can forget about getting gas until you are in Morgan County unless you want to get off the interstate and drive a few blocks into an area. Do we want more trucks coming off of 69 onto West Third, West Second Street, that area, or would we rather they fuel up on the southern end of the county and drive all the way through the county without adding to the traffic congestion in the Highland Village area? That is just my question. The last couple of questions I have are can this current business really survive under what it is right now? If they are limited to only what they have now the gas station

convenience store, are they really going to be able to fulfill the needs of customers that are getting on and off of 69 right at the interchange? I think not. The last thing is with all due respect to Ms. Owens, do we want all of the interstate commerce truckers to go to Greene County? Because if that is our stated purpose we may as well go ahead and put up sign way down on 69 that says don't plan on doing business in Monroe County because we have no place for truckers here. Those are the sum of my comments.

Clements: Ok, thank you Mr. Pittsford. I will ask my fellow colleagues on the Plan Commission to reserve comments until after those members of the public have spoken if favor or opposition to this proposal before us. Right now, if members of the Plan Commission have specific questions for Mr. Carmin, we can entertain questions for Mr. Carmin.

Enright-Randolph: I always thought during this go around we were allowed to have questions for the petitioner or staff.

Clements: But it's ok Mr. Enright-Randolph, please go forward.

Enright-Randolph: Because the staff presentation might have a question to staff. Either way, I doubt either one is prepared for my (inaudible) travel plaza is 10 acres with at least 200 feet of dedicated road frontage on a major collector. They shall have a left and/or right turn lane (inaudible) developer will have to install one. That is not verbatim but that is basically I guess section states under the minimum area of road frontage. My question and there are a lot of other factors (inaudible) environmental overlay, (inaudible) what would be the max number you could install? If you have an answer, if you have a ball park that would great.

Clements: Does staff or Lisa Ridge?

Enright-Randolph: I don't think (inaudible). My question is that (inaudible) my point is how my truck stops could be permitted under this particular use and are we really looking to have such an extensive truck stop versus smaller more genuine to the character of our community to provide safety and commerce exchange for our truck drivers. I just think the whole conditional use and thing needs to be rewritten. We wrote this when I-69 was coming through and we were basically making it nearly impossible to have a truck stop or a travel plaza and we are holding this whole pre-existing use to these new compliances or these new standards and it just baffles the question are we really going to put the safety of our truck drivers out there until another petitioner comes along that has 10 acres to develop and then back to my question how many truck drivers could then park there? So, I am ready for the next question. I hope that we don't move hastily and this moves to a second hearing and with only 6 members present if 2 don't vote in favor it will move regardless to a second hearing.

Creceilius: The request of waiver of final hearing was withdrawn so it will actually be heard at the August hearing. So, please definitely make your outstanding questions and concerns known to the petitioner's representative so that they can address them fully.

Clements: So, I would also like to ask is Lisa Ridge present and the staff is present do you have answers for Mr. Enright-Randolph's questions?

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Ridge: I don't not have a lot of street or truck traffic with interstates.

Clements: Thank you Lisa Ridge.

Nester Jelen: Margaret, sorry you got muted somehow.

Clements: I would like to open up the floor to public comment and those members of the public who are present and who would like to speak in favor of this petition, would you please raise your hand and you will have 3 minutes to speak. Mr. Ryan and Vanessa Cloe.

Tech Services: It looks like Tina Rogers was the first one up, so they are muted right now.

Clements: Oh, ok. Tina Rogers you have 3 minutes. Thank you for coming tonight.

### **SUPPORTERS – PUO-21-1 – P & G**

Rogers: Hi. Thank you for taking the time to hear me out. I am very aware that none of you have spent much time utilizing the station that we are talking about just hearing some of the comments that were made. I have been utilizing the station since we built in the Highlands in 1997. I am now over on South Patricia Lane. I run a business that provides to individuals with disabilities. We use this truck stop to have our meetings. We use this place to take our individuals to train them on how to use money and how to make appropriate purchases in the community. We frequently run to that store at all hours of the day and all hours of the night. I have sent my young children, my 19 year old daughter started going there when she was 16. If someone is sick in the family at 3 am and we needed medicine, no one ever feels unsafe there. We don't feel unsafe because we know that there are other people around, that those trucks are out back and criminals do too. That deters them from wanting to be in and around that when there are other people that could be watching. I attribute part, in response to Ms. Owens comments, I think that is an irresponsible comment and I think that is irresponsible comment because it doesn't compare in any shape or form to what these people offer and our drug problems are far beyond out of control in downtown Bloomington and my child went to the project school. I felt more uncomfortable letting him walk around there then I would have at that truck stop at 4 o'clock in the morning. The site that is supposed to be a historical site, wasn't that proposed to be a historical site after she purchased the home? She purchased that home knowing that that truck stop was there. She purchased that home and when one complaint didn't get what she wanted done she then went to another complaint and then to another complaint. I fear that we are going to be held hostage by a woman that wants things the way that she wants them and Ms. Owens you spoke that we are responsible to the people in our community. She is one individual. I am the one who put that petition together and in 6 days we had 7 pages worth of signatures supporting them. These folks house our Townsend trucks. Those are emergency management vehicles. Those people are contracted with the County and the City to do emergency management. They help keep our County up and running during tough times. This keeps them close. They not only have that but these folks offer them to buy gas on credit at night when their cards don't work because they get shut off at 5 pm. They don't have to do that. They want to see our community thrive and they are here to help our community. Please let's not be held hostage by one woman who wants things her way, who chose to move into that home, move into that community with an established business already there. What's next if she doesn't get her way with

this? The sewer facility? Maybe the race track. I am sure she hears it because I do too. I have lived on the south side all of my life and I on the west side of 69. I can't see it any good. Mr. Stainbrook you wouldn't want to live in that area so you probably wouldn't want to put your house in that area. Thank you for your time and I really hope you consider allowing this to continue to run.

Clements: I would like to remind all people here to speak more respectfully of your fellow community members and to not do the name calling that we just heard. It is not welcome here. To speak in ideas generally is fine but to do the bashing that we just heard is not welcome in our Plan Commission Meeting hearings and I would just like to make sure that is standard is set and adhered to. Mr. Ryan and Ms. Vanessa Cloe, you are recognized.

Cloe: Good evening. Thank you so much for taking time to hear from myself. My name is Vanessa Cloe. I have been in Bloomington now for about 20 years. We lived in Illinois, it is where we grew up in. My husband and I prior to coming to Bloomington actually commuted to the city for our work. If we would have had a place like Cherian Pilo to park our vehicles at night while we commuted with a small child that is exactly where we would have parked out vehicle. Unfortunately, those options were not available to us or we were not aware of them. So, the fact that there is not a place, a safe place, in Bloomington prior to Cherian Pilo speaks volumes to the community that they have built and developing a place where businesses and members of the community feel safe to go and leave their equipment, leave their property knowing that it is safe for them. I am sorry, I am still collecting my thoughts. We have been customers for many years at the business. If you have not had a chance to visit the Sunoco, now it is the Sunmart station, I would encourage you to. We find that there is a strong vibrant community there who because of Cherian Pilo anytime that you go in there you are greeted with warmth and kindness and generosity. We have a 16 year old daughter who knows that there are trucks that park there at night and she is not scared or concerned in any capacity because we know that the people there are going to keep her safe and it has never concerned us. Ms. Owens' comments were disappointing because as Mr. Pittsford had discussed earlier this is a home. This is a place for people to park their vehicles but they are not actually staying there. The state police and Monroe County officers actually frequent the gas station regularly. So, I would just encourage you to visit and understand that it is a safe place and the concerns that have gone up are disappointing and frustrating because there is the community service going on further Pilo are also addressing both the gas and food desert in the area. Try coming up Bedford, there is not a gas station nearby. Try coming in from Monroe County there is not a gas station nearby and so the fact that you can't provide or we can't provide as Monroe County residents a place for these truckers to go is disappointing.

Clements: Thank you very much. I would like to recognize Dick Koontz.

Koontz: Can you hear me?

Clements: Yes.

Koontz: One of your constituents earlier recognized 465/37 truck stop, that stop holds well over 137 trucks a night, easily on a night and it has a strip club right next to it. We are not talking about the same thing here. Pilo Truck Stop is at most 15 or 20 trucks and it does not cause that amount of anger for people. Let me put it elsewhere. I run a business nearby and we have trucks come in

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all day long. They turn around at that truck stop just to get down our road, which is right by there and all them truck drivers drive from across the US all day long every day and they need that truck stop. They have to have that truck stop to rest. I mean, there is nobody else nearby us where a truck can pull in and actually do it. They can't go up to Third Street and pull off in Lowes or Menards parking lot and just sit there. They have nowhere to go. The next stop is Crane Naval Station in Washington. We need this business for our gas, for our food, for our family. We need this gas station. I am going to get to where you don't want me to say bad things about people so I am just going to stop it there. Thank you for hearing me.

Clements: Thank you for showing up tonight and thanks for keeping it nice and community minded. Mr. Mike Jay.

Jay: Can you hear me now?

Clements: Yes.

Jay: I just wanted to speak because I am one of the truck drivers that parks there and I have been parking there for about 12 years. The reason that I park there is because I live in Bloomington and if I didn't I would have to commute in my personal vehicle all the way to Indy every day and I wouldn't be able to do it. There is me and about 4 other guys that park there and we deliver fuel to all you people down there in Bloomington and the surrounding areas of Bedford. If we are not able to park there overnight there is going to be a lot more gas stations out of fuel because that is a nice place for us all to park right there. We don't idle overnight. We pull in and park them and turn off and lock them up. So, there would be no idling and I can see their point about some people coming in there and idling because there are always some bad eggs in every profession. There are some real scummy truck drivers that come in there and throw their trash down and are a nuisance and I see it. So, I am constantly out there trying to pick up their trash so we don't get kicked out of there. So, I don't know how we are going to resolve that problem as far as keeping the people from coming in there that are causing the problems. But most of us just like to park our vehicles there. There are some people that haul wood and trees and stuff and are respectful of the property and it is in our best interest to keep our spots there. So, I don't know if they are just trying to get people to stop idling or if there is not going to be any truck parking but it is vital for us and everybody down there in Bloomington to be able to get fuel and their trees trimmed and all of that. So, we do need a good place to park and there is nowhere else. That is it. Thanks.

Clements: Thank you Mr. Mike Jay. Are there any other members of the public who would like to speak in favor of this petition? Ms. Natalie Blaze, you are recognized.

Blaze: Can you hear me ok?

Clements: Yes we can.

Blaze: Thank you. I am actually calling on behalf of my husband, Scott and myself. We have been a neighbor of the Shell gas station for over 20 years through the owners Cherian and Pilo and the prior owners. In our opinion the gas station needs to have the overnight parking. We are very in favor of that. Over the past 20 years we have not once since we have lived here had an issue with

the semi-truck traffic that utilizes that space. They use it to have a clean and safe place to park when traveling. We have not had one issue. My children have grown up here. They have walked to and from our road directly across that gas station parking lot. We have never had an issue with anyone in anything not being safe there and as a community we would be doing a disservice to those that cart our goods all over this country, many of them are our nearby local community members, by not allowing them the opportunity to park there overnight. What has happened since this issue has become a problem in the last year or so? All of them, not all of them, I don't want to overstate, but a lot of them are parking at exits along the interstate. We know that. Members of my family routinely travel south on I-69. We see daily up to 9 semi-trucks at the next exit south parking on side the off and on exits and it is not safe. Jerry Pittsford's earlier comments were spot on. We are very much in support of Rosy and Pilo filing their claim. Thank you.

Clements: Thank you Ms. Blaze. Are there other members of the public who would like to speak in favor of this petition? If there are none, I would like to open the floor to those in opposition. You will have 3 minutes to speak. Please raise your hand if you would like to speak in opposition to this petition. Mr. and Mrs. Busch. You will each have 3 minutes if you both indeed would like to speak. So let us begin.

#### **REMONSTRATORS – PUO-21-1 – P & G**

Mrs. Busch: Alright, I want to say that my brother was a trucker for decades and that he now is a trucker instructor and manager for a truck driving school. We have consulting him regarding this petition. I am going to read on now. We are Patty and Dave Busch and we live in the neighborhood near P & G Associates LLC. When we moved here in 1999, the petitioner's property was owned by Sunoco and operated as a gas station and convenience store. We considered that usage appropriate and value it today. However, we are opposed to PUO-21-1, Truck Stop-Small. We do not support extended time parking or overnight parking for tractor trailer rigs in any amount. Diesel exhaust is noxious and cariogenic to humans. We spend many hours outdoors each day and night and every season and cannot avoid breathing these fumes. The petitioner's council states signage will prevent truckers from idling their engines but how will drivers stay cool in the hot summer and warm during the cold of the winter. Many trailers require an auxiliary power unit, APU, for temperature sensitive loads. These also operate by diesel. We question how time limits, numbers of trucks parked, and idling will be enforced by the owners and their employees. In recent history it has not. We have smelled diesel exhaust on too many occasions. We are also concerned about trailers carrying hazardous waste and our exposure should an accident occur. For the health and safety of our neighborhood, we urge you to vote no. Thank you for your time.

Clements: Thank you and Mr. Busch do you wish also to speak?

Mr. Busch: No.

Clements: Ok. Thank you very much. Mr. Jeff Morris, if you would like to speak.

Morris: Hi, there. My name is Jeff Morris and I live across the street from the entrance to the gas station on the historic property that has been mentioned a few times tonight. I wanted to start by saying that the fact that we live in a historic property is unrelated to our concerns. The fact that we

are listening to trucks idling overnight is irrelevant as to whether we live in a historic house or not. The idling trucks vibrate our house at night despite the fact that we rarely hear traffic from State Road 37 inside our house. I would also like to say that I support the gas station in the current permitted uses of it. It is convenient to have a gas station nearby and I was a frequent customer before the pandemic kept me indoors. The owners are some of the most hardworking people I know. I know I have heard rumors and at one point there was even a sign hanging in the convenience store saying that neighbors are trying to eliminate the station, I can't speak for other neighbors but I know for myself there was never an attempt to get the gas station shut down nor did I ever hear of such a petition. I have heard of the change.org petition to support the station that was mentioned earlier. From what I have seen online that petition is misleading based on the fact that it lead signs to believe that the gas station was going to be shut down. With all of this said, the overnight parking situation has reached a point where I can no longer speak in favor of that continuing. When we first bought our house 4 years ago, the parking situation was tolerable and we could rarely hear any noise. However, as the parking lot was expanded closer to residential properties and I-69 was completed it became a more common occurrence to hear trucks idling in the middle of the night. About a year ago a no parking sign was place at the entrance in an attempt to enforce the zoning. That has helped but overnight parking has continued. More recently cones that were meant to block parking spots have moved on a regular basis and trucks are once again parking adjacent to residential properties. Given that enforcement is already difficult and overnight parking isn't supposed to be happening, period, I don't feel that allowing some overnight parking is going to make enforcement any easier. Enforcement guidelines look good on paper but do nothing to help the neighbors who continuously have to listen to refrigerated trucks and other diesel engines idling nearby in the overnight hours. The other thing I would like to point out is that I have taken a close look at Monroe County Truck Stop/Travel Plaza Conditional Use and I feel like it is very well written and goes a long way in protecting neighboring properties surrounding the truck stop. However, it seems like many of those requirements that protect neighbors are missing from this proposal to create the new designation of Truck Stop-Small. Regardless of what the proposal is named at the end of the day the request is for truck parking. I have no problem with trucks coming in during the day to fuel up and get food. I respect and support the hard work of everyone in the trucking industry. The other requests in this proposal don't concern me but I simply cannot support overnight parking. Thank you for thinking of the surrounding neighborhood as you consider this proposal.

Clements: Thank you sir. Thank you for speaking. I think Mr. TC, if you would like or Ms. TC, if you would like to speak.

Tech Services: Guy Loftman is up next.

Clements: Oh, ok. Mr. Loftman. Welcome back. You have 3 minutes. We don't hear you yet.

Loftman: Ok, I think I have got it.

Clements: Yes, you do.

Loftman: Thank you. Any talk about this station failing we would need to see a real financial analysis to see how big a problem it is and with Covid of course that has dramatically hurt every



gas station in the United States. We shouldn't trigger an inappropriate response because of what should be, could be a relatively short term problem. Covid, we have already seen traffic come back. Nobody has seemed to have mentioned when trucks park overnight drivers are going to need, face the call of nature. Hopefully they will go inside to use the bathroom instead of just finding some convenient place in the parking lot that generates waste water. If this is preliminarily approved tonight, which I oppose, please do not waive the final hearing and don't consider final approval unless the water use is shown to be in the rated capacity of the septic system. Health Department records show the permit was issued in 1990 with a waste water flow of 1,200 gallons per day. Please require the petitioner to provide monthly water bills showing usage amounts for 2018 and 2019, Pre-Covid years as well as 2020 and 2021. If any of those months show average daily use over 1,200 gallons it adds great urgency to denying the petition and vigorously pursuing enforcement of the existing ban on overnight truck parking. Production of those records by July 23<sup>rd</sup> and made them available to the public so we can analyze them ourselves. Thank you.

Clements: Thank you Mr. Loftman. The username TC.

TC: Hi, can you hear me?

Clements: Yes we can and welcome.

TC: Thank you. This is Tamby Michael Cassady. I just want to say a few things about remonstrance of this petition. I grew up 2 houses away from this what was originally gas station gone convenience store and I will say like the other remonstrators that I do support having a gas station and convenience store there but I do not support overnight parking. I was chased by a man one time and he was from the gas station. I give credit to myself for getting away from him because I knew the area enough to know what fence to jump and so I do think there is definitely safety to be considered for overnight parking. I also am concerned about waste water. If you have overnight you have showers. You have toiletry, especially if you are not providing power to a unit that has its own. I think to that you should highly consider the number of deaths at the intersection of 37 and Victor Pike historically speaking. So, I don't believe if I still lived in my parents' home I would not appreciate the trucks idling there but I no longer live in that home. But I can say if I were one of those neighbors in that residential neighborhood, which it is very highly residential, so please consider that, I would not approve of that overnight. That is all that I have to say. Thank you.

Clements: Thank you Tamby for sharing your story and for showing up tonight. Mr. Dick Koontz has already spoken but perhaps his wife is here or another person under his user name.

N. Koontz: Hi, my name is Natalie Koontz and we moved down here 7 or 8 months ago and stayed close to where the gas station is. Rosy and Pilo have been a perfect partner to our community since we have been here. The amount of wrecks that have happened since I have been down here, which has been very limited, have been 0 to none. I have seen very few. The passenger vehicles have been one that I have seen and that might not be a good thing to say and I am so sorry. But the gas station truck stop provides an integral part to this community that we need that we need to have here and need to be able to help flourish and provide income and resources to this county. If we take that away from them we are taking away income and benefits from this community that we

need to have. In talking about the health hazards and things along those lines, you can't equate what happened in other counties to our county and what is going on here. It is absurd to even say those things or to think those things and try and put those things in place and make those a reality because that is not the truth. Rosy and Pilo do not operate a facility that harbors that or promotes that or condones that. They take care of their property. They monitor their property and they do everything they possibly can for this community to make sure the best things are going on and they are providing the best service they can possibly provide and to take that away from them is just heart breaking and horrible. To have one person that might be stepping out of line, one row of houses in a certain area saying they are doing something bad, which they are not is just absolutely horrible to think and put on them. They are doing something good for our community, our county and our town to make sure we are thriving and we are providing services that need to be provided, income that we need to have in this community to keep going and I am done. Thank you.

Clements: Thank you very much for showing up tonight. This section of tonight's discussion is right now is for those who are opposed to this petition. Is there any other member of the public who would like to speak in opposition to the petition? I see no hands raised so I bring it back to members of the Plan Commission for further discussion. Is there any member of the Plan Commission make any point or speak again about this petition?

#### **ADDITIONAL QUESTIONS FOR STAFF - PUO-21-1 – P & G**

Enright-Randolph: Mr. Pittsford had his hand up first and then I had my hand up and Dee Owens has hers.

Clements: For some reason the panelist disappeared from my screen. Yes, Mr. Pittsford.

Pittsford: Thank you so much, Mr. Trohn. I appreciate that. My first question is for Anne. Is there a perspective sewer connection in that area? Is it possible for that to be served by city sewer? I realize there is a waste water treatment facility adjacent to this property. So, is there any perspective sanitary sewer connection there in the future?

Creclius: So, I have not heard of a perspective sewer connection. They are currently on a commercial septic and they have stated within the outline plan that if they do any expansion or updates like a small restaurant they will make sure that their septic commercial is up to date or expanded.

Pittsford: Ok and then my second question is maybe a little bit more than facetious but I am on septic here and I know what happens septic tank exceeds capacity. It doesn't outflow into my yard it inflows into my house. Is that consistent with the commercial application, so if they are exceeding their septic capacity aren't they just endangering the interior of their business structure? Bear in mind I am the son of a plumber so I understand the basic rules of plumbing and it may roll downhill but not when the tank is full.

Creclius: Well, then Jerry you know as planners we administer a whole lot we are not necessarily experts at everything, so I would think that Michael Carmin could give you a better answer as to what might happen and if things go downhill or not goes very well for them.

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Pittsford: Well, you can bring Mike on as a lawyer but I can tell you as somebody who lives with a septic system and a son of a plumber that when the septic tank is full nothing flows downhill anymore. But I would love to hear Mike Carmin's opinion on this just because he is getting paid to be here.

Carmin: This is Mike Carmin if I can respond to Jerry.

Clements: Yes, please Mr. Carmin.

Carmin: Jerry, I am not going to disagree with you on the direction things flow but the petitioner has a business practice of having the septic tank pumped on a regular basis. So, I couldn't tell you the experience of it happening because it has never been allowed to happen because they maintain the septic system. It is not in the ground and forgotten. It is regularly pumped and maintained.

Pittsford: Well, a pumped system is significantly different than what you would have with a normal gravity flow or forced flow system or even a presby system. So, I think that comment is really more illuminating than what I expected and I appreciate the fact that you understand dynamics of the flow of waste water.

Clements: Thank you very much Mr. Pittsford. So, I don't remember who you said was next Mr. Enright-Randolph, if it was you?

Enright-Randolph: It was.

Clements: Thank you Mr. Enright-Randolph.

Enright-Randolph: I will just add to that last question. I think the Health Department might have the ability to weigh in a bit on this so I am just going to suggest to Planning staff to reach out to the Health Department because they deal with septic issues. They are the ones that issue the Septic Permit so they are ones that get notified for septic issues so maybe you could even get a better answer but I am going to suggest reaching out to our Health Department to see if they could even weigh in. That is a very tricky question he asked.

Creceilius: The Plan Commission could request that the petitioner provide a Real Estate Inspection and that could provide info. That would be a good request.

Enright-Randolph: I am not in a position to want to request that from the petitioner but if Jerry so wishes I would support his proposal. My question would be more overall. Since we are comparing this to a Truck Stop/Travel Plaza, I am more generally curious in our overall zone that may permit this use. Do we actually have areas that are zoned correctly, that are 10 acres that have that 200' frontage dedicated where we could even permit a Truck Stop/Travel Plaza in Monroe County? If so, I wonder how many feasible places that we could even permit something like this. I do know that we have to permit this so I would start double checking pretty quickly because if we start eliminating our only options I think someone is going to come in here and evaluate it themselves. So, I would like some feedback on our next go round on that question. Thank you.

Clements: Thank you, Mr. Enright-Randolph. Ms. Owens.

Owens: Yes, a couple of things. I would like to say first of all that at no point did I ever discourage the owners nor would I. The research is really clear and it has been for many years. This is my field that increased drug traffic comes with interstates just automatically, that's just how it works. Truck stops are vectors for that traffic. That part of my commentary was factual. It was not my opinion, although I had some. It was certainly not detrimental to the owners but perhaps some of the clientele as even the trucker from Indianapolis that spoke and mentioned about having to pick up after people and so forth. So, that was what that public health piece was about. But I would ask that, I have heard to elude to that it sounds like the place is going to go out of business or something if overnight truck parking isn't allowed and yet the paperwork says that if even if there is overnight truck parking they won't be charged for it. So, what exactly would be different from a business model perspective that would cause them to go out of business? I don't know if anybody has an answer to that but I would be curious as to why that makes a difference in their business right now. Are they going out of business or? I mean how long has that station been there? It has been there a long time. So I would be curious as to anybody that has a response to that.

Clements: Mr. Pittsford I will recognize you. Again, thank you.

Pittsford: Well, I am not the petitioner but I really feel like we need to make the point that the incentive for truck traffic to stop there without the potential for long term or even overnight parking being eliminated if I was a long haul truck driver I simply would not include that on my stop list and quite honestly and I have driven down I-69 going south many times and gone north even with the construction it is a little bit dicey right now but I have made that trip. But as far as I can see right now if I were a long haul trucker there is no way that I would stop anywhere in Monroe County. There is absolutely nothing between say Washington and Martinsville that would be appealing to a long haul trucker in terms of stopping. While this business has not subsisted on big truck refueling diesel and the like obviously with the rerouting of 37 and I-69 that interchange it puts it in an island, so it's only capturing the traffic coming south on 69 looking for one more refuel point before they head to Indianapolis or Morgan County or when they are coming south from Lawrence County with very few opportunities to stop between Lawrence County and this point, Monroe County, so while I may not be a business man or a demographics expert on where truckers stop I just feel like this business would suffer unnecessarily without this accommodation. Those are the sum of my comments. Thank you for giving me the opportunity.

Clements: Thank you Mr. Pittsford and because Ms. Owens asked a very specific question, I will give the petitioner's representative an opportunity to respond to her question about the business model. Mr. Carmin is here and would like to address her comments directly, I will provide that opportunity now.

Carmin: This is Mike Carmin. The petitioner did not raise the issue of the financial stability of the business. That came up through other comments and I am not sure how to answer this. I do not intend to make the petitioners financial circumstances a matter of public record. I don't think it is appropriate or anybody's business. The business will not fail. The petitioner will not let it. It may be hard to do. He may be, he may be cutting back on employment, employees and do even longer hours than what he already works, which are long enough but he is a survivor and this will survive.

It is not going to fail. The business that is generated through the truckers and the parking there, fuel and food sales is important but it is not a corner stone that without it, it is going to crumble. So, yes we would like to keep it. We would like to keep the revenue that that does produce. It certainly helps and it is important but the business is not going to fail because frankly the petitioner is just not going to let it. They will find a way to survive and he will.

Clements: Thank you Mr. Carmin. Ms. Owens.

Owens: Yes, thank you very much for that sir. I am trying to figure out where the sticking point is. I mean as far as my read of the business goes whenever I see it, it looks busy. I drive long, difficult vehicles so I understand how hard it can be just to find a place to get gas much less big enough to position yourself to get to that gas and this station provides that and that is valuable. I don't know that I have heard anybody saying that is not valuable if it continues on doing the business as it is. So, where is the sticking point? Is the overnight parking the sticking point? Yes, earlier I thought I heard it said that is not part of it but that is in the paperwork so I am trying to figure out what the sticking point is. Nobody is saying trucks can't come in there and get gas and buy things. What is the issue?

Clements: Thank you very much Ms. Owens. Well, I think that Mr. Carmin would answer that question.

Carmin: This is Mike Carmin. I am sorry I did not make myself clear earlier. I was trying to answer that before Ms. Owens even asked the question again. I will be slower but I will be brief. The sales of fuel to truck drivers who park there overnight and food product is an important source of revenue. It is not a make or break source of revenue. It certainly allows for some flexibility in what the business does, the staffing, the hiring, how many hours they have to work at the station and his wife but they work long hours anyway and they will do it. The best thing I can do to answer someone's question is to say sales to parking vehicles not just transit traffic but parking vehicles is an important source of revenue but it is not the end all. I don't know. I hope that answers the question.

Clements: Thank you very much Mr. Carmin. Are there any other members of the Plan Commission who have questions or further discussion? Mr. Enright-Randolph?

Enright-Randolph: Just one comment because someone from the public spoke and indicated that they moved in in 1998. I am looking at aerials from 1999, sorry, I am looking at aerials from 1998 and when you look at one of the areas where they did some grading and they had expanded maybe the intensity of these trucks parking there, I won't disagree with that or argue, it clearly shows some trucks parked there. I mean, I don't know if they are staying overnight. So, I am just someone that is just very detail oriented and has the ability to find a lot of information and so I wanted to look at the 1998 aerials and you can clearly see there is about 1, 2, 3, 4, 5, 6, 7, 8 larger vehicles, some are clearly trucks and the others might be more like mechanical like trucks like cement trucks or whatnot, construction maybe kind of equipment. You can't indicate exactly what it is but it just shows me that they may not have known that cars, trucks may have been there until the intensity started too grown and I am not discounting that. I am just clarifying kind of what my observation is on the 1998 aerial and when you compare it to 2019 they have expanded that use quite a

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significantly. So, I will just go ahead and be complete transparent with my evaluation of the 2 aerals I see.

Clements: Thank you. Well, if we have finished our discussion among ourselves, I think it is time for a motion if anyone would be so kind as to make it.

Pittsford: I am prepared to make a motion.

Clements: Thank you, Mr. Pittsford.

#### **FURTHER QUESTIONS FOR STAFF - PUO-21-1 – P & G**

Pittsford: I am not sure it is going to get any support but I will make the motion. **In case number PUO-21-1, Planned Unit Outline Plan, located at 5100 South Victor Pike, consisting of 4.19 plus or minus acres located in the MCUA, Monroe County Urbanizing Area Phases 1 and 2, Phase 1 being Employment and Phase 2 being Southside Employment, I recommend approval, I recommend that we move it forward with a positive recommendation, not approval, but move it forward with a positive recommendation along with a waiver of final hearing, even though petitioner did not request that.** That is my motion.

Clements: Is there a second?

Enright-Randolph: I will **second** it but I know what the outcome is going to be.

Nester Jelen: I will call the roll. The request is on PUO-21-1 and it is to send a positive recommend to the County Commissioners with a waiver of the final hearing and to vote yes is to send forward with a positive recommendation. Amy Thompson?

Thompson: No but Mr. Carmin and staff both indication that they had additional information they have yet to share with us, so no.

Nester Jelen: Dee Owens?

Owens: No.

Nester Jelen: Jim Stainbrook?

Stainbrook: No.

Nester Jelen: Jerry Pittsford?

Pittsford: Yes.

Nester Jelen: Margaret Clements?

Clements: No.

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Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph: I mean I favor the petition even with additional information I am still going to favor the petition so yes.

Nester Jelen: Ok. **The motion fails at a vote of 2 to 4.**

Clements: Ok, so that will be heard at our next Plan Commission Meeting. So, I would like to thank everyone, members of the public and also the petitioner and the petitioner's representative and staff for all of the time they put into this proposal and this petition and also fellow members of Board of Commissioners because of all thoughtfulness and of the experience that you bring the deliberation over the issues. So, I want to thank everyone for their involvement.

**No motion in case PUO-21-1, P & G Planned Unit Outline Plan, Preliminary Hearing, Waiver of Final Hearing Requested, motion failed due to lack of majority vote (2-4), case is moved to the next meeting.**

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**NEW BUSINESS**

**2. SSS-21-5**

**Lasuertmer Sliding Scale Subdivision Preliminary Plat  
Plat Vacation Request.**

**Road Width Waiver Request.**

**Preliminary Hearing.**

**Waiver of Final Hearing Requested.**

Two (2) parcels on 10 +/- acres located in Section 23 & 24 of Washington  
Township at 4501 E Streacher RD.

**Zoned AG/RR.** Contact: [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

**STAFF ACTION:** Petition was continue to August Administrative Meeting.



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**NEW BUSINESS**

**3. PUD-21-5**

**Westgate on 3rd Development Plan  
Preliminary Hearing.**

One (1) 37.99 +/- acre parcel in Section 2 of Van Buren Township at 4755  
W State Road 48. **Zoned PUD.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

**STAFF ACTION:** Petition was continue to August Administrative Meeting.

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**NEW BUSINESS**

**4. ZOA-21-6**

**Amendment to the Monroe County Zoning Ordinance:  
Amendment to Chapter 802**

Amendment to Home Based Business, Home Occupation, General Contractor, and Artisan Crafts.

Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

**STAFF ACTION:** Petition was continued to August Administrative Meeting.

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**NEW BUSINESS**

**5. ZOA-21-7**

**Amendment to Monroe County Zoning Ordinance:**

**Amendment to Chapter 813**

Amendment to add conditions for General Contractor in AG/RR, CR, and FR

Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

**STAFF ACTION:** Petition was continued to the August Administrative Meeting.

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**NEW BUSINESS**

**6. ZOA-21-8**

**Amendment to Monroe County Zoning Ordinance:  
Amendment to Chapter 815**

Amendment to require certified site plans for new residential development.

Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

**STAFF ACTION:** Petition was continued to the August Administrative Meeting.

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Clements: We have reached the hour of 9 o'clock and we are at a point in our deliberations this evening where we vote among ourselves whether to continue hearing the rest of the petitions or if we continue for a certain amount of time. It is 9 o'clock. We finished this last petition. There is still quite a bit on the agenda and if we vote to end the meeting, these items would be continued, or they would be picked up at the next meeting. So, Jackie could you please call the vote on whether or not we end tonight's meeting at this time?

Nester Jelen: Yes, I can do that.

Clements: Thank you.

Nester Jelen: I will note just for clarity sake August Plan Commission agenda is fairly long, so these would all go to the August agenda. **This is vote to proceed with the meeting.** Dee Owens?

Owens: Yes.

Nester Jelen: Jim Stainbrook?

Stainbrook: I am sorry Jackie you for a moment. What is the motion before us?

Nester Jelen: The motion is to continue on with the rest of the agenda on tonight's meeting.

Stainbrook: No.

Nester Jelen: Just clarify, Dee Owens you voted yes to continue with the meeting tonight?

Owens: Yes that is correct.

Nester Jelen: Thank you.

Stainbrook: She is a lot younger than I am.

Nester Jelen: Jerry Pittsford?

Pittsford: I vote no with 2 statements; one that if the meeting continues I will be leaving and two that I would make a motion for a special meeting to be held to address all of the remaining items on this agenda before our next meeting. But my summary vote is no.

Nester Jelen: Margaret Clements?

Clements: No.

Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph: What was the tally that we have?

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Stainbrook: Just vote Trohn.

Nester Jelen: It is already 3 no.

Enright-Randolph: It is already 3 no.

Nester Jelen: Yes.

Enright-Randolph: I will go with no.

Nester Jelen: Ok, then Amy Thompson?

Thompson: I apologize for all of the folks that have hung on this long but I vote no as well and I agree with Jerry that a special meeting to shorten the potential length of the August Meeting would be a good idea.

Nester Jelen: Dave Schilling, if you are still on the call, could we go ahead and consider continuing this meeting to the Administrative Meeting?

Clements: Should we vote on that? Should there be a motion to vote on whether or not we have a special meeting or have it as part of our Administrative Meeting?

Nester Jelen: Yes.

Clements: Mr. Pittsford if you would like to make that in the form of a motion.

Pittsford: Thank you, Madam Chairwoman. I was all prepared to do that. **At this time I would move that the balance of tonight's agenda be moved forward to our scheduled Administrative Meeting, which is to be held on August 3<sup>rd</sup> and that no other items be added to that agenda as part of an administrative meeting and that it would be held strictly as an continuation of this scheduled action meeting.** What is the term, Jackie, for this meeting? It is not Administrative, it is..

Nester Jelen: The regular meeting.

Pittsford: Right, exactly. **That the August 3<sup>rd</sup> Meeting would be held as solely a continuation of this regular meeting of the Monroe County Plan Commission.** That is my motion in sum.

Thompson: **Second.**

Nester Jelen: Ok, I will call the roll. Dee Owens?

Owens: I lost the call. I hit the wrong button. I am going to vote no on that because we do have administrative business and that part of it I vote no. I vote yes to continue but no to that part. But I guess you can't do that, right? So, no.

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Nester Jelen: Jim Stainbrook?

Stainbrook: Well, I generally hope I don't offer explanation but I think Dee's point, well I will vote no, in view of what Dee has shared.

Nester Jelen: Jerry Pittsford?

Pittsford: Yes with the idea that we can always schedule a special meeting for administration purposes.

Nester Jelen: Margaret Clements?

Clements: I am also going to vote no because we have administrative business to take care of and I would also like to thank the members of the public that turned out tonight. I am sorry the agenda was long and we didn't get to everything. But thank you for your interest and your involvement. But my vote is no.

Nester Jelen: Trohn Enright Randolph?

Enright-Randolph: At least you are going to hear me abrupt words because I was on mute this time. No.

Nester Jelen: Amy Thompson?

Thompson: Yes.

Nester Jelen: Ok, **the motion fails.**

Owens: If I could make a motion.

Enright-Randolph: Could we ask Jackie how loaded our administrative business is?

Clements: Dee wanted to make a motion as well.

Owens: Thank you. **I would like to make a motion that we continue this business to the Administrative Meeting on August the 3<sup>rd</sup> without the caveat that no other business takes place that day, in other words that we do the Administrative Meeting stuff that we also need to do then.**

Enright-Randolph: I will **second.**

Nester Jelen: I will call the roll. Jim Stainbrook?

Stainbrook: Yes.

Nester Jelen: Jerry Pittsford?

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Pittsford: No.

Nester Jelen: Margaret Clements?

Clements: No.

Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Nester Jelen: Amy Thompson?

Thompson: Yes.

Nester Jelen: Dee Owens?

Owens: Yes.

Nester Jelen: **The motion fails 4 to 2.**

Clements: Ok, I think at this point in the meeting there should be a motion to adjourn.

Enright-Randolph: Sure, unless you give me the ability to do one more motion, Madam President that may allow us to address the public in a timely fashion or do our business in a timely fashion.

Clements: Of course you can.

Enright-Randolph: I would like to make a motion that we move this to our Admin. Meeting and we only, if you could go back up to the agenda, and we only deal with petitions and not Administrative Business that is outlined, in hopes that this will lighten our load, allow us to do our Admin. Meeting, can you go to the agenda, because we have a lot of Administrative Business below that right? So, what petitions did we not hear today?

Clements: I believe this motion was already voted on, the same idea was voted on and rejected.

Enright-Randolph: I recall seeing Administrative Business on the agenda that outlines other amendments to our ordinance.

Clements: That is not administrative that is a matter of public.

Enright-Randolph: Right, I was going to, I will just withdraw my motion. My goal was to do the public's business that has the public involvement with their petitions at our next Administrative Business and that was it and we leave the ordinance discussion for our next go around. But I am just going to pull back and withdraw my motion.

Clements: If members of the Plan Commission at the next full meeting of the Plan Commission



would like to limit the petitioner or the petitioner's representative a motion could be made at the beginning of the meeting so that we can move through the cases. Other than that, I feel as though tonight it was a very heavy agenda and we were taxed by some of the controversy in it and for that I apologize to the members of the public here more simpler issues. But I feel like this meeting has come it's natural conclusion and if we would have a motion to adjourn, we hope to get through things at our next meeting.

Pittsford: **I move to adjourn, Madam Chairwoman, with the hope that the Administrative Meeting we can call a special meeting of the Plan Commission to address other administrative issues that will not be addressed at that meeting.** That is my motion in sum.

Clements: That is an excellent idea and maybe perhaps we could have 2 meetings in a row at our regular meeting, maybe one night after the other and just have a Plan Commission paloosa or something like that. But the motion has been made to adjourn and to consider our Administrative Meeting a special meeting and I really appreciate everyone's perseverance tonight and if there is anyone opposed to adjourning, please state so at this time.

Pittsford: Madam President, if I may be indulged just one last comment. I wanted to thank staff for bearing with us. I know meeting are extraordinarily difficult for Plan Commission members but they are equally difficult for and taxing for our staff and I just want to give them our highest acclaim and appreciation.

Clements: Thank you. Thank you very much. Thank you to all and to members of the Plan Commission, to members of the staff and to the public. Thank you.

Enright-Randolph: Thanks everyone.

DRAFT

**REPORTS:**

**Planning/Wilson:** No reports.

**Legal/Schilling:** No reports.

**The meeting adjourned at 9:09 pm.**

Sign:

Attest:

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Margaret Clements, President

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Larry J. Wilson, Secretary

DRAFT