

MONROE COUNTY PLAN COMMISSION MEETING



**Tuesday, January 18, 2022
5:30 pm**

**MEETING TO BE HELD VIA
TELECONFERENCE:**

[https://monroecounty-
in.zoom.us/j/81647669411?pwd=VWFFYWFPYjY4NjJxZGJnR2d0YkI5UT09](https://monroecounty-in.zoom.us/j/81647669411?pwd=VWFFYWFPYjY4NjJxZGJnR2d0YkI5UT09)

If calling into the Zoom meeting, dial: 312-626-6799

Meeting ID: 816 4766 9411

Password: 353753

**MONROE COUNTY PLAN COMMISSION
AGENDA**

The Monroe County Plan Commission will hold a public meeting on **Tuesday, January 18, 2022** at 5:30 PM. The following meeting will be held via Zoom. The link for the Zoom can be found on the Planning Department's website

(<https://us02web.zoom.us/j/100682653?pwd=NU1ORVJQYWtUR1h4Wm9QUUF5dC8wdz09>). For information about the zoom meeting, you may call (812)349-2560 or email (PlanningOffice@co.monroe.in.us) our office. We will be taking public comment at each public hearing and consider the following agenda items and requests regarding the following described properties in Monroe County, Ind.:

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – None.

ADMINISTRATIVE BUSINESS: - None.

UNFINISHED BUSINESS:

- 1. PUO-21-1 P & G Planned Unit Outline Plan to rezone property from PB to PUD
Final Hearing.**
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 **PAGE 4**

- 2. ZOA-21-8 Amendment to the Monroe County Zoning Ordinance:
Chapter 815- Site Plans (Certified Site Plans)
Final Hearing.**
Amendment to require certified site plans for development.
Contact: jnester@co.monroe.in.us
CONTINUED BY STAFF

- 3. REZ-21-7 440 E Sample RD Rezone from AG/RR to GB PAGE 81
Final Hearing.**
One (1) 1.647 +/- acre parcel in Washington Township, Section 34
440 E Sample RD, parcel no. 53-02-34-200-006.000-017.
Owner: Richardson, Donald M.
Zoned AG/RR. Contact dmyers@co.monroe.in.us

NEW BUSINESS:

- 1. ZOA-21-9 Amendment to the Monroe County Zoning Ordinance: PAGE 100
Chapter 814- Permits and Certificates
Preliminary Hearing. Waiver of Final Hearing Requested.**
Amendment to Improvement Location Permit Criteria
Amendment to allow for Conditional Land Use Certificates.
Contact: lwilson@co.monroe.in.us
- 2. ZOA-21-13 Amendment to the Monroe County Zoning Ordinance: PAGE 104
Chapter 802 – Zones and Permitted Uses
Preliminary Hearing. Waiver of Final Hearing Requested.**

Amendment to add Scrap Metal Processing Facility.

Contact: lwilson@co.monroe.in.us

3. REZ-22-1

Bedford Recycling Rezone from ME to HI

PAGE 109

Preliminary Hearing. Waiver of Final Hearing Requested.

One (1) 30.45 +/- acre parcel in Section 32 of Perry Township at 405 E Dillman Rd, parcel #: 53-08-32-300-009.001-008.

Owner: Bedford Recycling Inc.

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

REPORTS:

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

Said hearing will be held in accordance with the provisions of: IC 36-7-4-100 et seq.; & the County Code, Zoning Ordinance, and the Rules of the Plan Commission of Monroe County, Ind. All persons affected by said proposals may be heard at this time, and the hearing may be continued as necessary.

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

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

The meeting will be open to the public.

MONROE COUNTY PLAN COMMISSION**January 18, 2022**

CASE NUMBER	PUO-21-1
PLANNER	Anne Crecelius
PETITIONER	P & G Associates LLC c/o Michael Carmin, Carmin Parker PC
REQUEST	P & G Planned Unit Outline Plan Waiver of Final Hearing Requested
ADDRESS	5100 S Victor Pike Parcel #: 53-08-29-200-023.000-008
ACRES	4.9 +/-
ZONE	PB
TOWNSHIP	Perry
SECTION	29
PLATS	Unplatted
COMP PLAN DESIGNATION	MCUA Phase 1: Employment MCUA Phase 2: Southside Employment

EXHIBITS

1. Petitioner Outline Plan Statement (updated 7/13/21)
2. Site Plan
3. Illustration of Overnight Parking
4. Planning Use Determination
5. Letters of Remonstrance
6. Letters of Support
7. Support Petition (received 7/21/21)
8. Query into properties zoned HI
9. Query into properties within 2000' of interstate
10. Supplemental Petitioner's Statement
11. Rules for Overnight Truck Parking
12. Truck Stop Small Updated Design Standards
13. ATRI Compendium of Idling Regulations
14. I-69 Corridor Study, pages 45-48
15. Septic Permit

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 property;
3. Dedicate and convey open space per chapter 811.
4. Entirety of parking lot to be paved per Ch. 806 standards and parking plan submission to be reviewed by the County Highway Engineer.

PLAN REVIEW COMMITTEE - June 10, 2021

Discussion included concerns regarding safety of drivers through Monroe County with limited resources for overnight parking, and concerns with nuisance fumes from truck idling. The illustration on Exhibit 3 illustrates nearby truck overnight parking locations. The petition site is currently the only location with overnight parking in Monroe County. There were further discussions around the lack of rest stops along I-69 when construction took place and that it is causing a lack of space for truck drivers to stop and rest overnight.

HISTORIC PRESERVATION BOARD - June 21, 2021

Discussion included neighbor concerns (see concerns from PRC), and potential impact to the viewshed of the Stipp-Bender Farm. Stipp-Bender Farm has an application pending at the state for National Historic Register Nomination.

PLAN COMMISSION Regular – July 20, 2021 (Preliminary Hearing)

Information requested regarding areas that meet the requirements of a Truck Stop/Travel Plaza. See Exhibit 8.

PLAN COMMISSION Regular – August 17, 2021 (Final Hearing)

Continued by Petitioner.

PLAN COMMISSION Regular – September 21, 2021 (Final Hearing)

Planning has requested a copy of the septic permit from the petitioner's representative.

SUMMARY

The petition site is located at 5100 S Victor Pike, zoned Pre-Existing Business, in Perry Township, section 29. It's 4.9 +/- acres and is developed and operating as a Sunoco Gas Station. The petition site is accessed from S Victor Pike and is approximately 500' from the intersection of S Victor Pike and S State Road 37. The petitioner is requesting a Planned Unit Development Outline Plan to create the "P & G PUD" which would permit the use of a petitioner-defined use of "Truck Stop – Small". There are no zones within the ordinance that would allow for the combination off all of the proposed uses. The use of a convenience store and daytime truck parking is a legal use and is permitted to continue no matter the outcome of this PUD request. The current use of overnight truck parking is not a permitted use.

If approved by the County Commissioners the outline plan will be adopted as a legal ordinance. Any design or use that is defined within the ordinance or states will follow Monroe County Zoning will be permitted under a development plan approval. Any change to the design or use within the document would require an amendment to the ordinance using this same process, with ultimate approval by County Commissioners.

If this petition is withdrawn or is denied by the County Commissioners, the site will be required to remove the non-conforming use of overnight truck parking and conform to the legal, pre-existing non-conforming use of convenience store.

BACKGROUND

Chapter 802 defines the use of "Convenience Store" as:

Any retail establishment offering for sale prepackaged food products, household items, gasoline sales, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. The maximum size for a convenience store is 3,500 square feet.

The petition site received a complaint regarding the exterior lighting in 2019, trucks idling and parking overnight, as well as an expansion of the existing parking on the site. The review of the site's aerial imagery showed that the gravel parking surrounding the property had expanded significantly with overnight truck parking. A Use Determination was issued by the Planning Director stating that the combination of uses could either by "Truck Stop/Travel Plaza" or "Trucking Terminal" under chapter 802, both of which are not permitted in the Pre-Existing Business (PB) zoning district. The petitioner was unable to meet the conditions of either use, and therefore applied for a Planned Unit Development (PUD) to legalize the uses on the property.

The petitioner's representative, Michael Carmin, states in Exhibit 1:

"Petitioner seeks to rezone the property to Planned Unit Development to continue the existing uses of the property - gasoline station/convenience mart, but also seeks to add additional limited uses

that have developed on the property over time ancillary to the gasoline station/convenience mart. The proposed Planned Unit Development zone creates a Truck Stop - Small use.

Truck Stop - Small is consistent with Comprehensive Land Use Plan - Urbanizing Area. The plan identifies the parcel for employment uses. The Truck Stop - Small leverages use of existing infrastructure and primarily the principal road network system providing essential services and opportunities for highway travelers. The limited uses in Truck Stop - Small are a major step down in intensity of use otherwise allowed in the Truck Stop/Travel Plaza.

The Truck Stop/Travel Plaza use, a conditional use under the zoning code, is more intense in uses and development than petitioner seeks. Petitioner crafted the term Truck Stop – Small because it represents the travel, vehicle uses adjacent to a principal arterial road, but less intense than the scope of uses permitted in Truck Stop/Travel Plaza. No existing zone allows the mix of uses and guaranteed limited scale of such uses as proposed in this PUD. No existing zone allows for the combination of uses as have developed and petitioner seeks to continue to use on the lot.”

USE COMPARISON

Chapter 813 Conditions for a Truck Stop/Travel Plaza and **staff comments and the proposed PUD standards in red text.**

(11) Truck Stop/Travel Plaza

(a) Applicability

The standards of this section apply to all truck stops and travel plazas.

(b) Minimum Parcel Area and Road Frontage

The minimum parcel area for establishment of a new truck stop or travel plaza is ten acres with at least two hundred (200) feet of direct road frontage on a major collector. Dedicated left-turn and/or right- turn lanes must either exist or be constructed by the Developer. All access drives shall be oriented toward the major collector.

Does not meet: Petition site is 4.9 acres

Meets: contains ~1,160 ft of frontage along a local road and a freeway.

Does not meet: It does not contain a dedicated left-turn or right-turn lane

(c) Location

1. The parcel on which the truck stop/travel plaza is located must be within 2,000 feet of the centerline of the nearest interstate highway exit/entry ramp.
2. The major collector serving the truck stop/travel plaza shall handle any expected traffic and load increase with no more than minor traffic disruptions to adjoining or nearby (within one (1) mile) properties and no significant additional wear and tear on the roadway.
3. No more than one truck stop shall have primary access from any interstate highway interchange.
4. The minimum distance between truck stops shall be 7,000 feet measured from property line to property line.

Meets: #1 – located approximately 500’ from S State Road 37 centerline.

Meets: #2.

Meets: #3 and #4 – no other truck stop nearby.

Proposed PUD standard:

Location. The Truck Stop - Small parcel must be located within 200 feet of the centerline of a principal arterial road or adjacent to a secondary collector road connecting to a principal arterial intersection. Driveway entrance on an adjacent secondary collector road

shall be located not further than 500 feet from the principal arterial road intersection. The Truck Stop - Small shall be a minimum distance of 3,000 feet from a Truck Stop/Travel Plaza or other Truck Stop - Small use, measured property line to property line.

(d) Parking and Fueling Stations

Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies may not exceed 22 feet in height.

Meets the standard.

Proposed PUD standard:

4. Fueling stations. Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies may not exceed 22 feet in height.

(e) Indoor Operation

All vehicle service and/or repair activities must be conducted within a completely enclosed building. Parts, equipment, lubricants, fuels, tires or other materials must be screened from abutting streets and property. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

1. The dispensing of petroleum products, water and air from pump islands.
2. The provision of emergency service of a minor nature.

In addition, no vehicle shall be parked on the premises for the purposes of offering the vehicle for sale and no used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area.

Would meet the standards. Has recently not met the standard by having detached semi-trailers stored on the site, but proposed PUD would be required to remove any disabled vehicles.

Proposed PUD standard:

6. Prohibited uses. Vehicle repair and servicing are not permitted uses. Sales of vehicle fluids are permitted (examples: oil, engine coolant, washer fluid) and consumer installation of vehicle fluids is permitted.

(f) Noise

If the parcel on which the truck stop/travel plaza is located is within 1,320 feet of an R zoning district, the applicant must provide a noise impact study prepared by a qualified acoustical consultant and must propose necessary mitigation measures to ensure that noise levels at the boundary of the nearest R zoning districts will not exceed 60 dB (A) between the hours of 10 p.m. and 7 a.m. The applicant must also propose idling time restrictions and means of ensuring compliance with such restrictions. The purpose of such restrictions is to reduce noise and air quality-related impacts. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

Does not meet: No PUD standard proposed.

(g) Overnight Parking

Overnight parking is not allowed unless Electrified parking spaces (EPS), also known as truck stop electrification, is installed for each overnight space to allow truck drivers to provide power to necessary systems, such as heating, air conditioning, or appliances, without idling the engine.

Does not meet: No PUD standard proposed for EPS.

Over-night truck parking is currently not a permitted use under the PB zoning. Chapter 802 would permit overnight truck parking under either the "Truck Stop/Travel Plaza" or "Trucking

Terminal”, high-intensity uses. Trucking Terminals are permitted in the High Industrial (HI) zone or conditional (BZA approval required under chapter 813) in the Light Industrial (LI) zone.

	(i)	LB	GB	LI	HI	(C)
Truck Stop/Travel Plaza	H				C	
Trucking Terminal	H			C	P	31

Proposed PUD standard:

Overnight transient truck parking will comprise 5% to 10% of the lot area located along the north property line on the west half of the property. The ride share parking will use less than 2% of the lot and will be located along the south portion of the improved lot, an existing gravel parking area.

7. Overnight parking. Transient overnight truck parking shall not exceed a 24 hour period. Transient overnight truck parking may include driver rest periods in vehicles with truck/tractor cabins designed for rest periods. Designated parking for transient overnight truck parking shall not exceed 20 parking spaces.

(h) Fuel Spill Containment/Hazardous Substances

A plan must be submitted showing how the truck stop/travel plaza is designed to prevent any spill from the facility or from vehicles utilizing the facility from contaminating soil or migrating off-site.

The facility shall fully comply with all Federal and State regulations regarding the reporting and containment of spills and releases of petroleum and hazardous substances. The following spills must be reported to the Planning Department within 12 hours of occurrence:

- Greater than 100 lbs. or the CERCLA Reportable Quantity (RQ) of a hazardous material;
- Petroleum spills of greater than 55-gallons; or
- Spills of “objectionable substances” – defined as, substances of a quantity and type that are present in sufficient duration and location to damage the waters of the state.

Meets requirements: Gasoline and fuel sales are permitted under chapter 802 as either “Gasoline Services Station” or “Convenience Store”. The site currently has fuel sales under the use of convenience store. The state requires the above standards for operational gas stations.

(i) Karst

Development of a truck stop or travel plaza in areas that encompass or affect sinkholes or other karst features (i.e., in “sinkhole areas”) is prohibited unless it is demonstrated that the development would have no significant detrimental impact on storm water management or ground water quality.

Meets: No signs of karst features on the petition property.

(j) Parking

All parking areas must be paved and fully comply with current Monroe County landscaping and storm water management requirements. A parking lot separated from the truck fueling/parking area must be provided for employees and passenger vehicles utilizing the facility.

Does not meet: Petition site is only partially paved.

Meets: Separate parking areas are proposed per conceptual site plan.

Proposed PUD standard:

10. Lot surfaces. Driveway and associated lot areas for fueling stations, charging stations, restaurant parking and convenience mart parking shall be paved. Ride-share parking,

transient overnight truck parking, and associated driveway areas may be stone or gravel surfaced.

(k) Landscaping

1. At least 25% of the lot area shall be devoted to green area.
2. All screening shall include a fence and a dense planting of trees and shrubs, for the full length of the lot line.

Meets: #1 percentage of greenspace.

Does not meet: #2 – see below. Would require 92 trees just along the north property line to buffer between the residence and business. Likely require ~300+ plantings (bufferyard, streetscape, interior plantings, bioretention plantings, etc.) if it were to meet the full requirements.

Proposed PUD standard:

11. Landscaping. At least 25% of the lot shall be dedicated to permanent green space. A minimum of eight (8) trees shall be required in the areas in close proximity to road frontages.

(l) Signs and Lighting Standards

Any signs or lighting permitted in conjunction with the use shall be appropriate to the location and in harmony with the general character of the properties in the area. All on-site lighting at a truck stop or travel plaza shall be sized and directed to provide for minimal light spillage onto adjacent properties. Lighting standards shall be as follows:

1. All outdoor lighting shall be fully shielded. Fully shielded requires a lighting fixture to be constructed so that all the light emitted by the fixture is projected below the horizontal plan of the lowest plane of the lowest point of the fixture.
2. Lighting fixtures used to illuminate a sign shall be mounted on the top of the sign structure, lighting the sign downward.
3. Low-pressure Sodium (LPS) lamps or other dark sky friendly lighting alternatives are required throughout the site.
4. Search lights, laser source lights, or any similar high-intensity light shall not be permitted.

Meets: Permitted signage under chapter 807 would allow a total square footage of 600' of signage which includes a monument or pole sign, no greater than 60 sq. ft. per road frontage.

Proposed PUD standard:

Signage. An existing pole sign is located along the southwest property line and is estimated at 40 feet. An existing ground sign is located in the southern part of the property in the south edge of the improved portion of the lot with sign visibility from State Road 37. The monument sign is less than six feet in height. The existing pole sign and monument sign will be retained.

Meets: Lighting standards have been upgraded to meet the current requirement of a commercial site.

Proposed PUD standard:

13. Lighting standards. On-site lighting shall be sized and directed to provide minimal light spillage onto adjacent properties. All outdoor lighting shall be shielded so that light emitted by the fixtures project below the horizontal plane of the lowest point of the fixture. Low pressure sodium lamps or other dark sky friendly lighting alternatives shall be utilized wherever feasible for any light not fully shielded. Pole signs and monument signs may be backlit. Lighting shall not exceed one candle power at a property line.

(m) Adult Oriented Business

No Adult Oriented Business activities as defined by the Monroe County Zoning Ordinance.

Not addressed within the outline plan. Other uses that were specified as prohibited are listed as:

6. Prohibited uses. Vehicle repair and servicing are not permitted uses. Sales of vehicle fluids are permitted (examples: oil, engine coolant, washer fluid) and consumer installation of vehicle fluids is permitted.

(n) Security

The truck stop/travel plaza must be designed with adequate lighting, fencing, security cameras, access control, signs, etc. to mitigate the potential for crime.

Likely meets: petitioner states there are cameras in and around the property already existing.

(o) Additional Requirements

All performance standards of the Monroe County Zoning Ordinance must be met. The Board of Appeals may require design changes or additional landscaping, screening, and berms as necessary to minimize the visual and noise impact of the truck stop or travel plaza on adjacent properties.

The petitioner has proposed some uses that are not defined under the Truck Stop/Travel Plaza use. The information below that is blocked is directly from the proposed outline plan with staff review below in red.

Electric vehicle charging station;

5. Vehicle charging stations. Vehicle charging stations (electric vehicle) shall be located in a designated area minimizing traffic conflicts for truck parking, rideshare parking, and fueling stations. Charging stations do not require a canopy.

Chapter 802 doesn't contain a definition for electric vehicle charging states.

Convenience mart;

9. Convenience mart/food service. Dine-in facilities for the restaurant shall not exceed 1,000 square feet.

The site currently used as convenience store as a legal use under the PB zone.

	(i)	LB	GB	LI	HI	(C)
Convenience Store	H	P	P			

Ride-share parking;

8. Ride-share. Vehicle parking for carpooling and ride-sharing shall be permitted. Designated parking for ride-share use shall not exceed 20 spaces. Ride-share parking shall not exceed 12 hours.

Chapter 802 doesn't define ride-share parking and would only be able to be permitted under a Planned Unit Development outline plan.

Restaurant (small);

The restaurant use would be developed within the existing building utilizing a part of the 9,000 square feet presently used for product storage. The restaurant use would be located at the east end of the existing building. A drive-thru window would be placed in the north wall at the east end or in the east wall of the building. There is no time line decided for any remodeling to add a restaurant or the accessory residential use.

Chapter 802 permits the use of a restaurant in the LB, GB zones. It doesn't restrict the size of the restaurant.

Accessory uses: A single residential dwelling use and seasonal sales.

15. Accessory Uses.

a. Seasonal sales shall be permitted on the open lot. Examples of seasonal sales include farm produce sales, fireworks and pumpkins sales. Sales and display areas for seasonal sales shall not exceed 2,000 square feet.

Chapter 802 does include definitions for uses that are similar to the proposed “seasonal sales” accessory use. Those are included below.

Temporary / Seasonal Activity. (Permitted in AG/RR, FR, CR, LB, GB with conditions 46; 54). Any sale made by a person, firm or corporation engaging in the temporary business of selling seasonal products or engaging in events either retail or outdoor in nature, on property owned or leased by the person, firm, or corporation. The following list identifies the kinds of temporary / seasonal activity:

- Outdoor art or craft show or exhibit;
- Christmas tree sales;
- Fireworks sales;
- Car Tent sales;
- Food Trucks;
- Outdoor public, religious, patriotic, or historic assembly or exhibit, including a festival, benefit, fund raising event, or similar use that typically attracts a mass audience;
 - For temporary uses that are not listed above, the Director shall determine whether an unlisted temporary seasonal activity use should be classified as a temporary seasonal activity. This determination shall be based upon the similarities and differences with the above listed uses and an assessment of the proposed temporary seasonal activity’s compatibility with the zoning district and surrounding land uses.

Roadside Stand, Temporary: (Permitted in AG/RR, FR, CR, with condition 52). A non-permanent structure (tent or table), operated on a seasonal basis which allows for local agricultural producers to retail their products and agriculture-related items directly to consumers and enhance income through value-added products.

b. Residential. One 2-bedroom dwelling unit for employee/manager occupancy. The accessory use for a dwelling would be created through remodeling of the existing single story structure by interior remodeling to create an apartment or second story loft addition to the existing building.

The ordinance does not permit residential uses in commercial zones:

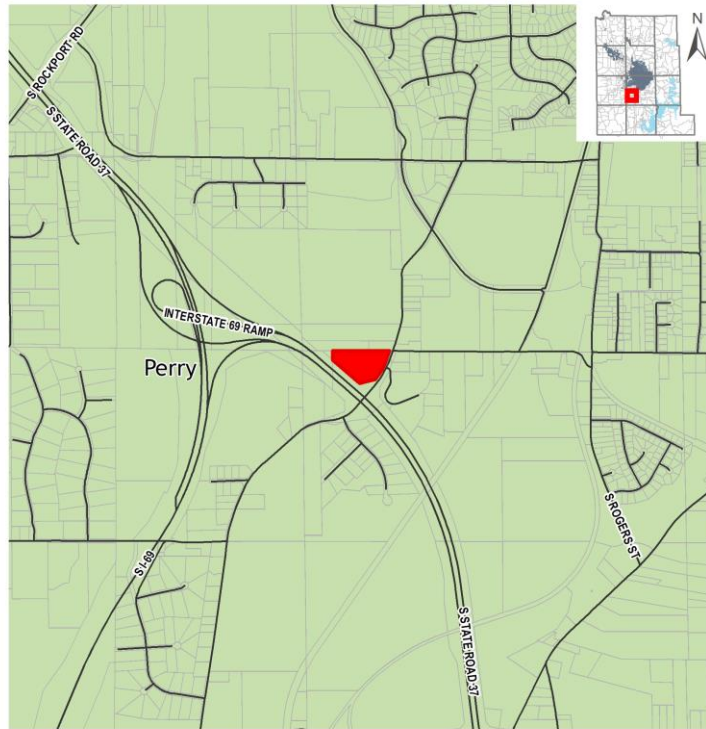
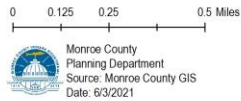
Residential Uses	(i)	AG	FR	CR	ER	LR	SR	MR	HR	UR	(C)
Accessory Apartments	L	P	P	P	P	P	P	P	P		26
Accessory Dwelling Units	L	P	P	P							53; 55
Single Family Dwelling	n/a	P	P	P	P	P	P	P	P	P	1
Temporary Dwelling	L	P	P	P	P	P	P	P	P	P	3; 53

LOCATION MAP

The petition site is located in Perry Township, section 29, addressed as 5100 S Victor Pike. The parcel number is 53-08-29-200-023.000-008. The petition site has frontage on S Victor Pike and S State Road 37.

Location Map

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

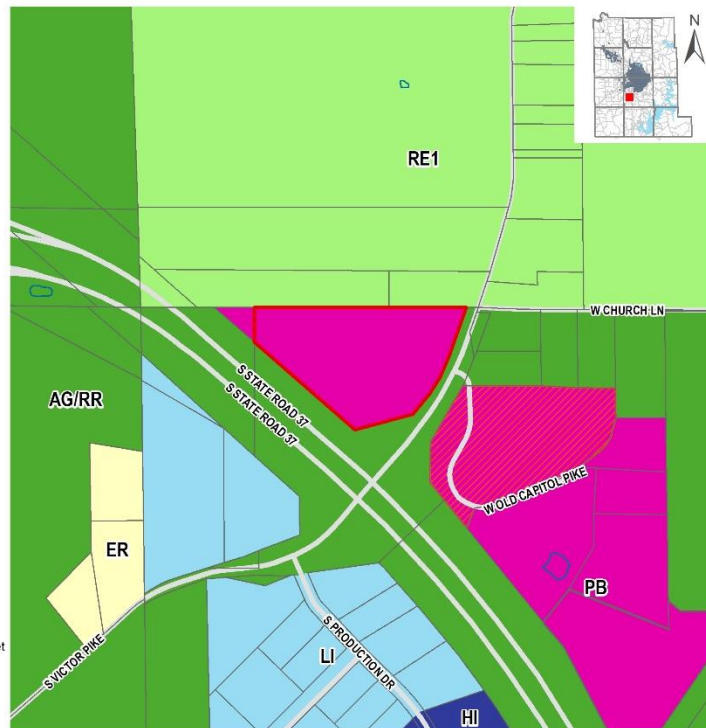
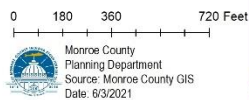


ZONING AND ADJACENT USES

The petition site is zoned Pre-Existing Business (PB). Surrounding Right-of-Way are zoned Agricultural/Rural Reserve (AG/RR). Property to the north is zoned Estate Residential 1 (RE1), property to the southwest is zoned Light Industrial (LI), and property to the southeast are zoned Pre-Existing Business (PB), and PB and Historic Designated Overlay.

Current Zoning Map

- Petitioner
 - Parcels
 - Roads
 - Hydrologic Features
 - Historic Preservation Overlay
- Monroe County Zoning**
- AG/RR - Agriculture/Rural Reserve
 - ER - Estate Residential
 - HI - Heavy Industrial
 - LI - Light Industrial
 - PB - Pre-Existing Business
 - RE1 - Estate Residential 1



SITE CONDITIONS

The petition site is developed and contains one main building and two fuel stations. Access is derived from S Victor Pike. The site has a pre-existing commercial septic. The site contains buildable area with steep slopes only present near existing drainage ditches. South Victor Pike is classified as a “Local Road” and S State Road 37 as “Production” per the 2016 Thoroughfare Plan. The Monroe County Highway Engineer has stated that a traffic study isn’t required for the petition site.

The property is located within a “critical watershed”, called “West Fork Clear Creek/Clear Creek”. The Monroe County MS4 Coordinator comments are pending.

Summary of Improvements

Buildings	Grade	Condition	Construction Year	Effective Year	Area
Service Station, Detached Canopy C C 01		A	1990	1990	1,600
Service Station, Detached Canopy C C 01		A	2000	2000	2,367
Paving C 01	C	A	1990	1990	37,000
Paving C 01	C	A	1990	1990	3,500
C/i Building C 01	C	A	1990	2000	8,640

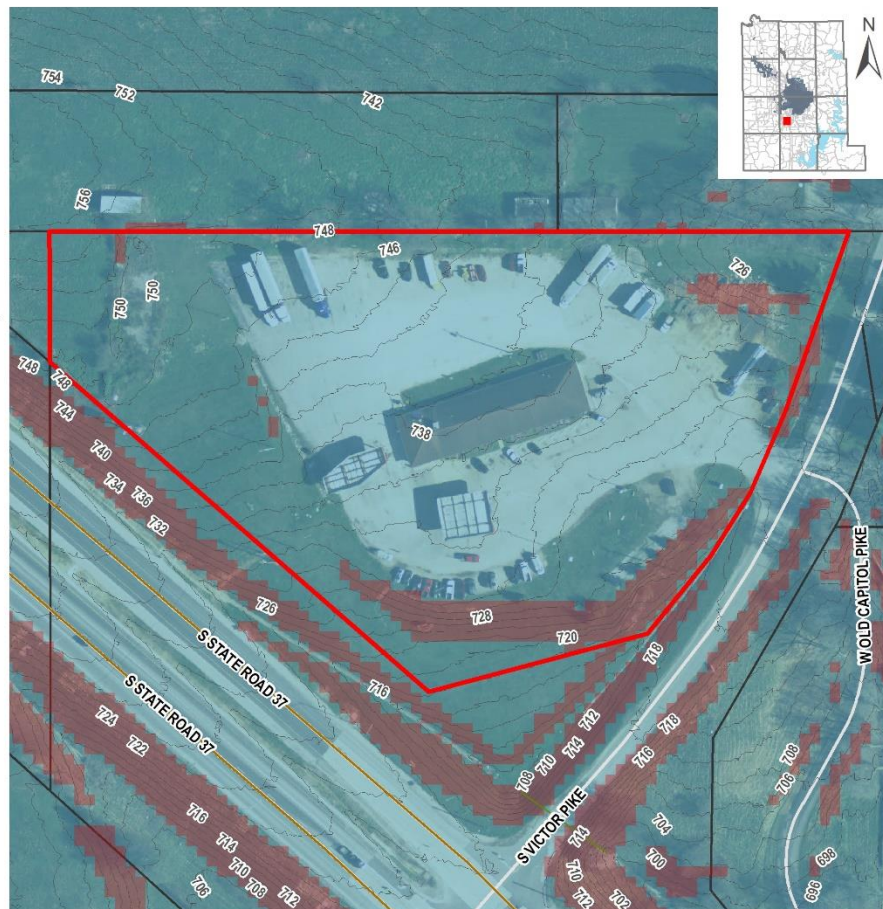
Site Conditions Map

- Freeway
- Petitioner
- Storm Water
- 2-Foot Contours
- Local Roads [50']
- 15% Slope Restriction
 - 0 - 15
 - > 15
- Parcels
- Critical Watersheds
 - West Fork Clear Creek/Clear Creek

0 37.5 75 150 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/3/2021



SITE PICTURES



Figure 1. Pictometry photo from April 2020, looking north.



Figure 2. Looking west along S Victor Pike.



Figure 3. Looking north west.



Figure 4: Looking southwest at the back of the convenience store.



Figure 5: Looking west at the current truck parking area.



Figure 6. Looking south at one of two canopies.



Figure 7. Entrance of convenience store and two of two canopies.

COMPREHENSIVE PLAN DISCUSSION – PHASE I

The petition site is located in the **Employment** districts on the Monroe County Urbanizing Area Plan portion of the Monroe County Comprehensive Plan. Points that align with the proposed PUD outline plan are highlighted in **green**. Points that differ from the MCUA districts are highlighted in **grey**.

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

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

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

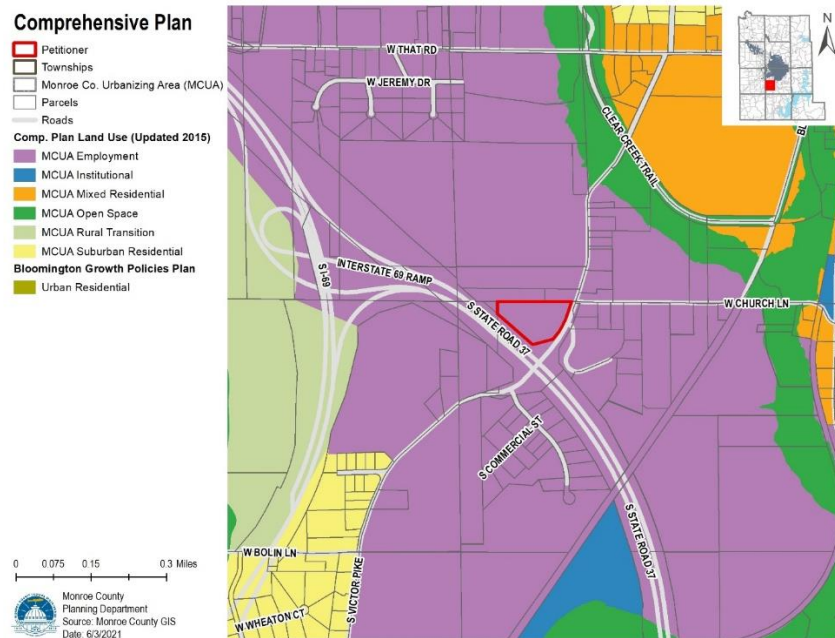
A. Transportation

Streets: Employment areas require special considerations in roadway design. These areas are typically accessed through arterial connections from the freeway and require accommodations for heavy truck traffic. Arterial connections may include **mixed-use corridors**, and special attention must be paid to balance the needs of all travel modes while also facilitating industrial deliveries and commuter traffic flow. Arterial streets, such as Third Street, should not exceed five lanes in width (four travel lanes with center turn lane). local and collector streets will typically be two or three-lanes (two travel lanes with center turn lane). Street connections are encouraged to help distribute traffic, but should be balanced with access management plans to maximize safety. Center medians for select arterial roadways should be considered to improve access management and corridor aesthetics.

Freight: Appropriate routes for truck traffic to and from i-69 should be designated with thoroughfares designed accordingly. Major highway access points to employment areas west of i-69 will include Sr-46, Third Street/Sr-48, 2nd Street/Sr-45 and Tapp road. Fullerton Pike will provide access to potential

employment areas to the east of i-69. A new roadway connection between That road and South Walnut Street (old Sr-37) should be considered to open land between the highway and clear creek for employment uses.

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



B. Utilities

Sewer and water: Employment-generating uses provide a fiscal benefit to the community that may warrant additional investments in and possible geographic expansion of sewer systems. Some areas designated for employment uses in the land Use Plan are located outside of current sewer service areas, most notably the area between Clear Creek and SR 37. Additional studies should be undertaken to determine the potential for sewer expansion and necessary capital improvements to serve these areas. Additional studies and surveys may be required to determine the geographic restrictions within developable areas.

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

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

C. Open space

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

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

D. Public Realm Enhancements

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

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

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

E. Development guidelines

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

Parking ratios: Parking needs will vary by business. In campus and business park settings, shared parking arrangements should be encouraged, although most businesses will require some amount of dedicated parking. Large industrial facilities, warehouses, and flex/r&d space will often have relatively low parking needs (e.g. 1 space per 2,000 square feet). Parking requirements should be based on the needs of individual businesses as opposed to mandatory minimum requirements.

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

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

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

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

COMPREHENSIVE PLAN DISCUSSION – PHASE II

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 in the Urbanizing Area Plan. Currently, this area is largely undeveloped, with some existing office and industrial development and rural residential uses. Additional employment-oriented development should preserve landscape character and be sensitively buffered from nearby residential districts, and benefit from Tax Increment Finance district opportunities.

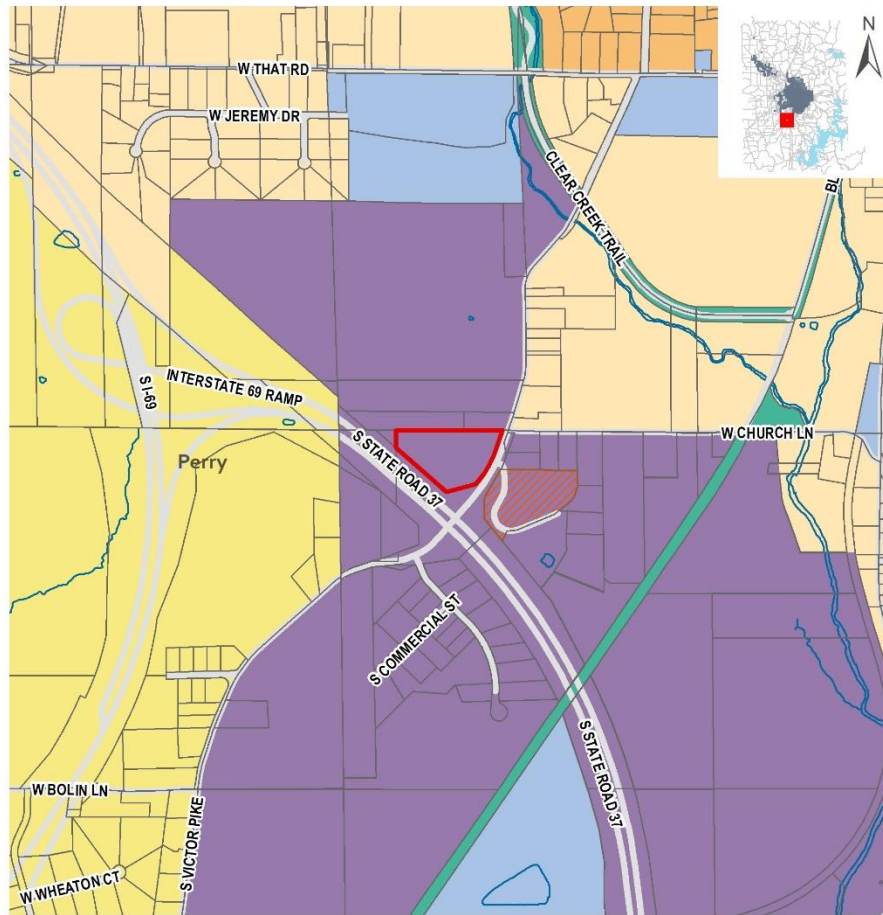
Proposed Zoning Map (2016)

- Petitioner
- Parcels
- Roads
- Historic Preservation Overlay
- Hydrologic Features
- Proposed Zoning**
- E2 - South Side Employment
- N1 - Urban Infill Neighborhood
- N2 - Neighborhood Development
- N3 - Conservation Development
- OS - Open Space
- CV - Civic

0 0.05 0.125 0.2 0.25 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/3/2021

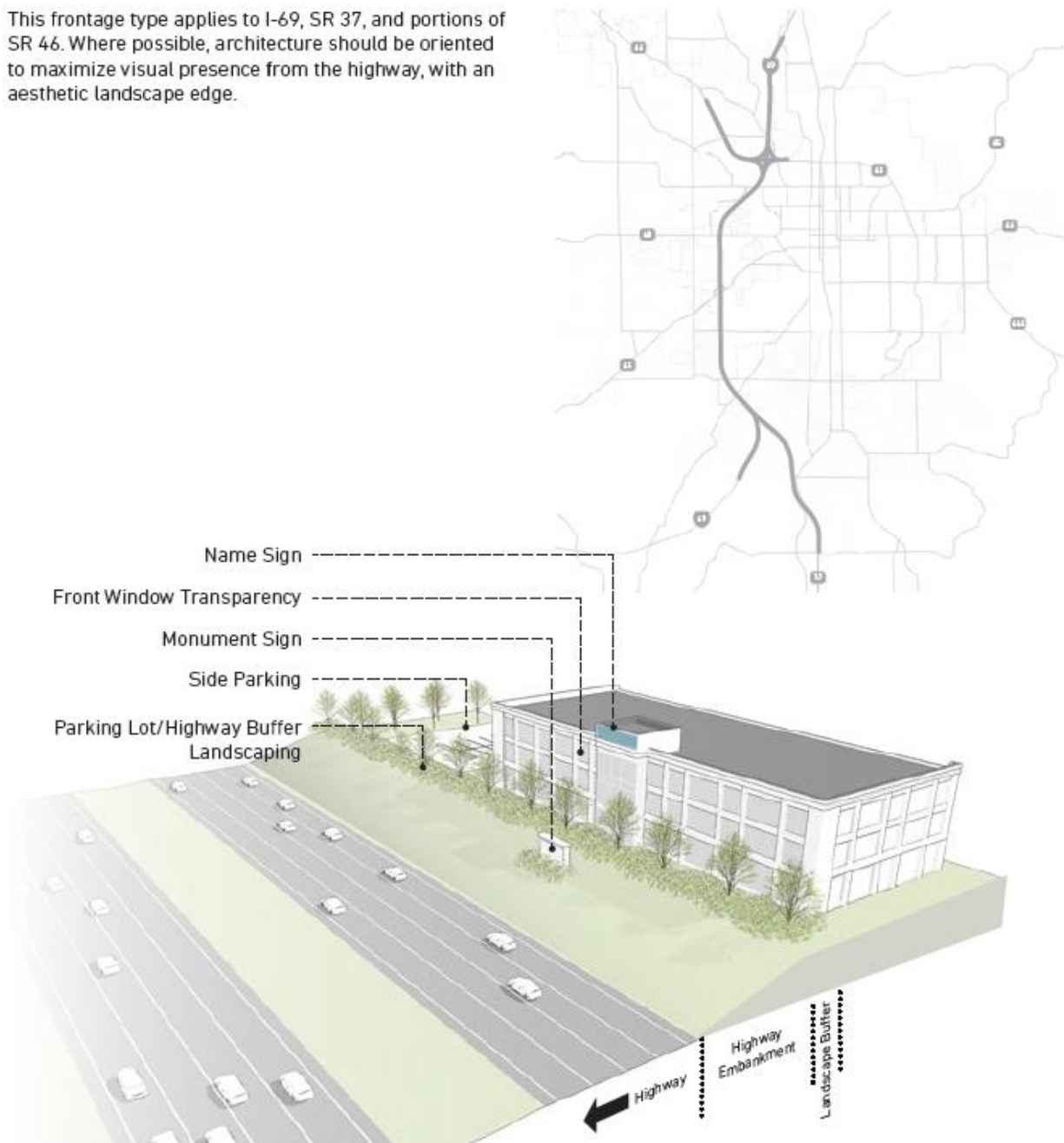


Existing Planned Unit Developments

In general, it is the intent of this zoning framework to eliminate the need to establish new Planned Unit Developments by creating an expedited, consistent and predictable set of zoning requirements and approval procedures. However, existing planned developments represent a significant investment by property owners in establishing specific development plans and standards for their properties in conformance with pre-existing development approval procedures. All planned developments in effect prior to the creation of new zoning districts and standards should continue to be considered in effect, similar to an overlay zone. Opportunities to eliminate the planned unit development overlay will also be accommodated and should be encouraged. PUDs with expired outline plans or without development plans may be reviewed and rezoned entirely, subject to recommendations of this zoning framework.

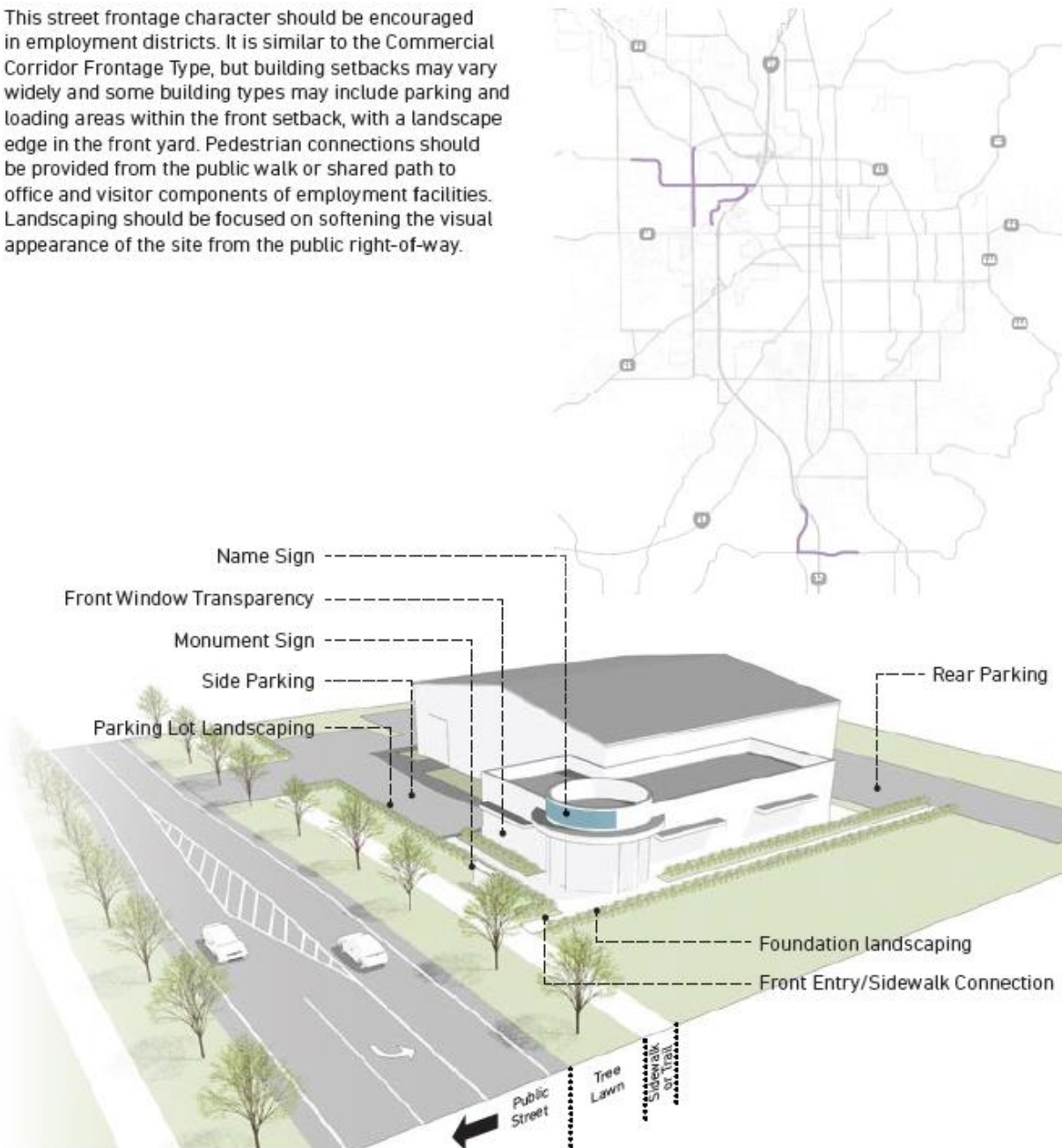
Highway Frontage

This frontage type applies to I-69, SR 37, and portions of SR 46. Where possible, architecture should be oriented to maximize visual presence from the highway, with an aesthetic landscape edge.



Employment Frontage

This street frontage character should be encouraged in employment districts. It is similar to the Commercial Corridor Frontage Type, but building setbacks may vary widely and some building types may include parking and loading areas within the front setback, with a landscape edge in the front yard. Pedestrian connections should be provided from the public walk or shared path to office and visitor components of employment facilities. Landscaping should be focused on softening the visual appearance of the site from the public right-of-way.



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:

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

Findings:

- The 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;
 - The existing and proposed development appears to be consistent with the Comprehensive Plan per the Employment zone;
- (2) The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.

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

Findings:

- See Findings 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;
 - **Spatial analysis into the potential locations of truck stops has shown that there are extremely limited existing locations suitable for a Truck Stop as defined under Chapter 813;**
- (4) The proposal will not be injurious to the public health, safety, and general welfare.

Findings:

- See Findings (1), (2) and (8);
- (5) The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.

Findings:

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

Findings:

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

Findings:

- See Findings under Section E;
- (8) 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);
- (9) 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;

July 13, 2021

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

RE: PUD Petition - Amended

P & G Associates petitions for a rezoning of its property located at 5100 S. Victor Pike, Bloomington, Indiana consisting of 4.93 acres. The property is zoned Pre-existing Business. The property has long been the site of a gasoline station/convenience mart.

The property is located at the intersection of Victor Pike and State Road 37 which is a signalized intersection.

Petitioner seeks to rezone the property to Planned Unit Development to continue the existing uses of the property – gasoline station/convenience mart, but also seeks to add additional limited uses that have developed on the property over time ancillary to the gasoline station/convenience mart. The proposed Planned Unit Development zone creates a Truck Stop – Small use.

Truck Stop – Small is consistent with Comprehensive Land Use Plan – Urbanizing Area. The plan identifies the parcel for employment uses. The Truck Stop – Small leverages use of existing infrastructure and primarily the principal road network system providing essential services and opportunities for highway travelers. The limited uses in Truck Stop – Small are a major step down in intensity of use otherwise allowed in the Truck Stop/Travel Plaza. **Petitioners proposed uses in this PUD barely resemble the extensive and intense uses identified in the Truck Stop/Travel Plaza conditional use described in the zoning ordinance.**

The Truck Stop/Travel Plaza use, a conditional use under the zoning code, is more intense in uses and development than petitioner seeks. Petitioner crafted the term Truck Stop – Small because it represents the travel, vehicle uses adjacent to a principal arterial road, but less intense than the scope of uses permitted in Truck Stop/Travel Plaza. No existing zone allows the mix of uses and guaranteed limited scale of such uses as proposed in this PUD. No existing zone allows for the combination of uses as have developed and petitioner seeks to continue to use on the lot.

Development. The property is fully developed. No additional principal structures are anticipated. **Small accessory structures may be added. For example, petitioner anticipates adding electric vehicle charging stations. It is uncertain whether these charging stations may require a covering, such as a small canopy, over the charging stations for use during inclement weather. Petitioner anticipates adding an outdoor seating area for patrons purchasing food in the convenience mart. The seating facility is best described as an open shelter house, roof covering**



only, with open sides on a part of the parking surface to allow placement of picnic tables or similar seating. A bicycle rack would be installed in close proximity to the shelter. The bicycle rack could be used by patrons for the convenience mart but also as a rest area for bicyclists utilizing the nearby trail system. The shelter would be located on already paved or stone surfaces and would not require the loss of green space. The property is a single parcel of 4.93 acres. Approximately 30% of the lot surface is paved concrete; 25% of the lot surface is stone or gravel; 30% is green space; and about 22,000 square feet of structures (9,000 square foot existing convenience mart/gasoline station office building and covered canopies over fueling stations – 1,500 and 2,000 square feet).

Parking: Overnight transient truck parking will comprise 5% to 10% of the lot area located along the north property line on the west half of the property. The ride share parking will use less than 2% of the lot and will be located along the south portion of the improved lot, an existing gravel parking area. In addition to transient truck parking, limited seasonal work crew parking will be permitted in a designated area limited to ten parking spaces. The seasonal work crew recognizes the long established business practice for the utility companies to contract for utility easement maintenance to clear utility lines and trees and brush on a periodic basis. The crews are almost never from the local area and when under contract to provide the easement maintenance on local utility easements, the crews look for suitable areas to park vehicles and equipment overnight. This is static parking and not a sleeping or rest arrangement. There would be no occupancy of the trucks or equipment parked overnight. Easy access to State Road 37 is an important consideration when identifying a parking area.

The accessory use for a dwelling would be created through remodeling of the existing single story structure by interior remodeling to create an apartment or second story loft addition to the existing building.

The restaurant use would be developed within the existing building utilizing a part of the 9,000 square feet presently used for product storage.

Ownership. The single parcel is under single ownership. No subdivision of the lot is planned and the project will remain under single ownership. All open spaces on the lot will remain as part of the single parcel under single ownership and maintained by the lot owner.

Existing building. The existing single story structure is approximately 9,000 square feet block wall development with a pitched roof. The maximum height of the building is estimated at 22 feet subject to possible second story addition for a residence. The gasoline fueling service consists of three diesel fuel pumping islands under a covered canopy approximately 1,500 square feet. The gasoline fueling service uses four gasoline station pump islands under a 2,000 square foot covered canopy.

Signage. An existing pole sign is located along the southwest property line and is estimated at 35 feet. An existing ground sign is located in the southern part of the property with sign

visibility from State Road 37. The monument sign is less than seven feet in height. The existing pole sign and monument sign will be retained.

Facilities. The property operates with an existing septic permit.

The property is served with public water and electricity.

There are no sidewalks existing along Victor Pike and sidewalks will not be installed.

Storm water drainage. The property is entirely surface drainage. The west and south two-thirds of the lot drains toward State Road 37 right-of-way. The grade fall from the northwest corner to the corner at the junction of Victor Pike and State Road 37 rights-of-way is 30 feet. The fall from the northwest corner to the southwest corner and along the southwest property line is eight feet. The State Road 37 right-of-way between the paved surface of the road and the property line is 75 feet in width and is an existing major drainage swale. The northeast one third of the lot drains through the green space to a small detention area in the northeast corner of the property. No new impervious surfaces will be added to the lot and the property will maintain the existing, historic storm water drainage.

Transient truck parking is an essential community need. There are few, if any, readily identifiable truck stops or places suitable for freight truck hauling for driver rest stops along the I-69 corridor or on the South State Road 37 corridor. Truck travel on the corridors makes use of available spaces on berms, shoulders, ramps and other areas. Transient truck parking has frequently made use of petitioner's property often without consent. Drivers identified the petitioner's gasoline station as an available place to stop and park, apparently believing there would be no harm. The tendency for truck parking developed over an extended period of time and was accepted by petitioner without thought that the truck parking was not permitted. When the issues surfaced that petitioner would need to apply for the PUD to legitimize the transient truck parking, petitioner has attempted to regulate the parking during the pendency of this petition. The petitioner has limited the parking and has begun posting rules and attempted to regulate the parking practice but has stopped short of physically barring the truck parking while this petition is pending. If the zoning petition is not approved petitioner acknowledges that he is required to take all steps reasonably available to prohibit transient truck parking on his property. However, the demand for transient truck parking continues and truck drivers remain dependent upon locations such as petitioner's property for rest stop parking in a safe environment. Petitioner seeks to formalize the transient truck parking as a permitted use through this PUD petition.

Petitioner has added signage limiting truck parking. Designated areas on the lot will be clearly identified. Petitioner is creating a system for truck drivers to check in at the office/cashier station in the building at the time of parking. Rules will be devised and copies posted and provided to drivers when they check in at the office or cashier station to report parking. Those rules will clearly prohibit truck engine idling. Enforcement of the truck engine idling becomes petitioner's responsibility but it will necessarily include prohibiting additional or future parking



by offending drivers. The property has numerous cameras, including cameras in the vicinity of the designated truck parking area.

Environmental Regulations. The gasoline service station component of petitioner's use is regulated under applicable environmental regulations, including Indiana Department of Environmental Management. Spillage reports are mandatory. Petitioner maintains absorbent materials on site in the event of any leakage or spillage. In-ground tanks are double hulled with alarms. The tanks and petitioner's facilities are subject to periodic inspections. Recently a checklist of items for inspection was extensively expanded by IDEM. Petitioner has been compliant with prior inspections. As a result of the most recent expanded inspection system, petitioner is required to make certain modifications which should be completed by the time this petition is heard. Compliance with IDEM regulations will remain an ongoing requirement regardless of the decision on this petition.

Petitioner submits it creates a false image to compare petitioner's proposed PUD uses to the truck stop/travel plaza conditional use. It is more appropriate to view petitioner's proposed PUD use as a gasoline station/convenience mart plus limited truck parking. Adding transient truck parking to the historic use of the property limited to a defined parking area and available parking spaces, under reasonably controlled conditions, provides an invaluable service to truck drivers.

Respectfully submitted,



Michael L. Carmin

MLC/nem
427557 v.3



EXHIBIT 2: Site Plan

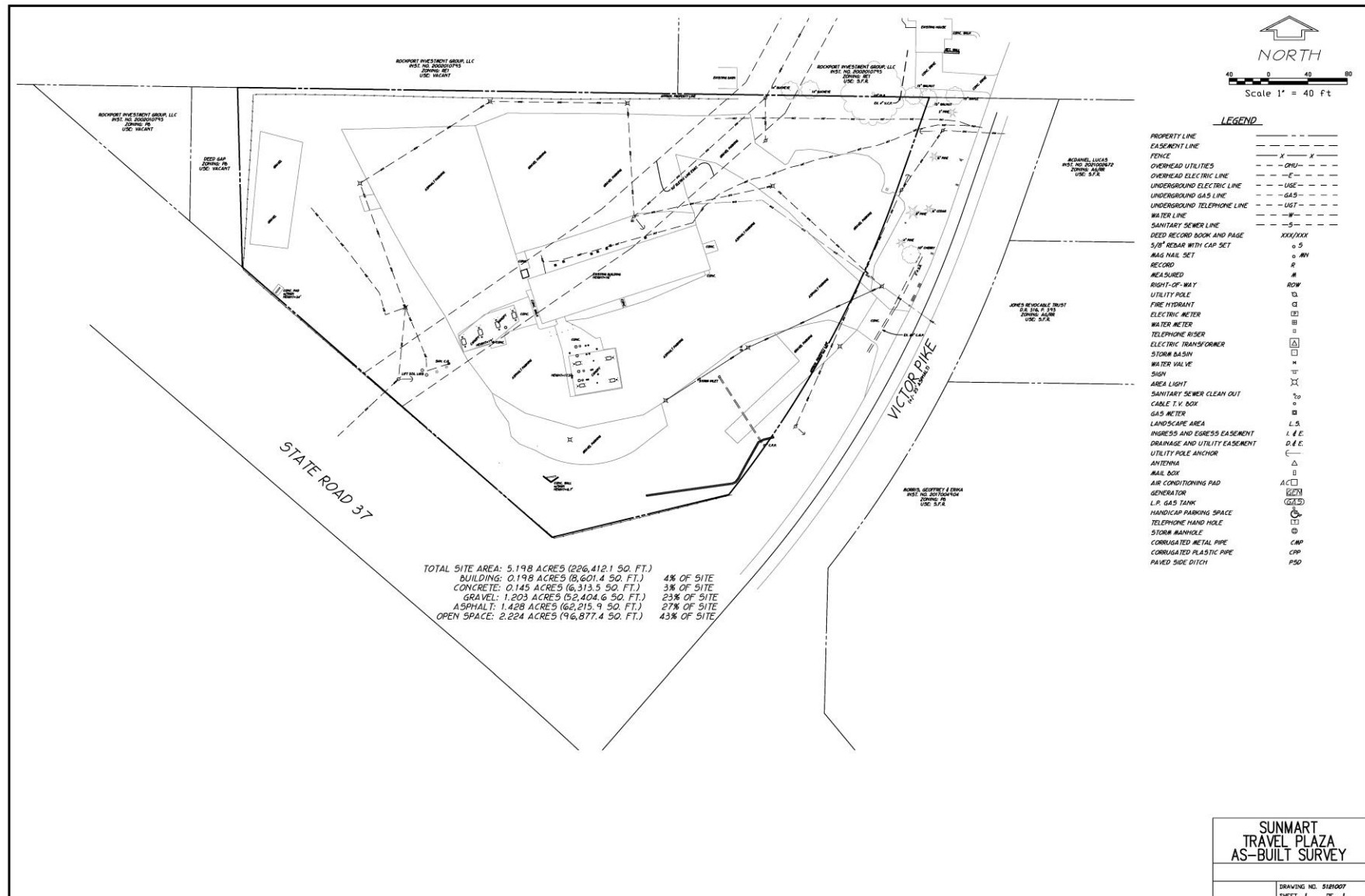



EXHIBIT 3: Illustration of Overnight Parking



Trucker Path: Truck GPS Truck Stops Weigh Stations

Trucker Path


Contains ads • In-app purchases

4.2 ★
51K reviews

1M+
Downloads

E
Everyone

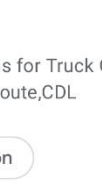
Install



✓ TRUCK STOPS

✓ PARKING AVAILABILITY

✓ WEIGH STATIONS



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Used by millions of truckers to find places over the road

About this app

→

Voted #1 Truck Maps for Truck GPS(Truck Navigation): Parking,CAT Scale,Route,CDL

Maps & Navigation

Rate this app

Tell others what you think

☆ ☆ ☆ ☆ ☆

Write a review

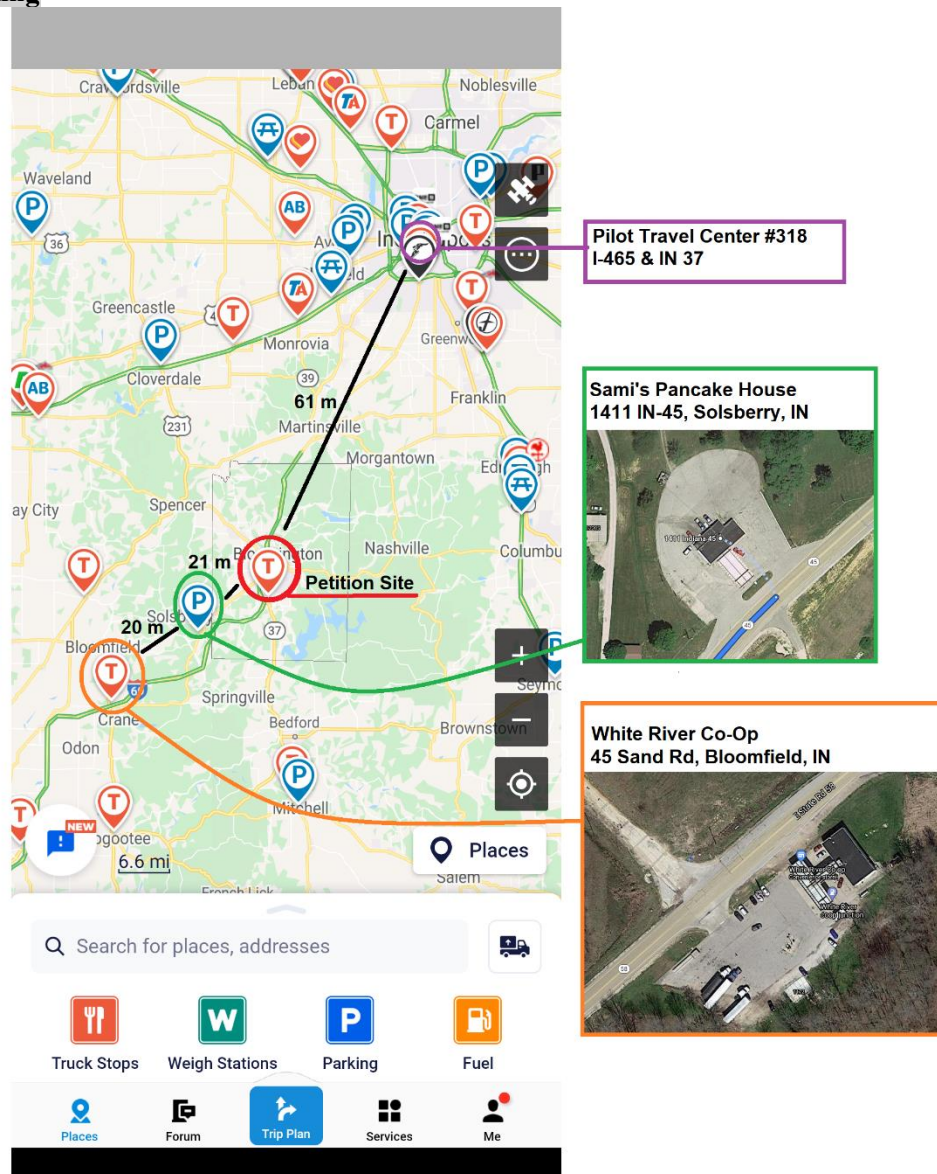


EXHIBIT 4: Planning Use Determination



MONROE COUNTY PLANNING DEPARTMENT
Monroe County Government Center, 501 N. Morton St., Suite
224 Bloomington, IN 47404
Telephone: (812) 349-2560 / Fax: (812) 349-2967

RECEIVED

FEB 26 2020

MONROE COUNTY PLANNING

Use Determination Form

20-AC-

In the case where a land use is not clearly listed in Chapter 802 or Chapter 833 of the Monroe County Zoning Ordinance, the Monroe County Planning Department may issue a formal determination based on the information provided herein. This determination allows the applicant to know if a land use is permitted use or conditional use, or not permitted.

PROPERTY OWNER CONTACT INFORMATION

Name: CHERIAN PILO
Address: 5100 S. VICTOR PIKE RD
City, ZIP: BLOOMINGTON, IN 47403
Phone: 812-824-3706
Email: PCSUNMART@GMAIL.COM

REPRESENTATIVE CONTACT INFORMATION - if applicable

Name: _____
Address: _____
City, ZIP: _____
Phone: _____
Email: _____

Review of a Use Determination will begin only after this form is submitted to the Planning Department by the applicant.

Upon receipt of all required information, the Planning Department will review the materials and notify the applicant of the outcome by email or mail, as indicated below.

Required property information:

Date: 2/26/2020

Notification Preference:

☒ Email ☐ Mail

Address for Land Use: _____

Parcel Number or Tax ID: _____

Total acreage: _____ Township & Section #: _____

Required land use information:

Business title or Owner name: CHERIAN PILO

Size of operation in total *square feet* or *acres*: _____

Number of Employees (On-site, both full-time & part-time): 13

Number of Vehicles (used in operation of industry): 0

Hours of Operation: 24 hours

Use, manufacture, or generation of any hazardous materials and/or waste:

Convenience Store, gas & diesel sales

(Continued on other side)

Required: Detailed description of the land use(s):

Note: The more complete this information, the more accurate the determination. It may also be necessary to request additional information.

Neighborhood may park overnight without charge but not ~~usually more than~~ continuously. Usually parked overnight and gone in the morning. Prairie Farms may keep one or two trucks on the property but are never idled.

Useful Code References:

Monroe County Zoning Ordinance: Chapters 802 & 833

-----Office Use Only-----

Date issued:	Additional Documents Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Zoning of Property:	Staff name: ANNE /JNJ
Current use:	Is this a Change of Use, as defined in Chapter 801? <input type="checkbox"/> Yes <input type="checkbox"/> No
<u>Use Determination for Land Use:</u>	Chapter for Zoning and Use Table: <input type="checkbox"/> 802 <input type="checkbox"/> 833 <input type="checkbox"/> Bloomington UDO (2012)
Notes:	

2003 - USE - 11

USE DETERMINATION

5100 S Victor Pike, Bloomington, In 47403-9748

Zone: Pre-Existing Business (PB) Use Determination: Convenience Store

Use Definition from Chapter 802, Monroe County Zoning Ordinance

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, gasoline sales, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. The maximum size for a convenience store is 3,500 square feet.

Convenience Store is a permitted use in the Limited Business (LB) and General Business (GB) zones; as a permitted business use, it is also permitted in the Pre-Existing Business (PB) zone.

The building has been assessed as a **Convenience Market** since it was constructed. The building exceeds the maximum size for a convenience store as per the definition, but the building, which was constructed in 1990, predates the ordinance and is "grandfathered".

Truck Parking Not Permitted

The parking of trucks as described could be considered one of the following uses:

Truck Stop/Travel Plaza. A development oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers. They may also be utilized by non-truck traffic and the interstate traveler. Business activities which are customarily accessory and clearly incidental and subordinate to the truck stop or travel plaza, may include but not be limited to: scales, truck wash, tire repair and sales, barber shop, restaurant with or without alcohol service, shower facility, convenience store, truckers lounge (for services such as television/exercise/internet access etc.), motel/hotel, laundry, chain rental, vehicle fuel and consumer propane bottle dispensing. The facility may allow for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system, for free or for a fee that may be independent of any other use on the premises. The term "truck" shall mean a commercial vehicle driven by a 'truck driver' who is required to have a Class "A" CDL (Commercial Driver's License) license or equivalent.

Trucking Terminal. A terminal facility used by highway-type, property-carrying vehicles, which may include truck maintenance facilities.

A **Truck Stop/Travel Plaza** is a conditional use in the Heavy Industrial District (HI).

A **Trucking Terminal** is a conditional use in the Light Industrial District (LI) and a permitted use in the Heavy Industrial District (HI).

Overnight parking of trucks or trailers at 5100 S Victor Pike, Bloomington, In 47403-9748 is not allowed.

March 31, 2020

s/ Larry J. Wilson, Planning Director

EXHIBIT 5: Letters of Remonstrance (three)

June 24, 2021

To: Monroe County Plan Commission

From: Patty & Dave Busch
1250 W. Church Lane,
Bloomington, IN, 47403

RE: **PUO-21-1** P&G Planned Unit Outline Plan

As residents of the neighborhood for over 22 years, we often enjoy the shopping convenience of the gas station/convenience store/deli located at 5100 S. Victor Pike. Having heard that this property is up for a potential change in business focus, we want to make the following comments:

We are in Opposition to PUO-21-1 (Truck Stop-Small) for the following reasons:

- We DO NOT support adding a new use for extended time parking or overnight parking of over the road tractor-trailer rigs.
 - The tractors usually keep their diesel engines running to power the heater or air conditioner while the driver is sleeping/resting in the cab. This diesel exhaust is a noxious emission and is a proven carcinogen. This is a potential health and safety issue to the neighborhood.
 - The US Environmental Protection Agency (EPA) classifies diesel exhaust as “likely to be carcinogenic to humans”.ⁱ
 - The National Institute for Occupational Safety and Health (NIOSH) has determined that diesel exhaust is a “potential occupational carcinogen”.ⁱⁱ
 - The International Agency for Research on Cancer (IARC), a part of the World Health Organization classifies diesel engine exhaust as “carcinogenic to humans”.ⁱⁱⁱ
 - The National Toxicology Program (NTP) has classified exposure to diesel exhaust particulates as “reasonably anticipated to be a human carcinogen”.^{iv}
 - “Scientists find evidence of link between diesel engine exhaust, risk of Parkinson’s.”^v
 - The trailers often contain temperature sensitive cargo; necessitating an additional heating/cooling unit (Auxiliary Power Unit, or APU) to be running via diesel power, contributing to additional diesel exhaust.
 - Tractor-trailer rigs often haul hazardous cargo. A leak from a parked truck carrying hazardous liquid could create an environmental and public safety hazard to the neighborhood. Concentrating 20 rigs in close proximity increases this threat hazard.
 - Enforcement of a “no idling policy” will be very difficult due to the limited on-site staff at the business and the reluctance of drivers to shut off their rigs during rest periods. Signage alone would be an ineffective deterrent.

We do support the (as currently permitted) use of the business as a “Gas Station/Convenience Store/Deli and for the continued use of the parking lot for commuters to park cars and pickup trucks.

Respectfully Submitted,

Patty & Dave Busch

ⁱ Environmental Protection Agency. Integrated Risk Information System: Diesel engine exhaust (CASRN N.A.) 2012. Accessed at https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/0642_summary.pdf

ⁱⁱ National Institute for Occupational Safety and Health (NIOSH). *Current intelligence Bulletin 50: Carcinogenic Effects of Exposure to Diesel Exhaust*. 1988. Accessed at www.cdc.gov/niosh/docs/88-116

ⁱⁱⁱ International Agency for Research on Cancer. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans. Vol 105: Diesel and Gasoline Engine Exhausts and Some Nitroaranes. 2013. Accessed at <https://pubmed.ncbi.nlm.nih.gov/22946126/>

^{iv} National Toxicology Program. *Report on Carcinogens, Thirteenth Edition*. 2014. Research Triangle Park, NC: U.S. Department of Health and Human Services, Public Health Service. Accessed at https://ntp.niehs.nih.gov/ntp/newhomeroc/other_background/dieselexhaust_508.pdf

^v “Scientists find evidence of link between diesel exhaust, risk of Parkinson’s.” Caroline Seydel/May 19, 2020. newsroom.ucla.edu <https://newsroom.ucla.edu/releases/scientists-link-diesel-exhaust-parkinsons-disease>

Anne Crecelius

From: Guy Loftman <guy@loftmanlaw.com>
Sent: Monday, June 28, 2021 5:05 PM
To: Anne Crecelius; Larry Wilson; Dave Busch; Erika Morris; Guy Loftman
Subject: Deny PUO-21-1, 5100 S. Victor Pike truck stop

Dear Plan Commissioners,

Pre-existing commercial uses are designed to accommodate in-place businesses that are inconsistent with new zoning requirements. They make sense. Our family has lived at 4835 S. Victor Pike since 1974. We're downhill from the gas station and convenience store at 5100 S. Victor Pike. We've used it for the 30 years it's been there. It is an asset to our neighborhood. We support its continuation "as is".

However, we oppose the proposed expansion of the permitted use to a truck stop, as sought in PUO-21-1. We don't need more traffic on Victor Pike. We don't need more diesel exhaust from idling trucks near the little town of Clear Creek. (Our home is on the same large country block as the Clear Creek Post Office.) We don't need more toilet flushes discharged through a septic system so near to the West Fork of Clear Creek. (Health Department records show that this septic system was permitted in 1990.)

At the June 22 virtual neighborhood meeting organized by attorney Mike Carmin he stated that Petitioner does not charge any fee for overnight or driver-break parking. It is just a courtesy to truckers. It doesn't create an income flow. There is no reason shown to believe that enforcement of the current overnight parking prohibition would meaningfully affect the station's viability.

A good governmental policy is that violations of privileges should not be rewarded by increasing those privileges. Petitioner's disregard of existing restrictions is no justification for abandoning them.

It is unfortunate that state and federal authorities provided no rest stops in the hundred miles of I-69 between Evansville and Bloomington. But Petersburg, Washington and Crane are more appropriate stopping places than Victor Pike. I assume that Walmart, Sam's Club and Rural King provide ample near-by parking opportunities for truckers. Overnight truck parking on Victor Pike would be a bad solution to a problem better addressed at other locations.

Please vote "no" on PUO-21-1.

Thank you for your service on the Plan Commission.

Guy Loftman
Connie Loftman
Sam Cusack
Eve Loftman Cusack
4835 S. Victor Pike
Bloomington, IN 47403

--

Guy Loftman
4835 S. Victor Pike
Bloomington, IN 47403
(812) 679-8445
Guy Loftman is a retired attorney, and is no longer practicing law

June 28, 2021

Monroe County Plan Commission,

We are writing to express concerns related to the proposed PUD (PUO-21-1) for the Shell gas station located at 5100 S. Victor Pike. We live across the street from the gas station, and are one of several residential properties directly impacted by noise from diesel engines idling overnight in the parking lot.

Before we bought our property in 2017, we made numerous trips to our future property in the late evening hours. One of our initial concerns was how loud the gas station might be in the overnight hours. In our trips, we never noticed any substantial noise issues. At that time, there were trucks parking overnight, but they were either unattended or parked around behind the station, far enough away they could not be heard. Prior to purchasing our home, we also looked into surrounding zoning to determine what could happen in the future with the completion of Interstate 69. We were not aware at this time overnight parking/idling was not permitted at the gas station. Only during another rezone request did we learn overnight parking/idling was not allowed.

It is also important for us to share we rarely hear any highway noise from State Road 37 in our home. The idling of the trucks is the right frequency that it vibrates the house and can be readily heard inside.

To further worsen the impact of the parking and idling, during the summer of 2019, a large amount of fill was brought in and leveled out at the northeast corner of the property. This area of the property is across the street from several homes (including us) and adjacent to one. From this point on, neighbors have been subjected to idling trucks throughout the overnight hours.

Once enforcement was opened in the spring of 2020 (as a result of a complaint filed through the Monroe County Planning Department) lighting and tree removal concerns were addressed. The mature evergreen trees that had been removed were replaced with small trees that lose their leaves every winter, which meet county zoning requirements but does little to provide a buffer between gas pump canopy lights and the surrounding properties. Additionally, as a result of the enforcement, a sign was installed stating "no overnight parking without a permit" despite no overnight parking being permitted. In an attempt to remedy the overnight parking at the northeast corner of the property, traffic cones and railroad timbers were placed in this area to block access. This area (which was formerly green space) is now being utilized for commuter parking during the day. These restrictions do not stop the trucks from parking and idling in the northeast parking area.

At the beginning of the enforcement, this area remained free of idling trucks and the nighttime hours were once again quiet. However, in recent months, it has become increasingly common for the cones to be moved at some point throughout the night to allow trucks to once again park adjacent to homes. Signs and cones give the appearance of compliance, but do nothing to help with a sleepless night when neighbors are listening to the sound of diesel engine or refrigerated truck idling. Since enforcement was started the overnight truck parking has never stopped and overnight parking is commonly in excess of 20 trucks. From county planning we were initially told the enforcement issue was closed but it is now being communicated that enforcement is still open. We are struggling to understand how enforcement opened in the spring of 2020 can still be open over a year later, with it also taking a year to file a PUD.

The petitioner has several requests in the proposal, but the allowance of overnight parking is our major area of concern, along with the ability to enforce the related zoning ordinances. Every public meeting

we have attended has had a common theme, and that is enforcement of the regulations surrounding the overnight parking proposal will be challenging, if not impossible. If the current zoning for no overnight parking is unable to be enforced by the county or the business, how will it be possible to enforce the proposed limited number of parking spots, reduction in hours for no overnight parking/idling and ensure greater distance between residential properties and parking? Currently, trucks are parking in any available flat space on the property they can find, even if that means moving cones or backing into grassy areas. It has been stated the business owners are unable to enforce the no overnight parking due to lack of staffing. Allowing this overnight parking and creating the PUD will only further perpetuate enforcement issues that surrounding property owners are forced to endure.

In reviewing the Monroe County Truck Stop/Truck Plaza Ordinance, this proposal seems to be missing many of the carefully thought out requirements (e.g. proper buffering and landscaping) that the ordinance included to help protect surrounding neighborhoods. The petitioner's representative shared that a landscaping buffer would be placed along Victor Pike where the 2019 parking lot expansion took place. We fail to see how this will be enough to alleviate the problem given the parking lot is at a higher elevation than Victor Pike and overhead power lines are present. Any trees planted to act as a buffer will simply be cut by the utility company given a utility easement runs through that portion of the property.

In closure, we support the currently permitted uses of the gas station. However, with the proximity to a residential area combined with ongoing enforcement issues, this simply is not the place to allow for overnight parking.

Geoff & Erika Morris

5075 S. Victor Pike
Bloomington, IN 47403

Steve's Roofing & Sheet Metal
5108 South Commercial Street
Bloomington, IN 47403
812-824-3006

7/14/2021

To: Monroe County Planning

Re: P&G Associates, LLC request for PUD

We would like to extend our support to P&G Associates for their request of a PUD at the 5100 S Victor Pike location. We have been business neighbors with them for over 20 years and have never had any issues with the way they run their business. We own a business on the west side of highway 37 and we own rental homes at 4998, 4976, 4995 and 4990 S Victor Pike. We have never received any complaints from our tenants regarding the gas station.

We attended the public meeting to learn what they were asking for in the PUD. All their requests seem reasonable. I also feel that allowing trucks to overnight in their back parking lot is essential for our local trucking industry.

Thank you for taking our support of their PUD into consideration. We appreciate the work you do for Monroe County!

Best regards-

George & Betty Schermer

Owners Steve's Roofing & Sheet Metal



Fri 7/16/2021 7:49 PM

Brian Hendrickson <BHendrickson@TownsendTree.com>

Parking

To Anne Crecelius

This is Brian Hendrickson, Supervisor, for Townsend Tree Service. We park our trucks at Rosie's gas station off of Victor pike, it's convenient and a safe place to park. We are in the Bloomington district doing vegetation control for local utility, It's convenient for getting fuel and it allows the guys to get their lunch before leaving the pullout for the day. We park trucks in the evening and secure all trucks (not running) until the following day.

Sent from my iPhone



Mon 7/19/2021 2:48 PM

Robert J. Hupp <rhupp@TownsendTree.com>

Townsend tree service

To Anne Crecelius

Hi this Robert Hupp I am the general Forman for the Bloomington area I wanted to reach out to you just letting you know this has been a great parking area for us for over 10 years we contract with duke energy to keep electricity on for Bloomington. We start work at 7:30am to 5:30 pm these trucks are parked in the evening the guys go home we do not stay in trucks overnight and trucks do not idle overnight . We get all the fuel here and food and water for the employees

Sent from my iPhone



Tue 7/20/2021 3:41 PM

Rick Smallwood <rickroadking214@gmail.com>

Truck stop

To Anne Crecelius

I want overnight parking at the truck stop like it has been for years and should continue to be .
Thank you
Rick Smallwood

Sent from my iPhone

Anne Crecelius

From: Hunter Henderson <hdh19942013@gmail.com>
Sent: Tuesday, July 20, 2021 9:39 AM
To: Anne Crecelius
Subject: Shell Fuel Station

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

My name is Hunter Henderson. I've worked at Sternbergs International on Dillman Road for short of 5 years now. Rosie and Pilo have always been kind to me and all patrons of their establishment. This has been a frequent place of my business over the last several years and has always been a sanitary and clean environment.

Even during the difficult time of COVID they implemented and did their part in enforcing and complying with Monroe county, state, and federal requirements and guidelines.

Closing their station because of the complaints of those who willingly, and knowingly purchased residential property near multiple commercial properties is beyond adult, or rational thinking or behavior. This will only set a precedent that those who are unhappy of neighboring businesses need only cause a big enough of a concern and our local authority and government will simply revoke their privileges of operating a business where they have for years.

This station has been operating more years than I have been alive. To close it now after all this time would be a great financial mistake for this area and create hazardous traffic in town. Closing a truck stop outside of the city limits of Bloomington as I-69 continues to increase our traffic daily would be foolish. It would drastically increase heavy truck traffic in town and at fuel stations not adequately sized for the traffic this station sees.

I greatly implore for the Monroe Co board NOT to close or implement any further restrictions upon the Shell Fuel station. I ask that this ruling be based on fact based, rational thought and decision making qualities, and not emotional pleas from adults who made a decision and now regret it and are attempting to force their will upon others.

I would love to answer or give any statements in person if need be.

Thank you,
Hunter D. Henderson



Wed 7/21/2021 6:37 AM

David Dahms <davedhmswijs@gmail.com>

Over night parking

To Anne Crecelius

The location in question is a vital part in the transportation industry. Would be very detrimental of losing such a location like this for parking, it save drivers time and money by allowing them to get closer to their pickups or deliveries.

Dave Dahms
Driver

Anne Crecelius

From: Trohn Enright-Randolph
Sent: Friday, August 6, 2021 8:51 AM
To: Anne Crecelius
Subject: FW: 5100 S Victor Pike

FYI –

[Trohn Enright-Randolph](#)

From: [Tina Rogers](mailto:tinaclookey@yahoo.com) [mailto:tinaclookey@yahoo.com]
Sent: Tuesday, July 20, 2021 3:55 PM
To: Trohn Enright-Randolph <tenright@co.monroe.in.us>
Subject: 5100 S Victor Pike

Good Afternoon,

I am reaching out to you today as one of your supporters. I would like to discuss the on going discussion of this property, i would first like to speak to the family that owns and operates this business. This amazing family has become just that, family. They have watched my children grow up and genuinely care for their customers and know many by first name. They even know what customers are friends with other customers. It really is just a unique situation. They make an effort and that is COMPLETELY lost in customer service today. It also makes this store unique. Unique because there is a certain amount of safety that comes with knowing your customers. Many of us would feel compelled to help the other if there ever was a problem. That being said, I, a 48 year old woman frequently run to their store for many reasons, at every hour of the day. I have sent my 19 year old daughter to their store at all different hours. I leave my car on and unlocked, for my dog who always loves to ride along, I go in and do not worry about it. It is more than safe. I attribute part of that to the fact that there are trucks parked out back and that alone deters crime. This is the store so many of us run to when we ran out of the milk we need for that recipe, someone needs stomach medicine and it's 3 am, for coffee when you forgot it (that alone should be a reason for their business, that has saved some lives.), for the kids breakfast on the way to school. Healthy options and their amazing chicken fingers, for the day you just need chicken fingers. They provide a service to many that is more than needed. I hear the issues lie within the vehicles being parked on their land, you really need to look at the fact that they house Townsend and Asphlund at times. These are often emergency management for our county and surrounding county. This keeps them close, this keeps us moving and our community running. They allow them to park there and to purchase fuel on credit if emergency services are required and fuel is needed. They do not have to do that but they do that to serve our community. Please lets not let a woman who purchased a home where an establish business has been for years, make the rules. I see this as being held hostage by someone who wants to make her own rules. I fear the city sewer treatment facility will be next. Then the race track, she may even be unhappy with Rails to Trails. It seems an easy adjustment or two and let this business continue to be a place everyone feels safe and welcomed.

I am attaching a petition to give you an idea how supported this business is by your constituents. I truly hope you hear us all when we tell you what we want. This was only 6 whole days of signatures supporting the business being allowed to operate in all the currently provided capacities.

I appreciate your time and look forward to hearing from you. I will be present this evening.

[Sent from Yahoo Mail for iPhone](#)

PETITION

To the honorable members of the Commission of Monroe County of Indiana

The petition of the undersigned residents of Monroe County

Argument:

We believe the Shell Station located 5100S Victor Pike, Bloomington, Indiana, 47403 should remain operating and serving our community at its current capacities as a restaurant with seating, a convenient store, a gas station and overnight parking as they deem fit for their land.

Request:

We believe the Commission should allow current operations to continue at current level due to the unmatched accessibility and offerings anywhere in our county.

Name	Signatures	Address
Tina Rogers	T Rogers	4582 S Patricia Ln Blmngtn
Tyler Dees	[Signature]	7366 S. Coffee Dr.
Dakota Delafosa	[Signature]	954 N. Woodbridge Dr
Graze Roberts	Chas Roberts	315 W Gordon Pike
Ron Brewer	[Signature]	Bedford
Mason Galt	Wm Galt	2004 W Stanton Ct
Shane Rehmel	Shane Rehmel	7100 S McCann Ln
Amy Smith	Amy Smith	5245 S Post Rd
Josh Prince	[Signature]	2247 W. Popcorn Rd
Tyler Potter	[Signature]	2232 [unclear]
DENNIS CLARK	Dennis Clark	KETCHUM RD
M. R. McQUEEN	M. R. McQueen	8755 Rockport Rd
Gary Smalley	Gary Smalley	117 Indiana Ave
Isaiah Butcher	[Signature]	7730 S. Liles Rd
William Deckard	[Signature]	7688 Old St
Phil STAPLETON	[Signature]	3707 Woodman Way
Ed Cole	[Signature]	6446 N. Monroe St
Brady [unclear]	[Signature]	9457 E Washboard Rd

NAME

Signature

Address

Eric Whitney		3400 S Sore Rd
Tan Snodgrass		616 S. Park
Brady Troth		7610 S. Harmony Rd
Nick Johnson		2327 H. Street
Joe Breeden		708 S Cory Lane #86
Jake Dechard		2894 E Hunters Glen
Kevin Dobson		2244 South 1st April
Joan Mullis		5716 Koontz Rd
Kinzie Miller		3855 S Owensburg Rd
Justin Conard	JUSTIN CONARD	8090 WEST VERNAL RD
George H. Hillis		8550 WEST VERNAL RD
Daniel Dayhoff		154 Huron W. 1st St NE
Devon Rodriguez		7644 1st St NE
Lincoln Ellington		1700 N Walker St
P. Shaw		680 West That Rd
Kevin W. Jackson		2811 N. C. Rd
Leian Duncan		6135 S STRAUS Boulevard
Austin Hays		900 Mcnamy Pike
Natalie Kuntz	nckuntz	7065 S Harmony Rd
Scott Bickel		3650 E Bottlinghouse Rd
John Baxter		1250 Old Capital Pk
Richey Plemons		4996 E Moores Creek Rd
Jadore Ivey		97 Wind Rose Dr
Bryce May		625 W. Ladd Ave
Jeff May		5959 Fiscus
Amy Wright		1479 Eagleview drive
Latelin Bixler		3201 Thrasher Rd
Tim Bailey		1251 W. Chalk
DALE DECKARD		1998 W That Rd
Mike Bell		4480 S. Rockport Rd
Justice Deckard		596 Cassidy Ln. Mitchell

Justice Deckard

113 E. Vine Street Mitchell

NAME	ADDRESS	PHONE
Josh Campbell	125	4420 Heatherwood Ln
Ty Deckard		6710 Stagskill Rd
Bryan Meyer		534 Elcker
Brad Wilkerson	Byrd	4789 Stansford Lane
Pat Holguin	Pat Holguin	2115 I Street Nelford
Kerth Vince	Kerth Vince	8650 Fairfax Rd
Deanna Sokol	Deanna Sokol	7217 S Old St RABT
Cody Viruen +		9341 E Mineral-holwood
Donald Smith	Red SQ	1009 Zinc Mill Rd
John Cook	John Cook	813 I St Bedford
Brad Johnson		2778 75th Rd
Thomas Blais		1250 W Old Capital Pk
Lucas Bryant	Lucas Bryant	5260 S. Victor Pike
Toby Wade	Toby Wade	1721 Greendale Springfield
Chris Ealy	Chris Ealy	8050 Victor Pike RD
Brad Robinson	Brad Robinson	3984 Nicholas Ct
Sefrey Patton	Sefrey Patton	305 Indiana Ave
Trey Carter	Trey Carter	2534 W Roman Rd Spencer
Jim Smith	Jim Smith	4628 N. Dunwoody Ln
Douglas Phillips	Douglas Phillips	3200 Longview Ave.
Clay Bicker	Clay Bicker	350 W Turner St Blount
Wm Lu	Wm Lu	
Heaven Smith	Heaven Smith	1595 - Cedarhill
Cara Danvers	Cara Danvers	317 847 682
Chris Jackson	Chris Jackson	812-340-4037
Alayna Rogers	Alayna Rogers	45825 Patricia Ln
Anna Hinkle	Anna Hinkle	4307 Falcon Dr.
Debbie Craig	Debbie Craig	5908 Anne Ct
Chris Skinner	Chris Skinner	1770 S Weimer Rd
Jim Hill	Jim Hill	3549 W Cockburn
Harold Skinson	Harold Skinson	125 Dogwood Lane
Wm Smith		

Name

Signature





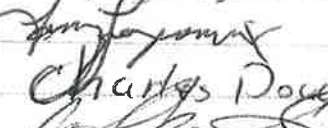

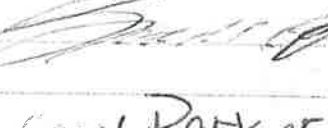



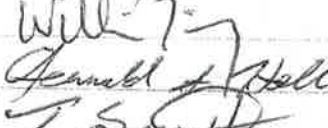
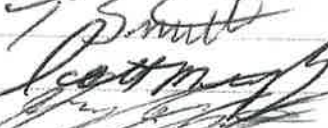

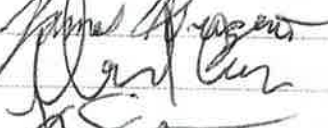




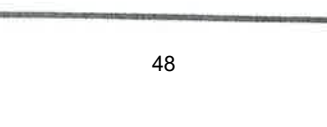

Address

Bon Self	B. Self	556 S Crimson CT ²¹⁷
Warrior Lama		2180 S Old 37
Adam Lane	Adam Lane	
Kelly Porter	Kelly Porter	812-327-2594
h-s Smith		
Robert L Stagers	Robert L Stagers	47403 210
Ronald Wright	Bloomington, IN	
Jeff Mitchem	Bloomington, IN	812 272 6834
Dustin Coyle	Bloomington, IN	2060 Green St
Scott Cole	Bedford IN	1828 G Street
Dakota Heath	Bloomington IN	47403
Bill Stewart	Bloomington IN	
Jake Smith	Gosport, IN	
Briggs Simpson	Bloomington, IN	
Sarah Ritter	Bloomington, IN	
James Featherston	Bloomington, IN	315 W Garden Pike
Bob Gardner	Bloomington, IN	
Amber Hobson	Amber Hobson	8456 S Old St Rd 37
Mike Jones		Bloomington, IN 47463
Jim Prince		3595 Pitkin Rd 46151
Megan McGowan		2235 S Owensburg Rd 47463
Toby Shaw		137 S. ...
James Padgett		47403
Jana Hays		4147 St
Montell Caldwell		611 N. Rodgers
Matth Webster		620 S. Walnut
Gary Porter		1503 20th Street
Zachary Schofield		904 W Brook St
Cerdy Ramsey		993 Woodsferry Rd
Mike Sackman		1835 White oak Ln

Name

Signature







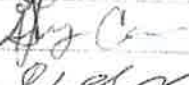


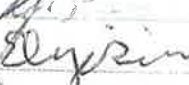









Address

Devin New		1319 4th Bedford, I.O
Scott Bradley		6180 S Isen RD 47103
Nelson Chase		6573 S. Old S.R 37
Richard Shultz		2513 W 3rd
Economy Pest Control		2625 W Bolin Ln
Long Lagneaux		2349 S. Walnut Rd
Charles E. Doyle		9172 S 3 Hornadsburg
Jonathan Richardson		150 Helmar Dr
Stephen Sperlock		
Reynold Fike		
Libby Parker		1742 Jeremy Dr
Steven Stewart		13458 E Hickory Hill
TABIN BREADLOVE		56XX S. Rockport
MIKE GLASSCOCK		4451 W Tramway Rd
Ryan Cbe		4113 S Clear View Dr
Tony Fox		6931 S. Old St. Rd 37
William Tierney		5440 S Farmers Dr Bluffton
Fernald Holton		This place is needed
Thomas Smith		1990 E Lukes Ct
Scott Murphy		9701 King Rd
Dylan Charison		
Jaed Zike		6023 S. Victor Pk.
James Nugent		7378 S. Zikes Rd
DAVID COMBS		
Kyle Simpson		3924 S. Bullmill Dr.
W. Hupha		
Dustin Hollingsworth		
Brandon Hemmerling		

Name

Signature

Address

Joshua Salinas		
Darstiny Richardson	Darstiny Richardson	5580 S. Victor Ave Blm, m
Patty Adams	Patty Adams	1842 S Victor Ave, Blm
Kerry Evans	Kerry Evans	W. K. Adams Dr
Danien McAdams		4245 S clear view dr.
Elis Butler		5314 S Southway dr.
Richard Hammarbush		531 Alcoa Eureka
Bruce Berg		3636 S Plaza Dr
JEB DREW		852 S
Greg Carpenter		706 S
Erick Rhea		5896 S Glenview Dr.
Wan Cain		
Anthony Stockhaus		41 S 7th St
Elizabeth Burns	Elizabeth Burns	4353
Benny Snapp		7905 S. Iles Rd
Chris Evans		9363 East Sylvania rd
Traci Boyer		80 SMITH AVE
Shel Moore	Shel Moore	807 Smith Ave
JUNIOR		3147 W Maple Leaf Dr
J. D. Boyer	J. D. Boyer	7938 Kensington on the Indianapolis
ROBIN McAnnon	ROBIN McAnnon	1808 N. 2nd 200 EAST Petersburg
THOMAS ZOELLER	Thomas Zoeller	5919 S Phyllis St
George Gregory	George Gregory	1841 E WATERSEDGE DR #96
Brandon Matlock	Brandon Matlock	2875 E. Carowinds Ct
Jami Matlock	Jami Matlock	7492 S. Old 37
James Terpstra		" "
Raymond VanPelt	Raymond VanPelt	4858 S Rogers St
Jeremy Dine		2089 W Fullerton Pk
Alex Papp		" "
Logan Megson		" "
Scott Carpenter		8049 S. Bleedon

NAME

SIGNATURE

ADDRESS

Deech Burke	Deech Burke	7620 S Fort Ave
Allison Lentz	Allison Lentz	365 E Summit
Scott Stephens	Scott Stephens	7144 S Lodge Rd
MARK RILEY	Mark Riley	675 E. Hobbsville Rd.
Virginia Schermer	Virginia Schermer	7325 S. Rockport
Amelia Bentz-Garrett	Amelia Bentz-Garrett	9450 S. Rockport Rd.
Tan Garrett	Tan Garrett	Rockport Rd
Courtney Cliff	Courtney Cliff	1795 E 500 S Perm IN
Zachariah Thompson	Zachariah Thompson	41
Barry Moore	Barry Moore	4498 S. Rockport
Tammy Moore	Tammy Moore	6624 W. 1st St
Justin Davis	Justin Davis	1733 Utah Rd
STEVEN L. SEITZINGER	Steven L. Seitzinger	4588 S. PATRICIA LN
DAVID M. SEIDLER	David M. Seidler	817 Wilkesstone St.
J. P. HARRIS	J. P. Harris	6458 W. Greene Canyon
John Porter	John Porter	11055 E Rader Ln
Jami Freeman	Jami Freeman	2514 S. Miller 47403
Cam Layhill	Cam Layhill	856 S Old St West Blain 47403
John Freeman, IV	John Freeman, IV	6305 Forest View Dr. Indianapolis
CAMI MOSBY	Cam Mosby	1316 HARKGOLD PK BELLEVILLE
RICK MOSBY-BREWER	Rick Mosby-Brewer	" " " "
DREW HOLLERS	Drew Hollers	1276 Old Capital PK
Tenny Johnson	Tenny Johnson	818 S. Kitchen 121 Blount
KOD SMITH	Kod Smith	4805 S STANSIFER LN
Jason Harmon	Jason Harmon	10485 Richards St. Coal City
John Hash	John Hash	10198 E. Dobson Rd Bloomfield
Thomas Anders	Thomas Anders	6221 S Shields Ridge Rd
Bill Teasley	Bill Teasley	
Charles T Davies	Charles T Davies	7921 S Zikes Rd.
Bill Smith	Bill Smith	4337 W. Angels way
Bonnie Eisele	Bonnie Eisele	6833 S. Harmony Rd.

EXHIBIT 8: Query into properties zoned HI

Staff reviewed areas that would meet the conditions of the "Truck Stop/Travel Plaza" requirements. The three requirements used were: 1) zoned HI, 2) greater than 10 acres, and 3) within 2,000 feet of a Major Collector. Staff also included whether a property was developed or not.

A review of the rezone petitions that requested the HI zoning from 1997 to current are as follows:

- 9 total requests: 4 denied, 2 withdrawn, 3 approved.

Use	Acreage	# of Parcels
Developed	29.74	10
Mine or Quarry	55.53	2
N/A	1.67	7
ROW	46.06	4
Vacant	112.94	11
Grand Total	245.95	34



Use	Acreage	# of Parcels
Developed	29.74	10
Mine or Quarry	55.53	2
Vacant	112.94	11
Grand Total	198.22	23



USE	ACREAGE	OWNER	DISTANCE
Mine or Quarry	15.02	Irving Materials, Inc.	
Vacant	15.16	BROWN, BILL REV TRUST	
Developed "Comm. Truck Terminal"	15.97	BENCKART REAL ESTATE LLC	
Vacant	18.43	BROWN, BILL REV TRUST	
Developed "Other Comm. Structures"	18.63	Strain, Douglas G	
Mine or Quarry	40.52	BYBEE STONE CO INC	> 2000ft
Vacant	40.79	BROWN, BILL REV TRUST	

Heavy Industrial Zoning Map

- Petitioner
- HI - Heavy Industrial
- Major Arterial
- Freeway
- Interstate
- Roads
- Bloomington Zoning**
- Bloomington Zoning
- Town of Ellettsville

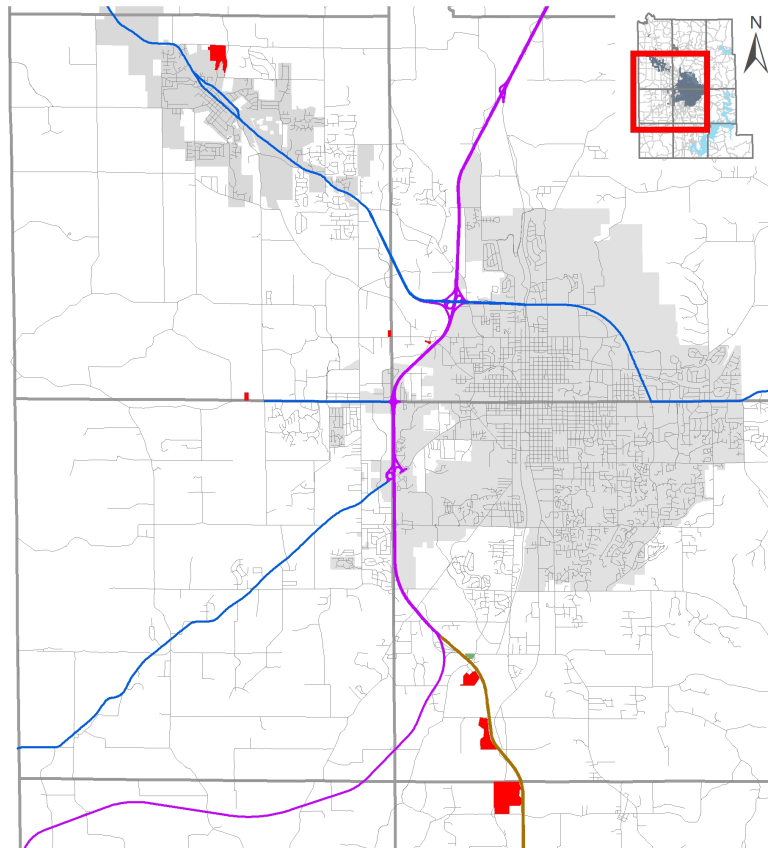
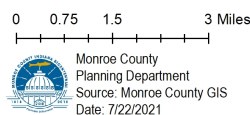


Exhibit 9: Query into properties within 2000' of interstate

Spatial query into parcels that meet the following criteria, with no filtering by zoning:

813-10 (C) 11 Truck Stop/Travel Plaza (c): The parcel on which the truck stop/travel plaza is located must be within 2,000 feet of the centerline of the nearest interstate highway exit/entry ramp.

There are 1585 tax parcels located within 2,000' of the 8 exit/entry I-69 ramps within Monroe County. A broad categorization of development shows that:

MCZO Tax Parcels w/in 2,000' of I-69 Ramps	
Agricultural	18
Developed Commercial	108
Mine/Quarry	3
Residential	760
STATE or RDWY	314
Vacant	186
Grand Total	1389

Of the parcels listed as VACANT (and excluding STATE or RDWY), the acreages are shown as follows:

Class = VACANT		
Acreage	Count	Percent
Under 1	74	40%
1 to 3	42	23%
3 to 5	10	5%
5 to 10	26	14%
10+	11	6%
20+	23	12%
Grand Total	186	100%

Visual review of the vacant parcels that exceed 10 acres in size show that the class of “vacant” may be in error, as they appear to be agricultural farm land.

August 9, 2021

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

RE: P & G Associates PUD Petition – PUO-21-1
Property: 5100 S. Victor Pike

SUPPLEMENTAL PETITIONER'S STATEMENT

Petitioner supplements the PUD Petition with additional information and a commitment concerning the use of development of the Real Estate. Petitioner also clarifies proposed uses on the Real Estate.

Attached are a series of aerial photographs of the property at 5100 S. Victor Pike. The apparent year of each photograph is noted. Photographs are merely a daytime snapshot in time. The photographs demonstrate that truck parking and vehicle and equipment parking on the Real Estate has been in existence generally in its present configuration since 1998. Statements are enclosed by prior owners of the Real Estate (Beverly Terry and Bill Thomas) that describe the use of the property starting with the original truck stop development by Alan and Beverly Terry in 1988. Truck driver overnight parking for sleep periods has been a consistent use of the Real Estate since 1988. Vehicle and equipment parking have also been consistent uses of the Real Estate. The view shed from the farm on the south side of Victor Pike is largely unchanged, although there are more trees now on the Real Estate than in prior years.

Truck engine idling has been a matter of concern. Petitioner has developed a set of rules pertaining to the driver rest period/sleeping parking. Rules and registration are enclosed. Petitioner is creating a policy for parking lot monitoring to enforce the no engine idling. Petitioner has been in contact with and will contract with a heavy wrecker towing service that will do parking lot patrol. If driver parking violates the engine idling prohibition the driver will be awakened or whatever is necessary to get the engine idling stopped. The driver breaching the rule will be identified and records maintained. Parking is a privilege and not an entitlement and Petitioner will have the means to enforce the rules by suspending driving privileges and barring an offending driver from future parking if necessary. The parking lot patrol will be conducted by the heavy wrecker service so truck towing is a possibility for repeat violators and those who continue to park if privileges are suspended.

Engine idling is on the wane nationally. A number of states and communities have imposed prohibitions on engine idling. Enclosed is a compendium of various laws and regulations prohibiting engine idling. Indiana does not regulate engine idling at this time. Regardless, the trucking industry has evolved. Newer trucks used for long-haul trucking where driver rest

periods and sleeping is an issue are equipped with an auxiliary power unit. Petitioner spoke with a truck driver parking at the petition site. The driver advised that it was about 2010 when the newer truck cabs started being equipped with the auxiliary power units. His truck has the power unit which keeps him from idling the engine. He also reported that his truck is not equipped in any manner allowing him to hook onto an electrified parking station (EPS). He said it was not an either/or, but it was his understanding that the newer trucks, in the last ten plus years, are equipped with a power unit but it is not also equipped to connect to an EPS.

Online materials researching the auxiliary power unit (APU) discusses the auxiliary units are either electric or diesel fueled motors on the power unit. The truck driver explained the use of the APU. His explanation is consistent with materials generally available online under any search engine. The APU operates the heating and air conditioning. The APU is charged during truck operation. If the demand on the APU during overnight is heavy enough it will exhaust the stored power. The APU will turn on either the diesel motor or the electric motor to operate the heat and air conditioning until the truck is again in operation and the APU is recharged. The truck driver reported that sales materials on the APU asserts that the diesel fuel consumption for the small motor on the APU utilizes a tenth of a gallon of fuel per hour. He acknowledged that in his experience the motors are not quite that efficient and it is bit more but less than a quarter of a gallon per hour during the time the APU is operated. He also stated that the diesel truck engine, when idling, consumes a gallon of fuel per hour. The truck driver also reported that the small motor on the APU can be heard, but only at a short distance from the truck. He described the diesel powered APU as relatively quiet and not detectible more than a short distance from the truck.

The truck driver also expressed his concern that the overnight parking continue on the Real Estate. He was asked about alternative sites, such as the local big box stores (Rural King and Sam's Club) with large parking lots. He was aware of those but did not want to park at those sites. He noted there was no specific authorization for parking. There is no parking lot control. He emphasized the safety and convenience of parking at Petitioner's Real Estate, including access to food and fuel and immediate access to the state highway system. He strongly encouraged petitioner to keep the truck parking use on the property.

Very truly yours,

Michael L. Carmin

MLC/nem



SUNMART

Rules for Overnight Truck Parking

- All drivers must check in at the cashier's station immediately upon parking
- Truck parking in designated spaces only
- Overnight parking not to exceed 10 hours
- No engine idling while parked
- No grills or other fire sources are allowed to be used on the Sunmart property
- No littering; trash bins are provided for disposal of all trash
- No persons authorized to be in the truck cab or to sleep in the truck cab except authorized truck drivers and authorized passengers

Overnight truck parking shall be in conformance with these Rules for Overnight Truck Parking.

A copy of the rules is furnished to each driver at check-in. Violations of these Rules may result in suspension of parking privileges, vehicle towing or other sanctions.

Drivers acknowledge that strict adherence to the Rules is an essential condition for authorized parking. The Rules are intended to minimize external impacts of truck parking use and unreasonable disturbance of neighboring properties.

SUNMART

Truck Registration

Date _____

Driver Name _____

Driver Signature _____

Vehicle license number _____

Vehicle description (for example; color of cab, business name printed on cab or truck, truck manufacturer – sufficient description to identify a parked truck) _____

Acknowledge Receipt of Rules for Overnight Truck Parking

(driver signature)

Exhibit A
Amended

Truck Stop- Small

Uses and Design Standards.

1. Permitted Uses. Gasoline/fuel sales; electric vehicle charging station; convenience mart; transient overnight truck parking (driver occupied); vehicle and equipment parking (unoccupied); ride-share parking; restaurant (small). Accessory uses: A single residential dwelling use; seasonal sales; outdoor seating/rest shelter (eating, pedestrian and bicyclist rest area).
2. Lot size. The minimal parcel area and road frontage should be not less than 4 acres and not larger than 6 acres with not less than 200 feet of direct road frontage on a principal arterial road. The adjacent collector road intersection shall require a dedicated left turn and/or right turn lane(s). Alternative access may include a secondary collector road at an improved principal arterial road intersection. A signalized intersection with dedicated turn lanes constitutes an improved intersection.
3. Location. The Truck Stop – Small parcel must be located within 200 feet of the centerline of a principal arterial road or adjacent to a secondary collector road connecting to a principal arterial intersection. Driveway entrance on an adjacent secondary collector road shall be located not further than 500 feet from the principal arterial road intersection.
4. Fueling stations Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies may not exceed 22 feet in height.
5. Vehicle charging stations Vehicle charging stations (electric vehicle) shall be located in a designated area minimizing traffic conflicts.
6. Prohibited uses. Vehicle repair and servicing are not permitted uses. Sales of vehicle fluids are permitted (examples: oil, engine coolant, washer fluid) and consumer installation of vehicle fluids is permitted.
7. Overnight parking
 - a. Transient overnight truck parking shall not exceed a 10 hour period. Transient overnight truck parking may include driver rest periods in vehicles with truck/tractor cabins designed for rest periods. Designated parking for transient overnight truck parking shall not exceed 20 parking spaces. Engine idling for parked trucks is prohibited.
 - b. Large truck/equipment parking permitted. Sleeping is not permitted. Parking for unoccupied vehicles and equipment limited to twenty (20) designated spaces.

8. Ride-share. Vehicle parking for carpooling and ride-sharing shall be permitted. Designated parking for ride-share use shall not exceed 20 spaces. Ride-share parking shall not exceed 12 hours.
9. Convenience mart/food service. Dine-in seating for the restaurant shall not exceed 1,000 square feet.
10. Lot surfaces. Driveway and associated lot areas for fueling stations, charging stations, restaurant parking and convenience mart parking shall be paved. Ride-share parking, transient overnight truck parking, and associated driveway areas may be stone or gravel surfaced.
11. Landscaping. At least 25% of the lot shall be dedicated to permanent green space. A minimum of eight (8) trees shall be required in the areas in close proximity to road frontages.
12. Signage. One pole sign shall be permitted. Signage may include canopies, building exterior and monument signs. Signage in addition to a pole sign shall not exceed an aggregate of 600 square feet. The area of both sides of a monument sign shall be included in the aggregate permitted signage. Informational and instructional signage (e.g., parking designation, parking rules, and traffic control signage) shall be permitted in addition to regulated signage.
13. Lighting standards. On-site lighting shall be sized and directed to provide minimal light spillage onto adjacent properties. All outdoor lighting shall be shielded so that light emitted by the fixtures project below the horizontal plane of the lowest point of the fixture. Low pressure sodium lamps or other dark sky friendly lighting alternatives shall be utilized wherever feasible for any light not fully shielded. Pole signs and monument signs may be backlit. Lighting shall not exceed one candle power at a property line.
14. Alcohol sales. Alcohol sales for onsite consumption are not permitted.
15. Accessory Uses.
 - a. Seasonal sales shall be permitted on the open lot. Examples of seasonal sales include farm produce sales, firewood, fireworks and pumpkins sales. Sales and display areas for seasonal sales shall not exceed 2,000 square feet.
 - b. Residential. One 2-bedroom dwelling unit for employee/owner occupancy
 - c. Outdoor seating/shelter. Not to exceed 400 square feet. Bike racks must be installed adjacent to the shelter.



Compendium of Idling Regulations

The information in this table is for reference purposes only and should not be relied upon for regulatory compliance. This information may contain errors and omissions and is subject to change. Actual state, county, or city codes should be referenced for specific requirements. Links to the various regulations can be found on the website edition of this compendium.

TruckingResearch.org

Updated: March 2020

State, County or City Idling Limit and Fines	Exemptions
Arizona, Maricopa County 5 minutes w/ fines of \$100 - \$300	<ul style="list-style-type: none"> - Traffic or adverse weather conditions - Emergency or law enforcement purposes - Power takeoff involving cargo or work function - Conform to manufacturer's specifications - Maintenance or diagnostics - Hours-of-Service compliance
California 5 minutes w/ fines of \$300 - \$1,000	<ul style="list-style-type: none"> - Traffic conditions/controls - Queuing beyond 100' of residential - Adverse weather conditions or mechanical difficulties - Vehicle inspections - Service or repair - Power takeoff involving cargo or work function - Prevent safety or health emergency - Emergency vehicles - Certified Clean Idle labels
Colorado, Aspen 5 minutes within any 60-minute period w/ fines up to \$1,000	<ul style="list-style-type: none"> - Safety reasons - To achieve an engine temperature of 120°F and an air pressure of 100 lbs/in²
Colorado, Denver 5 minutes in any 60-minute period w/ fines up to \$1,000 (No limit if <20°F for previous 24-hour period or less than 10°F)	<ul style="list-style-type: none"> - Emergency vehicles - Traffic conditions - Being serviced - Auxiliary equipment
Colorado, Vail 20 minutes w/ fines up to \$1,000 (No idling if left unattended when in Lionshead or commercial core except for refrigeration vehicles)	- None

State, County or City Idling Limit and Fines	Exemptions
Connecticut 3 minutes w/ fines up to \$5,000 (No limit if <20°F)	<ul style="list-style-type: none"> - Traffic conditions or mechanical difficulties - Ensure safety or health of driver/passengers - Auxiliary equipment - Conform to manufacturer's specifications - Maintenance - Queuing to access military installations
Delaware 3 minutes w/ fines of \$50- \$500 (15 min. if 32°F to - 10°F; No limit if <-10°F)	<ul style="list-style-type: none"> - Traffic conditions or mechanical difficulties - Conform to manufacturer's specifications - Repair - Emergency vehicles - Using auxiliary equipment/power takeoff - Power during sleep or resting beyond 25 miles of truck stop with available electrified equipment - Vehicle safety inspections
District of Columbia 3 minutes w/ fines of \$500 minimum (5 min. if <32°F)	- Power takeoff
Georgia, Atlanta 15 minutes w/ fines of \$500 (25 min. if <32°F)	<ul style="list-style-type: none"> - To perform needed work - Traffic conditions - Natural gas or electric vehicles
Idaho, Ketchum 3 minutes in any 60-minute period w/ fines of \$25	<ul style="list-style-type: none"> - Traffic control/conditions - Vehicle inspections - Service or repair - To perform work functions - Prevent safety or health emergency - Recharge hybrid batteries - Operate equipment which runs intermittently - Emergency vehicles
Illinois: Cities: Aux Sable, Goose Lake, Oswego Counties: Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Claire, Monroe 10 minutes within any 60-minute period w/ fines of \$90 - \$500 (30 min. if waiting to weigh, load or unload freight; No limit if <32°F or >80°F)	<ul style="list-style-type: none"> - Less than 8,000 lbs. GVWR - Traffic conditions/controls - Prevent a safety or health emergency - Emergency or law enforcement purposes - Service or repair - Government inspection - Power takeoffs involving cargo or work functions - Resting in a sleeper berth - Mechanical difficulties - Queuing - Idle reduction technologies

State, County or City Idling Limit and Fines	Exemptions
Illinois, Chicago 3 minutes in any 60-minute period w/ fines of \$250 (No limit if <32°F or >80°F)	<ul style="list-style-type: none"> - Emergency vehicles - Power auxiliary equipment - Service or repair or government inspection - Traffic conditions - Idle reduction technologies - Mechanical difficulties - Exhaust filter regeneration
Illinois, Evanston 5 minutes in any 60-minute period w/ fines of \$150	<ul style="list-style-type: none"> - Traffic control/conditions - Prevent safety or health emergency - Emergency vehicles - Mechanical difficulties - To perform work functions - Government inspections - Service or repair
Kansas, Johnson and Wyandotte Counties 5 minutes in any 60-minute period w/ fines up to \$10,000 (30 min. while waiting to load or unload)	<ul style="list-style-type: none"> - Traffic control / conditions - Safety or health reasons - State or federal inspections - Mechanical difficulties - Emergency vehicles - Heat or A/C sleeper berth during rest periods - Service or repair - To perform work functions - Auxiliary power units
Maine 5 minutes in any 60-minute period w/ fines of \$25 - \$500 (15 min. if 0° - 32°F; No limit if < 0°F)	<ul style="list-style-type: none"> - Traffic conditions - Prevent safety or health emergency - Emergency or law enforcement purposes - Maintenance or repair - State or federal inspections - Power work-related operations - Sleeper berth A/C or heat during rest or sleep periods - A/C or heat while waiting to load/unload - Mechanical difficulties if receipt of repair is submitted w/in 30 days
Maryland 5 minutes w/ fines up to \$500	<ul style="list-style-type: none"> - Traffic conditions or mechanical difficulties - Heating, cooling, or auxiliary equipment - Conform to manufacturer's specifications - Accomplish intended use
Massachusetts 5 minutes w/ fines of up to \$500	<ul style="list-style-type: none"> - Being serviced - Delivery for which power is needed & alternatives unavailable - Associate power needed with no alternatives

State, County or City Idling Limit and Fines	Exemptions
Michigan, Ann Arbor 5 consecutive minutes in any 60-minute period or when unoccupied w/ minimum fines of \$100 (No limit if <32°F or >85°F & no temperature-controlled area accessible)	<ul style="list-style-type: none"> - Traffic conditions/controls - Prevent safety or health emergency - Cab comfort while waiting for assistance - Emergency purposes - Power auxiliary work equipment - A/C or heat during rest or sleep periods beyond 25 miles of truck stop electrification/shore power - Maintenance, servicing, repairing, or diagnostic - Conform to manufacturers specifications
Michigan, Detroit 5 consecutive minutes in any 60-minute period w/ fines of warning to \$500	<ul style="list-style-type: none"> - Traffic conditions - Power auxiliary equipment - Emergency vehicles - Motionless for >2 hours & <25°F - State inspections - Hybrid vehicle recharging - Electric, hydrogen or natural gas powered vehicles
Minnesota, Minneapolis 5 minutes in any 60-minute period w/ fines up to \$700	<ul style="list-style-type: none"> - Traffic conditions/controls - To prevent a safety or health emergency - Emergency purposes - Maintenance or diagnostics - Vehicle inspection - Power auxiliary equipment - Occupied armored vehicles - A/C or heat during sleep or rest period or waiting to load/unload - Mechanical difficulties
Minnesota, Owatonna 15 minutes each 5 hours in residential areas w/ fines up to \$1,000	- None
Missouri, St. Louis 5 minutes in any 60-minute period w/ fines up to \$100 (10 min. if <32°F)	<ul style="list-style-type: none"> - Emergency vehicles - Power for auxiliary purposes - Traffic or adverse weather conditions - Repair or diagnostics - Engaged in the delivery of goods
Missouri, Clay, Franklin, Jackson, Jefferson, Platte, St. Charles, St. Louis Counties 5 minutes in any 60-minute period w/ fines TBD (30 min. when waiting to load/unload)	<ul style="list-style-type: none"> - Traffic conditions/controls - Prevent safety/health emergency - Emergency purposes - Maintenance/repair - State or federal inspections - Power work-related operations - During government-mandated rest periods - Mechanical difficulties - Auxiliary power units

State, County or City Idling Limit and Fines	Exemptions
Nevada 15 minutes w/ fines up to \$2,000	<ul style="list-style-type: none"> - Variance has been issued - Emergency vehicles - Repair or maintain other vehicles - Traffic congestion - Maintenance at repair facility - Emission contained & treated per commission - To perform specific task
New Hampshire 5 minutes w/ fines TBD (15 min. if 32° to -10°F; No limit if <-10°F)	<ul style="list-style-type: none"> - Traffic conditions - Emergency vehicles - Power takeoff or heat/cool passengers - Maintenance or diagnostics - Defrost windshield
New Jersey 3 minutes w/ fines of \$250 to \$1,000 (15 min. if stopped for 3 hrs. & <25°F)	<ul style="list-style-type: none"> - Traffic conditions - Mechanical operations - Waiting or being inspected - Performing emergency services - Being repaired or serviced - Auxiliary power unit, bunk heaters, etc. - Sleeper berth with 2007 or newer engine or diesel particulate filter
New York 5 minutes w/ fines of \$375 minimum (No limit if stopped for ≥2 hrs. & <25°F)	<ul style="list-style-type: none"> - Traffic conditions - Auxiliary power or maintenance - Emergency vehicles - Within mines or quarries - State Inspections - Recharging hybrid electric vehicles - Farm vehicles - Electric vehicles
New York: Cities of New York, Larchmont Village, Mamaroneck Village Counties of Rockland & Westchester 3 minutes w/ fines up to \$1,000 (1-minute if adjacent to a public school)	<ul style="list-style-type: none"> - Emergency vehicles - Operate loading, unloading, or processing device
Ohio, Cleveland & Maple Heights 5 minutes in any 60-minute period w/ fines of \$150 (10 min. at loading docks/areas or if <32°F or >85°F)	<ul style="list-style-type: none"> - Prevent safety or health emergency - Traffic conditions/controls - Emergency vehicles - Service or repair - Vehicle safety inspection - Power auxiliary equipment - Sleeping or resting in a sleeper berth - Mechanical difficulties - Idle reduction technologies

State, County or City Idling Limit and Fines	Exemptions
Ohio, South Euclid 0 minutes w/ fines of \$50 - \$150 (20 min./hr if loading/unloading; No limit if <32°F or >85°F)	(Same exemptions as Cleveland & Maple Heights, plus) - Queuing
Oregon 5 minutes in any 60-minute period w/ fines up to \$180 (30 minutes while waiting to or during load/unload)	<ul style="list-style-type: none"> - Idle reduction technology - Cargo temperature control - Traffic conditions/controls - Mechanical difficulties - Manufacturers specifications - Safety regulations - Emergency purposes - Maintenance/repairs - Exhaust filter regeneration - State or federal inspections - Power work-related functions - For A/C or heat during rest/sleep periods or loading/unloading if <50° F or >75°F
Pennsylvania 5 minutes in any 60-minute period w/ fines of \$150 - \$300 (15 min. if weighing, loading or unloading)	<ul style="list-style-type: none"> - Traffic conditions - Prevent safety or health emergencies - Comply with manufacturer's specifications - Emergency or law enforcement purposes - Maintenance or repair - Government or security inspections - Power work-related operations - Mechanical difficulties - Certified Clean Idle label
Pennsylvania, Philadelphia 2 minutes or 0 minutes for layovers w/ fines of \$300 (5 min. if <32°F; 20 min. if <20°F)	-None
Pennsylvania, Alleghany County 5 minutes w/ fines of a warning to \$500 (20 min. if <40°F or >75°F)	<ul style="list-style-type: none"> - Traffic conditions - Queuing - Cool down/warm up per manufacturer's recommendations - Sleeping/resting in truck - Safety inspections - Ensure safe operations - Emergency vehicles - Power accessory or service equipment - Repair or diagnostics

For more information about ATRI, visit TruckingResearch.org

State, County or City Idling Limit and Fines	Exemptions
Rhode Island 5 minutes in any 60-minute period w/ fines up to \$500 (15 min. if 0° - 32°F; No limit if <0°F)	<ul style="list-style-type: none"> - Traffic conditions - Ensure health or safety of driver/passengers - Power work-related operations - Service or repair - State or federal inspections - Emergency or law enforcement purposes - Auxiliary power unit/generator set
South Carolina 10 minutes in any 60-minute period w/ fines of \$75	<ul style="list-style-type: none"> - Traffic conditions - Prevent safety or health emergency - Emergency or law enforcement purposes - Service or repair - State or federal inspections - Power work-related operations - Sleeper berth a/c or heat during (a) rest or sleep periods; (b) <40° F or >80 °F; or (c) at rest areas, terminals, truck stops, or legal parking locations >500' from homes or schools - While waiting to load/unload
Texas: Cities of Arlington, Austin, Bastrop, Benbrook, Cedar Hill, Celina, Colleyville, Dallas, Duncanville, Elgin, Euless, Fort Worth, Georgetown, Granbury, Houston, Hurst, Hutto, Keene, Lake Worth, Lancaster, Little Elm, Lockhart, Luling, Mabank, McKinney, Mesquite, <NEW> Nixon, North Richland Hills, Pecan Hill, Richardson, Round Rock, Rowlett, San Antonio, San Marcos, University Park, Venus, Westlake Counties of Bastrop, Bexar, Caldwell, Collin, Dallas, Hays, Kaufman, Tarrant, Travis, Williamson 5 minutes w/ fines vary by jurisdiction	<ul style="list-style-type: none"> - 14,000 lbs GVW or less - Certified Clean Idle label - Traffic conditions - Emergency or law enforcement - To perform needed work - Maintenance or diagnostics - Defrost windshield - Owners of rented/leased vehicles - Hours-of-Service compliance beyond 2 miles of an available external heat or a/c connection
Utah, Park City, Sandy City, Summit County 1 minute w/ 3 warnings and fines thereafter	<ul style="list-style-type: none"> - Traffic controls - Power auxiliary equipment including refrigeration units - Manufacturers' specifications - For health or safety reasons - Clear windshields - Maintenance, diagnostics or inspection - Emergency vehicles

State, County or City Idling Limit and Fines	Exemptions
Utah, Logan, Salt Lake City & Salt Lake County 2 minutes w/ 3 warnings and fines thereafter	(Varies by jurisdiction)
Vermont 5 minutes in any 60-minute period w/ fines of \$10 - \$100	<ul style="list-style-type: none"> - Public safety or emergency purposes - Traffic conditions or control - Health or safety of occupant - Operate safety equipment - Power work-related operations - Air-conditioning or heating a sleeper berth in model year 2017 or older vehicle - Maintenance or diagnostics - State or federal inspections - Idle reduction technologies
Vermont, Burlington 3 minutes w/ fines up to \$10,000	<ul style="list-style-type: none"> - Refrigeration units - Repairs - To perform work functions - Health or safety of driver or passengers
Virginia 10 minutes for diesel vehicles in commercial or residential urban areas w/ fines up to \$25,000	<ul style="list-style-type: none"> - Auxiliary power
West Virginia 15 minutes in any 60-minute period w/ fines of \$150 - \$300	<ul style="list-style-type: none"> - Traffic conditions/controls - Prevent safety or health emergency or in accordance w/ safety regulations - Emergency vehicles - Maintenance, service or repair - Federal or state inspections - Power auxiliary equipment - Security inspections - Mechanical difficulties - Sleeping or resting in a sleeper berth if <40° or >75° F & legally parked - Sampling, weighing, loading or unloading - Waiting for a police escort for a permitted load - Certified Clean Idle label - Powered by clean diesel or biodiesel fuels
Wisconsin, Madison 5 consecutive minutes w/ fines of \$25 - \$200 (No limit if <20° F or >90° F)	<ul style="list-style-type: none"> - Prevent safety or health emergency - Testing, service, repair or diagnostic - Power auxiliary equipment including refrigeration units - Traffic conditions/controls

For more information about ATRI, visit TruckingResearch.org

Bloomington Area: Fullerton Pike to Victor Pike**Area Includes:**

Tapp Road to SR 37 Interchange

Impacted Roads:

Fullerton Pike, That Road, East Lane, Rockport Road, Big Sky Lane.

Development Intent

Development of the east side of SR 37 in this portion of the corridor is encouraged by current land use policies. West of SR 37, development of the medical park with Monroe County Hospital will continue to be encouraged within established infrastructure boundaries while further residential development is to be low density where there are no sanitary sewers – but may be at a higher density in areas where sanitary sewers are installed. Should I-69 develop, it is recommended that missing segments of roadways be completed in the area, and that at least Fullerton Pike and Vernal Pike maintain access to SR 37/I-69.

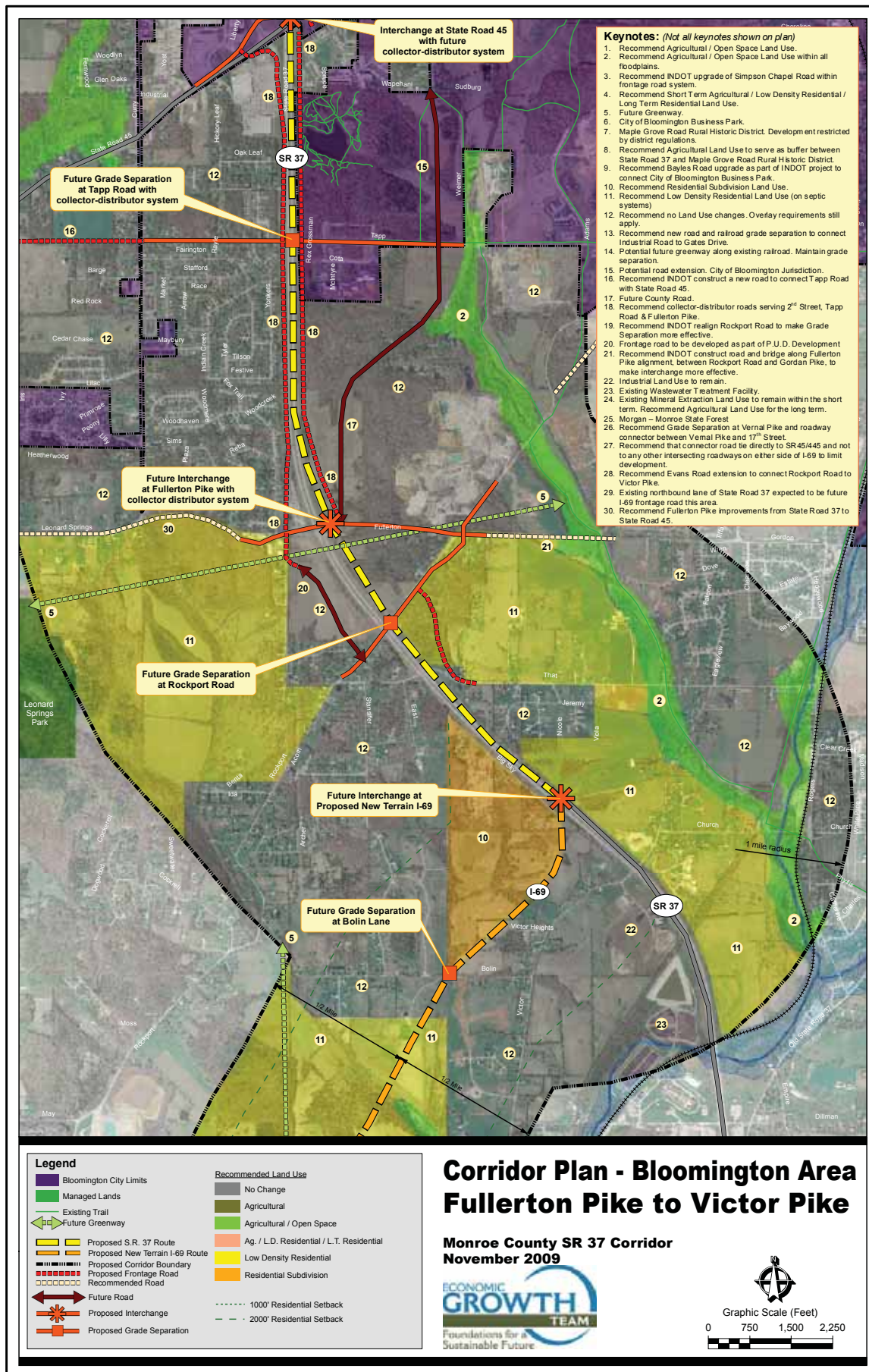
Existing Conditions and Development Patterns

The corporate limits of Bloomington meander along SR 37 in this area, resulting in portions of the corridor being in Morgan County's jurisdiction with others being within the City of Bloomington. Development varies in intensity throughout the area (See: *Fullerton Pike to Victor Pike Map on page 46*). East of SR 37 and west of Clear Creek, there are former quarry areas and other land available for more intense use. South of this area also east of SR 37 is a mix of residential areas. There is also significant existing residential development east of Clear Creek largely out of the corridor.

West of SR 37 between Rockport Road and Fullerton Pike is the Monroe County Hospital. It is anticipated that development of the hospital will not extend further west or south than That Road. West of the hospital, there is significant undeveloped acreage. This area includes Leonard Springs Park.

Further south, areas bounded by SR 37 to the south, Rockport Road to the west and Victor Pike to the east are currently experiencing medium density residential development. The City of Bloomington is planning to extend sewers into this area.

A significant portion of this area of the corridor is currently regulated by the County's Business Industrial Overlay (BIO). The BIO was intended to guide development of employment sites within this region, but has seen little success.



I-69 Impact Summary

I-69 is proposed to follow the existing route of SR 37 until a point just north of Victor Pike. At this point, an interchange is proposed and I-69 is planned to route to the southwest following a new terrain route. It is proposed that the interstate be three lanes in each direction north of this SR 37 interchange and two lanes in each direction south of this point.

If I-69 is developed, Fullerton Pike and SR 37 are proposed to be developed as interchanges, while Rockport Road is proposed as a grade separation. That Road would be interrupted by the interstate due to its proximity to Rockport Road with a cul-de-sac on the west and frontage road to Rockport Road on the east. This disruption is of great concern because of the number of county residents in this area needing access to this corridor.

Should I-69 be developed with an interchange at Fullerton Pike, the interchange will need to connect to the residential areas east of Clear Creek for the interchange to be effective. Currently, Fullerton Pike stops at Rockport Road and does not cross Clear Creek. It is recommended that INDOT improve Fullerton Pike to the east by connecting the interchange to Gordon Road. Without this roadway extension, Fullerton Pike will only serve a limited residential area in the northwest quadrant of the proposed interchange and rural homes in the area. West of SR 37, both the county and Bloomington MPO have recommended an upgrade of Fullerton Pike/Leonard Springs Road from SR 37 to SR 45. The combination of improvements to Fullerton Pike east and west of SR 37 will allow the corridor to become more effective at accommodating east-west traffic on the south side of Bloomington.

The construction of I-69 would cause similar connectivity issues at Rockport Road. This route is proposed to have an interchange if I-69 is built. For a Rockport Road grade separation to provide sufficient connectivity, it will need to be tied to residential areas northeast of the area closer to the Bloomington corporate limits. However, there is a segment of Rockport Road that needs to be constructed north of Clear Creek in order for this connection to be made. It is recommended that INDOT construct this segment as part of the I-69 system.

INDOT is also considering a SR 45/Tapp Road/Fullerton Pike split interchange design as well (reference May 2007 Preliminary Alternatives Analysis and Screening for Tier 2, Section 5). That design would utilize a collector distributor road system to allow traffic to flow to and from any of the three roadways. Monroe County prefers the split interchange configuration for this area since it maintains connectivity to SR 45, Tapp road and Fullerton Pike.

An interchange is also proposed at SR 37 that will connect SR 37 and I-69. The most important issue to the county is that Victor Pike remains open with full signalized access to SR 37. There are several options for the interchange currently under consideration by INDOT, many of which would be acceptable to the county if I-69 is constructed – as long as they include access to Victor Pike.

Future Land Use:

East of SR 37 In the vicinity of Rockport Road and Fullerton Pike, development is anticipated between SR 37 and Clear Creek - and shall proceed according to current land use policies.

West of SR 37 in this area, business development shall proceed per current land use policies. West of That Road there is no plan to extend sanitary sewers to the area. Therefore, this area is recommended only for low density residential development.

The area west of SR 37 between Rockport Road and Victor Pike is currently experiencing residential development. However, since the new terrain I-69 route is within this space, development shall not occur within the interstate setbacks recommended by this plan (1,000 feet where there is a wooded buffer or 2,000 feet where there is not a wooded buffer).

Several portions of this area between SR 37 and Rockport Road are currently planned for employment uses, and are part of the Business and Industrial Overlay. However, little business/industrial development has occurred in this area with the exception of one limited area at Victor Pike. The predominant land use currently existing is residential. It is recommended that the County re-evaluate the Business and Industrial Overlay and encourage only residential in this area.

Business and industrial areas already developed along the portion of the corridor will be encouraged to remain and expand within properties previously built upon. Except in developments already approved as business/industrial, no new business/industrial uses shall be approved in this area. Existing commercial/industrial businesses will be encouraged to remain. Businesses will be allowed to expand within previously developed parcels as needed to remain viable. However, the intensity of the use will not be allowed to increase beyond current condition and the businesses will not be permitted to expand onto adjacent properties.

A key development concern in areas west of SR 37 is that all roads in this area ultimately access either Rockport Road or Victor Pike. Accordingly, development in this area will result in significant increase in traffic on those two roadways. Therefore, development in this area should be monitored and limited until such time as the streets are upgraded to accommodate the development. And for that same reason, it is vital to keep Victor Pike open to the interstate corridor.

In this location and throughout the SR 37/I-69 corridor, the County definitively will not permit truck stops/fueling stations to be developed. As an intersection of SR 37 and I-69, this location might be considered for such a facility. Because of the character and intensity of existing residential and business developments, the County has reviewed this issue and specifically recommends that truck stops/fueling facilities not be developed at this location. The zoning ordinance will need to be amended to include this land use restriction.

Throughout this corridor, there are a number of historic limestone walls along roads and within properties. For this reason, rural portions of this area may be appropriate as a historic district. While not an immediate goal, any development within this area must include consideration of its impacts on this area as a possible historic district.

Throughout the SR 37 corridor, there are numerous limestone quarries – both active and inactive. The architectural grade Salem Limestone of the Bloomington area is a unique and world renowned resource. This plan supports the current policy of protecting all known deposits for mining use, regardless of whether they are actively mined, previously mined, or have the potential to be mined.

NEW SEPTIC APPLICATION

OWS

**JOE COUNTY HEALTH DEPARTMENT
119 WEST SEVENTH STREET
BLOOMINGTON, INDIANA 47404
TELEPHONE: 812-333-3543**

PAID: 50 RECEIPT #:

DATE: 4-9-90 APPLICATION #: 103480

DATE PERMIT ISSUED: 4.9.90

HEALTH DEPARTMENT USE ONLY

APPROVED: ☒ DISAPPROVED: ☐ SIGNED: [Signature]

PERMIT TERMS: # BEDROOMS: WASHING MACHINE DISHWASHER

TANK SIZE: 1000 GALLONS NO. TRENCHES: 2 WIDTH 9x31 LENGTH 10

SPECIAL CONDITIONS *Plans approved by SBT - Unit to be installed*

DESIGNED REVISIONS AGREED TO BY: Michael J. Murphy
(Owner or Agent of Owner)

A. Owner's Name: Allen Perry

Applicant's Name: _____ Applicant's Phone (day) 376-2525

(evening)

Applicant's Mailing Address:

SITE INFORMATION

B. Site Address 5100 S. Victor Pike Lot #

(if there is not an address #, PLEASE GIVE THE ROAD NAME)

C. Township # 09 Range # 12 Section # 30 (ATTACH COPY OF LEGAL DESC.)

D. Directions to Site: (THIS SECTION MUST BE COMPLETED FOR PROCESSING OF THIS APPLICATION)

Nearest Major Road Intersection (Crossroad) Victor Pike 37 (distance) 250'

Nearest Mailbox Number	Distance
100	0.1 miles
101	0.1 miles
102	0.1 miles
103	0.1 miles
104	0.1 miles
105	0.1 miles
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199	0.1 miles

Features Clearly Observable From Road (i.e. Buildings, Ponds, Etc.)

***** PLEASE DRAW A COMPLETE AND ACCURATE MAP TO THE SITE ON THE REVERSE SIDE *****

**** PLACE THE ATTACHED TAPE TO A TREE TO IDENTIFY ENTRANCE TO THE PROPERTY ****

E. Lot Size: 400' Frontage: 400' Depth: 358' Total Sq. Ft. Acres: 4.5

F. Water Supply (check one):
Municipal/City ☒ Well ☐ Cistern ☐ Other ☐

G. Type of Proposed Building: (Note that applicant must obtain there own soil scientist/survey, those results must be submitted to the Health Department for approval from the Indiana State Board of Health prior to issuance of permit.)

RESIDENTIAL:

No. of Bedrooms

Washing Machine: yes no

Dishwasher: yes no

COMMERCIAL:

Type of Business Sales & Fuel

Maximum work force:
(number of 8 hour shifts/day)

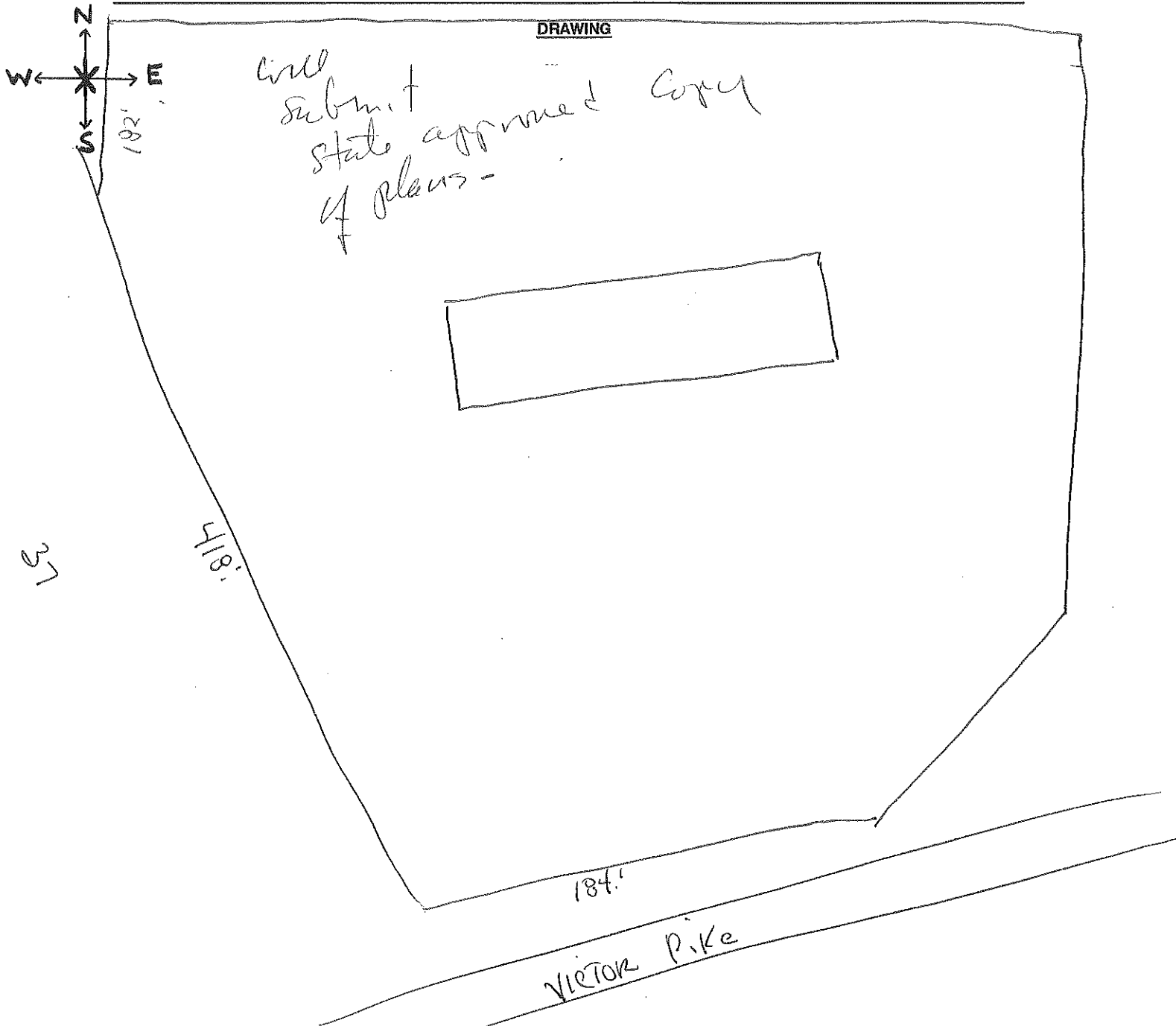
Construction: new remodel

APPLICATION **CANNOT** BE COMPLETED WITHOUT A COPY OF THE FULL LEGAL DESCRIPTION OF THE PROPERTY.

ALL APPLICATIONS MUST BE ACCOMPANIED BY AN ACCURATE DRAWING THAT SHOWS THE FOLLOWING:

- | | |
|--|--|
| A. Property Lines | E. Septic Tank (existing or proposed) |
| B. Water Lines | F. Absorption Field (existing &/or proposed) |
| C. Well or Cistern (if applicable) | G. Distance Between Lakes |
| D. Existing/Proposed House or Building | H. All Creeks, Ditches, Lakes, Etc. |

**** PLEASE LOCATE ITEMS IN RELATION TO OBVIOUS LANDMARKS WHERE POSSIBLE ****

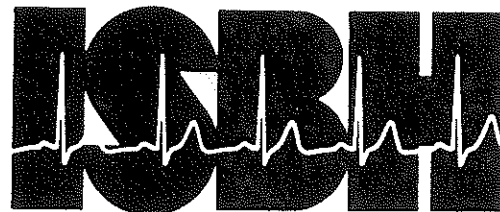


****APPROVAL OF THIS APPLICATION GIVES ONLY A PERMISSION TO CONSTRUCT AT THE LOCATION INDICATED ON THE SOIL REPORT. THE PERMIT IS NOT VALID UNTIL IT IS SIGNED AFTER AN INSPECTION ON THE JOB SITE AT THE TIME OF ACTUAL CONSTRUCTION!

****IF YOU WISH A DIFFERENT LOCATION TO BE CONSIDERED THAN SHOWN ON THE SOIL REPORT YOU MAY HAVE A REINSPECTION DONE FOR \$25.00.

EVAN BAYH, GOVERNOR
MORRIS GREEN, M.D., STATE HEALTH COMMISSIONER

INDIANA STATE BOARD OF HEALTH
1330 WEST MICHIGAN STREET
P.O. BOX 1964
INDIANAPOLIS, IN 46206-1964



INDIANA STATE BOARD OF HEALTH

AN EQUAL OPPORTUNITY EMPLOYER

April 4, 1990

Mr. Allen Terry
8401 North Low Gap Road
Unionville, IN 47468

Dear Mr. Terry:

Re: Plans and Specifications for
Sanitary Features
Terry Convenience Store
Intersection of S.R. 37 and
Victor Pike Road
Section 29, T8N, R1W
Monroe County

The plans and specifications for sanitary features of the proposed project have been reviewed and are hereby approved on this date.

This project includes the construction of an on-site flood dosing absorption field system which includes approximately 115 feet of 4-inch PVC sanitary sewer, dual 1,000-gallon septic tanks, a dosing tank with dual 30 GPM effluent pumps, dual force mains approximately 78 and 30 feet each in length, and 3,354 square feet of absorption field trenches for a wastewater flow of 1,200 GPD.

This project also includes the construction of approximately 300 feet of 1-inch water line connecting to a 6-inch water main along Victor Pike Road which is served by the Southern Monroe Water Corporation.

This approval letter shall act as your construction permit.

This project is approved subject to the following conditions:

1. That if pollution, health hazards, or nuisance conditions develop or are created, immediate corrective action be taken by the owner.
2. That all necessary local permits and approvals be obtained before construction is begun on this project.

April 4, 1990

3. That no change in occupancy or use of the facility served be effected if it would result in wastewater flow on the peak day in excess of 1,200 Gallons Per Day, or if it would result in wastewater being generated of a type incompatible with absorption field disposal. Any such change in occupancy or use may be made only after the board has issued a construction permit for modifications to the subject wastewater disposal facility that will allow it to accommodate increased wastewater flows.
4. That all necessary local permits and approvals be obtained before construction is begun on this project. You are hereby notified that most county and local health departments, and several conservancy districts as well, require that a sewage disposal permit be obtained before construction may begin. The sanitary features of this project must also comply with any additional local health department requirements.
5. That disinfection of the water line follow procedures outlined by applicable American Water Works Association Standards and produce bacteriologically satisfactory water in 2 successive sets of samples collected at 24-hour intervals before the facilities are released for use.
6. That plans and specifications for any changes, alterations or additions to this project as herewith approved be submitted and approved prior to such construction.
7. That sanitary features comply with any additional requirements of the Monroe County Health Department.
8. That Michael A. Hoover, Chief, General Sanitation Section, AC 317/633-0175, Division of Sanitary Engineering, State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana, be notified at the time construction is undertaken so that all necessary inspections may be made.

These plans and specifications were prepared and certified by Larry W. Donovan, R.A., Vincennes, Indiana, and submitted on November 3, 1989, February 1, March 1, 19 and 30, 1990.

This Approval shall be void if construction is not begun before May 1, 1991.

If you wish to request review of this Approval, you must petition for review in writing, demonstrating that:

1. You are a person to whom the Approval is specifically directed;

April 4, 1990

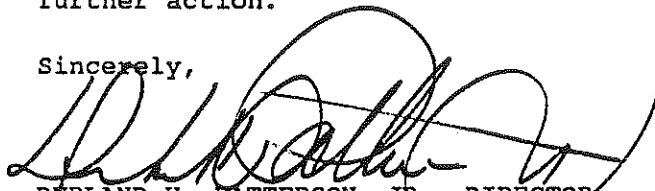
2. You are aggrieved or adversely affected by the Approval;
or,
3. You are entitled to review under any law.

Your request for review must be filed in writing with the Director,
Division of Sanitary Engineering, Indiana State Board of Health,
1330 West Michigan Street, Indianapolis, Indiana 46206, on or before
April 22, 1990.

If a petition for review is granted pursuant to IC 4-21.5-3-7, and you
are not a party thereto, notices of any prehearing conferences,
preliminary hearings, hearings, stays and other Orders disposing of the
proceedings may be obtained by sending a request for notice to the
Director, Division of Sanitary Engineering, Indiana State Board of
Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

If you do not object to this Approval, you do not need to take any
further action.

Sincerely,



DURLAND H. PATTERSON, JR., DIRECTOR
DIVISION OF SANITARY ENGINEERING

BRHippensteel

Approval No. GS-5156

cc: Mr. Charles Hardesty ✓

Mr. Larry W. Donovan, R.A.

Mr. Tom Spencer

Monroe County Health Department

Monroe County Plan Commission

General Sanitation Section

CHAPTER 815

ZONING ORDINANCE: SITE PLAN REVIEW

815-1. Purpose

The purpose of the site plan review procedure set forth in this chapter is to regulate the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- (A) The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water ~~run-off~~runoff, etc.).
- (B) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- (C) The adequacy of water supply, waste disposal methods and protection from pollution of surface or ground water; and,
- (D) The protection of natural, environmental, historic, or archaeological features on the site under review and in adjacent areas.

815-2. Site Plan Review Requirement

No permit or certificate for the construction, exterior alteration, relocation, demolition, occupancy, or change in use of any building, structure or parcel shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Administrator. Site plan review shall also be required for the resumption of any use discontinued for more than six (6) consecutive months or for the expansion of any existing use.

815-3. Site Plan Review Process

(A) Applicable standards. See table below for requirements for certified site plans, certified plot plans, or scaled plot plans depending on the use and type of construction as it relates to the Ordinance. Where a use is listed in multiple categories (i.e. residential structure and accessory structure) it will be at the Administrator's Discretion to determine whether the structure is an accessory or principal use.

<div>Com</div> (Commercial Structure)	<div>Res</div> (Residential Structure)	<div>Acc</div> (Accessory Structure)
<p>Applicability: Requires a certified site plan for any proposed Commercial construction for a site that are identified as any of the following uses below:</p>	<p>Applicability: Requires a certified plot plan for any new principal use structures that are identified as any of the following uses below:</p>	<p>Applicability: Requires a scaled drawing for any expansions to principal use structures, replacement of existing structures utilizing the same foundation, remodels, or new construction of accessory structures</p>
<p><u>Includes:</u> Agricultural Uses-</p> <ul style="list-style-type: none"> • Agricultural –related industry; • Agritourism/Agritainment; • Aquaculture; • Agricultural Event Centers • Christmas Tree Farm; • Commercial Facilities for the sale...; • Composting Operation; • Confined Feeding Operations; • Equestrian Center; • Feed Lot; • Feed Mill; • Kennels...; • Nursery/Greenhouse; • Pick-your-own operation; Winery <p>Residential Uses-</p> <ul style="list-style-type: none"> • Elderly housing; • Manufactured Home Park • Multifamily dwelling <p>Public and Semipublic Facilities (ALL)</p> <p>Business and Personal Services - All except: Bed and Breakfast; Temporary Seasonal Activity; Tourist Home or Cabin;</p>	<p><u>Includes:</u> Agricultural Uses-</p> <ul style="list-style-type: none"> • Agriculture and Accessory use to Agriculture; • Agriculture Uses, Land Animal and Non-Animal Related; • Commercial Non-Farm Animals; • Equine Services; • Horse Farm; • Orchard; • Roadside Stand Permanent and Temporary; • Stockyard; <p>Residential Uses –</p> <ul style="list-style-type: none"> • Accessory Apartments • Accessory Dwelling Units • Boarding House • Guest House • Historic Adaptive 	<p><u>Includes:</u> Agricultural Uses-</p> <ul style="list-style-type: none"> • Agriculture and Accessory use to Agriculture; • Agriculture Uses, Land Animal and Non-Animal Related; • Commercial Non-Farm Animals; • Equine Services; • Horse Farm; • Orchard; • Roadside Stand Permanent and Temporary; • Stockyard; <p>Residential Uses –</p> <ul style="list-style-type: none"> • Accessory Livestock • Accessory Use • Home Based Business • Home Occupation • Single Family Dwelling, and Two Family Dwelling <p>Chapter 833 uses:</p> <ul style="list-style-type: none"> • Crops and Pasturage • Home Occupations

<u>Retail and Wholesale Trade (ALL)</u> <u>Automotive and Transportation Services (ALL)</u> <u>Amusement and Recreational Services (ALL)</u> <u>Manufacturing, Mining, Construction, and Industrial Uses (ALL)</u> <u>Adult Oriented Business (ALL)</u> <u>Multi-Use (ALL)</u> <u>Chapter 833- All except: Bed and Breakfast, Crops and Pasturage, Home Occupations, Single Family Detached Dwellings</u>	<u>Reuse</u> <ul style="list-style-type: none"> <u>Residential Storage Structure</u> <u>Single Family Dwelling</u> <u>Temporary Dwelling</u> <u>Two Family Dwelling</u> <u>Business and Personal Services –</u> <ul style="list-style-type: none"> <u>Bed and Breakfast;</u> <u>Temporary Seasonal Activity;</u> <u>Tourist Home or Cabin;</u> <u>Chapter 833 uses:</u> <ul style="list-style-type: none"> <u>Bed and Breakfast</u> <u>Home Occupations</u> 	
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<u>Com</u>	<u>Res</u>	<u>Acc</u>
<u>B, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, V, W, X</u>	<u>C, D, E, F, G, I, J, L, O, P, U, W, X</u>	<u>A, D, E, G, I, J, L, W, X</u>

~~815-3. Site Plan Review Process~~

~~(BA)~~ Application and Requirement for Site Plan Review

- (1) An applicant for site plan review under this chapter shall file with the Administrator an application for site plan approval upon forms made available in the Commission's office along with the original and two (2) copies of the site plan.
- (2) The site plan or plot plan shall include any of the following elements that are deemed necessary by the Administrator in order to properly evaluate the proposed project in accordance with the provisions of this ordinance,

taking into consideration the nature of the project, its magnitude, uses and overall community impact:

- Acc** (a) A plot plan to scale. Some sites may require a certified plot plan at the administrator's discretion if they contain non-buildable area per Chapter 804-4(E), or if our best available data shows a discrepancy in regards to lot boundaries, easements, or other limitation(s);
- Com** (b) ~~(p)~~ Certified Site plan and a subscribed statement of an engineer, land surveyor, or architect, licensed by the State of Indiana, certifying that the proposed activity will satisfy the performance standards of Chapter 802 of this ordinance ~~;~~;
- Res** (c) Certified plot plan that includes a subscribed statement of an engineer, land surveyor, or architect, licensed by the State of Indiana, certifying that the proposed structure meets all design standards and includes all necessary information listed below.
- Com** **Res** **Acc** (da) the name and address of the owner and developer, engineer, surveyor, architect;
- Com** **Res** **Acc** (be) the location of the project by public way, township and section;
- Com** **Res** (ef) the legal description of the subject property;
- Com** **Res** **Acc** (dg) a map including date, legend, scale bar and North arrow, which shows the location, size, capacity, and use of all buildings and structures existing or to be placed on the subject property including the septic tank and field;
- Com** (he) the nature and intensity of the operations involved in, or conducted in connection with the project;
- Com** **Res** **Acc** fi) the site layout of the project including the property boundaries, location, lot size, arrangement and capacity of the area to be used for yards, setbacks, and all buildings including accessory structures, vehicular access, parking, and -loading ~~;~~ Illustrate any visible or apparent karst features, floodplain, or wetlands;
- Com** **Res** **Acc** (gi) the names of public ways giving access to the subject property and the location, width and names of existing platted public ways, railroads, parks, ~~utility~~ easements if shown on deed or recorded plat, sidewalks, driveways, utilities, and other public open spaces associated with the project;
- Com** (hk) the layout of proposed public ways, their names and width, and the width of alleys, walkways, paths, lanes and all easements;
- Com** **Res** **Acc** (li) the location, dimensions and design of all signage for the project;
- Com** (mj) the location, height, intensity, direction of illumination and bulb

type (i.e., florescent, sodium incandescent, etc.). of all external lighting fixtures;

- | | | | |
|--|---|--|---|
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">(nk)</div> | <p>a landscape plan <u>that complies with Chapter 830 and</u> showings all existing natural land features, trees, forest cover and water sources, and proposed changes to these features including the size and type of plant material;</p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">(o)</div> | <p><u>a parking plan that complies with Chapter 806;</u></p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">(p!)</div> | <p>the two foot contours with or spot elevations of the finished grade, <u>finished first floor elevations</u>, and the directions of storm water runoff. <u>Show 15% slope lines in relation to proposed structures.;</u></p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">(qm)</div> | <p>the layouts of proposed lots with their numbers and dimensions;</p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">(nr)</div> | <p>the land use density factors;</p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">(es)</div> | <p>outside storage and/or product display area if allowed;</p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">(te)</div> | <p>construction plans, if any;</p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">(u)</div> | <p><u>construction plans or floor plans;</u></p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">(vf)</div> | <p>erosion control/grading plan <u>Stormwater Management Plan that complies with Ch 761, if any;</u> and,</p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-bottom: 5px;">Acc</div> | <p>(w) <u>Location of proposed erosion control measures (tree protection, silt fence, sinkhole protection, concrete washout area, temporary construction entrance, storm drain and inlet protection, seed/straw narrative/timeline, off-site borrow areas, stockpile areas, etc)</u></p> |
| <div style="border: 1px solid red; padding: 2px; display: inline-block; margin-bottom: 5px;">Com</div> | <div style="border: 1px solid blue; padding: 2px; display: inline-block; margin-bottom: 5px;">Res</div> | <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-bottom: 5px;">Acc</div> | <p>(xs) all other permits, certificates and/or approvals required from any State or local agency relative to the use or improvement of the subject property or to the use or installation of public improvements which may serve the subject property (e.g., Indiana Department of Transportation approval of State highway improvements, <u>Monroe County Highway activity in the right-of-way permits</u>, private sewage disposal system permit from the Monroe County Health Department, etc.).</p> |

(CB) The Administrator shall consider and evaluate such application and associated site plan, and thereupon render a decision in writing, which decision shall consist of either:

- (1) approval of the site plan based upon the determination that the proposed plan complies with the general, design and performance standards set forth in this ordinance;
- (2) Disapproval of the site plan based upon the determination that the

proposed project does not meet the general, design or performance standards set forth in this ordinance; or

- (3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Administrator which will ensure that the project meets the general, design and performance standards set forth in this ordinance.

(DE) Site plans submitted to the Administrator under this chapter shall become a permanent public record.

815-4.

General Standards for Review

The Administrator shall review the site plan and supporting documents, taking into consideration the following general standards for site plan approval:

- (A) Compatibility with surrounding land uses;
- (B) Availability and coordination of sanitary sewer, water, storm water drainage, and other utilities as deemed appropriate;
- (C) Management of traffic in a manner which creates conditions favorable to the health, safety, convenience and harmonious development of the community, particularly considering each of the following factors:
 - (1) the design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion;
 - (2) the capacity of adjacent existing streets and highways to safely and efficiently handle traffic projected to be generated by the proposed development; and,
 - (3) the coordination of entrances, streets, sidewalks and internal traffic circulation facilities in the site plan with existing and planned streets and adjacent developments.
- (D) Compliance with the performance standards set forth in Section 802-5 of this ordinance and any general standards provided in this ordinance.

815-5.

Phasing of large projects

- (A) The purpose of this section is to facilitate the establishment of larger, more complex projects with significant infrastructure requirements by establishing a procedure which allows applications proposed consistent with the requirements of this title to complete infrastructure and other improvements in phases. Proposed phasing plans will be reviewed and adopted in a manner which ensures that each phase is self-sufficient and is not dependent on subsequent phases to fulfill infrastructure requirements and other conditions of approval. Phased development which is approved consistent with the requirements of this

section may proceed with a minimum of additional review, unless otherwise specified in this chapter or ordinance.

(B) Applicability. Phased development plans may be considered for those proposed projects which meet the following requirements:

- 1) The proposed project includes a land area of five acres or greater.

(C) Phasing plan required. Applications for site plan approval which propose to complete the required infrastructure improvements in phases must include a preliminary phasing plan. A final phasing plan which incorporates all required conditions of approval and details infrastructure improvements and sequencing of the phases must be submitted before any ground disturbing activities.

- 1) Preliminary phasing plans must be submitted concurrently with the land use application. Preliminary phasing plans must include the following information:
 - a. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, the size (in acreage) of the phase area, label the phase alphabetically (to avoid confusion with lot numbers), and depict roads, lots, infrastructure (including stormwater facilities), easements, dedications and open space which are included within the subject phase. The plan must also illustrate those proposed improvements which mitigate impacts associated with the unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easements, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps must be drawn at the same scale.
 - b. A narrative description or table which describes each phase and its associated improvements. In addition, the narrative or table must demonstrate that each phase would comprise a “stand-alone” development which, should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project.

- 2) The final phasing plan must be submitted to the Planning Department before any ground disturbing activity, and must include the following:

- a. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and depict roads, lots, infrastructure, easements, dedications and open space which are included within the subject phase. The plan must also illustrate those proposed improvements which mitigate impacts associated with the unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easements, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps must be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary plat map.
- b. The final narrative description or table which describes each phase and its associated improvements. The final narrative must also include the proposed timeline for completion of the entire project.

(D) Approval. The administrator may approve phasing plans only if the phasing plan does not erode the intent of the criteria for approval of the site plan. In addition, phasing plans must be reviewed to ensure that they meet or exceed the following criteria:

- 1) Each proposed phase must provide required open space, stormwater management measures, recreation facilities, landscaping, parking, utilities, and/or dedications for public use concurrent with development. In cases where construction of a proportionate fair share improvement is not feasible or would result in incomplete facilities which do not mitigate the impacts of the phase, construction of the entire improvement is required;
- 2) All required off-site improvements which mitigate impacts associated with the subject phase must be completed before final approval of that phase;

- 3) All phases must be stand-alone and proposed in sequential order. No proposed future phase can receive a Land Use Certificate before a Land Use Certificate for the preceding phase is granted. Dependent phases may include such required approvals and/or conditions, including, but not limited to: the looping of roads and utilities; the provision of fire flow; stormwater management systems; and the mitigation of transportation, recreation and/or public services impacts. Landscaping, parking, and all other required improvements must be provided within each phase as required. In some cases, landscaping and parking improvements may be located in two overlapping phases with a supporting narrative; an example may be – Phase I to include the bioretention as sediment basins and parking areas, drives, aisles, etc. to have base asphalt coat. In Phase II, for example, it may again include bioretention and parking, but during this phase show full compliance with full bioretention plantings and final asphalt coat.
- 4) Phases must be constructed in the manner approved in the phasing plan to ensure orderly and planned development. Phases must be planned to ensure the efficient construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development does not allow for leapfrog development;
- 5) Infrastructure improvements which are required to serve the entire project may be constructed within a nonadjacent phase.
- 6) In the case where multiple structures seeking Land Use Certificate are located in one phase, it is required that all improvements be completed before individual Land Use Certificates can be issued. An exception to this may be in a case where there are improvements tied to the construction of a building not yet built. In that case, the Improvement Location Permit and Land Use Certificate can be contingent upon the structure and required minimal improvements (i.e. foundation landscape plantings).

[end of chapter]

MONROE COUNTY PLAN COMMISSION**January 18, 2022**

PLANNER	Drew Myers
CASE NUMBER	REZ-21-7
PETITIONER	Will McDonough
ADDRESS	440 E Sample Road, parcel no. 53-02-34-200-006.000-017
REQUEST	Rezone Request from AG/RR to GB Waiver of Final Hearing Requested
ACRES	1.647 +/- acres
ZONE	Agriculture/Rural Reserve (AG/RR)
TOWNSHIP	Washington Township
SECTION	34
PLATS	Unplatted
COMP PLAN DESIGNATION	Rural Residential

EXHIBITS

1. Petitioner Letter
2. Petitioner Site Plan
3. AG/RR Use Table
4. GB Use Table
5. Nearby Grocery Stores/Convenience Stores
6. [Dollar General Food Report](#)

PLANNING STAFF RECOMMENDATION

Recommendation to the Plan Commission:

- Deny the request to rezone the property from Agriculture/Rural Reserve (AG/RR) to General Business (GB) based on the findings of fact, specifically findings A, B, C and E.

Recommendation to the Plan Review Committee:

- Staff recommends forwarding a “negative recommendation” to the Plan Commission based on the petition’s incompatibility with the Monroe County Comprehensive Plan.

PLAN REVIEW COMMITTEE – November 10, 2021

Plan Review Committee voted 4-0 to forward this petition to the Plan Commission with a negative recommendation.

PLAN COMMISSION – December 14, 2021

The Plan Commission did not make a motion to vote on this petition, which therefore continued the petition to its final hearing to be held on January 18, 2022. Additionally, the Plan Commission requested staff prepare an exhibit to indicate the location of grocery stores/convenience stores nearby to the petition site. See Exhibit 5. Plan Commission members also requested the petitioner provide a proposed list of items to be sold in the Dollar General. See Exhibit 6.

MEETING SCHEDULE

Plan Review Committee – November 10, 2021

Plan Commission Admin Meeting – December 7, 2021

Plan Commission Regular Meeting – December 14, 2021 (Preliminary Hearing – Waiver of Final

Plan Commission Admin Meeting – January 4, 2022 Hearing Requested)

Plan Commission Regular Meeting – January 18, 2022 (Final Hearing)

Board of Commissioners Meeting – TBD

SUMMARY

The petition site is one parcel totaling 1.647 +/- acres located in Washington Township. The petitioner is proposing to amend the Zoning Map from Agricultural Rural Reserve (AG/RR) to General Business (GB). If the rezone request is approved by the County Commissioners, the petitioner intends to file a commercial site plan with the Planning Department in order to receive approval for the construction of a Dollar General store. Typically, commercial site plan review is completed on a staff level. All applicable site plan requirements including but not limited to grading, parking, landscaping, lighting, and signage must be met by the proposed development. The petitioner does not foresee the need for any additional variance petitions regarding the proposed development at this time. Planning staff had the petitioner submit a use determination in which the described use fit under the “Grocery Store” use, which is only permitted in the GB zoning district with the following condition:

21. This use is prohibited in the area within 500 feet, measured perpendicularly from the nearest lane of traffic along State Road 37.

Given that I-69 is now complete, this condition of requiring separation from State Road 37 no longer applies.

BACKGROUND

The Zoning Map amendment would be from AG/RR to GB. Listed below are the definitions of these zones per Chapter 802.

Agriculture/Rural Reserve (AG/RR) District. *The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.*

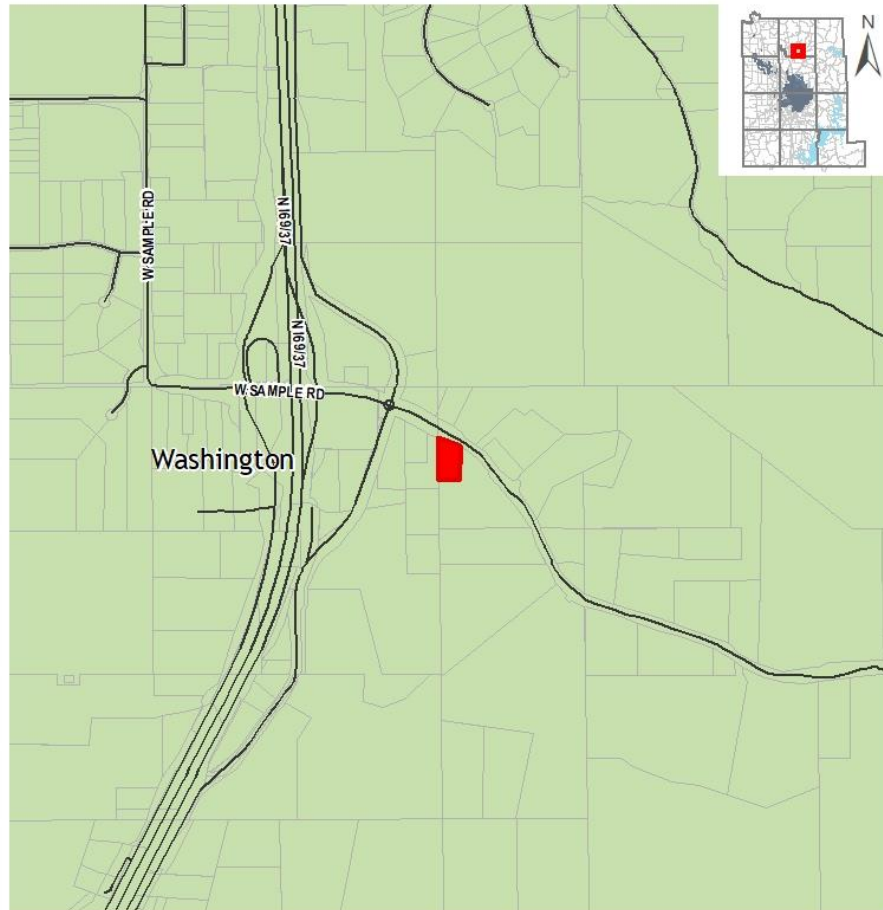
General Business (GB) District. *The character of the General Business (GB) District is defined as that which is primarily intended to meet the needs for heavy retail business uses. General business uses should be placed into cohesive groupings rather than on individual properties along highways in order to take advantage of major thoroughfares for traffic dissemination. Access control should be emphasized. The purposes of the GB District are: to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross access in order to allow traffic from one business to have access to another without having to enter the highway; to discourage single family residential uses; to protect environmentally sensitive areas, such as floodplain, karst and steep slopes; and to maintain the character of the surrounding neighborhood. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.*

LOCATION MAP

The parcel is located at 440 E Sample RD, Section 34 in Washington Township. The Parcel No. is 53-02-34-200-006.000-017.

Location Map

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



0 0.1 0.2 0.4 Miles

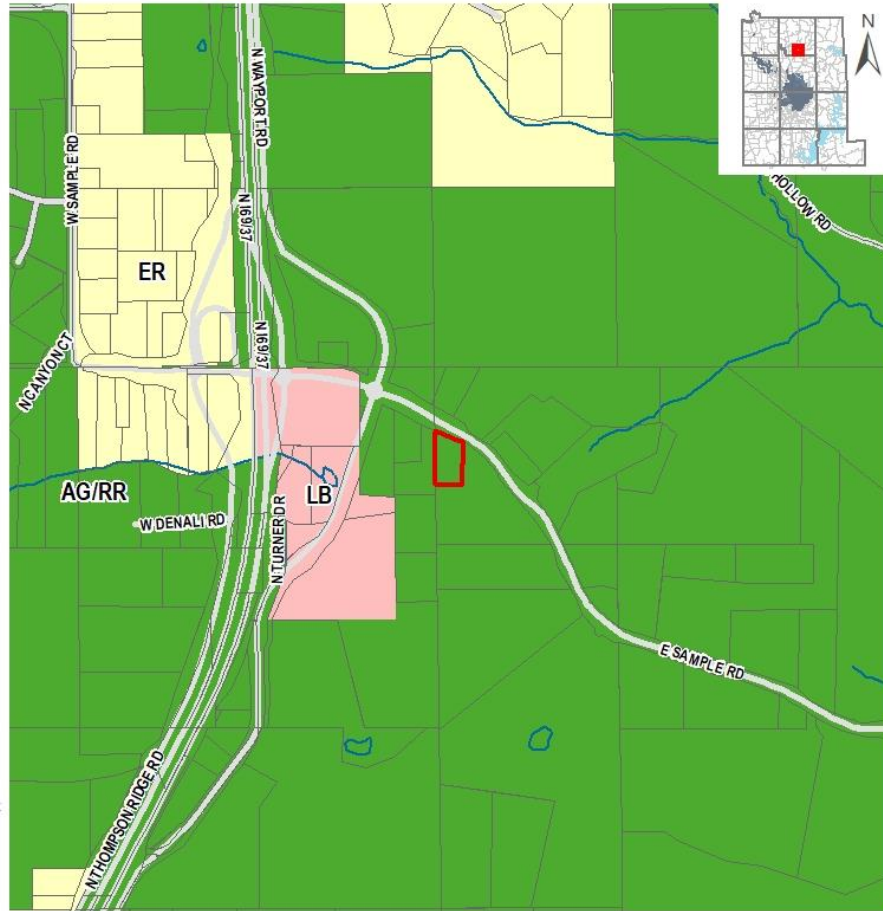
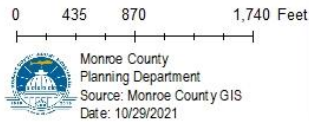
Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/29/2021

ZONING

The parcel is zoned Agriculture/Rural Reserve (AG/RR) as are the adjoining parcels to the north, east, south, and west. There are a few Limited Business (LB) zoned lots to the west of the petition site on the eastern side of I-39/State Road 37. The northern most parcel of the four LB zoned lots in this area was purchased by the State of Indiana as part of the I-69 project. There are no commercial uses directly adjacent to the subject property. The surrounding area includes mostly residential and agricultural uses; however, there are multiple commercial use properties located within a half-mile radius of the petition site.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ER - Estate Residential
-  LB - Limited Business



SITE CONDITIONS & INFRASTRUCTURE

This petition site is made up of one 1.647 acre +/- parcel. The site contains an approximate 938 sf manufactured home and an approximate 144 sf utility shed. The petition site is currently serviced by a septic system. Access to the site is from E Sample RD, which is designated as a Major Collector roadway. There is no floodplain on the petition site. There is no evidence of karst features. The petition site drains east.

Stormwater Comments:

No comments on the rezone petition.

“If the rezone petition is approved, the MS4 will require the following:

- Detention and water quality treatment are required. I ask that this project follow the release rates that will be set by our new ordinance: 0.9 cfs/acre for Q100 and 0.5 cfs/acre for Q10. And WQv will be 1”.
- Provide adequate outlet for discharges, to be discussed during design stage.
- No apparent karst or sinkhole issues on the parcel, but that will need to be looked at during design.
- Stormwater infrastructure to be placed within Drainage Easements.
- Allow access for maintenance to detention pond (or other measures being proposed).
- SWPPP and NOI submittal for compliance with Rule 5 will be required.”

Highway Comments:

“Driveway pavement needs to extend out to the roadway edge line since the shoulder pavement does not meet the driveway pavement thickness requirements. Commercial driveway pavement cross section should be 1.5" surface, 2.5" intermediate, 8" base on 6" compacted aggregate base No. 53's. Check need for drainage ditch culvert under the driveway. Culvert shall meet County standards for size, material and end sections.”

Slope Map

- Major Collector [70']
- Petitioner
- Roads
- Parcels
- 2-Foot Contours
- 15% Slope (2010)**
 - 0 - 15
 - > 15

PARCEL #:
53-02-34-200-006.000-017

NOTE:
Areas > 15% slope are classified as
nonbuildable area per Chapter 804.

0 20 40 80 120 160 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/29/2021



SITE PHOTOS



Photo 1. Aerial imagery from south



Photo 2: Aerial imagery from south – zoomed in



Photo 3: Aerial imagery from the north



Photo 4: Google Street View (May 2019)



Photo 5: Google Street View (May 2019)



Photo 6: Google Street View (May 2019)

COMPREHENSIVE PLAN DISCUSSION

Comprehensive Plan

- Petitioner
- Townships
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)
- Farm and Forest
- Rural Residential

0 0.075 0.15 0.3 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/29/2021



The petition site is located within the **Rural Residential** Comprehensive Plan designation which states:

Rural Residential

The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.

The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities. To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by

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

FINDINGS OF FACT - REZONE

In preparing and considering proposals to amend the text or maps of this Zoning Ordinance, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to:

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as Rural Residential, which states:
“Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.”
- The rezone request is to change the zone for the petition site from Agriculture/Rural Reserve (AG/RR) to General Business (GB);
- The current use of the petition site is a single family residence, which is a permitted use in the AG/RR zone;
- If approved the petitioner intends to submit a commercial site plan application to establish a grocery store (Dollar General) on the site;
- Conclusion: The request to rezone the property to GB is not consistent with the Rural Residential Comprehensive Plan designation.

(B) Current conditions and the character of current structures and uses in each district;

Findings:

- See Findings under Section A;
- The rezone request is to change the zoning for the entirety of the site to the General Business (GB) District, which is described by the County’s Zoning Ordinance, Chapter 802, as follows:

General Business (GB) District. The character of the General Business (GB) District is defined as that which is primarily intended to meet the needs for heavy retail business uses. General business uses should be placed into cohesive groupings rather than on individual properties along highways in order to take advantage of major thoroughfares for traffic dissemination. Access control should be emphasized. The purposes of the GB District are: to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross access in order to allow traffic from one business to have access to another without having to enter the highway; to discourage single family residential uses; to protect environmentally sensitive areas, such as floodplain, karst and steep slopes;

and to maintain the character of the surrounding neighborhood. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

- The petition site is currently zoned Agriculture/Rural Reserve (AG/RR);
- A commercial driveway permit from County Highway may be required for the purposes of the future site plan proposal;
- The majority of the site is less than 15% slope (see Slope Map);
- The petition site is not located in FEMA or DNR Floodplain;
- There are no known karst areas on the petition site;
- The petition site is currently located on a septic system;
- Conclusion: The petition site does not have access to sewer at this site and therefore does not support GB zoning.

(C) The most desirable use for which the land in each district is adapted;

Findings:

- See Findings under Section A and Section B;
- The adjacent parcels to the north, east, south, and west are currently zoned AG/RR;
- Parcels approximately 600' to the west are zoned LB;
- Land uses in the surrounding area are either residential or agricultural;
- There are no commercial uses directly adjacent to the subject property;
- The surrounding area includes mostly residential and agricultural uses; however, there are multiple commercial use properties located within a half-mile radius of the petition site;
- Conclusion: The request for GB zoning is not consistent with the surrounding zoning.

(D) The conservation of property values throughout the jurisdiction; and

Findings:

- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- The petition site is one parcel with 1.647 +/- acres;
- The purpose of the rezone is to provide the property owner the opportunity to submit a commercial site plan application for a grocery store (Dollar General);
- According to the Monroe County Thoroughfare Plan, E Sample RD is designated as a major collector;
- E Sample Road intersects with N Wayport RD to the west and continues to provide access to I-69/State Road 37;
- E Sample Road intersects with N Old State Road 37 to the southeast;
- The petition site is serviced by a septic system;
- Septic permits from County Health Dept. will be required for the purposes of the future commercial development proposal;
- Conclusion: There is no accessibility to sewer at this location and therefore GB zoning is not recommended.

EXHIBIT 1: Petitioner Letter

PAUL PRIMAVERA & ASSOCIATES
Registered Engineers and Land Surveyors

October 6, 2021

Monroe County Department of Planning and Zoning
501 North Morton St
Bloomington, IN 47404

Re: 440 E Sample Rd – Dollar General
Rezone / Development Plan
Letter of Intent

Ladies and Gentlemen,

Enclosed is an application for a Rezone Plan of 1.6 acres of property located at 440 E Sample Rd. The purpose of the submittal is to rezone the property from Agricultural to General Business to construct a 10,640 SQ. FT. building for commercial use. The intended business will be a Dollar General Store. This use will fit with the surrounding area as the area is being developed with improved road infrastructure. The property is in an area on a State Road that has been recently updated to accommodate increased development. This site is being specifically considered due to the loss of commercial property from the INDOT right of way taking to improve the road system.

Thank you for your consideration.

Respectfully,

William D McDonough
Paul Primavera & Associates

EXHIBIT 2: Petitioner Site Plan

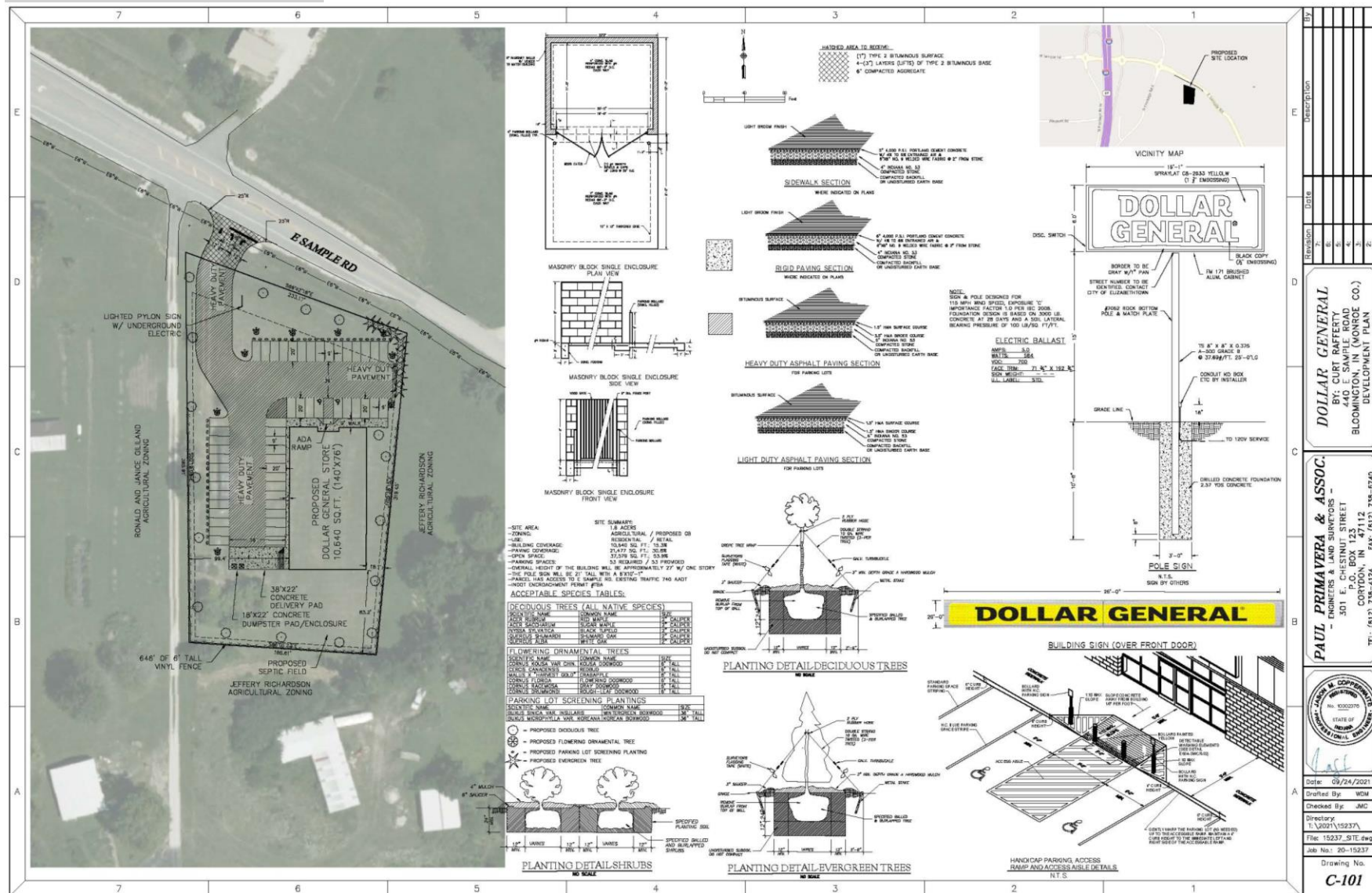


EXHIBIT THREE: Uses Permitted in the AG/RR Zone

USES	INTENSITY	ZONES	USES	INTENSITY	ZONES
Agricultural Uses	i	AG	Religious Facilities	H	P
Accessory Use		P	Remote Garbage/Rubbish Removal	H	C
Accessory Structures for Agricultural Use	L	P	Solar Farm	L	C
Agriculture	H	P	Telephone and Telegraph Services	L	P
Agricultural-Related Industry	H	P	Utility Service Facility	M	P
Agricultural Uses-Land Animal	H	P	Wastewater Treatment Facility	H	C
Agricultural Uses-Non Animal	H	P	Water Treatment Facility	H	C
Agritourism / Agritainment (i.e. corn mazes)	H	P	Wired Communication Services	M	P
Aquaculture	M	P	Business and Personal Services	i	AG
Christmas Tree Farm	H	P	Accessory Use		P
Commercial facilities for the sale, repair, a	H	C	Artisan Crafts	M	C
Commercial Non-Farm Animals	M	P	Bed and Breakfast	L	P
Confined Feeding Operations	H	C	Composting Operation	H	P
Equestrian Center	H	C	Greenfill	M	P
Equine Services	L	P	Historic Adaptive Reuse		P
Feed Lot	H	P	Kennel, including commercial animal breeding	H	C
Feed Mill	L	P	Real Estate Sales office Or Model	L	P
Historic Adaptive Reuse		P	Taxidermist	L	P
Horse Farm	L	P	Temporary Seasonal Activity	M	P
Nursery/greenhouse	H	P	Tourist Home or Cabin	L	P
Orchard	H	P	Veterinary Service (Indoor)	H	C
Pick-your-own operation	H	P	Veterinary Service (Outdoor)	M	C
Roadside farm stand, Permanent	M	P	Retail and Wholesale Trade	i	AG
Roadside farm stand, Temporary	L	P	Accessory Use		P
Stockyard	H	P	Agricultural Sale Barn	H	P
Winery	H	P	Fruit Market	L	P
Accessory Apartments	L	P	Garden Center	H	C
Accessory Dwelling Units	L	P	Historic Adaptive Reuse		P
Accessory Livestock	L	P	Automotive and Transportation	i	AG
Accessory Use		P	Automobile Repair Services, Minor	H	C
Guest House	L	P	Historic Adaptive Reuse		P
Historic Adaptive Reuse		P	Accessory Use		P
Home Based Business	L	P	Camping Facility	H	P
Home Occupation	L	P	Historic Adaptive Reuse		P
Residential Storage Structure	L	P	Park and Recreational Services	H	C
Single Family Dwelling	n/a	P	Private Recreational Facility	H	C
Temporary Dwelling	L	P	Recreational Vehicle (RV) Park	H	C
Two Family Dwelling	n/a	P	Manufacturing, Mining	i	AG
Public and Semipublic	i	AG	Accessory Use		P
Accessory Use		P	Historic Adaptive Reuse		P
Cemetery	H	P	Sawmill	H	C
Governmental Facility	H	P	Wood Products	M	C
Historic Adaptive Reuse		P			

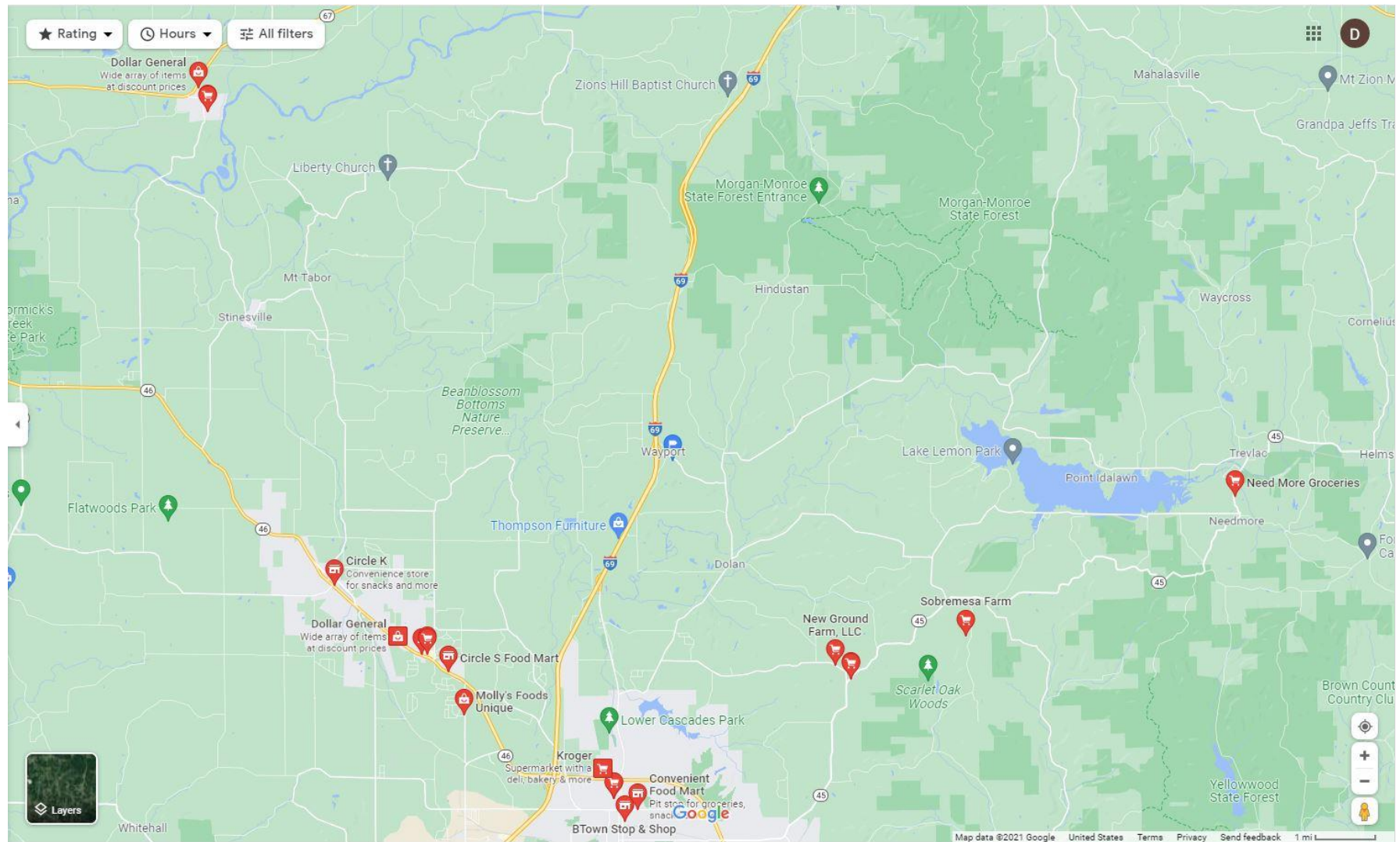
EXHIBIT FOUR: Uses Permitted in the GB Zone

USES	INTENSITY	ZONE
Agricultural Uses	i	GB
Historic Adaptive Reuse		P
Boarding House	L	P
Historic Adaptive Reuse		P
Public and Semipublic	i	GB
Accessory Use		P
Charitable, Fraternal, or Social	L	P
Community Center	L	P
Daycare Facility	M	P
Funeral Home	M	P
Group Home Class I	L	P
Group Home Class II	L	P
Historic Adaptive Reuse		P
Hospital	H	P
Medical Clinic	L	P
Nursing Home	L	P
Religious Facilities	H	P
Remote Garbage/Rubbish Removal	H	P
Retirement Center	L	P
Telephone and Telegraph Services	L	P
Temporary Care Facility	L	P
Utility Service Facility	M	P
Water Treatment Facility	H	P
Business and Personal Services	i	GB
Accessory Use		P
Air Cargo and Package Service	H	P
Air Craft Charter Service	L	P
Airport Transportation Service	M	P
Appliance Repair	L	P
Barber Service	L	P
Beauty Service	L	P
Caterer	L	P
Coin Operated Cleaning/Laundry	L	P
Convenience Storage	M	P
Copy Service	L	P
Dry Cleaning and Laundry Pickup	L	P
Dry Cleaning and Laundry Service	L	P
Electrical Repair	L	P
Employment Agency	M	P
Equipment Rental	M	P
Estate Services	L	P
Exterminating Service	L	P
Financial Service	M	P
Gunsmith	L	P
Historic Adaptive Reuse		P
Hotel	M	P
Insurance Agency	L	P
Interior Decorating	L	P

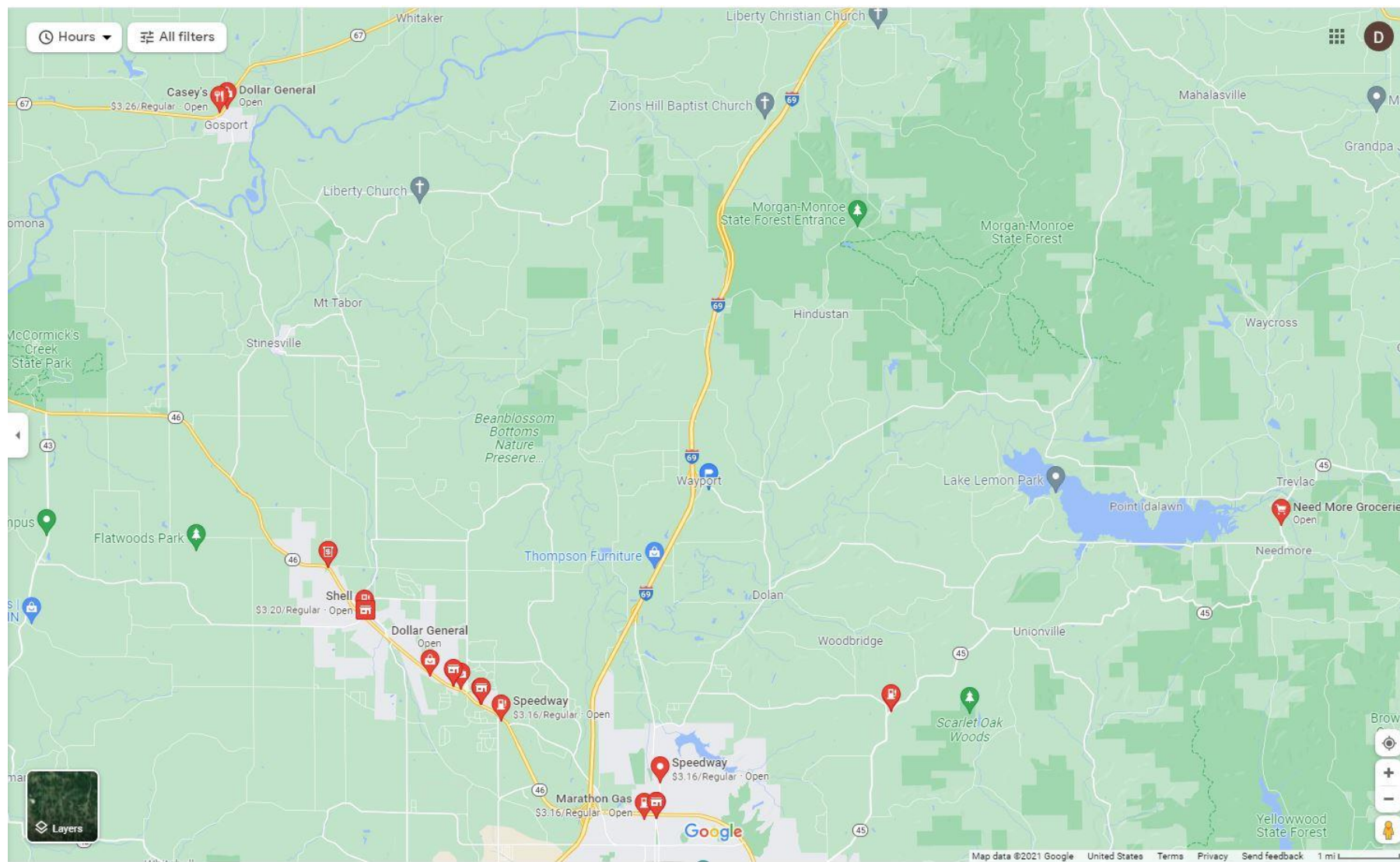
USES	INTENSITY	ZONE
Legal Service	L	P
Locksmith	L	P
Massage Studio	M	P
Motel	M	P
Office	L	P
Office Equipment Repair	L	P
Parking Facility	H	P
Pet Services	L	P
Photographic Services	L	P
Real Estate Agency	L	P
Real Estate Sales office Or Model	L	P
Shoe Repair	L	P
Small Engine and Motor Repair	L	P
Tailoring	L	P
Taxidermist	L	P
Temporary Seasonal Activity	M	P
Travel Agency	L	P
Upholstery Service	L	P
Veterinary Service (Indoor)	H	P
Retail and Wholesale Trade	i	GB
Accessory Use		P
Agricultural Supply	H	P
Apparel Shop	L	P
Appliance Sales	L	P
Auction House	H	P
Bakery (Retail)	L	P
Bookstore	L	P
Building Materials	H	P
Cabinet Sales	L	P
Camera and Photographic Supply	L	P
Confectionery	L	P
Convenience Store	H	P
Department Store	M	P
Drapery Sales	L	P
Drugstore	M	P
Fertilizer Sales (Packaged)	M	P
Florist (Retail)	L	P
Florist (Wholesale)	N	P
Fruit Market	L	P
Furniture Sales	L	P
Garden Center	H	P
General Flooring Sales	L	P
Gift Shop	L	P
Grocery Store	M	P
Gunshop	M	CU
Handicrafts	L	P
Hardware	M	P
Historic Adaptive Reuse		P

USES	INTENSITY	ZONE
Home Improvement Center	H	P
Jewelry	L	P
Liquor Store	M	P
Marine Supply	L	P
Manufactured Housing Sales	M	P
Meat Market	L	P
Music Store	L	P
Office Showroom	M	P
Office Supplies	M	P
Optical Goods	L	P
Pet shop	L	P
Restaurant	M	P
Restaurant (Drive-in)	H	P
Sporting Goods	L	P
Tavern	L	P
Used Merchandise (Antiques)	L	P
Used Merchandise (Flea Market)	H	P
Used Merchandise (General)	L	P
Automotive and Transportation	i	GB
Accessory Use		P
Automotive Rentals	M	P
Automotive/Boat Repair Shop	H	P
Automotive Sales	H	P
Automotive Supply	M	P
Automotive Tire Repair	M	P
Bus Terminal	H	P
Car Wash	L	P
Gasoline Services Station	H	P
Historic Adaptive Reuse		P
Motorcycle Sales	L	P
Taxicab Stand	M	P
Wrecker Service	M	P
Accessory Use		P
Club or Lodge	L	P
Historic Adaptive Reuse		P
Indoor Theater	M	P
Outdoor Drive-In Theater	H	P
Park and Recreational Services	H	P
Private Recreational Facility	H	P
Rodeo	H	P
Manufacturing, Mining	i	GB
Accessory Use		P
Commercial Printing	H	P
Construction Trailer	L	P
General Contractor	M	P
Historic Adaptive Reuse		P
Adult Oriented Businesses	L/M	P
Multi-Use	i	GB
Business or Industrial Center	H	P
Commercial/Industrial Adaptive Reuse		P
Shopping Center		P

EXHIBIT FIVE: Nearby Grocery Stores/Convenience Stores



Nearby Grocery Stores



Nearby Convenience Stores

CHAPTER 814

ZONING ORDINANCE: PERMITS AND CERTIFICATES

814-1. Requirements for Improvement Location Permit

- (A) A person shall obtain an improvement location permit prior to:
- (1) constructing, reconstructing, moving, enlarging, demolishing, or structurally altering any building or other structure;
 - (2) connecting a structure to a public water or sewer disposal system;
 - (3) locating a mobile home;
 - (4) making any significant land alterations (e.g., streets, drives, parking facilities, reservoirs, lakes, ponds, excavations, swimming pools, etc.).
 - (5) making a 'change in use' to any portion of a building, structure, or lot;
- (B) An improvement location permit shall not be required for the following activities:
- (1) routine maintenance, repair or remodeling of existing structures not involving any change ~~in~~^{ef} use, additional lot coverage, or increase in structure size;
 - (2) lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, and landscaping;
 - (3) signs with a surface area of less than seven square feet;
 - (4) structures which are used exclusively for agricultural production purposes, and which do not exceed the limitations stated in the definition for confined feeding operations in Chapter 802;
 - (5) structures that contain less than 120 square feet of floor area and that are not built on permanent foundations; and,
 - (6) utility structures.
- (C) Application for Improvement Location Permit
- (1) A person desiring an improvement location permit shall submit a written application for such permit with the Administrator. An application for an improvement location permit shall:
 - (a) be made on the forms available at the office of the Commission and shall be signed by the owner of the subject property; and,
 - (b) be accompanied by the fee established by the Commission.
 - (2) A person desiring an improvement location permit shall also file for site plan review in accordance with this ordinance.

- (3) The Administrator shall approve the application upon a finding that:
- (a) the proposed improvements comply with the provisions of this ordinance;
 - (b) site plan approval for the subject property has been granted; and,
 - (c) the subject property is located on a public way or is accessible by recorded easement.

The Administrator may condition approval on the receipt of other permits, certificates and/or approvals (see Subsection 815-3(B), Part 20 of these regulations).

(D) Revocation and Expiration of Permit

- (1) An improvement location permit may be revoked if active work is not commenced within sixty (60) days after the date of its issuance, and continued with due diligence to completion. The Administrator shall judge whether due diligence is being shown.
- (2) If the work described in any improvement location permit has not been commenced within one hundred and eighty (180) days from the date of permit issuance, said permit shall expire.
- (3) If the work described in any permit has not been substantially completed within two years of the date of permit issuance, said permit shall expire.
- (4) Upon the revocation or expiration of an improvement location permit, no further work may be performed on the subject property until a new permit is obtained.

814-2. Requirements for Land Use Certificate

- (A) No land shall be occupied or used and no building or other structure hereinafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a land use certificate has been issued stating that the structure and/or use comply with all the provisions of this ordinance applicable to the building, structure or premises of the use in the district in which it is to be located.
- (B) No change shall be made in the use of land or in the use of any building, or other structure, or part thereof, now or hereafter erected, reconstructed or structurally altered, without a land use certificate having been issued and no such Certificate shall be issued to make such change unless it is in conformity with the provisions of this chapter.
- (C) A Land Use Certificate will not be issued until all construction and demolition waste has been removed from the project site.
- (D) In situations where a nonconforming use or structure is being discontinued or removed to establish a new use in compliance with the Zoning Ordinance, the

nonconforming structure must be removed or the use discontinued before a Land Use Certificate is issued.

814-3. Application for Land Use Certificate

(A) A person desiring a land use certificate shall apply for the certificate shall submit a written application for such permit with the Administrator and located on the OpenGov website. An application for a land use permit shall:

~~(1)~~ (1) be made on the forms available at the ~~office of the Commission~~ Planning Office or by using the OpenGov website and shall be signed by the owner of the subject property;

(2) be accompanied by the fee established by the Commission, if applicable;
(3) if requested at the Administrator's discretion, include as-built drawings certified by an engineer, surveyor, or architect;
(4) site must include survey stakes surrounding detention basins, karst features, as well as property boundaries (as applicable to the site);

(B) If the proposed use is in conformity with the provisions of this ordinance and the application is considered complete, the final land use certificate shall be issued within ~~ten five (510)~~ days after the application for the same has been made. However, no land use certificate shall be issued in connection with the construction, alteration, enlargement, demolition or moving of a building or structure until such construction, alteration, enlargement, demolition or moving shall have been completed.

(C) If the proposed use is in conformity with the provisions of this ordinance, except for final landscaping, a conditional Land Use Certificate may be granted at the Administrator's discretion. The conditional Land Use Certificate shall be valid for no longer than six (6) months, but may be renewed for an additional six (6) month period at the Administrator's discretion.

814-4. Temporary Mobile Home Placement and Occupancy

(A) The Administrator may authorize the temporary placement and occupancy of a mobile home, as a second main structure on a lot, in any zoning district except Industrial, by issuing a temporary improvement location permit and a temporary land use certificate, upon a determination that the applicant or a member of the applicant's family requires constant attention due to a handicap or infirmity. The applicant shall:

(1) obtain Monroe County Board of Health approval for septic system installation or, provide the Administrator with a copy of a sewer hook-up permit from the appropriate authority;

(2) provide the Administrator with a licensed physician's certification of the handicap or infirmity specifically corroborating the need for constant attention;

(3) certify the notification of interested parties in accordance with the Commission/Board Rules of Procedure and advise the Administrator of the

identity of known objectors/remonstrators;

(4) demonstrate compliance with all other improvement location permit and land use certificate requirements; and

(5) file fees for all permits according to the rate(s) set by the Commission.

(B) Temporary improvement location permits and temporary land use certificates shall expire twelve (12) months after the date of issuance. The mobile home shall be removed from the premises by the applicant no later than thirty (30) days after the expiration of the temporary permit and certificate. The Administrator may extend the temporary permit and certificate for an additional twelve (12) month period for good cause shown. Any request for an extension beyond the first extension shall be heard by the Board subject to the filing, notice and hearing requirements for variances.

814-5. Additional Requirements Applicable to Subdivisions and Planned Unit Developments

In addition to the requirements prescribed by or incorporated in this Chapter, no improvement location permit or land use certificate shall be issued for the construction, erection, demolition or placement of any building or other structure, or the use or occupancy of any lot, tract, parcel, building or other structure within a subdivision or planned unit development approved under this ordinance or the Subdivision Control Ordinance, until, as appropriate:

(A) the applicant has provided the Administrator with a certified copy of the current recorded plat, construction plans or development plan;

(B) all provisions of the ordinance and all conditions of plat or plan approval have been complied with;

(C) the required utility facilities have been installed and made ready to service the lots, tracts or parcels in question; and

(D) all streets providing access to the subject lots, tracts or parcels have been constructed or are in the course of construction and are suitable for vehicular traffic.

[end of chapter]

ORDINANCE NUMBER 2022-__

The purpose of this ordinance is to amend the Monroe County Zoning Ordinance by amending the text in **Chapter 802- Zones and Permitted Uses** by adding **Scrap Metal Processing Facility** as a permitted use in the **Heavy Industrial (HI) District**:

WHEREAS, Indiana Code 36-7-4-601 authorizes the Board of Commissioners of the County of Monroe, Indiana (Board of Commissioners), to adopt planning and zoning ordinances and amendments thereto, including maps, for the following purposes: securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general welfare; and otherwise accomplishing the purposes of Indiana Code Chapter 36-7-4;

WHEREAS, the Board of Commissioners adopted a comprehensive replacement Monroe County Zoning Ordinance on December 20, 1996 through the passage of Ordinance 96-36 and have subsequently amended that zoning ordinance ("Zoning Ordinance");

WHEREAS, Indiana Code 36-7-4-602 authorizes local plan commissions to prepare, conduct public hearings on, approve and certify planning and zoning ordinances, and amendments thereto, for consideration by the Board of Commissioners;

WHEREAS, the Monroe County Plan Commission (Plan Commission) prepared amendments to Chapter 802- Zones and Permitted Uses –Use Table of the Zoning Ordinance, which it deemed necessary and advisable to promote the public health, safety, and general welfare within the County Jurisdictional Area;

WHEREAS, the Plan Commission advertised for and conducted a public hearing on the proposed amendments to Chapter 802- Zones and Permitted Uses –Use Table at its _____ meeting;

WHEREAS, following the public hearing, the Plan Commission voted to forward the proposed amendments to Chapter 802- Zones and Permitted Uses –Use Table to the Board of Commissioners with a _____ recommendation;

WHEREAS, the Plan Commission certified the proposed amendments to Chapter 802- Zones and Permitted Uses –Use Table and forwarded its recommendation thereon to the Board of Commissioners for consideration pursuant to Indiana Code Sections 36-7-4-602 through 605;

WHEREAS, in accordance with Indiana 5-14-1.5-5, the Board of Commissioners provided public notice of its intention to consider the proposed amendments to Chapter 802- Zones and Permitted Uses –Use Table and accepted public comments on the proposed amendments to Chapter 802- Zones and Permitted Uses –Use Table during its ____ meeting;

WHEREAS, based on public comment received by the Plan Commission and the Board of Commissioners, the Board of Commissioners finds that the proposed amendments to Chapter 802- Zones and Permitted Uses –Use Table if adopted, would reasonably and efficiently advance the statutorily recognized zoning ordinance purposes, which include, among other purposes, the promotion of the health, safety, morals, convenience, order, and general welfare of the citizens of Monroe County, Indiana, and that the proposed amendments should be adopted;

WHEREAS, the Board of Commissioners finds and confirms that in the preparation and/or consideration of the proposed amendments to Chapter 802- Zones and Permitted Uses –Use Table, both the Board of Commissioners and the Plan Commission gave reasonable regard to: the Comprehensive Land Use Plan of Monroe County, Indiana; current conditions and the character of current structures and uses in each district; the most desirable use

for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth;

NOW, THEREFORE, be it resolved by the Board of Commissioners as follows:

Section I. Monroe County Zoning Ordinance Chapter 802-5 (8) shall be, and hereby is, amended by adding the following use definition to the list of **Manufacturing, Mining, Construction, and Industrial Uses**:

Scrap Metal Processing Facility. Means an establishment having facilities for processing iron, steel, or nonferrous metal and whose principal product is scrap iron, steel, or scrap for sale for remelting purposes only. (Ref Burns Ind. Code Ann. § 8-23-1-36). Does not include “Automotive salvage recycler”, “Automobile scrapyard”, “Hulk crusher”, “Mobile home salvaging facilities”, “Vehicle disposal facility” as defined by Indiana Code/Regulation/Rule.

Section II. Monroe County Zoning Ordinance Chapter 802- Zones and Permitted Uses -- Use Table shall be, and hereby is, amended by making **Scrap Metal Processing Facility** a high-intensity permitted use in the Heavy Industrial (HI) District subject to Condition 58.

Manufacturing, Mining Construction and Industrial	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Scrap Metal Processing Facility	H													P				58

Condition 58. The facility is accessed and served by road infrastructure sufficient to safely transport scrap metal by truck bed, trailer, or semi-trailer and is sufficiently buffered by natural objects, plantings, fences, or other appropriate means so it is substantially screened from the main-traveled way of the system. **The outdoor storage area shall be limited to 100,000 square feet or less and be located in an area that complies with the buildable area provision in Chapter 804-4(E).**

Section III. Effective Date.

This ordinance shall be in full force and effect upon passage.

SO APPROVED AND ADOPTED by the Board of Commissioners of the County of Monroe, Indiana, this ____ day of _____, 2022.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes

"No" Votes

Julie Thomas, President

Julie Thomas, President

Lee Jones, Vice President

Lee Jones, Vice President

Penny Githens, Commissioner

Penny Githens, Commissioner

Attest:

Catherine Smith, Monroe County Auditor

**OFFICE OF
MONROE COUNTY PLAN COMMISSION
501 N Morton Street, Suite 224
BLOOMINGTON, IN 47404**

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

I, Larry Wilson, hereby certify that during its meeting on _____, the Monroe County Plan Commission considered petition # ZOA-21-_____ for an amendment (Ordinance # 2022-_____) to the Monroe County Zoning Ordinance and made a positive recommendation to approve thereon, based on the findings, Highway and MS4 Coordinator reports, with a vote of X-X.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).

Larry J. Wilson
Planning Director

Date

CASE NUMBER	REZ-22-1
PLANNER	Anne Crecelius & Jackie Nester Jelen
PETITIONER	Monroe County Plan Commission
REQUEST	Rezone from Mineral Extraction (ME) to Heavy Industrial (HI)
ADDRESS	405 E Dillman Rd, 53-08-32-300-009.001-008
ACRES	30.45 +/-
ZONE	ME
TOWNSHIP	Perry Township
SECTION	32
PLATS	Indiana Limestone Minor Subdivision, Lot 1
COMP PLAN	Farm and Forest
DESIGNATION	

EXHIBITS

1. Overall Site Plan

RECOMMENDED MOTION

Staff recommends forwarding a **favorable recommendation** for the rezone request from Mineral Extraction (ME) to Heavy Industrial (HI) based on the findings of fact, subject to the Monroe County Highway and MS4 Coordinator reports.

SUMMARY

The petitioner is seeking rezone of this parcel to Heavy Industrial.

Separately, a text amendment for a Scrap Metal Processing Facility. If approved, it would allow for the use only in the Heavy Industrial zoning district. The petitioner would like to utilize the Scrap Metal Processing Facility if the text amendment is approved by the Commissioners and if the rezone request is fulfilled.

BACKGROUND

The petition site is 30.45 +/- acres in Perry Township, Section 32 and is currently vacant. The petitioner is proposing to develop a scrap metal (non-ferrous) recycling transfer center to enhance recycling capabilities in Monroe County.

Non-ferrous metals are described by Wikipedia as “metals or alloys that do not contain iron in appreciable amounts. Generally more costly than ferrous metals, non-ferrous metals are used because of desirable properties such as low weight, higher conductivity, non-magnetic property or resistance to corrosion”. Non-ferrous metals include aluminium, copper, lead, nickel, tin, titanium, and copper alloys like brass or bronze.

The proposed text amendment that is not yet formally adopted for the Scrap Metal Processing Facility defines the use as the following:

“Means an establishment having facilities for processing iron, steel, or nonferrous metal and whose principal product is scrap iron, steel, or scrap for sale for remelting purposes only. (Ref Burns Ind. Code Ann. § 8-23-1-36). Does not include “Automotive salvage recycler”, “Automobile scrapyards”, “Hulk crusher”, “Mobile home salvaging facilities”, “Vehicle disposal facility” as defined by Indiana Code/Regulation/Rule.”

In addition, there is one condition

Condition 58. The facility is accessed and served by road infrastructure sufficient to safely transport scrap metal by truck bed, trailer, or semi-trailer and is sufficiently buffered by natural objects, plantings, fences, or other appropriate means so it is substantially screened from the main-traveled way of the system.

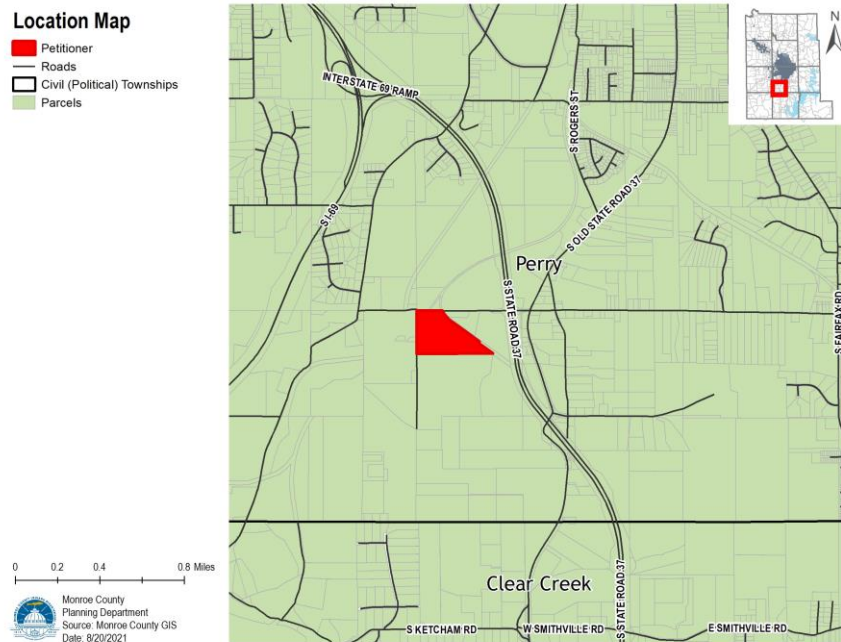
The petitioner will be required to submit an official commercial site plan to the Planning Department per the requirements of Chapter 815. The petitioner submitted a draft site plan (Exhibit 1). The draft site plan outlines site development that includes:

- 25,000 sq. ft. non-ferrous metals building
- 1,536 sq. ft. office building
- 1,536 sq. ft. maintenance building
- Paved parking area
- 100,000 sq. ft. paved outdoor storage yard

The entire site will be screened with a 8' chain link privacy fencing. All commercial site plan details and requirements will be evaluated administratively by Planning Staff during the site plan review stage.

LOCATION MAP

The property is located at 405 E Dillman RD in Perry Township, Section 32 at parcel no. 53-08-32-300-009.001-008.

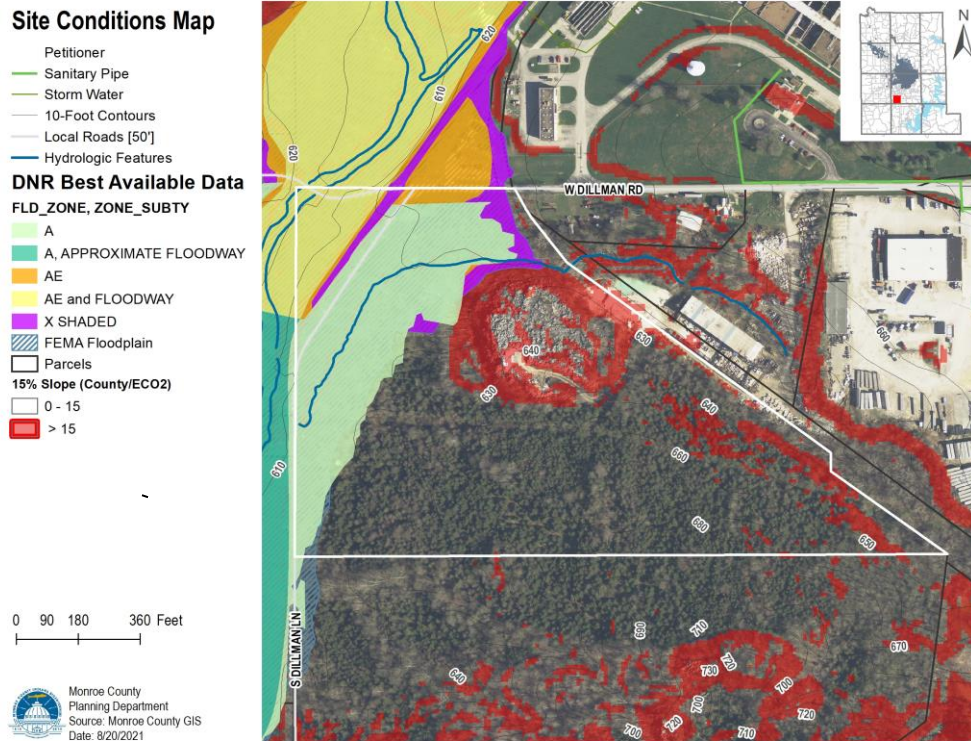


The petition site is zoned Mineral Extraction (ME). Properties adjacent to the North are zoned Institutional/Public (IP), i.e. Dillman Wastewater Treatment Plant. Properties adjacent to the East are zoned either Heavy Industrial (HI), or Agriculture/Rural Reserve (AG/RR). Properties adjacent to the South are also zoned Mineral Extraction (ME). Properties adjacent to the West are zoned AG/RR. Much of the area is a mix of mineral extraction, industrial and commercial type land uses with some residential properties in the surrounding area to the west.



SITE CONDITIONS

The petition site is currently undeveloped with a quarry/mineral extraction use. Located on the site is also a dumping easement granted to an adjacent property. The site receives access from W Dillman RD (a local road). There are no known karst features. There is floodplain located to the west but does not interfere with the proposed facility locations. Per the recorded Indiana Limestone Minor Subdivision, the access driveway meets all FEMA requirements.



INFRASTRUCTURE AND ACCESS

The petition site has access to CBU water and would utilize a commercial septic system (see Exhibit 5). The petition site is accessed via W Dillman RD, which is designated a local road according to the Monroe County Thoroughfare Plan and has 50' of dedicated right-of-way.

SITE PHOTOS



Image 1. Aerial pictometry looking north.



Image 2. Aerial pictometry looking north.



Image 3. View looking west along NE S Dillman Ln



Image 4. View along W Dillman Rd

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Monroe County Comprehensive Plan Farm and Forest Residential zone designation.

Farm and Forest Residential

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

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

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

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

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

FINDINGS OF FACT - REZONE

In preparing and considering proposals to amend the text or maps of this Zoning Ordinance, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to:

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as Farm and Forest;
- The site is surrounded by other heavy industrial uses: Republic Services Inc, stone cutting facility, tire and supply facility, CBU's wastewater treatment facility, and a convenience store with gasoline sales;
- The property was previously a quarry;
- The property is currently zoned Mineral Extraction (ME);

(B) Current conditions and the character of current structures and uses in each district;

Findings:

- See Findings under Section A;
- The rezone request is from Mineral Extraction (ME) to Heavy Industrial (HI);
- The nearest residential home is over 500 feet from the boundary of the parcel;

(C) The most desirable use for which the land in each district is adapted;

Findings:

- See Findings under Section A and Section B;
- The site contains some buildable area (slopes 15% and under). The area over 15% slope is part of the old quarry and is likely manmade;
- The proposed development location is not located in FEMA Floodplain or floodplain as illustrated by the DNR best available data;

(D) The conservation of property values throughout the jurisdiction; and

Findings:

- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- Access is off of E Dillman Rd;
- According to the Monroe County Thoroughfare Plan, E Dillman Rd is classified as a Local road in this area;

EXHIBIT 1: Overall Site Plan (northern location)

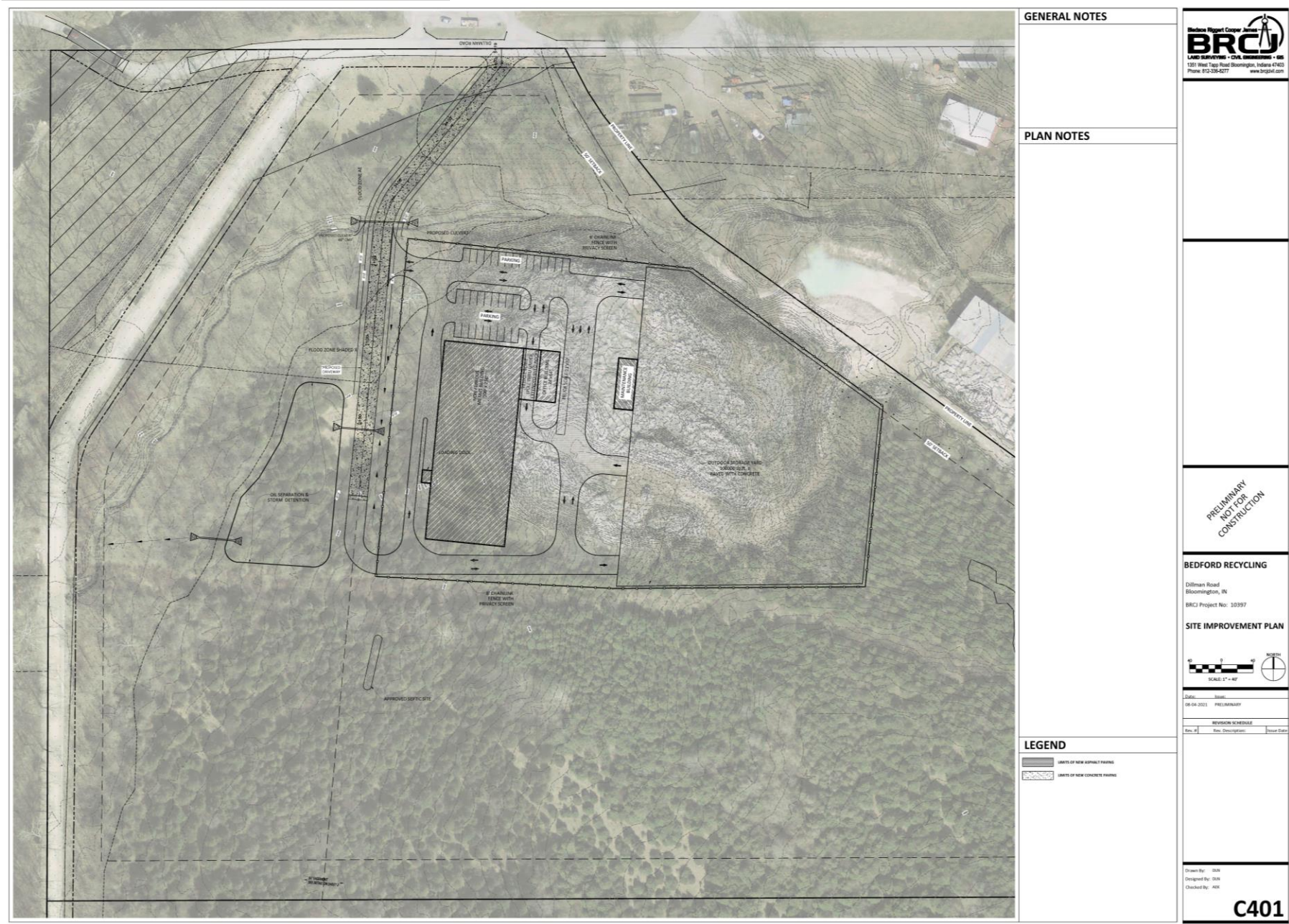


EXHIBIT 1 (continued): Overall Site Plan (southern location)



GENERAL NOTES

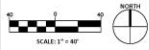
PLAN NOTES



PRELIMINARY
NOT FOR
CONSTRUCTION

BEDFORD RECYCLING
 Street Address
 City, State ZIP
 BRCJ Project No: 10397

SITE IMPROVEMENT PLAN



Date: 07-12-2021 Issue: NOT FOR CONSTRUCTION

REVISIONS		
Rev. #	Rev. Description	Issue Date

LEGEND

- LIMITS OF NEW ASPHALT DRIVEWAY
- LIMITS OF NEW 4" THICK CONCRETE PAVING
- PAVEMENT STRIPING 2" O.C.
- LIMITS OF EXISTING PAVEMENT PATCH

Drawn By: XXX
 Checked By: XXX
 Issue Date: XXX

C401

