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**MONROE COUNTY PLAN COMMISSION
Virtual Meeting via ZOOM - Minutes
August 17, 2021 5:30 P.M.**

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – December 16, 2019, January 19, 2021, March 23, 2021

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

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

ABSENT: *Jim Stainbrook*

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

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

INTRODUCTION OF EVIDENCE:

Larry Wilson introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

Motion to approve the agenda, as amended to note that PUO-21-1 (Item #2 on agenda) has been continued by the petition, carried unanimously.

APPROVAL OF MINUTES

Motion to approve minutes from December 16, 2019, carried with 1 abstention.

Motion to approve minutes from January 19, 2021, carried with 1 abstention.

Motion to approve minutes from March 23, 2021, carried with 1 abstention.

ADMINISTRATIVE BUSINESS: None.

UNFINISHED BUSINESS:

- 1. REZ-21-1 The Trails at Robertson Farm Rezone from RE1 to MR
Final Hearing.**
One (1) 44.07 +/- acre parcel in Section 20 of Perry Township at 4691 S Victor Pike, parcel #53-08-20-400-102.000-008.
Owner: Jsr Asset Protection Trust; Robertson, Janet S W/I/e 1% Interest
Zoned RE1. Planner: rpayne@co.monroe.in.us
- 2. 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

NEW BUSINESS:

- 1. SSS-21-5 Lasuertmer Sliding Scale Subdivision Preliminary Plat
Plat Vacation Request.
Road Width Waiver Request.
Preliminary Hearing.
Waiver of Final Hearing Requested.**
Two (2) parcels on 10 +/- acres located in Section 23 & 24 of Washington Township at 4501 E Streacher RD.
Zoned AG/RR. Contact: rpayne@co.monroe.in.us
- 2. PUD-21-5 Westgate on 3rd Development Plan
Preliminary Hearing.**
One (1) 37.99 +/- acre parcel in Section 2 of Van Buren Township at 4755 W State Road 48. **Zoned PUD.** Contact: acrecelius@co.monroe.in.us
- 3. ZOA-21-6 Amendment to the Monroe County Zoning Ordinance:
Amendment to Chapter 802
Preliminary Hearing.**
Amendment to Home Based Business, Home Occupation, General Contractor, and Artisan Crafts.
Planner: jnester@co.monroe.in.us
- 4. ZOA-21-7 Amendment to Monroe County Zoning Ordinance:
Amendment to Chapter 813
Preliminary Hearing.**
Amendment to add conditions for General Contractor in AG/RR, CR, FR
Planner: jnester@co.monroe.in.us

- 5. ZOA-21-8** **Amendment to Monroe County Zoning Ordinance:
Amendment to Chapter 815**
Amendment to require certified site plans for new residential development. Planner: jnester@co.monroe.in.us
*****CONTINUED BY STAFF*****
- 6. REZ-21-2** **Blackwell Rezone from AG/RR to MR
Preliminary Hearing.
Waiver of Final Hearing Requested.**
One (1) 2.61 +/- acre parcel in Section 24 of Richland Township at 4050 W Carmola DR, parcel #53-04-24-200-135.000-011.
Zoned AG/RR. Planner: acrecelius@co.monroe.in.us
- 7. SPP-21-3** **Emerald Trace Subdivision Amendment 2 Preliminary Plat
Street Tree Waiver Request.
Preliminary Hearing.
Waiver of Final Hearing Request.**
Seventeen (17) parcels on 20.0 acres located in Section 22 of Perry Township at E Kylie CT and S Amber DR.
Zoned RE1. Contact tbehrman@co.monroe.in.us
- 8. SPP-21-5** **Ridge Line Major Subdivision Preliminary Plat
Preliminary Hearing.
Waiver of Final Hearing Requested.**
One (1) parcel on 25.7 +/- acres located in Section 26 of Richland Township at 2161 N Angelina LN.
Zoned LI. Contact: acrecelius@co.monroe.in.us
- 9. SPP-21-4** **Hays 1st Addition Major Subdivision Preliminary Plat Amendment 1
Sidewalk Waiver and Street Tree Waiver Request
Preliminary Hearing.
Waiver of Final Hearing Requested.**
Two (2) parcels on 0.42 +/- acres located in Section 17 of Perry Township at 3669 S Hays DR (parcel no. 53-08-17-407-009.000-008 and 53-08-17-407-009.000-008). **Zoned RM15.** Contact dmyers@co.monroe.in.us
- 10. PUO-21-2** **Joseph Greene Outline Plan Amendment 2 (REVISED)
Preliminary Hearing.
Waiver of Final Hearing Requested.**
One (1) 4.12 +/- acre parcel in Section 20 of Perry Township at 4831 S Rogers ST & 4833 S Rogers ST.
Zoned RE1, RS3.5/PRO6, MR, and PUD.
Contact: dmyers@co.monroe.in.us

**11. Ord #2005-32 Heritage Creek PUD Extension Request
Final Hearing.**

Two (2) 6.05 +/- acre parcel in Section 29 of Clear Creek Township at 9300 block of S Harrodsburg Rd (Parcel #: 53-11-29-300-047.000-006 & 53-11-29-301-044.000-006). Owner: Miller-Robertson Inc.

Zoned PUD. Planner: jnester@co.monroe.in.us

**12. PUO-21-3 Heritage Creek Outline Plan Amendment 2
Preliminary Hearing.**

Waiver of Final Hearing Requested.

Two (2) 6.05 +/- acre parcel in Section 29 of Clear Creek Township at 9300 block +/- S Harrodsburg Rd. Owner: Miller-Robertson Inc.

Zoned PUD. Planner: jnester@co.monroe.in.us

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Clements: Before we begin tonight I would just like to go over some of the rules and procedures and make sure that we are all on the same page. We are going to follow the order of the agenda and in the past I think I have indulged a little bit too much length in some presentations. The petitioner's and the petitioner's representative presentative will be limited to 15 minutes and the members of the public who are here to comment on any items on the docket tonight will be limited to 3 minutes. Other than that, I wonder if there is any further discussion or reservations about what we are discussing here. Ok, so we will go forward.

Nester Jelen: It looks like Julie has her hand raised and then Jerry.

Clements: Ok, Julie.

Thomas: Thank you. Just to clarify, it is 15 minutes to the presentation but questions are after that and don't count. There is no count of those and then it is 3 minutes per person for these other items, item 4 and 5 and 6 is per person.

Clements: Yes, thank you for clarifying.

Thomas: Thank you.

Clements: Mr. Pittsford.

Pittsford: If the petitioner or the petitioner's representative requires more than the 15 minutes can we take a motion to extend the time or are we limited?

Clements: Ok, yes we can. But we begin with the assumption that they can make their case in 15 minutes.

Pittsford: So understood.

Clements: Ok, thank you very much.

UNFINISHED BUSINESS

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

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

Owner: Jsr Asset Protection Trust; Robertson, Janet S W/l/e 1% Interest

Zoned RE1. Planner: rpayne@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Payne: Thank you Margaret. Just a housekeeping matter, there is a note at the bottom of this slide that says Plan Commission Members seconds the introduction. Did that happen? Do we need to do that?

Clements: Well, we did not formally change the way we have been operating but if the Planning staff is insisting on us following these kinds of deviations from the way that we have normally been conducting our business, then if a member of the Plan Commission would kindly second the introduction.

Thomas: Second.

Clements: Ok, so Rebecca if you would please present the case.

Payne: Ok, thank you. Before I get started with this petition I guess I would like to ask the members of the Plan Commission if they would like a full presentation given that this has been heard a few times over the last couple of months. I am happy to give a full presentation but I guess if members don't feel like you need a full presentation then that is. I will say that there has been no changes from the last packet that you received with the exception of a few additional letters of opposition.

Clements: Mr. Enright-Randolph?

Enright-Randolph: I agree we have heard this plenty of times and we are all really well familiar with it but to the sake of the public and if anyone is just now attending or as Rebecca just stated has submitted a letter recently, I think we should go ahead and **entertain a full presentation**. Hopefully, since we have been discussing this that will shorten our conversation and debate. But that is kind of my recommendation.

Clements: Is there any further discussion? If not, we will turn that into a motion. Mr. Enright-Randolph.

Enright-Randolph: **So moved.**

Clements: Is there a second on that?

Owens: I will **second**.

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Clements: Ok and let's have a vote on whether or not we hear the full presentation and/or a partial updated presentation. Mr. Wilson?

Nester Jelen: You are mute, Larry.

Wilson: I think I will ask if it's ok to just do a vote of acclamation.

Clements: Ok, so then those in favor should indicate by raising their hand or some other way and those opposed can do the same. Ok, tell us when you have the count Mr. Wilson.

Wilson: Is there anybody opposed?

Clements: Yes, I am opposed.

Nester Jelen: There is only 1 opposed.

Wilson: **7 in favor 1 opposed.**

Clements: Ok, so those who are in favor of hearing the full case, let us begin, Rebecca.

Payne: Ok, thank you very much. This is a request for a rezone from Estate Residential to Medium Density Residential for a property located at 4691 South Victor Pike. The purpose of the rezone request is so that the petitioners can develop the lot for housing. In the proposal there is a mix of housing types that includes single family homes and paired patio homes. The petitioner anticipates about 125 lots across the site and there are 2 ingress/egress points at South Victor Pike as well as a connection to Clear Creek Trail and Bloomington Rail Trail. This is a slide of existing site conditions. This is also a good illustration where you can see where the site contains 44 acres not all of that is buildable or can be developed upon, so when we take out acreage that can't be built upon we are left with roughly 27 acres and when you divide that by the minimum lot acreage of 0.21, that results in 128 or 129 lots. Their anticipation of 125 in their proposal is meeting this requirement. The petition, the rezone request has gone in front of the Drainage Board back in the spring and the Drainage Board did approve what the petitioner's proposed. So that piece has been looked at by our MS4 Coordinator. As has our Highway Department, they have reviewed this petition and rezone request and have approved all of it too. We do have Will Serve and Capacity Letters on file for this site. Vectren will provide natural gas. CBU is providing sewer. Southern Monroe Water Authority is providing water and Duke is providing electricity. The fire hydrants that are proposed across the site will require private lines and a private entity to maintain them. As I mentioned this petition has come before several meetings at this point. Before you is timeline of the meeting that have taken place where the petition has been heard dating back to May and this timeline does refer to the rezone to the MR request. You may recall that they had come before us with some other rezone requests but in the end this is the timeline that is associated with the request on the table today for Medium Density Residential. Overall, staff gives a positive recommendation based on the findings of fact and subject to the County Highway and Drainage Engineer reports. These findings are based on or in accordance with the Monroe County Comp. Plan where staff recommends Medium Density Residential as an appropriate zoning designation for this site. This recommendation is based on the following; Medium Density zoning is a transition zone between

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the northern higher density neighborhoods and the southern lower density zoning districts and the proximity to the trails is an asset. Further, the Comprehensive Plan supports Medium Density Residential zoning. Other proximate parcels are zoned similarly under the Comprehensive Plan and are currently zoned MR. With that, I will turn it over to you for discussion and questions.

RECOMMENDATION

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

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

Clements: I see Mr. Pittsford's hand is raised.

Pittsford: Thank you. I have 2 questions. First of all, I just read it but I want to hear it stated again, that the Comp. Plan actually does support this rezone. Is that correct? So, it is not just staff recommendation this is supported by the Comp. Plan. Is that correct, Rebecca?

Payne: Yes, that is correct.

Pittsford: Ok. So, staff's favorable recommendation is based on design and on the Comp. Plan. Would you say that is correct?

Payne: Correct.

Pittsford: Ok and then my next question is what is the annexation status of this area? Are they in a zone?

Wilson: They are in the proposed annexation area, I believe.

Clements: Yes, they are.

Payne: They are, yes.

Pittsford: Ok. This is an assumption, if you choose not to answer, I totally understand. Is it safe for us to assume that if this is annexed into the City of Bloomington this kind of development would be something that is something that Bloomington would be looking to do in this area? Again, I remind you, you don't have to answer because I am asking a supposition. That is all.

Payne: Well, Jerry, yeah, I don't want to answer that. If Larry or Dave Schilling want to weigh in on that.

Wilson: I don't think we have any way of knowing what the City's plans are in the future.

Pittsford: Well, let me rephrase the question.

Wilson: They will have to rezone the property upon the annexation ordinance coming into effect.

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Pittsford: Ok, so if they rezone the property based on annexation. It has to go into their plan terminology. Any idea of what kind of zoning would follow on this property based on their Comprehensive Plan, Larry?

Wilson: I am not familiar with the proposed zoning or the proposed, I am actually not familiar with the City plan for that area. I assume that it would be as dense or as our Comp. Plan would propose but I have no idea what their proposal looks like.

Pittsford: Is it safe to presume that they are going to extend public transportation out this far if they annex?

Wilson: Again, we are guessing. I am not sure that is even part of the annexation plan totally with the exception of services. But it would be a part of the extension of services that would possibly come with annexation. But again, until the City actually passes the annexation ordinance that sets forth the services that will be provided it's kind of conjectured to say what they are going to be ...

Enright-Randolph: As a representative, can I help answer that?

Clements: No, I'm sorry, Commissioner Thomas has her hand raised.

Pittsford: May I be allowed to conclude my remarks?

Clements: Absolutely, Mr. Pittsford.

Pittsford: Thank you and I will be brief. Based on the fact that this has a positive recommendation, that is based on not only the design concept but also the Comprehensive Plan, and we cannot anticipate the City of Bloomington's use I think it's feasible that we may be proposing a less intense use and lower density for this piece of property and I think it behooves County residents in this area for us to act now. That is summation of my comments on this. I will not comment further. Thank you.

Clements: Thank you, Mr. Pittsford. Commissioner Thomas.

Thomas: Yes, thank you so much. I think I understand why Mr. Pittsford asked the question because it is a good question. But that is always a threat that hangs over the County no matter what, no matter what year it is. Obvious the threat is more imminent now. I think that we need to do what is best for County residents and listen to what the County residents want in this area especially. So, I don't think it is worthwhile to think at this point about what might happen because it might not and that is going to be a question that is always hanging over us always. It is not just now. It just seems more imminent now. Thank you.

Clements: I have my hand raised next and it has to do with the question that Mr. Pittsford had raised about City bus service and I would just like to note that the newspaper has indicated that routes are being cancelled and that they are having trouble with manpower issues on bus service. So, of course the public transportation is not something that is guaranteed either. Just to let you know that as well. Are there other comments or questions from members of the Plan Commission?

Enright-Randolph: Just as I tried to jump in there I will go ahead and finish. I think Jerry go right to where I was going as we can't predict what the City is going to do and even we talked about zoning, you know, they go through their own process. They don't already have all of these ideas intended. They might have some guidance and other things that they lay out but we can't really speak to that. When I asked them about annexation processes they are like that is not really a discussion for now or today. So, it is all unknown and yet to be determined. But that is where Jerry was going with that.

Clements: I would just like to remind everyone that the City of Bloomington has openly stated that they are not following their Comprehensive Plan, so nothing that is known, remains known. They are not abiding by the Comprehensive Plan and so that much we know. Any further discussion?

Nester Jelen: Beth Cate has her hand raised.

Clements: Beth. Ms. Cate?

Cate: Thank you. I won't to react to any of the comments made just now about what the City is doing or not doing but I think you are absolutely right to go forward with what you think is best with the County and the County standards. If there are questions about how the City UDO works, the nature of what our zoning districts are, I am happy to try to answer those but it will probably be better to do it in the future if people have specific questions I am happy to try to bring in some mediation for that meeting but I am not prepared to do that right not. We are here to do what we think is appropriate under the County standards and the future at this point is unknown. That is all.

Clements: Thank you. Mr. Pittsford.

Pittsford: Thank you, President Clements. Basically what I want to say is that in the past and this is not a question or comment it is just a reflection, in the past in those areas that were in what was formally called AIFA, when we got staff reports we had information about what the AIFA zoning would be on those properties. So, if we are going to continue to deal with properties that are in what now instead of AIFA is actually annexation zones, I would appreciate for the staff to be aware of what the City's plans are for that and if the City doesn't know, I would like for that to be indicated as well, that they have no idea of what they plan to do with this property once they do annex it. Because I think that is just as important as knowing what they do plan to do with it if they capture it through annexation. Thank you.

Clements: Thank you, Mr. Pittsford. Are there any other comments or questions from members of the Commission? If there are none, we can have the petitioner of the petitioner's representative speak and they are limited to one, 15 minute statement. So, if the petitioner or the petitioner's representative could make him/herself known, we would be grateful. Ok, Jackie, do you see the petitioner or the petitioner's?

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

Schmidt: Hey, Jackie can you hear me?

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Nester Jelen: Yes, I need to promote a few more people.

Schmidt: It is myself, Donnie, Mike Carmin, Daniel Butler and Jeff Fanyo. I am not sure if Jeff is on to be honest.

Clements: Ok, and who would like to begin the 15 minute statement?

Schmidt: We will start as soon as Jackie confirms that everyone is unmuted.

Adkins: I will start, Madam President, once we are ready. I will be happy to.

Clements: Thank you.

Adkins: Jackie, just let us know, please.

Nester Jelen: I have got Donnie, Kevin, Mike Carmin and Daniel.

Schmidt: Perfect. Thank you so much, Jackie.

Clements: Thank you.

Tech Services: Jackie, would you like me to make the timer more visible?

Nester Jelen: That works. If you can play the noise as you get to the 30 second mark or the minute mark that would be helpful, just to let people know. Thank you.

Tech Services: Ok.

Schmidt: Can you pull up our presentation as well, Jackie?

Nester Jelen: Yes, on second.

Adkins: While Jackie is pulling that up I just want to alieve everyone concerns that we have no intentions of going over 15 minutes. So, we do not expect to be asking for more time.

Nester Jelen: Technical difficulties, I will get there in just a second.

Schmidt: You are fine.

Nester Jelen: There you go.

Schmidt: Perfect, thank you Jackie.

Adkins: Jackie, you can go ahead and go to the next slide if you don't mind please. Good evening everyone and I just want to say that it has been a long road to this point and we are very excited and proud to share with you our package for tonight. We will summary some of the key changes

between HR and MR, which is the big update since the last meeting that we had when we revised our request. We will also touch on some of the hot topics of the surrounding community and we will go further into some of the reasons why we obtained the Planning staff recommendation. At the end we are very confident and sure that you will feel the same way we are that our plan and density is now well balanced to meet and connect with the surrounding community, that we will solve some of the surrounding areas drainage issues and other key issues that are outstanding and we hope that you are just as pleased as we are that our hard work has paid off and collaboration with the Planning staff that allowed us to obtain their recommendation for approval. Just want to spend just a minute on this slide right here on our vision. We introduced this last and if you take a look at this you see things like benchmark for quality, a legacy of family, attainable housing for middle class families and that will remain well connected to the surrounding environment and create a legacy of a keystone neighborhood for decades to come. That is what has been driving us this whole time and that is what our current plan reflects. Thank you everyone's time up to this point. It has been a lot of effort and we really appreciate your time, the Planning staff and the community. We couldn't say thank you enough. With that, I will hand it over to Kevin.

Schmidt: Thanks Donnie. Alright, good evening. So, we decided we would run through this slide relatively quickly. As Donnie mentioned it was something that we introduced at the last meeting but there a number of members not in attendance. So, we thought it was worth going over it again. This is comprehensive of the MR rezone. If you can see the MR rezone is aligned with the Comprehensive Plan. I think Mr. Pittsford made that very clear and is a key piece in the recommendation by the Planning staff. So, we are very excited to be aligned with the 10 year old plan that has been progressed through the last 10 years as well as the hard work of the Planning staff to make this happen. Some of the rezone increases The Trails ability to meet the intent, which is housing choices from a full spectrum of demographic groups. That is shown by the target prices that we can meet in the housing with this density versus the RE1. MR allows for better pricing and more attainable housing. It is aligned and/or less than the surrounding housing density at 2.8 lots per acre. The surrounding density in the area is around 3.7 lots per acre. The MR rezone allows The Trails to meet the needs of the county's families and really have such few housing options in the \$300-\$400,000 range and we really believe that this is meet the true need of the constituents and aligned with public comments the Margaret Clements has made related to building more single family housing in the county to meet the needs of the true constituents. So, this is 100 percent single family homes on a lot size that averages between 0.22 and 0.25 acres and is something that I think the area is very consistent with both the north east and west areas of the county in this area. Move to the next slide, please Jackie. Thank you. I think as Donnie said we have been in front of you I think about 6 or 7 times presenting the idea of this neighborhood. For the last 10 months we have been working really hard and I think one of things that we wanted to circle back to is just really the benefits that we are bringing to the area and that this neighborhood will bring to the area. I will talk about those 3 areas and then run through some details associated with them. Building a diverse, stronger community with high quality attainable housing, high quality housing product, responsible growth that is aligned with the Comprehensive Plan that does not require investment from the county. So, there are no tax dollars that need to go to use to make this happen. Something that we talked about early on is that is urban sprawl. It is really focused on managing again what is key to the Comprehensive Plan. Second, it creates significant green space in community areas that connect with the surrounding Rail and Clear Creek Trails. So, something that County and the City have spent a lot of time and money investing in is the trails and this just brings such great

green space and recreational space to that area. A terrace park provides community recreation with public access. A neighborhood garden and dog park. Increasing the number of trees on the land by over 50 percent and preserves and educates on unique local environmental features such as the wetlands, karst features, etcetera. We have worked with the Drainage Board to manage potential opportunities to add environmental and educational signs in our park that will allow people to better understand some of the local indigenous geography associated with the area. Finally, improves existing drainage infrastructure and brings the 44 acres of open space into compliance with the new critical watershed code, something that was only developed about 12-16 months ago. It really improves water management for the local neighbors, and individuals downstream, focuses on what is approved by the Drainage Board. It is something that been reviewed by the County and third party experts and really protects the surrounding environment. So, that again is the focus of the development of the community. To talk a little bit about the product that we are going to be offering. We have been working with an architect for the last 3 or 4 months and we have a number of different layouts, plans and multiple elevations associated with those plans. We are looking at houses that have a very dynamic color pallets, premium outside siding, stone, focused on visual benchmarks. Here you can see some examples of layouts that we are looking at, that we are developing and finalizing for the area. We have partnered with a longstanding local builder and are focused on offering high quality products. I think that one of things that we really want to make sure to get across is really the quality of the housing product with the size of the lot and open green space is going to make this a keystone neighborhood for the community. One of things that we have spent a lot of time discussing was density and over the course of the last 10 months we have reduced the density in the area to what is now aligned in the and Planning staff believes is aligned with the Comprehensive Plan. You can see here. If you look at the neighborhoods that are served by the same utilities that we are served by that The Trails is proposed at 2.8 lots per acre, which is really akin to a low density residential zoning of 3.0 lots per acre. The neighborhoods within 1 mile of The Trails average density is 3.7 lots per acre as I mentioned before and the trail is lower than the Comprehensive Plan and future CDO proposal of land of 4.8 to 7.3 lots per acres. So, notable new County neighborhoods again, Highland Park Estates, which is in construction now selling housing is 4.3 lot per acre. So, I think again just being clear the density we are bringing is responsible growth, preventing urban sprawl and very consistent with the area surrounding. The second piece to this was talking about the green spaces and the parks. I think it has been a little while since we focused on the Terrace Park. I wanted to bring back to everyone's attention one of the big benefits that we think this is going to provide in an area that is really highly utilized, the Rail Trail and the intersection with the Clear Creek Trail. This is an area that will bring a lot of natural beauty. Focus on leveraging the existing tree infrastructure that is there. Building things like a BMX bike park and an adventure park, a terrace lawn garden with pergolas, covered spaces, lawns and trails for picnicking, a place that allows people that are walking along the trail to bring their kids. It can be a cornerstone of the area and something that we think the community both locally and a little bit further from just locally will really enjoy and utilize as they use the trails. Here is a side view looking up to what you might see. Trails throughout the trees with a natural place sets, really again focused on open space, utilizing the beauty of the land that exists and minimizing the impact to the environment with boardwalks that walk over wetlands, that don't impact floodplains, etcetera. Really, again focused on managing what makes this area so wonderful right now. Here are a few more examples of again what it might look like to help people, spur people's imagination. But you can see, sorry Jackie, can you go back? So, you can see again just lots of play structures, natural looking, built into the land, focused on places for kids to enjoy and

build a community. And then some last pieces, dog park, community garden, some areas that we think might be essential to building the community within this neighborhood. Alright, so the last piece was solving solutions. You can see that over the past few weeks, few months there have been some significant water events in the area that I think have been documented by many of the neighbors of issues that have happened that exist now partially because our land, the land that we are looking to build this neighborhood on is not in compliance with the critical watershed. The community has been very clear that they want solutions to flooding. What you see here, the picture that you see here is the outcome if we do nothing. If nothing changes and there is no change to this land or these 44 acres this is what you will continue to see. This is what is going to happen and continue to happen. There is no mitigation for the flood waters that come off the rain water that comes off of this area and this is what you will continue to see. The Trails and the design that we have created is part of the solution. We obviously can't solve everything because we are only 44 acres of an area that is much larger to drain into this watershed area but we can definitely do our part and do more than our part to get to the point that we are meeting some of the more stringent requirements in the county and that critical watershed because of meeting that new critical watershed requirement we are gain reducing runoff by more than 80 percent. We will also be cleaning and filtering that outflow and not changing any of the existing infrastructure associated with how the water gets into the Clear Creek and the other surrounding creeks. So, we will be dramatically reducing this runoff. Again, for those of you who are calculating in cubic feet per second, we are going to be reducing from the current rate upflow is 103 cubic feet per second to 17.37. So, again you can see that is an over 80 percent reduction in outflow rates, which will significantly reduce the impacts of storms like we have had over the last month and half. The design has been approved by the Drainage Board and we have over 3 acres of detention basis to help support this facility. Using approximately 10 percent of the land on this in the neighborhood to manage drainage. The design is led by engineer firm and in consultation with the County Drainage team we have really focused on making sure we have all of the local experts focused on this. In summary I will let you read this and pass it over to Mike and see if he can add a few thoughts.

Carmin: This is Mike Carmin. I wish I had magic words to say because I always wish that every time we go to court and I never do so I don't expect I will have any now. But I do want to give you a couple of things to think about as you deliberate and hopefully get to a vote this evening. One is, it's time to move this on. We would hope that is going to be a recommendation for approval but if you find ourselves split and cannot get the necessary votes to approve or deny we would ask you to move it on with no recommendation. But it is time to move it on. We hope that you agree. From a petitioner standpoint, the last word that they have to defend anything is process and it is a lot of what Margaret was leading off with is a little bit about the process of this meeting. But from process to a decision making standpoint, I would ask you to key a couple of things in mind I don't want this turned into a lecture, I don't have time for lecture, you don't want to hear a lecture, you can get your lectures on law from Dave Schilling when you need them. Zoning is not supposed to be a populating contest. I have been doing this for 35 years. Some of you have been doing this enough times, enough years that on monthly basis you have been to many more meetings than I have been over my 35 years I have seen all sorts of commissions, different counties, different bodies and they react to neighbors differently. Some give no credence to neighbors at all. Others neighbors speak the gospel and that's the end all. Neither one is appropriate. Consider what the neighbors have to say but also consider your different departments, drainage, engineering,

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planning, everybody that has weighed in on this and then support it. I would ask you to do so. I am out of time. Thank you.

Clements: Thank you Mr. Carmin. Ok, so we are back into our process then and we will hear from residents who are in favor of the petition and they have 3 minutes each. So, if there are speakers here who would like to speak in favor of the petition, would you kindly raise your hand? I see Andreson has his or her hand raised. You have 3 minutes. I think that the technical staff will unmute you.

SUPPORTERS – REZ-21-1 – The Trails

Andreson: Hi, I am the daughter of the property owner and I wanted to speak as well. Although I am not a neighbor I hope that what I have to say will matter as well. I hope that I can remind the Planning staff that as a child growing up on this property, I heard countless times that father anticipated this property would be developed at some point and that was prior to The Trails going in. My father and my mother loved The Trails and they would be delighted to share the Trails with a neighborhood such as The Trails at Robertson Farm. It would be wonderful to share that with Monroe County. When I looked at the post cards that were sent in by neighbors in opposition to the development and I saw the tag line on them saying that they wanted to keep it rural. I really had to pause and think about that when it is so close to Interstate 69, when it is so close to grocery stores, fast food restaurants and so much more. So, although I think a rural setting is ideal, I think the setting of the property on Victor Pike is ideal to share with many, many families in Monroe County. I think it would be wonderful for this property to provide attainable housing for those who are needing attainable housing. It would benefit the business in Monroe County and it would let so many more people enjoy the amenities that Monroe County and even this property have. Another thing I would like to say is about the water retention plan that covers more than 3 acres. I think that this would help one of the biggest problems that neighbors have had because it would give a solution to the problem and I hope that we won't ignore that as you are considering your vote. I also wanted to thank the staff for giving a positive recommendation based on so many things and I hope that will be considered as you make your vote tonight. Finally, I wanted to say that in a different way I understand what Jerry Pittsford is saying and what I mean by that is as a property owner and as we consider what to do with this property, I can assure you that it would be very unlikely for it not to become something. My father is no longer living. My mother is no longer living on the property and so we would like someone to enjoy this in a way that makes sense for Monroe County. I hope you will vote in favor of moving the petition forward. It would be such an encouragement to see that we could use this property to benefit so many. Thank you.

Clements: Thank you very much. I see there is a person by the name of Andy. If you could unmute Andy.

Walker: Hello.

Clements: Hi, Andy. We can hear you.

Walker: Ok, my name is Andy Walker. I just wanted to make one point that obviously right now in our county supply and demand in our housing market place is completely askew, just as it is in

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a lot of market places nationally but it is especially bad here. From a governmental perspective, there are only two things that governments can do to help bring all of this back into equilibrium. From a national standpoint, the federal government can raise the interest rate to temper demand a little bit. From a local government perspective, basically all that can be done within the rules and regulations of development and individual areas is supply more housing and I think it is time for Monroe County to step up to that plate and do that for the people of Monroe County. Thank you.

Clements: Thank you very much. Are there any other members of the public that would like to speak in support of this petition?

Nester Jelen: I will also note since we have 8 phone call listeners that in order to unmute if you calling in just by phone, you will need to press *6.

Clements: I can't see that list so Jackie if you know somehow the phone participants, those who might want to speak, I would be grateful.

Tech Services: Actually, the phone participants don't have any want to interact with us. The only want the attendees can interact is through raising their hand. So, we would have to unmute each one individually.

Nester Jelen: Ok, so they have to press *9 to raise their hand by phone?

Tech Service: If that is the command.

Nester Jelen: Yes, I have got it up. *9 to raise your hand if you are calling in by phone to speak. I don't see anyone Margaret.

Clements: Ok, well, then we will move on to the members of the public who are who are here to speak in opposition to this petition. If you would raise your hand we will unmute you and allow you to speak for 3 minutes each person. I see that Alice is here. If we could begin with Alice, you have 3 minutes. Alice, can you unmute yourself?

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Alice: Am I now unmuted?

Clements: Yes, we can hear you now.

Alice: Ok, great.

Clements: Thank you.

Alice: Thank you. I live in the county and I just wanted to remind county officials that they are entrusted to take care of the county. I want them to please plan carefully to keep it bucolic and uncrowded. I understand there will be development but I want it to be developed very carefully so it is charming. The second point I want to make is I am middle class. My children live in

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Bloomington and they are middle class. I do not understand had \$300,000 to \$400,000 for houses on small lots would be considered attainable. I understand now that it must be something different between the words attainable housing and affordable housing. That said, I also don't understand how this could possibly be created so there is a diverse population. So, please plan more carefully. This isn't it. Thank you very much.

Clements: Thank you very much, Alice. Next we have Connie Loftman. If you could unmute Connie Loftman.

Loftman: Hello.

Clements: Hello, Connie. We can hear you.

Loftman: Oh, good. Thank you. My name is Connie Loftman and I first wanted to thank you for letting me address your meeting. My family of 6 people lives directly southwest of the 44 acre Robertson Farm. My husband, Guy, and I moved to our farm in 1974. We share a 434 foot boundary with the Robertson's, with just a 36 foot corridor between us, which is the Clear Creek Trail. Thus any development of the Robertson Farm will have a major impact on our use and enjoyment of our property. We chose to live in the country instead of the city for many reasons. Among them are cleaner area, more nature and wild life, less traffic, less noise, less light pollution, spaciousness, beautiful country vistas, lower stress levels and safety for our children and now our grandchildren who live with us here. All of these reasons we live in the country are negatively impacted if you choose to allow a more dense residential area than current zoning now allows. In the nearly 50 years here we have seen some neighborhood farms developed into housing. Because those developments proceeded according to planning restrictions our neighborhood has still managed to maintain a country lifestyle. The combination of farms and large residential lots has provided us with more of the qualities that we desire. The density being proposed for the Robertson Farm would change that for the worse. Now, on the screen you will see a map of the neighborhood prepared by the neighbors David and Patty Busch. In the center of the map is the Robertson Farm and all of the properties around it with black dots if you can see that, are addresses of the people who have filed objections to this plan. This map shows very clearly that this neighborhood does not want this development. Also, in your packet is the list of 125 citizens who have filed objections to the dense development of the Robertson Farm. 60 of those have addresses within a half of mile of the proposed development. People should be able to move to the countryside and be able to continue to enjoy the benefits of country living. The City of Bloomington has built hiking and biking trails throughout our area so city residents can exercise with clean air and beautiful country side vistas. As our country planners we ask you to recognize and protect our quality of life. Thank you.

Clements: Thank you very much, Connie. I see Mr. Guy Loftman is here as well, if you could allow him to be unmuted.

G. Loftman: My name is Guy Loftman. I live at 4835 South Victor Pike, next door to the Robertson Farm. The petition states South Victor Pike has a 90' right of way. This is not true. The right of way is 53' by the Robertson Farm and is under 25' by our driveway. Next slide please. Moores Addition sets across from the Robertson Farm. The Moores Addition Plat was prepared by Bynum

Fanyo. It shows that Victor Pike expanded from 36' to 53' as part of the planning process. Nest slide. Where Victor Pike meets our driveway the right of way is less than 25'. This was determined when the county bought some of our land to upgrade the bridge by the trail. The bridge itself is 28 feet 4 inches wide. Next slide. Petitioners on plat showing Victor Pike improvements says in very faint print just below South Victor Pike, "major collector 90' desired right of way". The fact that the desired right of way is 90' should not be confused with the fact that the actual right of way is 53'. Next slide please. Petitioner also states South Victor Pike was planned for expansion by the county. This is not true. Victor Pike is not listed as future roadway project in Monroe County's Thoroughfare Plan. Next slide please. The east side of Victor Pike by our house is shown in this picture. It has basically no shoulder and you can see by the woman standing there the drop-off is quite steep. Despite recent repairs from the worst June 18th flood damage the remains a dangerous area. The pavement is 20' wide. School buses carrying kids to Bachler drive past this spot every day so do many big trucks. There is zero margin for error. Victor Pike from the Rail Trail to Church Lane is a narrow, curvy, country road. It is nothing like the wide area of flat shoulders shown by the petitioner. I have asked the petitioner to address these inaccuracies and provide documentation concerning drainage and traffic. They have said again they will not provide me with any information. Even if you think high density might be appropriate any rezoning petition based on blatant and serious inaccuracies should receive a negative recommendation. Thank you again for all of your work on this proposal.

Clements: Thank you very much Mr. Loftman for your work. I would like to recognize next Patty and Dave Busch. First Patty and then Dave, if you could unmute them.

P. Busch: Hello, can you hear me?

Clements: Yes, Patty.

P. Busch: Thank you. I think there is a picture that Rebecca was going to pull up for me. Thank you. That is a picture of our property February 2019. We are just south of the petition site. That is water next to the hill at Clear Creek. In the last 10 to 15 years we have seen an increase in the frequency and severity in flooding along Clear Creek. In February of 2019, the creek was so high and strong it flattened over a 100 feet of our horse fencing, snapping the 4 by 4 posts like tooth picks and causing \$6,000 dollars in damages. This portion of the property is no longer usable for riding or grazing due to the presence of sinkholes from the flooding. In June 2021 another significant rain event happened with over 5 inches of precipitation causing wide spread flood damage to property and infrastructure. All roads surrounding REZ-21-1 site were flooded. Ever reputable source clearly indicates Indiana's climate is changing and more precipitation is falling in the area. The weather the next 100 years will be very different from the last 100 years. This petition has proposed detention basins the minimal standard are inadequate for rainfall events that exceed one hundred since as February 2019 and June 2021 as stated by the MS4 Coordinator, March 23, 2021. Allowing further urbanization, even medium density on this site increases impervious surfaces with 7 acres of roadway in additional to rooftops, driveways and sidewalks for up to 125 units. When the next 5 inch plus rain event occurs que one hundred detention basins will overflow and contribute to the volume and velocity that is already problematic to Clear Creek flooding. Within 2 years the Hidden River Pathway Project will be pouring Bloomington storm water downstream into Clear Creek southwest of First and Walnut Street. Eventually these waters

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arrive at the Clear Creek and West Clear Creek near South Rogers and Church Lane, an area already prone to flooding. The future of Clear Creek and neighboring properties are at stake. Responsible planning is needed when developing Monroe County and that includes minimizing flood damage to the county. Please consider RE1 as an alternative to this petition, less density, fewer impervious surfaces, less runoff and pollution due to infiltration of green space and mature trees, less impact on wild life and habitat, while preserving the rural nature of our neighborhood. Thank you Commissioners.

Clements: Thank you Patty. Is Dave here?

D. Busch: Yes. I would like to speak now if I could.

Clements: Ok, great.

D. Busch: Thank you. I am Dave Busch and I live at 1250 West Church Lane. You have heard from me on several occasions in the past 8 months. I would like to address 2 items from the July 20th meeting. First the list of objectors to this proposed rezone, continues to grow with 125 objectors and 60 of them living within a half mile of the petition site. At the previous meeting, the petitioner's representative suggested that this list outdated as the proposed project as changed during the last 8 months. We do agree that the proposed project has changed. It changed from a Planned Unit Outline request to a High Density Rezone request to a Medium Density Rezone Request. The one constant in this is that 125 objectors have consistently requested that the land be left as it is currently zoned Residential Estate 1. We do hope the Plan Commission will remember this important fact. Secondly, at the July Planning meeting the petitioner's representative was making several misstatements about our property, which I would like to correct for the record. Our farm is 16.67 acres and not 5 acres as the petitioner's representative had stated. 16 of those acres have remained impervious surfaces since 1999. In 2002, we converted 1.09 acres of land bordering Clear Creek into a riparian forest buffer, planting hundreds of native trees and bushes in order to help prevent soil erosion and to slow and filter surface water runoff before it enters Clear Creek. In our continuing effort to be good stewards of the land, this fall we plan on adding an addition 1.3 acres to this riparian reserve, planting additional trees and grasses in order to help filter storm water runoff from our land. The remaining 12 and half acres will remain in grass pasture land for our horses. Finally, I would like to take a moment and thank the Plan Commission members and the Planning Department staff for their time and willingness to listen to us these past months. I have a new found appreciation for how difficult your jobs are and I want to say again, thank you for all of your efforts. Finally, I would urge that you vote no on REZ-21-1. Thank you Madam Chairperson.

Clements: Thank you, Mr. Busch. Are there other members of the public that would like to speak in opposition to this petition? If you are calling in by phone, you can raise your hand by pressing *9 and that will tell us that you would like to speak. Jackie, let me know.

Nester Jelen: I don't see anyone else.

Clements: Ok, I am just going to repeat that because not everyone is secure in calling in from a telephone. If there is anyone calling in from a telephone, please press *9 if you would like to speak

in opposition to this petition and if not we will allow the petitioner one 5 minute response to address some of the concerns raised by the remonstrators and then we will continue with the members of the Plan Commission for further discussion. Ok, so we are back to the petitioner and the petitioner's representative and you have 5 minutes to speak in response to some of the items raised.

Schmidt: Jackie, before we get started can you do me a favor and unmute Daniel? He is on a phone. The number is 812-332-8030. I apologize for the hassle.

Butler: Kevin, she has got me.

Schmidt: Oh, she has got you. Great! Thanks, Danny.

Butler: This is Daniel with Bynum Fanyo and Associates. I am just going to go ahead real quick and then Donnie can follow me up. Just 2 quick clarifications to a few statements that I heard as the Civil Engineer on this project. The water runoff rates that we are designing to are not minimum standard. These are new, very stringent standards that the County has passed for critical watershed and rightfully so in this area to help with downstream flooding. At the same time, all of the impervious surfaces from our site will be cleansed through the ponds that are coming from offsite, so we are planning to do that already. The public right of way outside on Victor Pike was determined with the Public Works Department that we needed 80' total and that is what we are providing and that includes improvements that we are doing to Victor Pike. This indeed classified as a major collector so we are going to provide the necessary right of way to achieve that and keep that as a major road that will be going through here. Go ahead Donnie.

Adkins: Thanks for the Danny and the first thing that I want to say is we have gone to great lengths to try to address our neighbors concerns and we will continue to. Of course we are disappointed in the comments but at last count we have answered over 220 queries from the neighbors. We want to make sure that is clear that we have done our best work with them. At this point we haven't obtained their support, per say but we have put a lot of effort into that. So, let me address a few of the comments. Alice mentioned attainable housing. You may remember we have lower priced products in the plan, in the 200's but that was with HR, the HR request. To obtain staff recommendation it was suggested that we reduce to MR and by losing upwards of 40 homes we now can no longer offer that. So, that has been part of this process unfortunately. We would like to have that product but that requires a high density, which we have let go now. Also, on what is affordable for families in middle class. We have done much homework on this and multiple banks are clear that a family making a \$100,000, so imagine 2 parents working making \$50k a year, maybe 2 teachers, can afford a home up to \$350,000. So, we are confident that these houses are attainable for middle class. Connie brought up density and we have said it again this density has come down significantly from our original request and it is 100 percent in line with our neighboring communities, just as Kevin pointed out. Especially when you compare what is available through the utilities and hence to prevent urban sprawl further. One more point on Guy's comment, and I think Danny addressed them but I hope that no one is questioning our integrity. We have done with an incredible amount of effort and work and I really hope that no one is questioning our integrity because there has been nothing incorrect in what we have provided previously and I would be real disappointed if anyone thinks that is the case. As a former Airforce Officer, I would have a real strong objection if anyone questions our integrity throughout this process. We have

done this incredible effort to satisfy as many people as we could. Kevin, if you want to add anything else, please do.

Schmidt: Donnie that was well stated. I think the only thing I would add on there is that along with questioning our integrity is we have alignment with all of the experts, the people who have spent the time and the detail looking through all numbers, have the experience not just in this area but in other areas of the county, that includes the Highway Engineer, that includes Kelsey, that includes from drainage, that includes the entire Drainage Board, I think the entire Planning staff, you know, Rebecca and Jackie and Larry have all been fantastic and they have spent countless hours, not just a side job, countless hours reviewing this and understanding these proposals. I think just understanding and trusting the engineers, the scientists, the experts, the people who have done this is very important. While we believe everyone should have their own opinion, I think that it is very important that we make sure everyone understands where we are. The last piece I will say is that we do have a number 3 very close neighbors and I believe it is over 80 local people who support this petition. So, I just want to make sure everyone understands it is not

Adkins: 3 direct adjacent neighbors.

Schmidt: It is not just negative neighbor support. There is also positive neighbor support. Thank you for your time.

Clements: Thank you very much. We return then to my esteemed colleagues on the Plan Commission for further discussion. If there are members of the Plan Commission that would like to speak about this or to ask questions or to further discussion, I would be very interested to hear your thoughts. I see that Mr. Pittsford's hand is up and then Mr. McKim.

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

Pittsford: Thank you Madam President. My question is and it may be immaterial but there was a comparison drawn between this development and Highland Park in terms of density. I just wondered if Ms. Ridge would be able to speak to the difference in the transportation infrastructure of those 2 locations. It is my belief and I am certainly willing to be corrected that Highland Park with the greater density has less adequate transportation infrastructure than what we see here at The Trails. So, if Ms. Ridge could address that I would appreciate that.

Ridge: Thanks Jerry and I don't want to pass the buck but I think Paul, our engineer, could probably discuss that a little bit more in depth for the transportation portion of this.

Clements: Paul, are you here?

Ridge: He is here. It looks like he is mute. I think it would be really hard on and I will talk until I can see maybe if Paul comes on, in comparing to Highland Park and this subdivision I believe there is a little bit more connectivity and Paul, I think I see you are on here.

Satterly: Yeah, I think I am finally on. Are you referring to Highland Park Estates?

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Ridge: Yes. They are comparing since it was in a presentation of the two and density for those two comparable subdivisions, Highland Park and The Trails.

Satterly: That is one the off of Centennial, right?

Ridge: You are correct.

Satterly: They are a little bit different but this development on Victor Pike I think they have got above and beyond what is typically done to provide a left turn lane and also deceleration and acceleration lanes and a right turn lane for their development so that it doesn't impede traffic on Victor Pike. I would say it is probably the best thing you could do for this type of development is to provide a left turn lane and to clarify on the right of way, there is 35' of right of way on the west side of Victor Pike and the developer is providing 45' on the east side for a total of 80' along Victor Pike.

Pittsford: Just to be clear, none of those accessibility infrastructure improvements are coming at cost to the county? Is that correct?

Satterly: Correct. That is all done by the developer to county standards.

Pittsford: Thank you.

Clements: Thank you. Are you finished Mr. Pittsford?

Pittsford: Yes.

Clements: Ok, Mr. McKim.

McKim: Thank you and I appreciate all of the comments I have heard tonight both from the petitioners and supports but also from the remonstrators. They definitely give us a lot to think about. But ultimately I do concur with the staff in recommending in favor of this petition. It is according to our Comprehensive Plan and Urbanizing Area Plan the right density for this area, a good transition from the higher density to north and lower to the south. Much of the nearby area is zoned similarly. The infrastructure for MR is there. Victor Pike has adequate capacity for the Highway Department's report including improvements to be made by the petitioner. The area has sewer capacity and yes, it is unfortunate that Southern Monroe won't put in fire hydrants but that is an equity decision that they are making not a capacity decision and I think we should allow that specific business decision to dictate the overall zoning. Again, I am convinced that MR is the appropriate designation for this site. The original proposal for the site was too dense and not in keeping with the character of the surrounding area. But the petitioner has done a good job of downsizing the proposal and making it less intensive. I think it has hit the target. Also, as far as I can tell many of the objections that have been offered have been pretty effectively rebutted. For example, I know that there has been significant concern about drainage but the new critical watershed standards will actually eliminate the vast majority of the runoff. 80 percent versus what is there today. So, not what could be there with the development but actually 80 percent reduced from what is there today and make this proposal an access not a liability for the neighbors. But I

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don't want to go on any longer. The petition gives us an opportunity to make a solid addition to the county's workforce housing stock that in keeping with our Comprehensive Plan. I would definitely prefer positive recommendation but just in counting votes I suspect that a neutral recommendation might be the best that we can get. Thank you.

Clements: Thank you, Mr. McKim. I know that Dee Owens is calling in by phone and I don't exactly know how she will indicate that she would like to speak but if you could press *9 if you would like to speak or if the Technical Staff could unmute her, I would be grateful. In the meantime, are the other members of the Plan Commission that would like to speak for or against this petition? I think calling User1 is Dee Owens.

Tech Services: I sent her a request to unmute. She will have to hit *6.

Clements: Thank you. So, Dee if you are listening and you can press *6.

Owens: Very good. I think it finally worked after several tries. Thank you.

Clements: We can hear you.

Owens: Alright, thank you. I have listened to everything and appreciate all of the work that has been done by both staff and petitioners and also listened to the remonstrators and the neighborhood persons and I have read the paperwork and I think they are compelling. I would just ask that everybody consider every angle of this as well. Thank you for figuring this out. I am having a little bit of trouble tonight and I appreciate being on the phone.

Clements: Thank you Dee. Mr. Guerrettaz.

Guerrettaz: Good evening. Geoff amazes me with how well he can explain most of my opinions on how these petitions go sometimes. Staff has made an appropriate recommendation on this. It does meet the Comprehensive Plan. It does leverage infrastructure and public improvements that the county has put together in this area for years. It is not a leap of logic when we look at the densities of the surrounding areas. I am glad Daniel took a minute to explain some of the comments and some of the plan aspects as far as drainage, the Highway Department's recommendation, Paul's effort to explain exactly what is going to happen on Victor Pike, for instance. I think all of these are important and I think when we see that these efforts have been made for a 10 month period of time, I think what we can do is we can start parsing out some of the concerns that the neighbors have and see that the petitioner through his engineering and through the development aspects of the property have been addressed. Whether the neighbors and adjoiners understand or realize that at this point, that is why we do have staff from the Highway Department, MS4, Drainage Engineer, Public Works Department, Planning staff, take a look at all of these components with their experience and understanding of how development works and how these design standards are developed and implemented. I think that they have done a nice job with their recommendation and I think they have alleviated my concerns that most of the neighbors have. That is all that I have got. Thank you.

Clements: Thank you, Mr. Guerrettaz. Are there other members of the Plan Commission that

would like to speak? I am just going to say a few things because my name was invoked several times and it has been publicly as if I am opposed to development or something like that. I have to tell you I am not opposed to development. I am in favor of prudent development. When I see Homeowners Associations become responsible for a growing list of potentially problematic features of a design of a PUO, of a request to build something that is not currently permitted, my antenna will go up in favor of the community. So, here tonight we learned one more item that the Homeowners Associate would become responsible for and that is the maintenance of the fire hydrants. Not only will the buyers into this development become responsible for the park, the drainage, the dog park, the boardwalks, the retention ponds or detention ponds, they are now also going to be responsible for the hydrants and for something that could save their lives during a fire. I find that very problematic. Right now that piece of land is zoned RE1. With all of these added responsibilities added to the shoulders of the Homeowners Association and with no guarantee on the prices that it is going to be approachable housing, I just am having a hard time being convinced, number one. Number two, I think that the claim that has been frequently made in the City that supply and demand is going to fix our problem is just a little bit off base for our community. We have built like mad. Our population seems to have declined with the 2020 census. I think we need to know better what our own dynamics are before we allow such ramped building with a large burden and a large risk placed on the homeowners who might buy into this sit. So, I just wanted to put that out there that I am not opposed to development. I am for prudent development. We have taken an approach as a community in favor of density to a large extent in order to prevent sprawl. This is one piece of land on which sprawl would very much be part of the issue. So, I am just not convinced. Other than that, I open it up to other members of the Plan Commission who would like to speak if not we will entertain a motion.

Nester Jelen: Margaret, I will just quickly mention, I want to just make a note about the 2020 census just in case that does come up. Staff's position on that we don't really, we rely on the census data for a lot of information as factual information. It is unfortunate that the timing of the county was right after IU students had left in April, so we just want to do make a note about potential undercounting as a basis.

Clements: I have read that too, Jackie, but I have also spoken to people at the Census Bureau and there have been ways that they have mitigated that potential undercounting or the claim that there is undercounting. For the time being I am going with the census. It is certainly more robust than the American Community Survey and I just feel that we have the 2020 census now and it co-insides with other tri-angulated data, such as the fact that in person student enrollment has declined every year since 2011, such as more and more people are moving out of the city and into other counties. So, it tri-angulates with other things we see with our own eyes. So, for the time being the 2020 census resonates with me. I will more onto Mr. Pittsford and then to Mr. McKim.

Pittsford: If Mr. McKim is prepared to make a motion I will defer.

McKim: Actually, I have a question about the process here. If no motion can get 5 votes, what is the disposition? Does it get continued again or does it move forward to the Board of Commissioners with a neutral recommendation?

Wilson: In order to move it forward to the Commissioners with a neutral recommendation there

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would have to be vote of at least 5 members for that to occur. So, if it's a 4/4 vote, it just gets continued to the next meeting where there is a full quorum or 7 members.

Clements: Thank you Mr. Wilson. So, if there is a motion.

Pittsford: You ready Mr. McKim?

McKim: I'm sorry?

Pittsford: Are you ready?

McKim: Yes, I'm good. I'm going to give it a shot, if you don't mind.

Pittsford: I would really prefer to make the motion but I will defer.

McKim: You will. Ok, you go first.

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

Pittsford: In case number REZ-21-1, The Trails at Robertson Farm, a request to rezone to Medium Density Residential, located at 4691 South Victor Pike, currently zoned Estate Residential and located in Perry Township. Despite the fact that we have a positive recommendation from Planning staff and the Plan Review Committee and certification from the Drainage Board and the County Highway that all infrastructure is appropriate for this location, based on that fact that the County Commissioners and this township have previously voted down 2 development projects, I move that we move forward with no recommendation and allow them to do what they please.

McKim: I am going to **second** that one.

Wilson: The motion is on petition REZ-21-1, The Trails at Robertson Farm rezone to MR. This is a final vote. There is no waiver. This is the final hearing. Again, this would rezone the 44.07 acre parcel at 4691 South Victor Pike from RE1 to MR, Medium Residential. Again, this is to send a no recommendation to the Monroe County Commissioners in regard to passage of this ordinance. Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

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Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens? I will go ahead with Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Owens: Yes.

Wilson: Ok, that was Dee Owens saying yes?

Thompson: And Amy Thompson said yes also.

Wilson: Ok, I heard you too. The vote is 8 to 0 to send this project forward to the Commissions with no recommendation. It will now move onto the County Commissioners after it is certified by staff. It will be a public hearing at the Commissioner level where there will be the opportunity for both opponents to express their opinion.

Clements: Do you know when that will be?

Wilson: Not exactly. We have to certify the ordinance and it is up to the Commissioners to put it on the agenda so it is really hard to guess exactly when that will be on the agenda. We can put that on our website, I think. Jackie, can't we?

Enright-Randolph: Madam President: There is something I think that we can make notable is that they have 90 days to act.

Wilson: After we certify it they have 90 days to act.

Clements: Thank you, Mr. Enright-Randolph.

The motion in case REZ-21-1, The Trails at Robertson Farm Rezone from RE1 to HR, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of sending case forward to Commissions with *no recommendation*, carried unanimously (8-0).

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UNFINISHED BUSINESS

**2. 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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition has been continued by the petitioner.

NEW BUSINESS

1. SSS-21-5

Lasuertmer Sliding Scale Subdivision Preliminary Plat

Plat Vacation Request.

Road Width Waiver Request.

Preliminary Hearing.

Waiver of Final Hearing Requested.

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

Zoned AG/RR. Contact: rpayne@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Payne: This is a petition for a Sliding Scale Subdivision and the reason it is before the Plan Commission is because of the Road Width Waiver request. The proposal is to divide this lot into 2. The first lot, Lot 1 would have a total of 4.2 acres and of that total 1.97 contains buildable area. Lot 2, which would be the designated parent parcel remainder has a total of 5.25 acres and of that total 2.58 are buildable. This petition does have waste water permits on file. Regarding access the parcels are accessed through a shared driveway or I guess, the entrance is shared between Lot 1 and 2 and it is off of East Streacher Road. With the waste water permits there is also right of way permits on file for this location. Lot 2 has access through the shared driveway entrance with Lot number 1 off of East Streacher Road. The right of way along East Streacher, which is a local is 50'. Same thing with North Lydy Road. The environmental constraints on this site contain steep slopes on Lot 1. However, Lot 2 there were no environmental constraints. Lot 1 contains a house, a single family residence on it at the moment as well as shed and Lot 2 also contains a house. The current width of East Streacher Road is 16' at this location and we require an 18' width for subdivisions. Staff does make a positive recommendation in this case. With that I will take questions.

RECOMMENDATION

Staff recommends **approval** of the Sliding Scale Subdivision Preliminary Plat based on the finding that the proposed preliminary plat, road width waiver, and plat vacation meets the Subdivision Control Ordinance and subject to the MS4 Coordinator and Highway Engineer reports, subject to the following condition:

1. Petitioner meet all Highway and Health Department requirements.
2. Should the petitioner not construct a primary residence on the parent parcel (Lot 2) within 3 years, then they will be required to convert the existing Accessory Dwelling Unit back into the primary residence on the property.

Staff recommends **approval** of the road width waiver request.

QUESTIONS FOR STAFF – SSS-21-5 - Lasuertmer

Clements: Are there members of the Plan Commission that have questions for Rebecca? Ok, seeing none. If the petitioner is here and would like to speak, we have 15 minutes that we can allow you

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to address the Plan Commission.

Payne: I don't think the petitioner is here. Frankly, this case got sort of continued along as a result of some of our longer meetings and I am afraid they might of lost track of tonight's meeting at Plan Commission.

Clements: Thank you Rebecca. Are there members of the public that would like to speak in favor of this petition? If so, please raise your hand. If you are calling by phone press*9 to let us know you would like to speak. If there is no one, is there anyone here that would like to speak in opposition to the petition? If so, raise your hand on zoom or press *9 to indicate if you calling in by phone that you would like to speak. Ok, I bring it back to members of the Plan Commission for further discussion. Mr. McKim?

PETITIONER/PETITIONER'S REPRESENTATIVE – SSS-21-5 – Lasuertmer: None

SUPPORTERS – SSS-21-5 – Lasuertmer: None

REMONSTRATORS – SSS-21-5 – Lasuertmer: None

ADDITIONAL QUESTIONS FOR STAFF - SSS-21-5 - Lasuertmer

McKim: I was just ready to make a motion if nobody else has any comments for first.

Wilson: This is a primary hearing so if you want to take final action you will need to include waiver of final hearing.

McKim: Actually I do have a question. Are the conditions that you recommend still valid?

Payne: I am trying to remember what my recommendations were.

McKim: It is to meet all Highway and Health Department requirements, which I assume is still valid but there is also should the petitioner not construction the primary residence on the parent parcel within 3 years.

Payne: Yes. Thank you, Geoff for pointing that out. Yes, those conditions do still stand.

FURTHER QUESTIONS FOR STAFF - SSS-21-5 - Lasuertmer

McKim: **In the matter of case number SSS-21-5, Lasuertmer Sliding Scale Subdivision Preliminary Plat, Road Width Waiver, Partial Plat Vacation, requested Waiver of Final Hearing, I move that we approve the request, including Waiver of Final Hearing, with the conditions listed on the agenda.**

Pittsford: **Second.**

Wilson: The vote is on petition SSS-21-5, Lasuertmer, Sliding Scale Subdivision approval. The

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motion is to approve the subdivision including the plat vacation, the waiver of road width and with conditions set forth in the report by staff that they meet all Highway and Health Department requirements and the petitioner shall not construction a primary residence on the parent parcel within 3 years or they will be required to convert the accessory dwelling unit back into the primary residence on the property. This includes a waiver of the final hearing, so this will be the final vote in regard to this subdivision. Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Ok, Dee, I got you Dee. Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Did you hear my yes, Larry?

Wilson: I didn't but we do now. Margaret Clements?

Clements: Yes.

Wilson: The motion is passed by an 8 to 0 vote in regard to the Lasuertmer Sliding Scale Subdivision, SSS-21-5.

The motion in case SSS-21-5, Lasuertmer Sliding Scale Subdivision Preliminary Plat, Plat Vacation Request, Road Width Waiver Request, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of approving all requests with conditions attached to motion, carried unanimously (8-0).

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NEW BUSINESS

2. PUD-21-5

Westgate on 3rd Development Plan Preliminary Hearing.

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Crecelius: Yes I would. Thank you. This is for the Westgate on 3rd Development Plan. This is the Preliminary Hearing. This was originally a Planned Unit Outline that we saw earlier this year and late last year. The petition site is 37.99 acres at 4755 West State Road 48. It is zoned Westgate on 3rd PUD. The ordinance was adopted earlier this year, January 2021 and the ordinance did require that the development plan be reviewed by the Plan Commission in order to have a specific consideration of the east-west road connection and attendant grading and erosion control. On the right is the current conceptual plan and on the bottom right is pictometry from 2020. These are the standards of review for a Planned Unit Development Plan. We overall see that what they proposed is still compliant or is compliant with the PUD review. For (B) which is availability and coordination of sanitary sewer, water, storm water drainage, the petitioners have submitted the storm water drainage calculations as of, I believe last week. The MS4 Coordinator has not reviewed them yet. There is not been adequate time, so we do, we still will be including that as a condition of approval that it just needs standards. We haven't had this for a little while so staff, just to jump ahead a little bit, staff does recommend approval but that will be a condition that storm water drainage calculations, that it all meets the Stormwater Teams ordinance. Overall, we did have a few questions. We were supposed to hear this last month at the Plan Commission regular meeting. We did have some questions about the road connection to Kind Rail Drive and Karst Farm Greenway, those have been cleared up. So, that is great progress. Landscaping is still also like drainage calcs, a little bit up in the air. We have received that information but no matter what we will still have that as a condition of approval of the development plan because it needs to have a full review. There will be some natural going back and forth. It is nothing that we think would hold up this review of approval or denial by the Plan Commission. It is just that it takes a little bit of time. So, overall we are not seeing any major issues, just kind of a natural development plan review process. Everything else is meeting the current standards of the ordinance. These are some the recommendations. The first one is now null. I didn't realize that they had submitted the drainage calculations, so we can say that Number 1 would be that the MS4 Coordinator signs off or approves a review of drainage calculations. Number 2 would be that landscaping plans meet the PUD Ordinance and Chapter 830 and the petitioners provide comment responses to the MS4 Assistant and also the Highway Engineer. With this petition since the development plans are extremely large files, I do have those pulled up and ready to go if anybody wants to see them. But they were not included as exhibits. They were included as links within the packet to external documents because they are so large. So, those are ready if anyone wants to see them. Does anyone have any questions?

RECOMMENDATION

Staff recommends **Positive Recommendation** to the Plan Commission based on the findings of fact and subject to the Monroe County Highway Department & MS4 Coordinator reports with the following conditions:

1. Petitioner to provide the Monroe County MS4 Coordinator with drainage calculations for proper drainage review.
2. Petitioner to provide complete landscaping plans. **Update: Pending submission by Landscape Architect.**
3. Provide Comment Responses to MS4 Assistant.
4. Provide Comment Responses to Highway Engineer.

QUESTIONS FOR STAFF – PUD-21-5 – Westgate on 3rd

Crecelius: I do see that Julie Thomas has her hand raised.

Clements: Commissioner Thomas?

Thomas: Thank you. I don't think I have seen provide comment responses to on a petition before for a recommendation. Can you clarify what that might entail and what it might not and give us some insight into that?

Crecelius: Sure. It is just a little bit of loose threads. There is nothing that we think is necessarily going to hold this petition back. I noticed last week when I was working on this report draft that MS4 Assistant who was working the Rule 5 still had some comments that I didn't see had responses to. Now, that doesn't necessarily mean that they hadn't responded and maybe they were doing it by email. We do see that happen as we transition trying to use OpenGov. So, mainly just following up. We don't necessarily have any doubt that they are not meeting the Highway Engineer or Rule 5 requirements, just that they continue to follow up and meet those approvals as they kind of work through the very, very fine details.

Clements: Thank you. Mr. McKim.

McKim: Yes, I was wondering if you could actually tell what the resolution on the road connection Karst Greenway was. I know that came up in the last meeting.

Crecelius: Yes. They did go ahead and provide that in the updated plans. It is as we saw it originally during the Planned Unit Outline.

McKim: Excellent. Thank you.

Clements: Mr. Guerrettaz.

Guerrettaz: Quick question, Anne. Are we, is this an approval to move it to another hearing or is this an approval or denial? But if there would be a vote to approve is this going to go just to staff for their final review and approval or the Plan Commission doesn't see this again, do we?

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Creceilius: The Plan Commission would not see it again. It would basically give the PUD an approval with the conditions that we still have to follow up on the few lingering things like fine tuning of the landscaping plan, that the drainage calculations are going to meet the MS4 Coordinator, there is no leeway there. If they want to change something, I don't think that they cannot meet MS4 Coordinate requirements. But let's say landscaping, if they don't meet my requirements, they are looking at a Planned Unit Outline Plan again. So, it is more of just fine tuning little things to make sure that we are not missing...

Guerrettaz: Ok, that's good. Thank you.

Creceilius: Sure.

Clements: To me it doesn't seem as though we have met the objectives of reviewing the plan. There are so many items that are still outstanding that it doesn't seem to me that we can do our due diligence. That is just my feeling on that.

Wilson: If I could comment too. I think I would agree with Margaret in that it was delegated to the Plan Commission that there be a development or site plan and I would suggest that you just continue this to the next Plan Commission meeting, not on Thursday but in September in order for us to actually have a development plan to approve. Does that make sense to everybody?

Clements: Makes sense to me.

Wilson: If they haven't submitted a landscape plan it is somewhat difficult to see how you can approve it.

Creceilius: It has been submitted. It has not been fully reviewed. Someone else began to speak. Would you please raise your hand if you would like to speak? If none, I suppose we should hear from the petitioner or the petitioner's representative. They have 15 minutes if they are here.

PETITIONER/PETITIONER'S REPRESENTATIVE – PUD-21-5 – Westgate on 3rd

Butler: Hi, this is Daniel with Bynum Fanyo.

Clements: Hi, Daniel.

Butler: With me tonight is Mr. Mark Avis. I just wanted to point out that we have fully graded the site. We have finalized parking, drainage, all of the details of the plan at this point. Anne was mentioning that all of those details have been submitted, perhaps they haven't been reviewed and so they would continue to be reviewed under the county's staff after you guy's approve it. But I am happy to answer any questions. The only other thing I wanted to mention or point out was Building Number 3 does have a step in it. Julie, I know you were interested particularly in that building and so that now has been figured up to this point. When I say a step, I mean it has 2 finished floors. You kind of slowly go down in that building as you go south if you are walking across it. I am happy to answer any additional questions. Again, we are going to meet the critical watershed values to which to move that to the MS4 Coordinator. They just haven't had time to

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review it yet and Mark I am not sure if you want to add anything else.

Avis: Hi, this is Mark Avis. Can you hear me?

Clements: Yes.

Nester Jelen: Yes.

Avis: I know there is a process to this. I think we have followed the process. We have submitted everything that staff has required us to submit. We were told that these items would be follow up items. But we have supplied literally everything that they have asked for. We have been bumped 30 days already on our petition. Now we are about to be bumped again. We literally have satisfied every requirement that has been asked of us. Also, just to make a footnote, because I have been listening for 5 or 6 hours now on these Plan Commissions, please note that we did not have one person come out against our petition. We had like a lot of people come out for our petition. I think this process worked. You can do what you want to do but we have satisfied everything. We have a beautiful fountain planned. The landscape plan has been fully submitted, which is usually not a requirement to move forward. This has been a great process but now we are like 60 days behind and it was our goal to start this year and we have again have submitted everything. We have listened to all of your comments, questions, we have implemented every single one. There is not one items that we have not like never agreed to, asked of you and the Commissioners. We have done everything. This is a supported project and we have satisfied everything that staff has asked us to do. I would hope that you would move it forward but of course it is up to you.

Clements: Thank you. Are there other members of the petitioner's team that would like to speak in the remaining 11 minutes and 54 seconds that is allotted?

Avis: No.

Clements: Ok, thank you. Well, I would like to open it up to members of the public who would like to speak in favor of this. If there are members of the public you would have 3 minutes each, so please raise your hand. Although, Dee Owens is not a member of the public, she is a member of the Plan Commission, I see that she has her hand raised. So, I would like to recognize Ms. Owens. You press *6.

Owens: Yes, I raised my hand way back before the petitioner wanted to start and it didn't happen and I am having to it *6 three or four times in order to get through. I assume I am coming through.

Clements: Yes.

Owens: I am sorry about that. I just back when was going to comment about I assume it was Mr. Schilling that suggested continuing to the September meeting to allow more items to be completed and I was going to make a motion for that. This may not now be the appropriate time for that because I am in the petitioners time period. Anyway, come time that is what I would like to do.

Pittsford: Dee, I support a motion.

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Clements: But we haven't, but we are still are obliged to hear from the public. I would just like to hear from the public if there is any one opposed to this, you would have 3 minutes each. There is a Terry Taylor Norbough, if you could unmute Terry Taylor Norbough you have 3 minutes.

SUPPORTERS – PUD-21-5 – Westgate on 3rd: None

REMONSTRATORS – PUD-21- 5 Westgate on 3rd

Norbough: Hi, I am Terry Taylor Norbough and I live in Stonechase, which is immediately west of this development. It will literally be in my front yard at Kings Rail, which is Exhibit 5. When I built in the county I never thought an apartment building, retail space, etcetera was going to be built in the county. In fact a few years ago your Commission heard about similar farm land immediately south to our neighborhood to develop single family housing and you wanted to require 2.5 acres for each home and now you are considering an apartment complex with retail space. If you look at apartment spaces with retail down below such as this is suggesting look at West 3rd and Patterson, which is in the city, not in the county, and after a few years they have only 2 businesses still. So, I am not sure why the county would think that retail business is going to boom and thrive out in the county. But my biggest concern is this proposed development borders the walking trail that is heavily used by school children that attend Highland Park. The proposal includes opening a road between Stonechase and this multifamily retail development that crosses over this walkway used by young children daily during the school year. As demonstrated by a similar road that is open between Stonechase, my neighborhood, and Fieldstone that road is used daily by Fieldstone residents that want to exit out of their neighborhood more quickly by going through our neighborhood. Looking at this development proposal there aren't very many exits out of this neighborhood except going through our neighborhood, which is going to be going over the walkway that children use every day during the school year and just don't see that as being all that safe. You know, I really wouldn't have a problem with comparable single housing neighborhood in this space but I really don't want an apartment complex and a retail store and that kind of environment in my neighborhood. That is not why we built out here. We wanted the pastoral life. I am really disappointed that this is even being considered. That is all that I have to say.

Clements: Thank you Ms. Norbough. Are there other members of the public who have anything that they would like to state in opposition to this proposal? If there is none, I believe there was a member of the Plan Commission who wanted to make a motion.

Redhawk: Am I able to respond to a prior petition?

Clements: Mr. Redhawk, yes.

Redhawk: Like on our prior petitions, I have a moment to just respond to the public?

Clements: Yes you do. You have 5 minutes.

Redhawk: I will take 30, seconds. Number one, we had like 5 Stonechase members actually support our development. We went through the approval process. I we have zoning and site plan approval. We are talking about engineering at this point. So, we went through the prior process. Again, our

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project is 100 percent compliance to the master plan and it was positively supported by all members of the Plan Commission and the Commissioners. The road doesn't cross by the way. We put that in, in case the county at any one point wants to have it crossed but the road doesn't cross. It was also a concern of mine from the very beginning but we agreed to put it in but it is not going to cross unless the county would like it to in the future. That is it. Thank you.

ADDITIONAL QUESTIONS FOR STAFF – PUD-21-5 – Westgate on 3rd

Clements: Thank you. Mr. Guerrettaz?

Guerrettaz: I needed to make sure I was unmuted. I am going back to this site plan review and I understand the Plan Commission members and maybe staff's, Larry's point, excuse me, not staff, but Larry's point about continuing this. But what benefit are we going to give to anybody if we hold up on reviewing this site plan one more time that staff has got well in hand? They have given us recommendations in order to give them power to go through and make sure that they review the plan appropriately. But there is not a one of us on this Plan Commission that can review a landscape plan as effectively as staff can, that can review the drainage or anything else that goes along with it. The petitioner and staff can correct me but it sounds like the petitioner has submitted everything and I just don't know what benefit the public, the Plan Commission or the petitioner or even staff is going to have by bringing this back before the Plan Commission for us to ask staff did they put in the plan what they were supposed to put in the plan and staff says yes or no and staff still has the hammer not to approve it. I just think that we are adding items to an agenda that aren't necessary. That is my only point. Thank you.

Clements: Thank you, Mr. Guerrettaz. Mr. McKim?

McKim: Oh, Bernie said it way better than I could but I was going to say basically the same thing. I would like to see this move forward today. I know that one of the fellow Plan Commission members has already put down the marker that she would like to make a motion first but I would say that if that one fails, I will definitely be making one to move this forward.

Wilson: If I could just jump in. My comment was based on that fact that, again, this is Larry Wilson and not Dave Schilling, my comment was based upon the fact that the PUD Ordinance required approval by the Plan Commission. If you are comfortable approving this development plan subject to the conditions set forth in Anne's report that is fine. But you have to approve the development plan. You cannot delegate the development to staff because the PUD Ordinance requires you to approve it. So, you can approve it subject to the conditions set forth in the staff report.

Clements: Thank you Mr. Wilson. Mr. Guerrettaz?

Guerrettaz: Yes, that is the clarification, Larry that is the clarification that I think is very helpful. We would always give staff the final review. That is why Plan Commissions reviewing the development plan isn't always that effective. So, I hope the Plan Commission is going to understand my hesitation and my concern that we are just stacking up agendas for no real purpose. Thank you.

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Clements: Ok, I return to Dee Owens to see if she would like to make a motion?

FURTHER QUESTIONS FOR STAFF – PUD-21-5 – Westgate on 3rd

Owens: Can you hear me now?

Clements: Yes, we can hear you now.

Owens: Thank you very much. Yes, **I would like to make a motion that we post-pone this until the September meeting.**

Thomas: **Second.**

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

Nester Jelen: You are mute, Larry.

Wilson: Sorry. September regular meeting or Administrative meeting?

Owens: Yes, I am sorry, the **regular meeting.**

Wilson: It has been moved and seconded, does the second confer with that?

Thomas: **Yes.**

Wilson: Ok. The motion is to continue the approval of the development plan for PUD-21-5, Westgate on 3rd to the regular meeting of the Plan Commission in September. A vote in favor is a vote to continue approval of the development plan September regular meeting. Bernie Guerrettaz?

Guerrettaz: No.

Wilson: Geoff McKim?

McKim: No.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: No.

Wilson: Julie Thomas?

Thomas: Yes.

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Wilson: Amy Thompson?

Thompson: No.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: No.

Wilson: **The motion to continue has been denied by a 5 to 3 vote.**

McKim: I would like to make another motion. **In the matter of PUD-21-5, Westgate on 3rd Development Plan, I move that we approve the petition based on the findings of fact and with the following conditions;**

- 1) Petitioner to provide the Monroe County MS4 Coordinator with drainage calculations for proper drainage review.**
- 2) Petitioner to provide complete landscaping plans. Update: Pending submission by Landscape Architect.**
- 3) Provide Comment Responses to MS4 Assistant.**
- 4) Provide Comment Responses to Highway Engineer**

Guerrettaz: **Second.**

Wilson: Ok, I will call the roll. The motion is to approve the development plan for PUD-21-5, Westgate on 3rd, subject to the conditions set forth, including approval of the drainage calculations by the MS4 Coordinator, review and approval of landscape plans by staff and that the developer provide responses to the MS4 Assistant and to the Highway Engineer. Again, a vote in favor is a vote to approve the development plan with the conditions. Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: No.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas?

Thomas: No.

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Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: No.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: The motion is approved by a 5 to 3 vote to approve the development plan with the conditions set forth.

The motion in case PUD-21-5, Westgate on 3rd Development Plan, Preliminary Hearing, in favor of approving the request with conditions, as set forth in the motion, carried (5-3).

NEW BUSINESS

3. ZOA-21-6

Amendment to the Monroe County Zoning Ordinance:

Amendment to Chapter 802

Preliminary Hearing.

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

Planner: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: The 2 changes to the Home Based Business and the Home Occupation are very similar so I will explain those first. Staff is adding in an exception into both of these definitions because there has been a little bit of confusion especially as more people are working from home as to what is required to get a Home Based Business Permit or Home Occupation Permit. So, we thought it would be clear to add in this exception to not only exclude people from needing that permit but also making clear of the people that do require a permit. The exception here, activities that create no external visual changes and produce no odors, noise, vibration, dust, light, or other discernible impacts outside the dwelling, including but not limited to drafting, drawing, typing, writing, and operating telephones, sewing machines or providing computers, shall not require an Improvement Location Permit or conditional use approval provided the following regulations are met; no employees who live off site or customers visit or park vehicles on the premises, no signs are displayed and no deliveries other than those normally associated with residential uses are made to the site. That exception applies to both the Home Based Business and the Home Occupation and I will just remind those on the Plan Commission and the public the difference between these 2 the Home Occupation is more strict typically and more typical subdivisions in the county and it limits the use to not more than 25 percent of the square footage of the main residential structure whereas Home Based Business is a little bit more flexible and further out in the county. We are also making an amendment to the General Contractor use to amend this definition and it allows us to give a few examples of what would be considered under General Contractor use and make it a little more specific; so we are concluding but not limiting to plumbing, landscaping, electrical, framing, concrete, masonry, roofing, etcetera and that will be important as I describe as well the next text amendment to 813, which is Conditional Uses. The last edit that we are making is just to the Artisan Crafts use. It is actually currently a Conditional Use, which is allowed in the residential zones but it is not actually a permitted use in the business or industrial zone. So, we thought it was appropriate if it was able to be permissible in the residential zones. It is certainly able to be permissible in the business and industrial zones. As well we are removing Condition 16 from Home Based Business and Home Occupation in the table, which has added a little bit of confusion regarding outdoor storage. So, we are eliminating Condition 16 from the table for these 2 uses. However, we are not getting rid of it in general because it is still an applicable condition for other uses but essentially it eliminates any confusion and we go with the definitions, which states that the business shall occur either in the residence or as with Home Based Business it can occur in one accessory structure. No outdoor storage would be permissible for either uses and this is what the text is making a little bit clearer. We are recommending a positive recommendation. This would go to the County Commissioners for a vote and note this the Preliminary Hearing so you would have to waive the

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final hearing if you would like to see this proceed. I see a few hands raised. I will take any questions.

RECOMMENDATION

Staff recommends a positive recommendation to the County Commissioners and a waiver of the final hearing.

QUESTIONS FOR STAFF – ZOA-21-6 – Amendment to MC Zoning Ordinance

Clements: Mr. Pittsford and then Mr. McKim.

Pittsford: Jackie can we go back a screen please? One more. Artisan Craft. Ok. This was an issue back years ago. I am wondering about some of the more rural estates. Are we clear on those? So, we have got conditional on Agricultural/Rural Reserve. Is that right?

Nester Jelen: Yes, I will also point out this is already existing permissible in the ordinance. What I have highlighted is actually what is changing is in red text here. So, this is the only changes being proposed for Artisan Crafts.

Pittsford: Ok, already. Well, I wish that Artisan Crafts was a little more liberally treated than the rural communities. I really think they should just be permitted instead of be conditional but I will stand down. I should have said something earlier. Thank you.

Nester Jelen: Noted for the new ordinance, Jerry. We will talk.

Clements: Mr. McKim.

McKim: Yes, could you go back to the next slide? So, essentially I would like to be understanding that while you are eliminating a condition you are actually making the conditions more strict for Home Based Business and Home Occupation. In other words, there is no option for storage areas whether or no screened for appropriate fence.

Nester Jelen: Right, so it would be making it more strict for the Home Based Business and the Home Occupation but one of the things that we heard from the Ordinance Review Committee was to bring this in tandem with an ability to have outdoor storage which we will discuss in the next text amendment regarding the rural General Contractor, which would allow for outdoor storage. But we don't find it fitting for the definition that's already existing for Home Based Business and Home Occupation the intent is clearly to have businesses occupying and being a part of the home, be operated inside the home. So, we think it would be clear most of the outdoor storage we see are more off site businesses so we are allowing the, we are going to be proposing the General Contractor next.

McKim: Thank you.

Nester Jelen: You are mute Margaret.

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Clements: Are there other questions from members of the Plan Commission? If there are none, I am going to open it up to the public and the public is entitled to 3 minutes each. I know the comments may be substantive but those in favor of the amendment as it is written would you please raise your hand or press *9 on your phone if you are calling in. Do you see anyone?

Nester Jelen: I do not see anyone with their hand raised.

Clements: Ok, if there is anyone opposed to this amendment to the Monroe County Zoning Ordinance would you please raise your hand or press *9 on your phone if you would like to speak? Ok, if there is none, I think we are ready for a motion. Is there a member of the Plan Commission that would like to make a motion?

SUPPORTERS – ZOA-21-6 – Amendment to MC Zoning Ordinance: None

REMONSTRATORS – ZOA-21-6 – Amendment to MC Zoning Ordinance: None

**ADDITIONAL QUESTIONS FOR STAFF –
ZOA-21-6 – Amendment to MC Zoning Ordinance: None**

FURTHER QUESTIONS FOR STAFF – ZOA-21-6 – Amendment to MC Zoning Ordinance

Thomas: I will go ahead and do so. **I move that we approve the amendment to the Monroe County Zoning Ordinance, amendment to Chapter 802, amendment to Home Based Business, Home Occupation, General Contractor and Artisan Crafts and forward this with a positive recommendation to the Monroe County Commissioners.**

Clements: Thank you Commissioner Thomas.

Owens: I will **second**.

Clements: Thank you Dee.

Wilson: I believe we need a **motion to waive the final hearing**. Is that correct Jackie?

Nester Jelen: Yes, this is the preliminary hearing.

Thomas: **So moved**.

Clements: Dee, do you second the waiver of the second hearing?

Dee: **Yes, I accept that amendment**.

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

Wilson: The roll is on a text amendment ZOA-21-6, amendments to the Monroe County Zoning Ordinance Chapter 802, amendment to Home Based Business, Home Occupation, General

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Contractor and Artisan Crafts. Again, the motion includes a motion to waive the final hearing so this will be forwarded on to the commissioners for their approval or denial. Again a vote in favor is a vote to send a favor recommendation to the Commissioners. Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: I will vote yes with the hope that we can extend the permitted use for Artisan Crafts to all areas of the county. Thank you.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes and I also agree with Mr. Pittsford's recommendation.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: I am here. I am grappling with this one for quite some time. As we move forward I think it is very important for the Planning Department to listen to anyone that calls in that has concerns about this amendment that has prevented them from opportunity that we have not seen yet. A one size fits all is not something that I am super inclined to support but we did our best so I am going to vote yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: I echo what Trohn just said. That was one of the concerns we had at that ORC initially was what this is going to do to startup businesses and if it is going to have a negative effect, so staff would continue to monitor to see if they are seeing applications or questions coming in that this with thwart that, that would be very helpful. I vote yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Petition ZOA-21-6 is forwarded to the Commissioners with a favorable recommendation.

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The motion in case ZOA-21-6, Amendment to the Monroe County Zoning Ordinance: Amendment to Chapter 802, Preliminary Hearing, to send a favorable recommendation to the Commissioners, with waiver of final hearing, carried unanimously (8-0).

NEW BUSINESS

4. ZOA-21-7

Amendment to Monroe County Zoning Ordinance:

Amendment to Chapter 813

Preliminary Hearing.

Amendment to add conditions for General Contractor in AG/RR, CR, FR
Planner: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: In order to address some of the comments regarding outdoor storage we had put together General Contractor Rural Standard, which would be in 813, which means if someone is in the AG/RR, FR, or CR zoning districts, which makes up approximately 80 percent of the county zoning jurisdiction, if they meet these conditions and would like to apply for this use they could do so via the conditional use procedure set out in the standards. These are the standards that we have put together and I will go ahead and read through these one by one. The site must meet or exceed minimum lot size for the zoning district. Presence of a primary residence on the property is required. Business owner or operator must record an affidavit and commitment stating they will reside on the property full-time. Employees of the business living off-site may park at the residential location provided there is sufficient off-street parking to fully accommodate the employees and that they meet parking setback of 50' minimum. The number of employees that live off-site is limited to 5 total. No retail is permitted at the residential site. Any building used in connection with General Contractor Use shall be located 50' from rear and side property lines. No permanent advertising signs are permitted at the residential property. Hours of operation shall be between 7am and 7 pm. Any storage of vehicles or materials used for General Contractor business must be stored indoors or screened on all sides by an appropriate fence or appropriate plantings. If screened the following standards must be met; minimum 6' opaque fence or landscaping that meets the interior tree requirement must immediately surround the entire storage area meaning Type "D" bufferyard in Chapter 830. The screening must capture the entirety of items stored and staff has the final determination as to determine whether fencing or landscaping is more appropriate depending on items stored. Outdoor storage of vehicles must be limited to 5 or less. The types of vehicles must be included on the application and not exceed the county's definition of heavy equipment, which is defined as motorized equipment having a gross weight of more than 6 tons. No outdoor storage area may exceed 100' by 100' and must be located within buildable area per Chapter 804 and outdoor storage areas may not include greenfill waste. So, to give a little bit of context to these, I will note that we did do a little bit of research into determining what heavy equipment is. As you will remember from the definition it is 6 tons or less, so these are the types of equipment or vehicles that you are looking at with this weight limitation and these other vehicles would not be permitted under this condition. I was also requested to look at a few sites located in the county that may be able to be permitted under this conditional use if they were to apply. So, I took a look at a few options in the county. This one is 8.8 acres. It does include a primary residence on the property. It is currently not meeting a 100' by 100' area, which I have shown in the blue square on the top of the screen and there is no screening around it but it is possible with some amendments and a site plan that they would be able to comply with the standards laid out in the conditional use. This is a business that would not be able to be permitted under this conditional use. One of the reasons we have put together the AG/RR, FR and CR regions is that they are generally larger lot

sizes. This lot is only 0.7 acres and so it would not comply with the conditional use. Here is another example of a site that is 10.37 acres. Again, a lawn care business where the business owner resides on the site and they would potentially meet the 100' by 100' storage yard but not the setback so again the site plan would require that they amend their design a little bit and be able to meet those conditions set forth in the plan. With that, we are recommending a positive recommendation by the Plan Commission to the County Commissioners and including a waiver of final hearing. I can now take any questions.

RECOMMENDATION

Staff recommends a positive recommendation to the County Commissioners and a waiver of the final hearing.

QUESTIONS FOR STAFF – ZOA-21-7 – Amendment to MC Zoning Ordinance

Clements: Mr. McKim.

McKim: Yes, I'm sorry could you go back to your charts showing the different vehicle sizes? The way that it is worded, maybe I am thinking of the logic wrong, but it says the types of vehicles or not to exceed the county's definition of heavy equipment, which is defined as motorized equipment having a gross weight of more than 6 tons. So, that is essentially defining motorized equipment as being 6 tons and greater. Right? So, how could you even possibly exceed it if it's from 6 to infinity? Do you see what I am saying?

Nester Jelen: Ok, so you are saying that it is a double negative, because vehicles do not exceed the county's definition of heavy equipment.

McKim: Well, in that definition of heavy equipment is more than 6 tons. Do you see what I am saying? That would be impossible to violate because if you had a gross weight of more than 6 tons. Is there an upper bond or is it from 6 to infinity? Is that the definition of heavy equipment?

Clements: I think it is 6 to infinity.

Nester Jelen: Yes this would be and it is saying it cannot exceed the county's definition of heavy equipment. So, it would have to be 6 tons or less. But I can make that clearer.

McKim: Ok, that is really what you mean. You want to say it has to be 6 tons or less.

Nester Jelen: Yes.

Thomas: I think the problem is the word, "exceed".

McKim: Yes.

Thomas: I think it is clear but if that were removed, does not include heavy equipment, which is defined as.

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McKim: Yeah, ok.

Nester Jelen: Thank you.

Clements: Are there other members of the Plan Commission who would like to comment? I am concerned about the existing businesses. I don't know what happens to them in this case.

Nester Jelen: So, I will mention and this is some of the pictures that I have shown one of them is a case where we don't really have a great remedy. There has been a complaint that a resident has put together and they are not the right zoning. So, this would be a pathway to compliance. This one is simply not permitted and actually has already been dealt with by the Board of Zoning Appeals. This one was granted a Home Based Business. My understanding is that even if the definition of Home Based Business changes today or whenever the County Commissioners take a vote that prior businesses that were granted a Home Based Business Permit would be considered legal, pre-existing, nonconforming. My understanding is it would permit some expansion but it would revoke automatically their permit or their permissions to have a legal Home Based Business under the prior standards. Do you want to add anything to that Larry?

Wilson: Basically, they are a legal Home Based Business when this ordinance goes into effect and they cannot meet the standards of the new ordinance it would be a legal, nonconforming use, which means they can use the business even those it doesn't meet the new standards.

Clements: Mr. Guerrettaz?

Guerrettaz: Kind of springboard off of what you asked Margaret. If a business is intact today, but they don't have a Home Based Business Permit because a saw a little gap between what Jackie said and what Larry said, does someone have to go in and apply for a Home Based Business Permit today so that they can hold that grandfathered or?

Nester Jelen: If someone is operating a business of sorts and does not have an appropriate permit for that use and the ordinance changes, they would have to apply for the new ordinance standards.

Guerrettaz: I can think of dozens of businesses that have been in the county for decades that probably haven't applied for a Home Based Business. They have grown. They don't have complaints from neighbors. They just kind of chug along.

Wilson: If the use pre-dates the ordinance, which is basically I think January of 1997, then they would be grandfathered under that ordinance. Do you see what I am saying?

Guerrettaz: Ok.

Wilson: I do think this is a discussion that we need to have with Dave to make sure that we are correct on the analysis on what would be grandfathered and what would not. I do note that some jurisdictions prior to enacting ordinances will allow a grace period for people to apply and become compliant with the new ordinance prior to it going into effect. That is something to consider. It is kind of complicated.

Clements: As we are going forward and making lots smaller and smaller I wonder if we are hindering innovation and I see here for instance in this example that is right on the screen now that we are putting a condition on this business that it not expand. That is the last thing that I would want to do to. I want to see this guy become successful beyond his wildest dreams. That is why he bought that property. I am just having a problem with this. I would like this, I am having a problem with this. I don't know how we correct for this because what we are talking about is the very substance to innovation an economic development and small businesses becoming larger and if our setback requirement messes them up that is on us. I don't know if I am, I mean, right now this particular property is sitting there with consideration for what they planned to do, for how close they are to their neighbors and we are going to come in and say we don't want you to expand because we are going to take a lot next to you and put in a lot of high density stuff. I just don't know if I buy into this. Mr. Pittsford?

Pittsford: Thank you Madam President. I really need to learn to use the alt, control, anyway, thank you. I totally agree with what you are saying and see what the problem is. We don't have the 50' setback here. But we are talking about a 10.37 acre lot and we are going to quibble over the 50' setback. That just really concerns me. I think we need to look at this again with a little more critical eye and I appreciate the opportunity to share my thoughts.

Clements: Thank you. Mr. Enright-Randolph.

Enright-Randolph: Not to take us back too far, Jackie, if I am understanding this was a Home Based Business, right, that got certified. We just moved that last ordinance forward where they won't even be able to be permitted any outside storage. That is why I have been having a lot of difficulty grappling with this. So, we have already moved that forward. So, if the Commissioners adopt that this scenario should not even exist in the future, which I absolutely agree we might be hindering some entrepreneurship in this county through small business growth. The only reason I was able to get behind the last one was because we are rewriting our new ordinance and if we can identify some concerns that come forward from maybe adjusting this ordinance then we can address it in our new ordinance. But it is a hard one here and I would be completely fine with continuing this to our next meeting because we want to get this right and I don't think it is a one size fits all but this was brought to us by Planning to address and we did our best so now we are here today. Those are my comments.

Pittsford: Make that a motion and I will second it, Trohn.

SUPPORTERS – ZOA-21-7 – Amendment to MC Zoning Ordinance: None

REMONSTRATORS – ZOA-21-7 – Amendment to MC Zoning Ordinance: None

**ADDITIONAL QUESTIONS FOR STAFF –
ZOA-21-7 – Amendment to MC Zoning Ordinance: None**

FURTHER QUESTIONS FOR STAFF – ZOA-21-7 – Amendment to MC Zoning Ordinance

Enright-Randolph: **I move to continue this to the September Administrative Meeting.**

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Pittsford: **Second.**

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

Wilson: I will. The motion is to continue ZOA-21-7, text amendments to Chapter 813, to the September Administrative Meeting of the Plan Commission. The hearing will be continued to that date, based upon the motion. Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas?

Thomas: I am going to vote no because I don't hear any clear direction for staff as to what they are supposed to do next.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: The motion to continue to the Administrative Meeting is approved by a 7 to 1 vote.

The motion in case ZOA-21-7, Amendment to Monroe County Zoning Ordinance: Amendment to Chapter 813, Preliminary Hearing, in favor of continuing the case to the September Administrative Meeting of the Plan Commission, carried (7-1).

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Clements: We are finally into packet 2. Oh, Julie, go ahead, I'm sorry.

Thomas: I would just ask that somebody let staff know what they need, what information they need in order to hear this at the next meeting otherwise we will just continue this forever and just to be fair to staff. What information is need or what needs to be done with this?

Clements: My answer to that is how do we protect a small and upcoming business in the context of we are changing the zoning on them on their existing property? They hopes to expand and are we helping them or hurting them? I mean, what is the goal here with the development? I know that we do need to protect the surrounding properties but if the surrounding properties come in and start dictation to this small business how they must behave, I have got problems with it. So, Mr. Enright-Randolph.

Enright-Randolph: Yes and I just wanted to make a few observations points here. We've had some stacked agendas. I don't think the Plan Commission has seen presentation in its entirety. We have discussed it at Admin. Meeting but even that we have had a pretty stacked agenda, so that is why I continued it to our Administrative Meeting so that we can have a discussion so we can give staff directions. So, when it shows up in our regular session maybe we have a better ordinance presented. Right now I share the same concerns that you just expressed, Ms. Clements.

Clements: Thank you. Ok, so the motion was made. The second was made. The vote was made. I think we are moving on to packet 2. Oh, Mr. Pittsford. Before we move on to packet 2, let's here from Mr. Pittsford.

Pittsford: Yes, I am so sorry and this is like quick. Just for the staff's direct when I look at this my concern is the requirement for front and side yard setback. So, my direction would be to look at whether or not it would be possible to modify this language so that any lot with more than 5 acres could deviate from the front or side yard setback but not both.

Clements: The problems arise when surrounding properties become something else. So, I think the burden should be on them really.

Pittsford: Well, I mean, and then maybe you could say that, you know, if you have the inability to meet both the front and side yard setbacks you do vegetative screening or something of that nature. So, I think there are ways to mitigate this and still allow the Home Based Business but I really would restrict it to 5 acres or more. I think when you start getting into the lower acreage you truly are interfering with the rural concept of properties and I think most people living out in the county running a Home Based Business on 5 plus acres probably already have a good relationship with their neighbors and a vegetative screening maybe adequate to mitigate any future concerns. But that's just directional and it is really brainstorming kind of stuff. I would be more than happy to sit down with staff and discuss this more at length and see what we could come up with or any group of people who would like to discuss it. Thank you.

Clements: Thank you, Mr. Pittsford. Ok, we are moving on to packet 2.

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NEW BUSINESS

5. ZOA-21-8

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

Amendment to require certified site plans for new residential development. Planner: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition was continued by staff.

NEW BUSINESS

6. REZ-21-2

Blackwell Rezone from AG/RR to MR

Preliminary Hearing.

Waiver of Final Hearing Requested.

One (1) 2.61 +/- acre parcel in Section 24 of Richland Township at 4050 W Carmola DR, parcel #53-04-24-200-135.000-011.

Zoned AG/RR. Planner: acrecelius@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Crecelius: Like Ms. Clements said this is in Richland Township off of Carmola Drive. The property is currently zoned Agricultural/Rural Reserve. On the bottom right you can see that it is 2.61 acres. It is pretty much surrounded by an existing subdivision that is zoned Medium Density Residential. The Comprehensive Plan designates this site has a Designated Community, which directs it a super plan called the Ellettsville Rural Community Land Use Plan. It is a little difficult to see on this map but if you can see my cursor this right is Carmola Drive and it is shown as Neighborhood Growth. Designed Communities was incorporated as part of the Monroe County Comprehensive Plan in 2010 and that the Ellettsville Rural Community Land Use Plan proposes to enhance existing development through the introduction of missing neighborhood elements including open space, mixed uses, and interconnecting transportation facilities as well as building corridors to adjoining neighborhoods and maintain a discernable edge consisting of low density housing. Two pictometry photos and then the site conditions map on the right to kind of give you an idea of where this property is located. It is a small, inholding in little suburbia land. The site conditions is that it is mainly flat. There is a drainage ditch to the north. There used to be an old farm house on the property but that has been demolished. Some site photos from the staff visit. The top left is across the street looking at the site, so kind of the graveled area. You can see where the old house was. The top right would be looking west and the bottom left would be looking east. The intent of this rezone right now, if it were to be approved by County Commissioners is that the petitioner would be interested in subdividing the property to make it consistent with the neighborhood that is surrounding it. Now, this is a conceptual plan. If it was approved by the County Commissioners for a rezone to MR, this would become a Major Subdivision and everything would be reviewed there. So, I wanted to include that the MS4 Coordinator has looked over the petition. They stated that they have no comments for the rezone but that they will be reviewing it closely and that they know what they will be looking for if it does turn into a subdivision request. Highway Engineer comments, there are county planned road improvements to Carmola Drive so the Highway Engineer is requesting, let's see, a drainage easement provided for the construction and maintenance of the culvert on the southeast corner of the future subdivision, so on this site here this would be a culvert and drainage area. If this was subdivided, the right of way that would be dedicated would be along here. They are hoping for an easement that would match the proposed temporary right of way shown on the plan drawings. So, this is the plan drawing. This thicker dash line here is a temporary right of way line that we would like see as a condition of approval in this rezone so that Carmola Drive improvements, that temporary right of way could be secured for the future whether or not there is a subdivision that is perused or not. I have a better composed condition here for this petition. Staff does recommend approval. Staff recommends a positive recommendation to the County Commissioners based on the findings of

fact and of course subject to the Monroe County Highway and MS4 Coordinator reports with the following condition;

- 1) Submit a written commitment to dedicate temporary right-of-way to the County for future Carmola Drive improvements.

Does anybody have any questions?

RECOMMENDATION

Staff recommends **approval** of the Rezone of based on findings of fact and subject to the Monroe County Highway and MS4 Coordinator Reports with the following condition;

- 1) Submit a written commitment to dedicate temporary right-of-way to the County for future Carmola Drive improvements.

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 Designated Communities;
- The Ellettsville Rural Community Land Use Plan proposes to “Enhance existing development through the introduction of missing neighborhood elements including open space, mixed uses, and interconnecting transportation facilities”;
- Additionally, it states that “Maintain a discernable edge consisting of low density, large lot residential development along the perimeter of the rural community ”

(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 2.61 acres from AG/RR to MR;
- The current use of the petition parcel is residential and vacant;
- Adjacent uses are residential and adjacent zoning is MR;
- The change in zoning would create a more contiguous area of Medium Residential 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 site contains adequate buildable area (slopes 15% and under);
- The petition site is not located in FEMA Floodplain and there are no known karst areas;

(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 W Carmola DR;
- According to the Monroe County Thoroughfare Plan, W Carmola DR is classified as a Local Road;
- Monroe County Highway Dept. has proposed future road improvements to W Carmola DR, allowing safe conditions for an increased density;

QUESTIONS FOR STAFF – REZ-21-2 – Blackwell

Clements: Mr. Guerrettaz?

Guerrettaz: Anne, so on the temporary right of way, that is just for the construction and then the Thoroughfare Plan will take over for the right of way dedication if there is ever any major/minor, some other subdivision plat. Is that correct?

Creceilius: That is correct.

Guerrettaz: Thanks.

Clements: Are there any other questions of staff from members of the Plan Commission?

Pittsford: Madam President, is it appropriate to make a comment here?

Clements: You can, yes.

Pittsford: Thank you. I will be brief. I put this in the comments but I wanted it to be part of the video as well. I think that anything in Richland Township that can be annexed into the Town of Ellettsville and I certainly believe this piece of property is appropriate for that, should be developed in a way so that the Town of Ellettsville can annex it into a more urban footprint and hopefully they will do that sooner rather than later so that opportunity is not lost to the City of Bloomington, which has shown a willingness to annex even into Richland Township. Thank you.

Clements: I was just looking at my annexation. Is it on the City of Bloomington annexation map? It is pretty close.

Enright-Randolph: It is not.

Pittsford: I certainly hope not. I think it would be on the very fringe but it is not quite there and

just to be clear too, this is just outside of the 2 Mile Fringe for those of you who are old enough and experienced enough to remember the City of Bloomington's 2 Mile Fringe, which has not been covered very extensively lately as if it ever existed, but it did and it was a constantly looming threat for the Town of Ellettsville. Because it took the City of Bloomington right up very nearly the limits of the Town of Ellettsville. So, I just really feel like anything in Richland Township truly should be off limits to the City of Bloomington but I am editorializing that extensively so I will stop. But I think that we need to approve this so that they can move forward, develop this with an urban footprint and make it right for annexation into the Town of Ellettsville. That is the sum total of my comments. Thank you for indulging this old Ellettsville boy.

Clements: Thank you Mr. Pittsford. In reading through the Annexation Ordinance I think that the most that you can do to further that objective is that the Town of Ellettsville has to actually put forth a plan and then that would stymie I think my aggressive creep from the City of Bloomington. But the Town of Ellettsville has to be more formal in its terms of stating its reorganization desires, not necessarily in annexation but reorganization desire. So, with that being said, is the petitioner here and would the petitioner like to speak? You are limited to one 15 minute statement for the petitioner and the petitioner's representative. But we welcome you nevertheless. Jackie?

Nester Jelen: Anne, do you know the name of the petitioner we are looking for?

Clements: Blackwell and Scott Pardue and Smith Brehob and Associates.

Crecelius: It would be Scott Pardue.

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-21-2 – Blackwell

Pardue: Jackie, can you hear me?

Clements: Yes.

Pardue: My name is Scott Pardue. I am with Smith Design Group and I have been working on this project. I am happy to answer any questions. The plan that we came up with is just conceptual. This is just Step Number 1 in the process of getting it rezoned. I know there were some concerns about drainage but that will all be taken care of in the design of the project.

Clements: Ok, is that it, Mr. Pardue?

Pardue: Yes, that is all that I have to say.

Clements: Ok, thank you very much for showing up tonight also for you levity and your endurance. The next question I have is are there members of the public who would like to speak in favor of this petition? If you see anyone Jackie, please let me know. If you are calling in by phone, press *9, otherwise raise your hand. Ok, I don't see anyone. Is there anyone here that would like to speak in, oh, there is an attendee here who raised his/her hand and that is R. Lock. If you could unmute R. Lock.

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SUPPORTERS – REZ-21-2 – Blackwell: None

REMONSTRATORS – REZ-21-2 – Blackwell

Lock: Hello.

Clements: Yes. Hello. We can hear you.

Lock: My name is Rick Lock and we live in the neighborhood right behind this property. Whether 5 or 6 lot belong on there is certainly up to you and your commission. We aren't saying there shouldn't be a development, there are some concerns we would like answered though. One of which being, although 15 percent slope is considered buildable it is still quite a slope in the back between our neighborhood and what would be this neighborhood is erosion truly a possibility. Detention is a barrier for the 100 year flood that goes through there and you talk of prudent development. That is our biggest concern. One of the things that has kept this neighborhood just a little bit different are the trees and the landscaping that is behind there. Some of it is just bush but many of it is trees we would like to know what is happening with that area and what landscaping they plan to, if they have to remove some for development that loss of vegetation, what they plan on doing to replace that.

Clements: Thank you Mr. Lock. Are there other members of the public who would like to speak in favor of this petition? Is there anyone who would like to speak in opposition to the petition and if you calling in by telephone press*9? I see Jennifer Brielle has her hand raised. So, I would like technical staff to unmute Ms. Brielle.

Brielle: Can you hear me?

Clements: Yes.

Brielle: Hi. I think the last one was also in opposition as well, just to clarify.

Clements: Yes.

Brielle: I guess I just have more questions about it because some of the other plans that we have seen here about it were, I am new to this process, have just been more in depth and maybe this again is just the starting point. But I definitely don't believe there should be a waiver to just go ahead and say yes if more detail is actually required based on the projects that is with the name Blackwell in that neighborhood. I guess I don't understand why it would become a new neighborhood. It is on the same street of Carmola that connects the entire thing. So, I guess if it does become a new neighborhood I just want to know what standards it is going to be to because on the Geranium side there have definitely been some more standards upheld as opposed to the houses that have had Blackwell's name attached to them on Carmola, including on that he and his partner Joe Kemp actually had rezoned from you guys and tried to split it into 2 lots, to put a duplex in and it still was remaining as one lot with a duplex. It just seems like it is kind of changing the area a bit. Just to comment about the road expansion plan that you guys have, well, that they noted to you all. One side of Carmola actually basically has a makeshift driveway for every single house

because it was not expanded, so I would like to know more about temporary easement or what that was exactly in more detail what he is trying to get approval for. Because if that is the same thing where he is going to rely on the county to come through and widened the road again, so there is again another section of all of those driveways being temporary material instead of concrete it is not a good look. I don't know if any of you have driven through there but it is quite different from the other side in the Java neighborhood and on Geranium. Just to speak to the wooded area, I again, have more concerns about what would be in that new neighborhood development because again there is only 5 homes in the exact same space allotted and based on your Ellettsville plan, it stated, maintain a discernable edge consisting of low density large lots residential development along the perimeter of the rural community that and there are rural lots still over there on Carmola and so I guess I just don't see personally how squeezing 6 homes into that space when it is adjacent to already 5 is maintaining that same plan, because 5 could also still increase that density since there was only one farm house there previously and then as well, sorry I am losing time here but as well, there is a lot of vegetation and wildlife there that is very concerning to lose with that flood area. That is everything for me.

Clement: Ok, thank you Jennifer. Thanks for staying with us and for coming tonight to speak with us. Are there other members of the public that would like to speak in opposition to this and if you are calling in by telephone, press *9? Mr. Pittsford, I will get to you after the petitioner has had a chance to respond and then we come back to the Commission. Ok. If there are other members of the public who would like to speak in opposition to this please raise your hand or press *9? Otherwise, we come back to the petitioner. If you would like to state anything or respond to the concerns of the residents, you have 5 minutes to do so.

Pardue: Hello, it is Scott Pardue with Smith Design Group again. I guess I will just respond to a couple of the concerns. The county is planning to widen the road that is currently on Carmola Drive and it includes a multi-use path and ...

Clement: We lost you.

Pittsford: Madam President, while we work that out, if I may I will throw my very brief comments in.

Clements: Thank you Mr. Pittsford.

Pittsford: Ok, basically, I certainly understand the concerns raised by both remonstrators. One of the things is the Town of Ellettsville and bear in mind I have a lot of experience with the Town of Ellettsville having served on the Town Council in the Town of Ellettsville and grown up here, as far as extending utilities they have done an exceptional job over the years. It has been a rocky relationship but they have always worked very well with the Eastern Richland Sewer District to make sure that city water and sewer has been extended to this areas. So, we are not looking at a piece of ground that is going to be developed without city water and city sewer, which is essential when you are talking about increasing the density. However, the other concerns the amount of density allowed under the county's ordinance would probably be less, I can't speak to the degree but I think the county is going to be a little more restrictive than on the density that would be allowed as opposed to this being annexed into the Town of Ellettsville at a later date and I also

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certainly believe that county's stormwater management plan would be far more beneficial to the surrounding properties than what you would find if this was under the control of the Town of Ellettsville. Those are my comments in sum and I will stop there.

Clements: Thank you, Mr. Pittsford and if Mr. Pardue is able to speak I would like him to finish what he was attempting to say.

Guerrettaz: Maybe this will give time for the petitioner to get back on because I was going to ask him but I can ask staff. Again, I am going back to this temporary right of way, has the petitioner, what's the petitioner's feeling on having that as part of a dedication statement with this petition?

Clements: Mr. Pardue is here. I think that he might have to...

Guerrettaz: Or staff, Margaret. If they have spoken with the petitioner I am just wondering what their, if they have had any resistance to that.

Crecelius: This is the first of, let's see, a total of I think this is the third meeting now and this will be the first time that we will actually hear from the petitioner and how they feel about dedicating temporary right of way.

Guerrettaz: You haven't talked to them about that, Anne?

Crecelius: They have seen the packet but they have not expressed any specific concerns to us about it since PRC and Plan Commission Admin, so it is not something new to them. So, they have not expressed any concern but they are here.

Clements: Commissioner Thomas.

Thomas: I just wonder if we have somebody from Stormwater here to answer the questions raised by the neighbor.

Pardue: Can you hear me?

Clements: Yes, Mr. Pardue we can hear you.

Pardue: Sorry, I got cut off there. I guess the question about the temporary right of way, I don't think he has any concerns about that. There is plenty of space out there north to south so I don't believe there is any problem with that. For the other concerns that I know people are having with the roadway, we plan to work with the county on the proposed road and all of the things that go along with that in that back that plans on staying the drainage area and there will be a detention pond like in the northwest corner back there that is all going to be designed in the future.

Clements: Thank you, Mr. Pardue. Julie Thomas had asked for Kelsey Thetonia's comments about the drainage concerns. Kelsey, if you are here.

ADDITIONAL QUESTIONS FOR STAFF - REZ-21-2 – Blackwell

Thetonia: This is Kelsey. Before this one we haven't seen a design for it yet but it will have to meet the County Stormwater Management Ordinance requirement. This is the Jack Defeat Creek critical drainage area so it will have to meet the new stringent release rates. Since it is a Major Subdivision it will require detention pond on its on common area lot with basins to provide for maintenance and things like that. I have provided general requirements for it but we haven't really seen any plans for it yet.

Clements: Thank you, Kelsey. Commissioner Thomas has her hand raised again.

Thomas: Just to follow up I just want to make sure that the homeowner that lives up on the adjoining property is aware that her concerns are going to be met. I guess that is the main thing. She thinks we are only going to be looking at that property itself and not looking at the surrounding properties.

Clements: Kelsey, would you like to respond to that?

Thetonia: As far as the drainage goes designing that detention pond will have to take into account that entire drainage basin offsite and onsite discharge as well as looking at the downstream outlets.

Thomas: Thank you.

Clements: Thank you so much. Mr. Pittsford.

Pittsford: Thank you Madam President. Kelsey, madam, glad to have your expertise available. Flooding has been an issue in the county for a long time. So, my first question is are we talking about being downstream of the Town of Ellettsville? Secondly, if this were to be developed in the Town of Ellettsville, which does not have an MS4 Coordinator, would we see these kind of design standards required for flood mitigation? Thank you.

Thetonia: The Town of Ellettsville has its own separate MS4, so just to be clear that the MS4 is a state requirement is a state requirement for certain size towns and certain counties. As far as design standards the county standards with these release rates are some of the most stringent in the state, so they would not have to meet those standards.

Pittsford: Thank you for that and I am pretty sure they don't have an MS4 Coordinator. But you did not answer my first question and forgive my ignorance because geographically I should know this but this is downstream from the Town of Ellettsville. Is that correct?

Thetonia: Actually it will flow to the north, sir.

Pittsford: Ok, right. I was on the fence about which way that water flowed. So, yeah. This really has farther implication then literally just the adjacent properties. This could have an effect on the interior of the Town of Ellettsville. Would you say that is correct?

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Thetonia: Correct, which is why we labeled Jacks Defect Creek as a critical watershed.

Pittsford: And, which is why the county would take a very serious look at this because we have an obligation to protect municipalities that may not otherwise be able to protect themselves through their own design. Would you say that is correct?

Thetonia: That is correct.

Clements: Thank you both for those clarifications. Well, is there any further discussion among the Plan Commission?

Nester Jelen: Margaret, I will note that 2 attendees do have their hands raised. One has already spoken and I am not sure since we kind of skipped around a bit but we were already passed the point of discussion.

Clements: I hate to prevent a member of the public who has been sitting through this meeting so long their opportunity to speak. If there are 2 attendees that would like to speak, they have 3 minutes each.

Nester Jelen: Ok. One has already spoken so maybe we could ask a clarification point to see if they have anything they would like to add and then one is a new person to speak.

Clements: Ok, so the person who has already, I can't for some reason I am not able to see who has their hand raised but the person who has already spoken if there is a short clarification, because each member of the public is entitled to 3 minutes. So, is that Ms. Brielle? I just don't see the names for some reason.

Nester Jelen: Yes.

Brielle: Hi, I was just wanting to clarify and still just inquire about because it wasn't made very clear in the documents because they are hard to read in the packet about the drainage portion. I wasn't just concerned about the drainage portion. Obviously it has larger implications. But there already is a giant 100 year flood like runoff area drained behind all of those properties and that was one of the main concerns I think the other person had talked about is that there is a pretty decent slope increasing. I don't know when the last measurements were taken but it is due to these weather patterns and the last time actually a couple, what was it a month ago, this last flooding it was the drainage retention was all the way to the top and has already gone to the overflow, which there is 2 overflows in the neighborhood. So, we were more concerned about maintaining the vegetation in all of those areas as well because otherwise all of this is going to erode into it. That is like the basic of at least what I learned in school. Mr. Pittsford was actually one of my teachers. So, yeah, we are just very concerned about that.

Pittsford: Sorry about that.

Brielle: You are fine. We are wanting to know more about that with their plans as this goes forward because if they are going to remove some of that we still all feel like something should be put back

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or else the whole area could be lost as well to it all.

Clements: Thank you Ms. Brielle. Teresa, we would like to recognize you.

Teresa: Can you hear me?

Clements: Yes.

Teresa: I currently live on Geranium and I am one of the 5 houses that are one of the lots that they are talking about. I also have a concern why there are 6 compared to 5. I also wondered about whether or not there would be sidewalks that would continue, go across Carmola and I noticed that there are some areas that do contain water there during the rains. We also were very concerned about the trees and being about to keep some of them, especially the ones that are toward the back of their property and ours. One of the questions that I (inaudible) this is all new to me that whether or not this is just a single house resident thing and not multiple housing or patio housing or whatever. That is one of our major concerns too. We are fine on having the construction back there but we would like to maintain the quality of houses and the vegetation and the number of houses in that area. That is all that I have.

Clements: Thank you for showing up tonight and for speaking on behalf of your community. That is very helpful. Thank you. So, I bring it back to members of the Commission for further discussion. Mr. McKim.

McKim: Yes, actually this is a question for staff. I mean I think that question about what types of housing would be permitted in MR is a legitimate question. People are interested in that. Would you mind just kind of outlining what would and wouldn't be permitted?

Creceilius: Sure, so MR really can just dictate the density per lot, so we are still looking at single family residential. This conceptual design, again, this will all reviewed under a subdivision if this rezone was approved. It would be single family lots and there would as we already know as the MS4 Coordinator stated earlier that there is going to be very close attention to drainage toward the back. So, kind of overall we see this as being it is going to end up looking pretty consistent with the current zoning that we can see to the bottom right. If you can recognize that there is going to be a good amount of right of way taken from the Carmola and that back is probably going to be a good amount of drainage, these lots sizes are maybe going to be a little bigger than what is surrounding but it will be single family residential.

McKim: Thank you.

Clements: I would just like to clarify. If they request a 0 side yard setback, that would come before us again, it would be a matter of Plan Commission approval. Correct?

Creceilius: If they proposed more than 4 lots it would be a major subdivision and it would be seen by the Plan Commission. If they proposed 4 lots or less with no waiver requests it would be a Plat Committee decision.

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McKim: No, she was asking about a 0 lot line, about paired patio homes.

Clements: That is a conditional use so it would come before us and not just a matter of approval by staff.

Crecelius: Well, it is not a conditional use. It is a design that can only be platted.

Clements: So, the answer?

Crecelius: Larry can answer.

Wilson: They would have to plat the lots that would qualify for that on their subdivision, which would be again, if it is more than 4 lots it would be a major subdivision and it would go to the Plan Commission for approval.

Clements: Ok, that is what I wanted to know. Is there any further discussion among members of the Plan Commission? Did I see another hand raised?

Nester Jelen: I don't see anyone, Margaret.

Clements: Ok, I just want to say that I don't think it is really ready to waive the final hearing. We have had some items here that were discussed that I don't think we have enough details at this moment to waive the final hearing, so just want to put that out there if someone would like to make a motion.

Guerrettaz: Margaret, what details are you missing for a rezone petition? This isn't a subdivision petition. This is a rezone petition. I am wondering what you are missing.

Clements: Normally, we hear more details about drainage. Normally we hear more details about road. We see more in terms of a design. I don't know. It seems as though it is pretty thin. Ok, Mr. McKim?

McKim: I am going to agree with Bernie on that one. This is the rezone. I would agree that when we get to the point of platting we would hear all of the details but this is simply about changing the zoning classification. So, in my opinion we have enough information to make that decision.

Guerrettaz: The reason why I asked that is it is a rezone that I think looks very consistent with what the surrounding neighborhood is, Carmola Drive, all of this area off of North Smith Pike, you have got Java Heights that started in 2000 and there has been a pretty good transition. Carmola Drive is going to be improved. It sounds like it is going to be a county improvement and they are agreeing to all of that. That is the only reason why I asked the question. It isn't to take exception to the question it is just to wonder what you are missing truly.

Clements: Ok, well, thank you Bernie.

Guerrettaz: I can make a motion, if you are ready.

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Clements: I am ready.

FURTHER QUESTIONS FOR STAFF - REZ-21-2 – Blackwell

Guerrettaz: In the matter of REZ-21-2, Blackwell Rezone from AG/RR to Medium Density Residential, this is the Preliminary Hearing, I move that we send this petition to the Executive Board of County Commissioners with a positive recommendation, subject to staff report and the conditions that the MS4 and the Highway Department have put forth including, the dedication of the temporary right of way as defined by the roadway plans for Carmola Drive illustrated and discussed by staff. I also make a recommendation that we waive the final hearing and move this onto the County Commissioners.

McKim: **Second.**

Pittsford: I will put a Third on that with compliments to Bernie, great motion.

Wilson: The motion is to send a favorable recommendation to the Monroe County Commissioners in regard to REZ-21-2, Blackwell Rezone from AG/RR to MR for the real estate located at 4050 West Carmola Drive, subject to the conditions set forth in the motion, based on the findings of fact, subject to County Highway and MS4 Coordinator Reports and with the condition that they submit a written commitment dedicate a temporary right or way to the county for future Carmola Drive improvements. The motion includes a motion to waive the final hearing and send this directly to the Commissioners with a favorable recommendation. Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

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Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: The motion is approved by an 8 to 0 vote.

The motion in case REZ-21-2, Blackwell Rezone from AG/RR to MR, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of sending a positive recommendation to the County Commissioners, with condition of approval and waiver of final hearing attached to the motion, carried unanimously (8-0)

NEW BUSINESS

7. SPP-21-3

**Emerald Trace Subdivision Amendment 2 Preliminary Plat
Street Tree Waiver Request.**

Preliminary Hearing.

Waiver of Final Hearing Request.

Seventeen (17) parcels on 20.0 acres located in Section 22 of Perry Township at E Kylie CT and S Amber DR.

Zoned RE1. Contact tbehrman@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: I am actually going to present this for Tammy tonight. As Ms. Clements stated, this is a request for a Street Tree Waiver, which we will describe a little bit and note that this subdivision is completely built out so all of the homes, all of the lots that could have homes on them have now been constructed. So this is kind of an as built subdivision request. The request is to allow for a Preliminary Plat Amendment for a Street Tree Waiver. It is not that they don't want to put in the street trees or actually going to be putting in or have put in 71 trees but they are required to put in 66 trees within the right of way which is between the edge of the curb and the beginning of the sidewalk. Because of utilities and the timing since 2005 and now going in and placing the trees there are utility conflicts so they are asking to locate those trees both inside and outside of the right of way in the locations as shown in the packet but they are providing 5 more trees than what was originally required. The goal of this is to finalize and to ask the Highway Department to accept the roadway if they can meet all standards. This is part of the standards that they would be held to in order to get the roadway accepted as well as the compliance with the manual of construction in the right of way which is a highway document and then also the bioretention and any stormwater features would also be approved by the Highway Department MS4. The Plat Committee heard this and forwarded a positive recommendation with 2 conditions as stated in the staff report. Just a location here, we are at Perry Township right off of Harrell. Here is an older aerial. I think this is a 2016 aerial of the site and as I mentioned it has been completely built out with the exception of this spot where my curser is on the corner of Kylie and Amber, that is actually the detention pond, which won't be constructed any homes on because it is a common area. Here is a more updated aerial and as you can see there are street trees along the area. Some of them between the curb and the sidewalk and then others are a little bit behind but within the 5' requirement to be counted as a street tree. You will also note this is a good image to show there are some lots that do not have any street trees at all and that may be as a result of other utility conflicts such as irrigation systems, the gas line is certainly a conflict and other concerns. This is what the preliminary plat was approved as showing 66 trees and they are highlighted in yellow. My curser is showing the sidewalk and then right here the curb. So, they were originally approved to be located within the right of way. Instead what they are showing us is the street trees are located and shown in red along the right of way but most of them are located actually in this common area as a way of avoiding those utility conflicts and also meeting the minimum requirements. Staff has also checked. The street trees species and made sure that they are compliant with Chapter 830, so this is simply a request to allow for a varied location of the street trees in this subdivision and the view of this shot Tammy had taken before just kind of looking at these lots 11 through 13, which do not currently have street trees located on those. This is the petitioner's letter just requesting the

waiver and then we also have the comments from both the Highway and Stormwater. So, just a note of clarification, tonight's request is to ask the Plan Commission for a revision preliminary plat amendment and it would only address the street trees. There are additional requirements that have to be met beyond the Plan Commission in order for the roadway to be accepted. This is just one step in that process. There are some other benchmarks that they have to meet in order to get their Letter of Credit back for \$90,000 and so they are aware of what those limitations are on the subdivision, what they have to complete in order for it to be accepted, so even if the Street Tree Waiver is approved they still would not automatically get the road accepted. It would have to still meet these other requirements. They are listed up here on the screen. I believe that there has been an inspection since this date by Stormwater and plenty of correspondence with the Highway Department was well. All of that to say the staff recommendation for this one, we are recommending approval of the Preliminary Plat Amendment and Street Tree Waiver based on the findings of fact, subject to MS4 Coordinator and Highway Engineer reports with the following conditions;

- 1) Complete all public improvements before April 1, 2022. Submit an as-built of all public improvements once complete.
- 2) Submit a final, modified HOA document for recording.

Since this packet has gone out we have had some correspondence with their attorney and they do have an HOA document from 2010 that we believe was modified enough to staff's satisfaction, which is allowing for fees to be collected and common areas to be maintained by the neighborhood if and when this gets accepted by the county and even as of now. Any questions from the Plan Commission?

CASE NUMBER	PROPOSED NAME	DETAIL
SPP-21-3	Emerald Trace Preliminary Plat Amendment 2	Preliminary Plat Amendment for Street Tree Waiver request

The Subdivision Control Ordinance shall be interpreted, administered and enforced in a manner that is consistent with Chapter 850-3.

RECOMMENDED MOTION	Approval	Planner: Tammy Behrman
<i>Recommended Motion Conditions or Reasoning:</i> Approve the street tree waiver as the petitioner has provided adequate findings and demonstrated hardship with the following requirements: <ol style="list-style-type: none"> 1. Complete all public improvements before April 1, 2022. Submit an as-built of all public improvements once complete 2. Submit a final, modified HOA document for recording 		

QUESTIONS FOR STAFF – SPP-21-3 – Emerald Trace

Clements: I don't see anyone. Is there anyone that would like to ask questions of Planning staff? Ok. We move then to the petitioner or the petitioner's representative and you have a combined 15 minutes to make a statement about the purpose of this petition.

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PETITIONER/PETITIONER'S REPRESENTATIVE – SPP-21-3 – Emerald Trace

Nester Jelen: I believe the petitioner, Cathy Bomgardner and Katie Stein are both here. Is there anyone else that needs to speak on behalf of the petition?

Bomgardner: I think Katie was going to speak.

Nester Jelen: Ok.

Stein: Jackie.

Nester Jelen: Yes.

Stein: Can you hear us? Ok. Thank you. This is Katie Stein with Smith Design Group. Thank you Jackie. Myself and Cathy Bomgardner, I don't know if Mike Carmin is still on here, he may or may not be but he was also part of this. So, yes, thank you. Again, this is Katie Stein, Smith Design Group. We are the engineers for the Emerald Trace Development and we have been working with Dan Moore, the developer and Cathy Bomgardner to get the tree location preliminary plat revised and street tree waiver. Mike Carmin has been working with the developers on the HOA documents like Jackie has mentioned and the developer has been working very closely with the Highway Department and Planning staff to finalize those items that Jackie went over to get the subdivision completed into final acceptance. With that I don't have anything else to add but happy to answer questions you guys may have. Thank you.

Clements: Ok, thank you. Is there anyone else on the petitioner's team who would like to speak? If not, we are going to go to the public and those in favor of this petition, please raise your hand or press *9 on a telephone if you would like to speak for 3 minutes. I see that there is one attendee who would like to speak in favor and that is Ann Wymore. Ann, if she could be unmuted and you have 3 minutes.

SUPPORTERS – SPP-21-3 – Emerald Trace

Wymore: Yes, I only just had a question. I am one of the residents that would be a part of or would pay into the HOA and I just wanted to understand what changes are pending on the HOA. Is it simply as Jackie said that the document will establish a mechanism for us to raise funds to maintain the detention pond or was there anything else that would change in the HOA agreement?

Nester Jelen: Ann, I will address this as best as I can from my correspondence with Mike Carmin. Certainly we had been under the initial understanding that when the subdivision was approved and the HOA was in place there was a needed revision to address a little bit more of the collection of fees and that was done in 2010 so if you purchased a property in the Emerald Trace Subdivision post 2010, nothing is changing in your HOA documentation. That should all be recorded and referenced in your deeds and you should be able to have an access to that through the Recorder's Office and I would be happy to send that anyone that is in this subdivision or Mr. Carmin, legal representative can also best explain that. I think they are going to host a meeting soon of the neighborhood and kind of go through anything that is going to be kind of changing. Even though

it is in writing in 2010, I think that they are discussing some changes to align more with that document. But again, I don't know if Katie wants to address anything or I think Mike Carmin is already off the call.

Stein: Jackie, so this Katie Stein. I did get an email this afternoon from Mike Carmin who has been working directly with the developers on this and basically not to reiterate but they do plan to have a meeting, neighborhood meeting with everybody and explain all of this here in the near future. It is just not quite part of this petition here tonight but they are planning not having that meeting with everybody who was able to attend.

Wymore: Great. Thanks for clarifying.

Clements: Thank you. Thank you Katie. Thank you Anne. Is there anyone here that would like to speak in opposition to this petition? I saw another hand raised that was lowered and I didn't know if that was because they wanted to speak in opposition to the petition, so please raise your hand or press *9 if you would like to speak in opposition. I don't see anyone. I bring it back to members of the Plan Commission for further discussion and/or a motion. Oh, Mr. McKim. I am sorry. Your hand blends in with your books.

REMONSTRATORS – SPP-21-3 – Emerald Trace: None

ADDITIONAL QUESTIONS FOR STAFF - SPP-21-3 – Emerald Trace

FURTHER QUESTIONS FOR STAFF - SPP-21-3 – Emerald Trace

McKim: That's ok. I was just going to make a motion, so I guess I should pause and see if anybody else has any comments.

Clements: I think we are ready for the motion.

McKim: **In the matter of SPP-21-3, Emerald Trace Preliminary Plat Amendment 2, Preliminary Plat for Street Tree Waiver Request, I move we approve the request, approve the Street Tree Waiver, as the petitioner has provided adequate findings and demonstrated hardship, with the following requirements;**

- 1) Complete all public improvements before April 1, 2022. Submit an as-built of all public improvements once complete.**
- 2) Submit a final, modified HOA document for recording.**

With Waiver of Final Hearing.

Thompson: **Second.**

Clements: Ok, Mr. Wilson, if you would unmute and call the roll.

Wilson: The motion is on petition SPP-21-3, Emerald Trace Preliminary Plat Amendment, including a waiver of Street Trees, including a waiver of the final hearing. This will be the final hearing in regard to preliminary plat and street tree waiver, based on findings of fact and subject

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to MS4 Coordinator and Highway Engineer reports and subject to the following conditions; complete all public improvements before April 1, 2022 and then submit an as-built of all public improvements once complete. Submit a final, modified HOA document for recording. Again, the motion is to approve based upon with the conditions. Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: The motion is approved by an 8 to 0 vote.

The motion in case SPP-21-3, Emerald Trace Subdivision Amendment 2 Preliminary Plat, Street Tree Waiver Request, Preliminary Hearing, Waiver of Final Hearing Request, in favor of approving the requests, with conditions attached to motion, carried unanimously (8-0)

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Clements: We have reached the hour of 9 o'clock, so it is by consensus that we go forward or we end the meeting. So I would like to solicit my fellow colleagues here about how you would like to whether you, we still have some items on the agenda and in order to go forward I think we need to have, is it a unanimous vote to go forward or is that the City's rules?

Nester Jelen: It is a majority vote.

Clements: It is majority, ok. Thank you.

Pittsford: **I move continuance of the meeting for the balance of one hour.**

Clements: Is there a second?

Thompson: I will **second**. I can't be here on Thursday, so I will try and help us through.

Clements: Thursday doesn't pertain to this, right?

Wilson: It does.

McKim: Yes.

Wilson: Any overflow from this meeting goes to a Thursday meeting of the Plan Commission where the hearing will be continued to that date. We set that in advance so that to carry over items to the Thursday meeting and clear the agenda.

Clements: So, Thursday of this week?

Wilson: Yes.

Clements: That would be impossible for me. So, Commissioner Thomas.

Thomas: I think Jerry's motion was not clear because he used the word "continuance". Usually when you continue a meeting, you are moving the remainder of the meeting to another date, so I wanted to be clear about what he is proposing.

Pittsford: Yes, thank you Commissioner Thomas. That was not a good choice of words. I am going to **rescind my motion and make a new motion for an extension of this meeting for a period not to exceed one hour.**

McKim: **Second.**

Wilson: Ok, I will call the roll on the extension. Again, a vote in favor is a vote to extend the meeting not to exceed 1 hour. Amy Thompson?

Thompson: Yes.

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Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: No. Matter of clarification, if we don't get through the petitions can revisit extending it again or does Jerry's motion limit us from doing that?

Pittsford: It does not.

Guerrettaz: Ok, yes.

Wilson: Geoff McKim?

McKim: I swore I would vote no but I am going to vote yes.

Pittsford: Liar, liar, pants on fire.

Wilson: Ok, Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: **8 to 0 to continue on with the meeting.**

NEW BUSINESS

8. SPP-21-5

**Ridge Line Major Subdivision Preliminary Plat
Preliminary Hearing.**

Waiver of Final Hearing Requested.

One (1) parcel on 25.7 +/- acres located in Section 26 of Richland Township at 2161 N Angelina LN.

Zoned LI. Contact: acrecelius@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Crecelius: This petition site is a little more than 25 acres. It is currently zoned Light Industrial. It is vacant. There is currently a vacant home on the property. The petitioner is proposing a 2 Lot Preliminary Plat with the future intent of LI permitted zoned use. A little bit of background, in 2004 this parcel and the building to the south, which a lot of you I sure recognized as the Printpack site. They were rezoned from AG/RR to Light Industrial. The 2 lots were created in 2009. Proposing to subdivide 1 lot into 2 buildable lots. This petition does not have any waiver requests. This is a Major Subdivision because there are even though it is only 2 lots, there are road improvements that are required in order to subdivide, which kicks it into the Major Subdivision process. It is a little different than what we normally see with the Major Subdivision, if the Preliminary Plat is approved the petitioners can move forward with preconstruction of site preparation. Right now their intent is only to develop if the subdivision is approved to sell and develop the northern lots. I am not sure if they are going to have preconstruction because it is an LI zone so matter any commercial use that goes in it is going to require a site plan, so I am not sure if they have any preconstruction site preparation that we would see with the normal Major Subdivision process like a residential subdivision. They will be required to bond for required site improvements, sidewalk construction and street trees. The Comprehensive Plan does designate this area has Employment and in the proposed zoning of 2016 they recognized this area as the Westside Employment. The zone is described as employment oriented uses that include Light Industrial, Manufacturing and Assembly, Research and Development Facilities, Office Space, other types of commercial use that may not be easily integrated into a mixed-use environment. Site conditions on the top left, mainly an agricultural field right now. We have a railroad that surrounds the north and west side of the property. There is an existing cul-de-sac towards the south end of the property off of Angelina Drive. The home, as I said is currently vacant with a pond behind it. In addition to the home there are multiple residential accessory structures as well. It does have access to sewer and water lines. With the cul-de-sac on North Angelina Lane it is a designated local road, there is already curb and gutter in place. The petitioner's representative did do a geotechnical report already and although they identified some areas that were depressed and kind of looks like it might be a karst, they did not find any karst features. The site is located within a critical watershed called Jacks Defeat and most of the slopes are under 15 percent. Stormwater has commented that a Rule 5 will be required under the Major Subdivision. The road extension, the road improvements that are required for this all lots are required to have a certain amount of frontage along a county road, so the plans will be to, that road improvement that I mentioned is the existing cul-de-sac will have to be removed. The road will be extended to the north and a final cul-de-sac will be put in with no future expansion. With that improvement, the road extension, the removal of the cul-de-sac and then the creation of a new cul-de-sac it will require a new stormwater

infrastructure plus a detention basin and water quality treatment. Stormwater has received a preliminary drainage plan. They state that the area drains north toward the railroad tracks. They have some recommendations. I can include this a little later on. This is the proposed preliminary plat. We can see the removal of the existing cul-de-sac and the extension with the creation of the new cul-de-sac and street trees. A slightly closer look at the road improvements to Angelina Drive and the detention basin the will be required here. CBU has a lift station, this faint structure right here. They have comments on this petitions and I will get to that in a second. So, back to MS4 Coordinator. They have requested a wetland delineation. Address other staff questions that they had. This is the preliminary hearing, so we do expect to have some of these issues addressed by the next time we see this in the September meeting. The Highway Engineer has reviewed the preliminary plat. They have responded to their plans already and have updated it per Paul Satterly. So, that has been met. CBU went ahead and said that they did have some considerations. That they need to have driveway access, that there is some infrastructure that will either need to be protected or adjusted to whatever the finished grade is going to be. As of today, I did not see a response to those comments so I will except to see that for the next meeting for the final hearing. Overall recommendation for this petition is a positive recommendation of the Major Subdivision Preliminary Plat based on the findings of fact and subject to the Highway Engineer and MS4 Coordinator reports with the following conditions;

- 1) Driveway entrance locations are identified and sidewalks are shown to extend for the road frontage on the preliminary plat.
- 2) Address CBU comments.

Does anyone have any questions?

RECOMMENDATION

Staff gives a positive recommendation of the Major Subdivision Preliminary Plat based on findings of fact and subject to the Highway Engineer and MS4 Coordinator reports with the following conditions:

1. Driveway entrance locations are identified and sidewalks are shown to extend for the road frontage on the preliminary plat.
2. Address CBU comments.

FINDINGS OF FACT - SUBDIVISIONS

850-3 PURPOSE OF REGULATIONS

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

Findings

- The site is currently zoned Light Industrial (LI) and allows for permitted commercial uses the LI zoning district;
- Approval of the subdivision would create 2 lots that would meet the requirements for LI zoning district;
- Proposed lot 1 would be 10 acres with 9.49 acres of buildable area;
- Lot 1 currently contains and single family residence which is a pre-existing non-conforming use;
- Proposed lot 2 would be 15.79 acres with 14.65 acres buildable area;
- Both lots would have access to N Angelina Lane after the construction of the road

- extension by the petitioner;
- Angelina Lane is a local road per the 2016 Thoroughfare Plan;
- The property does have a capacity letter from the City of Bloomington Utilities for water and sanitary sewer;

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

Findings

- The Monroe County Urbanizing Area (MCUA) Plan designates the property as Employment (Phase I) and Westside Employment (Phase II) districts;
- Employment areas are intended for “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”;
- And “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”;
- Phase II states that the Westside Employment district is intended to include “existing office and industrial flex buildings and is intended to accommodate additional infill and redevelopment of these uses, and benefit from Tax Increment Finance district opportunities”;
- See findings under Section A;

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

Findings

- The property is currently developed with SFR;
- The property adjoins a railroad line and a lift station serviced by CBU;
- Parcels directly adjacent are zoned Light Industrial and are either vacant and undeveloped or are a commercial use;

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

Findings

- Approval of the subdivision would create two (2) buildable lots that meet the design standards required by Chapter 804 for the LI zoning district;
- See findings under Sections A & C;

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

development).

Findings

- The petitioner received a will serve letter from the City of Bloomington Utilities for sanitary sewer and water;
- There are no known karst features on the property;
- Drainage has been preliminarily reviewed by the MS4 Coordinator;
- The design standards for this parcel requires 20% open space;
- See findings under Sections A & C;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

QUESTIONS FOR STAFF – SPP-21-5 – Ridge Line

Clements: Mr. Pittsford.

Pittsford: Thank you Madam President. I actually have 3 questions, or 2 questions and a comment. Is CBU extending services to this even into Richland Township?

Crecelius: Services are already available at this site.

Pittsford: But they are extended by CBU.

Crecelius: Yes.

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Pittsford: Ok, so this is outside of Eastern Richland's district for service. So, the water is City of Bloomington and the sewer if City of Bloomington.

Creceilius: Correct.

Clements: That's correct, ok.

Pittsford: Just double checking. I have got a couple more.

Clements: Ok.

Pittsford: Thank you. I know there is a railroad nearby, is there a proposed railroad spur to this property to allow them to have railroad access?

Creceilius: That is nothing that I have heard of. I haven't seen that in any plans. So, no.

Pittsford: Ok. Well, I know the railroad runs by Printpack. Is that correct?

Creceilius: It does. Yes. It is on the north and east side.

Pittsford: Ok, so there is a possibility for that. Yeah, that is what I thought. Ok, and then the last thing I would note is that unfortunately for these folks that have been there for decades this area the employment industrial complex of left side of Bloomington has extended into Richland Township, so I don't think we can really look at this property as Rural Residential any longer. That is my comments. Thank you.

Clements: Commissioner Thomas.

Thomas: Yes, I am just wondering if before the next meeting we could get some more details on the karst and wetlands. I am really curious to see what they found. That is going to make a big difference as to whether this is viable for building and there are certainly some things to be drainage wise to help. But this whole area from here and westward is really riddled with a lot of karst and a lot of the folks that have homes in this area have, Jackie and I went out to one of these resident calls, it is problematic. I am really curious about what they studied, what they found, so if you could include that, that would be awesome, thank you.

Creceilius: Thank you. I can definitely ask for that copy of the geotechnical report and we can definitely find out if they have that wetland delineation yet or not.

Clements: Thank you. Are there any other questions or discussion from members of the Commission? If not is the petitioner or the petitioner's representative here? If so, you have 15 minutes.

Creceilius: We would be looking for Daniel Butler from Bynum Fanyo.

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PETITIONER/PETITIONER'S REPRESENTATIVE – SPP-21-5 – Ridge Line

Butler: Hi, everyone. Can you hear me? This is Daniel with Bynum Fanyo.

Clements: Yes.

Butler: I wanted to clarify Julie's comments. That wetland and karst study should already be a part of your packet. That was done by Hydrogeology and to my surprise there was no karst features found on the site. I assumed that there would be. There would none found. That is already a part and that is already finished as part of this project. The petitioner, the owners are with me on the call, Jeff Wilsey, and he can also answer any questions. They are on a bit of a tight timeline on this particular subdivision. So, that was approved at Drainage Board with those conditions of approval that I believe have been met to my knowledge and we are hoping to proceed without a final hearing if possible.

Clements: Thank you Daniel. Is another member of the petitioner's team with and would they like to speak?

Wilsey: Yes, this is Jeffrey Wilsey. Can you hear me?

Clements: Yes.

Wilsey: Yes. There was one comment regarding the railroad spur. There has not been any spur been requested. That is not part of the eventual owner's plans and of course there will be a site plan submitted subsequent to this process.

Clements: Ok, is the petitioner and the petitioner's representative finished with their presentation to the Plan Commission?

Butler: This is Daniel again. The only other thing I wanted to mention was that road and the intention on that and staff can correct me if I am wrong here but the intention on that road extension was to bond for the entirety of it upfront so that we are able to subdivide the property with the intention that would be constructed soon after the actual subdivision of the property so that I think some of the proceeds or some of the ability to do that would be coming from the subdivision sale of one of the properties.

Wilsey: I would just like to mention in that regard the norther property, Center Point Energy, the purchaser of this property, once it will be platted it will be sold to them and I have a letter from them that states that they acknowledge, that Center Point Energy acknowledges responsibility to extend the road infrastructure prior to construction of the proposed building to be located on the lot purchased from Ridgeline Incorporated. So, there is a commitment with them as required. I would just say as Daniel mentioned, I think that the answer to the wetland issues and the hydrology, the karst conditions have been submitted in your packet.

Clements: Thank you. Mr. Pittsford.

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Pittsford: Yes, thank you Madam President. I just had a quick question for Mr. Wilsey. Was there never an intention to extend the rail line to any of the adjacent properties or is this a decision based on the fact that the current proposed owner has no interest in the rail spur?

Wilsey: No, I have never heard, the railroad was put in, in order to reach the quarry to move stone and get trucks off the highway. The reason that that railroad was constructed by Indiana Rail and they used the right of eminent domain to obtain the right of way to the farm, I have never heard of a proposal to extend that to any other site. I know the 2 purchaser of these 2 lots have no plans as far as I have heard and Printpack has heard expressed any interest in a spur. So, I think the answer is as far as I know to the best of my knowledge there is no intent, never was.

Pittsford: Ok, thank you very much, Mr. Wilsey and Sunrise Greetings forever, right.

Wilsey: That's right. I have great memories of your family.

Clements: Thank you.

Nester Jelen: I will just make a quick note about the karst study and wetland delineation in the packet, I don't seem to see it as an exhibit in the packet. I will make sure that we get hold of it and make note of that if it's continued to the next meeting we will include it in the next packet.

Clements: Ok, thank you. Is there any further discussion, any questions for the petitioner from members of the Plan Commission? If there not, we will go to the public. If there are members of the public who would like to speak in favor of this petition, please raise your hand if you are on zoom or if you are calling in please press *9. Ok, I don't see anybody. Do you, Jackie?

Nester Jelen: No.

Clements: Are there any members of the public who are opposed to this petition? If so, please raise your hand or press *9 if you are phoning in. So, I bring in back to members of the Plan Commission for further discussion and/or a motion.

SUPPORTERS – SPP-21-5 – Ridge Line: None

REMONSTRATORS – SPP-21-5 – Ridge Line: None

ADDITIONAL QUESTIONS FOR STAFF - SPP-21-5 – Ridge Line

Clements: Mr. McKim?

McKim: I am prepared to move forward with this with a motion but I defer to any of my colleagues with any outstanding comments or questions. This is part of the county's west side economic development area and I am always excited to see additional growth of employment in these areas that are designated as employment zones.

Clements: I just feel that the packet is incomplete and also not appreciating the timeline pressures.

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With an incomplete packet and with pressure I am just feeling a little bit reluctant to move forward with it right now. Although I share your enthusiasm for the development of that economic development zone. Yes, Commissioner Thomas.

Thomas: I would also agree that this packet is incomplete. If somebody makes a motion I am going to have to vote no and I don't want to have to vote, so I would prefer it if we would wait till September until we have more information on this. This is really an important part of understanding this property and making sure we are protecting everyone in the area.

Clements: Mr. McKim.

McKim: Would continuing it to the Admin. Meeting be an acceptable compromise?

Thomas: If we can get the report. I don't seem to know where it is. Nobody seems to know where the report is. I am having problems with my connection. Nobody seems know where the report is and it really is an important part of this packet. So, if we can get the report in, I would be fine with that because there are other items on this agenda that if we would just get down to a few then we could just move this to our Admin. Meeting and not have to meet on Thursday as I also have other commitments for other reason since I responded to that survey.

FURTHER QUESTIONS FOR STAFF - SPP-21-5 – Ridge Line

McKim: Ok, **I move in the matter of SPP-21-5, I move that we continue this petition to the September Admin. Meeting on**, somebody give me the date...

Wilson: I believe it is the 7th, I believe. Is that correct, Jackie?

Nester Jelen: Yes, September 7th.

McKim: **September 7th.**

Thomas: **Second.**

Pittsford: If I can have a point of clarification before the vote, please.

Clements: Yes, Mr. Pittsford.

Pittsford: I thought that we had decided that the Admin. Meeting was not appropriate for making final determinations.

Clements: I seemed to have missed an email or something because I know that on Thursday I am not available for a meeting that begins that extends beyond like 5:45. I am planning to be the alternate for Amy Thompson for the Plat Committee but that begins at 4 o'clock and I have another commitment at 6 so I seemed to have missed the straw poll as to whether or not whether or we are available on Thursday for continued items. But that being said the meeting can take place without me.

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Pittsford: Well, that notwithstanding I thought that we had previously discussed that the question of whether or not it was appropriate to take final actions at Administrative Meetings because our normal meetings were meant for final action and we have gotten into a pattern of doing a final action at Administrative Meeting which were not meant for that.

Thompson: That was my understanding as well, Jerry. Administrative Meeting were intended for information and discussion.

Pittsford: I am always willing to be corrected Amy. Thank you.

McKim: I think it is generally true. It has generally been a practice. But I think as well as we advertise it appropriately to the public that we plan to take action I guess I don't see a problem.

Pittsford: I don't see a problem either Geoff and thank you for bringing that up, as long as we advertise it appropriately. We have had very long dockets, so if we just very simply going forward our dockets lighten up a little bit we can just simply say what the filing intention for any hearing is would be acceptable to me but I just didn't want to lose sight of the previous discussion.

Clements: I would just like to make a point of order that we are in an extended hour and so let's try to be efficient with this hour because I am fading, frankly and I would like to either take a definitive action on this particular item that is on the floor. So, it is either to continue it to the Admin. Meeting or some other motion, so whoever made the last motion, please repeat it and clarify it and we will vote on it?

Pittsford: Madam President, you have a motion and a second for a continuance.

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

Wilson: The motion is to continue the hearing on SPP-21-5 to the September 7th Administrative Meeting of the Plan Commission. Is that correct?

McKim: Yes.

Wilson: The motion is to continue the hearing on SPP-21-5 to the September 7th Admin. Meeting of the Plan Commission. The hearing will resume on that date and there will be an opportunity for individuals to comment and add evidence to the record at that point in time. Again, a vote in favor is a vote to continue the hearing to that date. Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

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Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: The motion to continue is approved by an 8 to 0 vote.

The motion in case SPP-21-5, Ridge Line Major Subdivision Preliminary Plat, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of continuing case to September 7th Administrative Meeting of the Plan Commission, carried unanimously (8-0).

NEW BUSINESS

9. SPP-21-4

Hays 1st Addition Major Subdivision Preliminary Plat Amendment 1 Sidewalk Waiver and Street Tree Waiver Request

Preliminary Hearing.

Waiver of Final Hearing Requested.

Two (2) parcels on 0.42 +/- acres located in Section 17 of Perry Township at 3669 S Hays DR (parcel no. 53-08-17-407-009.000-008 and 53-08-17-407-009.000-008). **Zoned RM15.** Contact dmyers@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: As stated the location of this petition site is 3669 South Hays Drive. It is Lot 12 of The Hays 1st Addition Subdivision. This petition is for a 2 lot, if you will, 2 lot Major Subdivision, it is an amendment for these 2 lots. The subdivision is already built out. Essentially what happened, if you go to the next slide Jackie, essentially what happened is that there were remnants of Lot 13 that were combined with the northern and southern lots of Lot 14 and Lot 12 respectively. Through time a portion, exactly 20' of the northern section of Lot 13 was absorbed by Lot 14 to the north and the southern portion, approximately 60' of Lot 13 was absorbed into Lot 12. This is all shown in the tax parcel record or the property tax parcel record, I should say. Basically because Lot 13 was absorbed into its neighboring lots, it has existed, not existed as a buildable lot for quite some time. Now a new owner has found that they want to re-establish Lot 13 as a buildable lot of record in this subdivision and there is enough space in the subdivision to still meet the minimum lot requirements for the zoning district, which is RM15. So, the appropriate process to do this would be to do a Preliminary Plat Amendment for the Major Subdivision for these 2 lots, effectively they are going to be creating a Lot 12A and a Lot 13A. Go to the next slide please. Here are some details about the 2 lots. They are going to be meeting the design standards for the RM15 zoning district. It is going to be serviced by sewer. This subdivision is already built out. There will be some right of way dedication or there is existing right of way dedication, I should say. There is some concern for some steep slopes on the property but very minimal. There is still plenty of buildable area. On Lot 12A there is a single family resident but the newly established Lot 13A is currently vacant. Here is a location map. You can see it is on South Rogers Street and West Gordon Pike. Moving through some of these maps here. We have the slope map as well as the site conditions map. It is located in the western Clear Creek critical drainage basin. All infrastructure is already on the site. It is also adjacent to the Bloomington Rail Trail. We will get into that a little bit more here in a bit. Here is some aerial imagery of the site. You will see the vacant lot and smaller lot, Lot 13A. Here we have some images of the property. The left photograph the 2 trees on kind of Lot 12 and in the distance you will see the petition sign, that is the proposed Lot 13A. Looking backwards here on the right photograph. These 2 photographs here on the screen are of the would be Lot 13A. More photographs here of Lot 13A and then these 3 photographs are actually taken from the Bloomington Rail Trail. So, in the staff recommendations that I will get to there is a recommendation on establishing a 10' pedestrian easement to add some connectivity to this Rail Trail. However, you will note there is some issue with the feasibility with this easement. It has got a lot of brush and there is some slope area, so these pictures are taken almost directly behind what would be Lot 13A. Here we have the Preliminary Plat Amendment document. On the next slide I have it zoomed in so you can see more detail of the 2 subject lots in particular. Planning staff will

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be recommending some sort of pedestrian easement to be established anywhere on either of these 2 lots to provide some connectivity to the Bloomington Rail Trail, which has been prioritized by the County Commissioners to provide some extra connectivity to this area. Across the street, here is the Hays 1st Addition original plat, but I will say, across the street to the west of this subdivision is Batchelor Middle School. Here I added some new exhibits from that last Admin. Meeting when we heard this petition. All of the yellow that you see are existing sidewalks. You will see the tiny blue parcels towards the middle of the screen, that is the location side and then Batchelor Middle School is off to the west. So, all of that yellow is existing sidewalk. Purple is the Bloomington Rail Trail, which runs north/south to the east of the parcels and then the blue, dark blue is the Clear Creek Trail. This is with a scope of 1.75 miles. I zoomed in a little bit more to get a better idea. This is within 0.25 miles. Alright, so overall Planning staff recommends approval of the Preliminary Plat Amendment based on the findings of fact, subject to the MS4 Coordinator and Highway Engineer reports. Planning staff also recommend the approval of the Sidewalk Waiver and Street Tree Waiver with the following conditions;

- 1) Petitioner preserve or plant 2 street trees along Lot 13A as required by Chapter 856. This is because Lot 13 has feasible locations for street trees, while Lot 12a already has those 2 mature trees out in the front yard that would be affected by other street plantings.
 - 2) The petitioner record a 10 ft. wide pedestrian easement where feasible on either Lot 12A or Lot 13A.
- I will now take any questions.

CASE NUMBER	PROPOSED NAME	DETAIL
SPP-21-4	Hays 1 st Addition Major Subdivision Preliminary Plat Amendment One	2-Lot Preliminary Plat Amendment

The Subdivision Control Ordinance shall be interpreted, administered and enforced in a manner that is consistent with Chapter 850-3.

PLAN COMMISSION	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
RECOMMENDED MOTION	Approval with Conditions	Planner: Drew Myers

Recommended Motion Conditions or Reasoning:

Approve the Preliminary Plat Amendment based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance, MS4 Coordinator, and Highway Engineer reports.

Approve the sidewalk waiver request and the street tree waiver request with the following conditions:

1. Petitioner preserve or plant 2 street trees along Lot 13A as required by Chapter 856.
2. The petitioner record a 10 ft. wide pedestrian easement where feasible on either Lot 12A or Lot 13A.

PLAT COMMITTEE – July 15, 2021

This petition was forwarded to the Plan Commission with a vote to provide “no recommendation”.

DRAFT

QUESTIONS FOR STAFF – SPP-21-4 - Hays

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

Guerrettaz: I have got a quick question.

Clements: Yes, Mr. Guerrettaz.

Guerrettaz: My hand wasn't up. I'm sorry, Geoff.

McKim: No, go ahead Bernie.

Guerrettaz: Ok. So, petition to record a 10' wide pedestrian easement where feasible on either Lot 12A or 13A. The concern we had when we discussed this a couple weeks ago or last week was the heavy burden that a pedestrian path would be going down to the trail but the way that this is written this would, could you put the subdivision plat up, the petitioner's drawing, I guess based on the recommended motion that 10' easement could be along the frontage as well. Correct?

Myers: So, the intent of the motion is to provide some sort of access point for this subdivision to the Bloomington Rail Trail to create that connectivity that is being sought after by the County Commissioners. So, it is open for discussion how we want to go about it. There has been some resistance from the petitioner. Originally Planning staff had a recommendation to also have the construction of that easement done but we re-evaluated that burden and just now have the easement as the recommendation.

Guerrettaz: Thanks Margaret. That's all that I have.

Clements: Thank you. Mr. McKim.

McKim: Actually, my question has already been answered by that.

Clements: Ok. Is the petitioner here or the petitioner's representative? Is there any member of the public that would like to speak in favor of this petition? I see that one attendee has his/her hand raised. I don't know....

PETITIONER/PETITIONER'S REPRESENTATIVE – SPP-21-4 - Hays

Elliott: Can you hear me?

Clements: Yes.

Elliott: Hi, this is Dean Elliott. I am the petitioner.

Clements: Hi.

Elliott: Hi, there. First of all, long-time fan, first time petitioner. Thank you guys all so much for

putting in these hours tonight. I know that you all have your own lives and I personally appreciate what you are going through too, to get these thing accomplished. I really appreciate how the county is wanting to take care of the county. A couple of these images, if you look at page 57, can we bring that up? That is the one he had already up there. It shows where Lot 13A is already missing 20'. These lots were originally 80' through this section and 20' was given to the neighbor up to the north and so Lot 13A is already 20' narrower than what it was originally intended. All we are asking for is to kind of restore the 12 and 13 so the 13 can be a buildable lot. The pictures 57 through 61 from the B-line Trail looking up to the property, the description was 15 degrees, there we go. Those next couple of pictures and if you are looking up towards the property, I think it is the next one there, it is probably hard to tell from this image but it is greater than 15' and the property 13A does not even reach the trail. So, there is going to be a gap. So, essentially you are going to have a sidewalk to nowhere. It is going to go from Hays Drive to somewhere near the trail but it is not complete and the whole point was to make the thing look consistent. Now, I would like to show you the Hays Addition on page 66, if you could bring up page 66, ok. Do you guys have my image? Am I on zoom? Can you see me?

Clements: We can see the Hays Addition map.

Elliott: You do not see me.

Clements: You, yourself, a photo of yourself, you mean?

Elliott: Yes.

Clements: No, we do not see you.

Elliott: I don't know how to bring that up. Beg your pardon.

Tech Services: Sorry but video won't be possible on this format for now.

Elliott: Ok.

Pittsford: It would be if everybody switched to speaker view.

Elliott: Well, essentially what I wanted to show you I drew a diagram of this exact same addition, the Hays Addition. But essentially all of these properties along the B-line Trail already essentially have access to the B-line trail. The properties up here on Rogers do not have sidewalk and would have to use streets to get to any kind of connector sidewalk to our property. So, out of 40 properties in this Hays Addition, only 17 would actually benefit from having this connector sidewalk. My wife has a concern about safety in that putting a connector sidewalk between 12 and 13, 12, the driveway actually already comes up to the property line so that means it would have to come out of 13, which we are already threading a needle to try to get a house in there. So, I really feel like it is just an unreasonable burden to place on me to try to even put an easement in there. Not even build a sidewalk but just commit the space for an easement is, it just feels like an unreasonable request. I just ask you to give me the relief of that. It just, I am just a guy and I just want to take what was 2 pieces of property and is now 1 and I just want to put it back into 2, where 1 is smaller

and can be built on but its smaller and so putting a house on there in the first place is going to be a challenge. You take away 10' from me and I don't know how it is going to happen. I appreciate what you guys do. I just ask that you please let this thing go through and don't burden me with this easement.

Clements: Thank you Mr. Elliott. That was very elegantly put. Commissioner Thomas.

Thomas: Yes, just to catch everybody up. This is part of a larger movement going on to try to find some connectivity in this area for pedestrians because there isn't much and I will just make a note that this is not the B-line trail here. It is just a point of information. It connects to it. But anyway, I understand the issue with slope. I understand the issue with this isn't ideal. I hear all of that. What we are doing in the county is we have a proposal that is going before the County Council for a Geo-bond and Geo-bond includes engineering design right of way, partial right of way for some sort of walkway to bring people south Country Club area to Batchelor and the new library. We don't know where these engineers are going to say is the best place. We, I would guess that it is not going to say between these 2 properties and I would say that that is probably a very slim chance that is going to be an optimal way for people to get around. But we don't know that and rather than cutting off any opportunity that is why that is in here. But I can tell you that I don't think that is going to happen and I don't know if there is a way to maybe put this as a temporary ask for an easement that only lasts for a couple of years and then we drop it or something like that. I don't know if that is possible. Larry if you can help me with that. But that is why that is in there and it is just timing. It is all just timing right now. If you had brought this 6 months from now we would probably already be at the point where we would be like no, we don't need that and that would happen. But I do have question about whether you are ok with the recommendation from staff regarding the street trees.

Elliott: I don't have any problem with trees. That is not going to change the look of the neighborhood.

Thomas: Ok, just asking. Thank you.

Clements: Ok, well, I have my hand raised next and I am siding with the petitioner on this. I think it is undue burden. Although I do appreciate all of the results that the County Commissioners have achieved in building the trails. I really appreciate Julie Thomas', especially your effort in making such a successful and connective trail system. But at this point with this property and with what this gentleman is trying to do I think it is an unreasonable burden him and his request. That is the way that I feel and I understand how the timing here matters but it also matters for him. I find that like you said he is just a guy that wants to build a house there and he wants his family to be safe. I am not sure that easement belongs exactly on his property. So, that is my feelings about it but I see Mr. Trohn Enright-Randolph has his hand raised.

Enright-Randolph: I do. I just wanted to make sure I read that comment real quickly. I probably ran that trail over 100 times in the last year. I bike quite frequently too. Those improvements on West Gordon Pike are really nice. I mean this section of the Rail Trail is parallel with the new extension Bloomington's Building 2. I am hoping we keep the Rail Trail gravel. I was going to say that and if the City plans to pave the one that is parallel, great. It would be nice to make sure

stays crushed gravel. That is kind of outside of what my point is. I rode this, so I went around the around about and I went on Rogers Street heading north and boy, that is nerve racking. Super unsafe. It is not enjoyable. So, all of the people in the Hays Subdivision would have to take that same route. But if you look more toward Batchelor, toward the west and maybe if they could do some adequate road improvements there then all you have to do is cross the street. That is not so bad. So, that distance I have on connect explore pictometry is a distance of like 330' that like kind of spans the gap to get onto Gordon Pike, which then you have 2 points of access to the trail. The distance on the Rail Trail kind of to the back lot area is about 585'. I don't that is really going to impact our ridership or the use of that trail if we can somehow do road improvements to the west of South Rogers to create the little extension right where that service road or access road to Batchelor is and then they could just cross at the roundabout. I mean to put this burden on this one particular property owner seems a little much and I am huge on enhancing our ridership and enhancing our alternative network. But I don't see significant benefit outside of the Hays Subdivision. I understand the comment Commissioner Thomas was making but like if we do a temporary easement that dissolves if we don't chose to take action, it hinders the square footage that they have to develop on their property because they can't encroach on that easement. If that easement wasn't there that could be like a little accessory, you know, unit. So, it is a really hard choice here and I think I would not support the easement at this point.

Clements: Thank you Mr. Enright-Randolph. Lisa Ridge.

Ridge: Thank you and I will keep this really brief. I know this easement request came through our department. I think over the years we have missed a lot of opportunities when it comes to connectivity and with development. This was an opportunity that came forth. I agree with Julie it was all about timing. We don't have all of the answers for this area yet but we wanted to look at all avenues of what was possibilities. We were not looking to hinder the property owner at all. We just did not want to miss something that is going to get people connected to the library and the school system in a safe manner. I know the service road looks really easy to cross to but also you have to think about things like mid-block, crossings at roads such as Rogers Street. We will look at all avenues but it was just an auction and I know it came from our department and like I said we did not want to miss an opportunity for connectivity for pedestrians. We will support any way, you know, the direction the Board goes.

Clements: Thank you so much, Ms. Ridge. That is reassuring to hear that we are not killing options that are important to the county by trying to help this home owner. Having heard this, I would like to make sure that I have entertained all comments from the public. Are there members of the public that would like to speak in favor of this? I don't remember because I am fading, as to whether or not I did that yet. If not, are there members of the public in opposition to this? Do we see any hands raised? I bring it back then to the Plan Commission. We can either discuss it further or entertain a motion.

SUPPORTERS – SPP-21-4 – Hays: None

REMONSTRATORS – SPP-21-4 – Hays: None

ADDITIONAL QUESTIONS FOR STAFF - SPP-21-4 – Hays: None

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FURTHER QUESTIONS FOR STAFF - SPP-21-4 - Hays

Guerrettaz: I have a motion.

Clements: Thank you Bernie.

Guerrettaz: **In the matter of SPP-21-4, Hays 1st Addition Major Subdivision Preliminary Plat, Amendment 1, Sidewalk Waiver and Street Tree Waiver Request, Preliminary Hearing**, is this the final hearing, we don't need a waiver at this point, correct, or do we, staff?

Myers: We do. This is the Preliminary Hearing.

Guerrettaz: Ok, **I move that we approve the Major Subdivision request with the Sidewalk Waiver and with the Waiver of Final Hearing request subject to the staff report, findings of fact and with the condition;**

1) Petition preserve or plant 2 street trees along Lot 13A as required by Chapter 856.

Enright-Randolph: **Second.**

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

Wilson: The vote is to approve, first of all to waive the final hearing on case SPP-21-4, Hays 1st Addition Major Subdivision Preliminary Plat Amendment 1 with the Sidewalk Waiver and the partial Street Tree Waiver request subject to the following condition; preserve or plant 2 street streets along Lot 13A as required by Chapter 856. Again, a vote in favor is a vote to approve with 1 condition with the 2nd condition having been removed. Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: No.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: I am voting yes based on the fact that, or the hope that, not the fact, based on the hope that the petitioner will design the houses in such a manner that a friendly neighbor access to the trail would be available.

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Wilson: Julie Thomas?

Thomas: I am going to have to vote no.

Wilson: Amy Thompson?

Thompson: No.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: The motion is approved by a 5 to 3 vote.

The motion in case SPP-21-4, Hays 1st Addition Major Subdivision Preliminary Plat, Amendment 1, Sidewalk Waiver and Street Tree Waiver Request, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of approving the requests with one condition as attached to motion, carried (5-3).

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Clements: Ladies and gentlemen, it is almost 10 o'clock here. Do we continue?

Pittsford: How many do we have left?

Clements: We have 3 more.

Pittsford: Any slam dunks in that mix?

Thomas: Are there ever?

Pittsford: Was that you, Dee?

Thomas: That was Julie.

Pittsford: That was Julie, ok. I thought it has to be a veteran.

Thomas: It was me.

Pittsford: That was a veteran. Your voice and Dee's sound very similar.

Thomas: I take that as a compliment.

Pittsford: I am really not inclined to extend. 3 doesn't sound like much but you could be looking at 45 minutes to another hour. If anybody wants to make a motion to continue, I would probably be amenable to that.

Enright-Randolph: I don't have a motion to make but I have heard a number of different comments from Plan Commission members say they most likely won't be able to make the special Thursday meeting. Could we do straw poll? Because if we have a number of members who aren't going to make it, do we have a quorum?

Pittsford: Good move, Trohn. I like that, thank you.

Enright-Randolph: I will make it. I will be there.

Thomas: I was actually just going to ask if **I could make a motion that we continue the remaining 3 items to the Tuesday Admin. Meeting, September 7th.**

Pittsford: How full is that meeting already, though? What's that agenda look like? Allow me to weigh in again Madam President.

Clements: Yes, Mr. Pittsford.

Pittsford: Thank you for your indulgence. I am not opposed to doing that as long as we notice this as a public hearing available for a vote and these 3 items become priority, so they are not placed under old business, they are placed under new business actionable carryover from previous

DRAFT

meeting or however you do that. But they need to be heard first and they need to be decided on first.

Clements: Normally I feel like I have more verb but tonight I just don't. I am losing a little steam.

Pittsford: It happens to all of us, especially in August.

Clements: So, I, go ahead Dee.

Owens: I am sorry I don't have the visual ques tonight that I need. I agree with Trohn. I can't come Thursday and I am hearing others can't. I don't hear a quorum. How many people can come Thursday?

Clements: I can't.

McKim: I had planned to. I mean I thought that was already sent out, that we had already been polled. But I guess maybe it was confusing or something.

Owens: Yeah, we were polled and I said I couldn't come. I don't know about anybody else. But if we don't have a quorum than the obvious solution is to go to the Admin. Meeting in September.

Clements: Well, let's have a motion, then. Because I know that I can't make it Thursday at 5:30. I have something else.

Pittsford: Can we get a straw poll for a quorum on that real quickly before?

Clements: On Thursday?

Pittsford: Yes.

Clements: Mr. Wilson, could you call the roll and **see who is available in Thursday at 5:30 for an additional meeting?**

Wilson: Ok, if you are available say yes. Margaret Clements?

Clements: No.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

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McKim: Yes.

Wilson: Dee Owens is a NO. Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas and Amy Thompson are both NO's. Is that correct?

Thomas: I will be here if I have to but that means I am foregoing another meeting that came up so I would rather not.

Thompson: I cannot. I indicated in the beginning that I could not be there, so no. I cannot attend.

Pittsford: Julie, based on the numbers I would rather you still with your "rather not", please. I just don't want those tight margins like that.

Thomas: Its really 2 items, right. Heritage Creek is 2 items together, right, so it really just 2 items.

McKim: But it is complex and it might have a lot of discussion.

Pittsford: Right, and Geoff thank you very much as the perfect segway, I really don't want this based on the minimal quorum if we have anything that might have the slightest hint of difficulty of controversy.

McKim: Yeah.

Enright-Randolph: I agree.

Clements: Ok, because we are ending this meeting, let's have an efficient motion, if we could so that we can bring this to a conclusion.

Enright-Randolph: I will make a motion.

Thomas: I am sorry. **I have a motion on the floor that was never seconded and that was to release the items to the Administrative Meeting in September.**

Enright-Randolph: That was what I was going to do, so I will **second** Commissioner Thomas' motion and I just some clarification. Does that mean then we are going to cancel our special meeting?

Nester Jelen: Yes.

Wilson: Sounds like it.

Enright-Randolph: I still second, I just wanted that clarification.

DRAFT

Nester Jelen: Note, before we get to the end, don't adjourn the meeting, it has to be continued to the Admin. Meeting.

Clements: Ok.

Nester Jelen: So, go ahead and take the vote, Larry.

Wilson: The motion is continue the hearing at tonight's meeting on petitions PUO-21-2, ORD#2005-32 and PUD-21-3, Heritage Creek Outline Plan Amendment to the Administrative Meeting September 7th, 2021 at 5:30. It will be a public hearing that was continued on these items. The carryover of these will be first items on the agenda. Is that correct?

Clements: That sounds right. But I am not reliable at this point.

Thomas: Yes.

Wilson: Ok, a yes vote is a vote to approve the motion as presented. Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: No.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: No.

Wilson: Margaret Clements?

DRAFT

Clements: Yes.

Wilson: The vote is 6 to 2 to continue the hearing on these 3 items to the September 7th Administrative Meeting. It will be a public hearing. It will be available for individuals to comment and ask questions on the zoom. So, we will have the same format as this meeting.

Clements: Great. Thank you everyone for your really strong endurance and for all of your patience and your good humor and good cheer. Thank you. See you soon.

Nester Jelen: Thanks for running it Margaret.

Enright-Randolph: Have a good evening everyone.

Clements: Thanks to the public.

The motion to continue the remained of hearing of last 3 petitions, PUO-21-32, ORD#2005-32 and PUD-21-3, to the September 7, 2021 Administrative Meeting of the Plan Commission, carried (6-2)

DRAFT

NEW BUSINESS

10. PUO-21-2

Joseph Greene Outline Plan Amendment 2 (REVISED)

Preliminary Hearing.

Waiver of Final Hearing Requested.

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

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

Contact: dmyers@co.monroe.in.us

BOARD ACTION: Petition continued to September 7, 2021 Administrative Meeting.

DRAFT

NEW BUSINESS

**11. Ord #2005-32 Heritage Creek PUD Extension Request
Final Hearing.**

Two (2) 6.05 +/- acre parcel in Section 29 of Clear Creek Township at 9300 block of S Harrodsburg Rd (Parcel #: 53-11-29-300-047.000-006 & 53-11-29-301-044.000-006). Owner: Miller-Robertson Inc.

Zoned PUD. Planner: jnester@co.monroe.in.us

BOARD ACTION: Petition continued to September 7, 2021 Administrative Meeting.

DRAFT

NEW BUSINESS

12. PUO-21-3

Heritage Creek Outline Plan Amendment 2

Preliminary Hearing.

Waiver of Final Hearing Requested.

Two (2) 6.05 +/- acre parcel in Section 29 of Clear Creek Township at 9300 block +/- S Harrodsburg Rd. Owner: Miller-Robertson Inc.

Zoned PUD. Planner: jnester@co.monroe.in.us

BOARD ACTION: Petition continued to September 7, 2021 Administrative Meeting.

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REPORTS:

Planning/Wilson: No reports.

Legal/Schilling: No reports.

The meeting ended at 10:06 pm.

Sign:

Attest:

Margaret Clements, President

Larry J. Wilson, Secretary

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