

DRAFT

**MONROE COUNTY PLAN COMMISSION
ADMINISTRATIVE MEETING
Virtual Meeting via ZOOM - Minutes
September 7, 2021 5:30 P.M.**

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, Julie Thomas, Jim Stainbrook

ABSENT: *Bernie Guerrettaz*

STAFF PRESENT: Larry Wilson, Director, Jackie Nester Jelen, Assistant Director, 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

ADMINISTRATIVE BUSINESS:

1. CDO Update

PLAN COMMISSION BUSINESS Continued from AUGUST 17, 2021:

- 1. SPP-21-5 Ridge Line Major Subdivision Preliminary Plat Final Hearing.**
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
- 2. ZOA-21-7 Amendment to Monroe County Zoning Ordinance: Amendment to Chapter 813 Final Hearing.**
Amendment to add conditions for General Contractor in AG/RR, CR, FR
Planner: jnester@co.monroe.in.us
- 3. 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
- 4. 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
- 5. PUO-21-3 Heritage Creek Outline Plan Amendment 2 Preliminary Hearing.**
Two (2) 6.60 +/- acre parcel in Section 29 of Clear Creek Township at 9200 block +/- S Harrodsburg Rd.
Zoned PUD. Planner: dmyers@co.monroe.in.us

PLAN COMMISSION ADMINISTRATIVE SESSION for SEPTEMBER 21, 2021

UNFINISHED BUSINESS:

- 1. PUO-21-1** **P & G Planned Unit Outline Plan to rezone property from PB to PUD Final Hearing.**
One (1) 4.93 +/- parcel located in Section 29, Perry Township at 5100 W Victor Pike. Parcel number: 53-08-29-200-023.000-008.
Zoned PB. Contact: acrecelius@co.monroe.in.us

NEW BUSINESS:

- 1. SSS-21-7** **Addison Sliding Scale Subdivision Preliminary Plat Partial Plat Vacation (all owners do not agree to sign) Preliminary Hearing.**
Three (3) parcels on 29.99 +/- acres located in Section 18 of Salt Creek Township at 3863 S Swartz Ridge RD.
Zoned Forest Reserve/ECO 3. Contact rpayne@co.monroe.in.us
- 2. SMN-21-10** **Meska/Storms Minor Subdivision Preliminary Plat Sidewalk Waiver Request. Street Tree Waiver Request. Waiver of Final Hearing Requested. Preliminary Hearing.**
Two (2) parcels on 18.39 +/- acres located in Section 13 of Van Buren Township at 3110 S Leonard Springs RD.
Zoned RE1. Contact dmyers@co.monroe.in.us
- 3. REZ-21-3** **Worms Way Lot A Rezone from AG/RR to LI Waiver of Final Hearing Requested. Preliminary Hearing.**
One (1) 6.65 +/- acre parcel in Section 28 of Washington Township at 7850 N Wayport RD, parcel # 53-02-28-100-006.000-017.
Owner: Ah & Sh LLC
Zoned AG/RR. Planner: tbehrman@co.monroe.in.us
- 4. 2009-SMN-09** **Deckard Farms Minor Subdivision Preliminary Plat Sidewalk Waiver Request. Utility Waiver Request. Waiver of Final Hearing Requested. Preliminary Hearing.**
Two (2) parcels on 37.08 +/- acres located in Section 23 of Richland Township at 3807 W Walcott RD.
Zoned AG/RR. Contact tbehrman@co.monroe.in.us

5. REZ-21-4

Hamilton Rezone from RE1 to AG/RR

Waiver of Final Hearing Requested.

Preliminary Hearing.

One (1) 134.5 +/- acre parcel in Section 8 of Bloomington Township at 1300 W Bell RD, parcel #53-05-08-300-007.000-004.

Owner: Hamilton, Jeffrey A & Jean Messenger

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

6. 2101-ZOA-01

Amendment to the Monroe County Zoning Ordinance:

Chapter 807- Signs

Chapter 801 – Definitions

Preliminary Hearing. Waiver of Final Hearing Requested.

Amendments to the definitions and sign ordinance proposed.

Contact: lwilson@co.monroe.in.us

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Clements: I would just like to have a little guidance from staff, we are first going to take care of the CDO update, then we are going to take care of the matters that were left over from our last official Plan Commission Meeting and then we go until 9 o'clock. Is that correct, with the remaining portion of the Administrative Meeting?

Nester Jelen: So, Margaret we will start with the Regular Business and Administrative Business continued from continued from August 17th and then depending on what time it is from there if we are close to 9 we can take a look and have a vote continue or not to continue. We have administrative items as well and in Packet 2.

Clements: Ok, so I would like make the announcement to the members of the public who are here about the Plan Commission business that is left over from August 17th, the petitioner and the petitioner's representative will have 15 minutes combined to make the case for their proposal to the Plan Commission and then we will hear questions from the Plan Commission. Then we will hear from the public. Those in favor will be entitle each person to give 3 minutes supporting argument in favor of the petition and then 3 minutes opposed to the petition and that is the way we will proceed. When it goes to the Administrative Session for today, our normal session, we will not be entertaining comments from the public. Because we normally just have this as an internal meeting, the administrative portion to talk about items and to hear from staff about their recommendations. So, with that being said I would like to cover the first item on our agenda which has to do with the CDO update. Is that Larry or Jackie?

Nester Jelen: I am going to cover that one Margaret.

Clements: Ok, great.

ADMINISTRATIVE BUSINESS:

1. CDO Update

Nester Jelen: I just want to give everyone a little bit of an update with the County Development Ordinance. We are currently under Module 2, which is the Draft Zoning Map as well as when we get a draft of it a Use Table, which is Module 2 of 3. So, right now we are having public engagement meetings, meeting with folks looking at the Draft Zoning Map and reviewing our current ordinance Use Table and having productive conversations with people about the current uses that are allowed in their zones and some discussion about how that could change or what they would like to see change. The next public meeting is going to be tomorrow night, Wednesday, September 8th, 6 to 7:30 pm and that is going to be at the Danny Smith Shelter, 6800 East State Road 45. We are looking for a zoom meeting for folks who are unable to meet with us in person and we are looking at the last week of September, possibly September 30th but we will confirm that with everybody via email and then send it out and put it on cdo.monroe.com website. Does anyone have any questions for me at this point? Geoff you have your hand raised?

QUESTIONS FOR STAFF

Clements: Mr. McKim.

McKim: Yes, I am just wondering and maybe I missed it but do you have an approximate timeline for when we will see any of these tables for review?

Nester Jelen: The consultants just finished up a final, well, I shouldn't say final the consultants just sent us a draft of Module 2 today. So, we actually need some time internally to review that and then we are looking for, we want to have a similar basically engagement opportunity that the people in person have that the people meeting us on zoom. We are going to be doing a similar activity with zoom and in person but as far as a Module 2 draft out to the public we are hoping by next month, by October, to see that.

McKim: Ok and is the Plan Commission going to see it before it goes to the public or is the idea just to release it to everybody at once?

Nester Jelen: I think we will, I mean, we are up for some conversation on this. I know we have go a long agenda, so I don't want to....

McKim: Sorry.

Nester Jelen: No, no. I think it is helpful to have this conversation. But I would suggest that we could have this kind of draft Module 2 at a Plan Commission Meeting do a little bit of a q and a with the public and talk about what is different and if need be have the consultants present. So, we could do that, yes and just have it like a roll out of that.

McKim: I think that would be helpful and I think it would be helpful to have the consultants present for that.

Clements: Mr. Stainbrook.

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Stainbrook: Yes. I would like to second what Geoff said without repeating word for word but I feel very strongly about that. Thank you.

Clements: I feel strongly that the Plan Commission review it before it is rolled out the public. So, with that being said do any other members of the Plan Commissions have any questions for Jackie or Larry? Seeing none. We go onto the Plan Commission business that was continued from our official meeting on August 17, 2021.

PLAN COMMISSION BUSINESS Continued from AUGUST 17, 2021:

1. SPP-21-5 Ridge Line Major Subdivision Preliminary Plat Final Hearing.

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: You guys heard the presentation last time but we will go through it kind of briefly again with the few updates that you requested. It is again one parcel, 25 acres. So, this property was subdivided. It is currently zoned Light Industrial, so LI. It is currently undeveloped. What they are proposing on Lot 2 is, the Preliminary Plat is to provide that there be 2 lots. The lot to the south, which would be Lot 1 has a house that is not inhabited, so it is developed, technically. There is a residential lot on it but it is not commercial. There is one driveway off of it. The rest is mainly all agricultural field. The property was within in a Type "A" Administrative Subdivision. The last subdivision was in 2009. They are zoned Light Industrial. The Comprehensive Plan sees it as MCUA Employment and the proposed zoning from 2016 sees it as West Side Employment. Mainly the property is buildable area. The tract and unbuildable area that you see is a railroad tract and then a small pond and an agricultural field. There is currently an existing cul-de-sac at the end of Angelina North Lane. In order to do this subdivision the petitioners would have to remove the cul-de-sac and extend the road to the north and then do another cul-de-sac. The right photo is the existing cul-de-sac, the bottom photo is the existing cul-de-sac and the existing home and the small pond. This is the existing 2 Lot Major Subdivision. Again a Major Subdivision because it is requiring road improvements. This is a detail of the road improvements, how the existing cu-de-sac will be removed and then extended with an illustration of the landscaping that will be required. They would be required to do street trees. The Highway Engineer, their comments have been addressed. The MS4 Coordinator has provided their comments. I think for the most part most of these have been addressed. Some of these will be addressed at the time of a site plan. So, since this is Light Industrial site plan storm water ideas will be addressed at the time of the development of Lot 1 or Lot 2. CBU did include comments. Hopefully the petitioner is here because I do not know if these comments have been addressed or not at least not at the time of this report was filed. So, I would love to hear their comments there. Ultimately, staff does still recommend a positive recommendation of this Major Subdivision Preliminary Plat, still subject to the findings of fact and subject to the Highway Engineer and MS4 Coordinator reports with the followings 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.

We have not necessarily seen these addressed yet. Ultimately, I think that was heard at the last meeting and one of the bigger concerns by the Plan Commission was that we did mention that there was a karst report and a wetland report and those were included in your packet this time. We did have the final drafts and they were included. Hopefully that meets the comments. I will take 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: Commissioner Thomas.

Thomas: Yes, thank you. I appreciate the ability to see the karst report and it appears that they did a surface study and they did not find anything. But then of course something could still be underground that they could not identify based on their study. So, we are not going to see this again. So, what happens when a karst features is discovered when they are in the process of developing this site?

Crecelius: Jackie or Larry?

Nester Jelen: If there is a karst feature identified during the process of excavation we do have a requirement in our ordinance that we be notified. It says newly formed or pre-existing sinkholes that become active in a way that causes an immediate threat to nearby structures, roadways, persons and/or property may be able to be stabilized and built but we typically first have then under the ordinance contact us and submit a report to us immediately that goes to the MS4 and the County Surveyor to determine any existing drainage patterns changed and then typically we do any kind of requirement for stabilizing or anything like that. So, they have to notify us, they submit a detailed report by a Geotechnical Engineer and then our MS4 makes a suggestion after that. But it is typical dealt administratively if it is found.

Thomas: Thank you so much. I just wanted verification of that. Thank you.

Crecelius: Margaret, you are on mute.

Clements: Oh, thank you. Do any other members of the Plan Commission have questions for staff? I don't see any so, we would like to hear from the petitioner and/or the petitioner's representative.

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

Butler: Good evening everyone. This is Daniel Butler with Bynum Fanyo and Associates. Can you hear me?

Nester Jelen: Yes and Tech Services, would you mind being able to pull up a timer for 15 minutes

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for the petitioner, please?

Tech Services: I do not have the timer installed.

Nester Jelen: Ok, I will share my screen. Thank you. Go ahead, Daniel.

Butler: With me tonight is Jeff Willsey. He is the owner, developer on the project. I also brought with me tonight Jason Krothe. He did the karst study, so if anyone has any interest in any questions from that report he will be here tonight. He has taken a great deal of time with staff trying to perfect a road that would extend the public right of way through that would make this a viable second lot in this current area. We have also provided a secondary environmental study for you to look over. There are no wetlands in the area that we are proposing our current improvements but we will keep that in mind as improvements happen on one of these 2 lots. The only other things that I wanted to mention that we are requesting tonight is if when this gets approved if it can be a condition of full bonding for the public improvements at this time to go ahead and record the final plat and have the bond on file at that time, rather than having improvements completed at the time of bonding or at the time of recording the final plat. This was a request by the developer and if you have any questions about that as well then feel free to ask about those. If you have any questions, we would be happy to answer.

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

McKim: I guess I would like to hear more about that request that we just heard. That went by very quickly and that as far as I can tell that request isn't part of the paperwork we have here so I guess I am a little bit confused about what they asked for the Plan Commission is.

Willsey: This is Jeffrey Willsey with Ridgeline Incorporated. I can speak to that. The purchaser of Lot 1 is Center Point Gas Company that provides natural gas to the community and they are going to move facility from downtown Bloomington into this area. The condition, which was to extend the public right of way is a cost that exceeds the value of the transaction. I previously provided a letter that Center Point is assuming that responsibility for extending the public way. What that means is that the installation of the improvements, the roads can't be done until Center Point owns the property and assumes that responsibility through a Letter of Credit. The outline of the procedure that we received from the Plan Department indicates that if we have the letter of credit available and filed with the county as the beneficiary we should be able then to record the final plat, which allows us to do the legal transfer of ownership. Building that road is outside of our resources. It is well within the resources of Center Point and they are willing to do it. So, we would just like to proceed with the legal transfer of title. I don't know if that answers the question but I would be glad to try again.

McKim: No, thank you. I will be interested in hearing staff's reaction to that and if they have any wording, if that in deed is permissible, if they have any wording that we should use. Thank you.

Wilson: I will respond to that, Geoff. It is permitted under the ordinance. But it requires a subdivision improvement agreement with an estimate for the cost of the construction and the road actually must be the Commissioners have to approve it, the Plan Commission. I am sorry for any

confusion in that regard but again, the county is taking on the responsibility for maintaining the road whether it is built or not at that point in time. It is really up to the Commissioners with recommendation of the Highway Engineering Department as to accepting the road based upon a full bond rather than our typical procedure which is to have the road created everything but top coat prior to the county accepting it. But this is a right of way improvement and it is really under the right of way of the Highway Department and would go to, as I understand it, would go to the Commissioners for approval. I know Lisa is on and she wanted to comment on this.

Ridge: Thanks Larry. I guess I would want Dave's input on this also. The only kind of concerned being what you said is that we would take ownership before this is completed.

Wilson: I am not saying we have done it before. It appears the ordinance allows it but again it requires the full process that you go through the full process and the Commissioners must accept the roadway prior to construction

Willsey: Well, this is Jeffrey Willsey again. Just so I am clear. Once there is a bond to the benefit of the county from Center Point at that point we proceed as you just laid out and in case the bond is accepted to record the final plat. In other words, instead of construction you have a full bond for the improvements does that permit us to record?

Wilson: It would if the Commissioners accept the roadway in its unconstructed form with the bond.

Willsey: It is not possible as far as I can understand for the road to be constructed until Center Point owns the property. So, I guess I am having procedure questions. How do we proceed to get the title across to Center Point where they can build the road and/or issues the bond?

Schilling: May I jump in?

Clements: Yes, Mr. Schilling.

Schilling: Thank you very much. The legislature just changed the law effective July 1 stating that if someone posts a bond for the full amount of improvements that you cannot deny them secondary approval. It used to that you had the discretion whether to require them to construct it before final platting or require a bond now if they post a bond you have to allow them to final plat.

Clements: Thank you Mr. Schilling. Commissioner Thomas.

Thomas: I just wanted to verify what was about wetlands. You aren't saying there aren't wetlands. You are saying that you have no plans to develop in and around the wetlands, correct?

Butler: This is Daniel again. We did have a full study on this, a Streams and Wetlands Study and that is correct Ms. Thomas that there are wetlands found on this property but our improvements for the public way will not affect it at all at this time and we plan to use the study for any improvements that will be done for each one of the individual lots.

Thomas: Thank you.

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

McKim: I guess I still want to figure out where we are on this bond issue. Is this idea that we should just go ahead and if we want to vote and approve or not this major subdivision and then let the bonding issue just take place among the staff and with the Commissions or does that need to somehow be a prerequisite or a condition of our consideration of this petition?

Nester Jelen: Geoff, the bonding questions is not part of the petition request tonight. We will deal with that administratively with legal and find the process and communicate that.

McKim: Thank you.

Willsey: I think that's as long as we can proceed towards bonding and handling it administratively staff, I think that probably works and gets us to a transaction and gets the tommy to road.

Nester Jelen: Geoff, we are going to be communicating amongst Plan Commission members and then if we have questions we will get back right back to ok.

Clements: So, are there any other questions from the members of the Plan Commission? If there are none, we will go to the public. Are there members of the public present that would like to speak in favor of this petition? Please raise your hand or press *9 if you are calling in by phone. Do you see anyone, Jackie?

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

Clements: Ok. Are there members of the public who are opposed to this petition? Please raise your hand or press *9 if you are calling in by phone. If there is no one I will bring it back to the Plan Commission for further deliberation and then a motion. Mr. McKim.

McKim: I am ready to make a motion but I will defer as it looks like others may have comments.

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. Pittsford.

Pittsford: Just a quick question. Will this location provide jobs? Is this an employment center or is an infrastructure project?

Willsey: Jerry, I can't speak exactly for Center Point but my understanding is that they are relocating their entire facility out of downtown Bloomington and all of the jobs that are located there. What additional employment will come as a result of that operation and new facility, I am

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not current.

Pittsford: Just real quickly, their current facility does have employees on site, it's not just an infrastructure place?

Willsey: That is right. It is where they dispatch their equipment to get their repairs and maintain their equipment.

Clements: Could you give us an idea Mr. Willsey, how many employees are currently working downtown?

Willsey: Oh, I'm' sorry, since I am not the developer I haven't gotten involved in those details.

Clements: That's ok. Coming back to I think Mr. McKim wanted to make a motion.

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

McKim: Yes, thank you, Madam Chair. **In the case of SPP-21-5, Ridge Line Incorporated Major Subdivision Preliminary Plat, subdivide 1 parcel into 2 lots, I move approval of the Major Subdivision Preliminary Plat, based on the findings of fact, subject to the Highway Engineering and MS4 Coordinator reports with the following condition;**

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

Owens: **Second.**

Enright-Randolph: Madam President. This is Trohn Enright-Randolph. No one has recognized that I have officially joined the meeting. I joined the meeting as evidence was being introduced. So, I just don't want to be missed on the roll call.

Clements: Thank you. Thank you, Mr. Enright-Randolph. Ok, so the motion has been made and seconded. Mr. Wilson, would you please call the roll?

Wilson: I will. The vote is on approval of the Ridgeline Major Subdivision Preliminary Plat, final hearing, SPP-21-5. A vote in favor is a vote to approve the preliminary plat. Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

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Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: The preliminary plat is approved by an 8 to 0 vote of the Plan Commission.

The motion in case SPP-21-5, Ridge Line Major Subdivision Preliminary Plat, Final Hearing, in favor of approving request with condition attached to motion, carried unanimously (8-0).

PLAN COMMISSION BUSINESS Continued from AUGUST 17, 2021:

2. ZOA-21-7

Amendment to Monroe County Zoning Ordinance:

Amendment to Chapter 813

Final 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: During the last meeting we had some examples show what this proposed text amendment would look like on the ground. I think there was some concern or maybe question about some of the requirements in the 813 for Conditional Use. So, I wanted to go over a few of the changes that I made responding to some those concerns then also talk a little bit more in depth on the pre-existing non-confirming requirements that would be in place if someone let's say has a Home Based Business and then would better fit the General Contractor Use, what that process might look like for somebody. So, the 2 changes I went through based on some comments was instead of just meeting or exceeded the minimum lot size, I am stated that now they must have a minimum lot size of 5 acres. So, for the AG/RR and CR that would be twice the minimum lot size but for FR that is the minimum lot size and then this second change was to allow for the use to be located 35' from rear or side property lines. 35' is the zoning requirement minimum setback but the side is typically 15 for residential and 50', 50 for nonresidential. So, this would be a little bit restrictive than 50' but that is something that the Plan Commission can look over and consider as well. Everything else has stayed the same for now in accordance with screen and things like that. We had talked about some of the restrictions on the Conditional Use. One of them being the 6 tons or less. I just pulled up this graphic again to give you an idea of the type of vehicles that you be at a General Contractor site and then there was also some questions about existing sites out in the county that may be about to qualify for this use. So, I wanted to pull up an example actually that has a Home Based Business Permit now and what would the case if they wanted to expand. So, if you have a Home Based Business Permit and the ordinance is changed to no longer allow for outdoor storage that is considered a pre-existing nonconforming use. So, let's say they change hands and they discontinue the use, if someone wanted to restart a different business or a similar business after a certain period of time they would be able to apply for a Conditional Use at that point. Additional, if somebody wanted to expand beyond the original realm of the Home Based Business, let's say have more employees, they could at that point apply for a Conditional Use so they are still able to exist as is in the county and if they want to expand and these examples that I have they would just need to either amend a little bit of their site and apply for a Conditional Use. Note that because it is a Conditional Use and not just standards of a permitted use there is not going to be a provision to allow for a variance from any of these conditions. So, any conditions that we put in here we are taking a lot of consideration to make sure that people can actually meet these because otherwise the processes looking different than a variance. It would be just a different type of use. Does anyone have any questions on this text amendment? I see Jim's hand is raised.

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

Clements: Mr. Stainbrook.

Stainbrook: Yes. Thank you. The point being Jackie, that is must have a residence and a commitment to reside there full-time. That is applicable here, obviously. That is what you are showing us. But would that apply situations similar to this?

Nester Jelen: If they would like to apply for General Contractor use they would need to abide by this but I will mention just again if someone has a valid Home Based Business Permit, which as it stands right now, does not have an expiration date, and with a text amendment we no longer allow outdoor storage or, you know, if they better fit into this use, they would be pre-existing nonconforming. So, if they don't make any changes and they just continue to use, they're still pre-existing nonconforming and allowed to, they are legal. But if they make a change or expand or want to make alterations, then we would look at having them apply for this Conditional Use and being evaluated. Does that answer your question, Jim?

Stainbrook: That answer it. That is a very clear answer Jackie. Even I can understand that. But now, a little different angle, perhaps. Would this apply to other Home Based Businesses? It seemed as you explained so clearly that it allowed that you were generalizing to Home Based Businesses in general. So, aside from the caveats on pre-existing and those things which you considered and went through for us. Is my question clear enough?

Nester Jelen: I will address that in the context of at the last meeting the Plan Commission voted to have the Commissioners review it, an ordinance amendment to Chapter 802, which would change the allowances for Home Based Business, which included eliminating outdoor storage. So, if a Home Based Business is currently happening inside the primary residence or in the accessory residence and qualifies as a Home Based Business under the new definition they are not going to have to apply for this General Contractor Use. This is going to be a very small percentage of the people there were able to get a Home Based Business that would probably be better fitting with this new General Contractor Use. So, not all people that have a Home Based Business Permit will then have to go through this General Contractor process.

Stainbrook: Well, you were doing so well and I doing my best but then you inserted Home occupied and spoke of home occupied. Are those not still 2 differently defined usages where in this case I think we are talking about home based rather than home occupied and you drifted, I don't wanted to say you drifted off, but you went on to speak of home occupied.

Nester Jelen: Sure. So. Yes. Apologies. So, basically the spectrum Jim, is Home Occupation is only in the primary residence. Home Based Business is in the primary residence or one accessory structure. This Rural General Contractor is going to be in, you know, it is going to allow for that outdoor storage, that last piece of typically home businesses or home storage of business materials as a contractor use. So, yes, sorry, I meant Home Based Business for the purposes of this conversation. But there are 3, yes.

Stainbrook. Thank you.

DRAFT

Clements: I have a questions. You know, I know that staff is considered all these things and you know, I am just worried, will the requirement of the storage especially of vehicles, will that result in unanticipated or unintended consequences of having a lot of pole barns erected that will have to come will have to come for a side yard setback, front yard setback, etcetera? I mean do you anticipate that need arising?

Nester Jelen: Just to clarify are you saying that because of the 35 foot setback limit?

Clements: The any storage of vehicle. It is Item H.

Nester Jelen: Item H. Oh, ok. Must be stored. Item H is broken out and says, it must be stored indoors or screened on all sides. So, vehicles could be stored outside but they would have to have either an opaque fence or a landscape bufferyard depending on the height of the vehicles and staff has a consideration of whether landscaping is more appropriate or the fence.

Clements: Ok, ok, well that clarifies a lot. Thank you. Are there other members of the Plan Commission who have questions for Jackie? If there are none, I will open it up to the community. Is there any member of the public present who would like to make a comment in favor of this change to the ordinance? If so, please raise your hand or press *9 on your telephone to indicate that you would like to speak. Ok, is there any member of the public who would like to oppose this change to the ordinance having to do with General Contractor in AG/RR, CR and FR? If so, please raise your hand or press *9. If there is none, I bring it back to the Plan Commission for either further discussion or a motion.

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

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

**ADDITIONAL QUESTIONS FOR STAFF –
ZOA-21-7 – Amendments to MC Zoning Ordinance**

Clements: Mr. Stainbrook?

Stainbrook: Well, I try not to bring in personal things but it seems applicable here. I am looking out the window and this is not a pole barn this is a permanent barn. It is not 35' from the property line. In addition to that there is an add-on erected that Jackie Scanlin spoke to 2015 saying that it would require a Building Permit if it were to be permanent and also it would have to be approved. I think I have raised this question before. I won't go back into ancient history but before I vote I would like to know again, Margaret, what is the setback from an auxiliary, will in this case no one, I need not, I am going into too much detail which narrows it down. I would like confirmation for the setback Margaret.

Clements: Ms. Nester Jelen.

Nester Jelen: For just in general the residential side setbacks for the AG/RR, CR and FR the side back is 15', 1 5 feet. For nonresidential structures it is 50, 5 0.

Stainbrook: Well, Jackie, you know this is nonresidential. There is no point in being cryptic about it or whatever. I mean, I have identified it as a barn. Now the answer is now the clarification whatever and I don't mean to take this much time but one just can't overlook this when you look out the window. This barn is not 50' from the property line and the ancillary building that has been added onto it 15' from the property line and this person for whom I do have a great deal of respect, but I respect everyone even with differences. In fact sometimes adversaries are our best friends as it turns out. But this is 15', well, ok, so what is the setback for a nonresidential building? I understand Jackie, Margaret...

Nester Jelen: So, Jim, is this related to the General Contractor Use or do you want we want to talk about that offline?

Stainbrook: No. Are the setbacks different for other, I already asked in the other instance if this were in general and I understood that it was but we weren't going to talk about it tonight. I think a Plan Commission member is entitled to ask a question at any point. I have asked this of someone in Planning and this isn't the answer that I recall Ms. Jelen.

Nester Jelen: Ok. The side setback for the AG/RR, CR and FR districts for nonresidential structures is 50, five zero feet.

Stainbrook: Ok. That is not what I was told before Jackie but maybe I am wrong. I don't think I am, well I won't go back into the age thing. I don't think I am any slower than some of the other young folks for that matter. But and then if you add on this structure as I say, I don't know that, well, this is maybe something to consult in another venue but it was acknowledged by the plan department in 2015 that that structure, that bar with the trellis work attaching it to the barn couldn't stay there. I'm sorry Margaret. Let's move on. But these things are hard to forget. Thank you.

Clements: Well, I would just, as the President of the Plan Commission, I would really like staff to address Mr. Stainbrook's issues and concerns and try to remediate the situation with enforcement action if it's appropriate because this has been going on for so long I would like for it to be addressed. That being said, I am sorry Mr. Stainbrook that I am not able to help you resolve this. I know that it has been a concern of yours for a long period of time and I am not able at this venue to help you address this. But if there is anything else I can do to help, please let me know and we will just continue I guess with this proposal that is before us and that requires I think a motion, a second and then a vote.

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

Stainbrook: **I would move approval of the Development and Operational Standards before us.**

McKim: **Second.**

Clements: Ok, Mr. Wilson.

DRAFT

McKim: Just to clarify that this is **moving forward to the Board of Commissioners with a positive recommendation from the Plan Commission.**

Clements: Yes, **regarding ZOA-21-7, Amendment to Monroe County Zoning Ordinance, it is an Amendment to Chapter 813.** There has been a motion and the motion has been seconded and it has been clarified. Mr. Wilson, will you please call the roll?

Wilson: I will call the roll on ZOA-21-7, text amendment to the Monroe County Zoning Ordinance, Amendment to Chapter 813. This is the final hearing and the motion is to approve the amendment to add the Conditions for General Contractor in the AG/RR, CR and FR districts. A yes vote is a vote to forward the amendment on the Commissioners with a favorable recommendation for passage. Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: I just want to go ahead and have the caveat that I mentioned last time that moving forward as we are looking at the County Development Ordinance that Planning pays extra attention to this amendment and makes sure that we haven't done anything that might prevent some entrepreneurship or incremental growth that is appropriate in the Home Business area. Yes. I vote yes.

Wilson: Geoff McKim?

McKim: Yes.

DRAFT

Wilson: The motion is approved by an 8 to 0 vote and this will go on to the Commissioner for a determination.

The motion in case ZOA-21-7, Amendment to Monroe County Zoning Ordinance: Amendment to Chapter 813, Final Hearing, to send a favorable recommendation to the Monroe County Commissioners, carried unanimously (8-0).

PLAN COMMISSION BUSINESS Continued from AUGUST 17, 2021:

3. 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: Clements introduced the petition.

STAFF ACTION:

Myers: Thank you, can you hear me ok?

Clements: Yes.

Myers: Alright, great. This is a revised submittal for the Joseph Greene Outline Plan Amendment 2. Like Margaret said it is located at 4831 South Rogers Street and 4833 South Rogers Street. This is petition site is 4.12 acres. It is located in Section 20 of Perry Township. The petitioner is requesting to amend the zoning map Estate Residential 1, Single Dwelling Residential 3.5, Medium Density Residential and an existing Planned Unit Development to an all new Planned Unit Development just like before. This PUD Outline Plan is proposing a mixed-use development that would include paired townhomes as condominiums this time, multi-family residences and commercial space. The petitioner states in their written statement that this project will complement the existing community as well as the soon to be developed Southern Meadows single family subdivision bordering this PUD site to the east. This development would include multiple road connections and alternative transportation connections and the petitioner states that the development will be built out in 3 phases over 3 years. Approval of this Outline Plan Amendment will amend the zoning map and allow for multi-family and mixed-use commercial development. Alright, so here we have the location map. It has not changed since the last time you have seen this but we are right along South Rogers Street. This area right along here, this large parcel to the east is the approved Southern Meadows Major Subdivision, which is all single family residences. Over here to the left I have the different parcelizations of the current land that will be all converted to the new PUD, Joseph Greene Amendment 2 (Revised). The yellow here is transfer area from the Southern Meadows petition yet to be recorded and added to the petition site through the Type "E" Administrative Subdivision process. We also have the red portion, which is the currently zoned PUD, the original Joseph Greene PUD, and the green portion, which is some sections that were acquired by way of quiet title action from an abandoned railroad corridor. Here we have the current zoning map. You will note that these yellow lines are exactly like the ones before. I did my best to represent those but just note that they are not representative of the exact site. The same with the lines over here as well and the site conditions map. You will note that there is floodplain all up in this northern section. This whole northern section will be designated Area A. It will be all open space and there will be some park like amenities established there through this Outline Plan Amendment that I will get to here in a little bit. Alright, jumping into some uses. There were some more or less industrial type uses originally allowed in the Joseph Greene PUD and all of those will be voided with this uses that you see here before you in the new Planned Unit Development Outline

Plan. So, we have Bike Shop, Bakery, Retail, Construction Trailer, Convenience Store, Home Occupation, Multi-Family Dwelling, Open Space, Restaurant, Tavern, Temporary Seasonal Activity and Wired Communications. You will note that their permissions vary between each of the areas that will be designated in this Planned Unit Development. So, as you will note Area A is that all Open Space and it is all floodplain. Area B will be Commercial Space on the main floor that will start out as residential but will be allowed to be converted to commercial needed and then it will have residential on the second floor in apartment style units. Bakery, Construction Trailer, Home Occupation, Multi-Family Dwelling, Temporary Seasonal Activity and Wired Communications for that site. Area C will be the paired townhomes. You will note that there are only residential type uses in this area. Area D will be the standalone structure that will have commercial space on the main floor and one unit above it and that is where we see most of the commercial activity allowances. Area E is primarily Open Space. It will be serving mostly as a drainage basin, or detention basin, I should say. We will get to the conceptual plans here in a little while to show you all of the new updates they have added to this plan as well as changes to square footage and that sort of stuff. This grey section here is kind of a comparison to similar zoning districts based on density and permitted uses. We have Medium Density Residential, MR and High Density Residential, HR, and I included also Limited Business, which has some of the same uses that are exhibited in this Outline Plan petition. Parking, this was a big conversation with a previous petition. So, the petitioner in their Outline Plan Amendment states that they are going to be following with the Chapter 806 standards aside from a few notes that I included in packet. Some of those notes are Bike Shop will require 3 spaces per thousand square feet. That is very similar to the closes use comparison, which is Sporting Goods. They also state that Temporary Seasonal Activity Use will require 3 spaces per thousand square feet. So, overall we are looking at 78 spaces total, plus some residential garages. Area B will have 18 spaces. Area C, 37 and Area D, 23. Here is the breakdown between the PUD, the proposed PUD and the Chapter 806 standards. As you will note they are all the same this time around. Design Standards Comparisons. Each of the areas have slightly different Design Standards. I can go through some of these with you. Area A, I will note is all floodplain like I have said. Area B is only 0.6 acres. Area C is 0.95 acres. Area D is 0.41 acres and Area E is 0.2 acres. We see the gross density distribution here across these areas. I didn't include Area A or Area E because those are just designated Open Space. But I did include some other zoning districts that are good for comparing here that are currently in Chapter 804 like the Medium Density Residential, High Density Residential and Limited Business. You will note that lot area is very similar to Medium Density Residential, medium lot width is very similar to Medium Density Residential. Maximum height is all the same and then the setbacks is where we really start to see a bit of a difference based upon constrained the property site is. They have reduced the setbacks here to 10' in a lot of cases, 5' for side yards that is very similar and rear yard similar here again. Infrastructure and access, this is pulled right from the packet if you have any questions about it. The sidewalks will be constructed as part of the Southern Meadows Subdivision. There will be a multi-use path that comes along South Rogers Street. There is also the connect to West That Road that will be going to into the Southern Meadows Major Subdivision that will be constructed along with some passing lanes or some turning lanes I should say. Sanitary sewers, we have all of the capacity letters for all of that and we do have a comment down here regarding drainage from the MS4 Coordinator that conceptual drainage has been approved. They are expected to meet the critical area release rates and a full plan will be reviewed with a more detailed development plan when that stage comes with this petition. I did include a preliminary drainage plan in this petition or excuse me, in this presentation and we will get to that here shortly. Here is

the preliminary drainage plan. This has been reviewed by the MS4 Coordinator just like the information that I stated before more detailed plans will be evaluated when that time comes. Here we have a snippet from the traffic study that was performed by EMCS. It indicate that an all-way stop will be warranted at the West That Road and South Rogers Street intersection. We can get into more of this detail if anyone has any questions about this as well. Alright, here we have the conceptual site plan. So, this is the entire site. This area over here where you see this trail that is all Area A, all in floodplain. Build 1, this section here, this polygon that will be Area B. Buildings 2, 3 and 4 that is all Area C and that will be paired townhome condominium and they will not be on their individual like the previous petition. Building 5 here in the parking area that is Area D and that has commercial space on the main floor and residential space on the upper floor and then Area E down here, which is Open Space and drainage. Now here are slides for each of those areas zoomed in a bit. This is the floodplain area open space. So, a trail here has been incorporated as well as some park style benches and educational signs for the floodplain as well, which came recommended by committee review. Here we have Area B. This is Building 1. It will have the ability to be commercial on the main floor. However, I believe the petitioner has stated that they are intending to start it off as residential space and if the market allows they will convert it to commercial space. Big uptick in parking in this area since the last time you have seen it and a decrease in the square footage of this building. The building will have a sort of train station style look as an exterior. They have also added some extra amenities, pollinator garden area to improve some of the sustainability of the area as well. Here we have the townhome section. This is Area C. So, we have more parking here as you can see along what would be eastern property line and then each of these units will have residential garage space and then there is also some additional amenities that they added in between each of the buildings for some community enjoyment. Here we have Area D and E. Building 5 like I stated will have commercial space on the main floor, additional parking here as you will note and then of course this open space area which will primarily be drainage. Alright, so Planning staff has a recommendation to move this with a positive recommendation to the Board of Commissioners based on findings of fact, subject to the MS4 Coordinator and Highway Engineer reports and I will now take any questions.

RECOMMENDATION

Recommendation to the Plan Commission:

- Staff recommends forwarding a “positive recommendation” to the Monroe County Board of Commissioners based on the findings of fact, subject to the Highway and MS4 Coordinator reports.

PUD REVIEW CONSIDERATIONS

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

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

Findings:

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

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

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

Findings:

- See Findings (a);
- Multi-family and/or mixed-use is not currently permitted within the RE1, RS3.5/PRO6, MR, or existing PUD zoning districts;
- The site has a minimum lot area requirement of 0.21 acres for Area B, Area C, and Area D;
- The minimum lot area requirements provided are compatible with the current MR zoning district;
- Area B has a maximum gross density of 8 units (Area B is 0.60 acres);
- Area C has a maximum gross density of 15 units (Area C is 0.95 acres);
- Area D has a maximum gross density of 1 unit (Area D is 0.41 acres);
- The entire proposed PUD has a maximum of 5.9 units per acre for the 4.12 acre site;
- The maximum gross densities provided are compatible with the current HR zoning district;
- Areas B, C, and D have a minimum lot width at building line of 60 feet;
- The minimum lot widths provided are compatible with the current MR zoning district;
- The maximum building heights provided are compatible with the current MR zoning district;
- The site has a minimum open space requirement of 30%, which is less than the current MR, HR, and UR zoning districts;
- Off-street parking and loading requirements to meet current Chapter 806 standards with the additional notes listed in the proposed outline plan;
- Landscaping requirements to meet current Chapter 830 standards with the exceptions listed in the proposed outline plan;
- The site proposes the permission of 6 uses in Area B, 3 uses in Area C, and 8 uses in Area D;

(c) *The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and*

the reasons, which such departures are or are not deemed to be in the public interest.

Findings:

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

(d) *The proposal will not be injurious to the public health, safety, and general welfare.*

Findings:

- See Findings (a), (b), (c), and (e);
- The petitioner has submitted a preliminary drainage plan for review by the MS4 Coordinator;
- The petitioners will coordinate with the MS4 Coordinator to ensure proper stormwater management facilities are designed and installed;

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

Findings:

- Staff will be reviewing a development plan if approved;
- Management of common areas (proposed Area A and Area E) will remain under the control of a Homeowner’s Association (HOA);
- The petitioner is proposing 30% open space to be provided by proposed Area A and Area E; a majority of this area is floodplain. Chapter 811 states: “Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.”
- A traffic study authored by EMCS, Inc. is included as Exhibit 5;
- The petitioner has submitted a preliminary drainage plan for review by the MS4 Coordinator;
- The petitioners will coordinate with the MS4 Coordinator to ensure proper stormwater management facilities are designed and installed;

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

Findings:

- See Findings (a), (b) & (d);

- The Southern Meadows Subdivision to the east consists of approximately 95 lots and has yet to be final platted;
- The petitioner states in their written statement (Exhibit 1) that the development is to serve the neighborhood community, retire previous light industrial uses, and will complement the existing community as well as the soon-to-be developed Southern Meadows Major Subdivision;
- The proposed PUD outline plan would connect to existing neighborhoods together while extending pedestrian walking paths, and also to an MCCSC elementary school to the southeast;

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

Findings:

- See Findings under Section (e);
- The petitioner submitted design plans that are aesthetic in nature. In addition, the petitioner submitted a set of potential benefits for this project:
 - *Utilizes previously developed land, creating opportunity for preservation of other undeveloped land*
 - *Adds uses that better serve the existing neighborhood*
 - *Fills a market need for modest sized single-family dwelling units*
 - *Provides neighborhood businesses that serve the residents of Clear Creek*
 - *Reduces trips outside of the community resulting in reduced carbon footprint*
 - *Provides a small number of apartments in a geographic area where they are sorely needed*
 - *Improves alternative transportation infrastructure for Clear Creek residents and businesses*
 - *Improves utility access to neighboring properties*
 - *Promotes green energy initiative providing electric vehicle charging*

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

Findings:

- See Findings under Section (d) & (e);
- Multiple road connections are proposed within the outline plan that will increase interconnectivity between established neighborhoods;
- The petitioner is proposing a private two-way driveway with access off S Rogers ST and W That RD extension to provide access to private garages and additional parking to serve the proposed PUD;
- A traffic study authored by EMCS, Inc. is included as Exhibit 5;

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

Findings:

- The PUD outline plan has open space requirements that will be described legally as unbuildable;
- The petitioner states that Area A and Area E are to serve as common open space, which includes 1.06 acres (~35%) of the total site acreage;

QUESTIONS FOR STAFF – PUO-21-2 – Joseph Greene

Clements: Do members of the Plan Commission have questions for Mr. Myers? Ms. Thomas, Commissioner Thomas.

Thomas: Thank you so much. I wonder Drew if you could go over 2 of the potential uses; one being Construction Trailer and the being Wired Communications. What do those entail?

Myers: Sure. So, Construction Trailer is actually a permitted use in some districts in the county and that is to allow for a temporary construction trailer to exist on a property during construction phases, which otherwise I do not believe can be permitted. So, that is a use that is enabled to help with construction of buildings and structures.

Thomas: Ok.

Myers: Wired Communications I may defer to the petitioner about that one with why they included it but it is included in Chapter 802. I don't know the definition of it offhand. I know that we have Wireless Communications, maybe that is what it should be. But that is basically allowing for colocation of wireless communication devices, wifi.

Nester Jelen: Wired Communications is for the existing Smithville Building, I think.

Thomas: That is what I was asking. Ok, perfect. So, that is for that. Ok, good. The other thing is just a note and I don't want to make anything of this in terms of this petition, I do want to say I think the petitioners for being so thoughtful about modifying this to make this more county, more rural, and more appropriate in terms of the space because that space was just so limited. But I really am just so excited about this project and I really appreciate their wiliness to be flexible and to alter things. But one thing I note is we have a multi-use path running north/south and then we have driveways which cross it and just to make sure that there is some sort of pedestrian safety plan in place all the way to the south there, that there is some primary stop sign and a long enough apron in that driveway to keep pedestrian from getting from getting hit as they are walking down that path. So, that is the only thing that I would say. It is not something that I would say. It is not something that I would. It is not something that needs to be addressed now. I just want to throw that out there as something to think about.

Clements: Thank you, Commissioner Thomas. Are there other members of the Plan Commission who have questions for Mr. Myers or of Planning staff? If there is none we can hear from the petitioner and the petitioner's representative and combined you have 15 minutes. Thank you Tamby for being here and thank you for all of the changes you are going to present to us tonight.

PETITIONER/PETITIONER'S REPRESENTATIVE – PUO-21-2 – Joseph Greene

Cassady: Oh, thank you very much for having me. Look, I just want to thank you all for the time and effort that you have spent in reviewing this Outline Plan Amendment. I know that we have been through some different iterations of it and I feel like we have landed on something really solid here and I just want to thank the Planning staff for providing us some face time. Face to face meetings there for a little while there were really, really helpful to us and comments that we have received various members of the public and Commissioners. So, I think that we may have it. We remain devoted to this as a redevelopment project for Clear Creek. It is well deserving and people really do love it there. They love the trail and you know, we want to keep this momentum going. So, I won't take up much of your time except to say that I will just kind of summarize some of these changes that I think helped add enhancement to this petition. So, one was the reduction in density. Our previous proposal was 36 and now it is 24. Building in Area B is a height reduction from 45 feet to 35 feet and the footprint from the building went from 9,315 square feet to 3,120 with some additional porches, that's 5,300. So, we that really helps size it more appropriately for the area. You noticed a huge reduction in the uses and really more specific uses to the neighborhood that we think would be more viable to the neighborhood and that parking alignment with the neighborhood as opposed to crossing over for parking. We reduced one of the building sizes in Area C also. We put between the building and the walking path instead of the walking path and the street and we added a pollinator garden which we are pretty excited about. Drew very nicely summarized all of these things and I really don't have any additional comments at this point except that I hope that you will forward with as much enthusiasm as I have for it and give it a positive recommendation to the Board of Commissioners. Thank you.

Clements: Thank you Tamby. Do you have any other members of your crew who would like to speak to us? Well, I don't see any. Kendall, do you have anything you would like to say?

Knoke: Kendall Knoke, Smith Design Group. I think I just wanted to highlight one thing that I think has been missed. On the south end of the site there is a pedestrian access easement and that is connecting this property to the Southern Meadows Subdivision. So, there is a cul-de-sac that dead ends but there is a pedestrian path that is going to connect right into Building 5, which we are hoping is going to be the café, you know, coffee shop type, commercial use. I think it is going to be a really good neighborhood amenity and I don't think it has been brought up really and discussed beforehand so I just wanted to kind of draw your attention to that. That is all that I had to add, Tamby.

Clements: Thank you, Kendall. If you are finished then we will move on to members of the public. If there are members of the public that would like to speak in favor of this you have 3 minutes and please raise your hand or press *9 if you are phoning in. Jackie if you could let me know if you see anybody.

Nester Jelen: Sure.

Clements: I don't see anybody either so we will move onto members of the public who are opposed to this petition, please raise your hand or press *9 if you are phoning in.

DRAFT

Nester Jelen: I don't see anyone.

Clements: Ok, I bring it back to the Plan Commission for further discussion. Mr. Stainbrook.

SUPPORTERS – PUO-21-2 – Joseph Greene: None

REMONSTRATORS – PUO-21-2 – Joseph Greene: None

ADDITIONAL QUESTIONS FOR STAFF – PUO-21-2 – Joseph Greene

Stainbrook: Well, I am always appreciative of Drew's presentation. He is convincing with the data that is presents and in this case when Mrs. Cassady mentioned enthusiasm, I don't know if anyone could be quite as enthusiastically oriented as Tamby is but I as a member of the Plan Commission very much in favor of this. Barb, my wife that is, and I drove past there on Rogers Street at least 3 times last week and what you have now are concrete foundations falling apart, of course, footings and trash and its cleaned up some already. But this is a vast improvement. I was interested in Doctor Thomas' about rural and I am all for keeping rural, rural and keeping urban in the urban area but there is a community here. At one time a very prominent stop on the Monon Railroad, so going on to something else that I believe Drew shared with us the depot façade or idea, I don't know about façade, I don't know. I am just thinking I could have coffee at the Hopscotch and then ride my bicycle down to the terminal here and have another coffee. so that's a little bit long winded and again not nearly as enthusiastic as an endorsement as Tamby could give but I am enthusiastic about what this may mean for Clear Creek. Thank you Margaret.

Clements: Thank you Mr. Stainbrook. Mr. McKim.

McKim: Mr. Stainbrook, I would love to join you for a cup of coffee at the café here along the trail and I will be glad to ride my bike too. So, I am ready to make a motion. But I will only do so if nobody else has any other comments.

Clements: I am just going to re-ask. Are there other members of the Plan Commission who would like to say anything further? Ok, so Mr. McKim.

FURTHER QUESTIONS FOR STAFF – PUO-21-2 – Joseph Greene

McKim: In the mater of PUO-21-2, Blind Squirrels, LLC, Joseph Greene PUD Outline Plan Amendment 2, I move we forward to the Board of Commissioners a favorable recommendation, based on the findings of fact, subject to the Highway and MS4 Coordinator reports and waive the final hearing.

Enright-Randolph: **Second.**

Thompson: Second.

Enright-Randolph: I think I beat everyone to the punch and that is Trohn that you could put officially down on there.

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Stainbrook: You are always the fastest.

Enright-Randolph: Well, I wanted to really enthusiastic with that second, there because I have been supporting this for quite some time.

Stainbrook: There you go.

Wilson: I will call the roll on PUO-21-2. The motion is to approve, to send a favorable recommendation to the Monroe County Commissioners in regard to the Joseph Greene Outline Plan Amendment 2 as revised and I believe this is the final hearing so the waiver of the final hearing is not needed. Is that correct Drew.

Myers: In the motion Geoff requested the waiver of the final hearing. This is the preliminary hearing.

Wilson: Sorry. Ok. Including a waiver of final hearing to approve the PUO Outline Plan Amendment for the property located at 4831 South Rogers and 4833 South Rogers. Again the motion is to send a positive recommendation, favorable recommendation to the Board of Commissioners based upon the finding of fact, subject to the MS4 Coordinator and Highway Engineer reports. Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: I am still having trouble with this, you know, I am having trouble with it because it is zoned RE1 and I just don't, I think this is too dense for the rural area and I think that also we have so many multi-family housing units and we are building more and more all of the time it just seems to me that it is just too dense so I have to vote no.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

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Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: The motion is approved by a 7 to 1 vote to send a recommendation to the Commissioners in regard to the Joseph Greene Outline Plan Amendment 2.

The motion in case PUO-21-2, Joseph Greene Outline Plan Amendment 2 (REVISED) Preliminary Hearing, Waiver of Final Hearing Requested, in favor of forwarding a favorable recommendation to the County Commissioners, carried (7-1).

PLAN COMMISSION BUSINESS Continued from AUGUST 17, 2021:

**4. 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: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Jim did you want to recuse yourself as you did last time? You are on mute. You are on mute.

Stainbrook: I have been saying, I am sorry, sorry, sorry. Thank you Jackie. Since we are friends with Dennis, yes, I think I should recuse myself. Thank you.

Nester Jelen: Ok, thanks.

Clements: Thank you.

Nester Jelen: Alright. This is a request to extend the ordinance that was passed in 2005, so 2005-32. The first presentation that I want to show you is just looking at the extent of the ordinance that they would like to extend. Right now they approved to have nine 4-plexes, which would be a total of 36 units, which includes 54 bedrooms. So, they have one bedroom on the first floor and then two bedrooms on the second floor. Key an eye on the red for this petition. I will also note that since we last spoke the petitioner has requested that this will be their most favorable I guess approvable by the Plan Commission and then if they can't get this to extend then they would be interested in the next amendment and if not that then we have to make another decision, which is to have the Plan Commission initiate the Planning staff to initiate a rezone. This is the slope map of the property. They do have a gravel road in place here and infrastructure in place including storm water detention basins and there is an existing 50' wide drainage easement that goes through the southern portion of the property and it totals 6 acres. So, proposed development is mostly on this northern parcel. It is part of the Designated Community Area of Harrodsburg and it is like I mentioned currently zoned Planned Unit Development. I did take a look at the non-buildable area and it is about 1 and a half acres of the site is considered non-buildable and that is the drainage area and the road that we consider non-buildable for dwellings or residences. So, they did do an as-built of the site and as I mentioned there is storm and sanitary sewer. So, this is gravity fed. There is a sanitary main that goes through the property and there is a retention pond that was constructed some time ago. Here are some site photos here. Standing along the road which they have requested or was previously named Buffalo Trace and this would be a private road is what they are proposing with storm already included here. The road would need to be regraded and meeting county standards but for the most part there are utilities in. This is a view of the property across the street. It is zoned Urban Residential and it contains a duplex. This the retention pond and this is a photo on the left after the June 19 storm event that we had. The petitioner sent me a photo and shows that it is in working order. But if we were to proceed with this amendment or

extension all of this would have to be re-reviewed by internal staff since it has been many years and it would have to meet current standards. So, at the end here at the road they are proposing a hammerhead to turn around and then the site off further west is just agricultural land and it is not connected to this proposal right now. On the right there is an asphalt trail behind the vegetation here I believe and the petitioner is recommending a path that would go up and connect to this area so you could connect from this development to Popcorn without walking along Harrodsburg. Right now they do have a proposal to include a sidewalk on one side of the street plus that trail connection staff has recommended. In the next petition you will see butt under this ordinance it is just on one side with that pedestrian connection. But staff does prefer to see sidewalk on both sides. Here is the development plan that was submitted and approved but never built out. Since this has expired they would have to resubmit the development plan for review and approval. But we need to have extension of this PUD since time has lapsed on this development. Here are the nine 4-plexes and then a proposed shed all accessing off of Harrodsburg with a turnaround here and then just a close-up of what this would look like. So, there would be 2-stories, 4-plexes and each unit would be on either side and then one unit downstairs, one unit upstairs and then 2-car garages on either side with parking in the driveway. Staff is recommending a denial for the extension of Ordinance # 2005-32 and is requesting that the Plan Commission consider petitioners Outline Plan Amendment, which will be heard next. I will take any questions that you might have.

RECOMMENDATION:

Staff gives a recommendation of **denial** for the extension of the Ordinance # 2005-32.

If denied:

The petitioner may seek an outline plan amendment (PUO-21-3). If the Planned Unit Development Outline Plan Amendment is also denied, Planning staff will initiate a rezone of the property to a zoning designation that meets the comprehensive plan.

QUESTIONS FOR STAFF – Ord#2005-32 – Heritage Creek

Clements: Do members of the Plan Commission have any questions for staff? Mr. Enright-Randolph.

Enright-Randolph: Yes, so I guess maybe I heard it wrong or maybe my thought process was a little off last time. You just mentioned that if we extend this that they will actually have to comply with the current standards that we have today with Highway and Stormwater?

Nester Jelen: Yes, so Trohn with the roadway improvements they would need to come up to standards on that road since it wasn't ever built out they do need to regrade and meet those standards. We are going to be in consideration of the infrastructure that is in place. But the types of things that we might retrofit to be able to fit the standards might be like road depth, sorry, road width and then also the retention pond sizing, there are some things that we could do there as well but it will have to undergo full review.

Enright-Randolph: Ok, so that means they need to meet current standards. So, I guess I think it is really important for us as a Plan Commission and maybe even the public watching, what are the significant differences between these 2 proposed options for this PUD? I know that I am kind of

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moving into the case in front of us but what really are the big differences between the 2 that are being proposed?

Nester Jelen: The difference is in terms of density. So, the footprints are essentially the same. It is the number of units. So, under this ordinance that is requesting to be extended you are looking at a proposal for nine 4-plexes. Under the Outline Plan Amendment you are looking at duplex development, so it is a reduction in the number of units.

Enright-Randolph: Perfect. I had that one straight. Thank you.

Nester Jelen: Jerry, did you have a question?

Pittsford: Yes, Jackie, if you will leave that up that will be great. Ok, so my first question is I am under the impression that the petitioner would rather see this denied so that they can move on to their next PUO. Is that correct?

Nester Jelen: Just to clarify this was backwards the last time we spoke the petitioner's preference would actually be for the Plan Commission to extend the 2005-32 Ordinance for the 4-plex development.

Pittsford: Ok. Then if we went with the rezone or is the current zoning of this UR or is the rezoning UR?

Nester Jelen: The current zoning is PUD. The possibility by staff as just a comparison chart we looked UR.

Pittsford: Ok, so since the PUD is expired if we don't extend it, it would be subject to a rezone and probably UR would only be 6 structures. Is that correct?

Nester Jelen: So, just to be clear on the language here, the PUD, to expire the PUD the Plan Commission has to take official action, so the PUD is not yet expired and in order to expire a PUD you have to initiate a rezone to another zone or make that motion. So, if it were rezoned to UR there would have to be a subdivision that doesn't allow for multi-family development at this point. But they could get an estimate of 6 structures and 12 units with a shared lot line.

Pittsford: Alright.

Clements: Ok. Any other questions from the Plan Commission for staff? If none, we will go to the petitioner and/or the petitioner's representative and you have 15 minutes combined to address the Plan Commission. Do you see the petitioner, Jackie?

Nester Jelen: Daniel was representing the petitioner on this and I think he might have signed off. I am not seeing the other petitioner's here unless they are on the phone, which in which case it would *6 to unmute. Ok, I am not seeing them on tonight.

Clements: Well, then to the public. Are there members of the public who would like to speak in

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opposition to this petition, which has to do with the extending their request for a PUD? If so, please raise your hand or press*9 to be recognized. Ok, are there members of the public who would like to speak in favor of this petition? I don't see anyone. So, back to the Plan Commission if there is any further discussion and/or a motion. Mr. McKim.

**PETITIONER/PETITIONER'S REPRESENTATIVE –
Ord#2005-32 – Heritage Creek: None**

SUPPORTERS – Ord#2005-32 – Heritage Creek: None

REMONSTRATORS – Ord#2005-32 – Heritage Creek: None

ADDITIONAL QUESTIONS FOR STAFF – Ord#2005-32 – Heritage Creek

McKim: Just so I can understand it, there are 2 petitions here and are essentially rezones. Would the Commissioners then be, the Board of Commissioners then be hearing both of them and so they would essentially have the same choice that we do?

Nester Jelen: Yes, so my understanding is to expire this ordinance officially you would take forward with it the PUO in tandem or go through and initiate a rezone, which I think would then come to them at once. But, Larry is that your understanding that the Plan Commission has the ability to expire the ordinance, but only the Commissioners have the ability to rezone it?

Wilson: That is my understanding. The process is basically unless you renew it in effect if it is not renewed, it goes to the next step, which is to rezone it to a different zone.

McKim: But so we would still consider these 2 separate petitions or should any motion, so let's say, I will be transparent, I am interested in the second option in PUD-21-3. If I were to support a motion, would that include both the denial Ordinance 2005-32 and approval of PUD-21-3 or do we just consider those as 3 separate motions?

Wilson: I think they are 2 separate agenda items. They are not under the same agenda item so I think the procedure would be to vote on the extension. If that were approved there would be no need for the second.

Clements: Is there a motion on item number 4 on the agenda?

FURTHER QUESTIONS FOR STAFF – Ord#2005-32 – Heritage Creek

McKim: If no one else is going to make one I will say, sorry I was on the wrong one. **In the matter of Ordinance #2005-32, Outline Plan Extension to Planned Unit Development Ordinance 2005-32, I move that we forward to the Board of Commissioners a recommendation of denial to the extension of Ordinance #2005-32.**

Owens: I will **second** that.

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

Wilson: Just to clarify Jackie, my understanding was that the Plan Commission would have to, the Plan Commission determines whether or not to extend it or not. It doesn't have to go to the Commissioners.

Nester Jelen: Yes, so the recommendation to extend does not go to the County Commissioners but the extension by itself if you don't approve the Outline Plan Amendment then we are needing to initiate a staff rezone. So, yes, this extension is purely just at this level.

McKim: Ok, **I correct my motion to be a vote of the Plan Commission, not a recommendation to the Commissions.**

Clements: Dee, do you accept that?

Owens: **I do.**

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

Wilson: I will call the roll. The vote is on Ordinance #2005-32, Heritage Creek PUD Extension Request. An "aye" vote is a vote to deny the request to extend the PUD. Jim Stainbrook?

McKim: I believe he has recused himself.

Wilson: He is abstaining, right. Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

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Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: The vote is 7 to 0 in favor of denying the extension with 1 abstention by Jim Stainbrook.

The motion in case Ord #2005-32, Heritage Creek PUD Extension Request, Final Hearing, to deny the request, carried unanimously (7-0) with 1 abstention.

PLAN COMMISSION BUSINESS Continued from AUGUST 17, 2021:

5. PUO-21-3

Heritage Creek Outline Plan Amendment 2

Preliminary Hearing.

Waiver of Final Hearing Requested.

Two (2) 6.60 +/- acre parcel in Section 29 of Clear Creek Township at 9200 block +/- S Harrodsburg Rd.

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: I am going to take this one Margaret, sorry. So, this petition the main difference is the switch between being 4-plex development to being 2-plex development. The proposal is that they were would become one-story on the north side and then there is a possibility for, they wanted a possibility written in for a few of these developments to have a basement on the south side because the contours essentially are more suitable for a walkout design but at the front it would look like a one-story. So, they are proposing 9 duplex buildings and 1 innkeepers unit, so we are considering that like a single family development. This would all be on one lot of record and the petitioner and the petitioner's representative have stated to us that they are interested in a condominium association type development where they could sell the individual sides of the units but it's not going to be an actual subdivision with land associated with that it would just be the building site itself being transferred. The same footprint as the 4-plex design, one less story, 2 less units per building. It also then allows for the 2-car garage spaces to be utilized and not shared by either side. So, if there was any concern for vehicles stacking up along here there would be less vehicles because of the number of units being decreased. This is similarly the as-built showing the infrastructure is installed here and this is just kind of a close-up of what the proposed development might look like. Staff has kind of gone through the design standards to show you what this looks like in comparison to let's say Urban Residential design and there is a condition at the end to have petitioner update their Outline Plan Amendment to be more specific. We will go through some of these kind of which one is more strict in the design standards so you can get idea of how this compares to a county zone. They are proposing about 4.17 units to the acre as compared to UR which would allow for 7.3 units to the acre. It is going to be less dense than let's say a UR district. However, you will note there is not minimum lot area or minimum lot width because again we are not considering a subdivision for this. They are considering a minimum side yard of 10 feet which is a little bit more strict than the UR. Landscaping, they have a proposal that would allow for a little bit less strict landscaping on the north side, the south side and the bioretention. One of the comments that staff is making is to either increase the amount of landscaping required to meet this similarly to the county's own standards or another amendment if the Plan Commission so choses. Parking standards, they are proposing a total of about 64 parking spaces of that 7 being on-street parking spaces and the garage spaces being counted. But if this were a county zoning district we would only really be able to require approximately 31 spaces. Staff has made a positive recommendation for the Plan Commission to give to the County Commissioners with a few conditions. The petitioner must amend the Outline Plan to include a comprehensive list of requirements including but not limited to parking, landscaping, road specifications, signage, uses, and design standards. Petitioner revise landscaping requirements to include bioretention plantings and full perimeter landscaping. Petitioner amend the Outline Plan to meet any Highway requested

specifications for the roadway, including sidewalks on both sides of proposed Buffalo Trace. Petitioner amend setbacks to reduce conflicts between parked cars in the driveway and the sidewalks. I can take any questions that you might have.

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends a **positive recommendation** to the County Commissioners for the Planned Unit Development Outline Plan subject to the Highway Reports and MS4 Coordinator reports with the following conditions;

1. Petitioner amend the outline plan to include a comprehensive list of requirements including but not limited to parking, landscaping, road specifications, signage, uses, design standards, etc.
2. Petitioner revise landscaping requirements to include bioretention plantings and full perimeter landscaping
3. Petitioner amend the outline plan to meet any Highway requested specifications for the roadway, including sidewalks on both sides of Buffalo Trace.
4. **Petitioner amend setbacks to reduce conflicts between parked cars in the driveway and the sidewalks.**

PUD REVIEW CONSIDERATIONS

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

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

Findings:

- The Comprehensive Plan designates the property as Designated Communities under the Harrodsburg Rural Community Plan;
 - The Harrodsburg Plan calls for “an emphasis on single family development”. The petitioner is proposing condominium-type development to allow for ownership opportunities;
- (b) *The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.*

Findings:

- The stated purposes of a PUD include:
 - A. Reflect the policies of the Comprehensive Plan specific to the neighborhood in which the PUD is to be located;
 - B. Provide substantial buffers and transitions between areas of different land use and development densities;

- C. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
 - D. Counteract urban monotony and congestion on streets;
 - E. Promote architecture that is compatible with the surroundings;
 - F. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development;
 - G. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
 - H. Effectuate implementation of the Comprehensive Plan
- The proposal meets most purposes of the PUD. The petitioner is proposing a condominium association to allow for the possibility of owner-occupied units;
 - The site proposes a maximum gross density of 19 units;
- (c) *The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.*

Findings:

- See Findings (a) and (b);
 - The petitioners are working with staff to comply with Chapter 811 standards;
 - The petitioners are deviating from the sidewalk standards, but they do meet the minimum intent of the landscaping and parking standards.
- (d) *The proposal will not be injurious to the public health, safety, and general welfare.*

Findings:

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

Findings:

- County Highway has reviewed the petition site and has provided comments;

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

Findings:

- See Findings (a), (b) & (d);
- The Harrodsburg community had sewer installed during the 1990s. This is one of the first major developments in this area since the sewer was installed. Most properties in Harrodsburg are single family residential developments on lot sizes that range around 0.22 acres;
- The petition site proposes 19 units on 5.93 acres, or 0.31 ac minimum lot size equivalent for comparison;

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

Findings:

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

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

Findings:

- See Findings under Section (d) & (e);
- The nearest fire station is the Perry-Clear Creek Fire Department about 3.2 miles away;
- The property would be served by sewer, water, natural gas, and electric;

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

Findings:

- See Findings under Section (d) & (e);
- The PUD outline plan has open space requirements that will be described legally as unbuildable;

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- The open space was approved as ‘passive recreational area’ and does not contain ‘useable’ open space;
- (j) *The proposed development is an effective and unified treatment of the development possibilities on the site.*

Findings:

- See Findings (a) & (b)
- There is not a zone under Chapter 802 that would allow for multi-family development;

QUESTIONS FOR STAFF – PUO-21-3 – Heritage Creek

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

McKim: Some of those recommendations are kind of vague or maybe not vague but just not very specific. So, I am wondering let’s say we did make a positive recommendation would they then still need to, would working out the details there just fall to the staff level?

Nester Jelen: Yes. What I had shown, I am assuming you are kind of commenting regarding number 1?

McKim: Number 1 and Number 4.

Nester Jelen: Number 4, ok. Number 1, I will speak to, are just tables like this. I did this looking at the proposed plan but looking at their ordinance they don’t have certain requirements, so if they want to adopt or look at staff’s reporting on this and just include numbers and specifications for the things that are laid out in the site or in the staff report, that will help us in actually administering and enforcing a development plan. Number 4 is in coordination with the Highway Engineer there was a concern that because of the distance of the proposed sidewalk to the front of the garage and if some folks decide to use the garage as storage space there could be vehicles stacking that may lead to vehicles being in the way of the sidewalk. So, that was a consideration of possibly add a setback requirement of this area, which is technically considered and easement and at this point they don’t have a setback requirement for this distance here. They just have exterior front, side and rear setbacks.

McKim: So, would it be more difficult for us to approve it with the recommendations as you have written or for the petitioner to come back for a final hearing having addressed those 4, this is a preliminary hearing, right?

Nester Jelen: Yes, this is a preliminary hearing. I think that the petitioner’s representative when I asked them to make these changes, they were looking for a little bit of, they were interested in whether or not this could be moved forward with a positive recommendation by the Plan Commission before expending a lot of funds for this but typically in any situation we do want the Plan Commission to review the full requirements before making a decision so you feel informed. However, if you feel like you could condition them to meet say staff list of requirements and you

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feel comfortable with those tables then that could be another way and they could amend it between now and a Commissioner meeting. It just depends.

McKim: Thank you.

Clements: Do any of members of the Plan Commission have questions for Ms. Nester? Ok, is the petitioner or the, oh, I am sorry, Commissioner Thomas.

Thomas: Sorry about that. I am trying to find in the packet is there still a caretakers property or house included? So, that is an additional unit?

Nester Jelen: Yes. They are requesting a one bedroom caretaker unit. I believe that is still in their consideration for this amendment, yes.

Thomas: Ok. So, that doesn't include a garage I assume?

Nester Jelen: It doesn't look like it.

Thomas: Ok, thank you.

Clements: Ok, so if the petitioner or the petitioner's representative is present. Mr. Graham.

PETITIONER/PETITIONER'S REPRESENTATIVE – PUO-21-3 – Heritage Creek

Graham: This is Doug Graham. Can you hear me?

Clements: Yes.

Nester Jelen: Yes.

Graham: Oh, good. I was told that Dennis Miller would be here tonight but I don't see him on the board of participants so I believe you are stuck with me to represent.

Nester Jelen: Sure, go ahead Doug.

Graham: We have no objections to the presentation that Jackie has presented. We look forward to getting a positive recommendation.

Clements: Ok, thank you Mr. Graham. Are there members of the public who are opposed to this petition? Is so, please raise your hand or press *9 if you are calling in by phone. If there is no one, are there members of the public who are in favor of this petition? If so, please raise your hand or press *9 if you are calling by phone. Ok. So back to members of the Plan Commission for fuller discussion and/or a motion.

SUPPORTERS – PUO-21-3 – Heritage Creek: None

REMONSTRATORS – PUO-21-3 – Heritage Creek: None

ADDITIONAL QUESTIONS FOR STAFF – PUO-21-3 – Heritage Creek

Clements: I would just like to say one thing and this just has to do with the type of housing. There is so much multi-family housing. I think we have got a lot of it in this county and it seems to me that this is pretty dense for a rural area. So, I am having problems with it. That being said, any other members of the Plan Commission who would like to speak on this or to make a motion? Mr. McKim.

McKim: I guess I don't have a problem with moving it forward with the idea that the petitioner would have to address these recommendations before moving on to the Board of Commissioners. I mean, let's let the Commissioners decide. Obviously, President Clements and I have some disagreements on what is rural is and what is urban and I think definitely Harrodsburg is has a lot of elements of an urbanizing community, even though it is of course not very close to the city center. It has city sewer, not city sewer but it has a sewer system among other things that certainly does permit a greater amount of density. I think I am also intrigued by the fact that it also sounds like the petitioner is interested in allowing these units to be sold as condominiums rather than solely as apartments. So, I think that also should figure into things. That said I am going to go ahead and make a motion.

FURTHER QUESTIONS FOR STAFF – PUO-21-3 – Heritage Creek

McKim: **In the matter of PUO-21-3, Heritage Creek Planned Unit Development Outline Plan Amendment 2, I move that we recommend to the Board of Commissioners approval of the PUD Outline Plan subject to Highway reports and MS4 Coordinator reports with the following conditions;**

- 1) Petitioner amend the outline plan to include a comprehensive list of requirements including but not limited to parking, landscaping, road specifications, signage, uses, design standards, etc.**
- 2) Petitioner revise landscaping requirements to include bioretention plantings and full perimeter landscaping.**
- 3) Petitioner amend the outline plan to meet any Highway requested specifications for the roadway, including sidewalks on both sides of Buffalo Trace.**
- 4) Petitioner amend setbacks to reduce conflicts between parked cars in the driveway and the sidewalks.**

And waiver final hearing with the idea that these recommendations would be met before the petition is moved to the Board of Commissioners.

Thompson: **Second.**

Clements: Mr. Wilson?

Wilson: I am hesitant to do this now given the weight of that motion but I believe this is a preliminary hearing and I don't see on the agenda where a waiver of final hearing was noticed. Am I correct in that?

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Clements: Yes.

Nester Jelen: Let me just check the application, one second. I do apologize. It looks like the petitioner did request a waiver of the final hearing and the letters were sent out to that extent Larry.

McKim: Does that mean that it was properly noticed?

Nester Jelen: Yes, properly noticed to request a waiver of final hearing, yes.

Wilson: It was on the public notice that I guess I'm questioning.

Clements: While we have a moment, I just want to thank the staff for the care they take in noticing and publicizing our hearings. I think you do an exemplary job and I really think that it is really great that you are so careful with the proper noticing.

Nester Jelen: Yes, thank you Margaret. Larry, this was noticed correctly. I think between this being continued from the old August 17th it wasn't heard, so it is still the preliminary hearing. A waiver was requested. So, yes it was listed correctly in the paper notice.

Wilson: Ok, I am prepared to go ahead and call the roll. Again, the motion is to send a positive recommendation to the County Commissioners for the Planned Unit Outline Plan, subject to the Highway reports and MS4 Coordinator reports, with the following conditions;

- 1) Petitioner amend the outline plan to include a comprehensive list of requirements including but not limited to parking, landscaping, road specifications, signage, uses, design standards, etc.
- 2) Petitioner revise landscaping requirements to include bioretention plantings and full perimeter landscaping.
- 3) Petitioner amend the outline plan to meet any Highway requested specifications for the roadway, including sidewalks on both sides of Buffalo Trace.
- 4) Petitioner amend setbacks to reduce conflicts between parked cars in the driveway and the sidewalks.

Again, a favorable vote is a vote to send, a yes vote is a vote to send a favorable recommendation to the Commissioners and approve the waiver of final hearing in regard to PUO-21-3, Heritage Creek Outline Plan Amendment 2, subject to conditions set forth in the motion. Jim Stainbrook?

Clements: He is abstained.

Wilson: He is abstaining. Ok. Julie Thomas?

Thomas: Yeah, I am just concerned that this petition doesn't seem right. It seems like there are so many things left to do. I am not sure I understand why we are seeing it now. I am going to vote no.

Wilson: Amy Thompson?

Thompson: Yes.

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Wilson: Margaret Clements?

Clements: No.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Was I heard? I voted yes.

Wilson: Ok, note Trohn Enright-Randolph voted yes. Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: No.

Wilson: Jerry Pittsford?

Pittsford: Based on the fact that Harrodsburg was previously a semi-urban setting and this is a return to that more urbanized zone and the fact that the urbanization went away when they closed the school down there, I am going to go ahead and vote yes.

Wilson: Ok. The vote is 4 to 3 in favor of a recommendation and it **fails due to a lack of majority**. 5 members needed to approve the resolution, so it will be **continued to the 21st meeting**.

Clements: Ok, sir, Mr. Graham, this will appear on our September 21st Plan Commission Meeting, just so that you know. Because we aren't a full committee tonight, we don't have the 5 members present needed to approve this. So, it will be heard at our next Plan Commission Meeting, which is September 21st. Thank you for coming tonight Mr. Graham and we look forward to see you on the 21st.

The motion in case PUO-21-3, Heritage Creek Outline Plan Amendment 2, Preliminary Hearing, Waiver of Final Hearing requested, failed due to lack of majority vote, (4-3) with Jim Stainbrook abstaining.

Case will be heard at the September 21, 2021 Plan Commission Meeting.

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[PLAN COMMISSION ADMINISTRATIVE SESSION for SEPTEMBER 21, 2021 ensued and minutes are not required for the administrative portion of this meeting]

REPORTS:

Planning/Wilson: No reports.

Legal/Schilling: No reports.

The meeting ended at 7:23 pm.

Sign:

Attest:

Margaret Clements, President

Larry J. Wilson, Secretary

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