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**MONROE COUNTY PLAN COMMISSION
Virtual Meeting via ZOOM - Minutes
December 14, 2021 5:30 P.M.**

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – June 15, 2021, July 20, 2021

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

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

ABSENT: *Geoff McKim*

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

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

INTRODUCTION OF EVIDENCE:

Larry Wilson introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

Motion to approve the agenda, carried unanimously.

APPROVAL OF MINUTES

Motion to approve minutes from June 15, 2021 meeting, carried with 1 abstention.

Motion to approve minutes from July 20, 2021 meeting, carried unanimously.

ADMINISTRATIVE BUSINESS: None.

UNFINISHED BUSINESS:

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

NEW BUSINESS:

- 1. ZOA-21-8 Amendment to the Monroe County Zoning Ordinance: Chapter 815- Site Plans (Certified Site Plans) Preliminary Hearing.**
Amendment to require certified site plans for development.
Contact: jnester@co.monroe.in.us
- 2. REZ-21-6 Cook Polymer Technology Rezone from PUD & IG to LI Preliminary Hearing. Waiver of Final Hearing Requested.**
Two (2) 12.29 +/- acre parcel in Van Buren Township, Section 1 3800 W Constitution Ave, parcel no. 53-09-01-401-001.000-015 & 53-09-01-401-004.000-015. Owner: Nate Myers
Zoned PUD & IG. Contact tbehrman@co.monroe.in.us
- 3. REZ-21-7 440 E Sample RD Rezone from AG/RR to GB Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) 1.647 +/- acre parcel in Washington Township, Section 34 440 E Sample RD, parcel no. 53-02-34-200-006.000-017.
Owner: Richardson, Donald M.
Zoned AG/RR. Contact dmyers@co.monroe.in.us
- 4. ZOA-21-12 Amendment to the Monroe County Zoning Ordinance: Preliminary Hearing. Waiver of Final Hearing Requested.**
Amendment to sign permit requirements, timelines, permit exemptions for small signs and certain temporary signs.
Contact: lwilson@co.monroe.in.us

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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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition has been continued by the staff.

NEW BUSINESS

1. ZOA-21-8

Amendment to the Monroe County Zoning Ordinance: Chapter 815- Site Plans (Certified Site Plans) Preliminary Hearing.

Amendment to require certified site plans for development.

Contact: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: This is a request for a change to Chapter 815, which is Site Plan review and we have seen this a few times before. It has come back with some edits made by staff and also in consideration with local land surveyors and someone from the Building Association so there has been a little bit of change from the last time. The way that this section will now work is that it is separating out the different types of certified site plans, certified plot plans or scaled plot will work. So, if you are commercial you will still be required to have a certified site plan. That's currently the requirement and that is also going to be the requirement going forward. We have also tried to relate this to the Use Table in Chapter 802. So, all of the uses that we have so for site plans we have went ahead and listed those out so that there is no confusion with whatever commercial use that you are having on a property that you will you have to do a commercial certified site plan if you are one of these uses listed in this table. Residential uses those are going to require a certified plot plan, which is a lower bar for certification and it will be requiring boundaries as well proposed buildings, existing structures, enough information so that our Zoning Inspector and staff can review and make sure that proposed structures meet all of the requirements. We currently don't have a requirement for certification for site plans or plot plans for new residential uses so this would be something that would be new and we wanted to make it a little bit clearer in the cases in which certification would be required. Under accessory, this is going to include residential uses and agricultural uses, allows expansions to primary structures and new construction of accessory structures. If you have an existing single family residential use on a property and you want to do an addition or build a detached garage we are thinking that starting out we are not going to require that to have a certified plot plan, that you can use a scaled drawing that can be done with a without certification. Moving down this table then relates to the use of, sorry, the requirements that will need to be shown on either the certified site plan or, certified plot plan or the scaled drawing. These letters also correspond with the illustration in these different color boxes so you don't have to always go up and down to know which should be required for the type of building you are going to construct. As I mentioned before it lays out the plot plan or the certified site plan or the certified plot plat and then there is a list of requirements below. As I mentioned before we did work with a few local land surveyors in town and have made some changes and listened to their feedback on this. There are a few things that we wanted to keep in the requirement that were asked to be taken out or changed and I am happy to go over that if anyone has any questions. But just to give a broad overview of the types of requirements that we are looking to implement for this would be especially different for residential structures, new structures requiring this and then also there was a comment at our Administrative Meeting to show 15 percent slope lines or buildable area. We thought that would be super helpful so we did add that in and just to note these requirement are in addition to any other chapter requirements, so say Chapter 825, which is the Environments Constraints Overlay, those requirements would be in addition to these requirements. So, we didn't want to be

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duplicative but there are other that may need be shown including the 12 percent slope lines if you are in the ECO 1 area proposing a home. If there are any questions on this, I can take any questions that you have now or go over anything.

QUESTIONS FOR STAFF – ZOA-21-8 – Amendments to MC Zoning– Site Plans

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

Enright-Randolph: Yeah, Jackie you eluded to wanting to keep a few things intact with recommendations of having them removed by I would assume the land surveyors. Is that correct?

Nester Jelen: Yes.

Enright-Randolph: Would you want to kind of just go over that? I am just kind of curious.

Nester Jelen: Sure. If we go on down, these comments starting on page 13 are actually the comments that Eric Deckard let me know over the phone and he said this was representing 4 land surveyors and 1 building association person. So, I will just go through the things that we did not change. Eric had recommended definition of plot plan and site plan somewhere in the chapter that is something that we did not want to put into Chapter 815 but we do have another ordinance amendment in Chapter 801 which is definitions and at that time we can add in definitions to plot plan and site plan. To date we have utilized the requirements that have to go into a site plan as the definition of a site plan because it is contained in the chapter but we can certainly try to better delineate the difference between a plot plan and a site plan in that Chapter 801. We did make the changes to be more inclusive of the residential 2 family and agricultural structures. We broke those out per the different categories. We did make the changes to just specify site plan or plot plan and added the term surveyor. Septic tank and field there was a question as to whether it was required for larger lots to locate those and I responded back to Eric that we did need to include those even for larger lots because we are responsible for checking separation distances between septic tank fields and karst areas or property lines, structures things like that. Instead of striking wetlands we made it so that it was saying illustrate any apparent or visible karst or wetland features on the plot plan and then we made a change to easements to say shown on any recorded deed or plat instead of current deed or plat. We wanted there to be a little bit more description to the easement even if it was on a prior recorded plat. Signage there was a question as to whether this was needed for accessory structures. That is an option change that if people want to apply for a sign then it will need to be on the site plan so we didn't want to remove that. This was changed from 1ft to 2ft. because there was a conversation with the land surveyors that if we added 1ft. it would be an additional cost and also conflict with the best available contours that they had readily for the rest of the site and so we changed this to 2ft contours or spot elevation as suggested. We decided to break out construction plans and add floor plans for residential. We tried to make it a little bit clearer that erosion control methods be shown on the plot plans not necessarily that they must be followed because of the recent information about Rule 5 compliance and that not all lots would be subject to Rule 5. That is a summary of the requirements Trohn. Let me know if there is anything that you have specific questions on.

Enright-Randolph: Thank you. I was just kind of curious of your thoughts behind those. I just want to extend that thank you again to everyone that had worked together on making some of these changes. I think it really enhanced the amendment that we have in front of us today.

Wilson: I wanted to note the arrival of Julie Thomas. So we now have 8 members present.

Clements: Ok, are there other members from the Plan Commission? Bernie, Mr. Guerrettaz?

Guerrettaz: Just kind of some remarks. First off I want to again, I have done this multiple times over the last several months because Larry and Jackie have both done a nice job in certain circumstances reaching out to the public and design professionals and different parts of the community that have a vested interest in things that we do and this is another example. Of course, I commend Eric Deckard sitting down and questioning some of the professionals in the community but I know also he reached out to Eric Meeks who practices in another county that doesn't do a lot of work in Monroe County and Eric is an exceptional land surveyor. He started the business a few years ago and even spoke with Eric a little bit and I had talked with Eric just right before he spoke with Jackie and that interaction that Eric and Jackie had was nothing but professional and informative and just wanted to take my hat off to staff. The 2 things that I want to make sure that we pay attention to and Jackie said both of them but one is that we are looking at consistency between sections and other sections of the ordinance and Jackie and I spoke about that and the other thing is I think that when it comes to some of these plot plans the key is to give staff a commitment from a petitioner a legible plan that they can discern what is proposed and what is currently there. I think that overall this does that. While I think that some of our requirements are a little heavy handed at times as far as what the time constraints are and what the level of information and frankly what the insurance of the information is. Again, Jackie's notes she took out things like the wetlands and things for some of these uses platted subdivisions and things where all of that information is already set up. Different rearms of professionals aren't equipped to handle that. They just aren't able to take that liability on, which is again what we always talk about. So nice job. Overall I think this is something I think I can support unless there is other questions or feedback from the public that would change my mind. Thanks for the indulgence Margaret.

Clements: Thank you Mr. Guerrettaz. Are there other questions or comments?

Nester Jelen: I will just note Bernie as a follow-up I did keep any visible or apparent wetlands and that was something I think was a little bit more amenable to the land surveyors for a plot plan than going in further detail of like karst reports or karts studies, floodplain studies so that is still a requirement but now it is visible or apparent.

Guerrettaz: I saw that and that is what I was eluding to. Thanks Jackie. Thanks for verifying that.

Nester Jelen: One other addition that I think might be helpful and I want to make sure this is best possible and clearest text amendment before it gets to a vote from the Plan Commission and the Commissioners is I am noticing it may be clear especially under this residential category to have a note similar to what I have here under accessory just to say that if this applies to all brand new construction and does not apply to additions or expansions and then under this one I would put a note that says applies to all commercial development regardless of new construction, addition, or

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expansion. I spent a lot of time looking at the individual uses and I think I may have missed that critical detail, so I want to make that amendment before we vote on this.

Clements: Mr. Enright-Randolph.

Enright-Randolph: I guess Jackie would you be more comfortable if we brought this up at the end of the meeting with those edits and then we could take action there if the president would indulge us?

Nester Jelen: I think if I make changes to the packet, Trohn I might feel more comfortable allowing this to go to as much as I don't want this to keep getting delayed another meeting because I just want to make sure we are compliant with all notice requirements and I just want to do that properly.

Clements: Yes, it also says it is a preliminary hearing. This isn't the final hearing of this. So, I would be uncomfortable with taking action on it tonight.

Enright-Randolph: Apologies. I didn't notice the preliminary hearing.

Clements: Thank you. Any further discussion? Moving on. Do we take comments from the public on this tonight, Jackie?

Nester Jelen: Yes you can take public comments.

Clements: So, I would like to open this up to any members of the public who would like to speak on this and we have a 3 minute time limit for members of the public to speak either in favor of the proposed amendment or against the proposed amendment. So, I would like the members of the public who are in favor of this change to the zoning ordinance to please raise their hand in the zoom or press*9 on their telephone to speak for 3 minutes and that is for people in favor of this amendment to the Monroe County Zoning Ordinance. So, if you would be so kind Jackie when you see people raise their hand to acknowledge them.

Nester Jelen: I don't see anyone Margaret.

Clements: Ok, is there anyone in opposition to this? If so, please raise your hand in the zoom window or please *9 on your telephone to be acknowledged. Ok, so we don't take any action on this tonight, so it is tabled until our next regular meeting of the Plan Commission, which will be in January, right, the third Tuesday in January.

Nester Jelen: Correct.

PUBLIC COMMENT – ZOA-21-8 – Amendments to MC Zoning– Site Plans: None

No motion is made as case ZOA-21-8, Amendment to the Monroe County Zoning Ordinance: Chapter 815- Site Plans (Certified Site Plans) is a *Preliminary Hearing* only and will be heard at the January regular meeting of the Plan Commission.

NEW BUSINESS

2. REZ-21-6

Cook Polymer Technology Rezone from PUD & IG to LI Preliminary Hearing. Waiver of Final Hearing Requested.

Two (2) 12.29 +/- acre parcel in Van Buren Township, Section 1 3800 W Constitution Ave, parcel no. 53-09-01-401-001.000-015 & 53-09-01-401-004.000-015. Owner: Nate Myers

Zoned PUD & IG. Contact tbehrman@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Behrman: I will jump into the presentation. This is 2 separate parcels located in Van Buren Township, Section 1 at 3800 West Constitution Avenue. This is the site conditions here. It already is mostly built out. The reason why they are here is they are wanting to maybe add some more parking. There is something missing to the north here. This is where the Indiana BMV Branch is that most of you have hopefully gone to at some point in the last year. It is currently zoned PUD and these are 2 separate lots so they are zoned PUD and one of them is zoned split zoned with IG, which is General Industrial. Back in May 30, 2018 a plat was recorded that did allow for this split zoned lot to be created and there were discussions back then in 2018 that should the petitioner want to further develop this lot that they would need to further remedy the zoning here and whether that was through an outline plan amendment for the PUD portion and rezoning part of it PUD or trying to come up with a more applicable zone that was brought up. I will mention here that because we have 2 separate platted lots of record that we have a condition of approval that they combine these for planning and zoning purposes and that can be done using language from Chapter 804. This is an old PUD that we were working with. Park 37 PUD was approved in 1986 by the City of Bloomington. You can see the 2 lots up here that were impacted and what dictated PUD's back then in the City of Bloomington was a 1973 ordinance. So, when we came upon the question what are the open space standards for this development that we were trying to pre-design we came to a halt because this 1973 ordinance requires a 40 percent open space requirement. Just as an example, our current PUD standards require 25 percent and what they are wanting to rezone to Light Industrial, which requires 20 percent open space requirement. So, this is really the crux of why they couldn't really work with the split zoned lot. The Comprehensive Plan has this as Employment. If you looked in the packet I highlighted in green all of the things that matched with Employment District and with this Cook Polymer Corporation business. I couldn't find any dings against it. The Comprehensive Plan completely is in line with rezoning this to Industrial and just a quick note that we are going to be keeping this property in our jurisdiction for a while. It is not part of proposal to annex into the City of Bloomington. I have included the Highway and Stormwater comments. The Highway Department is actually aware of a multi-use path that will be installed and is being proposed right now to go across here to access Karst Farm Greenway because it is a connector trail. One of the conditions of approval that you will see is that they would like to see some temporary right of way kind of incorporated into this as written commitment. The MS4 Coordinator did note that this is in the critical watershed. I can't tell if it's Cave Creek or Sinking Creek. I think it....

Thetonia: It is Sinking Creek.

Behrman: Thank you Kelsey. Sinking Creek and she has also recommended as few extra additional drainage standards for any further development that occurs here. Just too kind of reiterate one of those conditions is that in this bottom right corner you can see this hatched area, this is temporary right of way that the Highway Department would like as a part of this rezone to be a written commitment so that it doesn't have to be I guess purchased, there doesn't have to be a monetary exchange for that temporary right of way and this is the connector project that is currently being designed and has gone through a different process. We compared some of the design standards. We think that Light Industrial should work with keeping these folks in compliance. But I did want to point out that the PUD recommends 40 percent open space, which right at already. The IG zone has a maximum building cover of 70 percent which is a different kind of standard under Chapter 833 and then what they are hoping to rezone to is Light Industrial. Though we are in a critical watershed I think the MS4 Coordinator felt comfortable that any further impervious surface that was added to this lot could be accommodated to more restrictive standards and she can speak more to that if needed. The Plan Review Committee met on November 10th and they generally supported this petition but did not take a vote. However, they did make those 3 conditions that you will see here in just a second. So, recommendations. Staff recommends approval of the rezone based on findings of fact and subject to the Monroe County Highway and MS4 Coordinator reports with the following 3 conditions;

- 1) Combine Lot 4A and Lot 19 for Planning and Zoning purposes using language under 804-2(B)(4)
- 2) Submit a Written Commitment for temporary right of way for the Karst Farm Greenway Connector Trail along the north side of W. Constitution Avenue as specified in Exhibit 11.
- 3) Any further development must utilize the critical drainage area release rates for stormwater requirements.

Does anyone have any questions? Trohn has his hand raised.

RECOMMENDATION

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

1. Combine Lot 4A and Lot 19 for Planning and Zoning purposes using language under 804-2(B)(4)
2. Submit a Written Commitment for temporary right of way for the Karst Farm Greenway Connector Trail along the north side of W. Constitution Avenue as specified in Exhibit 11.
3. Any further development must utilize the critical drainage area release rates for stormwater requirements.

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

- The rezone request is to change the zone for the petition site from Park 37 planned

- Unit Development (PUD) and General Industrial (IG) to Light Industrial (LI);
- The Comprehensive Plan designates the petition site as MCUCA Employment;
- According to the Comprehensive Plan, MCUCA Employment area *“Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses that may not be easily integrated into a mixed-use environment. These uses may require large, isolated sites for large-format facilities, or multiple facilities may be organized into coordinated campus-style or industrial park settings. This land use category is intended to accommodate the expansion and changing operations of a wide variety of companies and to foster a well-rounded and diverse economy as part of the Greater Bloomington area.”*
- An analysis by staff found a rezone to Light Industrial to be compatible with the Comprehensive Plan;
- The site is currently split zoned as a result of a land addition in 2018;
- It is difficult to administer and establish design standards for a split zoned lot;
- There was an understanding that the petitioner would either perform an outline plan amendment to the PUD or rezone the property prior to further development of the lot;

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

Findings:

- See Findings under Section A;
- The current infrastructure on site (193,202 sf Building and 75,000 sf parking) is designed for industry and was built out around 1992;
- The rezone request is to change the zoning for the entirety of the site to the Light Industrial (LI) District which is described by the County’s Zoning Ordinance, Chapter 802, as follows:

Light Industrial (LI) District. The character of the Light Industrial (LI) District is defined as that which is primarily intended for industrial uses that have minimal exterior movement of vehicles and goods. Its purposes are: to establish areas for the exclusive development of light industries; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Uses shall be restricted to activities that are not a nuisance because of dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding uses. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with adjacent non-industrial uses. The LI District shall provide open space, landscaping and buffering in order to achieve desirable site development.

- The petition site is currently split zoned Park 37 PUD establishing under the City of Bloomington in 1986 and General Industrial (IG);
- There are three existing commercial driveways accessing W Constitutional Ave (local road);
- The majority of the site is less than 15% slope (see Slope Map);

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- The petition site is not located in FEMA Floodplain;
- There are vacant, open areas that could allow for more development;

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

Findings:

- See Findings under Section A and Section B;
- The current use of the lot as determined by Use Determination USE-21-72 is Plastic Product Assembly;
- Plastic Product Assembly is a permitted use in the LI zone;
- The LI zone currently has 84 permitted uses;
- The surrounding parcels to the north east and west are currently zoned PUD or IG, and the adjacent parcels to the south are zoned Limited Industrial and City PUD;
- There is another parcel approximately 300 ft to the south zoned Light Industrial;
- There is a pre-existing nonconforming residence to the west of the petition site and is zoned General Industrial;

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

Findings:

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

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- This property is not included in the proposed City of Bloomington annexation;
- The site has access to sewer;
- The site is within the Sinking Creek Critical Watershed and will be required to meet critical watershed runoff standards related to further development;
- Floodplain is located approximately 660 ft to the west;
- Properties downstream from the petition site recently experienced flooding in the June 18, 2021 flood event;
- A side path is proposed for this area according to the Monroe County Transportation Alternatives Plan;

QUESTIONS FOR STAFF – REZ-21-6 – Cook

Clements: Mr. Enright-Randolph.

Enright-Randolph: Thank you. This could be a Paul, Ben or Tammy, please if you able to. Temporary easement, I guess, could we dive into that a little more? I am guessing just by my thoughts in temporary easements as long as it is being used for the purpose intended and that is going to be a trail that easement is in place. I am just a little curious as far as it being temporary

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what makes it allowed for county use and then is there like a clause in there if we don't use that easement? Because I am more into making permanent trails and the word temporary easement kind makes me concerned a bit.

Behrman: Paul Satterly is here. I will let him speak to that.

Satterly: Trohn, it is temporary right of way and that is used for slope construction, so the dirt matches the level of the multiuse trail and then once we are done reshaping the dirt it goes back to the property owner. We actually don't need any permanent right of way along Constitution for a trail.

Enright-Randolph: Ok, perfect. Thanks Paul.

Clements: Thank you. Mr. Pittsford.

Pittsford: Thank you Madam President. My question is I guess it is sort of interesting but to what extent has the PUD with the City of Bloomington put on this been adhered to since this approval? I see a lot of properties in Park 37 that don't seem to meet the industrial use.

Behrman: Yes, that came up during staff discussions and it was very vague but we felt like we needed to at least interpret it what we thought it needed to be which is why we ended up with this rezone here. But it was really hard to tell if that was a path we should even try to go down. In a couple of years it is likely that all of this will be annexed over into City of Bloomington except for this lot, in which case we won't even be, the county may not even be associated with Park 37 at all at that point.

Pittsford: Madam President, if I may be allowed to follow-up?

Clements: Yes, please Mr. Pittsford.

Pittsford: Ms. Behrman, you certainly make my point and that is that the Park 37 PUD is about relevant as the 37 in its name, which is now 69. It was not respected. It is not worth the paper it is written on. I feel this is an opportunity for the county to restore what the City of Bloomington intended to do. They sold this as a commercial industrial park and then bought in about bunch of uses that are not appropriate to the area, intensified the travel in the area and caused problems for those people who actually believed what the PUD said, so I definitely will be supporting this.

Clements: Are there other questions of staff from members of the Plan Commission? If none, we will go to the petitioner or the petitioner's representative and you have 15 minutes to present to the Plan Commission for this proposal. Do you see anyone Jackie or Tammy?

Behrman: I did see Hogan Helms. I saw his name.

Nester Jelen: Hogan since you are on the phone I believe you need to press *6.

Clements: Mr. Helms, welcome to our Plan Commission meeting and we would like to hear from

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you if you can press *6 on your telephone. We would like to hear your presentation. Thank you, Mr. Helms.

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-21-6 – Cook

Helms: Alright, can you hear me?

Clements: Yes.

Nester Jelen: Yes.

Helms: Alright. So, we started this project there is identified as a need that the Cook Polymer Technology Group needed more parking because they are really busy and expanding their operations at this facility. They had a lot of trouble finding parking spaces and having people park elsewhere and then either walk to facility or get bused to the facility so this summer they came to us with the request to look at options to expand their parking on the property. So, we started to come up with some concept plans to where we showed parking here or to the mostly to the east side or the north side where we are not kind of proposing it on property and we came up with what we thought was a good proposal so we went to the City and we said, err, the County Planning and said what all do we need to look out for? What kind of hurdles do we need to jump? They identified this green space requirement. So that is what is driving this as Tammy has pointed out. We think that the rezone probably fits the use of the property as a Light Industrial use if you look at a lot of the zoning around this is not part of the PUD as far the stuff to the north and to the south you are going to see a lot of stuff that is already zoned either Light Industrial or Limited Industrial or General Industrial so it kind of fits how everything else is around there that is not part of those original PUD along State Road 37. Like, I can't remember if it was Mr. Pittsford that pointed out but you can see that not many other people have really followed the PUD requirements as far as the green space. The current zoning only requires a 20 to 25 percent green space. I can't remember for a green space. So, we just thought that they are trying to expand their business. They are hiring people. They are bring jobs to this areas and they are producing a product that is needed and to allow that we need this rezone to be able to have the employees be able to come there so they can work and produce. So, that is like we said the main driving course behind it is we need this rezone so we can expand the parking lot. We are good with the recommendations from the staff as far as like combining Lots 4A and 19 for planning and zoning purposes and working with the county on getting that temporary right of way for the trail construction as well as utilizing, I know that they pointed out the new stormwater drainage ordinance coming out and so we have done all of our preliminary designs with that in mind as far as the drainage calculations to try to help the critical watershed areas that are already affected in this area.

Clements: Thank you, Mr. Helms. Do you have anything further to say or do you have any other members of your team that would like to speak to us tonight?

Helms: I don't think so. We have a representative from the company on the line if some of the questions would maybe get outside of what I am able to answer. But I don't think he planned on talking unless needed. So, I think we are done with our presentation.

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Clements: Thank you so much, Mr. Helms. So, I would now like to turn it to members of the public and we allow 3 minutes for members of the public who would like to speak in favor or in opposition to the proposal. If there are members of the public who are on zoom who would like to speak in favor of this proposal, please raise our hand or press *9 on your telephone if you are calling in. Jackie or Tammy if you see someone if you would be so kind as to call on them.

Nester Jelen: I don't see anyone.

Clements: Ok. Then we turn to those who are opposed to this proposal. If there are members of the public who would like to speak in opposition to this proposal, please make yourselves known by raising your hand or pressing *9 on the telephone. Seeing none. I would like to turn it back to members of the Plan Commission for further discussion or a motion.

Pittsford: Madam President, I am ready to make a motion.

Clements: Thank you Mr. Pittsford.

SUPPORTERS – REZ-21-6 – Cook: None

REMONSTRATORS – REZ-21-6 – Cook: None

ADDITIONAL QUESTIONS FOR STAFF – REZ-21-6 – Cook: None

FURTHER QUESTIONS FOR STAFF – REZ-21-6 – Cook

Pittsford: **In case number REZ-21-6, a request for a rezone from PUD and IG to Light Industrial with a Waiver of Final Hearing requested by the Cook Group Incorporated, in care of Landmark Surveying Company, this is a property located at 3800 West Constitution Avenue, in this matter I recommend approval, based on the findings of fact and the conditions listed in the agenda for tonight's meeting. That is motion in sum.**

Clements: Thank you Mr. Pittsford.

Enright-Randolph: **Second.**

Clements: Thank you M. Enright-Randolph.

Enright-Randolph: Madam President, I just want to clarify and ask Larry, do we need to read the conditions as stated into the record?

Wilson: I will read them on the motion. I just wanted to clarify that this includes a waiver of the final hearing?

Clements: Yes, Mr. Pittsford requested that.

Wilson: Ok. Yes, I will read them as we do the motion. The motion is in regard to REZ-21-6, Cook Polymer Technology Rezone from PUD and IG to Light Industrial. This is a preliminary hearing but the motion is

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to approve the waiver of the final hearing. The motion is to approve the rezone for 2, 12.29 acre parcels in Van Buren Township at 3800 West Constitution Avenue. The motion is to approve, send a favorable recommendation to the Monroe County Commissioners based upon the findings of fact and subject to the Monroe County Highway and MS4 Coordinator reports with the following 3 conditions for approval of amendment to the zoning map;

- 1) Combine Lot 4A and Lot 19 for Planning and Zoning purposes using language under 804-2(B)(4)
- 2) Submit a Written Commitment for temporary right of way for the Karst Farm Greenway Connector Trail along the north side of W. Constitution Avenue as specified in Exhibit 11.
- 3) Any further development must utilize the critical drainage area release rates for stormwater requirements.

Again, a yes vote is a vote to send a favorable recommendation to the Monroe County Commissioners to approve the rezoning subject to the conditions set forth in the motion and in the staff report. 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: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: The motion is approved by an 8 to 0 vote and will now go for a hearing before the Monroe County Commissioners.

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The motion in case REZ-21-6, Cook Polymer Technology Rezone from PUD & IG to LI, Preliminary Hearing, Waiver of Final Hearing Requested, with conditions as set forth in the motion, in favor of sending a favorable recommendation to the Board of Commissioners carried unanimously (8-0).

NEW BUSINESS

3. REZ-21-7

440 E Sample RD Rezone from AG/RR to GB

Preliminary Hearing. Waiver of Final Hearing Requested.

One (1) 1.647 +/- acre parcel in Washington Township, Section 34

440 E Sample RD, parcel no. 53-02-34-200-006.000-017.

Owner: Richardson, Donald M.

Zoned AG/RR. Contact dmyers@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Thank you very much. My connection is a bit unstable right now so I may turn off my video in a little bit to improve that connection. Without further ado this is REZ-21-7, 440 East Sample Road rezone from AG/RR to GB. It is located at 440 East Sample Road. It is in Washington Township, Section 34. Alright, so a bit of overview here. The request is to rezone a 1.647 acre parcel from Agricultural/Rural Reserve to General Business and the purpose of this rezone is to construct a 10,640 square foot building for commercial use as a Dollar General. A Use Determination performed by Planning staff earlier this year determined that the request of a Dollar General Store would fit in line with Grocery Store from the Chapter 802 Zoning Ordinance. Grocery Store is only permitted in the General Business zoning district and it is defined as a store primary engaged in the retail sale of various canned food and dry goods either packaged or in bulk, such as tea, coffee, spices, sugar and flour, fresh fruits and vegetables and frequently fresh smoked and prepared meats, fish and poultry. So, if the rezone is approved for this site the petitioner must submit a commercial site plan for review by the Planning staff with all applicable requirements, meaning grading, parking, lighting, signage anything that is required of this site will be required by the commercial site plan which is all reviewed on an administrative level by Planning staff. Ok, so here we have the location map, 440 East Sample Road, excuse me, West Sample Road. We can see I-69 running north/south here along the western portion of the screen, western portion of the map. Here we have the current zoning map and the Comprehensive Plan. The current zoning is Agricultural/Rural Reserve as I have stated. There are some areas in the nearby proximity that are zoned Limited Business. I will note a few of these parcels were absorbed by the State Department for the expansion and development of I-69 corridor. As you can see here on the eastern portion of the property all of that land is zoned Agricultural/Rural Reserve. The Comprehensive Plan on your right side of the screen we have it designated as Rural Residential, same with the surrounding properties. Ok, here we have some department comments. Both of these comments are for if the rezone were to be approved. They are just kind of details about how both of these departments would review the proposed development as it stands currently in its current configuration. Some of the comments provided by Stormwater included here are about detention of storm water, quality of outlets for discharging purposes and then also concerns for karst and sinkholes. There are none that they could see on this site and then other just general overview things that would come about through a commercial site plan review process like storm water infrastructure, maintenance of a detention pond and so forth. The Highway Department also provided some comments regarding the roadway stating that the driveway pavement needs to be extended out to the roadway edge line and some other details here regarding a commercial driveway specifications that would need to be checked out and made sure that it can meet those standards if they can get to the development stage of the commercial site plan. Alright, here we have some aerial pictometry of the site kind of giving

you an idea of what kind of structures are in the nearby area in the picture to the top left of the screen. In the bottom right it is picture to the north. So, this is Sample Road down here. You can see that the roadway starts to narrow right after this petition site and then the existing driveway cut here. This is a separate driveway cut that comes back and services different properties back here to the south. On the ground imagery, this is pulled from Google Street View. So, here is that existing driveway cut that just kind of stubs here at that end and then that existing private drive that comes all the way back moving south to service residences back here and then the other remaining photographs here are just different angles of the property all taken from Sample Road. As you note, it is fairly flat area. Again, as I stated there is no apparent karst or sinkhole issues in this property. Alright, here we have the petitioner's submitted letter to the Plan Commission stating their intent to rezone the property from Agricultural/Rural Reserve to General Business in the purpose to provide an opportunity to build a Dollar General Store for commercial use. They believe it will fit the surrounding area as the area is being developed with improved road infrastructure as well as stating that the State Department had taken some of the commercial property from the Limited Business zone that was once closer to I-69 away and now they think this area is just expanding a little bit farther for some commercial use. Ok, here we have the petitioner's submitted proposed site plan. On the next screen I have an image zoomed in more of this left image here. It just gives you an idea of what they expect to develop here on this property given its acreage and other environmental factors. So, here you can see the proposed structure, 10,640 square feet and a large number of parking spaces here. Planning staff would double check this proposed site plan for all kinds of things like landscaping requirements, parking requirements, signage, and lighting, all of those. Everything that you see here is just preliminary. Alright, so this is the official first time that the Commission has heard this petition at a regular session. It was heard once before at the Plan Review Committee, which is a body that is tasked with evaluating a rezone petition with respect to how it fits with the Comprehensive Plan of Monroe County, and I will state that the Plan Review Committee voted 4 to 0 to forward this petition to the Plan Commission with a negative recommendation citing that it didn't fit in line with Comprehensive Plan of Rural Residential for this area. I will also note that Planning staff's recommendation to the Plan Commission is also to deny this request of the rezone of the property from Agricultural/Rural Reserve to General Business, based on the findings of fact and there were a number of findings that Planning staff found that was not suitable for this type of rezone, specifically findings A, B, C, and E, which are all found in the staff report packet. Now I will take any questions.

RECOMMENDATION TO THE PLAN REVIEW COMMITTEE

Recommendation to the Plan Review Committee:

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

PLAN REVIEW COMMITTEE

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

FINDINGS OF FACT - REZONE

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

(F) The Comprehensive Plan;

Findings:

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

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

Findings:

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

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

- The petition site is currently zoned Agriculture/Rural Reserve (AG/RR);
- A commercial driveway permit from County Highway may be required for the purposes of the future site plan proposal;
- The majority of the site is less than 15% slope (see Slope Map);
- The petition site is not located in FEMA or DNR Floodplain;
- There are no known karst areas on the petition site;

- The petition site is currently located on a septic system;
- Conclusion: The petition site does not have access to sewer at this site and therefore does not support GB zoning.

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

Findings:

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

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

Findings:

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

(J) Responsible development and growth.

Findings:

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

QUESTIONS FOR STAFF – REZ-21-7 – 440 E Sample RD

Clements: Do members of the, Mr. Stainbrook?

Stainbrook: Drew, individually I have been favorably inclined toward the advantage of a Dollar

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General there specifically by name. However, I think I am a little bit of a literalist in this sense anyway, not always in reading the newspaper and some other current events in this case the grocery store thing bothers me. I wasn't being entirely facetious when I said I patronize the Dollar General at Judah quite a bit and yes they have an admiral stock of foods and drinks but percentage wise by and large its inventory that Dollar General carries and probably most of their stores. There may be a question Drew out of all of that talk is why do we have to use the grocery store designation in considering this? Hello, Drew?

Myers: Yes. Thank you. Sorry, I had to get to my mute button.

Stainbrook: Don't leave me hanging out here buddy.

Myers: Thanks Jim for your question. Before we proceed with a rezone petition and accept a filing on something like this, we have the petitioner or prospective buyer submit what is called a Use Determination Form and through that process the petitioner is to describe in as much detail as possible the activity or proposed activity they want to have on the site. Those forms are reviewed by the Planning Director with staff assistance so I think Larry would be best equipped to answer the question of why a grocery store fits best given the property description.

Stainbrook: There you go, pass it to the guy getting the big bucks. Thank you Drew.

Clements: Thank you Mr. Stainbrook.

Wilson: First of all, typically we would review, traditionally a Dollar General would be viewed as a convenience store, a variety store or something like that. We do not have a variety store in our ordinance. We do have a convenience store but the square footage is limited in regard to the total square footage of the building and it is basically usually associated with gasoline service sales. In evaluating the Dollar General Store this is not the first Use Determination that we have done for a Dollar General Store and many of their stores have increasingly been adding fresh foods, vegetables food items and if you look at a Dollar General ad and look at a Kroger ad you will find they are very similar. Kroger also sells a lot of items aren't groceries on this list.

Stainbrook: Oh, come on Larry, I didn't go to law school. I will give you that one and I am not a planner obviously. But, hey, I am in and out of this store all of the time. But if that is the answer you are still the Director. There is the answer. I really object to accuracy of that account but let's move on. Drew, my second question, Roman Numeral II, I am pretty much for honoring and respecting the rights of the people who live there or who bought there with the understand that it was residential in Agricultural/Rural Reserve. I have seen all too much violations of that consideration and I think there should be, so in other words Drew the question and you may want to pass this along. I think this one you can probably answer Jackie. Have there been any remonstrations? That is my second and final question Drew.

Myers: I have not received any remonstrations from this petition at this time.

Stainbrook: Ok. I promise to cease and desist here but is any part of your reasoning Drew, as a planner, and with staff, due to the fact that there are people I thought some house there, this evening

I saw that I was not conscience of earlier, are there homes that are going to be affected by this kind of commercial activity?

Myers: It is hard to determine impacts on property value from something like this. It would really require an in depth analysis. I do know that certain areas in the county, especially in the northern sections where I-69 went, I do know that there was some apprehension from that development going through to the taking of land and the dividing up of land there. So, I can't speak about commercial development coming in but I do know that some people have been you know, in the past upset about land being taken or changing from what it once was to something more developed.

Stainbrook: Or Larry letting things go in that under no way fit the zoning. There you go. I didn't leave that out tonight either. Drew, I said no more questions so I will just make an observation that maybe on the south end there on the west end if there were some provision for a driveway, it looked as there was just the one driveway out onto Sample Road north. That was an observation. Drew, I think you do a perfectly good job and it really hurts me to think in favor of this. But I believe I overall for whatever it is worth. Thank you sir.

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

Enright-Randolph: Yes, hi. So, I guess right to my question. Drew I think it was good to bring light to some of these already zoned Light Businesses were acquired by construction of I-69 and yeah, will you go back up to that, there we go. Can you zoom in to the LB just a little bit? If not, no big deal. So, there is 1, 2, 3 lots up there kind or right to the ramp that were acquired. One that is pretty significant. It is shown here calculated on GIS as 8.1 acres. The entirety of that I am not going to do some rough numbers on the fly but I would guess that is like one fourth of the entire zone and that was inquired by INDOT and is now property of the state. So, Jim brought a great point up of the surrounding neighbors. You know I see a lot of vacant lots. Also, the fact that property, Jackie came off camera real quick. Do you want to make a comment to that quickly or was that relevant to you coming off camera?

Nester Jelen: I will wait Trohn.

Enright-Randolph: I main part is I am part of the PC and we move this with a negative recommendation because currently the way that it stands it doesn't really look like it fits. A couple of other discussion items is the infrastructure other there was almost built to reach this parcel so it is very interesting. I think Jim has a great point when he talks about his convenience of having the Dollar General Store to pick up groceries. I think that a lot of people in the surround area would benefit from that convenience. I even keep some of the commerce exchange in the county versus going to Morgan County. But, you know, our Council member is not here today so I will pin that. So, to get to my point, the reason that I wasn't favorable for this in the PRC is because I think we need a more extensive evaluation of this and you know, it is unfortunate that we are not prepared today because don't know if these developers might want to revisit Monroe County and build a Dollar General. We can't predict the future. So, I had my questions answered with the fact that the likeness has already kind of been acquired by the state so there is less of an area to build on currently. There is a lot of vacant lots and generally we need to look at this more extensively. That is the extent of my comments.

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

Guerrettaz: First off, I think coming hard on the Planning Director with what the interpretation with you know if you look at the Dollar General model it is kind of across the board and I wouldn't have known this except on frequent trips down to God's country Knox County, Indiana, Vincennes, there is a Dollar General market that is in Bicknell that is a market. I have stopped in there to pick up odds and ends and it surprised me that it was that. So, I think that they can be hosted as a neighborhood market type store that I think are fairly affordable and I think it could be a neighborhood draw. The Dollar General stores where boxes were stored in aisles and racks were rolled around because they had some much product for the side I don't know if that is 100 percent the Dollar General frame work that maybe I was used to when I was growing up when I was a kid. My mind is open on this. I wonder if we would see this store located one or two properties to the wests if our thought process would be different. It is just kind of on the outside edge of where the improvements came in for the highway and I think maybe with a little bit more information from the petitioner, this is the first hearing, I wouldn't be inclined to vote for anything tonight but if they can support some of the things that our Planning Director introduced and talk a little bit about what the product they have is it might open it up a little bit for some more discussion. That is all that I have got. Thank you, Margaret.

Clements: Thank you Mr. Guerrettaz. Ms. Nester Jelen.

Nester Jelen: Thanks Margaret. I just wanted to point out something that Larry eluded to and just provide a little bit more specification. This use could have qualified as a convenience store, which is any retail establishment offering the sale of pre-packed food products, household items, possibly gasoline sales, magazines, etcetera but the maximum size for a convenience store is 3,500 square feet. This site is requesting a 10,000 plus square foot building and it doesn't qualify for convenience store. So, part of the issue is that they are asking for such a large building footprint. The Limited Business could accommodate a convenience store, however only General Business can accommodate a grocery store. Also you will note in the packet that the site does not have access to sewer so I just want to bring those to your attention.

Clements: Thank you very much Ms. Nester Jelen. Mr. Pittsford.

Pittsford: Thank you Madam President. I am concerned about the lack of access to sewer but I really think that there is potential here for this idea here for serving the neighborhood. As I look at this picture in front of me I see a lot of residential opportunity for people who want to hop on 69 and go north to Indy for work or go south of Bloomington so I think Dollar General may be out over skis a little bit here and we are just not seeing it and I heard Jackie mention something about a convenience store and I know that this area has been deprived of a convenience store with the closing of the gas station there that was just off of 37 exactly right there. Thank you Jackie. So, I see that property as an opportunity really for God forbid a truck plaza or something like that if somebody can really get in there and do that whole area because I see a lot of open ground to the north of that. But a truck plaza doesn't always hit all of the needs of the residential so I have got an open mind to this as Bernie said. That is all that I wanted to say. Thank you.

Clements: Thank you Mr. Pittsford and I will just recognize myself and state a few general

observations since I am immersed in the process of annexation and remonstrance. These are the holidays. There is an awful lot that is going on right now. This area was really slated for development but the residents overwhelmingly rejected that and convinced the City Council that we are not developing north. So, as we go forward with our ordinance changes and despite the fact that infrastructure had been invested in up in that area for roads, the residents have resoundingly said and convinced City Council that they are not going to be part of this City, that they don't want the dense development and even though it is on the north end town on the way to Indianapolis they don't want what the City is selling. So, I would say there is a lot of tug and pull, a lot of push and pull and we should be thinking about this very deliberately and with that gas station that has been pointed out I would rather see that redeveloped perhaps into a Dollar General Store and if there is some way that the County could work with the petitioner in order to make that location for what they intend to do that would be great. But right now it is uncertain what is going to happen through the development ordinance, whether or not it is going to remain agricultural or whether or not it is going to become suburban or suburban residential. I think not. I think it won't because of the overwhelming reaction of the residents in the area. So, I know that it is not going to be approved tonight but I just want to throw that out there. There is a lot going on. A lot of citizens and a lot of residents who aren't able to attend every meeting that is demanded of them in the chaotic bureaucracy that exists in our community right now. But I urge caution right now and that having been said, Commissioner Thomas I would like to recognize you.

Thomas: Thank you, I will be brief. The lot is just not the right size no matter what. I think Ms. Nester Jelen really pointed that out well. This is a real issue of lot size and cramming something in just to do it is inappropriate. I do agree, however, that as we move forward with our CDO that this whole frontage area needs to be looked at. How much of it do we want to have as ascension of Monroe County so we look like every other interstate in the country? How much of it should be unique? How much of it should be different? And I would like us to think about that in the future. But I will leave it that. I just don't think this is the right fit for this.

Clements: Thank you Commissioner Thomas. Mr. Pittsford.

Pittsford: Yes, thank you again, Madam President. I don't want to be confused that I was making an argument that this is the right fit. I just didn't want to close the door on this opportunity and if you go back 16 maybe 17 years development along this corridor for residential was discussed and extending utilities and with your objection I am going to go ahead and say regardless of annexation there was talk about extending City of Bloomington Utilities to the north. But there are geological and topographical issues with accomplishing that. With that said though, I think this area presents area opportunity to provide local service and interstate travel service and I really don't want us to close our eyes to the opportunity, even if it means working with CBU to extend services out there in whatever manner is possible or appropriate. Those are my comments in sum and I will just stand down now. Thank you.

Clements: Thank you, Mr. Pittsford. Mr. Enright-Randolph.

Enright-Randolph: Yes and honestly a lot of my comments are pretty in line with Jerry's. Definitely don't want to close the door. I will also state and I am not putting myself in a position of deciding where I stand, I stand with my constituents, which is the entire Monroe County, the

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way that they chose to proceed I will support them and that is in regard to the proposed annexation. That is how I feel.

Clements: Thank you.

Enright-Randolph: We are about 2.3 miles out of the proposed 7 north part of the expansion being proposed. So, yes, I just want to clarify that this is not an area intended for annexation and it is about 2.3 miles out by the bird flies. I support my constituents whichever way they choose to move forward, I will continue to support them and I support everyone in the community because I am elected to office by the entire Monroe County citizens that includes the City and the Town of Ellettsville. I will support their decisions and the directions they go but being 2.3 miles out I don't know if we have don't extensive public outreach to understand exactly what those residents in that particular area want and I am not going to speak for them. I am not going to advocate for density or anything think that but I don't want to close the door on the idea of creating a little community market here. I think that was what was intended. It is zoned that and I don't know. Outside of that you are going to have to go over county lines to get any other kinds of services or come into the city. So, thanks.

Clements: Thank you very much. I know it is daunting following our discussion but I would like hear from the petitioner or the petitioner's representative and you have 15 minutes to present to members of the Plan Commission. Jackie, would you tell me who is here to speak on behalf of Dollar General?

Nester Jelen: Sure. Drew, if you quit the screen share I will pull up the timer and I believe Mr. John Kraft is here to speak.

Clements: Thank you Mr. Kraft.

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-21-7 – 440 E Sample RD

Kraft: Yes, Madam President, my name is John Kraft. I am an attorney in New Albany, Indiana. The law firm I am with is Young Lind Cender and Kraft. I represent the petitioner, the applicant in this and certainly appreciate all of the comments made this evening. As we look at this coming before you for a recommendation to the Board of Commissioners, I would like to touch on Indiana Code 3674603, which are those 5 considerations that are in Mr. Myers report. I think first and foremost when we look at it and I think there has been some discussion this evening with regarding to the zoning determination as to why it was what it was. I think the determination as has been explained is due to the size of this store. Mr. Guerrettaz happened to make mention of Knox County and the Dollar General down there. We appreciate that and certainly Mr. Guerrettaz that is one that my client also developed and that was 20,000 square feet so it is a bit bigger. But I do think in looking at 3674603, we have to look at first and foremost the issue of pertaining to the Comprehensive Plan, I understand through Mr. Myers screen share as it relates to what this shows on the Comprehensive Plan but I also think it is important that the Comprehensive Plan was adopted in 2012 and became affective in March of 2012 does not really take into consideration the I-69 corridor and the effect of the appropriations or the commendations that was done by the State of Indiana when it put I-69 through. As it was indicated and it was like wise on screen as well,

when the I-69 corridor went it specifically appropriated a number of that Limited Business zoning and if you and if you look at what would be in your printed report, I believe it is on page 58, it is going to show the zoning of that Limited Business and the proximity of that Limited Business to this new site. So, when we look at the Comprehensive Plan we have to take into consideration the fact that it was adopted in 2012. We are now almost 10 years after the fact and there have been a number of changes and certainly I appreciate the comments made by each of the Commissioners this evening this regards to looking at this because what has happened out there at I-69. I think it is important to note that even in the staff report in summary one of the elements that used to be when 37 was there specifically indicated that a particular issue could not be had if there was a prohibited use like this if it was within 500 feet of the nearest lane of 37. Within the staff report it specifically identifies the fact but given that I-69 is now present this condition requiring the separation is no longer applicable. So, it is relevant that the staff recognizes that in the one condition and I think it also important that we look at it from the standpoint of the conditions that happen as a result of I-69. When we look at 3674603 and the Comprehensive Plan the next consideration is current conditions, current character of structures and uses. One of the Commissioners this evening touched on the fact and I do think it is an important piece, when the roundabout and the infrastructure improvements were made from I-69 as would be shown on again page 59 of your packet this evening, it reflects that the extended lanes, the larger lanes go almost to the end of the frontage of this particular use. So, we have got infrastructure improvements that have been made and likewise those should be taken into consideration when looking at 3674603 on current conditions, current uses and current structures. One of the items that was mentioned a little earlier was the possibility of maybe redeveloping the gas station. I can tell you that my clients looked into that and Dollar General has looked at from the standpoint that first of all it is a gas station site. There are tanks still in the ground. I believe the price on that is a half of million dollars and it does not fit the image of what Dollar General likes to put out there and put to the public as many of you have noted this evening. I think when we also look at desirable use this certainly is subjective. While I think it is subjective I think many of the comments this evening primarily focused on fact that when I-69 takings took place and it removed the convenience type store this is now a desirable type use and you have got individuals that are out there that desire this type of marketing for purposes of that use. Again, property values are much subjective. But once again when we look at what the prices are from the standpoint of what my client has looked at there has been no effect on prices as to what is being asked for the properties that are on the market now or the properties that are being desired to be sold for these types of uses. It has not affected property values. In fact, more than likely it has taken those in a positive note rather than in a negative. The last element under 3674603 primarily deals with responsible development and growth. I take pride in the comments that were made this evening. Because once again I think many of you Commissioners have recognized the fact that when 69 went through the commendations and appropriations took place and removed some of the Limited Business uses. You are now in a position where this is desired growth. This is the desire and desirable use for this type of property for that community. We of course are here this evening to answer questions. We believe that when you take 3674603 and you do look at the fact that the Comprehensive Plan is merely a guide. It is nothing more than a guide. It is not an ordinance so it is not hard, fast law. 3674603 says give due consideration to those 5 elements that are in the staff report and certainly I think when you give the due consideration to all 5 of those, taking into consideration the fact that yes we appeared before the Committee, we got 4-0 favoring this with an unfavorable recommendation. When we appeared a week ago before Plan Commission on an administrative level, we ended up on with a

number of positive comments and a number of those positive comments were echoed this evening by those same individuals understanding that this type of use is probably use that should happen there. We are asking this evening that we would like this matter to be forwarded to the County Commissioners with a favorable recommendation. I do have with me this evening the engineer that is on the project and does a number of the Dollar General Stores, Will McDonough. He can answer any questions you may have. Certainly this evening it is merely a land use and we have provided what ultimately would be the plan if this would be approved. One of the items that I believe it was Commissioner Thomas had mentioned was this site may need to be larger. With this building on this site, there is actually 53.9 percent open space with this building going on this particular site. So, we would like to move forward and develop this and certainly my client is more than happy to talk with the Commissioners to deal with this but we believe this is an appropriate site when you look at the elements that I have outlined and then likewise while it is not part of the land use it should give you some consideration with regards to the proposed development to the plan that has been presented while it is preliminary and subject to staff review that is ultimately the store that you would tend to see if this would be approved. I will take any question you may have of me and if any questions of the engineer of on the project. Mr. McDonough, he is here with me as well. Thank you.

Clements: Thank you very much Mr. Kraft. Mr. Wilson has his hand raised and then Mr. Guerretaz.

Wilson: I just want to comment on the question of Indiana 37 and I-69. Indiana 37 is a part of I-69. It is sort of I-69/Indiana 37. It is the same thing as Indiana 43/US 231 being the same road. Dave you want to comment on that? I think we discussed this earlier. He is muted.

Clements: Mr. Schilling?

Schilling: Larry, could you repeat that?

Wilson: Yes, what I was going to say is the question is we did not lose Indiana 37 when I-69 was completed. It is still part of the road system of the state of Indiana and therefor the provisions in regard to distance from Indiana 37 still are in place in the ordinance. I think we have discussed this, haven't we?

Schilling: That, I do not recall.

Wilson: The INDOT site calls it I-69/Indiana 37 is all I am saying.

Schilling: Yes, that make perfect sense to me.

Wilson: And the signs still say that.

Schilling: I travel down to the 37 to 69 and if I went further I would be back on 37 so I think that 37 is part of I-69.

Wilson: The other thing I wanted to throw out, I was going to mention this when I was discussing

my interpretation of the grocery store, one thing that would be very useful is if the petitioner would present an outline of their store, what items are going to be offered because the Plan Commission might well want to place conditions on the rezoning that it actually address the issues of providing fresh vegetables, fruits, meats, milk and so on to this portion of the county and that may be something that we want to bring back. This is the preliminary hearing. Unless the hearing is waived it will go to the January Meeting and if we could get that kind of information for the benefit of the Plan Commission. There are a variety to Dollar General's out there, so that kind of commitment as to what would be in the store. We have done that before preliminary with Dollar General Stores saying like we will call you are grocery store but you have to have these items. So, that kind of commitment would be very useful to incorporate into their recommendation to the Commissioners.

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

Enright-Randolph: You are mute BG.

Clements: You are still on mute Bernie.

Guerrettaz: Yeah, I was cursing it. I was echoing Larry's comments. I think the petitioner should come back and give us a better idea because I think with the residential component what draws me to this as not a "should be here" but a "could be here" so the fact that it could serve the neighborhood or the residences in this area. That is the first thing. The second thing is I think that Julie's point about a corridor of storage lining the interstate is what the Comprehensive Plan is trying to avoid so maybe information as to how visibility is going to be done from 69. If there is going to be a big sign that is erected above everything and glows the green and black and yellow and black Dollar General so it is seen from the highway in a very obvious way, I don't want to put any subjective terms in anybody's mind but it might be interesting to know how the lighting is going to go to feed a neighborhood market versus an interstate chain. The other, I have got my own thoughts on this but I would like for the engineer or Mr. Kraft to address Julie's observation that there is no sewer in this area and if they can do that this evening I think that might be a nice way to segway in to the potential for another meeting, the final meeting. That is all that I have got right now, Margaret. Thank you very much.

Clements: Thank you Mr. Guerrettaz. Mr. Kraft or Mr. McDonough if you would like to address Mr. Guerrettaz's question.

Kraft: Madam President I am going to let Mr. McDonough address those because he is the more appropriate person. I can do the legal side of it but I can't do the sewer. A lot of people might say otherwise about attorneys as far as sewers but I will leave that piece alone.

Clements: Thank you very much. Hello Mr. McDonough. Thank you for joining us tonight and if you could address Mr. Guerrettaz's questions we would be most grateful.

McDonough: We anticipated that this site would be on septic. We have done septic for current Dollar Generals that we have done in the last 2 years even in Indiana, meeting the state health board requirements. These typically are not large in size as there is only a men's and women's bathroom and a water fountain that would be treated and typical of Dollar General fashion. The

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area to the south of the building is reserved for the septic field and it is typically not any larger than a random 3 bedroom home and of course this all goes through the state and approved from the state for this project. I that answered the questions as best I could.

Clements: Thank you very much. Mr. Wilson, your hand is still raised. I don't know if you intend that.

Wilson: I do not. I will lower it.

Clements: Ok, thank you. Mr. Nester Jelen.

Nester Jelen: Just to address Bernie's other question about the signs proposed, Drew has on the screen and he can point to with his curser toward the driveway on East Sample Road off to the right of the driveway there is a little bold line, there you go Drew. I believe that is the indication of a pole sign location but I would be wanting to confirm with their engineer.

Clements: Thank you very much. I don't believe there is any further action to take this evening except to hear from members of the public. Mr. Enright-Randolph.

Enright-Randolph: yes, I just kind of had a general request for Planning or the petitioner. Could we just a like quick map of the closet convenience store or grocery store to kind of have displayed? I am just kind of curious and I know that wouldn't take that much time and effort. Thank you.

Clement: Thank you. Mr. Pittsford. You are muted.

Pittsford: I thought I clicked it, sorry. I just want to ask as a comparison thing where staff could work on it, I wonder what the per bedroom gallonage requirement is for our septic. So, you look at when we determine septic size we look at residents in the home there based on a certain rate and then to the extent possible and I realize this may be a tall order because you are literally comparing, not literally, but you are comparing apples to oranges so what would the average customer inflow into this building be compared to the average household usage based on bedrooms? I hope that made sense. I know it was a tough question to ask but if they are going to be on septic I want to make sure it is sized appropriately and I really don't know how you size commercial properties versus residential. That's all.

Clements: Ok, thank you Mr. Pittsford and before moving onto the public we will hear from Mr. Wilson and then we will turn to the public.

Wilson: I just want to respond to Jerry's question. This would be a commercial on site sewerage disposal system and we require a permit from the Indiana Department of Health. They have standards and regulations in regard to how to size commercial septic systems so it would be addressed at the state level.

Pittsford: Thank you.

Clements: Thank you Mr. Wilson. Now I would like to open the floor to the public. Are there

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members of the public in favor of this petition? If so, please raise your hand or press*9 on your telephone if you calling in. Jackie let me know if you see anyone. Ok, are there any members of the public who would like to speak in opposition to this petition? Ok, there are none. This matter unless there is a motion otherwise this will move to our next meeting of the Plan Commission in January. I would like to thank Mr. Kraft and Mr. McDonough for coming tonight and describing to us your intentions and your proposal. Thank you.

PUBLIC COMMENT – REZ-21-7 – 440 E Sample RD: None

The motion is made in case REZ-21-7, 440 E Sample RD Rezone from AG/RR to GB, Preliminary Hearing, with Waiver of Final Hearing Requested, as it is *Preliminary Hearing* and it will be heard again that the January Meeting of the Plan Commission.

NEW BUSINESS

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4. ZOA-21-12

Amendment to the Monroe County Zoning Ordinance: Preliminary Hearing. Waiver of Final Hearing Requested.

Amendment to sign permit requirements, timelines, permit exemptions for small signs and certain temporary signs.

Contact: lwilson@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Schilling: Do you want me to jump in there?

Wilson: Yes, I think Dave should do the preface. This is in response to the current litigation in federal court. Accordingly I would like Dave to address that.

Schilling: Yes, thanks. As Larry noted, we put this together in response to Judge Swinney's decision *Geft vs Monroe County* case. In a broad overview the judge found 2 provisions of the County Zoning Ordinance to be problematic; one was the permit provisions and the other was variance provisions and the concern that the court has was based on the concept of a prior restraint. The definition of that is any law forbidding certain communications when issued in advance of the time that such communication are to occur. So, the court is concerned that a permit process or a variance process could be used to sort of slow down, slow walk or put a blanket veto on somebody's exercise of free speech and effectively censor speech. Judge Swinney was concerned that permit provisions did not have timelines and I think the concern with our variance was that the state mandated variance standards infused the process with too much discretion and he wanted that tightened up. So, we have 2 problems that we are trying to address and we have been enjoined by Judge Swinney from issuing permits or issuing variances. So, we have 2 problems to address. The permit problem is we think a more pressing problem because we issue a lot more sign permits than we do sign variances. So, we are going to deal with this sign variance. It is a little tougher problem to deal with and we are taking some time on that but I think this is just trying to get the ball rolling. We wanted to start the process of perhaps making some ordinance amendments that would be acceptable to the court so that we could go back to the court and ask it lift its injunction on our permit process and eventually we hope to come up with some ordinance provisions that will persuade Judge Swinney to lift injunction on the variance process as well. This is just the first step in the process. We wanted to get the conversation going. This ordinance basically just puts some timelines into our permitting process, which I think was the main concern of the court. There is a timeline for responding to permit applications, making a decision, appealing that and getting an appellate decision from the BZA on the sign permit decision so we think those address what the court was concerned about. But we wanted to put those out there for your consideration and review and comment and again we don't have to do anything tonight on this but we wanted to get the ball rolling. So, that is why this is here.

QUESTIONS FOR STAFF – ZOA-21-12 – Amendments to MC Zoning – Sign Permits

Clements: Ok. Is there any discussion from members of the Plan Commission? I am sorry that you can tell I am trying to rush this along this a little bit. Some of us have a prior commitment at the

County Council this evening. That being said, I don't want to stultify or halt any discussion on this but if you would please raise your hand if you would like to weigh in on this sign ordinance I would be grateful. Mr. Wilson.

Wilson: I would just like to comment that it is unfortunate that we are enjoined from issuing permits for signs. We just an email from an applicant saying what standards apply, how do I do this and so on and we are just going to have to say here is the chapter, you are on your own. Because the judge also allows us to enforce against anyone who puts up the sign in the wrong place or it's too big or it's in the wrong location. So, again it is unfortunate. That being said, this is something that we just can't rush through because we don't really regulate speech, we regulate the structures. The case is cited by the district court were primarily a parade permit and a location of newspaper boxes. If you make a mistake and issue a permit for a parade, you can always change the route of the parade during the course of the parade. If you make a mistake with a location of a newspaper box you can pick the newspaper box up and move it. If you make a mistake in the placement of a pole sign or a monument sign and it is in the right of way or over an optical cable line or on somebody else's property or whatever you can imagine the circumstances that come up and we have had situations where somebody has put up a very expensive monument sign in the right of way, partially in the right of way, particular in somebody else's property, ok, it is not very pleasant for the land owner when that occurs. So, we want to be very careful that we don't rush the process. So, what we are working on right now is how do we set a bright line on when that time period should begin and unfortunately I think what we are going to have to do is require an increased burden on the part of the applicant to provide certified site plans for pole signs and monument signs that are signed off as to where the easements are, how far from the property line. We can no longer rely upon hand sketches as far as the location of these signs. But we are working on that. We are looking at other ordinances around the country. One other thing I do want to mention is that there is a major case pending in the US Supreme Court now with the City of Austin vs Regan, which is a case regarding billboards and whether or not the distinction on premise and off-premise are constitutional or not, whether it is appropriate under the first amendment or is unconstitutional distinction based upon content. I listened to the oral argument a couple of weeks ago and that staff made. I don't think that you can predict what he is going to do. I can guarantee you it will not be unanimous and yet we are supposed to interpret the constitutionality of permits as they come on in on a daily basis. The American Planning Association has done an excellent brief a front of the court brief, which they filed with the Supreme Court. The International Sign Association also filed a brief with the Supreme Court and I copied David and Jackie with those and will send it out to the entire Plan Commission because it is an excellent summary of the concerns in regard to signage and kind of a history of the constitutionality of signage and one interesting thing is Justice Cavanagh from the American Planning Association printed the Court brief and he basically says the current case law, constitutional law basically puts planners in the wilderness in a tent without a flashlight. I think that really accurately depicts where we are right now. I seriously think it may not be a bad idea for us to wait until the Supreme Court issues their wisdom before we make any substantial changes to our ordinance and it is unfortunate that it may impact certain applicants for signs if it's delayed but again, we don't have guidance. We are told what's wrong but not what is right. Dave, any other comments?

Schilling: The Supreme Court sometimes it takes 6 months to get a decision out to them so I guess my preference would be to deal with the permit issue long before that because I think it is a lot

simpler problem and the Supreme Court is really focusing off-premise on premise distinction in that reg. and k so, that may ultimately have an impact on our ordinance as well. We will just have to see. But Larry is exactly right. There has been the sign decisions over the last 50 years have just been all over the map. There no really unanimous direction coming from the Supreme Court so it really makes it difficult to predict how a court will decide on any specific provisions. So, clarity is what is desired and I think planning brief that Larry talked about, the American Planning Association basically said, you know, we really don't care what you do, just make it clear so we know what we have to do and that is kind of the situation we are in so we will see what happens.

Clements: That is really interested context Mr. Wilson and Mr. Schilling. Thank you for sharing that with us. I would like to see if there are any members of the public that would like to comment on this proposed sign ordinance. Mr. Wilson are you raising your hand again?

Wilson: I thought I had lowered it and apparently I didn't. I will lower it again.

Clements: Ok. I don't see anyone and this will just be continued to our January meeting is that correct, this item?

PUBLIC COMMENT – ZOA-21-12 – Amendments to MC Zoning – Sign Permits: None

Nester Jelen: Yes. A question for Dave would I know you have a court hearing on this the second week of January, are you hoping to continue this item to the Administrative Session of the January Meeting or do you want to just hear at the Regular Meeting?

Schilling: That would be up to the Plan Commission. If they continue it to the Administrative Meeting and we could make suitable progress on the permit issues then it could be dealt with at that time but that is up to the Plan Commission.

Clements: Commissioner Thomas.

Thomas: I would just as soon hear this again at the Administrative Meeting but I think I want some clarity on what are the pros and cons. I would like to see a good debate on whether or not it is appropriate to pass something like this now. I have heard both sides and both sides are compelling but they don't agree with each other. So, if we could get real clarity on what we would be agreeing to and what the problems could be to what we agree to or what the problems could be if we don't do it that would be really helpful. Thank you.

Clements: I agree. So, is there a **motion to continue this to the Administrative Meeting?**

Enright-Randolph: **So moved.**

Pittsford: **Second.**

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

Wilson: Ok, I don't think we need to call the roll I think it automatically goes to the next meeting.

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No motion is needed in case ZOA-21-12, Amendment to the Monroe County Zoning Ordinance: Preliminary Hearing, Waiver of Final Hearing Requested, it moves to January Administrative Meeting.

REPORTS:

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Planning/Wilson: No reports.

Legal/Schilling: No reports.

Clements: Well, I just want to take a moment to thank everyone for their deliberate service all of this year. We have lost some valuable people on our Planning staff. We didn't really get to appropriately get to say goodbye to Rebecca Payne. I really thought she did a wonderful job and I think all of the staff is doing a wonderful job. Mr. Wilson we appreciate you. Mr. Schilling we appreciate you. Tammy Behrman. Jackie Nester. Anne Crecelius. Drew Myers. We just really appreciate all of the hard work that you do. Rachel Henry as well, and Barb in the office. We really appreciate all of the hard work you do and thanks to all of the members of the Plan Commission as well for your good thoughts, your good service and your dedication to our community.

Pittsford: Bring on the New Year.

Wilson: Margaret, this is Larry. I may have misspoke in the fact that if we want to send this on to the Administrative Meeting we should probably continue the hearing to the Administrative Meeting just to make sure that it is clear that it will be a hearing at the Administrative Committee.

Pittsford: **I move that this move forward to the Administrative Meeting for a hearing.**

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

Wilson: The motion is to continue the matter in regard to changes to sign ordinance procedure ordinance provisions to the January Administrative Meeting, which I believe is on January 4th. Is that correct?

Clements: Can't wait. 2022 here we come.

Wilson: 2022. Hopefully we will be recovered by then. A vote in favor is a vote to continue the hearing to that meeting. Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Clements: You are muted Larry.

Nester Jelen: I will just do it. I think Larry's Ipad got cut off. Let me continue. Sorry. Dee Owens?

Owens: Yes.

Nester Jelen: Amy Thompson?

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Thompson: Yes.

Nester Jelen: Jim Stainbrook?

Stainbrook: Yes.

Nester Jelen: Julie Thomas?

Thomas: Yes.

Nester Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Nester Jelen: Margaret Clements?

Clements: Yes.

Nester Jelen: Jerry Pittsford?

Pittsford: Yes.

Nester Jelen: Ok and Trohn already said yes **so that was unanimous.**

Pittsford: **Motion to adjourn.**

Clements: Any objections? Raise them now.

Owens: **Second.**

Wilson: I am sorry. I had a technical difficulty here. Bernie Guerrettaz?

Nester Jelen: Oh, we already did Larry. Sorry.

Pittsford: You are too late, Larry.

Guerrettaz: You want me to say yes twice.

Thomas: We are past you.

Wilson: I am already superfluous.

Pittsford: Get your second desert.

Clements: Happy Holidays everyone.

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Guerrettaz: Nice job Margaret.

Pittsford: God bless everyone.

Wilson: Thanks everybody for your service this year. You have been great.

Nester Jelen: Yes, thank you.

The meeting adjourned at 7:18 pm.

Sign:

Attest:

Margaret Clements, President

Larry J. Wilson, Secretary

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