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**MONROE COUNTY PLAN COMMISSION
Virtual Meeting via ZOOM - Minutes
February 15, 2022 5:30 P.M.**

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – August 17, 2021, September 7, 2021 and September 21, 2021

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

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

ABSENT: *Jerry Pittsford*

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 meeting minutes from the August 17, 2021, carried unanimously.

Motion to approve meeting minutes from September 21, 2021, carried unanimously.

***Meeting Minutes of September 7, 2021 *were not* approved at this time.**

ADMINISTRATIVE BUSINESS: None.

UNFINISHED BUSINESS:

- 1. REZ-22-1 Bedford Recycling Rezone from ME to HI
Final Hearing.**
One (1) 30.45 +/- acre parcel in Section 32 of Perry Township at 405 W Dillman Rd, parcel #: 53-08-32-300-009.001-008.
Owner: Bedford Recycling Inc.
Zoned ME. Planner: jnester@co.monroe.in.us

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

- 3. ZOA-21-8 Amendment to the Monroe County Zoning Ordinance:
Chapter 815- Site Plans (Certified Site Plans)
Final Hearing.**
Amendment to require certified site plans, certified plot plans, and scaled drawings for certain types of development. Amend the criteria required for site plans and plot plans.
Contact: jnester@co.monroe.in.us

NEW BUSINESS:

- 1. ZOA-21-11 Amendment to the Monroe County Zoning Ordinance:
Chapter 801- Definitions
Preliminary Hearing.**
Amendment to the 'Change in Use' definition, addition of definitions for 'Certified Site Plan', 'Certified Plot Plan', 'Structure, Commercial', 'Structure, Residential', and 'Structure, Residential Accessory.'
Contact: jnester@co.monroe.in.us

- 2. REZ-21-8 Hinkle Rezone from AG/RR to GB
Preliminary Hearing. Waiver of Final Hearing Requested.**
Two (2) 8.6 +/- acre parcel in Richland Township, Section 24 4833 W Arlington Rd, parcel no. 53-04-24-101-014.000-011; 53-04-24-101-031.000-011
Owner: Hinkle, Susan Wadene & Hinkle, Steven William
Zoned AG/RR. Contact tbehrman@co.monroe.in.us

UNFINISHED BUSINESS:

**1. REZ-22-1 Bedford Recycling Rezone from ME to HI
Final Hearing.**

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

Owner: Bedford Recycling Inc.

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Sure Margaret and I will also note just at the end if we have time for some reports, it wasn't Administrative Business but just some announcements at the end I would like to take some time.

Clements: Sure.

Nester Jelen: As you mentioned the location of this rezone petition is 405 West Dillman Road. It is in Perry Township. The location and the parcel is fronting South Dillman Lane and West Dillman Road and it does contain some floodplain as well as it is a prior site for old limestone slabs to be put there but it is not actually steep slopes. It is man-made. This is the site on the right, site conditions. The current zoning of this parcel is Mineral Extraction. The petition is a request to be Heavy Industrial. Around this site you have the waste water treatment plant, there is a stone cutting business, Republic Services and a few other sites around that are zoned either Heavy Industrial, Light Industrial or Mineral Extraction as well. The Comprehensive Plan has this area as Farm and Forest. There is some Heavy Industrial in the county about 14 parcels. When I checked 2 weeks ago there are 14 parcels in the county zoned Heavy Industrial so the petitioner is interested, the owner of Bedford Recycling is interested in placing a Scrap Metal Processing Facility at this location. That new use has not yet gone through the Commissioners yet. It will go next Wednesday and if approved they would pursue that as a new use. But as of right now they are seeking a rezone to the Heavy Industrial zone which is the only zoning district that will permit that new use if approved by the County Commissioners. On the screen here is a list of the permitted uses in the Heavy Industrial zone. There are several as I mentioned, very few parcels in the county are zoned Heavy Industrial but this site is surrounded by other industrial sites and so as you will see staff has recommended a positive or a favorable recommendation of this rezone. Here is a continuation of those uses. I do want to take a second to look at the packet as well because there were some question and answers by the Plan Commission at the last meeting and we did add a few more questions and answers and revised a few questions and answers. I hope you had a chance to go through these. I will go through just questions 1, 2 and 3 since these are fairly helpful and pick-up where we left off last time. We had asked the petitioner if they would be interested or willing to put together a decommission plan and they have put together a letter under Exhibit 4. Staff did take a look at what decommission plans are typically submitted and what they are usually submitted for and we found a few that were in place for things like nuclear power plants. But we did find there was a closure plan at the EPA site that was move to deal with hazardous waste disposal and we thought that might be a little bit more in line with what we are talking about here since this is scrap metal recycling. That is something that the petitioner has put together in Exhibit

4 and is able to speak to that I believe. Would you be willing to commit to an open space limitation for the property? In speaking with the owner of Bedford Recycling they had mentioned that the scrap metal recycling would not expand to the rest of the property. When we had emailed back and forth to discuss kind of an open space limitation they did mention that they would be interested in the future of a future business, not related to the scrap metal recycling but maybe another business sort of a manufacturing business to be located in on that site potentially by subdividing if permitted or some other possible way of adding. They said they wanted to add business and add more jobs to the county on this site so that they wanted to keep the HI threshold of 20 percent open space and they were not interested in going higher with that open space. Number 3 was; how will the petitioner deal with materials that enter the site that are not permitted under the scrap metal processing facility text amendment such as manufactured homes and vehicles. When we had discussed Mr. Parsons, the owner, had mentioned that manufactured homes and vehicles would not be accepted past the gate and any trash will be transferred to a Republic Services, which is next door and if there was something to escalate such as someone trying to leave their vehicle at the site they said that they would be able to call the police and have the car removed. So, that was something that we wanted to discuss as kind of an update from last time. Then also we added a condition of approval or a condition of favorable recommendation and that is to submit that statement for a closure plan in case the site were to close at some point. I also will note that the some Plan Commission members were able to visit the Bedford Recycling site, so hopefully that was helpful and I will be able to take any questions that you have on this.

RECOMMENDED MOTION

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

1. Business owner to submit a statement for how the site will be cleaned up in the event of closure for Planning staff review.

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

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

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

Findings:

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

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

Findings:

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

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

Findings:

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

(E) Responsible development and growth.

Findings:

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

QUESTIONS FOR STAFF – REZ-22-1 – Bedford Recycling

Clements: Ms. Owens.

Owens: Well, thank you ma'am. Yes, I was one of the people who went down with Anne and Trohn and we took a whirlwind 2 hour tour of the facilities there. Mr. Parson's is very proud of his work and his facility and was more than happy to show us. There was even more but we finally had to get going. Having said that, this particular station is more like a transfer station in my understanding and that just means that items that they need to bring in to come to the Bedford facility can be prepped first so that when they get to the Bedford facility they can go directly into the big machine. Anybody can correct me, by the way, if I get this wrong. But this is my understanding of it. And they have run out of space where they are at there to be able to get enough stuff to go through the machines and so by having a transfer station right on top of the highway vehicles and such can go there and be quickly processed to our satisfaction so that when they get to Bedford they don't have to go through that, they can go directly into the machine. It sounds sensible to me and this particular property I think having looked at it, looks to me to be a decent property. So, that is kind of my summation of it and I would be happy to hear Anne or Trohn as well.

Clements: I just wanted to make a note that I think Drew was trying to be promoted to a panelist.

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There is a participant. I don't know if he has been added yet or not. But if there are other members of the Planning Commission or Planning staff who would like to comment following Ms. Owens comments, please raise your hand.

Enright-Randolph: I will just say thanks for accommodating us and I have always said that I will make myself available and I am very happy that they were able to make themselves available and give us a tour of the site. Thank you.

Clements: Thank you. Commissioner Thomas.

Thomas: Yes, thanks. I appreciate that some folks were able to go to the site in Bedford. That was helpful and I appreciate the report. I just would like some clarity because between item 3 in the question and answer and 13 in the question and answer there is a bit of contradiction because question 3 says no vehicles and item 13 says vehicles. Also, it looks like there is still an issue relating to getting an IDEM report. I wanted to make sure that was still true, whether there has been IDEM reports reviewed and also Trohn Enright-Randolph raised the issue of a Drainage Board review before this is rezoned and I wanted to hear about that as well. Thank you.

Clements: Thank you. Ms. Owens.

Owens: Thank you. I noticed that discrepancy as well. When we get to whomever later on including Mr. Patton, I still, I think I am right in that they are mainly going to deal with autos there and I was going to point that out once the discussion came along that that doesn't seem to be what is there. Again, it is more than a recycling place, it is a transfer station where things are prepped to go further down the highway. Although that could change in the future I suppose. That was my take on it.

Nester Jelen: Margaret, I would be happy to address some of Commissioner Thomas' questions if you would like.

Clements: Yes, please, Jackie.

Nester Jelen: Ok, to start out with the vehicles Mr. Parsons does have an interest in collecting vehicles and was showing some images of some equipment that is used to sort of appropriately drain the vehicles and so they would be stored on concrete. Those would actually be transferred without much modification to the Bedford site. When we met with Mr. Parsons this was after the Text amendment had gone through. We had originally discussed with the owner about the site and about what they would be doing at the site and vehicles were not a big ticket item but I think since vehicles have become a larger interest of the business, in the Bloomington site. We did communication on several occasions that this text amendment does not allow for vehicles. It would require that the text amendment go back through the process and it would have to be appropriately voted to allow for vehicles and that is why we wanted to make it clear that they are interested in vehicles but we would not be permitting vehicles. So, number 3 above is sort of how they are going to address not accepting vehicles if the text amendment doesn't say it can. The IDEM reports, we did talk to or I did leave a message with the appropriate IDEM person and have not received something back to my knowledge and I can double check that. They may have left me a voicemail

but I was waiting for an email. But I don't think that they have gotten back to me with any report. But, like I said, I will double check that. Drainage Board, this has not gone to the Drainage Board. I know Trohn had mentioned that and I believe Kelsey Thetonia is on the line but typically with rezones they go through a full site plan review once the rezone has been approved and there is a drainage report associated. Andy Knutz is with BRCJ and working with the owner on this site to do a full topographic study as well as doing other IDEM required studies, so I don't believe they are at the point where they have that drainage report completely ready but it could something they may be able to send preliminary information to the Drainage Board if that might be helpful.

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

Enright-Randolph: Yes, I just kind of want to bring some more context to the discussion about having this go to the Drainage Board prior to the rezone. I don't like to necessarily be subjective to petitions one at a time. This is kind of a unique situation with the additional, with adding the additional use and everything just recently but with further discussion with Ms. Thetonia and there is no concrete plan moving forward quite yet but just but my thoughts of having it go to the Drainage Board would be more of an encompassing thing to a lot of different high intense rezones. I feel like the Drainage Board could look at some of these rezones depending on the intensity being asked and we get kind of a preliminary recommendation from the Drainage Board. I feel like that could add a lot of benefit due to what kind of rezone is being requested and I think we could maybe create a mechanism of the intensity that that rezone might have and if those should trigger a Drainage Board review because some of that use and the intensity of that use may not be appropriate from a Drainage Board standpoint and I would like to hear their recommendations. So, just wanted to bring a little more to that discussion.

Clements: Since Mr. Enright-Randolph, you brought that up I would like to acknowledge Ms. Thetonia and ask her what she needs from us before it goes to the Drainage Board. Kelsey, if you are there can you let us know what you need from us at this time? Thank you, Kelsey.

Thetonia: Hi, thank you. This is Kelsey. Prior to going to the Drainage Board, I typically wait for that preliminary drainage plan like Jackie mentioned but if the Plan Commission would like the Drainage Board to review a rezone I am happy to bring it to the list, the general plan that is presented and any information that we have with the rezone. We haven't had to do this before but we do meet on the first Wednesday of the month. I think in general in my conversation with Trohn, I think being involved with the Comprehensive Planning process is a great time to bring up some of these concerns. So, if a parcel has certain environmental restrictions or just in general concerns I would love to bring that up when we look at the more general plans that we have. So, with something like this I will kind of look at the rezone, anything higher intensity industrial as Trohn said I am going to be looking at it very closely no matter what. I look at applicability for different types of environmental permitting, things that I don't even regulate such as industrial storm water permits, air permits, things like that. I will bring it to the appropriate person at the state. I also require post construction storm water pollution prevention plan, which outlines all of the potential pollutants on this site. We require an operations and maintenance manual recorded with the deed so we can enforce that. So, if there are issues with any type of storm water management facilities or anything on the site, my program does have the ability to watch those very closely and enforce it if necessary. I just wanted to assure you that these are the things that my program can require

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and I will definitely look at any high intensity or heavy industrial zoning very closely.

Clements: Thank you so much Ms. Thetonia, thank you. Mr. Stainbrook and then Mr. Guerrettaz.

Stainbrook: I would like to register a concern with the vehicle issue.

Clements: Thank you Mr. Stainbrook. Mr. Guerrettaz.

Guerrettaz: Just some insight on the Drainage Board review and I think Trohn has a good bead onset, the only thing I see that kind of contradicts that is we have got a very relevant and prepared and educated staff with the Planning Department, Kelsey, Highway Department, you know, it is a pretty robust group knowledge wise and I think things like critical watersheds, karst features, creeks nearby, things that we need to be aware of or important and they certainly look it those. This was mentioned we don't want a situation where the petitioner feels they have got to overcommit or put something on paper that they may not fully understand because a full site plan has not been developed yet and at the rezone stage we are not at that point. So, I certainly give deference to what Trohn is saying and that certainly right along his mindset. I mean I respect that but I don't know that we want to get to the fact that we have got to have the Drainage Board looking at something that maybe staff and our qualified people within the county can look at in preparation of a site plan/drainage plan and I wouldn't want to see every rezone petition or even every heavy industrial petition go before the Drainage Board before they go to the Planning Commission or the Commissioners because I think that we could put ourselves and the petitioners in the position where they are presenting conflicting information because it is the chicken and the egg thing, so just an observations. The other question got so if there is, if we do work for any motion, wither a motion to deny or approve or pardon me a favorable recommendation to the Executive Board of County Commissioners, would we need to put in there subject to scrap metal processing facility a permitted use within the zoning ordinance since that is going to be done next Wednesday? Is that appropriate Larry or Jackie?

Nester Jelen: So, this is a rezone just generally to the Heavy Industrial zone even if the text amendment is not passed. Bernie, just to clarify are you saying that this would only be rezoned if the text amendment passed?

Guerrettaz: Well, I guess I am asking that question. It is a pretty site specific request that was something that was not in our ordinance. I think since the Commissioners ultimately approve both of them, you know, the language could be sorted out. I am just kind of curious if that use, if any recommendation because we could do a negative recommendation, we could still put a condition on it because the Commissioners take it from there or if we do a positive recommendation a motion may include that use. Maybe I am overthinking it or under thinking, I don't know but the Commissioners ultimately have the final say so it may be irrelevant.

Clements: Mr. McKim.

McKim: Yes, my thought on that is that the text amendment and the rezone can each stand independently. The rezone can be voted on and that is just a rezone from Mineral Extraction to Heavy Industrial and then what is permitted in Heavy Industrial will depend on whether or not the

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Board of Commissioners approve the text amendment and maybe later modify that text amendment. But I guess, I kind of feel like they can stand alone as independent votes.

Guerrettaz: I can follow that. Thanks Geoff.

Clements: Ok, are there any other questions from or comments from the members of the Plan Commission for staff or for the general goodwill? If not, we will recognize the petitioner or the petitioner's representative and 15 minutes combined to speak to us about your proposal. So, if the petitioner is here or the petitioner's representative we would like to hear from you. If you would raise your hand or press *9 on the cell phone if you are calling in.

Nester Jelen: I do see one of the attorneys. I just want to quickly ask Dave Schilling are you here? You are more familiar with each of the attorney's names.

Schilling: Patrick Ziepol is the attorney for Bedford.

Nester Jelen: Ok and I see Mark Crandley with his hand raised.

Schilling: Mark is the attorney for Republic Services.

Nester Jelen: Ok, so maybe that would be a better spot to talk about not the petitioner's representative and then there is a phone number ending in 9710. They will have to press *9 to unmute.

Clements: *6 is to unmute. *9 means to raise your hand.

Nester Jelen: Thank you. Ok, thank you Margaret, *6. They are permitted to unmute.

Clements: One attendee has Mark Crandley, has his hand raised.

Nester Jelen: I think Mark might be under one of the questions of the petition.

Clements: I see.

Nester Jelen: I am not able to unmute the 9710 so they will have to press *6 to unmute if they still wish to speak.

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-22-1 – Bedford Recycling

Parsons: Ok, I think you can hear me now.

Clements: Yes, we can sir.

Nester Jelen: Yes.

Parsons: This is Larry Parsons and did you want me to go ahead and speak at this point?

Clements: Yes, sir. You have 15 minutes to talk with us about your request.

Parson: As Dee mentioned, this is basically to be where we just buy materials from the general public and then we are going to transfer them to our Bedford operation, which has much more processing equipment and that is where we would like to process all of the items that we get ferrous-wise in the Bloomington local. All of the nonferrous business would be handled inside of a building and as you have discussed cars here, we understand the way that the text is currently written we cannot buy automobiles at that site and we can't process them. We would hope and we have talked to Jackie earlier on in prior meetings that our hope is done the road because economically it would be a great benefit to us to be able to buy the additional tonnage in automobiles to bring them into our location and then we would drain them in a manufactured piece of equipment just for draining automobiles and then we would transport those to Bedford. Currently in Bloomington and we mentioned JB Salvage to the extent that they do basically a lot of what we would be doing. They are doing, they are buying materials, they are not doing a lot of processing to them and they are transferring the material onto people like us, like our Bedford facility to process the metal. The difference that would be between us and them, I mean currently the way that you are going to approve us is number one we can't buy automobiles. Number two; we couldn't store automobiles and harvest parts off of them and three we wouldn't be crushing any automobiles on site or doing anything like that because if we get down the road and we can buy automobiles, we would bring them on site and it takes about 15 minutes to drain the fluid out of those. Then we would transport those vehicles to Bedford to get processed. We think basically we are going to be offering you facility in a much better location than say Bloomington Salvage in downtown Bloomington or JB Salvage in the residential area that they are in. Our location will be a location that is built from the ground up with all of the proper surveying, engineering done to handle all of the drainage, all of the fluid flowing off of our property and it won't be something that has been piecemealed together as JB has grown over the years. It is hard to have a Comprehensive Plan when you have piecemealed something together. So, what we are offering is a site on a large acreage if you compare it to the other 2 sites in town that you currently have. We have 31 acres with buffers all around us, industrial all around us and it will be a new facility with all of the drainage plans and we understand as Trohn was asking about with the controls that you have and the state has even if I wanted to not do the proper thing, I wouldn't be allowed to do something that is improper because you are going to be approving all of the drawings that we would do on this site. I think we are going to be a benefit to the community because we have local, we have a convenient place for people to get to, to take the scrap metal to without having to go through downtown Bloomington or to the JB Site. I am welcome to take any questions that you might have and we won't be buying any hazardous materials on the site. I mean, we won't accept them and we don't have any issues. When you asked about the environmental with IDEM I think the last visit we had from IDEM was probably in 2017 and the report that we have gotten back from IDEM they typically come from someone who is upset with you. They call IDEM on you. IDEM comes down, inspects and says no violations. That is basically what we have at the Bedford site. I don't think that you will find any, I am sure that you won't find any smoking guns with IDEM at this point. So, I am open for any questions that you might have.

Clements: Thank you Mr. Parsons. Do any members of the Plan Commission have questions for Mr. Parsons? Ok, well, then we move onto the public. If there are members of the public who would like to speak in support of this petition you would have 3 minutes. But if you would kindly

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raise your hand or press*9 on your telephone to let us know that you would like to speak. There is still one person who is an attendee, Mr. Mark.

PUBLIC COMMENT– REZ-22-1 – Bedford Recycling

Crandley: Yes, ma'am. It is Mark Crandley.

Clements: Yes, Mr. Crandley. You have 3 minutes.

Crandley: I should point out you said you are looking for people for. I want to make sure this is the public section because I am not for this proposal. I am speaking against it.

Clements: Since you are recognized, please go ahead. You have 3 minutes.

Crandley: Thank you ma'am. I just want to make sure that was clear. I represent Republic Services of Indiana, which owns adjacent property to this proposed solid waste site and make no mistake as I will discuss here in a minute, this is a solid waste transfer site that violates your county ordinance. There are several reasons why this should be denied. I think the obvious one is when this first came up from the work session was this is spot zoning. (Inaudible) This is taking the established rules and procedures and I think of all of the counties in Indiana, Monroe County is the most sensitive and thought through zoning process and we are throwing it out the window just because one particular owner wants a Heavy Industrial classification. I would ask the Commission to think of the unknowns we have here. We don't know the limits of the metals that are coming to the site. We don't know the types of metals they plan on dumping here, how long it is going to be there. We don't know how they plan on keeping the metals out of the drinking water. You can image the problems with the people that live within a mile of the property, within 1,700 feet of this property. How are they going to be protected from this? It is surrounded by 3 sides that we know from the Comprehensive Plan is the purpose of the Comprehensive Plan (inaudible) We have talked about this and I don't want to belabor the idea that some point in the future they are coming back to you asking you to allow them to do recycling and stripping of cars and motorhomes. Think about the fluid and this is just the first step towards that. But even the types of solid waste that is coming on the site we are talking about appliances, air conditioning units, batteries, containers, oil barrel, paint can, anything that has metal on they can bring on the site and leave it there for however long they want. You asked and I think very wisely, some of us are old enough to remember the Westinghouse situation about remediation to the site, you very wisely asked what happens if you go out of business and we are stuck with this junk that contains these dangerous metals. Their answer was, I am not required to give that under state and federal laws so I don't have to give it to you. We hope we are not going to out of business. I am sorry, I forgot the owners name, it has been a long day, he gave you a letter that basically said we don't except to go out of business and we don't have arrangements if we do. But maybe we will be able to sell it. This is junk. This is stuff people are coming to dump stuff off at a junkyard. Their plan for decommission is we will sell it at some point. That is not reasonable. It is not even credible. There is a commercial septic system on the site. How is that going to affect the nearby land owners, in particular the water treatment center that is directly north of this proposed site. How is that going to be affected? We don't know about the drainage. We have several things that you have asked for that you simply haven't been provided by this owner. One is the karst study. We are told the karst

study came up positive for them. Has that been provided for this submission? No, it has not. You have asked for information from IDEM. We are told the owners were and he says there hasn't been any issues with them. Well, there has been issues at the site because they have had people complaining and he just admitted it. There was a fire at that site Just last April that took hours upon hours to put out. In the coverage, the media coverage in Bedford of that fire the police chief said this was an extreme example of what we have fires here all the time. It was his words. Our understanding is that fire had burnt so bad the ground was so saturated with chemicals that the ground was on fire. But you haven't been provided any information about IDEM. You asked about the wetland feature of this site. There is no delineation of the wetlands. There has been no work to find whether or not there is a wetland and I think it is really important in particular and I really appreciate the dialogue that went back and forth about the linkage between their request for a rezone and the rewording of the zoning statute. As it stands now they going to if this is approved, if this processes goes through and you give a favorable recommendation and the petition is approved they are going to have a free hand to operate as Heavy Industrial in this district to do anything under Heavy Industrial. They have gone from one of the most respected areas of Mineral Extraction which has very few things you can do on the site to the most wide ranged zoning classification in the county zoning code. Think about the things that entails doing. They could turn around and sell this property after the rezone and sell it has Heavy Industrial site to anyone who wants to buy it.

Clements: Thank you.

Crandley: I want to make one final point. I know I am against (inaudible) and I know you have a robust (inaudible) but I want to make one point that should be very clear and it is related to the Republic specifically, which is we have a 20 year contract to handle solid waste for the county from Monroe County solid Waste District. This infringes on that. That is a bad thing for the people of our county and that should absolutely be considered.

Clements: Thank you Mr. Crandley. Thank you for your substantive comments. I am going to refer back to the supports of this proposal and if there are members of the public who would like to speak for 3 minutes in support of this proposal, please raise your hand or press *9 on your telephone.

Parsons: This is Larry Parsons.

Nester Jelen: Larry, we will be getting right to you in just a second. We do want to check to see if there are any supporters.

Parsons: I'm sorry.

Clements: Ok. I don't see anyone with their hand raised. So, we are not going to turn to the other people who are opposed to this, other members of the public who are opposed to this petition. If you are present, please raise your hand or press*9 on your telephone to be recognized. I don't see anyone. Do you Jackie? Ok, so then we turn back to Mr. Parsons. You have 5 minutes to address the statements that were made in opposition to your proposal.

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Parsons: Am I live now?

Clements: Yes, you are.

Parsons: The definition of solid waste is nothing that we are bringing onto our site. We are bringing on scrap metals, which is something that we pay money to buy and solid waste is something people pay you to take it because it has not value and it actually cost money to get rid of it. Again, we will be doing the exact same thing that JB Salvage and Bloomington Tire and Metals have done for 20, 30 years in Bloomington. That is strictly buying material, scrap metal. We buy scrap metal. We process it and resell it hopefully for a higher price. Currently, you have operating in the City of Bloomington the same thing that we hope to do at the site that we are going to and if it were to come along for some reason we couldn't do scrap metal recycling, we would still want to have the property zoned to Heavy Manufacturing as you have indicated that there are heavy manufacturing sites in this area. Because we are involved with manufacturing machine automotive parts. We have over 300 people employed running C & C Machining Centers with robots and everything else that goes along with that with almost a half a million square foot of buildings under their roof. That is why today we couldn't tell you for sure what we might have on that site. But we have a site in Bedford that we have that 5 years ago we had nothing on it, today we have 250,000 square feet and 100 some people working at that site and that is just for the trimming of transmission cases for General Motors and moving those onto another location. The description that the attorney for Republic put out talking about waste materials, is just so far from reality of what this site would be and the thought about the drainage coming off of it, it will be better than drainage from most any place that you will have because it will have new systems that is approved by your people. There just doesn't seem to be much validity to the comments from the attorney from Republic. That would be my thoughts.

Clements: Thank you, Mr. Parsons. I wondered if Mr. Schilling wanted to say anything regarding the exclusivity clause that was brought up by Republic.

Schilling: Well, I don't have that in front of me but my understanding in talking with IDEM is that items that are not to be placed in the disposal stream are not solid waste. I talked with one of the regional permit people, Adam Winesapple, and his opinion that there would be no IDEM permits required for this kind of a use.

Clements: Ok, thank you Mr. Schilling. Ok, I move back to members of the Plan Commission for further discussion and possibly a motion.

Guerrettaz: I can make a motion Margaret.

Clements: Ok. I would just like to tell Mr. Crandley that at this time a rebuttal is not something that is in our rules and regulations for our procedures. I see your hand raised and I am sorry we can't recognize you according to our procedures. Bernie was going to make a motion but I interrupted him and then I also saw Mr. Stainbrook's hand raised. I always like to error on the side of making sure that the ideas of the members of the Plan Commission are recognized. So, Mr. Stainbrook.

ADDITIONAL QUESTIONS FOR STAFF – REZ-22-1 – Bedford Recycling

Stainbrook: Well, Margaret, thank you. This could have waited for discussion after Bernie's motion is seconded but since you have been so considerate in allowing me to speak now, I will try to say it more succinctly than sometimes and then we can move on. I am wondering the interested party here involved with the petition has allowed that at some future date they may want to take in automobiles, trucks, vehicles and decommission them there by draining. With the mention of IDEM and some other comments and questions we would have to consider then a manner in which those fluids in the manner of which they are disposed. Again, I think it relates to my concern about vehicles and I realize, Margaret, at this point we are really just looking at changing the zoning but I do have that same concern and relating it now more specifically to the drainage of antifreeze and transmission fluid and engine oil and all of those things that would seem to me if they were going into my front yard would be contaminants. Thank you Margaret.

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

McKim: Yes, thank you. I just want to make sure that I understand this correctly that if a change in the text amendment or in the text zoning ordinance were to be considered that would allow vehicles, it would need to go back through Plan Commission and then back through the Board of Commissioners.

Schilling: That is correct.

Nester Jelen: That is correct.

McKim: Thank you.

Clements: Thank you and Mr. Guerrettaz, I am so sorry to have interrupted your motion. But if you would like to proceed we could entertain that now.

FURTHER QUESTIONS FOR STAFF – REZ-22-1 – Bedford Recycling

Guerrettaz: You didn't interrupt me Margaret. There was a long pause so I assumed that it was discussion. Jim and Geoff obviously added good points to it so I was happy to step aside for a moment. **In the matter of case REZ-22-1, this is a rezone request from Mineral Extraction to Heavy Industrial, located at 405 West Dillman Road, I move that we forward this rezone request on the Executive Board of County Commissioners with a favorable recommendation subject to the findings of fact in the staff report that we have before us and with the condition;**

- 1) The Business owner is to submit a statement for how the site will be cleaned up in the event of closure for Planning staff review.**

Stainbrook: I will **second** it Margaret.

Clements: Ok.

Stainbrook: But Margaret, pardon me. Bernie I do have a question as this moves toward a vote. You mentioned a couple times, twice I think, the Executive Board of County Commissioners.

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Now, this is detail but it does goes to the Board of County Commissioners for all 3 Commissioners. Correct? I don't know of an Executive Board.

Guerrettaz: That is my intent, yes.

Stainbrook: I'm sorry Bernie, to go to the Commissioners.

Guerrettaz: Yes, sir.

Stainbrook: Ok. So, that is what I seconded and pardon me, Margaret. Thank you.

Clements: Thank you. Mr. Wilson, will you please call the roll? You are muted.

Wilson: Can you hear me now?

Clements: Yes.

Wilson: Ok. I will call the roll on REZ-22-1, Bedford Recycling petition, actually it is staff recommendation to amend the zoning map from ME to HI in regard to the turning point 45 acre site, located at 405 West Dillman Road. The motion is to send a favorable recommendation to the Commissioners to amend the zoning map from ME to HI for this particular parcel, subject to the findings of fact and with the condition that owner submit a plan or a statement of how the site would be cleaned up in the event of closure. Again, it will go to the Commissioners with a favorable recommendation subject to the conditions in the staff report and the specific condition in regard to a closure plan. Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford? Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: No.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: No.

Wilson: Trohn Enright-Randolph?

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Enright-Randolph: Will you come back to me?

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: So, when I was on site I saw how much effort goes into some of the recycling that goes on and boy, does that seem like a lot of work. I have been pretty apprehensive through this whole petition and trust me when the site plan comes I am going to be just as involved as I was through the rezone. I said this a couple of different times at the site visit that if we could do something here in Monroe County that could be looked at across the state of, hey, this is a best practice and I would be very happy to get behind that. So, I am hoping that as we move forward we really look at some of these details and not just create the same site but create something that could be looked at as we did our due diligence and this is one of the best practicing facilities, you know. That is not going to be cheap either, so I am going to vote yes.

Wilson: Ok, the vote is 6 to 2 to send a favorable recommendation to the County Commissioners in regard to a petition to amend the zoning map for REZ-22-1 for the parcel at 405 West Dillman Road from ME to Heavy Industrial. It will go to the Commissioners now for a hearing at that stage.

The motion in case REZ-22-1, Bedford Recycling Rezone from ME to HI, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of sending a favorable recommendation to the County Commissioners, carried (6-2).

UNFINISHED BUSINESS

2. REZ-21-7 440 E Sample RD Rezone from AG/RR to GB Final Hearing.

One (1) 1.647 +/- acre parcel in Washington Township, Section 34
440 E Sample RD, parcel no. 53-02-34-200-006.000-017.

Owner: Richardson, Donald M.

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Yes, thank you. Can you hear me alright?

Clements: Yes.

Myers: Ok. This is REZ-21-7, the 440 East Sample Road Rezone from AG/RR to General Business. We have heard this one at the Plan Commission level a couple of times now from the preliminary hearing to a final hearing that was heard in January and that meeting was continued to this meeting for this petition. So, I will just give a very brief summary and then we can go over more details if we have additional questions for this one. It is 1.647 acre parcel zoned Agricultural/Rural Reserve. They are looking to go to General Business for the purposes of constructing a Dollar General that will be about 10,640 square feet and will be classified as a Grocery Store per a Use Determination decided by the Monroe County Planning Staff with respect to the Monroe County Zoning Ordinance. I have the definition of Grocery Store here and if the rezone is approved the petitioner must submit a commercial site plan for review by the Planning Staff. All applicable site plan requirements including but not limited to; grading, parking, lighting, and signage must be met by proposed development. Here we have some summaries of what was discussed at the various levels of committee meetings. We had the Plan Review Committee on November 10, 2021 and that committee voted 4 to 0 to forward this petition to the Plan Commission with a negative recommendation with respect to how it is in line with Monroe County Comprehensive Plan for this area. The first Plan Commission meeting, the preliminary hearing was held on December 14, 2021. There was no motion to vote on this petition during that preliminary hearing so it was automatically continued to the January meeting. There was good conversation during that meeting regarding location of grocery stores/convenience stores nearby to the petition site that was a new exhibit that had been provided. After that conversation, Plan Commission also requested the petitioner provide a list of proposed items to be sold in the Dollar General and that material, excuse me, items were also included as an exhibit in the staff report. Finally, the Plan Commission met on January 18, 2022 to discuss the petition during the final hearing and during that meeting again, there was no vote. Excuse me, there was a vote but the vote was to continue the petition. The Plan Commission members decided that there should be time for the petitioner to provide their own conditions of approval that would address some of the concerns that were outlined during that meeting with regard to the use of the property as a General Business zone. I misspoke during the Administrative Meeting. The petitioner had actually submitted some materials to be reviewed for the Plan Commission but I missed that email. But they did have those conditions of approval ready. They are now included in the staff report so I hope you have had time to review them but they are also included in this presentation this evening. Ok, so here is the

location map. I am going to through some of these rather quickly as we have heard this so many times. This is I-69 and then Sample Road here going east/west and then eventually north when you are West Sample Road. Current zoning map as well as the Comprehensive Plan. Again, Agricultural/Rural Reserve for the zoning and Rural Residential for the Comprehensive Plan. Here we have some department comments. Most of these comments are pertaining to the proposed site plan that will be reviewed in more detail from Planning Staff and these departments if it comes to that. So, we can come back to these if we want to discuss any of these details. Here we have some aerial imagery of the property as well as a street view of the property. Again, here we have one of the exhibits. This is the letter to the Plan Commission from the petitioner. This is a preliminary draft site plan to give us an idea of what the site may look like if the rezone were to go through the County Commissioners, who are the last body to make a final decision on whether or not the rezone is approved or denied. So, what you are seeing here could change. It would be evaluated in the site plan stage. Ok, so this is one of the new additions, excuse me, one of the new exhibits that were added to the staff report since the last time you saw this. This is a list of locations of Dollar Generals that are operating or will operate with a septic system. There was some conversation in previous committee meetings regarding the suitability of this large of a building being serviced by a commercial septic system rather than being hooked to sewer and the petitioners provided this list of locations of Dollar Generals that are already working septic systems or will have then in 2022. We can come back and review some of these and if you have any questions about any of the sites or septic systems for Dollar General we can direct those questions to the petitioner and the petitioner's representatives. Here we have just a few more slides here. This one is the, I believe the convenience stores that are located close to the petition site with the petition site here. We have seen this map before so just giving you a general idea of where some of these convenience stores are located in the county and this is just a google search on google maps. We also have here this one, the first one, I believe was a search for grocery stores and then the second image here that you see on the screen now, this one is for convenience stores. So, you will note we have some gas stations that pop up under that search as compared to grocery stores. We have also included in this slide show the permitted uses in the General Business zone as well as the uses here now on your screen in the Limited Business zone and we did that because the petitioner in their conditions of approval that they have drafted themselves are essentially stating that they would like to rezone to General Business in order to have the ability to establish a grocery store on the site because it is only permitted in the General Business zoning district but they would be limiting themselves for the property for the future use if Dollar General were to ever leave in that only Limited Business uses would be permitted here. Alright, so Planning Staff recommendation, this is the recommendation that we have maintained throughout this process and that is to deny the request to rezone the property from Agricultural/Rural Reserve to General Business, based on the findings of fact. We also have the reiterations of the Plan Review Committee's decision as well here regarding the Monroe County Comprehensive Plan. I will now take any questions.

PLANNING STAFF RECOMMENDATION

Recommendation to the Plan Commission:

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

Recommendation to the Plan Review Committee:

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

PLAN REVIEW COMMITTEE

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: So, do members, Mr. McKim.

McKim: Yes, thank you. Drew, I wanted to make sure, so essentially what they are proposing is for this to be Limited Business plus grocery. Right? Rather than General Business. Would your recommendations have changed at all if this were just a petition to rezone to Limited Business or would staff's recommendation been exactly the same?

Myers: That is a good question and Larry and I have discussed that earlier today. We think that the way that it's worded with being zoned to General Business and then going only for the Grocery Store Use and then allowing for all other Limited Business uses can get a little complicated and tricky to monitor in the future and I know that Larry has some things that he may want to say about how something like this could potentially be viewed as a spot zone. So, I will let him now take over a little bit and discuss some of the other things that we talked about.

Wilson: Basically a spot zone is a zone that is inconsistent with the Comprehensive Plan and it is done purely for the convenience of the applicant. It got the name spot zone if there is no other zone, similar zone close by or adjacent so it looks like a dot on the zoning map. One of things that Drew and I talked about today would that if the Plan Commission wanted to recommend a rezone to Limited Business, which is a zone we have used throughout the county, particularly around Lake Monroe and the small towns and so on, to provide for as it indicates Limited Business uses that might be more appropriate for this site than General Business which would open up really any commercial use to this location. An option would be to, a really consistent option would be in regard to the entire zoning ordinance would be to not try to add an exception to the Limited Business for this one site but actually maybe amend the text of the use for a Convenience Store to allow a convenience store to be permitted up to 11,000 square feet, 10,000 square feet whatever the Plan Commission would want provided they provide groceries including fresh produce, fresh fruits and meat. That way you are not just solving a basically a food desert problem here but maybe in another portions of the county which would allow a small store to go in and sell a variety of items but would have to be required to sell things like fresh fruit, meat and milk and those kinds of items, vegetables. That is just thinking out loud here. But that seems like an option that would be better than trying to really look at this one site, zone it General Business but the only use you can do is Limited Business uses. It creates confusion. If somebody would come in and say, well, this site is General Business, why did you zone it General Business if my site next to it could not be zoned General Business. So, I think it makes more sense if you are going to rezone to a business site you might want to look into Limited Business category and then look at amending the text to modify the use for Convenience Store to get around this problem of square footage for those stores that desire and want provide groceries to an unserved area of the county.

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Clements: Thank you, Mr. Wilson. Those are good thoughts. Mr. Stainbrook. You are muted, sorry.

Stainbrook: Thank you Margaret. You sure you are sorry, but I know you are. Now, I was trying to say I prefaced my question by, and not trying to be cute but I really almost feel like I should recuse myself because recently I have been in and out of a Dollar General Store so frequently and I find them very handy. But I must not go on and on about that. The procedural question I had is in the first instance as we considered the property on west, well, on the west side of 37, our first case, I think Larry and Jackie made it clear that the county or the county and the person in the Planning Department, I forgot now just the detail, but was putting that forward for consideration. Of course now we have voted on it with the help of Bernie's motion. But in this case is the petitioner not the representatives of the Dollar General Store? So, Margaret that is the question whether you answer or Larry. What is the difference in the way that these were presented and the people involved and responsible?

Clements: Well, thank you Mr. Stainbrook. I don't know, Drew or Mr. Wilson if you would like to answer Mr. Stainbrook's question.

Nester Jelen: I will answer for the Bedford Recycling site, that was a rezone initiated by the Plan Commission and this one is a rezone initiated by private petitioners that Drew has on the report.

Clements: Thank you.

Stainbrook: Pardon me, and I don't want to belabor anything but this seems almost mysterious or weird. Why would one be on way? I am trying for the perfect words and sometimes that slows me way down to where it is nonsense. I just don't see why the two would be handled differently. Why the county or the Planning Department would run interference for Bedford Recycling and normally we deal with petitioners who are individual or related representing some concern. This thing about Bedford Recycling compared or contrasted with what we have before us here. It's different.

Clements: I will explain before I turn it over to Jackie. The first, Bedford Recycling was heard first at the Board of Zoning Appeals and then it came before the Plan Commission. This is different. This was solely originated by the petitioner and Jackie if you want to clarify anymore or Mr. Wilson, please feel free to do so.

Nester Jelen: Sure, so I will just note that Jim at the January Administrative Meeting of the Plan Commission we did bring the Bedford Recycling case to the Plan Commission to have a vote to say whether it was appropriate to bring it forward by the Plan Commission and so it was preceded by a vote by the Plan Commission to proceed with the Plan Commission as the petitioner for that vote. I do want to loop in David Schilling since this is the Bedford Recycling site is in active litigation case. So, if Mr. Schilling wants to weigh in on any other details of the case or why our Plan Commission is the representative that would be ideal. Thank you.

Schilling: I would just say that the statute allows for petitions to be initiated by the Plan Commission or by private land owners, so there is more than one way that a petition can come forward and the Planning staff has on numerous occasions in the past brought forth rezone

petitions. Usually, though it is done by a private land owner. They are different. They are brought forth by different reasons or by different objectives. The Bedford Recycling was presented to the BZA and the BZA voted to approve it as a Conditional Use because they thought the site was appropriate for that. We concluded later that they made a mistake in going forward in that faction. So, the staff said, well, since everyone thought that this was a good location the staff looked at it and agreed and so that is why they brought it forth. The Plan Commission voted on it and that is why it was on the agenda tonight.

Clements: Thank you, Mr. Schilling. I will recognize Mr. Wilson and then Mr. McKim and then Mr. Stainbrook.

Wilson: I will put my hand down. I don't have anything to add to what Dave says.

Clements: Ok, thank you Mr. Wilson. Mr. McKim.

McKim: Thank you. I really appreciate Mr. Wilson's comments and suggestion here as to how to move forward. I kind of wish I had heard that in an earlier meeting because I think it makes a lot of sense. If you look at the map General Business zoning really would look like a spot zoning just from the visual. I don't think that is true with Limited Business. Although it is no immediately adjacent it is very close to a fairly substantial Limited Business district and is right alongside a road that is right now in the process of being improved and widened. So, I think from the perspective of the surrounding area I like Limited Business actually makes a lot of sense. Unfortunately the grocery store, which I think would be a valuable amenity to the residents of northern Bloomington and Washington and Benton Townships is not compatible with, is not a permitted in the Limited Business zone. But I think Mr. Wilson has a really good suggestion for expanding the definition. If and only if the facility would also provide fresh produce and meats and that sort of thing. I am interested in what others hear about that. But I think that is really a way of moving forward that is much more in keeping with the surrounding area.

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

Stainbrook: Well, I appreciate the concern for spot zoning. I spoke with that ad nauseam but I am interested in that. Then for Dave's explanation, which I appreciate, but it is prima facie that these are different. We just spent time and time again really on this first case and I understand then from Dave's comments that this has been done before. But I am going to say that this for some reason, I don't know what's going on. It is so often that I don't know what is going on but this is rather byzantine. Something, I mean, rural Dollar General is not going to, they do not and they are not going to sell as I have experienced it in all of these trips I just cited in real life buying containers and cat food and so on down here. They don't sell bananas and grapefruits. They don't do that. We are getting into this grocery store thing again and I defer to Geoff's analysis of Larry's proposal. I don't have a question about Larry's proposal. Maybe shouldn't have even mentioned those things except Dollar General is not going to sell fruits and vegetables. Now, well maybe they will. But that is not the business that I have seen and experienced first-hand. Now this byzantine thing, something is going on here with legal again and I don't mean legal by Dave Schilling in that context. I mean legality with court cases or something. Something, I can't say it stinks because it may all be very proper but I am not getting the full explanation. I didn't need an attorney or a

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Director of Planning to tell me that these were handled in different way. So, I guess my question, well, I am not going to try and frame it in a question. I have a grave concern about what is going on. In the other case I did and I do here. Thank you.

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

Enright-Randolph: Sorry, I am doing my best to look up the 2,700 pages of items that you can purchase at Dollar General. It is pretty extensive and I would assume comprehensive list. I will let the petitioner address that when we get to them. I wanted to echo Mr. McKim's comments about the suggestion of looking at this in a Light Business and allowing maybe this type of use. It is very advantageous and I think that goes kind of with some of my first comments from when we were looking at this is this whole general area should be looked at, so incremental growth, I guess. One thing I am a little apprehensive of is requiring a business to sell things that they are not in the practice of doing. I still see a lot of value that a Dollar General Store and my understanding of what they provide and you know, I have been to a handful myself. I don't really see fresh produce too often. Like I said I did my best at looking at this 2,700 pages. But if that is not something they are in the business of doing, I don't feel like we should ask them to do something like that but I do feel like a Dollar General the ones I typically frequent could work really well in that area. So, I am curious if we just want to look at the text and change the limited business to allow this type of use without conditioning fresh produce and things of that nature. So, those are my thoughts because I would hate to put another onerous burden on the property owner to sell things that are outside of their business platform. But I do think that a Dollar General could serve the community very well in that area and I also think looking at that area in a more of a comprehensive way could be very beneficial as well. It is an interesting time with us looking at our County Development Ordinance. Those are my comments and I would be curious of what other Plan Commission members are thinking because I would love to see them be able to provide this type of service maybe even in a Limited Business, maybe with certain conditions that they have to meet but not to the effect that we are asking them to sell something that they are not in the business of doing and that is another question for the petitioner. Are you in the business of playing for fresh produce and food like you would see at a normal grocery store? So, when you get to discussing please try to address those questions. I will ask them again. If you don't.

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

Wilson: I just wanted to comment that my proposal in regard to adding the additional use with conditions for Limited Business was really not designed to benefit Dollar General but really to provide this option in the LB zone. It might be a private individual who wants to put a small grocery store, convenience store somewhere out in the county not necessarily a chain. Secondly, I believe the real issue is the need to have fresh food and grocery items available so people don't have to make a special trip in, especially if they have difficulty traveling from remote portions of the county. So, I do think it is important that you if you are going to allow the special exception to have a larger store in the Limited Business that you do require certain measures grocery items to really eliminate the food desert type issues that can happen in rural areas as well as urban areas.

Clements: Thank you Mr. Wilson. Do other members of the Plan, Mr. Enright-Randolph.

Enright-Randolph: Yes, thank you. I agree with Larry. I do think it would be neat to address this issue more broadly. I think there could be a mutual interest of figuring out conditions where we are not asking certain businesses to do things outside of their platform. So, maybe a handful of certain types of items here and certain types of items there, that we could really look at this more subjectively and add some type of use. I wouldn't want to alienate larger chains due to the fact that they don't have fresh produce. But I do agree with Larry that we should be looking at it with both lenses but we can allow a grocery use in a Limited Business that does provide fresh product but is still feel like if someone wants to come here and start a company that is in this business and they don't want to change what they provide that we should be looking at creating conditions that accommodate them too not just Dollar General but kind of both your moms and pops and a larger company.

Clements: Thank you Mr. Enright-Randolph. I think it is time to turn to the petitioner and the petitioner's representative. Mr. McDonough if you are here, you have 15 minutes all total to speak to the Plan Commission, you and perhaps a colleague if you are here with another person regarding your proposal. If you would unmute yourself.

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

McDonough: Yes, hello. Sorry, technical difficulties there. Sorry about that. Thank you for the opportunity to speak tonight and all of the chat and everything that has gone on. I do want to address one thing on the grocery items. It is not uncommon to have fresh produce and also other typical grocery items in Dollar General locations. Now, I can't speak to all of the ones that are available in Bloomington itself but I do know that is something that they have added and also is one of the reasons why they have added a larger sized store versus the 9100 which was their standard. Now they are at a 10,640 square foot store and then on the rest of it I would like to then let John Kraft speak on to that, please.

Kraft: For the record, my name is John Kraft. I am with the law firm of Young, Lind, Endres and Kraft in New Albany, Indiana, appearing on behalf of the petitioner. I guess my first thought would be that certainly Mr. Wilson's comments would have been much better taken back when we started this process back in September when we asked initially for a Use Determination, which ultimately indicated that it had to be a grocery store and that was only permitted in the GB district. Certainly those comments would have been better taken at that point in time but we had been through the process. Certainly beginning with a Plan Review Committee in November and then ultimately up through the last meeting that was February 1st, which was an Administrative Meeting. Part of the basis for that was for us to provide certain bits of information to the Plan Commission, certain bits of information to the staff, which we complied with and provided those. I will kind of walk through the process because I do think when we look at this issue Mr. Wilson made the comment about spot zoning and certainly I have done this for 38, 39 years and spot zoning is an issue that frequently gets brought up. But the element that he touched on and I think it is important to note, if we look at the zoning and he touched on that fact that there was zoning of the same nature of Limited Business in close proximity and if we look at this from an overall perspective there are Limited Business lots that are to the west of this site, they are also on the eastern side of I-69/State Road 37. We also have to remember that a number of LB parcels were taken as part of I-69 project which took away a number of those LB uses, so the result of that tends to be while in a normal

sense you might look at this as spot zoning, I think you have to look at the close proximity. There is a Limited Business in the same proximity as this and then likewise Limited Business that was lost by virtue of I-69. Certainly, 367403 gives you those elements to look at. The Comprehensive Plan and again, I know the comment has been made that we have heard this quite a bit and we have. Certainly, from that perspective when you look at the Comprehensive Plan and several of the members tonight can even address that and we addressed it in a previous meeting whether it be Mr. Enright-Randolph or Mr. McKim that we are looking at an area for all practical purposes should be something of this nature, should be Limited Business, should be something of that nature. As a result of that the Comprehensive Plan and I said this before and I know that there has been exception taken but the Comprehensive Plan really is not up to date with what has happened with I-69 here. When we look at that and we look at the fact that this should be an area that should be developed in a commercial sense and certainly GB may be a bit much because under your ordinance the General Business district is intended to meet the needs and this is verbatim, intended to meet the needs for heavy retail business uses. General Business uses should be placed into cohesive grouping. Now, what we have proposed and again this goes back to the request for us to give you some conditions and one of those things that we have proposed is dealing with this because we have to be GB because of the size, not because of the use but because of the size. My client has indicated and it is the conditions that we have proposed that certainly if we are granted a GB for purposes of the operation of the Dollar General then certainly we are willing to and still willing to address the fact that if this is any other use subsequent to the Dollar General that it will fall under the LB district. Mr. Myers specifically put on your screen the elements with regards to those uses that can be in a Limited Business district. Limited Business district is intended and again this is a quote directly from your ordinance, "is intended to meet the essential business needs and convenience of neighboring residents". Its purposes are to encourage the development of groups of nonresidential uses that share common highway access. We look at the improvement that has been done specifically to the roadway, those improvements that are still being planned for Sample Road and we look at the fact that this is a major collector road. It is not a rural road. It is a major collector road. So, when we look at that we look at those improvements and considerations, those are the conditions and character of elements under 36703B that you have to look to and when you look at that issue and certainly the conclusion reached by the staff was as we have talked about there is no access to sewer at this site and therefore it doesn't support the zoning district. We have provided to you and certainly if there are questions I know that Mr. McDonough is more than happy to address those questions with regards to the commercial septic system that are put on other Dollar Generals. The issues with regards to produce, things of that nature, I live in a rural community and there Dollar General in Laneville, Indiana at the intersection of Highway 62 and the entrance road that you take on to get onto I-64. They carry fresh produce. So, it is not as if they are changing a business model to meet the requirements of Monroe County, that is part of what they do and it depends upon the location of a Dollar General as to what they put on shelf and what they may provide. Once again, Dollar General has indicated they are willing to do those things. It is not against their business model it just happens to be rural area that they are willing to do that. Certainly, had the comments made by Mr. Wilson had been given to us previously and looked at the text amendment trying to do that first, that may have been a way to look at this. But I think when we look at it overall I think the consensus of the number of the members tends to be this is the proper place a Dollar General. How do we get there? Certainly, how we are providing to get there is allow the GB rezoning with an understanding of written commitments that will be placed of record that will specifically limit this use to a LB use. Those elements and those uses that are

listed in your ordinance subsequent to the Dollar General. Dollar Generals if you are familiar with them and Mr. Stainbrook has indicated that he is quite familiar with them, but if you are familiar with them once they are there they tend to stay and certainly from that perspective they may not be going anywhere and can continue to operate provided we get the rezoning that they will continue to operate at that location, so I don't think we really have to worry about the "confusion" with regards to dropping back to an LB. Because an LB district the uses are set out in your chart and we are certainly there and will agree to those. I think when we look at the responsible development and growth we have got to get a major collector road which is East Sample Road. It intersections with Old State Road 37 and when we look at the issue and accessibility road wise, you couldn't ask for a better place for this type of a use. We are not dealing with a small, county road that is not a collector and when we look at that issue we have to deal with that. Lastly, again while it is out of the order, conservation of property value. We have not heard anything specifically and in fact the only thing that I recall and I presented it, was we other members, other owners that are in close proximity to this that are waiting in the wings hoping that this happens because they believe their property values are going to skyrocket when they try to then go do something with their property based upon I-69 corridor, where it is as well as the improvements that have been made to Sample Road and projected on Sample Road. The most desirable use again, I think that the use surrounding this when we look to the LB to the west of this, when we look to the LB that was ultimately was taken by I-69 corridor I think that all of those factors, those factors under 3674603 that you have to give due consideration to, we need all of those requirements. Certainly we meet them when we look at the fact that we are willing to enter into a conditional rezone that takes that back to an LB and certainly you can work on the text all that you want and make those changes consistent with granting the rezone here that will then give you that opportunity for other types of uses that won't have to go through the 4 and half months in order to try to get here. Certainly, we are prepared to move forward on it. We would ask that you send it forward to the County Commissioners with a favorable recommendation. Certainly, I will take any questions that you have of me and then likewise any questions you may have of Mr. McDonough with respect to the septic system, the commercial septic system. But we are asking this evening that you forward this on with a favorable recommendation with those conditions that we have proposed and we have agreed to and we are willing to again to place those record so it will carry with the land, be a covenant that runs with the land from this time forward as it relates to the zone. Thank you for the opportunity to speak to you and certainly we would hope that we could move forward with a favorable recommendation.

Guerrettaz: You are muted Margaret.

Clements: Thank you. Thank you. We move now to members of the public. If there are members of the public who would like to speak in favor of this petition, would you please raise your hand or press *9 if you calling in from a cell phone. This segment is for people in favor of the petition. I don't think we see anyone. Do we Jackie? Ok, so now we move to members of the public who might be opposed to this petition. If you would raise your hand or press *9. Ok, we don't see that. Without and comments from the public do we give a rebuttal to the petitioner, Jackie?

Nester Jelen: I wouldn't say that there would be one necessary.

Clements: Ok. Well, then I turn back to members of the Plan Commission for further discussion

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and/or a motion. Mr. Bernie Guerrettaz.

SUPPORTERS – REZ-21-7 – 440 E Sample Rd: None

REMONSTRATORS – REZ-21-7 – 440 E Sample Rd: None

ADDITIONAL QUESTIONS FOR STAFF – REZ-21-7 – 440 E Sample Rd

Guerrettaz: Well, the whole topic of the General Business relevance with grocery store, looking at the entire list that was brought up by me at the last meeting and the goal wasn't to throw a curveball or anything it was the way the discussion was going was to have dialogue to the Plan Commission of what that really meant. We have gone through these rezones for years and years and years where we have put conditions of approval on uses and one of the factors that we look at is what is the burden on staff to be able to keep track of what we are doing here? I have and still remain very confident in my opinion that this use is extremely well suited for this property. This property this location. We have had no remonstrators against it. As far as the benefit of a grocery store versus a convenience store and then buying household consumables such as milk, I would much rather buy milk from this store as opposed to a convenient mark unless I really need milk. That is what the convenience is for. To me this is a benefit and a convenience as an adjective for the people around it and I think it is in a very good location. When I look at the corridor up and down I-69 and is see furniture stores, I see manufacturing. I think there is a fire station. There is an old light store. We have got a winery. I am not getting in particular with all of the zones. Most of them are probably not within the zone that they are set up for but regardless this is what the corridor looks like. The fact that this is an exit off of I-69 that allows for this service and for people to jump on and jump back off again I think is extraordinary. I think it is a low imposition site for this nature. From my experience with onsite sewer it doesn't give me any pause at all where properties might. There is just not a large consumption of water typically with these. I think the petitioner's representative went through that at the last meeting or potentially the meeting before. So, I just think it is a great use. I was living in this area I would like to see it. As far as the Limited Business it is a very intriguing possibility. I think that the petitioner has been through a long process and as Jerry said at the last meeting this site doesn't afford itself to most of uses that would be on the General Business slate. So, if I were going to bring up any conversation that I would be curious about our Plan Commission, I am going to get myself in trouble again, but, I mean, we talk about the staff burden. If the staff has one use that they are concerned with we have definitely given approval striking down uses, having one use for the staff to monitor is much easier than the staff having 50 percent to monitor. I would like to see this move on with a positive recommendation with the condition that this only be for the grocery store use by the General Business. Again, that is a condition similar to what we have done many times in the past. Again, the conversation last week was brought up because of the conversations that were going on at the time I felt compelled to bring up the discussion to make sure that everybody was on a clear thinking line and I am still glad we did. But I would like to see this move forward as a grocery store. It will be a neighborhood service area that many people will benefit from. SO, that is all that I have got right now. Thanks.

Stainbrook: Is that a motion, Bernie?

Guerrettaz: I can make it a motion but I just don't want to thwart other comments with regard to

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this Mr. Stainbrook.

Stainbrook: If Margaret is ready for a motion and if it is motion I will second Bernie.

Clements: Ms. Jelen.

Nester Jelen: I just wanted to note that there was one Plan Commission meeting where it was brought up that this property would have a pole sign that may be directed toward the I-69 corridor. So, if you are considering a positive or a favorable recommendation and you are considering conditions if you are looking at the aesthetics of the corridor and trying to limit pole signs or things of that nature, you may want to consider that as part of your recommendation.

Clements: Thank you. That was very helpful Ms. Nester Jelen. Ok, is there any further discussion? Mr. McKim.

McKim: I guess I will just in general I agree with Bernie. I do, like I said before I like Larry's suggestion. I do wish we could have considered that path earlier and I am still willing to consider that path. But I do think that what the petitioner has approved is very appropriate use for this parcel and very much in keeping with what that area has become and what it is going to become even further with the expansion of Sample Road. I am basically in support of whatever means we can take to move the project forward.

Clements: Thank you Mr. McKim. Mr. Wilson and then myself.

Wilson: I just wanted to note that the Use Determination was made in March of 2021 and whenever we make these Use Determinations we are available if petitioners want to talk about different options and so on. In this case they applied for a rezone to General Business. But it is not like we said you have to apply for a rezone to General Business. There are other options as well, text amendments to allow a use in certain zone, Planned Unit Development are always an option. We try not to direct the petitioner as to what action to take. However, we are available to brainstorm with them in most cases. There is one other thing I do want to mention. We have some uses that are permitted in Limited Business and not permitted in General Business so that creates a contrary as to what exactly this would mean in the circumstance. It is not likely to come up but again that is why the other option that I feel is a cleaner more consistent way of approaching it.

Clements: Thank you Mr. Wilson. I would just like myself to comment and reiterate some comments that I have made before. Number one that this isn't a business corridor yet and even though there are plans to build a road there and the off-ramp has been designed people of this area of the county have said pretty resoundingly they would like the rural to remain rural. If we want to make this a business corridor then we should rezone the area. This is spot zoning as been said before. It is surrounded by agricultural land and I just don't think that this is appropriate here. So, I just want to go on the record once again as to tell you that it is agricultural land and it is surrounded by other agricultural land and the people in the rural areas have said that they want to remain rural. So, that is my comment for today and I will recognize Mr. Stainbrook.

Stainbrook: Well, madam President, you hang in there. I am still rural, rural and urban, urban even

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though the details here maybe somewhat different. But this is now Constantinople and I had an epiphany. I got the whole thing figured out. I do understand now what is going on earlier and what might go on here. I think Mr. Kraft could be, it is going to go to the Commissioner and the Commissioners will decide. But I think even if it gets to the Commissioners, well, I still support Bernie's motion when he makes it and I think it would be a good thing. But I appreciate very much the comments from the president. Thank you.

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

Enright-Randolph: You are on mute, Geoff.

McKim: Sorry, this is just a follow-up to Ms. Nester Jelen's comments about the pole sign. Can you go into a little more detail about what the issue is and what a recommended condition would be in that case?

Nester Jelen: So, right now the Planning Department is enjoined from requiring sign permits for sites in Monroe County. But for pole signs in particular under the Comprehensive Plan we have tried to remove or reduce the number of pole signs especially in gateways and along highway corridors. There has been some discussion in the I-69 Plan, the Corridor Plan, Comprehensive Plan, Rural Plan framework to try to reduce the sort of visual billboard or pole sign look as you drive I-69. Based on where this petition site is located I am not sure, it just shows a pole sign proposed on the site plan and so if that was something that you wanted to consider and would rather just have like a wall sign, which is affixed to the actual building and not separate from the building that could be a condition just to say no pole signs means no free-standing signs that can be up to 25' tall.

McKim: Thank you. I guess I would be interested in hearing other Plan Commissioners thoughts on that.

Clements: Well, I would like to say that to me the beauty of the approach to Bloomington is very important and when it becomes over, for lack of a better word, when becomes kind of cluttered with more billboards and more signage, I think that one of the aspects, one of the most important aspects of our community is taken away and that is its beauty. It has been immortalized in paintings by T.C. Steele and I would hate to see the signage get in the way of that and then there is also another factor involved in that we should be concerned about light pollution. We should be because over in Stinesville light pollution carries a long way. We have some areas of the sky of the area of our night sky rated. We are right next to a county forest and reserve here in the Morgan Monroe County Forest area where you can get some dark skies and see the stars. So, I think that protecting some of these areas from light pollution could be an economic development initiative for our county. I think it is an important initiative for our county. Because we do have some night sky rated areas and this is pretty close to one. Mr. McKim.

McKim: Well, I was going to make a motion but if anybody else wants to comment before I make a motion I will defer.

Clements: Well, Mr. McKim let's have your motion. Thank you.

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FURTHER QUESTIONS FOR STAFF – REZ-21-7 – 440 E Sample Rd

McKim: Ok, thank you. **In the matter of REZ-21-7, 440 East Sample Road rezone request from AG/RR to General Business, I move that we forward this to the Board of Commissioners with a favorable recommendation with the following 2 conditions;**

- 1) The written commitments with respect to restricting the use that have already been published in the packet be recorded.**
- 2) Pole sign be prohibited.**

Stainbrook: **Second.**

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

Enright-Randolph: Larry, you are muted.

Wilson: I am sorry. The motion is to send a favorable recommendation to the Commissioners in regard to petition REZ-21-7, 440 East Sample Road zoning map amendment from AG/RR to General Business subject to the conditions set forth in regard to limiting the uses to Limited Business and secondly that a pole sign not be allowed and that the site would be limited to a monument sign and that those 2 factors be put into written commitments prior to passage of the ordinance. Again, a vote in favor is a vote to send a favorable recommendation to the Commissioners subject to those 2 conditions. Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: No.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: No.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Quick question. Is there a difference between restricting a pole sign and limiting a sign to a monument sign?

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Wilson: I think that is the 2 options under our ordinance would be either a pole sign or what we consider to be a monument sign.

Guerrettaz: The monument sign is also a, ok, I vote yes. It was just a little bit different from what Geoff articulated and that is why I was asking.

Wilson: I was just trying to make it clearer what we were talking about as limited to the option of a monument sign. Under our ordinance a monument sign can have 2 poles with a sign in between it. It is just that a pole sign is typically higher 15'.

Guerrettaz: Ok, my vote was yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: No.

Wilson: Ok, the vote is 5 to 3 to send a favorable recommendation to the Commissioners that goes on to the Commissioners and there will be a public hearing in regard to the ordinance at that stage.

The motion in case REZ-21-7, 440 E Sample RD Rezone from AG/RR to GB, Final Hearing, in favor of sending a favorable recommendation to the County Commissioners with the conditions as set forth in the motion, carried (5-3).

UNFINISHED BUSINESS

3. ZOA-21-8

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

Amendment to require certified site plans, certified plot plans, and scaled drawings for certain types of development. Amend the criteria required for site plans and plot plans.

Contact: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Yes, thank you Margaret. This is an amendment to Chapter 815, which is in regard to site plan review. The blue text and the red text on the screen are showing the different changes that we have made to this chapter. The purpose of this text amendment is to incorporate and specify what type development requires certain level of certification of a site plan or plot plan or if something can just allow for a scaled drawing. Right now we require all commercial sites to have a certified site plan. That will not be changing under this ordinance. But for residential new construction we do not certified site plan or certified plot plan requirement. In speaking with some of the Building Association and several surveyors in the area, we have tried to put together a text amendment that would require a certified plot plan for new residential construction and we have tried to carefully think out what are the different requirements that may be involved in the certified plot plan to make them a little less of burden than a full certified site plan, which is the highest bar but at the same time give us enough information to show that they are able to meet other ordinance requirements. Under this chapter, text amendments you will see that we have put together an illustration for commercial in the red box, residential structure, principal structures are in the blue box and then accessory structures are in the black box. We have put under this table sort of the applicability and the way that our ordinance is structured right now is it could be interpreted to show that all sites and all building permit applications could require a certified site plan. Because that is a high bar for the Monroe County residents to follow we are trying to specify that certain things can allow for a scaled drawing. But in the event that we do need a certified plot plan or boundaries show and surveyed we can request those and have a better site plan or plot plan to review prior to permitting. Underneath the applicability we also have shown all of the uses that we have in either 802 or 833, which covers the Fringe zones and that is to help people at the forefront to say what type of site plan am I going to be required to do a plot plan. This is my use and this is my type of construction. That is hopefully very clear for the public to read as well as staff. We have also put together a table showing you the different requirements that will be for each type of review. There will also be the illustration to the left of those letters so that as you are going along you can see whether or not that is being met or what is being required. We have heard this a few times but I do want to note that we have made a few changes since we have gone along. We tried to work with the Stormwater Division as well since the new Rule 5 is called Construction Stormwater General Permit so we are trying to make sure that we are compliant for what they will be looking for sites to make sure that they compliant with drainage as well as out sites what we are looking for to make sure that they can meet buildable area, setbacks things like that. Some of the changes that we have made as of late is that we are trying to make sure that for sites that include a location, setbacks, improvement areas really for residential and accessory structures that we

would be able to for lots 2 and half acres are greater we could do a deed of record illustrative property boundary. Because for a site that has a 100 acres it would be very costly to do a full boundary survey. In the event that they are getting really close to a lot line or we are not able to tell based on the best available data we could ask them to either amend the building location or get an actual survey of that property boundary. So we are trying to be cognizant of the additional cost that would be associated with this but also cognizant of the requirements already set out from the ordinance and what we are looking for to make sure that people are compliant and able to have structures that without any restraints from karst or floodplain or things like that. I am trying to see if we have any requirements that have changed. We did say that we needed to see slope lines at 15 percent but if located in the Environmental Constraints Overlay then show the applicable slope lines that could be 12 percent it could also be 18 percent based on areas 1 and 3. I think that those are the main changes that we have made as of late. But I will take any questions that you might have on this text amendment.

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

Clements: Ok, do members of the Plan Commission have any questions for Ms. Nester Jelen? Is there any discussion? Then I am going to move to the public and ask the public if there are people here from the public who would like to speak in favor of this amendment, this change to the Monroe County Zoning Ordinance. Please raise your hand or press *9 on your telephone to be recognized. Do we see anybody? I don't think we do. I don't see anybody. Ok, if there is any member of the public who would like to speak in opposition to this amendment please raise your hand or press *9? Ok, we have one person. Mr. Randy, you have 3 minutes.

PUBLIC COMMENT – ZOA-21-8 – MC Zoning Amendments – Site Plans

Cassady: Yeah, Margaret, this is Randy Cassady. The question that I have in regards to this text amendment is that has this been discussed with the Monroe County Building Association at all? I guess that would just be a question in regard to what it is and then as I look through these text amendments I see a significant amount of items that just leave it to the Administrator themselves. So, for the text amendment I am not complaining, I am just simply asking the question. Is this from an Administrator standpoint, will that be the individual that is responsible for the petition itself or will that be Director? Will that be the Plan Commission? So, 2 questions in regard to it. One being the Monroe County Building Association, have they seen it and given any review on it and then who actually will make the determination from an Administrator standpoint if these meet the criteria or not?

Clements: Thank you Mr. Cassady and although we don't normally allow the public to ask staff questions directly I would like to sponsor his questions. Ms. Nester Jelen if you would be so kind as to answer those questions.

Nester Jelen: Sure. Yes, we were engaged with the Building Association. They did take this to a meeting and involved surveyors as well as the Building Association and I will say that there some in the Building Association that were displeased with the text amendment and some of them believed that this would be better off for a lot of new construction, brand new construction of primary residential structures. So, there were some that were in opposition, some were in support

and then there is some discretion built into this text amendment that allows for the Administrator's discretion, as defined in our ordinance that is the Planning Director. The purpose of that discretion is that in some circumstances it needs to be determined whether a use is accessory or principal in order to determine whether it is a plot plan or a scaled drawing. Those would be the most I would say back and forth needing any kind of determination. Also, there are some circumstances where let's say there is already an existing foundation and someone is replacing a structure exactly in that some foundation and we are able to go under pre-existing nonconforming. There may be circumstances where we are able to utilize other portions of the ordinance and not require a certified plot plan in those situations and only a scaled drawing.

Clements: Thank you, Ms. Nester Jelen. Are there any other members of the public who would like to speak in opposition to this change? If not, I will bring it back to the Plan Commission for further discussion and/or a motion.

Nester Jelen: I will also say Margaret I think Kelsey Thetonia is also on the line if she wants to speak from the Stormwater perspective if there any questions and I have also spoken with the Building Department and there have been some expressed concerns that I feel are necessary to bring up and that is just that this is bringing on a cost to the residents of Monroe County and it is a change. So, that is something as we have been looking at this text amendment we have tried to put in the basic, necessary requirements as it relates to our ordinance and what is already written into the text that we need to be able to verify compliance for. So, that is something that we have taken into account and we will be making amendments and changes to this ordinance if there are things that come up and it just simply doesn't work. We are hoping as we see this through it will be open to amendments as necessary. We do understand the gravity of this type of text amendment. This will involve some change for people that if they are not tuning into CATS on all occasions we will want to get some communication out there early so that people can hopefully that are in the process right now be able to get on board with getting a certified plot plan when they need it.

Clements: Thank you Ms. Nester Jelen. I would at your suggestion like to recognize Ms. Thetonia to make any comments that she would like to about this.

Thetonia: Thank you. This is Kelsey. I just want to thank Jackie for doing so much of the work to reach out to local stake holders and others about this change. It is something that is going to help us so much on the plan review side. When I took over for Terry Quillman, he has in the new Stormwater Standards Manual a requirement for a certified plot plan. I think that this is definitely a step in the right direction and a good demonstration of really working with our community and what is going to work best for our residents. Yeah, I just wanted to thank Jackie for putting all the work into this and it is going to compliment the upcoming new stormwater ordinance very well. Thank you.

Clements: Thank you. Thank you, Ms. Thetonia. Mr. Guerrettaz.

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

Guerrettaz: Just a quick question I think and it is one that I think I have asked on a couple of

different occasions. From a practitioner's standpoint, land surveyors in particular, potentially civil engineers and less likely an architect, a plot plan is a generally speaking it is a 2 dimensional drawing and by that I mean it doesn't show changes in elevation. It doesn't show any topography and so am I looking at this correct? Let me get on my other screen here. If I mute out I will fix that. For residential, in what cases do residential structures need to show contours, slope lines and other features that show a vertical topography?

Nester Jelen: What we have put into the text amendment, Bernie, is 2 ft. contours or spot elevations of finished grade and putting finished first floor elevations. I know that is a little bit outside of the scope of maybe a typical plot plan but we are trying to make sure that we were compliant in this one in particular what the stormwater will be looking to make sure that there is positive drainage for the site.

Guerrettaz: My only observation might be that there are other ways to look at positive drainage on the site without having to go through for a residential building permit to determine what the gradient it with the effects with what the proposed elevations are. So, you answered my questions. Thanks Jackie. It just kind of gets a way out of the nature of the original discussion of the plot plan option. So, anyway, thanks.

Clements: Thank you. Is there any further discussion or questions by the Plan Commission? If not, could we have a motion? Mr. McKim.

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

McKim: Ok, I will make one. **In the matter of ZOA-21-8, Amendment to the Monroe County Zoning Ordinance, Chapter 815- Site Plans, Certified Site Plans I move that we forward to the Board of Commissioners with a favorable recommendation the text amendments as presented.**

Thompson: **Second.**

Wilson: I will call the roll on ZOA-21-8, text amendment to the Monroe County Ordinance, Chapter 815 Site Plans to require certified site plans and plot plans in regard to and other scaled drawings for other types of development. The motion is to send a favorable recommendation to the Commissioners for passage. Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

DRAFT

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: There we go. I said I would fix it. No.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: The motion is approved 7 to 1 to send a favorable recommendation to the Commissioners in regard to the text amendment ZOA-21-8.

The motion is case ZOA-21-8, Amendment to the Monroe County Zoning Ordinance: Chapter 815- Site Plans (Certified Site Plans) Final Hearing, to send a favorable recommendation to the County Commissioners in regard to the text amendments, carried (7-1).

NEW BUSINESS

1. ZOA-21-11

Amendment to the Monroe County Zoning Ordinance:

Chapter 801- Definitions

Preliminary Hearing.

Amendment to the ‘Change in Use’ definition, addition of definitions for ‘Certified Site Plan’, ‘Certified Plot Plan’, ‘Structure, Commercial’, ‘Structure, Residential’, and ‘Structure, Residential Accessory.’

Contact: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Yes, thank you Margaret. This is to compliment the Chapter 815 changes that we have ongoing that was discussed previously and this is a way for us to tie Chapters 815 to Chapter 801, which is where we have the definitions. The change is use also is trying to make sure that for any unit that there is something where bedroom count is different from what is on the property report card that we are able to verify septic systems as part of a Remodel Permit for an Improvement Location Permit. So, that is something that is also tied to Chapter 814, so we are trying to keep all of these amendments clean as we move ahead. It is also removing some older language regarding Classes of Uses from different classes. It was previously used to try to I guess categorize certain uses as being similar so if you went from Antique to Floral Shop you wouldn't have to consider that a change of use. But it is actually not well matched with the current uses are in the ordinance and we felt like we haven't really utilized, we consider a Change of Use if you are changing from one use to any other use in the ordinance. This categorization was not really something that has been utilized or updated and so we are suggesting that we just change it to say if you are changing from one use in the table to another use, it is a change in use and that clarifies quite a bit for us. That is the text amendment for Classes of Uses and then Structures as part of the 815, I am going to go ahead and go down to that part, as you recall from the Chapter 815 there were 3 columns for the different types of structures. There was Commercial Structure, Residential Structure as well as Residential Accessory Structure so we wanted to add a definition as well in the ordinance to make sure that it is tied back to Chapter 815 again and make sure that a Commercial Structure by definition requires a certified site plan under Chapter 815 prior to issuance of an ILP. That is something that we wanted to make sure was in the ordinance. This is a preliminary hearing so we do want to get any feedback from the Plan Commission about how best to utilize these definitions and if there are changes that need to be made we want to do that before the final hearing of this. We want to try and keep it consistent and make sure that we are keeping up with the different new terminology that we are adding as we are trying to make amendments to the existing chapters. I can take any questions.

QUESTIONS FOR STAFF – ZOA-21-11 – MC Zoning Amendments - Definitions

Clements: Ok, does anyone have questions for Ms. Nester Jelen? Ok, I would like to open it up to the public. Do members of the public have any comments or questions? If so, please raise your hand or press*9 on your telephone. Ok, Mr. Cassady you have 3 minutes if you would kindly unmute yourself.

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PUBLIC COMMENT – ZOA-21-11 – MC Zoning Amendments - Definitions

Cassady: Am I unmuted?

Clements: Yes, you are fine. We can hear you.

Cassady: Thank you very much. The question I have in regard to this ordinance from the count on the property record card to the aspect, is that specifically dealing with the septic issue or is that just dealing with, what is the purpose on that? I mean, I understand the septic but I am curious if it is based on that or if it is based on, what is it based on?

Nester Jelen: That is something that we would be reviewing specific to septic since those have a capacity based on the number of bedrooms.

Cassady: Ok, so, just determination based upon how many sleeping people there are in that residence. Ok, thank you.

Clements: Any other items from the public for discussion or would anybody like to weigh in on this? We will be hearing this again, right, Jackie?

Nester Jelen: That is correct.

Clements: Any further discussion among the Plan Commission? If not, we don't take a vote on this tonight. We will hear this again next motion at our regular meeting.

No motion is made in case ZOA-21-11, Amendment to the Monroe County Zoning Ordinance: Chapter 801- Definitions, Preliminary Hearing, as this is the preliminary hearing and case will be heard at the next regular meeting for a vote at that time.

NEW BUSINESS

2. REZ-21-8

Hinkle Rezone from AG/RR to GB

Preliminary Hearing. Waiver of Final Hearing Requested.

Two (2) 8.6 +/- acre parcel in Richland Township, Section 24
4833 W Arlington Rd, parcel no. 53-04-24-101-014.000-011;
53-04-24-101-031.000-011

Owner: Hinkle, Susan Wadene & Hinkle, Steven William

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Behrman: One thing I want to note is the owners of the property are Susan and Steven Hinkle and Susan is on the line this evening and can answer any questions about this site later on. The applicant to Springpoint Architect and Dawn Gray is the representative for this rezone and she is also here this evening. Then just to cover my bases, Duncan Campbell from the Historic Preservation Board is also on the line. Basically, this is a proposal to rezone 2 parcels from AG/RR to General Business, GB zoning. If this rezone is approved the land would transfer to Lindeman and Associates Psychological Services to develop an Office Use and that office use is described in Exhibit 6 under a Use Determination. A commercial site plan would then also be required. Something to point out about the location the property straddles between West State Road 46 and then also West Arlington Road. It is part of the Rural Community Zoning Overlay of Ellettsville. This is the current zoning map. Here we have in the center the 2 parcels. You can see that right of way was taken when Arlington Road was improved and also when West State Road 46 was also redesigned to go through this area. We do have a really good stop light through this area here. There is General Business already in this area as you can see in the red. We also have some Limited Business up in the top and then the North Park PUD is directly to the south here. Should this ever develop it could maybe add some access to the southern part of this lot. I will point out the residential neighborhood to the north here and while we are at it this is an interesting piece that actually has an approved commercial site plan for a veterinary clinic. It was never developed. In this process something that we learned was that the fire code was going to be difficult to be met with a 2-story building because of water pressure in this area. The petitioner was able to get a capacity letter. It does not mention anything about water pressure. But I have heard from the Fire Marshall that 2-story buildings are going to be hard to suppress any fires in this area which is why the Rural Community Overlay was not really encouraged because one of the design standards for utilizing that is a 2-story building that is front facing on the lot. Here we have just a basic site map. You can see there is a ravine that comes through the middle of the property that they have dammed up some time in the past and made a little pond. I want to point out that this is the Bloomington Hospital Children's Services here. It used to be known as Riley Hospital branch where they treat children. Lindeman and Associates, that would like to purchase this new development, does a lot of psychological services for children as well and they thought this would be a good placement in tandem to this area. Like I said we have some North Park that could develop down here in the future and some other business, a couple of banks in this area as well. These are some site photos. This is along Arlington Road. This is facing west toward that stop light. They have already got sidewalks in place here and this is facing east down Arlington Road. This is the home that is existing. I believe someone does reside in this house at the moment. There are several structures

on the site that as staff was reviewing property report cards, doing the site visit, felt it might be necessary for the Historic Preservation Board to review this. I will discuss that a little bit later. We do have an old barn on the site and I do believe that Lindeman and Associates does have on their plan that they would like preserve the Barn on this site. What preserve means, I am not positive but they do seem to want to keep this structure up. Here is a photo that is facing west and you can see the hospital facility here to the side. The damned up little pond in the ravine I did get a little glimpse of that as it pooled a little bit of water and there would be bio retention required. A draft plan does not include touching that, it would just sort of be a preserved area. This is facing north so the older house is over here and then this other structure which has like a door and a couple of interesting windows that Historic Preservation is maybe going to report on that in a bit. There are several lovely groves of trees and there is one that is kind of on the wood line that might a consideration as a condition to approve. They might interfere with a Phase 2 building so I design workaround might need to be thought of if the Plan Commission decides to make this a condition of approval to preserve some of these larger trees. These I think would be directly within the realm of the proposed development. Here we have some aerial photos. Facing north again you can see Arlington Road up here and the corner of the property that was taken out for 46. A little bit closer in you can see these structures, the barn and really kind of see the development in the area that has taken place. This is facing south so it just gave a good view of all of the different structures on site, the one door that faces this way, the barn and I put a circle around this grove of trees. The Comprehensive Plan has this as MCUA Mixed Use. At first I thought it was a Designated Community but I had to recolor this one to kind of discern that but it is Mixed Use and when I went through the Comprehensive Plan there was a lot of matchup, a lot of support for this General Business type of zoning in this area. This is the petitioner's letter from Springpoint Architect that Dawn Gray submitted. Basically, they are wanting to develop this and put 5,000 square foot office building for Lindeman and Associates Psychological Services and they did have a Phase 2 for another 5,000 square feet possibly in the future. These are the site plans. These are draft site plans. In fact this is the second iteration that I have seen of these and they very well could change depending on how driveways are approved or bioretention is approved in the future, so something to work around. We have not pre-designed a site plan like this yet. But showing bioretention, preserving this barn possibly and then like a Phase 2 building here, which may interfere with that grove of trees. This again is just an up close look at what you can see they are proposing about a 5,000 square foot office facility. I think Lindeman and Associates is currently located in the City of Bloomington. It is kind of in a basement structure. I can see why they would want to upgrade and relocate this facility that is accessible. Alright, the AG/RR Use Table is included in the packet so currently we see what is permitted here and right now there is a single family dwelling. We also have the General Business Use Table that is in the packet as well. So, it does allow for a lot of items and again, what they are really wanting to focus on is an office here. We did a comparison of design standards between the AG/RR district and the General Business zoning district, so should this rezone go through then these would be the design standards that would be required to be met. A 6' side yard setback is probably one of the more pertinent ones that would be needed, also a 45' height. Again, I think that water pressure would be an issue that wouldn't even come close to something like that because commercial buildings often require those sprinkler systems. I did include the Use Determination in the packet. I wanted to provide the utility, Eastern Richland Sewer Corporation provided a capacity letter for sewer and Ellettsville Utilities had the capacity letter for water availability. The MS4 Coordinator reviewed this and didn't really have any direct comments at this time because we are not in a site plan phase and just kind of made some notes to

herself that we didn't see any karst or sinkholes. A Rule 5 would be required if we are disturbing more than an acre. She did note the farm pond that is on the property. The Stormwater Department they do believe the commercial driveway permit could be issued for this site. That has not been submitted just yet because they don't know exactly where it would go but they did also have that comment about storm water here when designing the driveway. You all saw this as the PC Admin. Meeting on February 1st and you asked that the Plan Review Committee review this. So, it did go to Plan Review Committee last Thursday and I was unable to update the staff report because of publication kind of crossed wires there. 5 members did attend the Plan Review Committee. There were 2 different motions made to support the petition but it failed to have a majority so a consensus was made to just forward some comments from the meeting. A lot of people were apprehensive to support a positive recommendation just because they didn't think they had enough information regarding the Historic Preservation aspect of this site so they did think that the Comprehensive Plan supported that General Business zone but kind of just wanting to see what would become of the Historic Preservation Board's review and analysis. The Historic Preservation Board of Review actually heard this January 24, 2022. The reason being when staff was reviewing this site the property report cards have these structures on there that are listed as red flag this could be of some significance and some of the structures on site just looked interesting enough that it didn't hurt to ask. I will note that this property did not appear in the State Historic Archeological SHARD database from 2015 nor did it show up in the interim report 1989 inventory. But they often overlook barns. Yesterday I received a report from Monroe County Historic Preservation Board of Review from the 2 members that did go out on the site and this report is on the agenda and was distributed to those members today in the Historic Preservation packet for the February 21st meeting. I believe they will review it and decide if they want to comment or make a recommendation based upon what was found at the site. I am not going to go over this. I almost anticipate that you will see this petition before you again in which case you will get this document within the packet and also then an analysis of what the Historic Preservation Board states on February 21st. The Hinkle rezone petition REZ-21-8 right now staff is recommending approval for the rezone based on the findings of fact and subject to the Monroe County Highway and MS4 Coordinator reports with the following recommendation;

- 1) Petitioner is to enter into a written commitment to preserve large oak grove trees west of the large barn.

I think you saw circled in one of those aerials. We are kind of waiting to see what the Historic Preservation Board decides, if they want to make a recommendation or they just trust that site plan where they say they are going to preserve the barn is good enough and it doesn't require any further conditions to go forward. With that I am willing to take some questions.

RECOMMENDATION

Staff recommends **approval** of the Rezone of based on findings of fact and subject to the Monroe County Highway and MS4 Coordinator Reports with the following recommendation(s):

1. Petitioner to enter into a written commitment to preserve large oak grove trees west of the large barn.

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:

(K) The Comprehensive Plan;

Findings:

- The rezone request is to change the zone for the petition site from Agriculture / Rural Reserve (AG/RR) to General Business (GB)
- The Comprehensive Plan designates the petition site as MCUA Mixed Use;
- According to the Comprehensive Plan, MCUA Mixed Use area *“Mixed-use areas offer the greatest flexibility in terms of land use. Individual parcels of land within a larger mixed-use area may be developed with a single use, so long as the site is designed in a way to integrate with surrounding sites to create a whole that is greater than the sum of parts.”*
- The petition site has the Rural Community Zoning Overlay (RCZO) which is dictated under Chapter 835. The office use would be permitted but there are additional design standards that were not desirable for the petitioner such as a two story building;

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

Findings:

- See Findings under Section A;
- The current use is residential and there is a residence, two sheds, a storage structure and a barn built ca. early 1900’s;
- 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 AG/RR;
- There is one existing residential driveway accessing W Arlington RD (major collector);
- There are 15% slopes (see Slope Map);
- The petition site is not located in a Special Flood Hazard Area;
- There is a pond / wetland on site;
- Karst is not evident from best available data;

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- Much of the property is forested;

(M) 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-21-68 is residential;
- The proposed use of the lot as determined by Use Determination USE-21-68 is office and is permitted in the GB zone;
- The GB zone currently has 140 permitted uses;
- The adjacent parcels to the east and west are currently zoned GB, and there are surrounding parcels to the north and west also zoned GB;
- There are commercial uses adjacent to the property and in the surrounding area;
- Other commercial zones in the vicinity of the petitioner site are Limited Business, Light Industrial and PUD;
- In 2017 a site plan was approved for a Veterinary Clinic to the north though permits were never pulled;

(N) 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;

(O) 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 and water;
- The site is not within a critical watershed;
- Floodplain is not in the vicinity;
- The intersection at W State Road 46 and W Arlington Road was upgraded around 2000 and has a traffic signal;
- The petition site has sidewalks already within the right of way;

QUESTIONS FOR STAFF – REZ-21-8 - Hinkle

Clements: Ok, Mr. Enright-Randolph.

Enright-Randolph: Just due to the fact that it sounds like we are still waiting for some information I guess this is more of a procedure question, if we take no action it just automatically continues and if we want to do something of that effect then we don't necessarily need to turn it to the

petitioner representative or the public? Right? We could almost move to adjourn it. Is that right?

Behrman: I am going to let Jackie or Larry maybe speak on that part of it as far as the technicality of if this could just deny the waiver so that you can hear it...

Enright-Randolph: If we take no action it automatically gets continued and if we take no action does that mean then we don't need to move to the petitioner representative or the public?

Wilson: It is scheduled for a hearing so. It is the first hearing so you need to go ahead and take testimony the petitioner and any public members.

Enright-Randolph: Ok. Perfect. I just wanted to be clear on that. Thank you.

Clements: I am going to recognize myself. Mr. Guerrettaz I am sorry for jumping the line in front of you. But one thing I would like to see in this petition if it goes through is again what I have been referring to as "night sky compliant lighting", if that could be added into the conditions. That's all. Mr. Guerrettaz.

Guerrettaz: Quick question. So, the large grove oak trees that you are talking about Tammy, on the schematic plan that is presented, the existing building is the one that is shown just next to detention basin, is that where you are talking?

Behrman: So, this is the barn and it is just west of the barn, kind of like in this area here.

Guerrettaz: Ok. Have you brought this up to the petitioner or petitioner's representative?

Behrman: They have seen this report several times and have yet to be able to speak at any of the meetings yet. This is their first opportunity to be able to have a voice.

Guerrettaz: Ok. How do we quantify the night sky lighting?

Behrman: Our site plan review actually requires that lighting is downward facing. So, in a sense our ordinance when you are developing a new commercial site you are required to essentially become dark sky compliant and then we also make sure that light does not cross over any property line more than one candle foot. So, we usually have someone submit a photometric, a separate sheet of a photometric analysis just confirming that light is essentially staying on site and that we confirm the design of all of the lights and that they are downward facing. I have even denied flag poles that want to have the lights that shine up at the flag.

Guerrettaz: So the requirement for that is already inherent within the ordinance. Is that correct?

Behrman: I would say so. It doesn't specifically say dark sky but the intent is downward facing lights and I have went back in forth with engineers and developers to get the design right.

Guerrettaz: Thank you.

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Clements: Thank you. Any further discussion or questions by members of the Plan Commission? I would like to turn it to the petitioner and the petitioner's representative. I know that Ms. Gray is here and all combined the petitioner has 15 minutes to address the Plan Commission.

Behrman: Dawn you might want to raise your hand just to see if we can get you in or upgrade. I don't think I have the possibility to upgrade. Jackie, do you?

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-21-8 - Hinkle

Gray: Hello, hi. I believe I have been upgraded.

Clements: Yes. Hi, Dawn.

Gray: Hello. I am Dawn Gray with Springpoint Architects and we are representing our client, Lindeman and Associates Psychological Services. I think that Tammy has done a good job presenting the project. We feel this is an appropriate and good use of the site and are available to answer any questions that you may have.

Clements: Thank you Ms. Gray. Mr. McKim.

McKim: Well, were any other petitioner representatives going to speak? I'm sorry I didn't mean to jump the gun there.

Clements: Are there other representatives from Lindeman and Associates who wish to speak or from Structure Point who wish to speak?

Nester Jelen: I don't see anyone.

Clements: Ok. So, Mr. McKim.

McKim: I guess the question of the oak grove came up and the question was raise about how the petitioner felt about that. So, I guess I would like to hear the petitioner's representative answer if that would create an impediment to achieving the goals of the project.

Gray: Yes, this is Dawn Gray again. It is a little hard to tell exactly where those trees are in relationship to what is being proposed as a second phase but I think that it could a second phase building could still be achievable and respect those trees. But like I said it is just a little difficult to see exactly where those are in relationship to the site plan as it is developed now.

Clements: Thank you Ms. Gray. So, are there further questions for Ms. Gray? If not we will move to the public. Mr. Enright-Randolph.

Enright-Randolph: Sorry, I couldn't get to the raised hand. I lost audio. I guess really quickly the question was does that tree patch pose technical difficulties and the answer was they are not certain quite yet. Did I catch that?

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Clements: That is correct. Yes.

Enright-Randolph: Thank you.

Clements: Ok. Let's move forward to members of the public. If there are members of the public who would like to speak in favor of this petition, you would have 3 minutes each. So, raise your hand or press *9 telephone. I see Susie Hinkle has her hand raised. If you could unmute yourself we would like to hear from you.

SUPPORTERS – REZ-21-8 - Hinkle

Hinkle: Hi, can you hear me?

Clements: Yes.

Hinkle: Nice to meet you all. My name is Susie Hinkle and my brothers and I are the owners of the property and I just thought I would lend my support for the rezone. My brother and I are in favor of it for a couple different reasons. One, my grandparents bought this property in 1953 and the intent was to pass it down to us for our inheritance and so when we are looking at who would buy the property from us we were really, really pleased to find that it was a doctor's office that works with kids, particularly over at Riley. We have an older that passed away at the age of 13 and she was a Riley kid so we just found it really fitting that these are people that we would kind of pass the torch to. We are pleased that they are respectful of the property itself and it would be next door to these kids, which I know how much they need their help and I just think it is a really, really great fit and couldn't be more happy about it. I am going to attend next Monday's Historical virtual meeting. I can shed some background on some of the buildings. My granny lived to be 102 and I was fortunate enough to take care of her and be with her along time so I know a lot about the property and such. The storage building to the east of the driveway I think had some of their intention and possibly even excitement but it maybe had been a one room schoolhouse. Unfortunately, it is a storage building that my grandpa put there in the 50's. He liked to collect things and when you collect a lot of things you need storage buildings. So that is what that one is. But I just wanted to ring in and say that we are really pleased that these are the people interested in the property. I will be happy to talk with the historical society or the preservation committee next Monday. Thank you.

Clements: Thank you Ms. Hinkle. I just want to thank you for your patience and perseverance in attending tonight's meeting and waiting until this hour to be able to speak to us, so thank you for your insights and your comments. Are there other members of the public who would like to speak in favor of this petition? If so, please raise your hand or press *9 on the telephone so that you can be recognized. I don't see anyone. So, I would like to move to members of the public who may be opposed to this petition. If so, please raise your hand or press*9 so you can be recognized for 3 minutes. Ok, I don't see anyone. We will come back to the Plan Commission. If there is no motion, that's fine but if there is a motion we know that the Historic Preservation Committee is going to hear it on the 21st, so I don't think that there would be a motion at this time unless somebody proves me wrong. Mr. Enright-Randolph.

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REMONSTRATORS – REZ-21-8 – Hinkle: None.

ADDITIONAL QUESTIONS FOR STAFF – REZ-21-8 - Hinkle

FURTHER QUESTIONS FOR STAFF – REZ-21-8 - Hinkle

Enright-Randolph: I will take my chances here and maybe, I don't know there might be an update with Larry's last day here so I won't call for adjournment. But that was going to be my motion to take no action and move to adjourn.

Clements: Ok, so we do have some Administrative Business at the end here that was mentioned at the very beginning so if you don't mind sticking around a little bit longer we would be grateful. So, this continues and that is that. It is a little awkward but being said Jackie I am going to turn it back over to you and Larry and Mr. Schilling to handle this next part of our meeting.

No motion is made in case REZ-21-8, Hinkle Rezone from AG/RR to GB, Preliminary Hearing, Waiver of Final Hearing Requested, as this is the preliminary hearing and case will be heard at the next regular meeting for a vote at that time.

REPORTS:

Planning/Nester Jelen: Ok, well, I just want to take a moment to thank Mr. Larry Wilson. This is his last Plan Commission Meeting, which is quite a fete. Larry has worked with the Planning Department for over 10 and half years. We really, greatly appreciated Larry's leadership, his expertise in land use law matches none and he has just been greatly, greatly appreciated by the department. He has left us in really great shape. As he has mentioned at prior meetings we have a new planner starting on March 2nd, a Planner II. So, we are excited for that person to start and it will be a transition right as Larry is leaving but we are very excited to be moving forward and for Larry's expertise and guidance in putting us where we are at. So, we really appreciate Larry. We will miss him deeply and we do have a retirement party scheduled for Mr. Wilson. We will be going a hybrid meeting so everyone is involved and everyone is welcome. We will be meeting Friday, February 25th noon to 5 and I will be sending out the zoom information for those of you that would like to join via zoom. In person it will be at the Showers Building. It will be across the hall in the breakroom, Room 211. I will be sending some information to you via email on that but I just wanted to get that on your calendars. I have sent you a lot of doodles. I will also send one last special meeting that we will have scheduled for the CDO work session. I just wanted to have everyone say something nice to Larry before he leaves. We will greatly miss him and we appreciate his tenure here at the Planning Department. 10 and half years is really impressive.

Clements: That is wonderful. I just want to offer my thanks and I look forward to seeing you in person at the event in the Showers Building. Mr. Wilson thanks for all of your leadership and for your direction of the department. You have been wonderful. Mr. Schilling did you have something that you wanted to add? Sorry, you are muted.

Legal/Schilling: Yes, I would just second Jackie's comments of course and I have no report to give.

Wilson: I just want to note, speaking of hybrid meetings it looks like the County will be going to hybrid meetings in March for all of you. There will be some notices going out. We have advertised them to be hybrid meetings. We have already passed the resolution to allow hybrid meetings for our boards and the Plan Commission. Just wanted to give you a heads up, I won't be there.

Clements: Thank you.

Thomas: You could be Larry if you really wanted to, you know.

Clements: You can hang out with us anytime.

Thomas: We are so going to miss you Larry. Oh my gosh, thank you.

Wilson: You may see me remonstrate at some point.

Clements: I see Mr. Guerrettaz has his hand raised.

Guerrettaz: Larry, Larry, Larry, no I just wanted to say I have worked with Larry in maybe a different capacity than a lot of people because as a petitioner's representative and as a person on the Planning Commission or BZA in disagreement or not I always found Larry very gracious and professional in every single conversation that I have had with him. Again, that is in disagreement or otherwise. At the end of the day I can always appreciate his professionalism, his candor and his presentation of his thoughts. I just wanted to say that I am grateful for that and it has been a pleasure Larry. It really has.

Wilson: Thanks Bernie. I want to thank everybody. Monroe County is probably the only place in the State of Indiana I can say categorically where I would be allowed to be a Planning Director or would last more than a couple of meetings. The Commissioners have been incredibly supportive. The County Council has been incredibly supportive and allowed us to really professionalize the department, increase salaries, increase training opportunities and all of the Plan Commission members since I have been here have been remarkably interested in the future of Monroe County and fighting for what they feel should be saved as well as trying to plan a future that will be better for all of the residents of the county. So, again I want to thank everybody. I don't know exactly what I am going to be doing. I don't have a bucket list because my eyesight is not good and I am awkward and I am afraid I might accidentally kick it. So, I am pretty open but I probably will be seeing some of you around. Again, thanks for the kind words.

Clements: Thank you and there are comments in the chat from Amy Thompson and Dee Owens that they also are appreciating you, Trohn Enright-Randolph, everyone, it is unanimous. On this we are unanimous, we appreciate you and we look forward to seeing you on the 25th. Thank you Larry.

Wilson: Thank you all.

Clements: Is there a motion to adjourn this evening? I will also move and if anyone objects, please raise your hand.

Owens: Second.

Clements: Ok, thank you Dee. Good night everybody and thanks again for all of your service.

McKim: Have a great evening.

The meeting adjourned at 8:24 pm.

Sign:

Attest:

Margaret Clements, President

Larry J. Wilson, Secretary

DRAFT