

MONROE COUNTY PLAT COMMITTEE

Rescheduled from 9/15/20022



**Wednesday, September 28, 2022
3:00 pm**

Hybrid Meeting

In-person

Monroe County Government Center
Planning Department
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQiFLazRTQT09>

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

Meeting ID #: 823 0548 5858

Password: 278851

A G E N D A
MONROE COUNTY PLAT COMMITTEE
of the Monroe County Plan Commission

Monroe County Planning Department
HYBRID

When: September 24, 2022 at 3:00 PM

Where: 501 N Morton St, Suite 224

Or via Zoom: <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQQiFLazRTQT09>

If calling into the Zoom meeting, dial: 312-626-6799.
When prompted, enter the Meeting ID #: 823 0548 5858
Password: 278851

ADMINISTRATIVE: None.

OLD BUSINESS: None.

NEW BUSINESS:

- | | | |
|--------------------|--|----------------|
| 1. SMN-22-3 | McConnell South Minor Subdivision Preliminary Plat
Buried Utility Waiver Requested.
Plat Committee Decision.
Four (4) parcels on 192.63 +/- acres in Sections 9 and 16 of Indian Creek Township at 7850 S Burch RD, Parcel #53-10-09-300-006.000-007, 53-10-09-300-005.000-007, 53-10-16-200-003.000-007, 53-10-16-200-006.000-007.
Owner: Keith and Trudy McConnell
Zoned AG/RR. Contact: dmyers@co.monroe.in.us | PAGE 3 |
|
 | | |
| 3. SSS-22-8 | Tirey-Devries Sliding Scale Subdivision Preliminary Plat
Right of Way Width Waiver & Waiver of Final Hearing Requested.
Plat Committee Recommendation.
One (1) parcel on 14 +/- acres in Section 13, Bloomington Township at 4500 E Bethel LN, parcel #53-05-13-400-020.000-004.
Owner: T7 Properties, LLC.
Zoned AG/RR. Contact: acrecelius@co.monroe.in.us | PAGE 20 |
|
 | | |
| 2. SMN-22-7 | Stikeleather Minor Subdivision Preliminary Plat
Plat Committee Decision.
Two (2) parcels on 58.9 +/- acres in Section 21 and 28, Richland Township at 3079 N Loudon RD, parcel #53-04-21-300-005.000-011 and #53-04-21-300-008.000-011.
Owner: Stikeleather, Zebulon & Renee.
Zoned AG/RR. Contact: drbrown@co.monroe.in.us | PAGE 39 |

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

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



MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date: September 15, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-22-3	McConnell South Minor Subdivision	4-Lot Minor Subdivision Preliminary Plat

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

PLAT COMMITTEE	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
RECOMMENDED MOTION	Approval	Planner: Drew Myers

Recommended Motion Conditions or Reasoning:

Approve the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance.

Approve the buried utility waiver request based upon findings of fact as stated in the staff report.

Waiver(s) Requested:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Buried Utility Waiver
Waiver of Final Hearing Requested:	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> No <input type="checkbox"/> Yes	
Plat Vacation:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Partial <input type="checkbox"/> Yes:	

PETITIONER	Deckard Land Surveying	
OWNERS	Keith Gregory & Trudy Ellen McConnell	
ADDRESS	7850 S Burch Road; 53-10-09-300-006.000-007, 53-10-09-300-005.000-007, 53-10-16-200-003.000-007, 53-10-16-200-006.000-007	
TOWNSHIP + SECTION	Indian Creek; 9 & 16	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	192.63 +/- acres	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
COMP PLAN	Farm and Forest	Farm and Forest
USE	Residential, Agricultural	Residential, Agricultural

SUMMARY

The petitioner is proposing a 4-lot Minor Subdivision Preliminary Plat with a buried utility waiver request. The property is zoned Agriculture/Rural Reserve (AG/RR). All four proposed lots will meet the minimum requirements for subdividing land within the AG/RR zoning district. Lot 1 will contain the existing structures located at 7850 S Burch Road, including an existing single family residence, five (5) barn structures, four (4) silos, and a chicken coop. Lots 2, 3, and 4 are all currently vacant. All lots in the proposed subdivision will be larger than 20 acres.

DISCUSSION

The proposed subdivision will create four (4) lots out of 192.63 acres. A summary of the details for each lot can be found in Table 1.

A Construction Stormwater General Permit (CSGP) – formerly known as Rule 5 – is not required for this subdivision per recent updates by made by the Indiana Department of Environmental Management (IDEM) to the language on CSGP applicability. In short, if the subdivider makes no land improvements and only sells the lots, then they do not need to submit a Stormwater Pollution Prevention Plan (SWPPP) or a Notice of Intent (NOI). The individual(s) who purchases the lot(s) and build there must submit their own SWPPP and NOI, even if land disturbance is under one (1) acre.

There is one waiver request for this subdivision petition. The buried utility waiver was requested in order to avoid having to bury the existing overhead power lines on the property. The overhead powerline in question originates from a utility service pole on the eastern side of S Burch Road and extends west to second pole on proposed Lot 1 (approx. 478 feet) and southwest to the existing residence (approx. 68 feet). The overhead powerline then splits to service the existing barn structure (approx. 44 feet) and silo structure (approx. 78 feet).

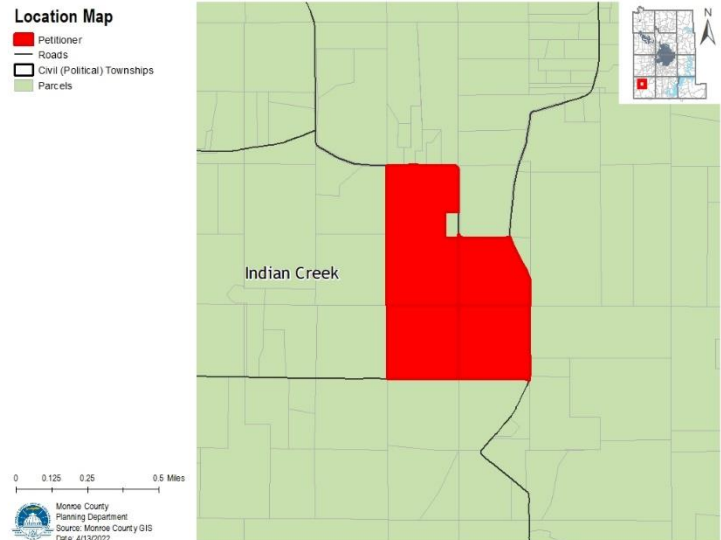


TABLE 1: summary of the lot configurations and requirement.

	Lot 1	Lot 2	Lot 3	Lot 4
Acreage / Buildable (+/- acres)	100.63 / 78.96	23.22 / 13.69	29.29 / 23.73	39.49 / 28.69
Wastewater	WW-22-169 (issued)	WW-22-52 (issued)	WW-22-53 (issued)	WW-22-55 (issued)
Property Access	S Burch Road; existing driveway RW-22-60	S Burch Road; proposed driveway RW-22-61	S Mt Zion Road; proposed driveway RW-22-62	W Crum Road; proposed driveway RW-22-63
R/W Dedication; S Burch Road (local) S Mt Zion Road (local) W Crum Road (local)	Yes = 25'	Yes = 25'	Yes = 25'	Yes = 25'
Environmental Conditions	Pond, stream, sink hole; slopes > 15%	Pond, stream, sink hole; slopes > 15%	Stream, slopes >15%	Stream, sink hole, slopes > 15%
Existing Structure(s)	SFR, 5 barns, 4 silos, chicken coop	Vacant	Utility Shed	Vacant

HIGHWAY COMMENTS:



Ben Ayers

[Remove Comment](#) • Apr 19, 2022 at 10:16 am

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. See RW-22-60, RW-22-61, RW-22-62 & RW-22-63.

Existing driveway entrance on Lot #1 & Lot #3 must be brought up into and meet the specifications of Chapter 755 and Chapter 4.0 of the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.

Lot #1 - Reduce existing driveway entrance down to 12.0' wide with no more than a 15.0' radius on each side.

Lot #3 - Remove existing driveway entrance to the south. Only one (1) driveway entrance allowed per parcel per Monroe County Code Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.

STORMWATER COMMENTS:



Kelsey Thetonia

[Remove Comment](#) • May 9, 2022 at 4:54 pm

McConnell South Minor Subdivision

Hi Eric,

I added a few more DEs to this plat. I did ask for one on the north side that is near the gravel drive. After looking at the drainage area for it I asked for our minimum DE width of 30 ft. All others can be 100'. Thanks

Kelsey

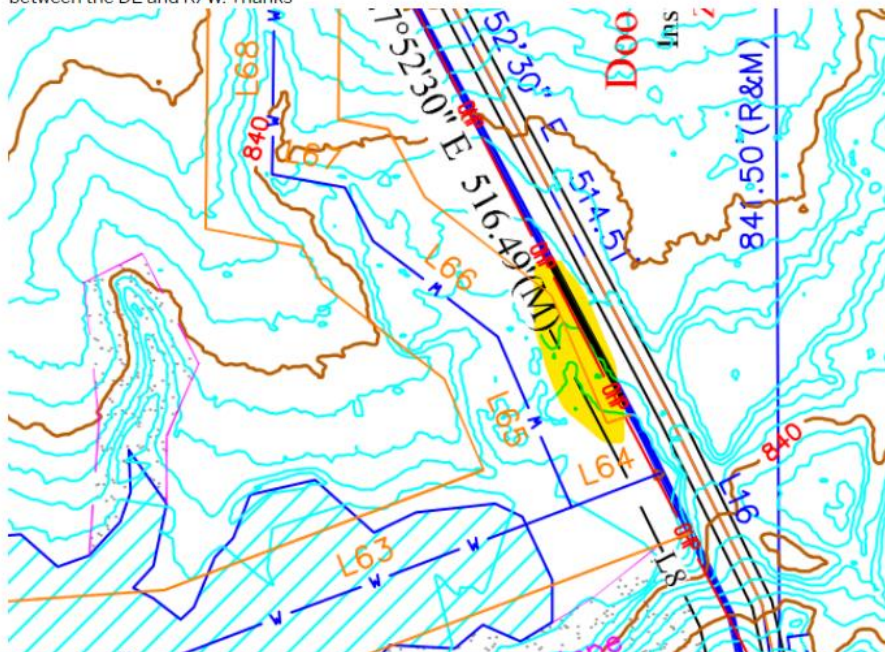


Kelsey Thetonia

[Remove Comment](#) • Jun 13, 2022 at 3:25 pm

McConnell South Minor Subdivision

Hi Eric, one last comment on this one. I'm looking at the low area on Mt. Zion Rd. and I'm wondering if we could move the centerline of the flowpath over a few feet so that the DE extends to the R/W boundary? I've highlighted the area where there's just a few feet between the DE and R/W. Thanks



EXHIBITS - Immediately following report

1. County Slope Map
2. Site Pictometry/Photos
3. Planning Staff Findings of Fact
4. Petitioner Submitted Findings of Fact
5. Consent Letter
6. Preliminary Plat

EXHIBIT 1: County Slope Map

Slope Map

Local Roads [50']

Petitioner

Parcels

10-Foot Contours

15% Slope (2010)

0 - 15

> 15

Hydrologic Features

PARCEL #:

53-10-09-300-006.000-007,

53-10-09-300-005.000-007,

53-10-16-200-003.000-007,

53-10-16-200-006.000-007

NOTE:

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

0 195 390 780 1,170 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 4/13/2022

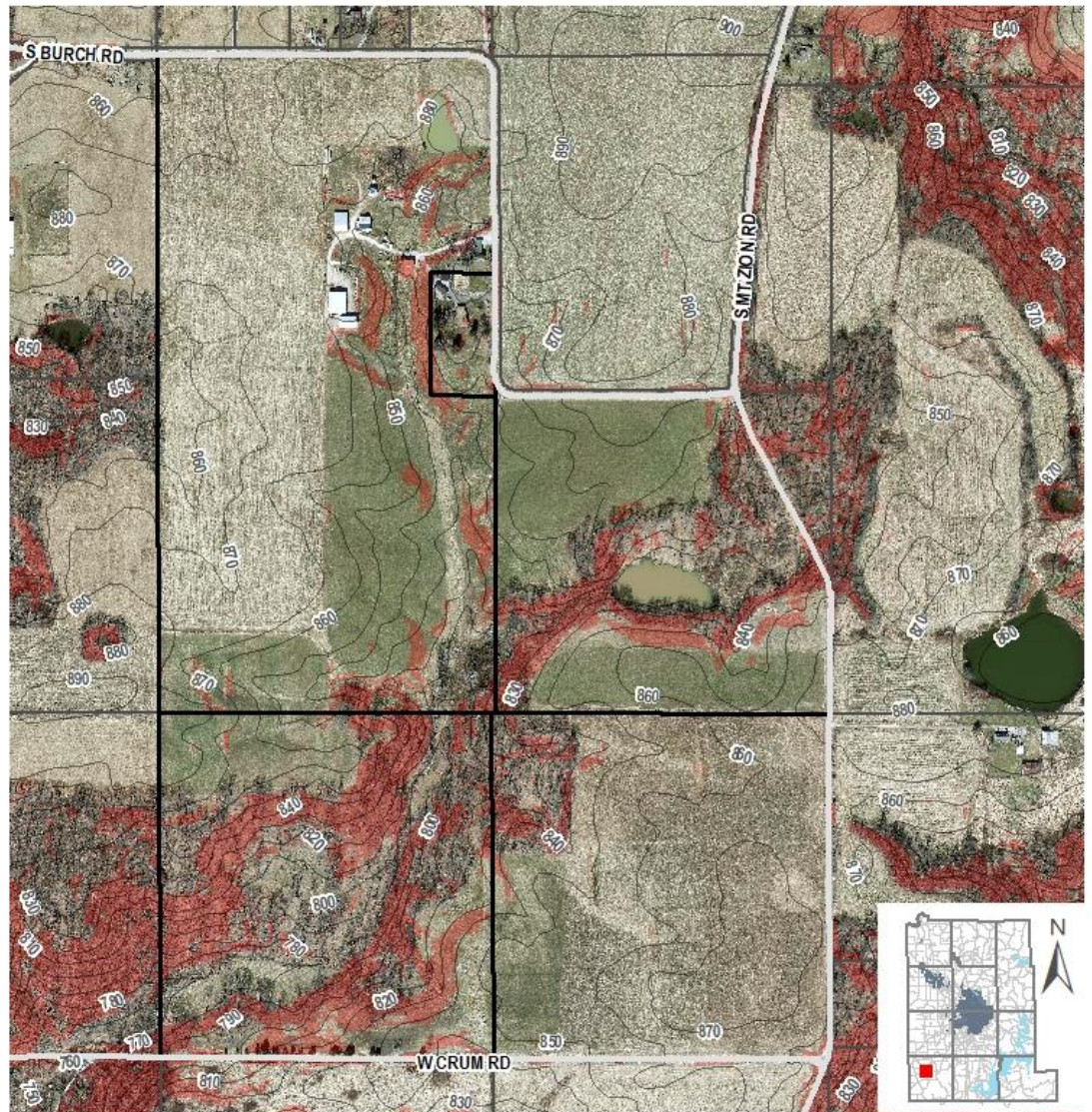


EXHIBIT 2: Site Pictometry/Photos

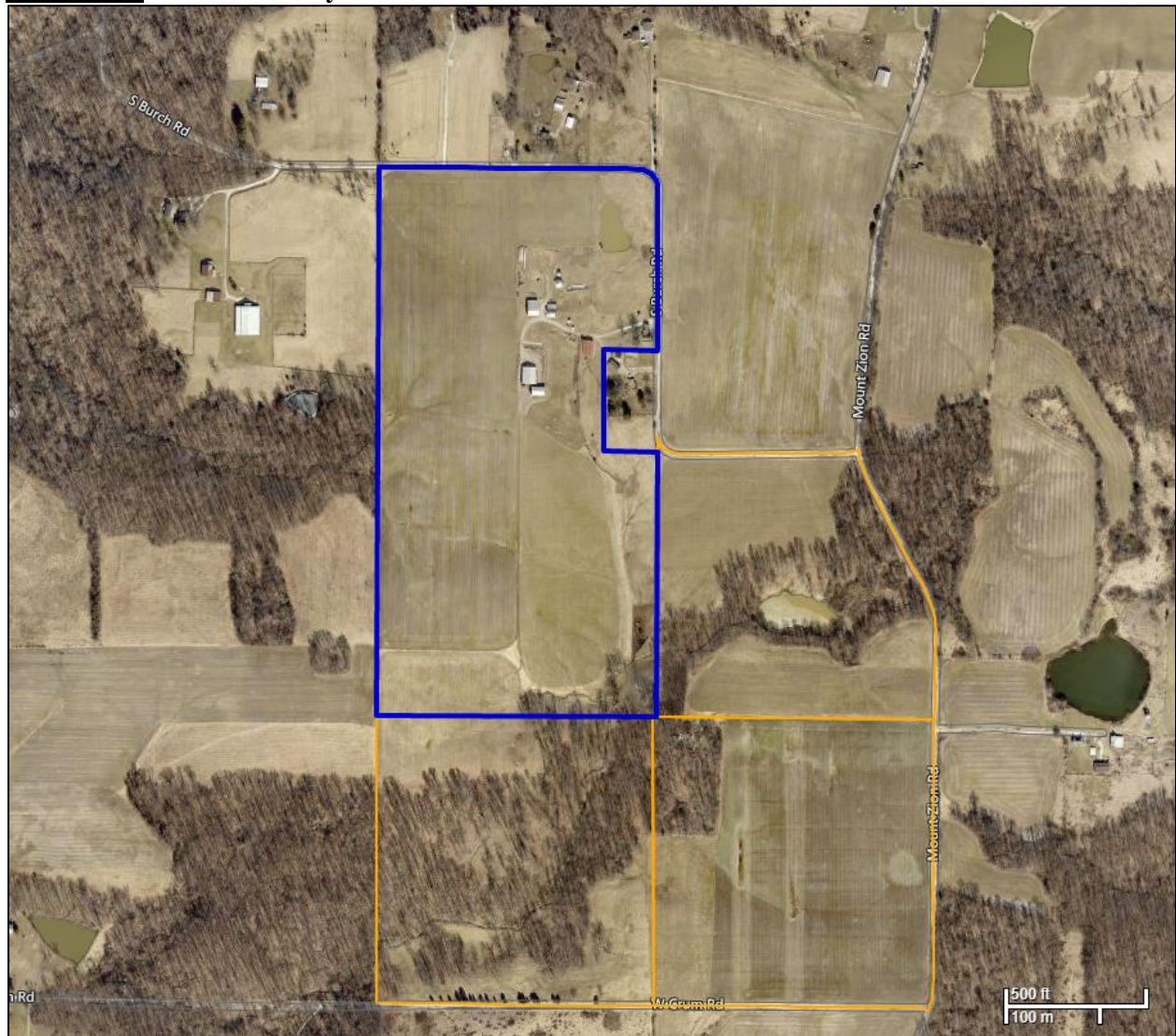


Photo 1: Aerial pictometry; petition site



Photo 2: Aerial pictometry from the south; structures on Lot 1



Photo 3. Aerial pictometry; southern portion

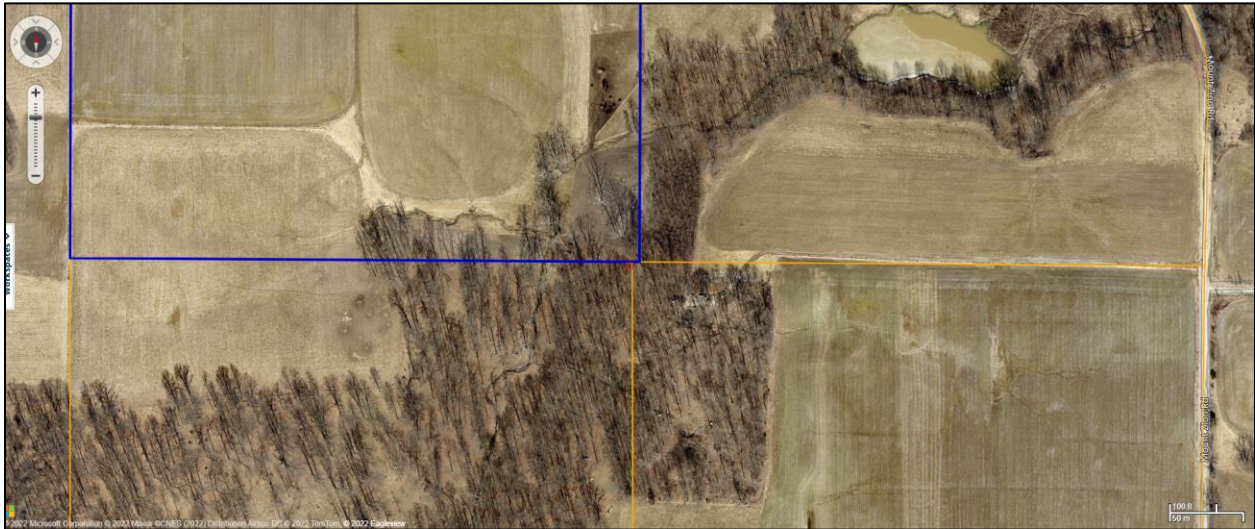


Photo 4. Aerial pictometry; middle portion



Photo 5. Aerial pictometry; northern portion

EXHIBIT 3: Findings of Fact **FINDINGS OF FACT - Subdivisions**

850-3 PURPOSE OF REGULATIONS

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

Findings

- The petition site is one 192.63 +/- acre parcel;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture/Rural Reserve (AG/RR);
- The preliminary plat petition is to subdivide the property into four new lots with the following details:
 - LOT 1: 100.63 acres/78.96 buildable acres; LOT 2: 23.22 acres/13.69 buildable acres; LOT 3: 29.29 acres/23.73 buildable acres; LOT 4: 39.49 acres/28.69 buildable acres;
- The preliminary plat petition requests one (1) subdivision waiver, the buried utility waiver;
- The existing overhead powerline extends for a total distance of approximately 668 feet from

- the utility service pole, across S Burch Road, and to existing structures on the petition site;
- Street trees and sidewalks are not required for this subdivision petition;
- Proposed Lot 1 and Lot 2 receive access off of S Burch Road via an existing and proposed driveway, respectively;
- Lot 3 will receive access off of S Mt Zion Road via a proposed driveway;
- Lot 4 will receive access off of W Crum Road via proposed driveway;
- There is no designated DNR Floodplain located on the petition site;
- The petition site is not located in the Environmental Constraints Overlay;

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

Findings

- The Comprehensive Plan designates the property as Farm and Forest;
- See findings under Section A;

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

Findings

- See findings under Section A;
- The Highway Department provided comments:
 - Existing driveway entrance on Lot #1 & Lot #3 must be brought up into and meet the specifications of Chapter 755 and Chapter 4.0 of the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.
 - Lot #1 - Reduce existing driveway entrance down to 12.0' wide with no more than a 15.0' radius on each side;
 - Lot #3 - Remove existing driveway entrance to the south. Only one (1) driveway entrance allowed per parcel per Monroe County Code Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way;
- The MS4 Coordinator requested drainage easements be marked on the subdivision plat ranging from 30 feet in width to 100 feet;

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

Findings

- Neighboring properties are also zoned AG/RR;
- The use of neighboring properties is either residential or agricultural in nature;
- See findings under Sections A & C;

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

Findings

- There is no designated DNR Floodplain on the petition site;
- There are no known sinkholes or karst features located on the petition site;
- Proposed Lot 1 and Lot 2 both exhibit an existing pond;
- An existing stream cuts through the petition site flowing south from Lot 1 and through Lots 3 and 4;

- Drainage easements per the MS4 Coordinator's recommendations are delineated on the preliminary plat;
- Each proposed lot will be serviced by a septic system;
- New septic permits have been issued by the Health Department for proposed Lots 2-4;
- A septic repair permit has been issued by the Health Department for proposed Lot 1;
- See findings under Sections A & C;

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

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

Findings:

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

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

Findings:

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

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

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, a final plat will be required to be recorded as the result of the proposed preliminary plat amendment process;

FINDINGS OF FACT – Buried Utility Waiver

The petitioner has requested a waiver from Chapter 856 *Sliding Scale Option Subdivision* outlined in 856-41 (Utilities). The standard states:

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. *for Subdivisions of more than 4 Lots by the Plan Commission*
2. *for Subdivisions of 4 Lots or Less by the Plat Committee*

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots that are to be retained in single ownership and that are to be

developed for the same primary use.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: “The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner has requested a buried utility waiver for the existing overhead utility line that requires undergrounding;
- The above ground electric line requires undergrounding, as per 856-41;
- An existing overhead power line extends from a utility pole that traverses the eastern property boundary of the petition site and services several structures on the site;
- The existing utility service line extends from the power pole to the structures across the street on the petition site for a total of approximately 668 feet;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section 1;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions, except on public roads and rights-of-way or in easements serving other property;

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- See findings under Section 1;
- Occupants of the petition site served by the overhead utility will continue to be serviced regardless of the location of the lines above or below ground;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards;
- The approximate length of the electric line to be buried is 668 feet;

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- See findings under Section 1;
- Waiver approval would permit existing conditions to persist;
- Approval of the waiver would not substantially alter the essential character of the neighborhood;

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

Findings:

- The overhead powerline in question originates on the eastern side of S Burch Road and cuts across the road to service the existing structures on the petition site;
- The overhead powerline would require undergrounding the line underneath S Burch Road;
- There are practical difficulties unique to the parcel or its existing condition;

- 6. Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under Sections 2 and 3;

- 7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- See findings under Sections 1, 2, and 3;
- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions – existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision;
- Existing utility lines servicing residential structures shall be removed and placed underground unless waived for existing and future structures;
- Occupants of the petition site served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;

- 8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

Findings:

- The overhead powerline in question originates on the eastern side of S Burch Road and cuts across the road to service the existing structures on the petition site;
- The overhead powerline would require undergrounding the line underneath S Burch Road;

- 9. The practical difficulties cannot be overcome through reasonable design alternatives;**

Findings:

- See findings under Sections 1, and 5;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 4: Petitioner Submitted Findings of Fact



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235

February 11th, 2022

To Members of the Monroe County Planning Commission

RE: McConnell South Minor Subdivision: 7850 S. Burch Rd Bloomington, IN 47403

I have been asked personally by Keith and Trudy McConnell to request a buried utility and road width waiver.

FINDINGS OF FACT - WAIVER for buried utility and road width.
The petitioner has requested a waiver to continue using the existing overhead power line drop to the existing house and barns located on proposed lot 1.

The property is located in a rural area of the county and bounded by a 17 foot wide county road (S. Burch Road), a 16 foot wide county road (S. Mt. Zion Road), and a 17 foot wide county road (W. Crum Road). We are respectfully requesting a waiver of Chapter 862-4 (5). The code states "Subdivision on roads less 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12".

Section 850-12(A) of the Monroe County Subdivision Control Ordinance states: "The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- The site gains access from S. Burch Road, a designated Local road (low traffic).
- The existing house was built in 1960.
- The owners were not made aware at the time of burying the new utility line that the old drop to the home and garage needed to be buried as well.
- Replacing the utilities and burying them underground would be a large financial undertaking and unnecessary due to the age of the overhead line.

2. The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- There is an overhead power line running along the North and East side of S. Burch Road the entire length of the property to service other properties but would impose a financial burden for the client to bury from said line to the existing house/barn.
- The subject property has roughly +/- 2 miles of overall road frontage from S. Burch Road, S. Mt Zion Road, and W. Crum Road. It would be difficult and costly to get S. Burch Road, S. Mt Zion Road, and W. Crum Road wide enough to meet the ordinance standards.

3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):

Findings:

- The overhead utility line poses no threat to public safety, health, or welfare;
- No other roads in this area of the county meets these standards.

4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

Findings:

- The existing home has had overhead power since it was built. Other homes located along S. Burch Road are served by an overhead utility line.
- This Property gains access from three directions, S. Burch Road to the North, S. Mt Zion Road to the east, and W. Crum Road to the south.

5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235

Findings:

The overhead utility line crosses over S. Burch Road and would create practical difficulties to bore under said road instead of using exiting overhead lines.

This parcel has been accessed for many years from S. Burch Road and the addition of two more proposed lots would not greatly affect the amount of vehicles using said road, because of the abundance of road frontage along S. Mt Zion Road and W. Crum Road for the other proposed lots.

6. **Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

Granting this waiver would not contravene the purposes for these regulations as the site has existing utilities on it now.

Granting this waiver for road width would leave conditions as they presently exist. S. Burch Road at 17 feet wide. S. Mt. Zion Road at 16 feet wide. W. Crum Road at 17 feet wide.

7. **The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- See findings under Section 1;

8. **The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant;
and,**

Findings:

- The land owners purchased the property in 2008. The house and barn existed before purchase and have used the overhead utilities and current road since completion.

9. **The practical difficulties cannot be overcome through reasonable design alternatives;**

Findings:

- See #1 and #5 above.

If there are any questions, please contact this office at (812)961-0235

Sincerely,

Eric L. Deckard, LS

EXHIBIT 5: Consent Letter

PROJECT REQUEST ORDER



DECKARD LAND SURVEYING, LLC
1604 S. Henderson Street
Bloomington, IN 47401
Office: (812) 961-0235

Date: 10/27/2021

Job # 16-140

Eric L. Deckard, L.S.

CLIENT/BILLING INFORMATION (please complete)

CLIENT NAME: Keith & Trudy McConnell

BILLING ADDRESS: 7860 S Burch Rd

CITY, STATE & ZIP: Bloomington IN 47403

cell
PH.# 812-327-1333 (K) CELL.# 812-360-4015 (T)

EMAIL ADDRESS: kgmcconn@hotmail.com

TYPE OF SURVEY REQUESTED

Surveyor Location Report/SLR-☐ Boundary-☐ Topographic-☐ Site Plan-☐ Line Stake-☐ ALTA-☐

HSE. Stake-☐ Construction Layout-☐ Elevation Certificate-☐ LOMA-☐ Other-Minor Subdivision

PROJECT DATA

ADDRESS OF SUBJECT PROPERTY: 7850 S. Burch Road, Bloomington In. 47403

Legal Description 53-10-09-300-006.000-007, SEC 9 TWP 7 North R 2W; 192.63A

SCOPE OF WORK: Minor Subdivision Survey start time (January 2021)

ESTIMATE

PAYMENT IS DUE UPON COMPLETION OF WORK: (CASH/CHECK ONLY)

Invoice to be submitted: PHASE COMPLETION () PROJECT COMPLETION (X)

FINANCE CHARGE: A one and three quarter's percent (1 3/4 %) monthly service charge will be added to any accounts which are Thirty (30) days past due, computed from the original billing date. This constitutes an annual percentage rate of Twenty-one percent (21%) and is charged on an unpaid balance as of the previous billing date.

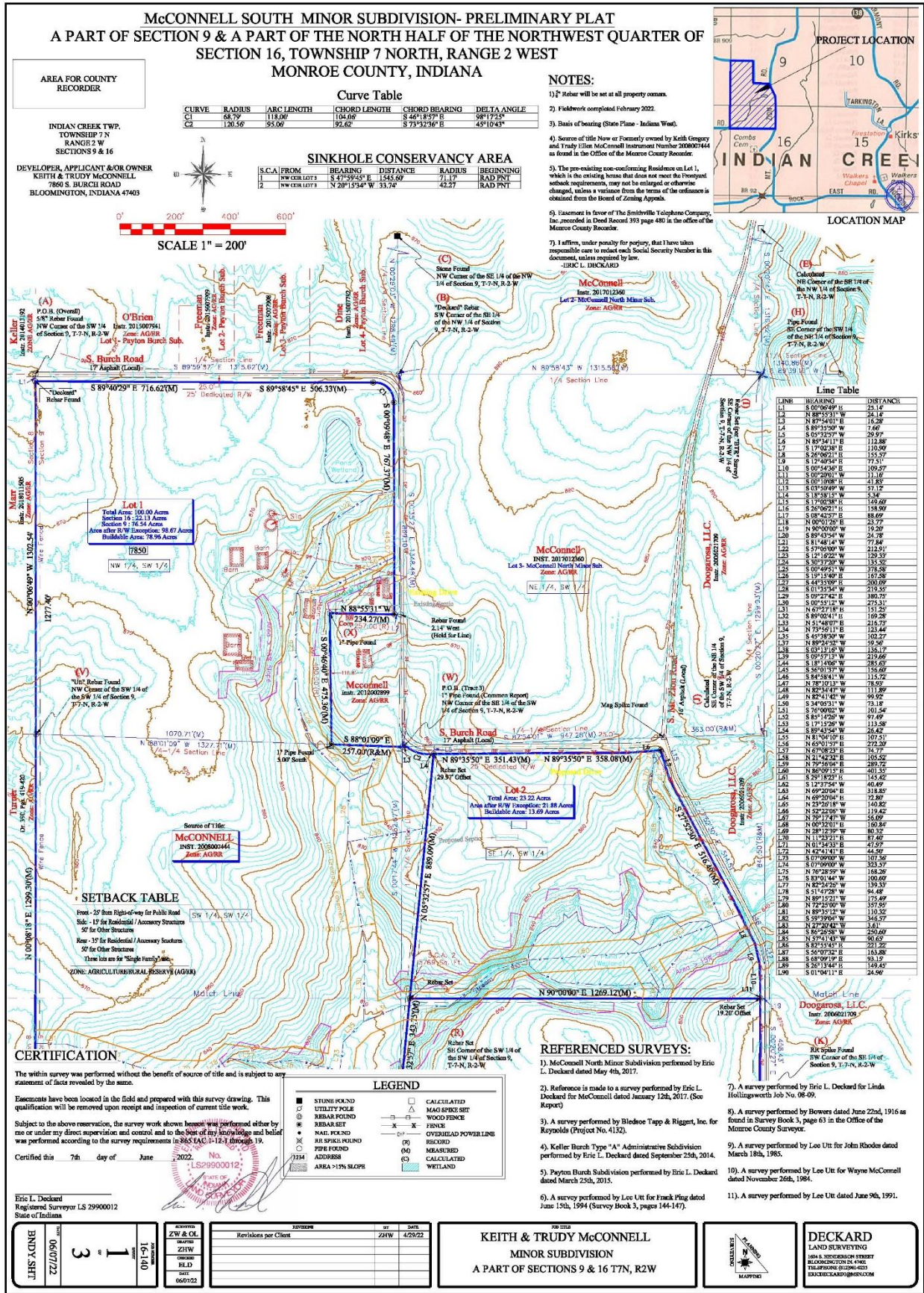
IF THE ACCOUNT IS NOT PAID WITHIN 45 DAYS OF THE BILLING DATE, A LIEN WILL BE FILED.

THE CLIENT OR AGENT SHALL BE RESPONSIBLE AND HEREBY AGREES TO PAY ALL LEGAL EXPENSES OR ATTORNEY FEES INCURRED DURING THE COLLECTION PROCESS IN THE CASE OF NON-PAYMENT.

AUTHORIZATION

OWNER or AGENT by signature below

EXHIBIT 6: McConnell South Minor Subdivision – Preliminary Plat



McCONNELL SOUTH MINOR SUBDIVISION- PRELIMINARY PLAT
A PART OF SECTION 9 & A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF
SECTION 16, TOWNSHIP 7 NORTH, RANGE 2 WEST
MONROE COUNTY, INDIANA

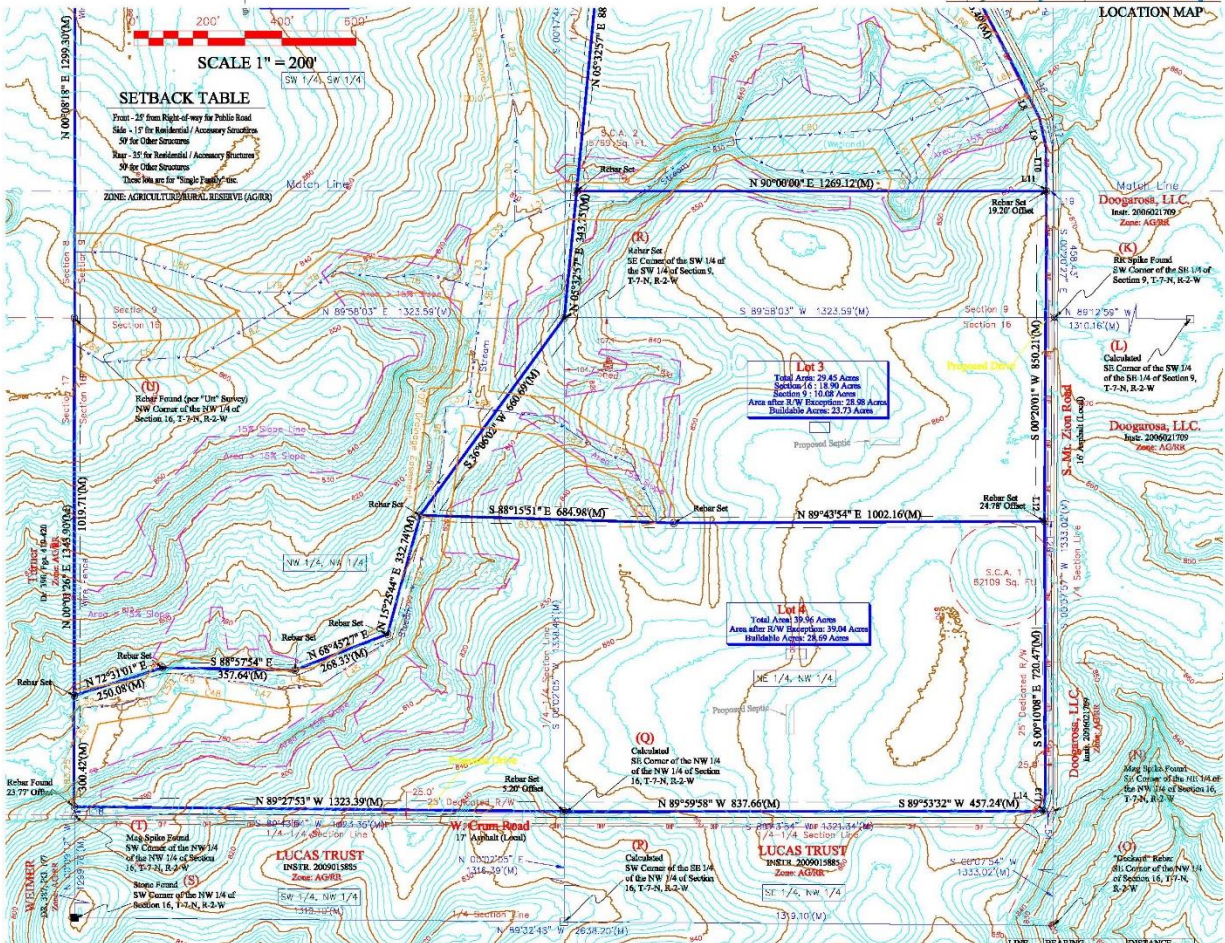
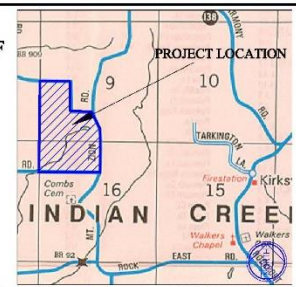
AREA FOR COUNTY
RECORDER

INDIAN CREEK TWP.
TOWNSHIP 7 N
RANGE 2 W
SECTIONS 9 & 16

DEVELOPER, APPLICANT & OR OWNER
KEITH & TRUDY McCONNELL
7660 S. BURCH ROAD
BLOOMINGTON, INDIANA 47403

Curve Table				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	68.79	118.09	104.06	S 46°18'37" E
C2	120.56	95.06	92.82	S 73°32'36" E

SINKHOLE CONSERVANCY AREA				
S.C.A. FROM	BEARING	DISTANCE	RADIUS	DELTA ANGLE
1 NW COR LOT 3	S 47°59'45" E	1545.60	11.77	98°17'25"
2 NW COR LOT 3	N 20°15'34" W	33.74	42.27	94°19'43"



LEGEND	
STONE PILING	—
UTILITY POLE	—
REBAR TYPED	—
REBAR SET	—
MAIL PILING	—
RR SPIKE PILING	—
PIPE PILING	—
ADDRESS	—
AREA WITH SLOPE	—
WETLAND	—
CALCULATED	—
MEASURED	—
OVERHEAD POWERLINES	—
MEASURED	—
CALCULATED	—

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-2-1 through 1-2-13.

Certified this 7th day of June, 2022.

Erie L. Deckard
Registered Surveyor LS 29900012
State of Indiana

REFERENCED SURVEYS:

- 1) McConnell North Minor Subdivision performed by Erie L. Deckard dated May 4th, 2017.
- 2) Reference is made to a survey performed by Eric L. Deckard for McConnell dated January 12th, 2017. (See Report)
- 3) A survey performed by Hedeon Tapp & Riggett, Inc. for Reynolds (Project No. 4132).
- 4) Keller Burch Type "A" Administrative Subdivision performed by Eric L. Deckard dated September 25th, 2014.
- 5) Payton Burch Subdivision performed by Eric L. Deckard dated March 25th, 2015.
- 6) A survey performed by Lee Utt for Frank Ping dated June 15th, 1994 (Survey Book 3, pages 144-147).
- 7) A survey performed by Eric L. Deckard for Linda Hollingsworth Job No. 08-09.
- 8) A survey performed by Bowers dated June 22nd, 1916 as found in Survey Book 3, page 63 in the Office of the Monroe County Surveyor.
- 9) A survey performed by Lee Utt for John Rhodes dated March 18th, 1985.
- 10) A survey performed by Lee Utt for Wayne McConnell dated November 26th, 1984.
- 11) A survey performed by Lee Utt dated June 9th, 1991.

Line Table		
LINE	BEARING	DISTANCE
1	S 89°00'00" E	26.14
2	N 89°53'51" W	26.14
3	S 89°53'51" W	26.14
4	S 89°53'51" W	26.14
5	S 89°53'51" W	26.14
6	S 89°53'51" W	26.14
7	S 89°53'51" W	26.14
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88	S 89°53'51" W	26.14
89	S 89°53'51" W	26.14
90	S 89°53'51" W	26.14

KEITH & TRUDY McCONNELL
MINOR SUBDIVISION
A PART OF SECTIONS 9 & 16 T7N, R2W

DECKARD
LAND SURVEYING
1004 S. VANDERBILT STREET
BLOOMINGTON, IN 47403
TEL: 317.336.4031
EMAIL: DECKARD@DECKARD.COM

McCONNELL SOUTH MINOR SUBDIVISION- PRELIMINARY PLAT
A PART OF SECTION 9 & A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF
SECTION 16, TOWNSHIP 7 NORTH, RANGE 2 WEST
MONROE COUNTY, INDIANA

AREA FOR COUNTY
RECORDER

INDIAN CREEK TWP.
TOWNSHIP 7 N
RANGE 2 W
SECTIONS 9 & 16

DEVELOPER, APPLICANT & CO-OWNER
KEITH & TRUDY McCONNELL
7860 S. BURCH ROAD
BLOOMINGTON, INDIANA 47403

SURVEY DESCRIPTION

A part of the West half of Section 9 and a part of the North half of the Northwest quarter of Section 16, Township 7 North, Range 2 West, Monroe County, Indiana, being a 192.63 acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of that survey as Deckard Land Surveying Job No. 16-140 more particularly described as follows:

Beginning at a rebar found marking the Northwest corner of the Southwest quarter of Section 9, Township 7 North, Range 2 West; thence along the north line of said quarter South 89 degrees 59 minutes 57 seconds East for a distance of 1315.62 feet to a rebar found stamped "Deckard" marking the Southwest corner of the Southeast quarter of the Northwest quarter of said Section 9; thence South 00 degrees 35 minutes 23 seconds East for a distance of 869.10 feet; thence leaving said line North 88 degrees 35 minutes 31 seconds West for a distance of 258.41 feet to a pipe found; thence South 00 degrees 46 minutes 40 seconds East for a distance of 475.36 feet; thence South 88 degrees 01 minutes 09 seconds East for a distance of 257.00 feet to a pipe found marking the Northwest corner of the Southwest quarter of said Section 9; thence along the north line of said quarter North 87 degrees 54 minutes 01 seconds East for a distance of 947.28 feet to a mag spike set in the centerline of S. Mt. Zion Road; thence the following four (4) courses along said centerline: 1). South 17 degrees 02 minutes 38 seconds East for a distance of 149.60 feet; 2). South 27 degrees 32 minutes 30 seconds East for a distance of 514.51 feet; 3). South 26 degrees 06 minutes 21 seconds East for a distance of 158.90 feet; 4). South 08 degrees 42 minutes 57 seconds East for a distance of 88.69 feet to the east line of the Southeast quarter of the Southwest quarter of said Section 9; thence along said line South 00 degrees 20 minutes 27 seconds East for a distance of 458.43 feet to a railroad spike found marking the Southwest corner of the Southeast quarter of said Section 9; thence South 00 degrees 07 minutes 57 seconds West for a distance of 1333.02 feet to a mag spike set marking the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 16; thence South 89 degrees 43 minutes 54 seconds West for a distance of 1321.34 feet to the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 16; thence South 89 degrees 43 minutes 54 seconds West for a distance of 1323.35 feet to a mag spike set marking the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 16; thence North 00 degrees 01 minutes 26 seconds East along the west line of said Section 16 for a distance of 1343.90 feet to a rebar set stamped "Deckard" marking the Northwest corner of the Northwest quarter of Section 16; thence North 00 degrees 08 minutes 18 seconds East for a distance of 1299.30 feet to a rebar found stamped "Lit" marking the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 9; thence North 00 degrees 06 minutes 49 seconds West for a distance of 1302.54 feet to the Point of Beginning, containing 192.63 acres more or less.

Subject to the rights-of-ways of S. Burch Road, S. Mt. Zion Road, W. Crum Road and all legal easements of record.

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

Keith Gregory and Trudy Ellen McConnell (Owners) of the real estate shown and described herein do hereby certify, lay off and plat Lots numbered 1 through 4 to be known as McCONNELL SOUTH - MINOR SUBDIVISION. Rights-of-ways not heretofore dedicated are hereby dedicated to Monroe County, Indiana, in accordance with this plat and certification, this plat shall be known as McCONNELL SOUTH - MINOR SUBDIVISION.

The right-of-way to be dedicated for South Burch Road shall measure 25 feet perpendicular to and parallel with the existing centerline of South Burch Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

The right-of-way to be dedicated for South Mt. Zion Road shall measure 25 feet perpendicular to and parallel with the existing centerline of South Mt. Zion Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

The right-of-way to be dedicated for West Crum Road shall measure 25 feet perpendicular to and parallel with the existing centerline of West Crum Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

There are building setbacks on this plat upon which no structures may be erected or maintained.

Witness our hands and seals this _____ day of _____, 20____.

Keith Gregory McConnell
7860 S. Burch Road
Bloomington, Indiana 47403
Phone #: (812) 327-1333

Trudy Ellen McConnell
7860 S. Burch Road
Bloomington, Indiana 47403
Phone #: (812) 327-1333

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the undersigned Notary Public, in an for said County and State, personally appeared Keith Gregory and Trudy Ellen McConnell (Owners), both separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

Notary Public: _____

County of Residence: _____ (Seal)

My Commission Expires: _____

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in zone "X", and does not appear to be located in a special flood hazard area, according to FHBMA, Panel Number 18105C0225D dated December 17th, 2010.

COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Minor Subdivision procedure and approved by the Monroe County Plan Commission on _____.

Monroe County Plan Commission:

President: _____

Secretary: _____

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown herein was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this _____ 7th day of June, 2022.

Eric L. Deckard
Registered Surveyor LS 29900012
State of Indiana



DATE 06/07/22 BNDY SHF	SHEET 3 OF 3	SUBDIVISION Z&W & CL Z&W Z&W BLD 06/07/22	SUBDIVISION Z&W Z&W BLD 06/07/22	JOB TOTAL 16-140	KEITH & TRUDY McCONNELL MINOR SUBDIVISION A PART OF SECTIONS 9 & 16 T7N, R2W	DECKARD LAND SURVEYING 100 N. VINCENNES STREET BLOOMINGTON, IN 47403 TEL: 317.336.1111 EMAIL: DECKARD@DECKARD.COM

MONROE COUNTY PLAT COMMITTEE		September 15, 2021
PLANNER	Anne Crecelius	
CASE NUMBER	SSS-22-8	
PETITIONER	Keith DeVries Owner: T7 Properties, LLC	
ADDRESS	4501 E Bethel LN	
REQUEST	Bethel Lane Sliding Scale Subdivision Preliminary Plat Right of Way Dedication Width Waiver Waiver of Final Hearing	
ACRES	14 +/- acres	
ZONE	AG/RR, ECO3	
TOWNSHIP	Bloomington Township	
SECTION	13	
PLATS	Unplatted	
COMP PLAN DESIGNATION	Farm and Forest	

EXHIBITS

1. Preliminary Plat
2. Petitioner Waiver Findings of Fact
3. Original 1985 Septic

RECOMMENDATION TO THE PLAT COMMITTEE – September 15, 2021

Staff recommends that the Plat Committee send a favorable recommendation to the Plan Commission for the Sliding Scale Subdivision Preliminary Plat and the Right of Way Width Waiver request based on findings of fact and subject to the Monroe County Highway Department reports with the following conditions:

1. That the Right of Way Width Waiver is only for the area needed for the existing home and septic system.
2. A note is added to the plat that restricts any future development to the structures located within the front setback.
3. Comply with specifications outlined by Project Manager, Ben Ayers:
 - a. Proposed Lot #1 & Lot #2 shall share the middle existing driveway entrance.
 - b. Remove existing driveway entrance to the east and west and restore side ditch to its natural state.
 - c. Existing driveway entrance must be brought up into and meet the specifications of Chapter 755 and Chapter 3.0 of the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.

Petitioner's representative withdrew the Overhead Utilities Waiver request. All new utilities will be required to be buried.

RECOMMENDATION TO THE PLAN COMMISSION

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat, Waiver of Final Hearing, and the Right of Way Width Waiver request based on findings of fact and subject to the Monroe County Highway Department reports with the following conditions:

1. That the Right of Way Width Waiver is only for the area needed for the existing home and septic system.
2. A note is added to the plat that restricts any future development to the structures located within the front setback.

Plan Commission Regular Meeting – October 18, 2022 (Preliminary Hearing)

Waiver of Final Hearing Requested.

Plan Commission Regular Meeting – November 15, 2022 (Final Hearing)

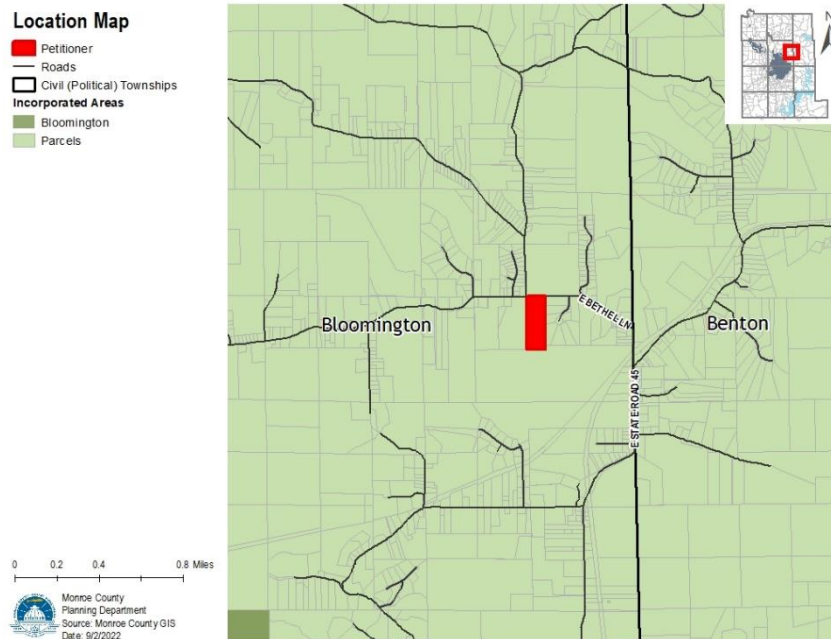
SUMMARY

The petition site is one lot of record that totals 14 +/- acres located in Bloomington Township, Section 13. The site is zoned Agriculture/Rural Reserve (AG/RR) and Environmental Constraints Overlay Area 3 (ECO 3). The petitioner is proposing a 2-lot Sliding Scale Subdivision with one waiver requests from the Right of Way Dedication Width requirements of Chapter 856 of the Monroe County Zoning Ordinance. The parcel maintains frontage along E Bethel LN, which is classified as a Minor Collection with 45' of right-of-way. The existing home is located 2.1 feet within the area that is required to be dedicated right of way. The petitioner is proposed dedicating only 42' of right of way along E Bethel LN.

	Lot 1 Parent Parcel	Lot 2
Total Acreage	14.07 acres 3.09 buildable	6.26 acres 1.21 buildable
Wastewater	1985 septic permit	Approved septic permit
Access	Frontage on Bethel LN. Existing driveway. RW-22-229	No direct Frontage on Bethel LN. Easement access. RW-22-260
ROW Dedication	25' R/W dedicated	25' R/W dedicated
Environmental	ECO3	ECO3
Structures	Developed	Undeveloped-

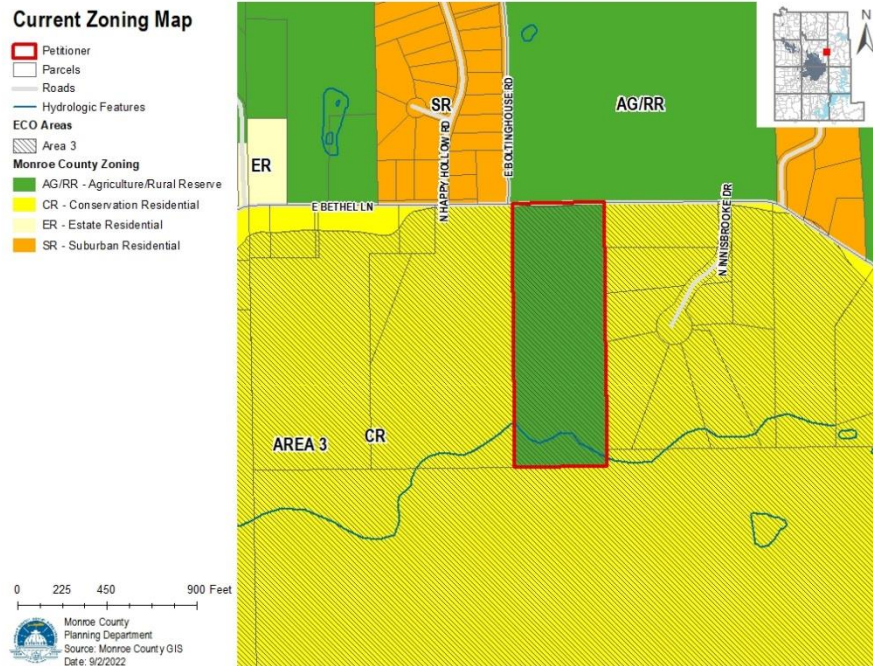
LOCATION MAP

The petition site is one lot of record, parcel number: 53-05-13-400-020.000-004. The site is located at 4501 E Bethel LN in Section 13 of Bloomington Township.



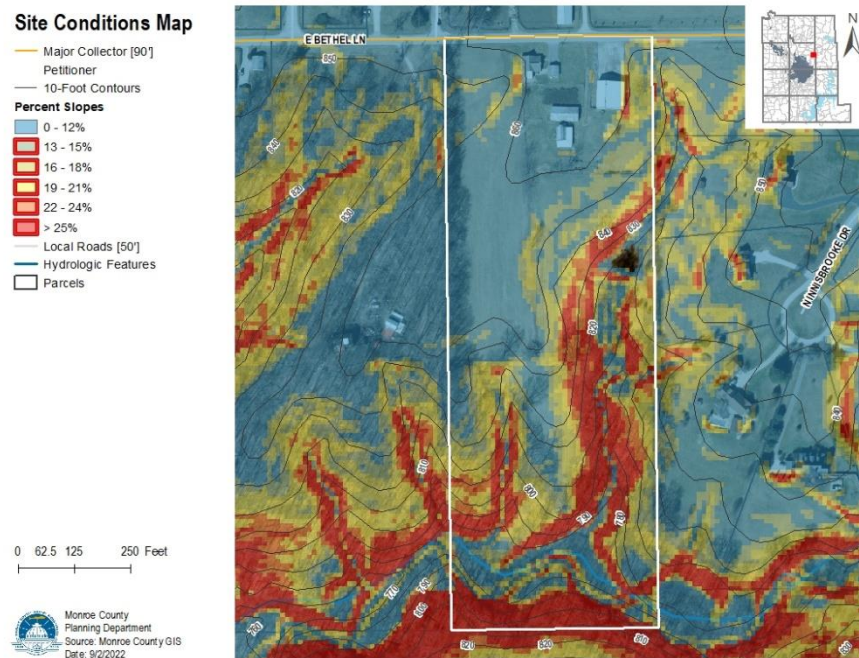
ZONING

The zoning for the petition site is Agricultural Rural Reserve (AG/RR), and Environmental Constraints Overlay Area 3 (ECO 3). The adjacent zoning is also AG/RR, ECO 3, Conservation Residential (CR), and Suburban Residential (SR). The petition site use is currently Single Family Residential and agricultural.



SITE CONDITIONS MAP

The petition site is two parcels totaling 60 +/- acres. The lot contains steep slopes greater than 15% but has adequate Buildable Area to meet the minimum 1 acre requirement for each proposed lot. All three proposed lots have road frontage along N Brummetts Creek Rd.



INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along E Bethel LN, which is classified as a Minor Collector with 45' of right-of-way. The petitioner is proposed dedicating only 42' of right of way along E Bethel LN. The home encroaches 2 feet into the required 45 feet

There has been no comment from the Highway Engineer, Paul Satterly, as of 9/2/2022. Staff has requested they review the materials provided.

Kelsey Thetonia, MS4 Coordinator requested 100' drainage easements. As of 9/2/2022, 100' drainage easements have been provided.

Ben Ayers, Project Manager, has requested the following as of 7/19/2022:

- Right of way Activity permit application has been submitted and will be approved pending Final Plat. See RW-22-229. No application has been submitted for proposed Lot #2.
- As part of the approval for the Bethel Lane Sliding Scale Subdivision the existing driveway entrance must be brought up into and meet the specifications of Chapter 755 and Chapter 3.0 of the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.
- Proposed Lot #1 & Lot #2 shall share the middle existing driveway entrance. Remove existing driveway entrance to the east and west and restore side ditch to its natural state. Residential Lots are limited to a single driveway entrance per Monroe County Code Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way.

SITE PICTURES



Photo 1. Pictometry photo of the petition site.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Farm and Forest** designation of the Comprehensive Plan. The Comprehensive Plan states the following for this designation:

Farm and Forest Residential

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and

Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

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

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

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

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

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

FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- Approval of the subdivision would subdivide one lot into two (2) lots which will meet all

design standards;

- Lot 1, the designated Parent Parcel Remainder, shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance;
- Steep slopes are present on the proposed lots but would meet the Buildable Area design standard requirements;
- Proposed lots have an approved septic permit location;
- Proposed lots 1 and 2 have received approved with conditions driveway permits off of E Bethel LN;
- The MS4 Coordinator has reviewed the application and the petitioner has added drainage easements;
- 45' of right-of-way is required to be dedicated along E Bethel LN, a Minor Collector road;

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

Findings

- The Comprehensive Plan designates the site as Farm and Forest, which includes low-density single-family subdivisions;
- The site has access to utilities;
- See findings under Section A;

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

Findings

- See findings under (A);
- The proposed use is residential;
- Structures may not cover more than 65 percent of the lot;
- The surrounding uses are residential or agricultural;

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

Findings

- The property is currently zoned Agricultural Rural Reserve (AG/RR) and ECO Area 3 is used for Single Family Residential and Agriculture;
- Adjacent properties are zoned Agricultural Rural Reserve (AG/RR), Conservation Residential (CR), and Suburban Residential (SR) and are used for Single Family Residential or agriculture;
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation AG/RR;
- See findings under Sections A & C;

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

Findings

- See findings under Sections A & C & D;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.

Section 850-12 of the Monroe County Subdivision Control Ordinance states: "The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

1. Practical difficulties have been demonstrated:

Findings:

- Without a waiver from the right of way requirement the front portion of the home on the proposed lot 1 will be located within right of way and will be non-conforming;
- The site gains access from E Bethel LN;
- The site maintains frontage along E Bethel LN, designated as a Minor Collector road;
- The waiver approval will allow the subdivision to continue with a 42' right of way dedication along the petition site frontage of E Bethel LN;
- If the waiver is denied in order to continue with the subdivision the petitioner will be required to demolish the portion of the Single Family Residence that is located within the right of way;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning

Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See Findings under # 1;
- The 2018 Monroe County Thoroughfare Plan shows E Bethel LN as a Minor Collector requiring 45' of right of way dedication;

- 3. Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

Findings:

- The lots within the administrative subdivision meet all other design standards required of the subdivision ordinance;

- 4. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

Findings:

- See Findings under #1, #2, #3;
- Some nearby structures may also be unable to meet the 45' right of way if triggered to be dedicated;

- 5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

Findings:

- See findings under #1 above;

- 6. Granting the requested modifications would not contravene the policies and purposes of these regulations;**

Findings:

- See findings under #1, #2 and #3 above;

- 7. The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;**

Findings:

- See findings under #1, #2 and #3 above;

- 8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,**

Findings:

- See findings under #1 through #7 above;

- 9. The practical difficulties cannot be overcome through reasonable design alternatives;**

Findings:

- See findings under #1 and #4 above;

In approving modifications, the Commission may impose such conditions as will in its judgment substantially secure the objectives of these regulations.

EXHIBIT 2: Petitioner Submitted Waiver Findings of Fact

August 12, 2022

To: Members of the Monroe County Planning Department

Re: DeVries-Tirey Subdivision

Right-of-Way Waiver

The property being subdivided is subject to a 45-foot half right-of-way. We respectfully request consideration by the Plan Commission to reduce this to 42 feet along a portion of the frontage for an existing structure.

Section 850-12 lists the findings that must be met for a modification of the subdivision requirements. The criteria and description of how this modification meets those criteria are as follows:

(1) practical difficulties have been demonstrated;

- The residential structure (house) has existed since 1940 and is reminiscent of historical homes with the traditional limestone rock exterior.

(2) the requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;

- The residential structure has existed since 1940 and is reminiscent of historical homes with the traditional limestone rock exterior.
- Bethel Lane has been used for its lifetime along this property with no dedicated right-of-way.
- Due to Bethel Lane's location, length and local road classification, it is unlikely to be widened. If it were to be widened, the requested 42 feet right-of-way would allow for an additional lane and a sidewalk or path.

(3) granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.);

- The residential structure has existed since 1940 and is reminiscent of historical homes with the traditional limestone rock exterior.
- Bethel Lane has been used for its lifetime along this property with no dedicated right-of-way.
- Due to Bethel Lane's location, length and local road classification, it is unlikely to be widened. If it were to be widened, the requested 42 feet right-of-way would allow for an additional lane and a sidewalk or path.

(4) granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

- Granting the modification would leave the conditions as they presently exist.

(5) the conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties:

- Many of the surrounding homes have existed since the 1940's, several of these homes would also land within a 45-foot right-of-way.

(6) granting the requested modifications would not contravene the policies and purposes of these regulations;

- Due to Bethel Lane's location, length and local road classification, it is unlikely to be widened. If it were to be widened, the requested 42 feet right-of-way would allow for an additional lane and a sidewalk or path.

(7) the requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;

- The residential structure has existed since 1940 and is reminiscent of historical homes with the traditional limestone rock exterior.
- The petitioner is open to other practical solutions

(8) the practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,

- The residential structure has existed since 1940.

(9) the practical difficulties cannot be overcome through reasonable design alternatives.

- Any design change would involve re-location of the home, partial demolition of the home, or the home being located in the right-of-way.

Sincerely,

Keith DeVries

812-272-7233

kadevrie@gmail.com

EXHIBIT 4: Lot 1 1985 Septic

MONROE COUNTY HEALTH DEPARTMENT
119 West Seventh Street, Suite 112
Bloomington, Indiana 47401
Telephone 812-332-1721

APPLICATION NO. 7869

OFFICE USE ONLY

1. _____ Directions Not Adequate - Property Not Marked
2. _____ Installation to be as Redesigned (Based on site survey information)
3. _____ Application Incomplete
4. _____ Rejected - Poor Permeability, Excessive slope, Site limitations, other
5. _____ Additional trench area required _____ sq. ft.
6. _____ Other Get new distribution box and install 200 linear feet in area east of driveway.

Design Revisions agreed to by: Steve Dowling
(Owner - Agent of Owner)

- A. Owner's Name Steve & Pearl Dowling Phone No. 336-5700
Address 4500 E. Bethel Lane
- B. Address of Site for which the application pertains: 4500 E Bethel Lane
- ** - GIVE COMPLETE AND ACCURATE DIRECTIONS TO THE SITE ON REVERSE SIDE. **
- ** - PLACE THE ATTACHED TAPE TO IDENTIFY PROPERTY AT ENTRANCE TO PROPERTY. **
- C. LOT SIZE: (can be accurately obtained from legal description)
- Frontage _____
- Depth _____
- Total Sq. ft. _____
- ACRES 14

- D. Water Supply:
- Municipal (City) ☒
- Well _____ Cistern _____

E. Type of Proposed Building:

Commercial _____ Description _____

Residential ☒

No. of Bedrooms 2

Bathrooms 1

Washing Machine? _____ yes ☒ no ☒

Dishwasher? _____ yes ☒ no ☒

We intend to get a washing machine & possibly a dishwasher as soon as the system is fixed.

- F. Septic tank size: 1000 gallons

G. Existing Absorption Trenches: ?

No. maybe 3

Width _____

Depth _____

Length of each _____

H. Proposed Repairs:

No. of Trenches _____

Width _____

Depth _____

Length of each _____

I. Comments: The work will be done by Everett Arnold.

There are no distribution boxes in the system. There will be no problems if we need to cut through the driveway or the patio.

- J. Alternative System Components (where applicable) - If you intend to utilize an on-site wastewater disposal system other than a septic tank - absorption field system, please submit all pertinent details of said system (plans and specifications) for consideration.

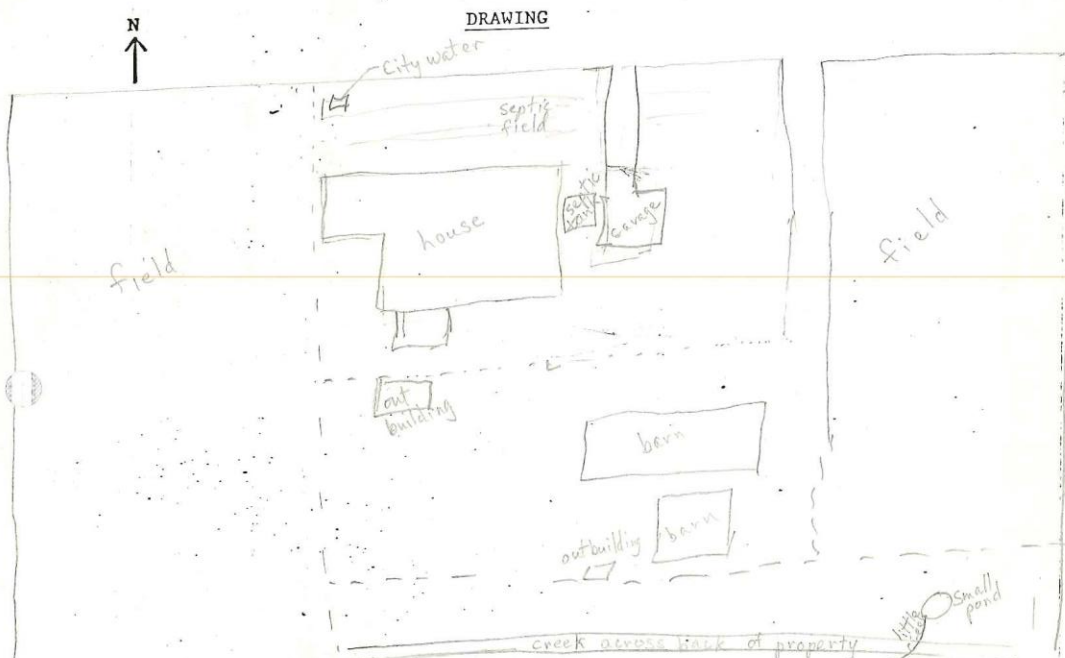
LEGAL DESCRIPTION OF PROPERTY - WE CANNOT COMPLETE YOUR APPLICATION WITHOUT THIS!

1. _____

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

- | | |
|---|--|
| A. Property Lines | E. Distribution Boxes (Existing and/or Proposed) |
| B. Water Lines | F. Absorption Field (Existing and/or Proposed) |
| C. Well or Cistern (If applicable) | G. Distance between Units |
| D. Septic Tank (Existing and/or Proposed) | H. All Creeks, Ditches, Lakes, etc. |

Location of Any or All Components to Obvious Landmarks will be helpful



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

NOTE: THIS DEPARTMENT DOES NOT DESIGN SYSTEMS. WE MAY HOWEVER, FOLLOWING THE ON-SITE SURVEY, HAVE TO REDESIGN YOUR PROPOSAL. WE WILL WORK TO GAIN APPROVAL OF YOUR APPLICATION WHENEVER POSSIBLE!

FOR HEALTH DEPARTMENT USE ONLY

SOIL REPORT ATTACHED - YES _____ NO ☒

APPROVED September 9, 1985

SIGNED

John C. Piling

DISAPPROVED _____

SIGNED _____

51980

Warranty Deed

BOOK 221 PAGE 200

THIS INDENTURE WITNESSETH, That Cornelius Meadows and Wilma Meadows,
husband and wife;

of Monroe County, in the State of Indiana

CONVEY AND WARRANT TO Steven J. Dowling and Pearl J. Dowling, husband and
wife;

of Monroe County, in the State of Indiana, for and in consideration
of One (\$1.00) Dollar and other valuable consideration -----Dollars,
the receipt whereof is hereby acknowledged, the following described Real Estate in

Monroe County in the State of Indiana, to-wit:

Part of the Northwest quarter of the Southeast quarter of Section 13, Town-
ship 9 North, of Range 1 West, bounded as follows, to wit: Commencing at
the Northwest corner of said quarter, running thence South 80 rods to the
Southwest corner of said quarter, thence East 28 rods, thence North 80 rods
to the north line of said quarter, thence West 28 rods to the place of be-
ginning, containing 14 acres, more or less.

Subject to the taxes for the year 1973 due and payable in 1974 and all other
taxes thereafter.

RECORDED

A.M. 16:40 P.M.

JUL 13 1973

By *Paul Sullivan*
RECORDER MONROE CO., IND.

REAL ESTATE TRANSFER

JUL 12 1973

John W. Davis
Auditor Monroe County, Ind.

In Witness Whereof, The said

grantors

ha v e h e r e u n t o s e t t h e i r h a n d s a n d s e a l s t h i s 12 t h d a y o f J u l y 19 73

Cornelius Meadows (Seal) *Wilma Meadows* (Seal)
Cornelius Meadows (Seal) Wilma Meadows (Seal)

(Seal)

(Seal)

STATE OF INDIANA, Monroe COUNTY, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 12th
day of July, A.D., 1973, personally appeared the within named
Cornelius Meadows and Wilma Meadows, husband and wife;

Grantor^s in the above conveyance, and acknowledged
the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission expires May 18, 1976

Mary A. Pond
Mary A. Pond

Notary Public

PLEASE READ CAREFULLY BEFORE COMPLETING APPLICATION

SEPTIC SYSTEM REPAIR APPLICATION

1. You must complete all sections of this application before we can review the application. If we may be of any assistance to you, please contact this office.
2. An application fee of \$20.00 must accompany this application when submitted to this department.

*For reasons which may be of benefit to you, we would recommend that a "Soil Inventory and Evaluation" be conducted by our contractual soil scientist. This will allow us to make an accurate determination of which of the many alternative systems is best suited to your particular situation be you adding to or repairing your present waste-water disposal system.

However, since the fee for the Inventory and Evaluation is an additional \$30.00 (\$50.00 total application fee), and since it is not a requirement but merely a recommendation, you must make the decision as to whether or not to have this service performed.

If you desire to waive the Soil Inventory, please mark this box ☒ and continue on to #3.

If you desire that a Soil Inventory be performed on your property, please complete the form on the next page. (Total fee at the time this is turned in will be \$20.00 without a Soil Inventory and \$50.00 with a Soil Inventory)

3. LEGAL DESCRIPTION - We must have a copy of the legal description of your property. This can usually be obtained from your abstract or deed or you may go to the Auditor's Office in the Monroe County Courthouse to obtain it.
4. Should you need any assistance or guidance in completing this application, this office will be happy to help you. Personnel reviewing these applications generally maintain the following office hours:

Monday - Friday - 8:00 - 9:00 A.M.
1:00 - 2:00 P.M.

Calls received in their absence will be returned to you.

REQUIREMENTS FOR REPAIR APPROVAL

- A. The septic tank must be located and pumped. Further, the outlet septic tank baffle must be inspected by the Health Department. (Septic tank can be located by locating and following the house sewer line to the tank.)
- B. Each distribution line box must be located and opened for inspection by the Health Department. (Boxes can be located by following the tank discharge pipe to each box.)
- C. If the last absorption trench, or any other trench is not served by a distribution box, a box will be required.
- D. The amount of additional new trench to be added will be determined by the number of bedrooms served, with additional consideration given to monthly water usage, condition of the existing system, total existing trench area, and soil report (if applicable).

You, or your septic system contractor, are hereby authorized to do the following work:

1. Locate existing septic tank and remove access lids for inspection by the Health Department.
2. Locate and open each distribution box for inspection by the Health Department.
3. Determine number and length of each existing absorption trench.

You, or your septic contractor, ARE NOT AUTHORIZED to make any repairs, alterations or changes to the existing septic system until a valid permit has been issued by the Monroe County Health Department.

CONSENT AND INFORMATION FORM FOR SOIL INVENTORY AND EVALUATION

Please complete all sections

- _____ 1. What is the application/permit number of your present sewage disposal system? (if not known, proceed to next question)
- _____ 2. When was your sewage disposal system installed?
month/year (if not known, proceed to next question)
- _____ 3. What year was your home/business built?
- _____ 4. Who was the building contractor? (if known)
- _____ 5. Who was the sewage disposal system contractor/installer? (if known)
- _____ 6. Who was the original home owner? (if known)

I desire a soil inventory and evaluation of my property be conducted. I understand that the fee for this service is \$40.00, and authorize a representative of the Monroe County Health Department to enter into and upon my property.

(signature)

(date)

SEPTIC SYSTEM INSPECTION

Permit # 7869

Date April 8, 1986

Name of Owner Steve & Pearl Dowling

1. Connecting tile, house to septic tank

a. Plastic Vitreous Cast Iron Other

b. Plumbing above opening to tank

2. Tank: A. Concrete Steel Other

B. Size

C. Top of tank level existing

D. "Clean out" holes: No. Location

E. Baffles T-type tile

F. Intake and outflow tiles properly sealed

3. Length of sealed tile to each finger

4. Distribution boxes: A. Number 1

B. Location of "high holes" at outlets inlet

C. Are boxes level yes

D. Intake hole properly sealed yes

5. Finger system

A. Length of each trench 80 80 100 100

B. Is bottom of trench level or not more than 1" drop for each 25'

C. Sufficient gravel or crushed stone 64 tons

D. Maximum and Minimum depth 40"

E. Top of stone covered with paper, straw, etc.

6. Drawing of System as Installed (Back of this sheet)

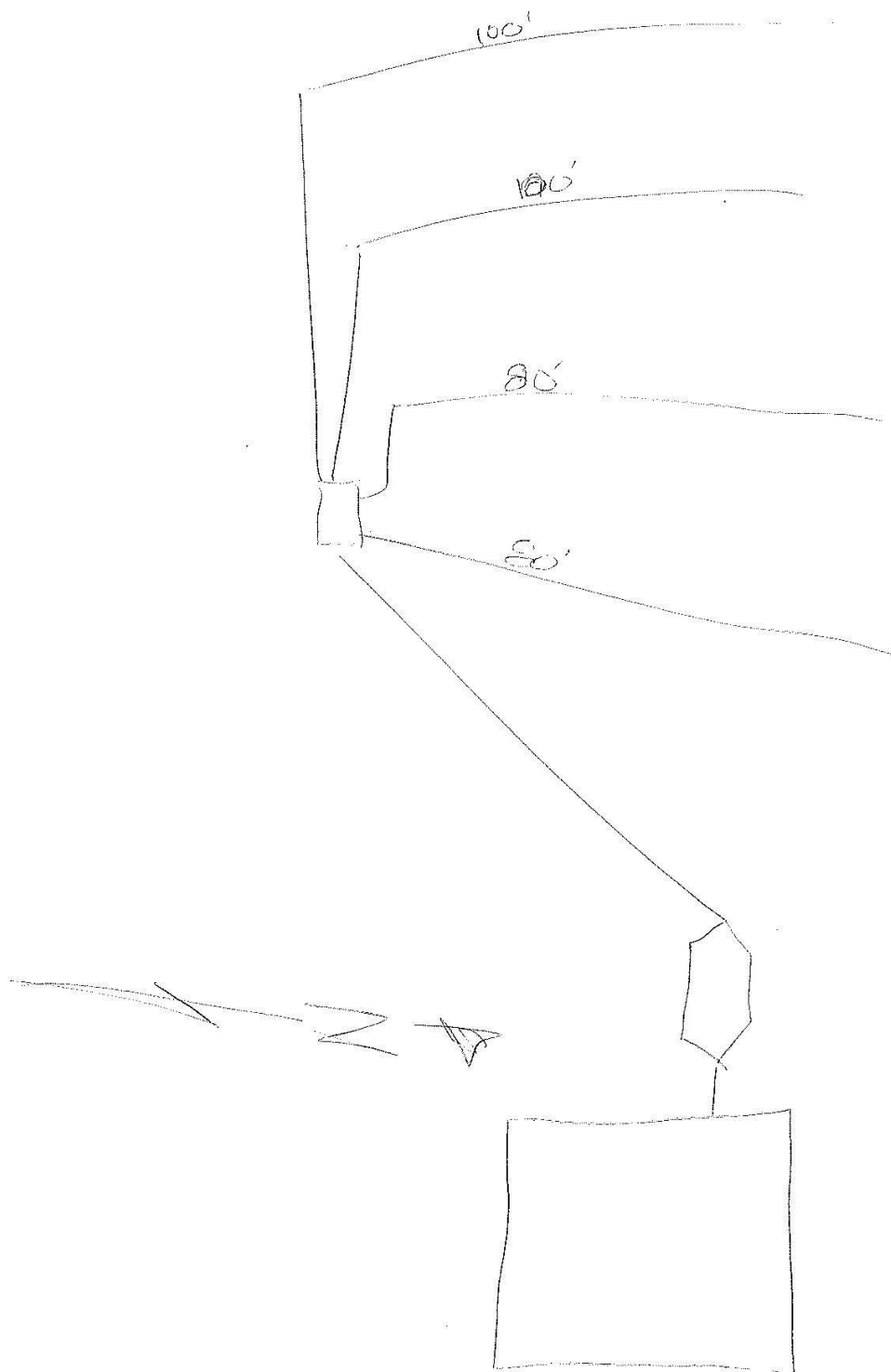
Installed by Don Todd

Date: Approved April 8, 1986 Disapproved

Provisional Approval Only

Remarks

Signed John C. Eiting





MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date: September 15th, 2022

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-22-7	Stikeleather Minor Subdivision	3-Lot Minor Subdivision Preliminary Plat

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

PLAT COMMITTEE	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
RECOMMENDED MOTION	Approval	Planner: Daniel Brown

Recommended Motion Conditions or Reasoning:

Approve the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance with the following condition:

1. The petitioner apply for after-the-fact grading permit and, if applicable, CSGP, for the roadways and other development preparation prior to recording the final plat.

Waiver(s) Requested:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes:
Waiver of Final Hearing Requested:	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Plat Vacation:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Partial <input type="checkbox"/> Yes:

PETITIONER	Deckard Land Surveying	
OWNERS	Stikeleather, Zebulon and Renee	
ADDRESS	3079 N Loudon RD; 53-04-21-300-005.000-011 & 53-04-21-300-008.000-011	
TOWNSHIP + SECTION	Richland; 20	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	58.78 +/- acres	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
COMP PLAN	Farm and Forest	Farm and Forest, Rural Residential
USE	Vacant Land	Residential, Other Residential Structures

SUMMARY

The petitioner is proposing a 3-lot Minor Subdivision Preliminary Plat with no waiver requests. The property is zoned Agriculture/Rural Reserve (AG/RR). All proposed lots will meet the minimum requirements for subdividing land in their respective zoning districts. Septic Permits have already been applied for and approved. Right-of-Way permits have been applied for and are pending the approval of this subdivision.

Comments from Stormwater:



Kelsey Thetonia

[Remove Comment](#) • Aug 15, 2022 at 1:54 pm

Stikeleather Minor Subdivision

MS4 - Drainage Easement comments uploaded. Please add two easements - one on the west side and one on the east side off Louden Rd. MC has a culvert under the road in this location.

Please look at areas with closed contours for sinkhole conservancy areas if applicable (circled on my marked up version). We just had a sinkhole open up on Louden Rd. earlier this year directly across from this property.

Any land disturbing activities on these lots will be considered part of a larger common plan of development and will require a SWPPP.

Comments from Highway Department:



Ben Ayers

[Remove Comment](#) • Aug 12, 2022 at 2:31 pm

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. Existing driveway entrance shall be shared between Lot#1, Lot #2 & Lot #3 and shall meet the specifications of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way within one (1) year of recording the Final Plat. See permit # RW-22-261, RW-22-262 & RW-22-263.

DISCUSSION

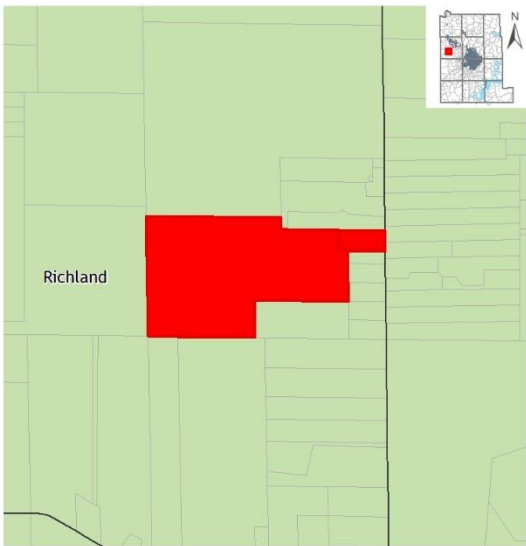
The proposed subdivision will create three lots out of 58.78 +/- acres. Below is a summary table of facts regarding the three lots. The property is located just east of a DNR floodplain zone.

There are no waiver requests for this subdivision petition.

Below is a summary of the lot configurations and requirement.

Location Map
■ Petitioner
— Roads
□ Civil (Political) Townships
■ Parcels

0 0.075 0.15 0.3 Miles
Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/9/2022



	Lot 1	Lot 2	Lot 3
Acreage / Buildable Area (+/-)	25.56 acres / 13.84 acres	22.19 acres / 6.33 acres	11.13 acres / 3.75 acres
Wastewater	WW-22-149 (Issued)	WW-22-182 (Issued)	WW-22-183 (Issued)
Property Access	N Louden Rd; RW-22-262	N Louden Rd; RW-22-261	N Louden Rd; RW-22-263

R/W Dedication; N Starnes RD (local)	No	No	Yes = 25 Feet
Environmental Conditions	Slopes > 15%	Slopes > 15%	Slopes > 15%
Existing Structure(s)	Vacant	Vacant	Shed, House

EXHIBITS - Immediately following report

1. County Slope Maps
2. Site Photos
3. Preliminary Plat
4. Planning Staff Findings of Fact

EXHIBIT 1: County Slope Map

Site Conditions Map

Petitioner
— 10-Foot Contours

Percent Slopes

- 0 - 12%
- 13 - 15%
- 16 - 18%
- 19 - 21%
- 22 - 24%
- > 25%

— Local Roads [50']
— Hydrologic Features

DNR Best Available Data

FLD_ZONE, ZONE_SUBTY

- A
- Parcels

0 130 260 520 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/29/2022

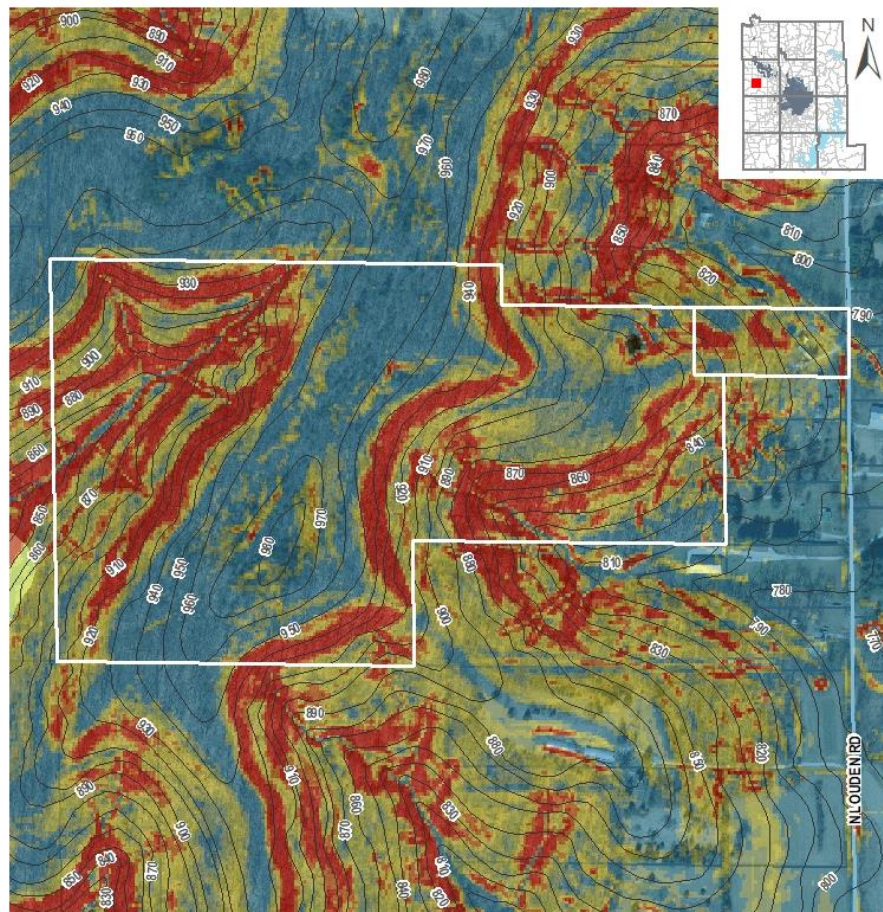


EXHIBIT 2: Site Photos



Photo 1: Aerial pictometry



Photo 2: Existing home on the proposed Lot 3

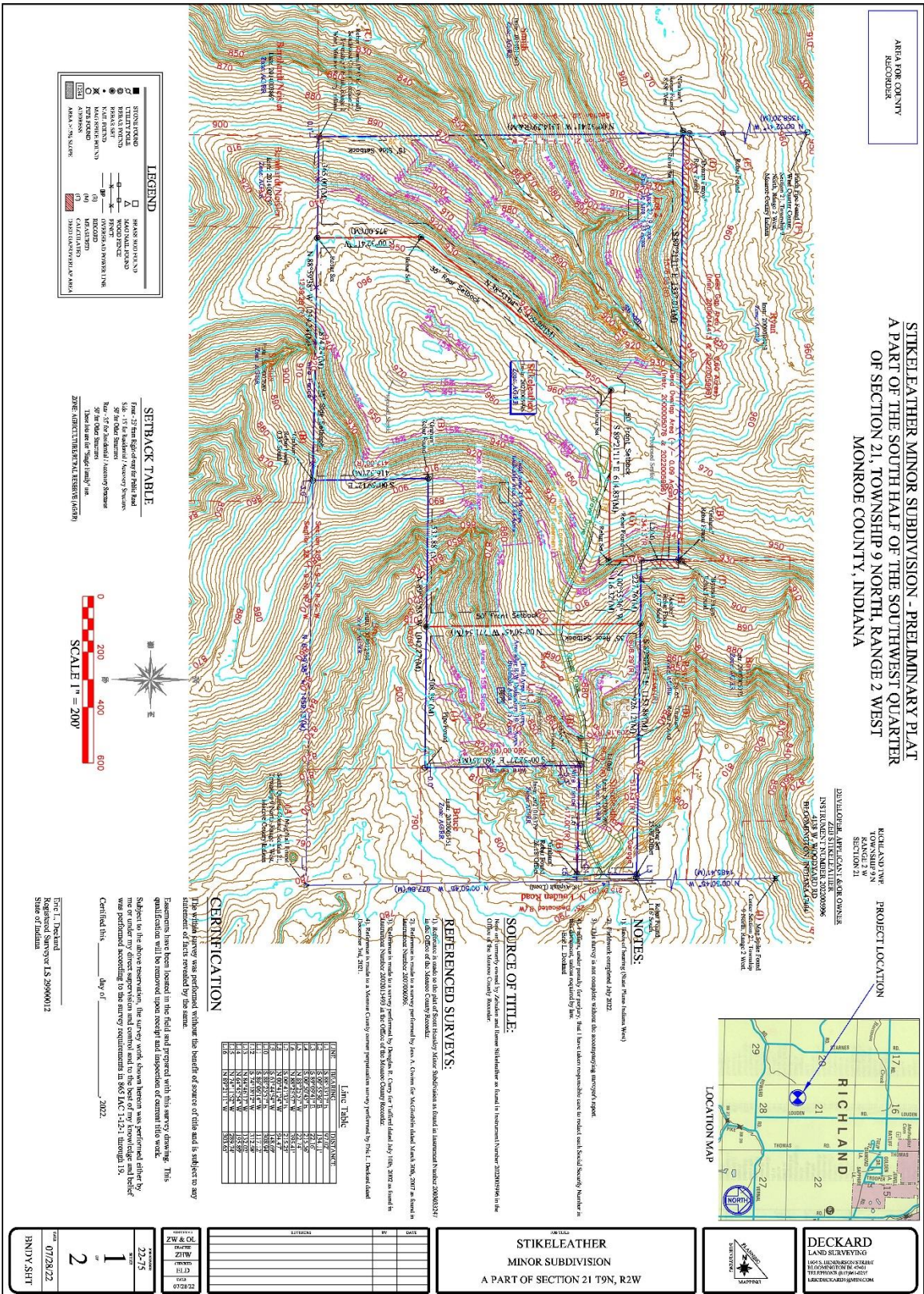


Photo 3: An existing shed on the proposed Lot 3



Photo 4: Clearing of the area in proposed Lot 1

EXHIBIT 3: Preliminary Plat



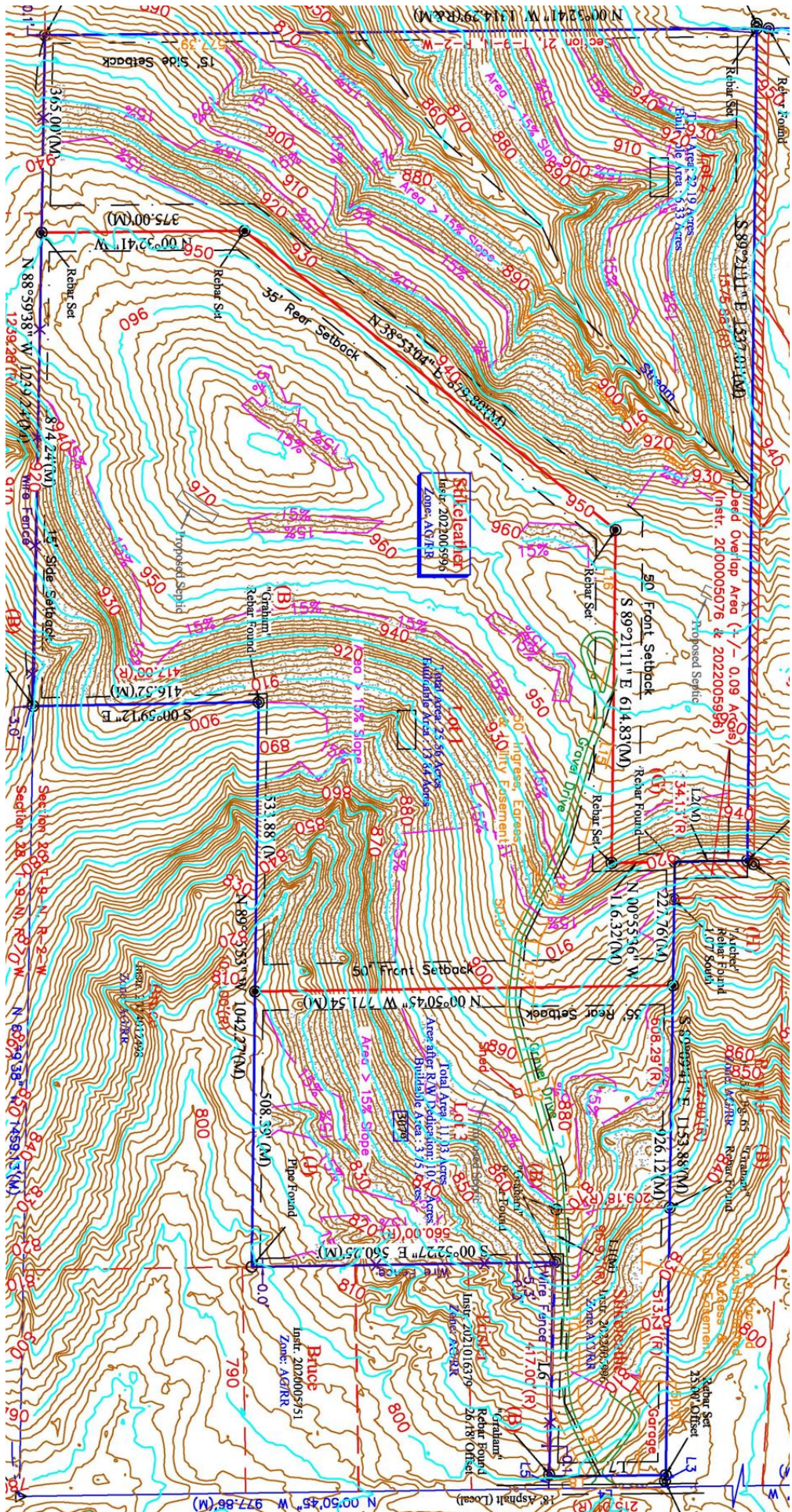


EXHIBIT 4: Findings of Fact
FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- The petition site is two parcels totaling 58.88 +/- acres;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture/Rural Reserve (AG/RR) along with the surrounding area;
- The preliminary plat amendment request is to subdivide the property into three new lots with the following details:
 - LOT 1: 25.56 acres; LOT 2: 22.19 acres; LOT 3: 11.13 acres
- The preliminary plat does not request any subdivision waivers;
- Street tree requirements will be met by existing trees on the property in Lot 3;
- All proposed lots are accessed by an existing gravel driveways with access off of N Loudon RD;

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

Findings

- The Comprehensive Plan designates the property as Farm and Forest;
- See findings under Section A;

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

Findings

- The MS4 Coordinator requests the petitioner add two easements - one on the west side and one on the east side off Loudon Rd. The petitioner will have one year from the approval of the subdivision to complete the work;
- See findings under Section A;

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

Findings

- Neighboring properties are zoned AG/RR;
- The use of neighboring properties is either residential or agricultural;
- See findings under Sections A & C;

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

Findings

- Designated floodplain is to be delineated on the preliminary plat;
- See findings under Sections A & C;

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

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

Findings:

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

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

Findings:

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

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

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, a final plat will be required to be recorded as the result of the proposed preliminary plat amendment process;