

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



**Tuesday, December 6, 2022
5:30 pm**

Hybrid Meeting

In-person

Monroe County Government Center
501 N Morton Street, Room 100B
Bloomington, Indiana

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/81647669411?pwd=VWFIFYWFPYjY4NjJxZGJnR2d0YkI5UT09>

If calling into the Zoom meeting, dial: 312-626-6799
Meeting ID: 845 8541 9468
Password: 418555

Agenda
Plan Commission Administrative Meeting
5:30 p.m. – 7:00 p.m.
Tuesday, December 6, 2022
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold an Administrative Meeting (Work Session) on Tuesday, December 6, 2022 at 5:30 PM. The following meeting will be held via teleconference. The link for the teleconference can be found on the Planning Department's website (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>). For information about the teleconference meeting, you may call (812)349-2560 or email (PlanningOffice@co.monroe.in.us) our office. The work session agenda includes the following agenda items for the regularly scheduled Tuesday, December 13, 2022 Plan Commission meeting:

ADMINISTRATIVE BUSINESS:

1. Fee Schedule Update from Staff
2. Plan Commission Rules of Procedure

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UNFINISHED BUSINESS:

- 1. REZ-22-8 Starts Rezone from AG/RR to LB**
- Final Hearing.**

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One (1) 17.29 +/- acre parcel in Clear Creek Township, Section 11 at
7955 S Fairfax RD, parcel no. 53-11-11-300-014.000-006.

Owner: Starts Living Trust c/o Lorraine Fowler

Zoned AG/RR, ECO 1/2/3. Contact: acrecelius@co.monroe.in.us

NEW BUSINESS:

- 1. PUO-22-1 Whitehall Business Park PUO Amendment 1**
- Preliminary Hearing. Waiver of Final Hearing Requested.**

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One (1) 8.99 +/- acre parcel in Van Buren Township, Section 1 at
S Liberty DR, parcel #53-09-01-100-034.000-015

Owner: Autovest II LLC c/o AJ Willis, Bynum Fanyo & Assoc.

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

- 2. REZ-22-9 Powell Rezone from PUD to AG/RR**
- Preliminary Hearing. Waiver of Final Hearing Requested.**

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One (1) 18 +/- acre parcel in Richland Township, Section 16 at
7935 W Ratliff RD, parcel no. #53-04-16-300-004.000-011.

Owner: Powell, Brandon and Hannah.

Zoned PUD. Contact: drbrown@co.monroe.in.us

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 PLAN COMMISSION
RULES OF PROCEDURE**

ARTICLE I

Definitions

For purposes of this rule, the following terms shall have the following definitions:

- 1) “legislative act” shall mean taking final action on a recommendation on a zoning ordinance (e.g., without limitation, a text addition or amendment, a map amendment, an impact fee, establishing a development plan district or a planned unit development outline plan) or on a comprehensive plan (see IC 36-7-4-1016(e)).
- 2) “zoning decision” shall mean final decisions on subdivisions, plans, final decisions of zoning administrator, planned unit development plans, or commitment modification or termination requests (see IC 36-7-4-1016(b));

ARTICLE II
Meetings

- 1) Regular meetings of the Monroe County Plan Commission shall be held on the first Tuesday and the third Tuesday of each month at 5:30 P.M.
 - a. Generally, the first meeting each month, designated as the administrative meeting, shall serve to preview petitions prior to their hearing and to manage administrative actions before the Plan Commission each month and to receive reports from staff.
 - b. Generally, the second meeting each month, designated as the Regular meeting, shall serve to hear petitions before the Plan Commission, receive reports from staff, and to receive public comment.
 - c. The Plan Commission may continue items to a future Administrative meeting for a vote, if the majority of the Plan Commission vote in favor of the continuance.
 - ~~b.d.~~ In the event that the Regular meeting of the Plan Commission is cancelled for lack of a quorum, items will automatically be continued to an Administrative meeting and will be conducted as a public hearing.
- 2) Special meetings may be called as provided by IC 36-7-4-307, which specifies that special meetings may be called by the president or by two members of the commission upon written request to the Secretary. The Secretary shall send all members a written notice, of the time, date and location of the special meeting at least three days before the meeting. This written notice is not required if all members are present at a Regular meeting when the date and time are fixed.
- 3) A majority (five) of the members of the Commission shall constitute a quorum. No action is official unless authorized by a majority of the Commission at a Regular, Administrative or properly called special meeting. A failure to receive the necessary majority shall, lacking further action at the same meeting, move the petition to the agenda item titled "Unfinished Business" at the next Regular meeting.
- 4) Decisions of the Commission shall be by roll call vote of the members. The first roll of each meeting shall be called in alphabetical order of the members' last names. Each successive roll shall be called in the same order as the immediately preceding roll except that the member who voted first in the immediately preceding roll shall vote last. For example:

Roll Call	Member
a. 1st	1,2,3,4,5,6,7,8,9
b. 2nd	2,3,4,5,6,7,8,9,1

Monroe County Plan Commission: Rules of Procedure

- c. 3rd 3,4,5,6,7,8,9,1,2
 - d. And so on, until the meeting is adjourned.
- 5) At the discretion of the presiding officer at a meeting of the Plan Commission or its various committees, questions, other than zoning decisions, may be resolved by voice vote. However, a roll call vote shall decide the question upon request by any individual participating member.
- 6) All members, or alternate members, present and qualified shall vote on the question. However, a member may abstain from voting on the grounds that additional information is needed, but only if a motion to continue the hearing for the purpose of obtaining the information (specifically identified or described) has failed to carry.

Article III Disqualification

- 1) A member of the Plan Commission is disqualified, and may not:
 - (a) participate as a Plan Commission member, in a Plan Commission hearing or recommendation on a legislative act, in which the member has a direct or indirect financial interest;
 - (b) participate in a hearing of the Plan Commission concerning a zoning decision if the member is biased, prejudiced, or otherwise unable to render an impartial decision, or is directly or indirectly financially interested in the outcome of the decision; or,
 - (c) directly or personally represent another person in a hearing before the Plan Commission or the County Commissioners concerning a legislative act or a zoning decision.
- 2) If, upon review of the Plan Commission meeting packet, or subsequently, it appears to a member that his or her disqualification is required by the letter or spirit of this rule, the member shall immediately inform the Director, who will notify the Plan Commission President and the appropriate alternate member, if any.
- 3) The Plan Commission shall enter in its records, the fact that the regular member is disqualified and prohibited from participation pursuant to this rule, and the name of the alternate member, if any, who participates in the hearing in place of the regular member. The disqualified member shall leave the hearing room until disposition (final or temporary) of the matter.
- 4) A Plan Commission member may not receive any mileage or compensation from the Plan Commission for attendance at a meeting during which the member is disqualified from participating in ~~each~~ entirety of the scheduled hearings.
- 5) The foregoing disqualification rules apply to the participation of members of all Plan Commission committees in matters before the committees on which the members serve.

Article IV Contact with Plan Commission Membership

In order to avoid the appearance of bias and to promote equal access to information in a zoning decision, the following guidance is provided:

Plan Commission and Subcommittee Members:

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Commented [JNJ1]: Plan Commission discussed whether a member could stay seated where they are if recused, or sit elsewhere in the room.

A discussion with Legal concludes it is best practice for recused members to leave the room.

Commented [JNJ2]: Plan Commission discussed removing this item completely.

Our understanding is that the impetus for compensation received is to encourage a quorum of members present for a vote on old and new business items. If a member is disqualified for all items on the agenda, the Plan Commission would not meet quorum requirements for voting purposes.

Monroe County Plan Commission: Rules of Procedure

- 1) Plan Commission members are strongly discouraged from initiating communication with petitioners or remonstrators (or their agents) regarding the substance of petitions currently pending (filed and accepted for review) a decision.
- 2) Plan Commission and Subcommittee members should direct any and all substantive inquiries to the Planning Staff for response.
- 3) Plan Commission and Subcommittee members should forward materials received from a petitioner or remonstrator (or their agents) to the Planning Staff for inclusion in the petition file.

Petitioner:

No person, firm, corporation, public employee, or body politic shall contact any member of the Plan Commission or Subcommittee orally, or in writing, in advance of public hearing of a petition then pending for zoning decision in an effort to influence such member's votes, except that the Administrator, or a member of his or her staff, may submit prior to any proposed hearing, a written statement of planning facts or opinion regarding such petition.

Article V
Records

- 1) The Commission shall keep minutes of its proceedings showing:
 - (a) Members and staff in attendance;
 - (b) The begin and end time of the meeting;

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- (c) For each question presented for a roll call vote, the vote of each member or indication that the member was absent or not voting;
 - (d) For each question presented for a voice vote, the total count of yes, no and abstention votes;
 - (e) At least a brief synopsis of the discussion; and,
 - (f) Minutes pertaining to zoning decisions and legislative acts shall be verbatim transcriptions of the recorded meeting.
- 2) The Secretary (or other designated individual) of the Commission shall prepare and keep a record ("minutes") of all zoning decision and legislative act proceedings of the Commission and its committees. The Secretary shall make a good faith effort to present the minutes to the Commission at its next meeting for approval. When approved, the minutes shall be signed by the President, attested by the Secretary, and entered into the Plan Commission Minute Book.
- 3) It shall be the policy of the Monroe County Plan Commission to conclude all petition items at or before 9:00 o'clock p.m. In the event docket items or other Plan Commission matters have not been concluded by the Plan Commission by 9:00 o'clock p.m. on any meeting day, all items or matters not introduced shall appear as unfinished business on the next Regular Plan Commission meeting agenda unless a special meeting is called in accordance with the provisions of these rules. The above notwithstanding, the Plan Commission may extend any meeting beyond the hour of 9:00 o'clock p.m. on a majority vote of members present.
- 4) Memoranda for executive sessions are subject to provisions 1 (a) and (b) above and shall include a reference to the topics discussed by citation to the specific purpose authorized by statute in Indiana Open Door Law and a statement that discussions were limited to the authorized topics.

ARTICLE VI

Officers and Employees

- 1) The Commission shall, at its first Regular meeting in each year, elect from its members a president and vice-president. The Vice-President shall have the authority to act as President of the Commission during the absence or disqualification of the President. The

Monroe County Plan Commission: Rules of Procedure

above notwithstanding, the Vice President shall conduct Administrative Meetings regardless of the presence of the President.

- 2) The Commission may appoint a full time Director for the Planning Department and shall fix compensation consistent with the Monroe County Salary Ordinance.
- 3) The Commission may appoint and prescribe the duties of a Hearing Officer or Hearing Examiner from within its membership or planning department staff.
- 4) The Director of the Planning Department shall serve as the Secretary and perform the duties prescribed by the Commission. The Director may also be referred to as the Administrator or Secretary in these rules of procedure or in other county ordinances pertaining to Planning and Zoning issues.
- 5) The Director may appoint other employees necessary to the discharge of the duties of the Department and shall fix their compensation within its budget allotment in accordance with the practices and standards of the Plan Commission, County Commissioners and the County Council.
- 6) The Commission may make contracts for special or temporary services and for professional counsel, or other professional services, if provided for in the departmental budget, and subject to the approval of the Monroe County Board of Commissioners.

ARTICLE VII
Hearings

Monroe County Plan Commission: Rules of Procedure

- 1) Public hearings shall be held prior to Commission action on the adoption or amendment of a Comprehensive Plan, the adoption or amendment of a Zoning Ordinance, on a preliminary approval of a subdivision plat, and on other petitions as necessary.
- 2) All administrative rules and deadlines established by the Commission for the filing and disposition of petitions shall be available for inspection in the Planning office.
- 3) Petitions requiring Public Hearings to be held during Regular or special meetings of the Plan Commission shall be scheduled for a Preliminary Hearing followed by a Final Hearing:

(a) Preliminary Hearings:

- i. The purpose of the preliminary hearing shall be the exchange of information, and to allow a thorough consideration of any concern identified by staff, petitioner or the public. All parties are encouraged to provide the Commission with written copies of their statements or position papers 10 days prior to the date of the scheduled hearing.
- ii. Any information received from the petitioner or their agents less than 10 days prior to the date of the scheduled hearing may result in a continuation of the petition to a subsequent hearing date.
- iii. Preliminary hearing petitions shall be placed on the agenda of the next Regular Plan Commission meeting for a final hearing, unless the Plan Commission votes to forward the petition to a different hearing date or to waive a final hearing. A Plan Commission vote is recommended, but not required, to forward petitions from the preliminary hearing to the next Regular Plan Commission meeting for final hearing.

(b) Final Hearings:

- i. The final hearing shall be for the purpose of final disposition and decision regarding the merits of the petition.
- ii. If the Commission feels that issues have been adequately aired and the petition has received sufficient review, the final hearing may be waived by action of the Commission and the petition may be acted upon during the preliminary hearing. No final hearing shall be waived unless both the legal notice and the notices to interested parties have specified that such waiver is requested.

(c) The following petitions may be eligible for a waiver of final hearing:

Monroe County Plan Commission: Rules of Procedure

- i. Preliminary plats which are in full conformance with the Monroe County Zoning and Subdivision Control Ordinances and final plats which are in full conformance with approved preliminary plats and with the Monroe County Zoning and Subdivision Control Ordinances.
- ii. Any preliminary or final plat referred by the planning staff or Plat Committee to the Plan Commission.
- iii. Development Plans for planned unit developments which are in essential compliance with approved Outline and/or Development Plans and which have been filed within 6-18 months of the date of Outline Plan approval by the Board of Commissioners.
- iv. Other requested waivers made at the time of filing and deemed worthy by the Commission.

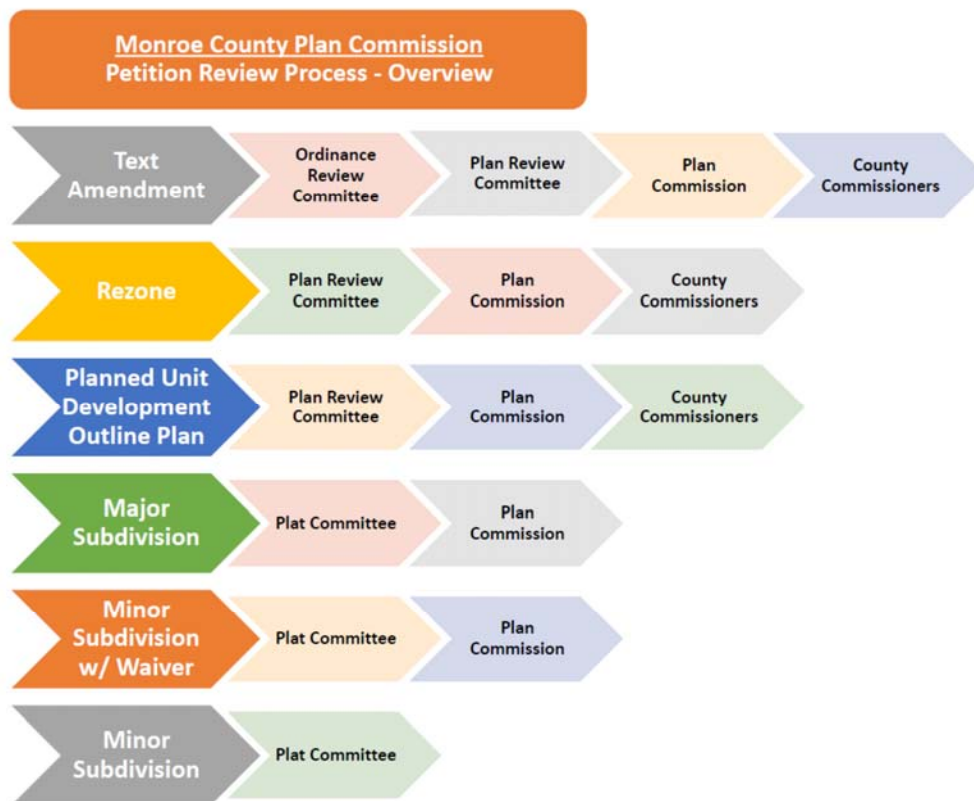
ARTICLE VIII
Docket

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- 1) Each petition for a zoning decision or legislative act to be publicly resolved before the Plan Commission that is filed with the required information shall be identified by a docket index composed of the year and month submitted, abbreviation of kind of decision requested, and sequentially numbered for that kind of decision request within the specified year.
- 2) After a docket index is assigned to a petition, the staff shall prepare the petition for the appropriate Plan Commission Committee and schedule the petition for that Committee as soon as preparation is complete. Petitions shall move through the various steps in the review process to final disposition (See Process Overview below:



ARTICLE IX
Order of Business

Monroe County Plan Commission: Rules of Procedure

The order of business at Regular meetings shall be:

- (a) Call to Order
- (b) Roll Call of members
- (c) Introduction of Evidence
- (d) Approval of Agenda
- (e) Approval of Minutes of Prior Meetings
- (f) Petitions from the Public
 - i. Unfinished Business
 - ii. New Business
- (g) Petitions from County Government
 - i. Unfinished Business
 - ii. New Business
- (h) Public comment (restricted to discussion not on the agenda)
- (i) Reports of Officers, Committees, and Staff
 - i. Planning Department
 - ii. Board of Zoning Appeals (petition dispositions)
 - iii. County Attorney
 - iv. County Highway
 - v. County Drainage Board
 - vi. County Health Department
 - vii. Historic Preservation Board
 - viii. Chair or Vice Chair of any committee or subcommittee desiring to report...
- (j) Upcoming standing or subcommittee meetings
- (k) Plan Commission member comment
- (l) Adjournment

Article X
Conduct of Hearings

- 1) Where the petitioner is not the Plan Commission or County Commissioners, public hearings pursuant to Article VII above, shall be conducted according to the following procedure:
 - (a) At a public hearing the Secretary or Presiding Officer shall read the petition description by title only identifying the Docket Identifier, Petitioner, Address, Request, Acres, Zone, Township, Section, Plats, and Comprehensive Plan Designation.
 - (b) A Plan Commission member shall make a motion to ~~consider~~ hear the petition ~~as recommended in the staff report and~~ upon receiving a second the petition is placed upon the floor for consideration.
 - (c) Planning, Highway, Drainage or other appropriate department shall present the petition and may be questioned by members of the Plan Commission.
 - (d) After being recognized by the Presiding Officer, the petitioner, or an authorized representative, shall approach the podium, state their name and address and sign the registration sheet before proceeding to present the facts and arguments in support of the petition. The petitioner's presentation shall be limited to fifteen (15) minutes unless an extension of time is granted by a two-thirds vote of Plan Commission members present.
 - (e) Comments and questions from the Commission members and staff should be held until the end of the initial presentation unless a point of clarification is requested by a Commission member or Planning staff. Once the initial presentation by staff is complete, Commission members may make comments and ask questions of staff.
 - (f) Members of groups, committees, and individuals may address the Commission in support, in opposition, or generally regarding the petition upon recognition by the presiding officer of the hearing. Each person wishing to speak must sign the registration sheet and state their name and address before proceeding to speak. A speaker shall direct all inquiries. Speakers may speak for three (3) minutes each unless an extension is granted by a majority vote of the Plan Commission, but each speaker should present new points and not repeat what has been said by previous speakers.
 - (g) The petitioner shall then receive five (5) minutes to address comments from those in opposition.

- (h) To maintain orderly procedure, each speaker should proceed without interruption from others present.
- (i) After all presentations are complete; the Presiding Officer shall close the public hearing phase of petition consideration.
- (j) After the public hearing is formally closed, the Commission shall consider the petition.
 - i. Plan Commission members shall discuss the merits of the petition, seeking clarification from staff, department heads, and participants as appropriate.
 - ii. ~~Plan Commission members may seek to amend the motion on the floor:~~
 - 1. A Plan Commission member may move to make a motion. ~~amend the question. In order for the amendment to be considered it must receive a second.~~
 - 2. The maker of the original motion may accept and incorporate ~~the~~ any amendments by Plan Commission members into the original motion to avoid a vote on the amendment with concurrence of the second ~~for the original motion~~.
 - 3. If the maker or second of the original motion does not accept the amendment as a friendly amendment, the current motion to amend shall be considered. Plan Commission members may then choose to discuss the proposed amendment among themselves or with staff.
 - 4. When discussion is complete, ~~the~~ a Plan Commission President member may will prompt staff to call for a vote on the motion amendment.
 - 5. The Secretary shall conduct a roll call vote and announce the result.
 - 6. Step ~~two (2)~~ shall be repeated until ~~no new amendment is offered~~ an offered motion receives a majority vote.
- (k) When discussion and amendments are complete, a Plan Commission member may call for a vote on the amended petition.
- (l) The Secretary shall conduct a roll call vote and announce the result.

- 2) Where the petitioner is the Plan Commission or County Commissioners, public hearings pursuant to Article VII above, shall be conducted according to the following procedure:
- (a) At a public hearing the Secretary or Presiding Officer shall read the petition description by title only identifying the Docket Identifier, Petitioner, Address, Request, Acres, Zone, Township, Section, Plats, Comprehensive Plan Designation, and Affected Ordinance Sections or Plan, as appropriate.
 - (b) A Plan Commission member shall move to approve or deny the petition as recommended in the staff report and another Plan Commission member may second the motion placing the question on the floor for consideration.
 - (c) The Planning Staff, Highway, Drainage or other appropriate county officials shall present the petition and may be questioned by members of the Plan Commission in order to provide clarification.
 - (d) Comments and questions from the Commission members and staff should be held until the end of the initial presentation unless a point of clarification is requested by a Commission member or Planning staff.
 - (e) Members of groups, committees, and individuals may address the Commission in support, in opposition, or generally regarding the petition upon recognition by the presiding officer of the hearing. Each person wishing to speak must sign the registration sheet and state their name and address before proceeding to speak. A speaker shall direct all inquiries to the presiding officer. Speakers may speak for three (3) minutes each unless an extension is granted by a majority vote of the Plan Commission, but each speaker should present new points and not repeat what has been said by previous speakers.
 - (f) To maintain orderly procedure, each side should proceed without interruption by the other side.
 - (g) After all presentations are complete; the Presiding Officer shall close the public hearing phase of petition consideration.
 - (h) After the public hearing is formally closed, the Commission shall consider the petition.
 - i. Plan Commission members shall discuss the merits of the petition, seeking clarification from staff and department heads as appropriate.
 - ii. Plan Commission members may seek to amend the motion on the floor:

Monroe County Plan Commission: Rules of Procedure

1. A Plan Commission member may move to amend the question. In order for the amendment to be considered it must receive a second.
 2. The maker of the original motion may accept and incorporate the amendment into the original motion to avoid a vote on the amendment with concurrence of the second for the original motion.
 3. If the maker or second of the original motion does not accept the amendment as a friendly amendment, the current motion to amend shall be considered. Plan Commission members may then choose to discuss the proposed amendment among themselves or with staff.
 4. When discussion is complete, a Plan Commission member may call for a vote on the amendment.
 5. The Secretary shall conduct a roll call vote and announce the result.
 6. Step two (2) shall be repeated until no new amendment is offered.
 - (i) When discussion and amendments are complete, a Plan Commission member may call for a vote on the amended motion.
 - (j) The Secretary shall conduct a roll call vote and announce the result.
- 3) In the presentation of a petition for a zoning decision, the burden shall be upon the petitioner to supply all information, including charts, diagrams and other exhibits necessary to understand the petition. Statements to the Plan Commission made by the petitioner or petitioner's representative at any publically advertised meeting regarding methods of operation or other details relevant to the decision shall be deemed amendments to the written petition before the commission and shall be considered part of the record of the petition.
- (a) Drawings, displays, or documents presented at the meeting by the Petitioner illustrating details shall be entered into the record.
 - (b) The Commission may continue the hearing when in its judgment the petitioner has not provided sufficient evidence on which to make a determination.

Monroe County Plan Commission: Rules of Procedure

- 4) Every person appearing before the Commission shall be prohibited from disorderly, contemptuous or discourteous conduct and may be prohibited from further participation by the presiding officer if inappropriate conduct is manifest.
- 5) The Commission, at its discretion, may continue or postpone the hearings of any petition on an affirmative vote of a majority of the Commission.
- 6) The petitioner may request a petition be continued for not more than three continuances. Unless otherwise subject to statutory timelines the total time limit shall not exceed 12 months, after which the petition must be withdrawn unless continued or postponed by the Commission pursuant to these Rules of Procedure. In the event a petition is withdrawn pursuant to Article XII, Section 5 the petition may be resubmitted at any time upon the payment of appropriate filing fees. The deadline for submitting additional file material for any petition shall be ten (10) days prior to the Plan Commission meeting date to which the petition was continued.

ARTICLE XI
Commitments

- 1) If deemed advisable, the Commission may require or permit the petitioner to make written commitments concerning the use or development of the subject property.
- 2) The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for such length of time as the Commission may require and the commitment(s) shall authorize their recording by the Planning Department in the Office of the Recorder of Monroe County, Indiana upon adoption of a vacation or plan petition by the Commission. Following the recording of the commitments, the Planning Department shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file.
- 3) The commitments and any modification or termination shall be substantially in the form set forth by, and consistent with, the provisions of IC 36-7-4-1015.
- 4) The Commission may require in such commitment the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015.
- 5) The commitments may be modified or terminated by a decision of the Commission, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Commission shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Commission, and recorded in the office of the Recorder of Monroe County, Indiana.

ARTICLE XII
Final Disposition of Petitions

Monroe County Plan Commission: Rules of Procedure

- 1) The disposition of petitions requiring final approval from the County Commissioners or the Board of Zoning Appeals shall be in the form of a recommendation forwarded in writing to those bodies.
- 2) The final disposition of petitions requiring only Plan Commission approval shall set forth the findings and determinations of the Commission, together with any modification, specification or limitation.
- 3) The Commission may dismiss a petition for lack of representation by the petitioner or lack of jurisdiction. When a petitioner has failed to appear at three consecutive meetings, the petition may be dismissed.
- 4) A petitioner may withdraw a petition until a final roll call vote has been taken.
- 5) A zoning decision petition which has been withdrawn by the petitioner or dismissed by the Commission shall not be placed on the docket for consideration until 12 months after the date of the withdrawal or dismissal, unless the petition has not been subject to a public hearing before the Plan Commission, whereupon a petition may be placed on the docket at any time upon payment of all appropriate fees.
- 6) A zoning decision petition which has been denied shall not be placed on the docket for consideration until 12 months after the date of the denial.
- 7) All final plats and final plat amendments not representing a material deviation (as determined by Section 854-11 of Monroe County's Subdivision Control Ordinance) from the preliminary plat shall be delegated to the Director for final review and approval unless the Plan Commission states otherwise, or if the petitioner or the Director request the plat or amendment be heard before the Plan Commission.
- 8) No plat or vacation petition that has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Commission within a period of 12 months from the date of the decision, except upon motion to permit re-docketing, adopted by the affirmative vote of a majority of the members of the Commission.

ARTICLE XIII
Committees

Drafted November 29, 2022

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Monroe County Plan Commission: Rules of Procedure

- 1) The following standing committees shall be established by a majority vote of the Plan Commission:
 - (a) Executive Committee
 - (b) Plan Review Committee
 - (c) Ordinance Review Committee
 - (d) Plat Committee
- 2) Standing committee members shall be appointed for one (1) year terms by the Plan Commission. Standing committees shall consist of less than five (5) Commission members. Committees may be supplemented by non-member citizens. Vacancies of Plan Commission members on committees shall be filled as soon as practical by the required vote. Vacancies on Committees of non-member citizens shall be filled as soon as practical by a two thirds (2/3) vote of the Executive Committee.
- 3) Special committees and a chair and vice chair for those committees may be appointed by a majority vote of the Plan Commission.

Article XIV
Executive Committee

Drafted November 29, 2022

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Monroe County Plan Commission: Rules of Procedure

- 1) The purpose of the Executive Committee shall be to meet as needed to discuss oversight of the Planning Department with the Director on administrative matters including but not limited to the following areas:
 - (a) personnel, customer service, organizational structure, job description reviews, and annual review of the Director;
 - (b) annual budget, revenues and expenditures, funding availability for training and consulting services, contracts and agreements;
 - (c) legal matters and enforcement actions; and,
 - (d) general matters pertaining to the day to day operations of the Planning Department.
- 2) The Executive Committee shall have the following duties:
 - (a) the Executive Committee may act in the name of the Plan Commission; and,
 - (b) the Executive Committee shall meet as necessary to accomplish its duties. All meetings of the Executive Committee shall be advertised as prescribed by IC 5-14-1.5-5, et seq.
- 3) The Plan Commission shall appoint from its membership an Executive Committee as follows:
 - (a) a minimum of three (3) and a maximum of four (4) members, one of which shall represent a minority party;
 - (b) the establishment of the Executive Committee and the naming of the individual members requires a two-thirds (2/3) majority vote of the entire membership of the Plan Commission;
 - (c) members shall be appointed by the Plan Commission during its regularly scheduled January meeting or as soon as practical; and,
 - (d) the Executive Committee shall select a Chair from its members as soon as practical following the January meeting.
- 4) Official action of the Executive Committee shall be taken:
 - (a) only by a majority vote of the membership Executive Committee; or,
 - (b) within twenty-four (24) hours following a vote, a member in the minority may request the matter be submitted to the entire Plan Commission in which case the vote of the Executive Committee shall be suspended pending consideration by the Plan Commission.

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ARTICLE XV
Plan Review Committee (PRC)

Drafted November 29, 2022

Monroe County Plan Commission: Rules of Procedure

- 1) The purpose of the Plan Review Committee shall be to review petitions and revised ordinances to provide comment on whether the proposal meets the objectives of the Comprehensive Plan and all incorporated documents.
- 2) The Plan Review Committee shall have the following duties:
 - (a) review all applications for the rezoning of land including planned unit development outline plans;
 - (b) review proposals for revised ordinances forwarded from the Ordinance Review Committee; and,
 - (c) forward comments to the Plan Commission based on the Comprehensive Plan and all incorporated documents.
- 3) The Plan Commission shall appoint from its membership and the public a Plan Review Committee as follows:
 - (a) the PRC shall consist of seven (7) members;
 - (b) the members shall include four (4) Commission members;
 - (c) The remaining citizen members shall include one (1) member who resides within either a designated community area outside of any corporate boundary (Smithville Sanders, Harrodsburg, Ellettsville, or Stinesville) or outside of urban areas, the remaining members shall be citizen members with knowledge and experience in community affairs; awareness of the social, economic, agricultural, and industrial issues of the area; and an interest in the development and integration of the area; and,
 - (d) the term of all members shall be one (1) year.
- 4) Official action of the Plan Review Committee shall be taken:
 - (a) by a majority of the members if a quorum is present; and,
 - (b) the comments shall be recorded and presented to the Plan Commission

Article XVI
Ordinance Review Committee (ORC)

Monroe County Plan Commission: Rules of Procedure

- 1) The purpose of the Ordinance Review Committee shall be to review proposed amendments to the Monroe County Zoning and Subdivision Control Ordinances.
- 2) The Ordinance Review Committee shall have the following duties:
 - (a) a review of all proposals for revisions to the Zoning and Subdivision Control Ordinances; and,
 - (b) a recommendation to the Plan Commission regarding the proposals.
- 3) The Plan Commission shall appoint an Ordinance Review Committee from its membership as follows:
 - (a) appoint a minimum of three (3) and a maximum of four (4) members from the Plan Commission;
 - (b) designate the Chair of the Ordinance Review Committee from its membership who shall be appointed by a majority vote; and,
 - (c) appoint remaining members during its regularly scheduled January meeting or as soon as thereafter practical.
- 4) Official action by the Ordinance Review Committee shall be taken:
 - (a) by a vote of the majority of the members if a quorum is present; and,
 - (b) the vote shall be recorded and presented to the Plan Review Committee and Plan Commission, but a negative vote shall not prevent a proposed ordinance revision from being presented.

ARTICLE XVII
Plat Committee

Monroe County Plan Commission: Rules of Procedure

- 1) The purpose of the Plat Committee shall be to provide alternative approval procedures for minor and sliding scale subdivisions as specified by Sections 854-13 and 862 of the Subdivision Control Ordinance. The Plat Committee shall also provide review comments to the Plan Commission on the technical compliance of major subdivision preliminary plats or on minor and sliding scale subdivision preliminary plats involving waivers of the Subdivision Control Ordinance.
- 2) The Plat Committee shall have the following duties:
 - (a) the Plat Committee shall review applications and plats for technical compliance with Subdivision Control Ordinance and Zoning Ordinance;
 - (b) the Plat Committee may approve the application, approve the application with conditions, or deny the application.
- 3) The Plan Commission shall appoint a Plat Committee from its membership and the public as follows:
 - (a) the Plat Committee shall consist of a minimum three (3) and a maximum of five (5) members;
 - (b) the members shall include a minimum of two (2) and a maximum of four (4) Plan Commission members;
 - (c) the remaining members shall be citizen members that have knowledge and experience in professional land surveying and related issues; and,
 - (d) members shall be appointed by the Plan Commission during its regularly scheduled January meeting or as soon as thereafter practical.
- 4) Official action by the Plat Committee may be taken:
 - (a) by a majority of the members if a quorum is present;
 - (b) if the Plat Committee determines that the application and plat comply with the regulations, it shall grant preliminary approval;
 - (c) within five (5) days of making its decision, the Plat Committee with the assistance of the Director shall prepare written findings of fact in support of its decision;
 - (d) appeals to decisions of the Plat Committee may be taken to the Planning Commission. The appeal must be filed not later than five (5) days after the date the decision is mailed to the interested party. (IC-36-7-4-708); and,

- (e) the Plat Committee may continue its review of petitions from time to time, as it deems necessary.

Article XVIII

Notification of Interested Parties

1) INTERESTED PARTIES

The MCPC recognizes the following categories of interested parties for notification purposes:

- A. The general public
- B. The owners of the real property that surrounds the subject property (i.e., the property that would be directly affected by the requested action) to a distance encompassing two parcels or 660 feet, exclusive of public roadways, whichever standard results in the lesser distance. If surrounding real property is identified as open space for a subdivision, condominium, PUD, or similar development, and an owners' association has been established for the maintenance of the open space, the association, as the representative of the *pro tanto* share owners, is the interested party. If surrounding real property is owned by a corporation or LLC, the owner's Registered Agent is also an interested party.
- C. The applicants, and all owners of the subject property who, or that, are not applicants.
- D. The owners of real property located within 660 feet of the subject property.
- E. The owners of real property located between 661 feet and 1000 feet of the subject property.
- F. The owners of the real property subject to the commitments, the persons authorized to enforce the written commitments, and all persons who now would be entitled to receive notice of hearing on the type of approval or action for which the commitments were originally made.

G. The Herald Times and The Journal Newspapers, and all other media outlets that have filed written requests for notice with the MCPC.

H. MCPC members.

I. Owners of real property that is addressed by reference to the subject road.

For categories B through F, above, the names and mailing addresses of the property owners shall be determined from the transfer books located in the Monroe County Auditor's Office (or in the Auditor's Office of an adjoining county if the application of the foregoing distance standards encompasses parcels located in an adjoining county), no more than two business days prior to mailing the notice. The names and mailing addresses of Registered Agents shall be obtained from the Indiana Secretary of State's records. Category I property owners shall be determined from Monroe County Assessor's records.

2) HOW AND WHEN NOTICE MUST BE GIVEN

The MCPC recognizes the following methods and schedules for giving notice to interested parties:

1. Written notice posted in the MCPC Office, and at the building or location at which the meeting will be held, at least 48 hours (on business days) prior to the meeting. Written notice may consist of a yearly schedule of the MCPC meeting dates and times.
2. Written notice provided by fax, email, or First Class US Mail, at least 48 hours (on business days) prior to the meeting date.
3. Written notice sent by First Class US Mail at least 3 days prior to the meeting date, or oral or written notice given to all MCPC members during a regularly scheduled MCPC meeting.
4. Notice given at the same time and in the same manner as given to MCPC members, and written notice posted in the MCPC Office and outside of the meeting space prior to the meeting.
5. Legal notice, published at least 10 days prior to the hearing date in the Herald Times and The Journal Newspapers.
6. Written notice sent by Accountable US Mail at least 10 days prior to the hearing date.

7. Written notice sent by First Class US Mail at least 10 days prior to the hearing date.
8. Written notice sent by fax, email, or First Class US Mail, and to any non-applicant property owners by Accountable US Mail, at least 10 days prior to the hearing date.
9. Sign provided by the MCPC Staff, posted and maintained on the subject property in the locations specified by Staff, for at least 10 days prior to the hearing date.
10. Accountable US Mail within 10 days of the Plat Committee decision.
11. Published in the Herald Times and The Journal Newspapers after ordinance adoption.
12. Bulk mail.

3) WHO MUST PROVIDE NOTICE

The MCPC recognizes the following persons who are responsible for providing notice to interested parties:

- i. MCPC Staff
- ii. The Applicant

4) CONTENT OF NOTICE

Meeting notifications must state the date, time, location, and purpose of the meeting. MCPC hearing notifications must include the following information:

- a. The general location by address, or by other identifiable geographic description, of the subject property or area;
- b. A summary of the Applicant's request;
- c. The Applicant's name;
- d. The date, time, and location of the hearing;
- e. The application materials may be examined at the MCPC Office;
- f. Attendees may comment on the application during the hearing and/or by filing written comments with the MCPC prior to the hearing.
- g. The hearing may be continued from time to time.

Notification of the adoption of a replacement zoning ordinance must include a summary of the subject matter of the ordinance, the date of its adoption, specify the places or areas that are subject to the ordinance, specify the penalty or forfeiture for violating the ordinance, and identify two locations open to the public where the entire text of the ordinance is available for public inspection.

5) NOTIFICATION TABLE

Notices of MCPC meetings, hearings, and actions must be provided to interested parties in accordance with the following table. The categories of interested parties, the methods and schedules for giving notice, and the persons responsible for giving notice, identified in the table relate, respectively, to those set forth above in Sections 1 through 3.

Note: Meeting notices must be posted for all hearings (e.g., for a PUD development plan hearing, (A, 1, i) must be met in addition to (A, 5, ii), (B, 6, ii), (C, 8, i), and, (G, 8, i)).

EVENT	(INTERESTED PARTY, HOW & WHEN GIVEN, BY WHOM GIVEN)				
MCPC Committee Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Emergency MCPC Mtg.	(A, 4, i)	(G, 4, i)	(H, 4, i)		
Executive MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Regular MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Special MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 3, i)		
Admin. Appeal (850-16)	(A, 5, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Comprehensive Plan Hrg.- (adoption or amendment)	(A, 5, i)	(G, 8, i)	(H, 8, i)		
PUD Development Plan Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Road Name Changes	(A, 5, i)	(G, 8, i)	(H, 8, i)	(I, 6, i)	
Subdivision -Prelim.Plat Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Subdivision - Final Plat	No notice or hearing required				
Subdivision - Waiver Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Subdivision- Amend. Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Subdivision - Vacation All parcel owners agree	No notice and hearing required, MCPC mtg. may or may not be required				
Subdivision - Vacation Hrg. Not all parcel owners agree	(A, 5, ii)	(A, 9, ii)	(C, 8, ii)	(G, 8, i)	(H, 8, i)
Subdivision - Vacation Hrg. Roads and Utility Easemts.	Notice only for hearing before County Commissioners				
Written Commitments Hrg.- (amendment / termination)	(A, 5, ii)	(A, 9, ii)	(F, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				
Zoning Ordinance Hrg.- Adoption of new code	(A, 5, i)	(B, 12, i)	(G, 8, i)	(H, 8, i)	
Zoning Ordinance Hrg.- Map Amendment	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
	(H, 8, i)				

Monroe County Plan Commission: Rules of Procedure

Zoning Ordinance Hrg. Initiated by the Monroe County Plan Commission - Map Amendment	(A, 5, i)	(B, 7, i)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Zoning Ordinance Hrg.- PUD/PCD Outline Plan	(A, 5, ii) (H, 8, i)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Zoning Ordinance Hrg.- Text Amendment	(A, 5, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Zoning Ordinance Hrg.- WCF Overlay District	(A, 5, ii) (G, 8, i)	(A, 9, ii) (H, 8, i)	(D, 6, ii)	(E, 7, ii)	(C, 8, i)
Plat Committee Decision	(B, 10, i)				
Zoning Ordinance Adoption	(A, 11, i)				

6) AFFIDAVIT OF NOTICE, WAIV

7) ER, DEFECTIVE NOTICE

At least 5 days prior to the hearing date, the Applicant shall provide to the MCPC Staff: a copy of one of the notices mailed to interested parties; a copy of the accountable mail list certified by the USPS; a list of the interested parties notified by First Class US Mail; a signed and notarized affidavit certifying that notices were mailed to the interested parties identified, and in the manner specified, on the foregoing lists at least 10 days prior to the hearing date; and publisher's affidavits from the Herald Times and The Journal newspapers certifying the date of publication of the hearing notice.

Interested parties may waive, at any time, notice of the hearing by filing a written, executed statement with the MCPC Staff, affirming that the interested party has or had knowledge of the date, time, location, and purpose of the hearing, and voluntarily waives the notice due the interested party under the MCPC Rules of Procedure and State law. Interested parties may also waive notice by appearing at the hearing without objection to the notification defect.

If the MCPC or the MCPC Staff determines that notice has not been given in accordance with MCPC rules, the matter shall be continued to the next regularly scheduled meeting, or to a special meeting, unless the defect is waived in accordance with this Section. All notification and re-notification costs shall be borne by the applicant.

Article XIX

Miscellaneous Policies and Directives

Commented [JNJ3]: Language approved in 2021

1. For purposes of Monroe County Code 811-5(c)(6), the two types of bonds/financial guaranties that are acceptable to the Plan Commission are letters of credit and certified checks that satisfy the requirements of Monroe County Code 858-3.

MONROE COUNTY PLAN COMMISSION**December 13, 2022**

PLANNER	Anne Crecelius
CASE NUMBER	REZ-22-8
PETITIONER	Starts Living Trust c/o Lorraine Fowler
ADDRESS	7955 S Fairfax RD, parcel #53-11-11-300-014.000-006
REQUEST	Rezone Request from AG/RR to LB Waiver of Final Hearing Requested
ACRES	17.29 +/- acres
ZONE	AG/RR, ECO1/2/3
TOWNSHIP	Clear Creek Township
SECTION	11
PLATS	Unplatted
COMP PLAN DESIGNATION	Rural Residential

EXHIBITS

1. Petitioner Letter
2. “AG/RR” Permitted and Conditional Use List
3. “Limited Business” Permitted and Conditional Use List
4. Chapter 804 Design Standards Comparison

RECOMMENDATION

Staff recommends forwarding a **negative recommendation** for the rezone request from Agricultural Rural Reserve (AG/RR) to Limited Business (LB) based on the findings of fact, subject to the Monroe County Highway and Drainage engineer reports.

Plan Review Committee – October 13, 2022

Plan Review Committee forwarded a negative recommendation by a vote of 5-0.

Plan Commission Regular Meeting – November 17, 2022 (Preliminary Hearing)

Discussion regarding increased traffic. Motion failed, petition returns for final hearing.

Plan Commission Regular Meeting – December 13, 2022 (Final Hearing)**SUMMARY**

The petition site is one parcel totaling 17.29 +/- acres located in Clear Creek Township. The petitioner is proposing to amend the Zoning Map from Agricultural Rural Reserve (AG/RR) and Environmental Constraint Overlay Area 1, 2, and 3 (ECO1/2/3) to Limited Business (LB) and ECO1/2/3.

The petition site contains a residential accessory structure – a log cabin style residence was on the property but has been demolished. The property is currently for sale and advertised by the petitioner who is a real estate agent and related to the property owner. The petitioner has stated the desire to rezone the property to commercial is to increase the sale value. If the request is approved by the County Commissioners the petitioner intends to sell the petition site for a commercial use. If the rezone request is denied the zoning will remain AG/RR, a zoning district where primarily agricultural and residential uses are permitted.

The Zoning Map amendment would be from AG/RR to LB. Listed below are the definitions of these zones per Chapter 802.

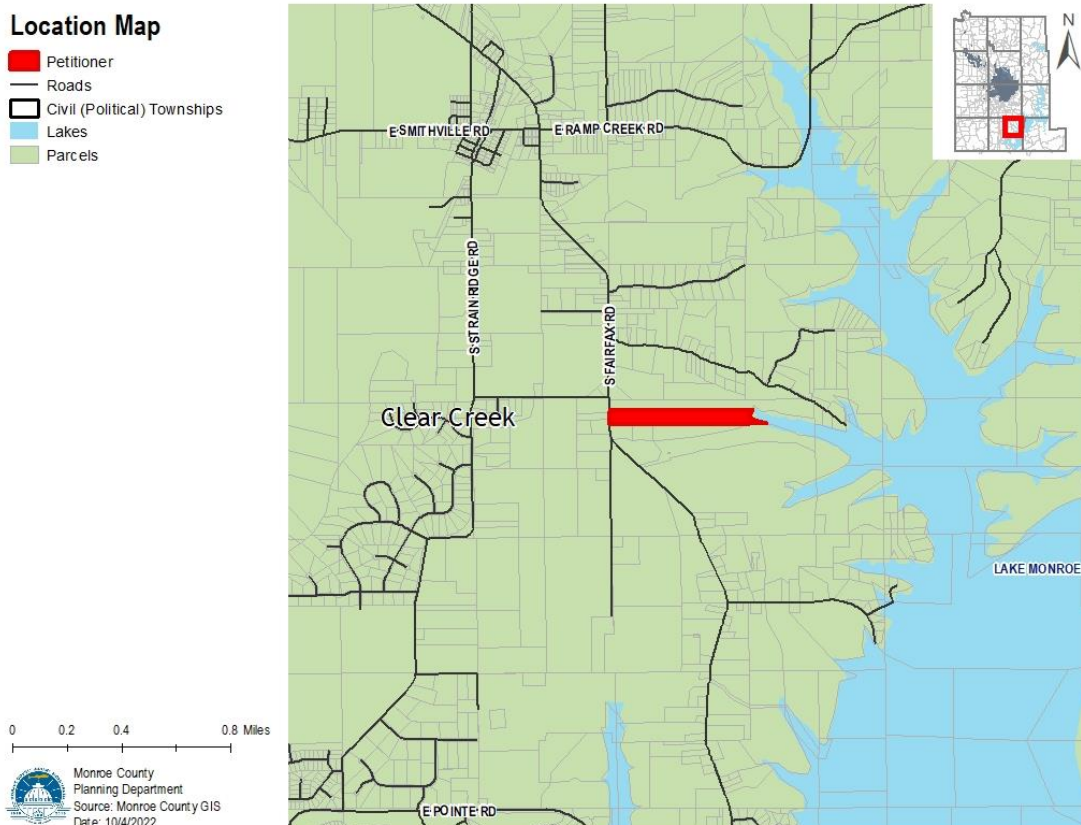
Agriculture/Rural Reserve (AG/RR) District. The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with

agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

Limited Business (LB) District. The character of the Limited Business (LB) District is defined as that which is primarily intended to meet the essential business needs and convenience of neighboring residents. Limited business uses should be placed into cohesive groupings rather than on individual properties along the highways and access control should be emphasized. Its purposes 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 traffic; 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. Therefore, the number of uses permitted in the LB District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

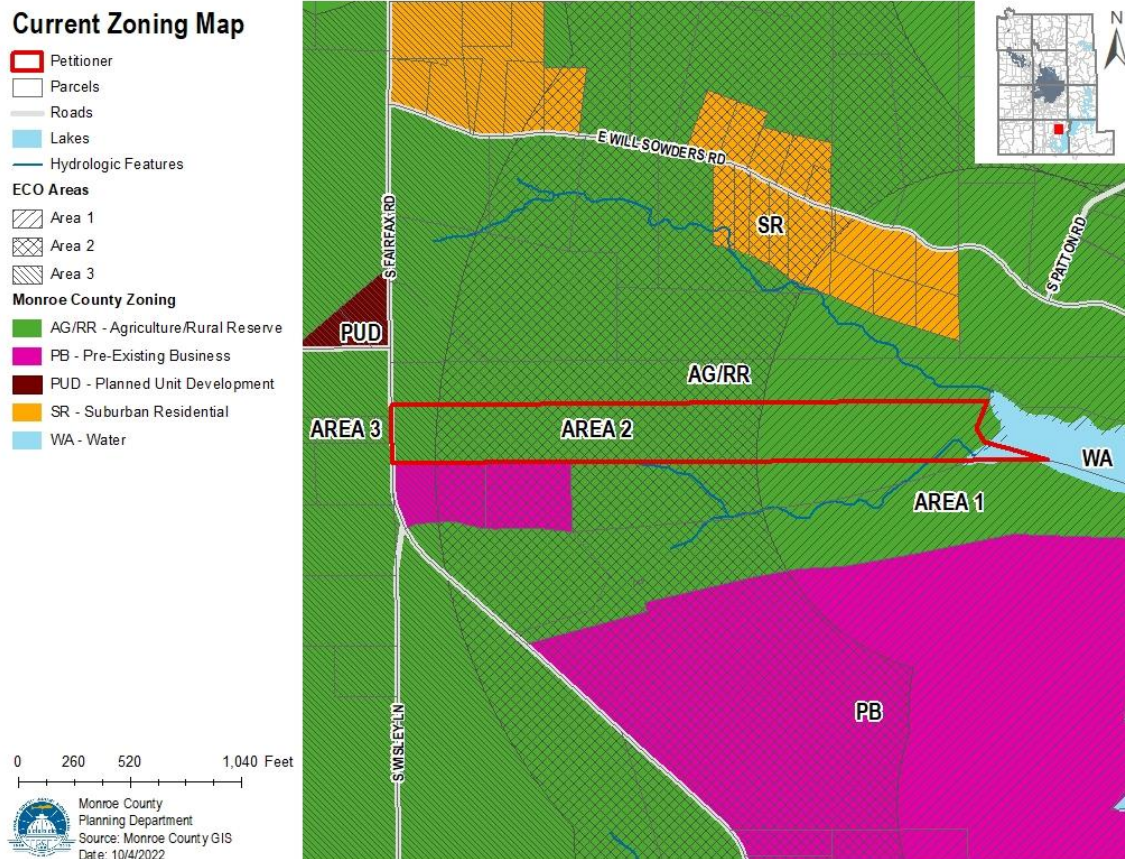
LOCATION MAP

The petition site is one lot of record, parcel number 53-11-11-300-014.000-006. The site is located at 7955 S Fairfax RD in Section 11 of Clear Creek Township.



ZONING

The zoning for the petition site is Agricultural Rural Reserve (AG/RR) and Environmental Constraint Overlay Area 1, 2, and 3 (ECO1/2/3). Adjacent zoning is Agricultural Rural Reserve. The petition site is a currently developed with a Single Family Residence.



SITE CONDITIONS & INFRASTRUCTURE

The site has frontage along S Fairfax Road, a Major Collector per the 2016 Thoroughfare Plan. The site located within the Lake Monroe Watershed and is zoned with the Environmental Constraints Overlay Area 1, 2, and 3. The petition site is currently developed with a SFR and does contain slopes that exceed 15%. There are no known karst features. The property is somewhat narrow at 270' approximately in width. A driveway permit was applied for at the request of the Highway Dept. Project Manager, Ben Ayers. The existing driveway entrance was denied for site distance issues. The petitioner intends to re-apply with a re-located entrance.

Site Conditions Map

- Major Collector [70']
- 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

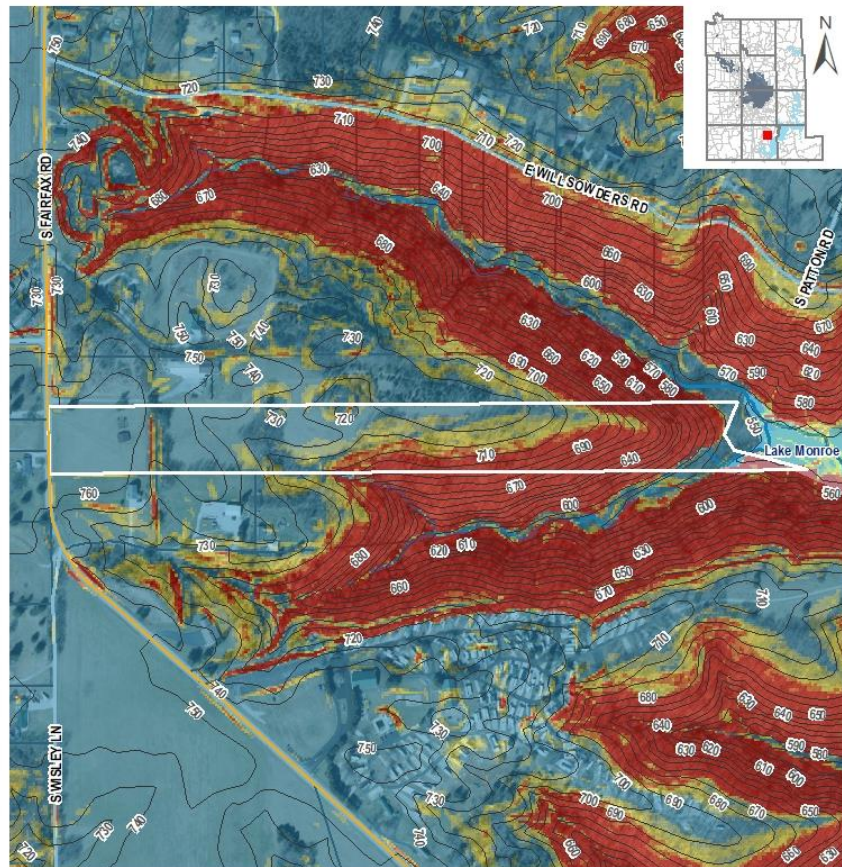
FLD_ZONE, ZONE_SUBTY

- A
- Lakes
- Parcels

0 150 300 600 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/4/2022



SITE PICTURES



Photo 1. Pictometry photo looking east.

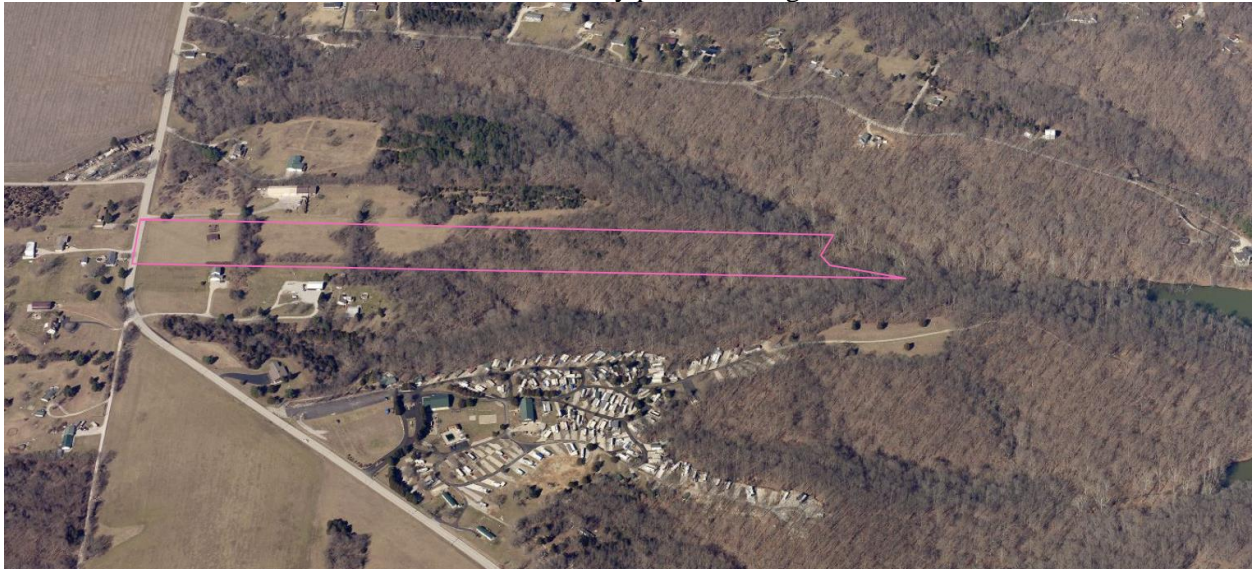


Photo 2. Pictometry photo looking north.



Photo 3. At the entrance of the property looking east.



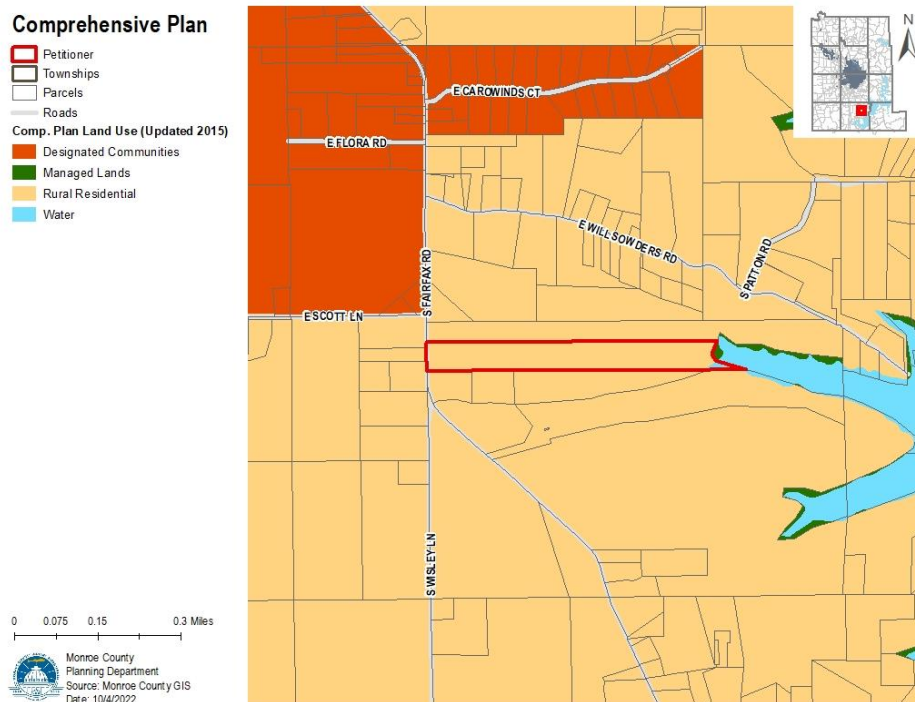
Photo 3: Looking north.



Photo 4: Looking south.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Rural Residential** designation of the Monroe County Comprehensive Plan. Points that align with the proposed rezone are highlighted in **green**. Points that differ are highlighted in **grey**. The plan states the following for this designation:



The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse

population character of the Farm and Forest category is no longer applicable. 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 Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential 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. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

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 Rural Residential;
- “includes rural property, environmentally sensitive areas,”;
- The intention of the petitioner if the rezone is approved is to allow for a commercial use, specifically for commercial “boat storage”;

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

Findings:

- See Findings under Section A;
- The rezone request is to change 17 +/- acres from AG/RR & ECO1/2/3 to Limited Business (LB) and ECO1/2/3;
- The current use of the petition parcel is a residential and is largely undeveloped – it has one residential accessory structure on-site;
- Adjacent uses are residential or commercial and adjacent zoning is AG/RR and PB;

(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) and some steep slopes that drains into Monroe Reservoir;
- The site is located within all the Areas (1, 2, and 3) of the Environmental Constraints Overlay zoning districts;
- The area that borders the lake is considered FEMA Floodplain;
- There are no known karst features;

(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;
- The petitioner states that their intent to rezone is to increase the sale value of the property;

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- Access is off of S Fairfax Road;
- According to the Monroe County Thoroughfare Plan, S Fairfax Rd is classified as a Major Collector road;

EXHIBIT 1: Petitioner Letter

From: [Lorraine Fowler](#)
To: [Drew Myers](#)
Cc: gregs@taskar.com; [Greg Starts](#)
Subject: Rezone Application
Date: Wednesday, September 7, 2022 8:51:24 AM
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

Dear Monroe County Planning Commission,

Hello, my name is Lorraine Fowler, I'm writing on behalf of the property located at 7955 South Fairfax Road, Bloomington, Indiana 47401. I'm the realtor and daughter of the deceased owners of this property, my parents, Arthur and Mary Starts. My eldest brother, Greg Starts, is the Trustee of this property that's held in the Starts Trust. He is attached to this email and has given his consent in my request for a rezoning of this parcel. I currently have three buyers interested in this track of land. All three buyers are interested in purchasing this property for boat storage. So in light of this interest and apparent highest and best use of this property, I'm respectfully submitting a rezone for your consideration.

Best regards,
Lorraine



Lorraine Fowler

Broker Associate/REALTOR®

RE/MAX Acclaimed Properties

3695 S. Sare Road

Bloomington, IN 47401

Cell (812) 320-5553

EXHIBIT 2: “AG/RR” Permitted and Conditional Use List

Agricultural Uses	(i)	AG	(C)
Accessory Use		P	53
Accessory Structures for Ag. Use	L	P	
Agriculture	H	P	53
Ag. Event Center, Small	H	C	
Ag. Event Center, Medium	H	C	
Ag. Event Center, High	H	C	
Ag.-Related Industry	H	P	53
Ag. Uses-Land Animal	H	P	22; 53
Ag. Uses-Non Animal	H	P	22; 53
Agritourism / Agritainment	H	P	53
Aquaculture	M	P	22; 53
Christmas Tree Farm	H	P	53
Comm. facilities for the sale, repair, and service of Ag. equip., vehicles, feed, or suppl.	H	C	53
Comm. Non-Farm Animals	M	P	53
Confined Feeding Operations	H	C	24;44
Equestrian Center	H	C	53
Equine Services	L	P	
Feed Lot	H	P	24
Feed Mill	L	P	6;25
Historic Adaptive Reuse		P	15; 44
Horse Farm	L	P	53
Nursery/greenhouse	H	P	53
Orchard	H	P	53
Pick-your-own operation	H	P	53
Roadside farm stand, Permanent	M	P	52
Roadside farm stand, Temporary	L	P	51
Stockyard	H	P	24
Winery	H	P	53

Residential Uses	(i)	AG	(C)
Accessory Apartments	L	P	26
Accessory Dwelling Units	L	P	53; 55
Accessory Livestock	L	P	43
Accessory Use		P	5
Guest House	L	P	
Historic Adaptive Reuse		P	15; 44
Home Based Business	L	P	16
Home Occupation	L	P	16
Residential Storage Structure	L	P	15
Single Family Dwelling	n/a	P	1
Temporary Dwelling	L	P	3; 53
Two Family Dwelling	n/a	P	2
Public & Semipublic	(i)	AG	(C)
Accessory Use		P	13
Cemetery	H	P	
Governmental Facility	H	P	7;40
Historic Adaptive Reuse		P	15; 44
Religious Facilities	H	P	22
Remote Garbage/Rubbish Removal	H	C	34
Solar Farm	L	C	
Telephone and Telegraph Services	L	P	32
Utility Service Facility	M	P	31
Wastewater Treatment Facility	H	C	15
Water Treatment Facility	H	C	
Wired Communication Services	M	P	32

Business & Personal Services	(i)	AG	(C)
Accessory Use		P	13
Artisan Crafts	M	C	15, 22, 44
Bed and Breakfast	L	P	8
Composting Operation	H	P	31; 53
Greenfill	M	P	7;15;22;47
Historic Adaptive Reuse		P	15; 44
Kennel, comm. animal breeding ops.	H	C	10;15; 53
Real Estate Sales office Or Model	L	P	9
Taxidermist	L	P	6
Temporary Seasonal Activity	M	P	46; 54
Tourist Home or Cabin	L	P	48
Veterinary Service (Indoor)	H	C	15
Veterinary Service (Outdoor)	M	C	10; 15
Retail & Wholesale Trade	(i)	AG	(C)
Accessory Use		P	13
Agricultural Sale Barn	H	P	35
Fruit Market	L	P	
Garden Center	H	C	53
Historic Adaptive Reuse		P	15; 44
Automotive & Transportation	(i)	AG	(C)
Automobile Repair Services, Minor	H	C	50; 53
Historic Adaptive Reuse		P	15; 44
Amusement and Recreational	(i)	AG	(C)
Accessory Use		P	13
Camping Facility	H	P	27; 53
Historic Adaptive Reuse		P	15; 44
Park and Recreational Services	H	C	14;20
Private Recreational Facility	H	C	20

Recreational Vehicle (RV) Park	H	C	53
Manufacturing, Mining	(i)	AG	(C)
Accessory Use		P	13
General Contractor	M	C	15
Historic Adaptive Reuse		P	15; 44
Sawmill	H	C	15;22
Wood Products	M	C	7;15

**EXHIBIT 3: “Limited Business” Permitted
and Conditional Use List**

Agricultural Uses	(i)	LB	(C)
Historic Adaptive Reuse		P	15; 44
Residential Uses	(i)	LB	(C)
Boarding House	L	P	
Historic Adaptive Reuse		P	15; 44
Public & Semipublic	(i)	LB	(C)
Accessory Use		P	13
Community Center	L	P	28
Daycare Facility	M	P	22;30;42
Governmental Facility	H	P	7;40
Group Home Class I	L	P	
Group Home Class II	L	P	
Historic Adaptive Reuse		P	15; 44
Medical Clinic	L	P	
Religious Facilities	H	P	22
Remote Garbage/Rubbish Removal	H	C	34
Retirement Center	L	P	
Telephone and Telegraph Services	L	P	32
Utility Service Facility	M	P	31
Water Treatment Facility	H	P	
Business & Personal Services	(i)	LB	(C)
Accessory Use		P	13
Appliance Repair	L	P	6
Barber Service	L	P	
Beauty Service	L	P	
Bed and Breakfast	L	P	8
Boat Storage	M	P	41
Caterer	L	P	
Coin Operated Cleaning/Laundry	L	P	
Convenience Storage	M	P	4;6;21
Copy Service	L	P	

Dry Cleaning and Laundry Pickup	L	P	
Electrical Repair	L	P	6
Employment Agency	M	P	
Equipment Rental	M	P	7;21
Estate Services	L	P	
Financial Service	M	P	
Historic Adaptive Reuse		P	15; 44
Insurance Agency	L	P	
Interior Decorating	L	P	
Legal Service	L	P	
Locksmith	L	P	
Massage Studio	M	P	
Office	L	P	
Parking Facility	H	P	31
Photographic Services	L	P	
Real Estate Agency	L	P	
Real Estate Sales office Or Model	L	P	9
Shoe Repair	L	P	
Small Engine and Motor Repair	L	P	6;21
Tailoring	L	P	
Temporary Seasonal Activity	M	P	46; 54
Travel Agency	L	P	
Veterinary Service (Indoor)	H	P	15
Retail & Wholesale Trade	(i)	LB	(C)
Accessory Use		P	13
Apparel Shop	L	P	
Bakery (Retail)	L	P	
Bookstore	L	P	
Camera and Photographic Supply	L	P	
Confectionery	L	P	
Convenience Store	H	P	
Drugstore	M	P	
Florist (Retail)	L	P	
Fruit Market	L	P	
Gift Shop	L	P	

Gunshop	M	CU	
Handicrafts	L	P	
Hardware	M	P	6
Historic Adaptive Reuse		P	15; 44
Liquor Store	M	P	
Meat Market	L	P	
Restaurant	M	P	
Sporting Goods	L	P	
Automotive & Transportation	(i)	LB	(C)
Accessory Use		P	13
Historic Adaptive Reuse		P	15; 44
Amusement and Recreational	(i)	LB	(C)
Accessory Use		P	13
Historic Adaptive Reuse		P	15; 44
Park and Recreational Services	H	P	14;20
Manufacturing, Mining	(i)	LB	(C)
Accessory Use		P	13
Construction Trailer	L	P	17
Historic Adaptive Reuse		P	15; 44
Adult Oriented Business	(i)	LB	(C)
Adult Oriented Businesses	L/M	P	49

EXHIBIT 4: Chapter 804 Design Standards Comparison

Requirement	AG	FR	CR	ER	SR	LR	MR	HR	UR	LB	GB	PB	LI	HI	IP	ME	REC
Gross Density	0.40 (J)	0.20	0.40	1.00	1.00	3.00	4.80	7.30	7.30	---	---	---	---	---	---	---	---
Minimum Lot Area (acres)	2.5 (I)	5.0 (I)	2.5 (E)(I)	1.0	1.0 (F)	0.34	0.21	0.14	0.14	---	---	---	---	---	---	---	---
Minimum Lot Width at Building Line	200	200	200	100	50	75	60	50	50	50	50	50	60	100	100	200	200
Minimum Required Setbacks (feet)																	
Yard Fronting on any Street																	
Local	25 (H)	25 (H)	25 (H)	25	25	25	25	25	25	25	25	25	35	35	35	35	25
Minor Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	25	25	25	35	35	35	35	25
Major Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Minor Arterial	50 (H)	50 (H)	50 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Principal Arterial	60 (H)	60 (H)	60 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Side Yards	50 (A)	50 (A)	15	15	5	10	5 (K)	5 (K)	10 (K)	6	6	6	3	3	3	50	50
Rear Yard	50 (B)	50 (B)	35	35	10	25	10	10	10	0	0	0	10 (D)	10 (D)	10 (D)	50	50
Maximum Lot Coverage (AG/RR, CR, FR- Sq. Ft.) Minimum Open Space Area (All Other Zones - percent)	15,000 Square Feet (G)	15,000 Square Feet (G)	15,000 Square Feet (G)	40	40	40	40	40	40	15	20	15	20	20	20	---	20
Maximum Height (feet)	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	35	35	35	35	35	45	35	45	35	50	60	35	---	45
Maximum Floor Area Ratio	---	---	---	---	---	---	---	---	---	0.25	0.30	0.25	0.4	0.4	0.4	---	0.30

MONROE COUNTY PLAN REVIEW COMMITTEE**December 13, 2022**

CASE NUMBER	PUO-22-1
PLANNER	Anne Crecelius
PETITIONER	Autovest II LLC c/o AJ Willis, Bynum Fanyo & Assoc.
REQUEST	Planned Unit Outline Plan Amendment 4 to Whitehall Business Park Waiver of Final Hearing Requested
ADDRESS	S Liberty DR, Parcel #: 53-09-01-100-034.000-015
ACRES	8.99 +/-
ZONE	PUD Whitehall Business Park
TOWNSHIP	Van Buren
SECTION	1
PLATS	Platted
COMP PLAN DESIGNATION	MCUA Phase 1: Employment MCUA Phase 2: West Side Employment

EXHIBITS

1. Petitioner Outline Plan Statement– **updated 11/16/22**
2. Site Plan (Conceptual) – **updated 11/16/22**
3. 1979 Whitehall Business Park PUD Ordinance
4. List of Uses and Ch. 802 Definitions

RECOMMENDATION

Staff recommends forwarding a **positive recommendation** for the Planned Unit Outline Plan Amendment request based on the findings of fact, subject to the Monroe County Highway and Drainage engineer reports, and the following plan edits:

- Identify total signage by square feet to be allowed, as well as sign types (i.e. monument sign, pole sign, wall sign, etc.).
- Identify how the easement for through access is to be recorded.
- Confirm if use definitions will be applicable to Chapter 802 conditions.

PUBLIC HEARING TIMELINE**Plan Review Committee – November 10, 2022**

Positive recommendation forwarded by PRC. List of questions sent to petitioner – see response below.

1. **Add sign regulations to the outline plan if they aren't in the original.**
 - a. **RESPONSE:** Added language in the updated petitioner's statement
2. **Add definitions for the auto uses from last amendment.**
 - a. **RESPONSE:** Added language in the updated petitioner's statement
3. **Add definition for the “Warehousing and Distribution Activities” and include a list of permitted/not-permitted materials/chemicals.**
 - a. **RESPONSE:** Added language in the updated petitioner's statement. However, the owner does not believe it is necessary to restrict certain materials because this will already be restricted by the building department depending on the type of construction and type of fire rating/required sprinkler system. This will also be reviewed by the fire department during building permit review.
4. **Address how round-a-bout/through access would be maintained if properties were sold separately.**
 - a. **RESPONSE:** Added proposed easement on updated drawing, attached.
5. **Address if your client is willing to provide an ingress/egress easement to the County for the County-owned parcel to the east.**
 - a. **RESPONSE:** The client is willing to enter discussions with the County regarding this item if maintenance agreement is reached. However, our client was under the impression that an access easement was already there with the Whitehall business to the north.

Plan Commission Regular – December 13, 2022 (Preliminary Hearing)

Waiver of Final Hearing requested.

Plan Commission Regular – January 17, 2022 (Final Hearing)

SUMMARY

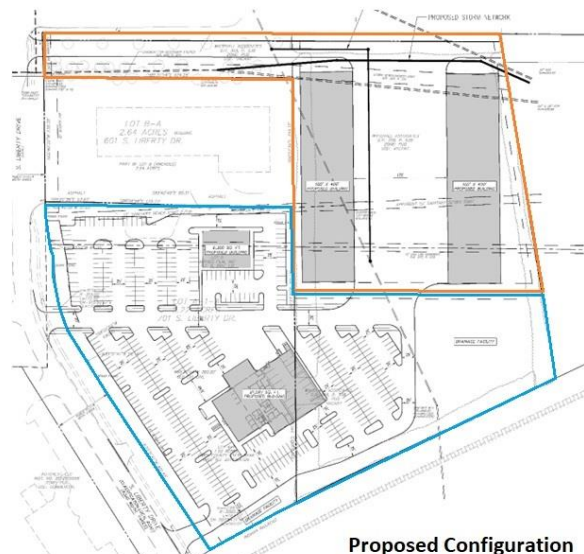
The petition site is located off of S Liberty DR, in Section 1 in Van Buren Township. The site 8.99 +/- acres and is undeveloped. The petitioner is requesting a Planned Unit Development Outline Plan to add the following uses to the outline plan.

1. Automotive and Transportation Accessory Use
2. Automobile Repair Services, Minor
3. Automotive Paint Shop
4. Automotive Rentals
5. Automotive/Boat Repair Shop
6. Automotive Sales
7. Automotive Supply
8. Automotive Tire Sales/Repair
9. Motorcycle Sales
10. Warehousing and Distribution Activities

BACKGROUND

The area is zoned Whitehall Business Park PUD and has been developed in different phases. The outline plan was amended in 2019 to allow the automotive uses on the adjacent property to the west at 701 S Liberty DR, which has been known as “Mirwec”. The property at 701 S Liberty DR received development plan approval in 2019 by Planning. The site was graded and stabilized but further development has been pending. The proposed use of the property at 701 S Liberty is “Automobile Repair Services/Automotive Sales”

The property owner intends to develop both the petition site and 701 S Liberty DR, shown in the image below and in Exhibit 2. The petitioner intends to adjust the lot lines between the properties so that 701 S Liberty DR contains the southern half of the petition site. The property at 701 S Liberty DR will then be developed with Automotive uses and the petition site developed with the use of “Warehousing and Distribution Activities”. The single difference in permitted uses would be between the uses of “Warehousing and Distribution Activities” between the petition site and 701 S Liberty DR. **The petitioner updated the statement to include that all ten uses are to be defined by the uses as listed in Chapter 802 of the Monroe County Zoning Ordinance.**



The 1979 PUD Outline Plan (Exhibit 3) currently allows the following uses on the petition site:

Light Industrial

Assembly Operation for pre-manufactured parts
Repair and/or manufacturing of light industrial component parts or products
Manufacture of soft drink beverages and its bottling
manufacture of office machinery, electrical and mechanical
Manufacture of light, portable household appliances and/or related electrical tools and components
Manufacture of jewelry and leather products
Manufacture of pharmaceutical, biological, medical & Cosmetic goods
Manufacture of optical good, recording instruments, phonograph records and/or
Distribution of operations with warehousing facilities

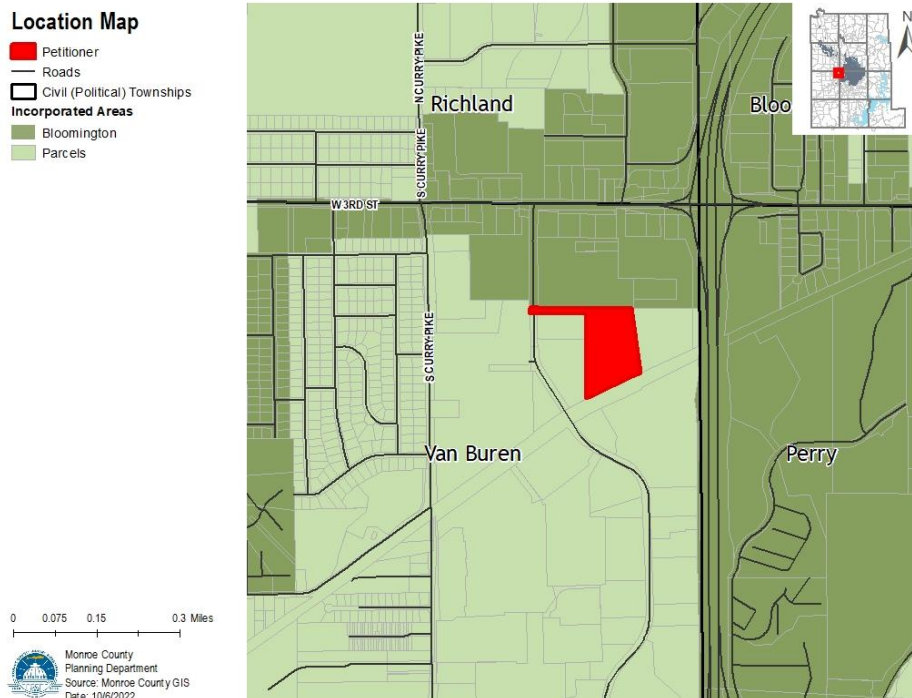
Specifically Excludes

Heavy Industrial
Housing
Commercial Development

The 2018 PUO amendment didn't allow for the "Automobile Repair Service, Minor". **The Plan Review Committee requested that the petition add sign design standards – the following statement was added to the letter: "all signage shall not exceed 15' tall measured from top of sign to grade at lowest point under sign."**

LOCATION MAP

The petition site is located west of the City of Bloomington, with frontage along South Liberty Drive in Section 1 of Van Buren Township. The site 8.99 +/- acres and is undeveloped, Parcel #: 53-09-01-100-034.000-015.



ZONING AND ADJACENT USES

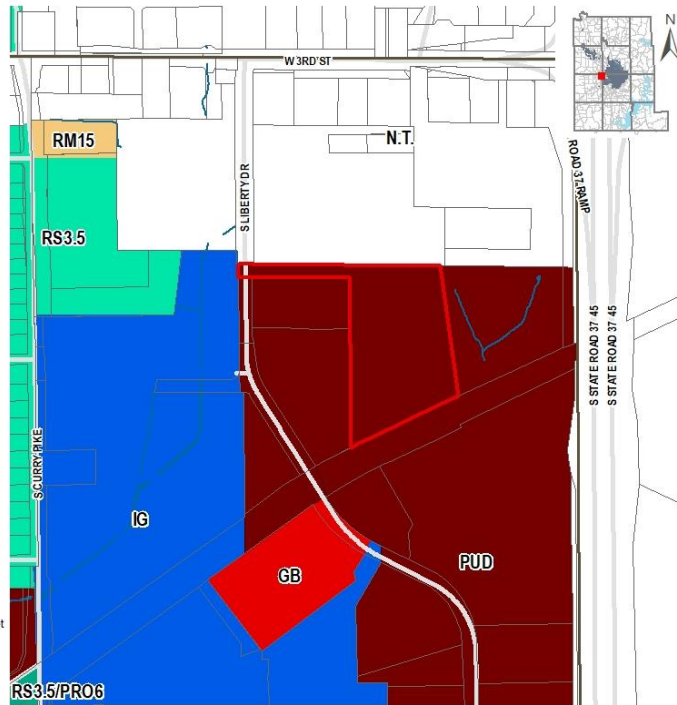
The petition site is zoned PUD and is a part of the Whitehall Business Park area. Property to the north is

located within the City of Bloomington zoning jurisdiction. The rest of the adjacent property is zoned PUD, General Industrial (IG), and General Business (GB).

Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
- GB - General Business
- IG - General Industrial
- N.T. - No Tag (Outside Juris.)
- PUD - Planned Unit Development
- RM15 - Multi Dwelling Res. 15
- RS3.5 - Single Dwelling Res. 3.5
- RS3.5/PRO6 - Single Dwell. Res. 3.5/PRO6

0 225 450 900 Feet
 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 11/2/2022



SITE CONDITIONS

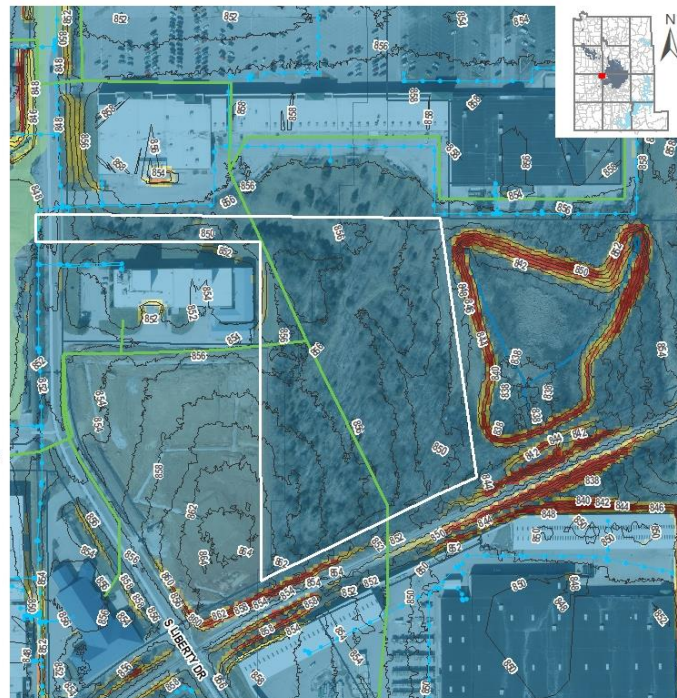
The site is a flagpole shape so frontage along S Liberty Drive (a local road) is approximately 65' and has sidewalks. The site utilizes CBU water and sewer. Sidewalks run along the opposite side of S Liberty Drive and street trees are already in place. The property has multiple utility easements crossing through the property – if development is pursued on the property the developer will be required to work with CBU to alter the utilities and easements. The petition site and 701 S Liberty DR are located within the Sinking Creek and West Fork Clear/Clear Creek critical drainage areas. Drainage implications of development would be reviewed under a PUD Development Plan.

Site Conditions Map

- Petitioner
- Sanitary Pipe
- Water Pipe
- 2-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, FLD_SUBTY**
- AE and FLOODWAY
- Parcels
- Critical Watersheds**
- Sinking Creek
- West Fork Clear Creek/Clear Creek

0 70 140 280 Feet

Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 10/6/2022



SITE PICTURES



Figure 1. Pictometry photo from April 2020, looking north.



Figure 2. Pictometry photo from April 2020, looking south.



Figure 3. Looking SW.



Figure 3. Looking directly W towards S Liberty DR.



Figure 3. Looking south.



Figure 3. Looking east.

COMPREHENSIVE PLAN DISCUSSION – PHASE I

The petition site is located in the **Employment** districts on the Monroe County Urbanizing Area Plan portion of the Monroe County Comprehensive Plan. Points that align with the proposed PUD outline plan are highlighted in **green**. Points that differ from the MCUA districts are highlighted in **grey**.

Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses that may not be easily integrated into a mixed-use environment.

These uses may require large, isolated sites for large-format facilities, or multiple facilities may be organized into coordinated campus-style or industrial park settings. This land use category is intended to accommodate the expansion and changing operations of a wide variety of companies and to foster a well-rounded and diverse economy as part of the Greater Bloomington area.

Special attention should be paid to vehicular access management, buffering and landscape aesthetics, building and parking orientation, and basic architectural design standards. Business support services are encouraged to be integrated into larger employment areas.

A. Transportation

Streets: Employment areas require special considerations in roadway design. These areas are typically accessed through arterial connections from the freeway and require accommodations for heavy truck traffic. Arterial connections may include mixed-use corridors, and special attention must be paid to balance the needs of all travel modes while also facilitating industrial deliveries and commuter traffic flow. Arterial streets, such as Third Street, should not exceed five lanes in width (four travel lanes with center turn lane). Local and collector streets will typically be two or three-lanes (two travel lanes with center turn lane). Street connections are encouraged to help distribute traffic, but should be balanced with access management plans to maximize safety. Center medians for select arterial roadways should be considered to improve access management and corridor aesthetics.

Freight: Appropriate routes for truck traffic to and from I-69 should be designated with thoroughfares designed accordingly. Major highway access points to employment areas west of I-69 will include Sr-46, Third Street/Sr-48, 2nd Street/Sr-45 and Tapp road. Fullerton Pike will provide access to potential employment areas to the east of I-69. A new roadway connection between that road and South Walnut Street (old Sr-37) should be considered to open land between the highway and Clear Creek for employment uses.

Bike, Pedestrian, and Transit modes: Commuting by automobile will likely remain the primary form of transportation to work in the larger employment centers within the Urbanizing Area. However, opportunities to expand transportation options should be provided wherever possible. Streets within employment areas should include sidewalks and/or shared-use sidepaths and encourage connections to Karst Farm Greenway and Clear Creek Trail. Opportunities to expand City of Bloomington and rural Transit service to employment areas should also be explored.

B. Utilities

Sewer and water: Employment-generating uses provide a fiscal benefit to the community that may warrant additional investments in and possible geographic expansion of sewer systems. Some areas designated for employment uses in the Land Use Plan are located outside of current sewer service areas, most notably the area between Clear Creek and SR 37. Additional studies should be undertaken to determine the potential for sewer expansion and necessary capital improvements to serve these areas. Additional studies and surveys may be required to determine the geographic restrictions within developable areas.

Power: Where possible, overhead utility lines should be buried to minimize disruption during major weather events. Care should be taken to locate underground utilities in a manner that does not interfere with site development or business expansion. Opportunities to create redundant power systems with new electrical substations should be explored.

Communications: State of the art communications systems should be prioritized in employment areas. Street infrastructure improvements should reserve space for burial of fiber-optic systems and/or other forms of high-speed internet and communications networks.

C. Open space

Park Types: Employment areas should provide open spaces primarily through the preservation of sensitive lands and creation of landscape buffers. Where opportunities exist, shared use path connections to the broader greenway network should be incorporated, providing a recreational amenity and alternative transportation option for employees, as well as linkages to the broader Bloomington/Monroe County system.

Urban Agriculture: Community gardens and urban agricultural systems should be encouraged in near employment areas as a recreational and wellness opportunity for employees. However, soil suitability in

existing industrial areas should be verified.

D. Public Realm Enhancements

Wayfinding: Regularly-located route signage for truck traffic to and from I-69 should be provided. business and industrial parks may incorporate multi-business panel signs at gateway locations to improve wayfinding, and should use high- quality materials, be aesthetically coordinated with surrounding architecture, and include attractive landscape features.

Lighting: Roadways should be lighted for safety and will typically require taller poles (± 30 feet).

Street/Site furnishings: Street furnishings will be limited in employment districts, but may include bus stops/shelters and benches.

E. Development guidelines

Open Space: Open space in employment areas should be provided on-site (with the exception of significant environmental preservation areas) and determined through maximum lot coverage requirements, with 15 to 20% of a site reserved for landscaping, buffering, stormwater management and outdoor amenities for employees.

Parking ratios: Parking needs will vary by business. In campus and business park settings, shared parking arrangements should be encouraged, although most businesses will require some amount of dedicated parking. Large industrial facilities, warehouses, and flex/r&d space will often have relatively low parking needs (e.g. 1 space per 2,000 square feet). Parking requirements should be based on the needs of individual businesses as opposed to mandatory minimum requirements.

Site Design: Buildings should be oriented toward the front of the lot to create a street presence, but will typically be set back from the front property line by 30 to 50 feet. Parking in front of the building should be avoided, and limited to small visitor-oriented parking lots with close access to the main entrance. Employee parking should be located to the rear or side of the building. Sufficient maneuvering aisles and loading spaces will be necessary for freight delivery. Loading docks and bays should be oriented away from public streets or screened with landscaping or architecturally integrated walls extending from the building.

Building form: Industrial, flex and warehouse buildings should balance economic construction with basic aesthetics. Office components and main visitor entrances should be located on the front facade, be designed as distinct elements from the rest of the building, and incorporate high amounts of window transparency. Facilities may require light-controlled environments, but where possible, high windows above eye level should be incorporated, particularly along street-facing facades. Buildings will have simple forms and flat roofs. Parapets should be used to screen rooftop mechanical units.

Materials: Acceptable primary building materials include brick, stone (natural or cultured), pre-cast concrete panels, concrete masonry units, architectural metal panels, fiber-cement siding and eifs (exterior insulated finishing Systems). Smooth-faced and textured-faced metal panels are preferred, but corrugated or ribbed panels are also acceptable. Split-faced block may be acceptable if combined with other primary materials. Careful attention should be paid to how materials are installed, joined, and detailed, particularly at edges, corners and material transitions. Shadow lines, expression lines and variations in color and texture are encouraged to break up monolithic facades. Trees, shrubs and other vertical landscape elements should be incorporated along large, blank facades.

Private Signs: Sign designs should be coordinated with the character of the building, and may be building-mounted or ground-mounted monument signs. Pole signs should be prohibited. Monument signs should be located in landscape beds and may include exterior ground lighting. Digital and changeable copy signs are not appropriate. Sites will typically require directional signage for visitors, employees and freight delivery.

COMPREHENSIVE PLAN DISCUSSION – PHASE II

South Side Employment

This district includes lands with access to and high visibility from I-69/SR 37, and generally designated as the Employment land use type in the Urbanizing Area Plan. Currently, this area is largely undeveloped, with some existing office and industrial development and rural residential uses. Additional employment-oriented development should preserve landscape character and be sensitively buffered from nearby residential districts, and benefit from Tax Increment Finance district opportunities.

Existing Planned Unit Developments

In general, it is the intent of this zoning framework to eliminate the need to establish new Planned Unit Developments by creating an expedited, consistent and predictable set of zoning requirements and approval procedures. However, existing planned developments represent a significant investment by property owners in establishing specific development plans and standards for their properties in conformance with pre-existing development approval procedures. All planned developments in effect prior to the creation of new zoning districts and standards should continue to be considered in effect, similar to an overlay zone. Opportunities to eliminate the planned unit development overlay will also be accommodated and should be encouraged. PUDs with expired outline plans or without development plans may be reviewed and rezoned entirely, subject to recommendations of this zoning framework.

PUD REVIEW CONSIDERATIONS

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

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

Findings:

- The existing and proposed development appears to be consistent with the Comprehensive Plan per the Employment zone;
- The current use and potential expansion of the site would support Employment uses;
 - The MCUA Phase I plan designates the petition site as “Employment”;
 - Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses that may not be easily integrated into a mixed-use environment;
 - The MCUA Phase II plan designates that site as “South Side Employment”;
 - This district includes lands with access to and high visibility from I-69/SR 37, and generally designated as the Employment land use type;
- The current zoning is Whitehall Business Park PUD created by the City of Bloomington in 1979; The Comprehensive Plan designates the property as MCUA Employment;
- The current approved uses for the petition parcel have been determined to be the ‘light industrial’ uses listed in the petitioner letter from the 1979 city of Bloomington PUD filing;
- The petition parcel has remained vacant since that time;
- The petitioner requests to add nine (9) automotive and transportation uses and one (1) “Warehousing and Distribution Activities” use;

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

Findings:

- The proposed plan will need use definitions to be defined;
- No design standards were found specifically listed in the PUD documentation;
- The site will meet the design standards of the underlying zone, General Manufacturing (MG);
- The petitioner has not indicated that any other deviation from the Zoning Ordinance would be sought at this time related to density, dimension, bulk, use, required improvements, and construction and design standards;
- Site plan improvements including parking, landscaping, and bioretention requirements will be addressed at the development plan stage;
- See Findings under section A, regarding use;

(3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.

Findings:

- See Findings under section A;
- One of the purposes of the PUD, under Chapter 811, is to encourage a harmonious and appropriate mixture of uses;

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

Findings:

- See Findings (1), (2) and (8);

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

Findings:

- Parking minimum requirements will be reviewed for the petition site and 701 S Liberty DR once a design is submitted for review;
- The site will meet the design standards of the underlying zone, General Manufacturing (MG);
- Development plan requirements including parking, landscaping, and bioretention requirements will be addressed at the development plan stage.

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

Findings:

- See Findings (a), (b) & (d);
- The petition parcel is bordered to the south by a rail bed;
- Other immediately surrounding uses include Menards to the southeast, a furniture warehouse and Baxter Pharmaceutical directly west, and vacant land to the east;
- Much of the surrounding area is zoned Planned Unit Development, General Industrial, and General Business;
- Development plan requirements including parking, landscaping, and bioretention requirements will be addressed at the development plan stage.

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

Findings:

- See Findings under Section 1;

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

Findings:

- Access is derived from S Liberty DR which is designated as a Local Road in the Thoroughfare Plan;
- The parcel will be adjacent to an existing traffic signal used by Baxter Pharmaceutical employees;
- All utilities are available to the petition site;
- See findings under (d);

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

Findings:

- There is no known karst on the property;
- Drainage will be reviewed under a PUD Development Plan if the this petition is adopted;
- The area was originally listed as a 'light industrial' part of the Whitehall Business Park/Mirwec PUD request to the city of Bloomington in 1979.

EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

October 4th, 2022 REVISED November 16th, 2022

Monroe County Planning Department
And Monroe County Plan Commission
501 N. Morton Street, Suite 224
Bloomington, Indiana 47404

SUBJECT: Whitehall Business Park PUD Outline Plan Amendment

Monroe County Plan Commission or To Whom It May Concern:

On behalf of Autovest, LLC, Bynum Fanyo & Associates, Inc. would like to request approval of amendments to the 'Whitehall Business Park PUD Outline Plan.' These amendments would only affect Parcel # 53-09-01-100-034.000-015. This lot is not addressed but is along South Liberty Drive in Bloomington, Indiana located approximately 550 feet east of the intersection of South Liberty Drive and the entrance to the Baxter Pharmaceutical property. This lot contains 8.99 acres and is in the NE quarter of section 1, T8N, R2W, Van Buren township.

The amendment to the PUD Plan that is being sought is to incorporate the following uses as permitted uses on the lot with the Parcel # 53-09-01-100-034.000-015:

1. Automotive and Transportation Accessory Use
2. Automobile Repair Services, Minor
3. Automotive Paint Shop
4. Automotive Rentals
5. Automotive/Boat Repair Shop
6. Automotive Sales
7. Automotive Supply
8. Automotive Tire Sales/Repair
9. Motorcycle Sales
10. Warehousing and Distribution Activities

(all ten permitted uses to be as defined in chapter 802 of the Monroe County Zoning Ordinance)

Other amendments are the addition of these statements to the PUD document for the parcel # 53-09-01-100-034.000-015:

1. All signage shall not exceed 15' tall measured from top of sign to grade at lowest point under sign.

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

Also, on behalf of Autovest, LLC, Bynum Fanyo & Associates, Inc. would like to request the Plan Commission waive the need for a 2nd hearing and make a determination for a recommendation to the Monroe County Commissioners after the 1st hearing.

Let us know if you have any questions or concerns for these proposed uses on this parcel of land.

Sincerely,
Bynum Fanyo & Associates, Inc.

Anthony Willis, Project Engineer

Copy: BFA File #402138

EXHIBIT 2: Site Plan (Conceptual)

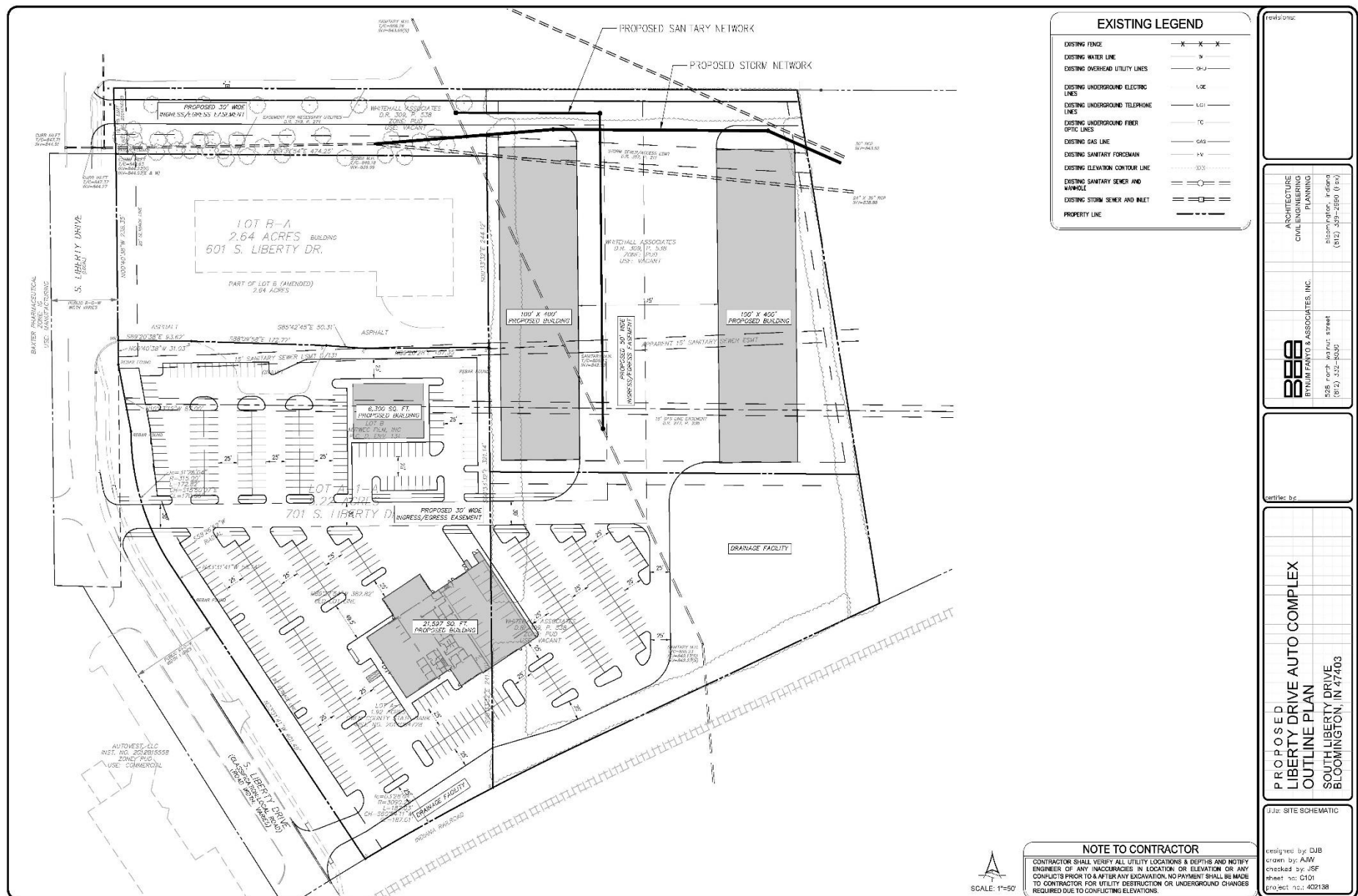
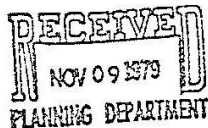


EXHIBIT 3: 1979 Whitehall Business Park/Mirwec PUD Ordinance



211 North Delaware Street
Indianapolis, Indiana 46204
November 9, 1979

Mr. Tim Mueller
Department of Planning & Zoning
City of Bloomington
Bloomington, Indiana 47401

RE: Whitehall Associates - Southwest Corner
of S.R. 37 Bypass and Whitehall Pike.

Dear Tim,

In response to our recent meetings concerning our proposed development plan for the referenced 82 acre site, please accept this letter as the written statement of Whitehall Associates as to our current development plan for the proposed site.

In keeping with our prior conversation concerning the phase type development for the 30 acre parcel located on the immediate corner, we consider the first phase of that development to be the existing free-standing location for Farmers and Mechanics Savings & Loan Association which was developed during calendar year 1977. That site consists of approximately 1 1/2 acres which is currently owned in fee simple by Farmers and Mechanics Savings & Loan Association.

As a second phase of the overall development, we intend to construct a K Mart department store consisting of approximately 72,879 square feet plus two free-standing buildings all of which shall be located at the immediate interchange of S.R. 48 and S.R. 37 Bypass and located on approximately 15 acres of the aforementioned 30 acres. We hope to commence construction of the K Mart facility this fall with an expected opening of late summer, 1980. Construction of the two free-standing buildings will not be commenced until the spring of 1980 and completed approximately six months thereafter. As part of that development, we intend to provide island type landscaping in the K Mart parking lot with a rather elaborate landscape plan for each of the free-standing buildings. Our storm water run off will be carried in a southeasterly direction and will be accomplished by a series of catch basins located in the K Mart parking lot. All surface water run off from that development will ultimately be channeled under the railroad tracks toward the S.R. 37 Bypass. Access to the shopping center will be accomplished by construction of a right-in/right-out curb cut approximately 425 feet west of the interchange with a full curb cut approximately 825 feet west of the interchange. In order to facilitate traffic movement, we propose to complete one additional acceleration/deceleration lane between the location of Farmers and Mechanics Savings & Loan and the proposed right-in/right-out lane.

Mr. Tim Mueller
Department of Planning & Zoning

November 9, 1979
Page Two


The third and fourth phases of the proposed development will consist of one outlot located west of the main entrance of the shopping center as well as development of approximately 80,000 square feet of additional retail space. Construction of the third and fourth phases is planned for commencement in the spring of 1980 with completion in the fall of 1980.

Storm drainage from the fourth phase, namely the free-standing building will be carried into the drainage swale located in the southern right-of-way for Whitehall Pike with the shopping center parking lot for Phase 3 drained by catch basins. Water from the third phase will be retained on the southeast portion of the overall 82 acre tract by use of a storm water retention basin. The intent of the developer is to contain its own storm water and to release that water through a storm pipe at the southeast corner of its property. The overall drainage plan for the entire shopping complex will serve to reduce the amount of storm water drainage running to the southwest by diverting the natural pattern of the west half of the shopping center from the southwest to the southeast.

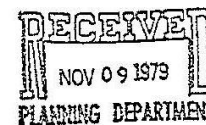
Phase 5 of the development, namely two additional free-standing buildings located to the west of the free-standing facility known as Phase 4, will be developed at a later time most likely calendar years 1981 and 1982.

As far as the remaining acreage is concerned, the developer has no current plans for its immediate development but wishes to express its desire to work with the City of Bloomington in obtaining an urban development action grant or other similar type financing such that it may be developed into an industrial or commercial park.

Sincerely,


John B. Urbans
Partner
WHITEHALL ASSOCIATES

/csf



JOHN B. URBANS
ATTORNEY AT LAW
211 NORTH DELAWARE
INDIANAPOLIS, INDIANA 46204
317-636-1833

December 27, 1979

Mr. Tim Mueller
Director
City Planning
Bloomington, Indiana 47401

RE: Development by Whitehall Associates -
Southwest Corner of S.R. 48 and S.R.37
By-Pass.

Dear Mr. Mueller:

At your request, please accept the following as a descriptive outline of the phasing Whitehall Associates intends to use in development of its 82-acre tract located on the southwest corner of the above referenced interchange. In addition, we will accompany reference to each phase of development with a corresponding statement concerning roadway and drainage improvements and the coordination of those improvements with each phase as shown on the attached site plan.

- 1) We consider Phase I of our development to be a free-standing Farmers and Mechanics Savings & Loan already existing and located on approximately 1.2 acres of real estate located at the southeast corner of Whitehall Pike and Drive "C" as shown on the attached site plan. This development was undertaken in 1977 and is a completed improvement except for the fact that sidewalks will be added along the southern boundary of said parcel in coordination with Phase IV development of the adjacent pad sites. No additional roadway or drainage improvements are contemplated as a result of Phase I.
- 2) Phase II of our development consists of a free-standing 72,897 square foot K Mart facility located on the immediate southwest portion of the referenced interchange and in connection with that development we propose to construct Drive "A" and Drive "B". Drive "A" to include a completed deceleration lane and acceleration lane. Drive "B" will be a right-in/right-out cut planned for connection to the already widened S.R. 48 with a further provision that those immediate areas of S.R. 48 connecting with the curb cut be re-surfaced upon completion. In addition, we propose to re-surface the north side of S.R. 48 in such a manner as to have two full width 12-foot lanes to a point approximately 50 feet west of Drive "A". Our intention is to use the

Mr. Tim Mueller

December 27, 1979
Page Two

southern lane of those two lanes for left turning movements and the northern lane for through traffic. The northern 12-foot lane already exists but would require an additional inch of topping material in order to satisfy the intent of two 12-foot lanes. In summation, we propose to build in connection with Phase II, Drive "A" and Drive "B" with appropriate acceleration and deceleration lanes as well as additional improvements on the north side of S.R. 48 for purposes of providing left turn movements. As indicated, those street improvements would be made in accordance and in connection with our plans for the K Mart facility. Concerning storm water drainage, we propose to construct a drainage basin on the immediate southeast portion of the overall 82-acre tract for storm water retention and detention and intend to construct that basin in a sufficient size to handle storm water drainage from Phase II and Phase III C as shown per the attached.

- 3) Phase III A and Phase III B will be developed simultaneously with or immediately after construction of Phase II and will consist of a free-standing restaurant or financial institution, however, additional proposed uses shall include all other free-standing retail uses such as a paint and wall paper store, tire and battery store or other comparables. No additional improvements to S.R.48 will be made as a result of Phase III A or B. Storm water drainage of those two phases will be accomplished by taking surface water run off into the existing drainage swale located on the southern portion of S.R. 48.
- 4) Phase III C of our development will consist of a supermarket and other retail shops and will have approximately 75,000 gross square feet. Phase III C will be connected to Phase II by use of a party wall and will be constructed immediately after Phase II. Proposed retail uses for Phase III C shall include a supermarket and drug store, plus all other conventional retailers such as a hardware store, music store, barber shop, dry cleaning and laundry pick up, fabric shop, florist, gift shop, hobby shop, pet shop and other comparable tenants. In connection with development of Phase III C, we propose to extend the existing Drive "C" as constructed to the southern point of the Phase III C development. Storm water drainage for Phase III C will be accomplished by a storm pipe running in a southeasterly direction and connecting with the to-be-constructed retention/detention basin constructed as part of Phase II. No additional improvements to S.R.48 would be undertaken as part of Phase III C.

Mr. Tim Mueller

December 27, 1979

Page Three

- 5) Phase 3D will consist of three free-standing pad site developments none of which to be undertaken until commencement of Phase III C. All pad sites will have access off the parking lot constructed in connection with Phase III C and upon their development would carry the proposed sidewalk for Phase I in a complete easterly direction to the point of connection with Phases III A and III B. Phase III A will also have a sidewalk located on its southern boundary line and will be connected with a sidewalk to be constructed through the parking lot on Phase II. No additional improvements to S.R. 48 will be constructed as the result of Phase 3D development. Anticipated uses in Phase 3D would likely be free-standing restaurants, financial institutions, or other retail and service businesses. All buildings constructed on S.R. 48 will be fully improved with four sides of brick or stone and will have totally contained trash pick up areas.
- 6) Phase IV is currently an unplanned phase of the overall development, however, it is the intention of the developer to develop recreational or commercial uses comparable to those contained in Phase III C of the shopping center or entertainment functions consisting of possible bowling alley, handball court, movie theater, or other comparable uses. No additional roadway improvements would be required during this phase due to the fact that Drive "C" will be extended as part of the development of Phase III C. All drainage in Phase IV shall be carried in a generally southerly direction to retention/detention basin to be located on the far southwest corner of the overall 82-acre tract.
- 7) Phase V, or the balance of the 82 acres, will be developed into a light industrial area consisting of high quality free-standing buildings and will specifically exclude heavy industrial uses, housing or further commercial development. Proposed uses for the light industrial area would include assembly operations for pre-manufactured parts or assemblies of components or its comparables. Such uses might also include assembly, repair and/or manufacturing of light component parts or products; manufacture of soft drink beverages and its bottling; manufacture of office machinery, electrical and mechanical; manufacture of light, portable household appliances and/or related electrical tools and components; manufacturing of jewelry and leather products, manufacturing of pharmaceutical, biological, medical and cosmetic goods; manufacturing of optical goods, recording instruments,

Mr. Tim Mueller

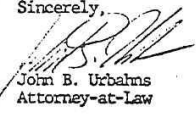
December 27, 1979

Page Four

phonograph records and/or distribution of operations with warehousing facilities. In connection with the development of the light industrial park, the roadway extended as part of Phase III C shall be completed with a connection to Curry Pike. Construction of the Curry Pike connection shall include a passing blister on the west side of Curry Pike. All drainage for the light industrial area shall in large be contained in a storm drainage basin located at the southwest corner of the 82 acre property with approximately 25% of the light industrial area, namely that area located immediately south of Phase III C being drained to the catch basin constructed as part of Phase II and located at the southeast portion of the 82 acre tract.

The attached drawing and site plan is the latest and most complete drawing of all intended development for the property owned by Whitehall Associates. Should you have any questions concerning this development or the explanations herein contained, kindly contact the undersigned.

Sincerely,


John B. Urbahn
Attorney-at-Law

/csf
Encl.

EXHIBIT 4: List of Uses and Ch. 802 Definitions

1. **(Automotive and Transportation) Accessory Use.** A use which is customarily accessory, and clearly incidental and subordinate, to the principal automotive or transportation service use on the same lot. Condition 13.
2. **Automobile Repair Services, Minor.** The replacement of any mechanical part or repair of any mechanical part including the removal of the engine head or pan, engine transmission or differential; and upholstering service, as an accessory to a residential use. Condition 50, 53.
3. **Automotive Paint Shop.** An establishment primarily engaged in automotive painting and refinishing.
4. **Automotive Rentals.** Establishments involved in renting passenger cars, noncommercial trucks, motor homes or recreational vehicles, including incidental parking and servicing of vehicles available for rent. Condition 21.
5. **Automotive/Boat Repair Shop.** An establishment primarily engaged in general or specialized automotive, motorcycle, or watercraft repairs. Condition 6.
6. **Automotive Sales.** Establishments primarily engaged in the retail sale of new and used automobiles, noncommercial trucks, motor homes or recreational vehicles, including incidental storage, maintenance and servicing. Condition 31.
7. **Automotive Supply.** An establishment primarily engaged in the retail sale of automotive parts, tires, and accessories. Condition 7, 21.
8. **Automotive Tire Sales/Repair.** An establishment primarily engaged in the retail sale and repair or retreading of automotive tires. Condition 7, 21.
9. **Motorcycle Sales.** Establishments primarily engaged in the retail sale of new and used motorcycles, motor scooters, and personal watercraft, including incidental storage, maintenance and servicing. Condition 6, 21.
10. **Warehousing and Distribution Activities.** Establishments involved in storing, stocking or distributing of merchandise or commodities. Conditions 7, 16.

Conditions listed in Chapter 802

6. All storage of materials shall be indoors. This condition does not apply to automotive repair when the use is located in a Heavy Industrial (HI) district.
7. Outdoor storage areas shall not be visible from streets and/or adjacent properties. This condition does not apply to heavy machinery sales, welding, and wood products when the uses are located in a Heavy Industrial (HI) District.
13. The following conditions shall apply to a nonresidential accessory use:
 - A. No more than one (1) accessory building per establishment shall be erected on a lot.
 - B. An accessory building shall be at least five (5) feet from all lot lines and from any other building on the same lot.
 - C. No accessory building shall be erected in a required front or side yard.

16. Use shall be conducted within the buildings or structures on the site. Non-agricultural tools, vehicles, and equipment shall be stored so as to not be visible from the street or adjoining property. In addition, storage areas must be screened from view by an appropriate fence or similar enclosure.

21. This use is prohibited in the area within 500 feet, measured perpendicularly from the nearest lane of traffic along State Road 37.

31. Site shall be screened with landscaping, or an opaque fence or wall to a height of at least six (6) feet.

50. It is unlawful for any person to engage in minor vehicle repair or maintenance unless conducted in accordance with the following conditions:

1. Conducted inside a fully enclosed garage located on a parcel 5 acres in size or greater.
2. Applies to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.
3. No more than (5) five vehicles shall be stored outside on the premises.
4. No vehicle may be stored beyond sixty days.
5. Vehicles stored outdoors must be screened from view in all directions by an appropriate fence or similar enclosure.
6. Vehicles intended for parts, engines, transmissions and all similar items to be used in future repairs shall be stored indoors.
7. The uses shall follow all home based business design standards.

53. Only permitted on lots 5 acres or greater in the AG/RR, CR, and FR zoning districts.

MONROE COUNTY PLAN COMMISSION**December 6, 2022**

PLANNER	Daniel Brown
CASE NUMBER	REZ-22-9
PETITIONER	Powell, Brandon and Hannah
ADDRESS	7935 W Ratliff RD, parcel no. 53-04-16-300-004.000-011
REQUEST	Rezone Request from PUD to AG/RR Waiver of Final Hearing Requested
ACRES	18 +/- acres
ZONE	Planned Unit Development
TOWNSHIP	Richland
SECTION	16
PLATS	Unplatted
COMP PLAN DESIGNATION	Rural Residential

EXHIBITS

1. Petitioner Letter
2. Petitioner Site Plan
3. List of Uses in Magnolia Farms PUD and AG/RR

PLAN COMMISSION

Staff recommends forwarding a positive recommendation to the County Commissioners based on the petition's compatibility with the Monroe County Comprehensive Plan.

PLAN REVIEW COMMITTEE

- Forwarded a positive recommendation to the Plan Commission by a vote of 4-0.

MEETING SCHEDULE

Plan Review Committee – 11/10/2022

Plan Commission Admin Meeting – 12/06/2022

Plan Commission Regular Meeting – 12/13/2022

Board of Commissioners Meeting – TBD

SUMMARY

The petition site is one parcel totaling 18 +/- acres located in Richland Township at 7935 W Ratliff RD. The petitioner is proposing to amend the Zoning Map from Planned Unit Development to Agricultural/Rural Reserve (AG/RR). In the past, the site was meant to be rezoned into a Planned Unit Development, but the owner has not submitted a development plan to date. The impetus for creating the PUD was to establish an Agricultural Event Center, which at the time was not a permitted use in the Agricultural/Rural Reserve zone but is now a conditional use. The petitioner intends to utilize this lot with a 40-acre lot they own directly to the south to create a 4-lot Sliding Scale Subdivision.

If the rezone request is approved by the County Commissioners, the petitioner intends to apply for a Sliding Scale Subdivision. All Subdivision Control Ordinance requirements for a Sliding Scale Subdivision apply.

If the rezone is denied, the petitioner will be unable to utilize this lot for a Sliding Scale Subdivision as this subdivision process is only applicable for the AG/RR, FR, and CR zoned lots.

BACKGROUND

The Zoning Map amendment would be from PUD to AG/RR. Listed below are the definitions of these zones per Chapter 802.

Planned Unit Development (PUD) District. *The character of the Planned Unit Development (PUD) District is defined as an area where the placement of large scale, unified land developments, typically involving a configuration and/or mix of uses not otherwise permitted "as of right" under the Zoning Ordinance, may nevertheless promote the purposes of the Zoning Ordinance and may be considered by the County and the Commission. Additional clarification of the process for approval of Planned Unit Developments is detailed in Chapter 811 of this Ordinance.*

Agriculture/Rural Reserve (AG/RR) District. *The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.*


LOCATION MAP

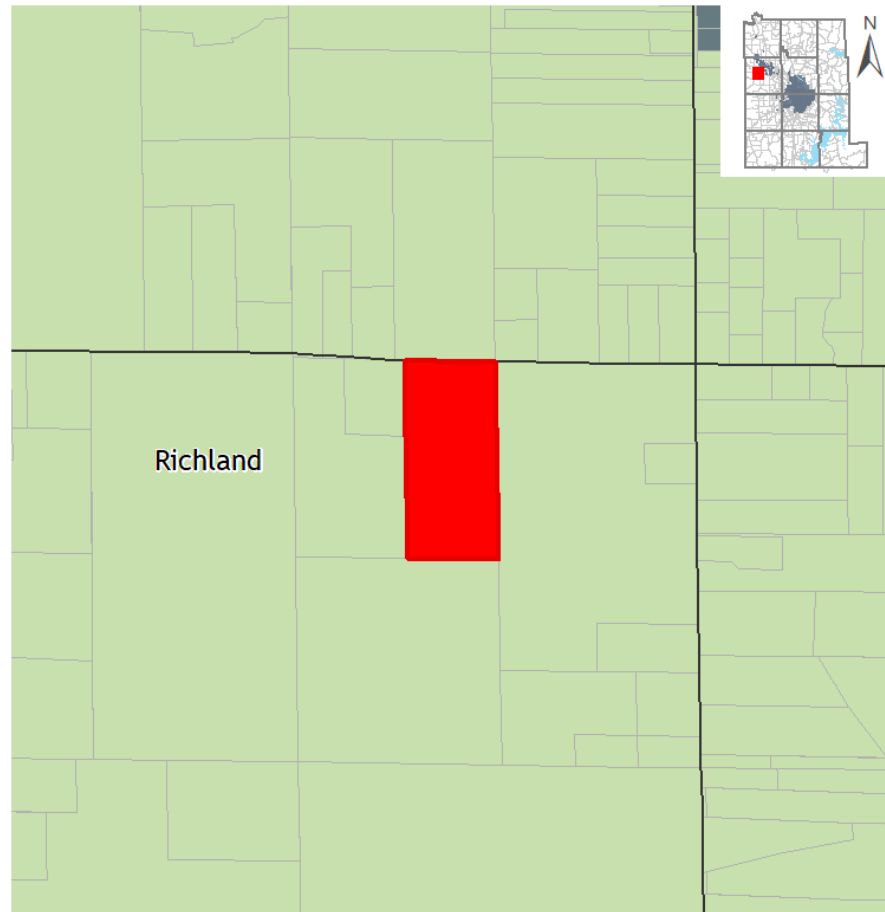
The parcel is located at 7935 W Ratliff Road, Section 16 in Richland Township. The Parcel No. is 53-04-16-300-004.000-011.

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Incorporated Areas**
- Ellettsville
- Parcels

0 0.075 0.15 0.3 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/31/2022



ZONING

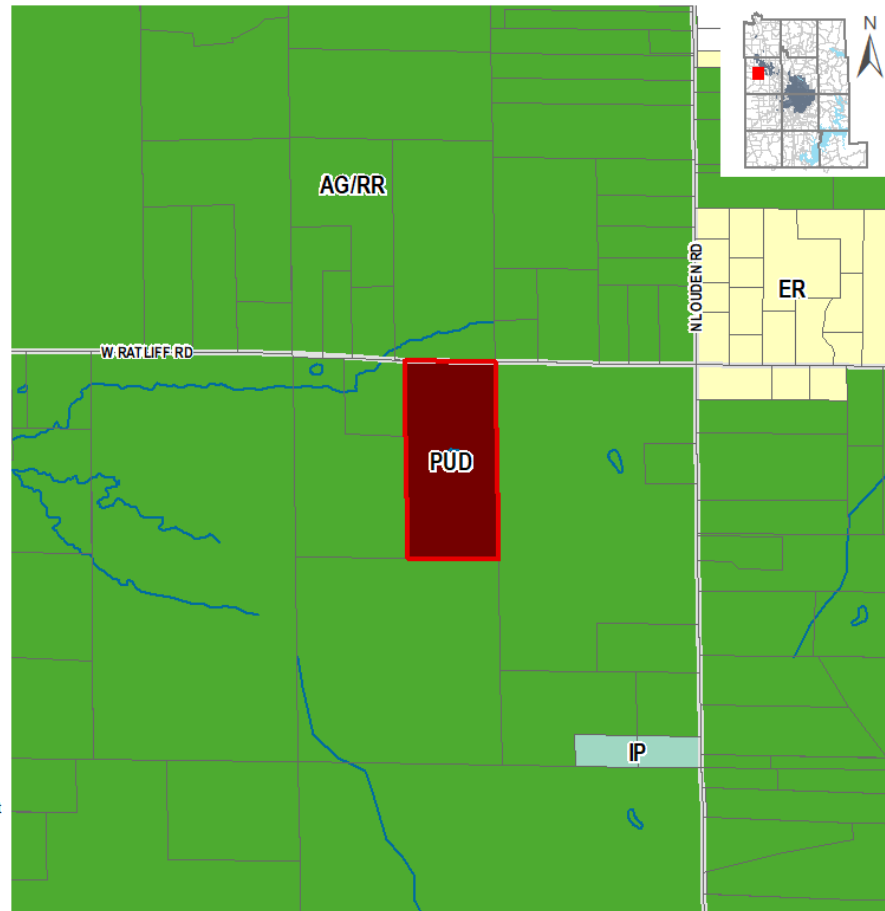
The parcel is zoned Planned Unit Development. The adjoining parcels in all directions are Agricultural/Rural Reserve. There are parcels zoned as Estate Residential to the east, and parcels zoned as Institutional/Public to the south-southeast. There are no commercial uses directly adjacent to the subject property. The surrounding area includes mostly Agricultural uses.

Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
 - AG/RR - Agriculture/Rural Reserve
 - ER - Estate Residential
 - IP - Institutional/Public
 - N.T. - No Tag (Outside Juris.)
 - PUD - Planned Unit Development
 - Town of Ellettsville

0 390 780 1,560 Feet

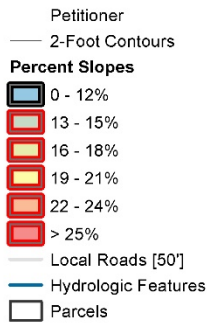
Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/2/2022



SITE CONDITIONS & INFRASTRUCTURE

The petition site is made up of one 18 acre +/- parcels. The site contains an approximate 945 sf single family residence, a 400 sf car shed, a 672 sf detached garage, a 144 sf utility shed. The petition site is currently utilized as a single family residence. Access to the site is from W Ratliff, which is designated as a Local roadway according to the Monroe County Thoroughfare Plan. There is no evidence that karst/sinkhole features are present on the petition site according to available contour data, however there is a designated wetland area.

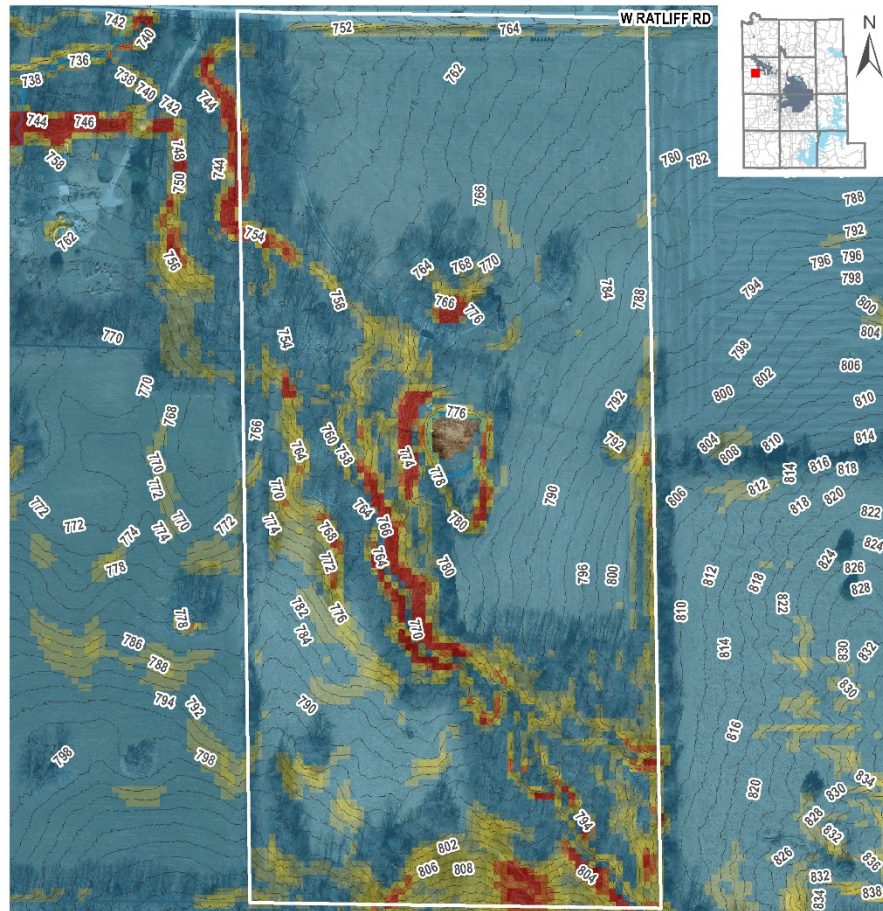
Site Conditions Map



0 55 110 220 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 9/12/2022



Stormwater Comments:

No comments on the rezone petition. MS4 Coordinator will review any site improvements when permits are submitted.

Highway Comments:

No comments substantive to the rezone petition at the time of this report's publishing.

SITE PHOTOS



Photo 1. Aerial pictometry from the south (2020)













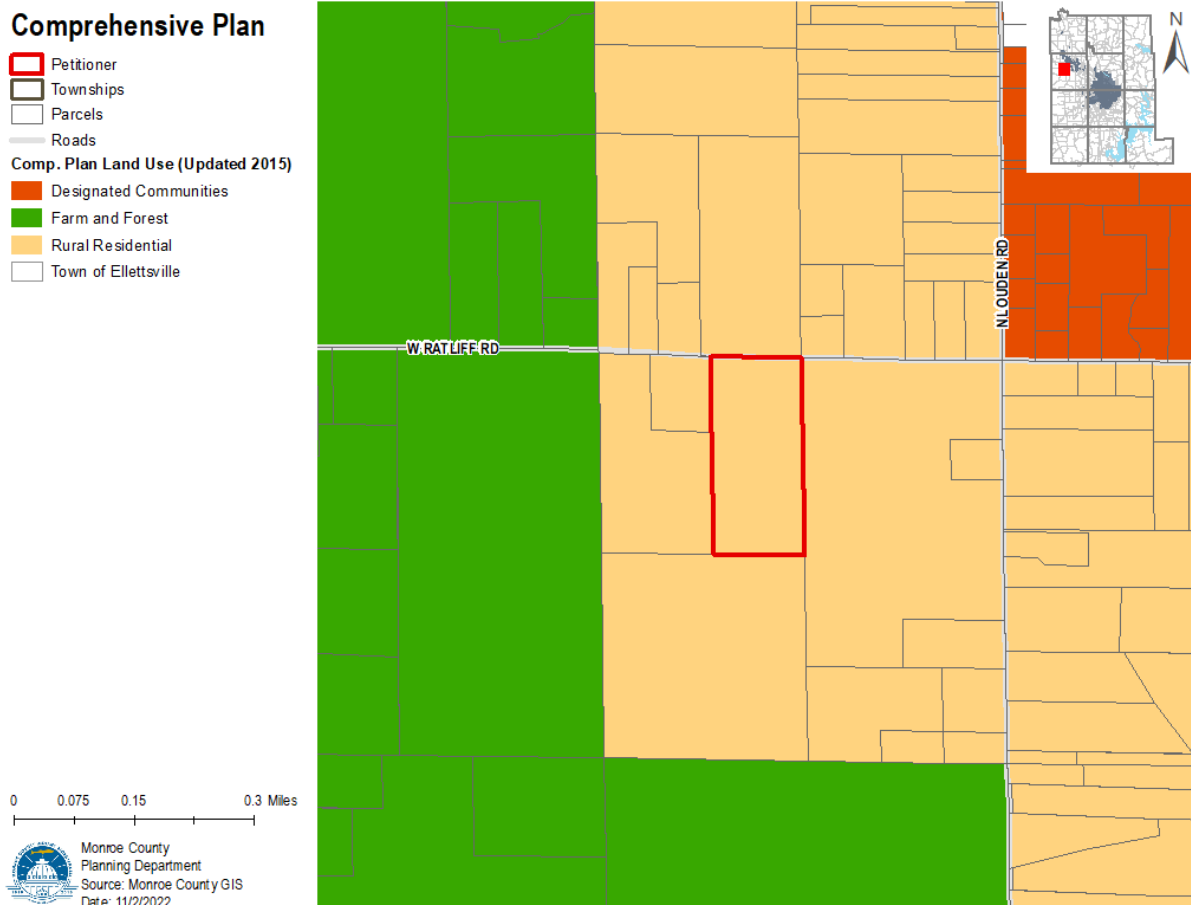






COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the *Rural Residential* district in Monroe County Urbanizing Area Plan.



The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. 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 Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential 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. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available

for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

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 Rural Residential.
- The rezone request is to change the zone for the petition site from Planned Unit Development (PUD) to Agriculture/Rural Reserve (AG/RR);
- The current use of the petition site is single family residential;
- If approved, the petitioner intends to apply for a Sliding Scale Subdivision;

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

Findings:

- See Findings under Section A;
- The rezone request is to change the zoning for the entirety of the site to the Agriculture/Rural Reserve (AG/RR) District;
- The petition site is currently zoned Planned Unit Development;
- The majority of the site exhibits slopes less than 15% (see Slope Map);
- A large portion of the property surrounding the existing structures exhibits slopes less than 15% (see Slope Map);
- The petition site is not located in FEMA or DNR Floodplain;
- The petition site is not located in any areas of the Environmental Constraints Overlay (i.e. the Lake Monroe Watershed);
- No evidence of karst/sinkhole features of being present on and near the petition site according to available contour data;
- There is evidence of a wetland being present on the petition site

(C) 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 are currently zoned AG/RR;
- All properties adjacent to the property are zoned AG/RR;
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no commercial uses directly adjacent to the subject property;

(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;

- The petition site is one parcel with 18 +/- acres;
- The purpose of the rezone is to provide the property owner with the right zoning to pursue a Sliding Scale Subdivision on the property;
- According to the Monroe County Thoroughfare Plan, W Ratliff RD is designated as a local roadway;

EXHIBIT 1: Petitioner Letter



Brandon & Hannah Powell

7935 W Ratliff Rd
Bloomington, IN 47404

Monroe County Plan Commission
501 N Morton St, Suite 224
Bloomington, IN 47404

October 2, 2022

Dear Monroe County Plan Commission,

We are writing to request the rezoning of a parcel of property we own at 7935 W Ratliff Rd, Bloomington, IN 47404 (parcel # 53-04-16-300-004.000-011). The parcel is currently zoned as a Planned Use Development (PUD) and would like the Commission to consider reclassification to Agricultural/Rural Reserve (AG/RR).

The PUD was issued to allow for a specific usage, which we are no longer planning to embark upon. In the future we plan to continue using the property in line with activities allowable under the AG/RR designation.

Thank you for your time and consideration,

Brandon Powell

Brandon & Hannah Powell



EXHIBIT 2: Petitioner Site Plan

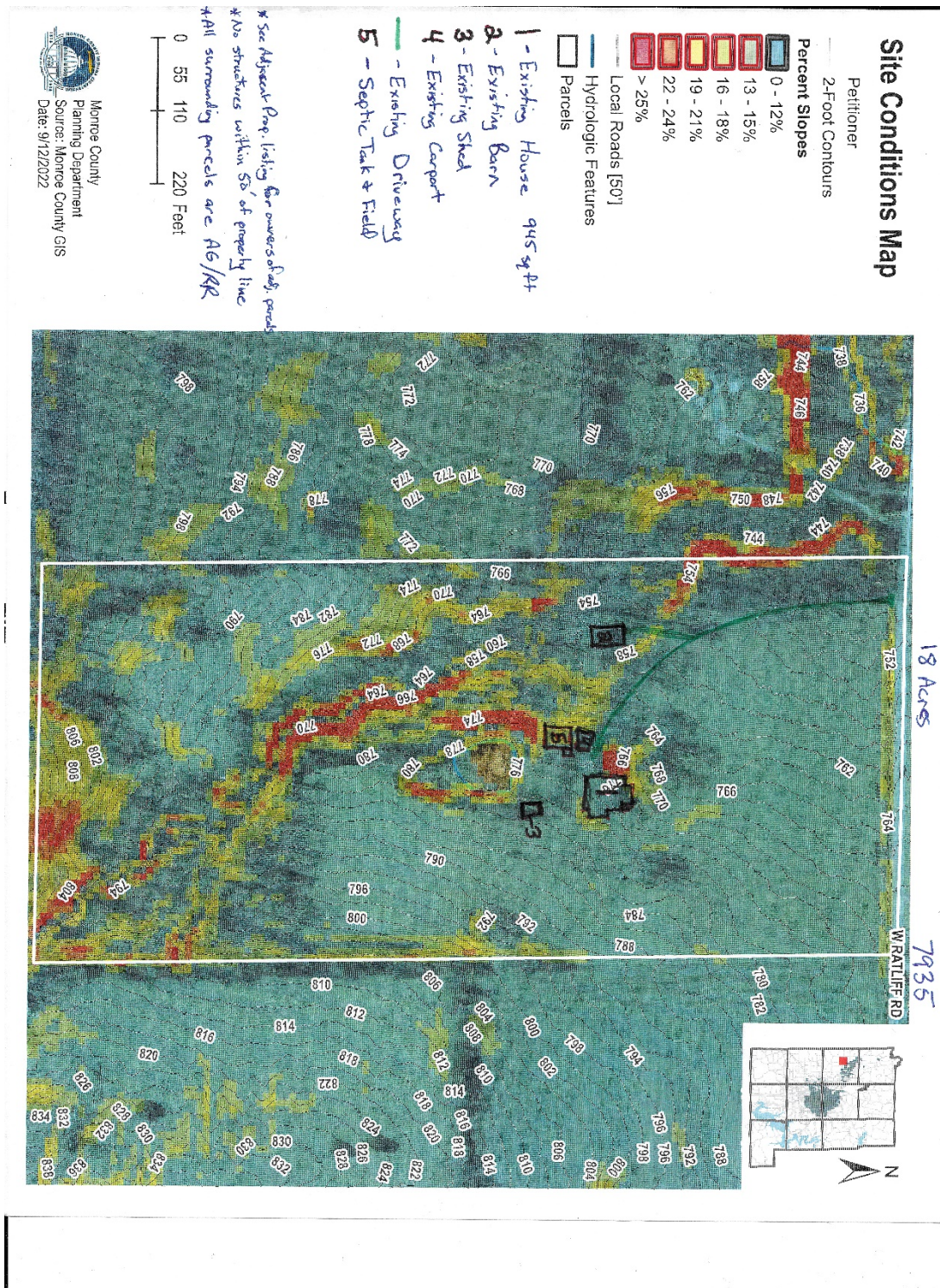


EXHIBIT 3: List of Uses in Magnolia Farms PUD and in AG/RR:

Uses in Magnolia Farms PUD

PUD Primary Uses:

RESIDENTIAL / SINGLE FAMILY HOME

A free-standing residential building occupied by just one household or family, and consisting of just one dwelling unit or suite.

Accessory uses: Accessory Livestock, Accessory Use , Guest House, Home Based Business, Home Occupation , Residential Storage Structure , Single Family Dwelling, Two, Family Dwelling

EVENT BARN

An Event Barn is a family owned and operated leasable event facility that provides a natural, rural backdrop for weddings and special events. The barn will dually serve, as well, as a support structure for the activities of one of the properties' other primary functions - a workable and profitable family run Hobby Farm.

Accessory uses: Fruit Market, Garden Center.

AGRICULTURE / HOBBY FARM

A small farm operated for pleasure or supplemental income rather than for primary income generating purposes. Outside of supplemental income generation, a goal is to maintain an authentic backdrop for hosted events. Agricultural uses such as the care of a small number of livestock, the limited farming of crops and / or maintenance of a large open garden area, as well as the housing and storage of all required animal feed, tools and equipment. Commercial and retail functions of a small family farm will be utilized such as the selling of onsite grown fruit and vegetables.

Accessory uses: Land Animal, Agricultural Uses-Non Animal, Commercial, Non-Farm Animals, Equine Services, Fruit Market, Garden Center.

BED AND BREAKFAST

The existing residence on the property, after a new primary residence is built, will function to support the events hosted on the property. This support role will primarily be as a staging area and or preparation area for guests or catered staff. The role may evolve as an overnight retreat for a newly married couple or special guests associated with the Event Barn activities.

RECEIVED

MAY 27 2014

MONROE COUNTY PLANNING

A bed and breakfast (or B&B) is a small lodging establishment that offers overnight accommodation and breakfast, but usually does not offer other meals. Typically, bed and breakfasts are private homes where guests are accommodated in private bedrooms with private bathrooms with breakfast served in the bedroom, a dining room, or the host's kitchen.

Accessory uses: Tourist Home or Cabin, Camping Facility, Park and Recreation Services

RECEIVED

MAY 27 2014

MONROE COUNTY PLANNING

Uses in AG/RR

1	Agricultural Uses	(I)	AG	(C)	30	Residential Uses	(I)	AG	(C)	77	Business & Personal Services	(I)	AG	(C)	206	Amusement and Recreational	(I)	AG	(C)
2	Accessory Use		P	53	31	Accessory Apartments	L	P	26	78	Accessory Use		P	13	207	Accessory Use		P	13
3	Accessory Structures for Ag. Use	L	P		32	Accessory Dwelling Units	L	P	53; 55	83	Artisan Crafts	M	C	15, 22, 44	209	Camping Facility	H	P	27; 53
4	Agriculture	H	P	53	33	Accessory Livestock	L	P	43	86	Bed and Breakfast	L	P	8	211	Historic Adaptive Reuse		P	15; 44
5	Ag. Event Center, Small	H	C		34	Accessory Use		P	5	90	Composting Operation	H	P	31; 53	215	Park and Recreational Services	H	C	14; 20
6	Ag. Event Center, Medium	H	C		37	Guest House	L	P		101	Greenfill	M	P	7; 15; 22; 47	216	Private Recreational Facility	H	C	20
7	Ag. Event Center, High	H	C		38	Historic Adaptive Reuse		P	15; 44	103	Historic Adaptive Reuse		P	15; 44	218	Recreational Vehicle (RV) Park	H	C	53
8	Ag.-Related Industry	H	P	53	39	Home Based Business	L	P	16	108	Kennel, comm. animal breeding ops.	H	C	10; 15; 53	222	Manufacturing, Mining	(I)	AG	(C)
9	Ag. Uses-Land Animal	H	P	22; 53	40	Home Occupation	L	P	16	119	Real Estate Sales Office Or Model	L	P	9	225	Accessory Use		P	13
10	Ag. Uses-Non Animal	H	P	22; 53	43	Residential Storage Structure	L	P	15	123	Taxidermist	L	P	6	240	General Contractor	M	C	15
11	Agritourism / Agritainment	H	P	53	44	Single Family Dwelling	n/a	P	1	124	Temporary Seasonal Activity	M	P	46; 54	244	Historic Adaptive Reuse		P	15; 44
12	Aquaculture	M	P	22; 53	45	Temporary Dwelling	L	P	3; 53	125	Tourist Home or Cabin	L	P	48	268	Sawmill	H	C	15; 22
13	Christmas Tree Farm	H	P	53	46	Two Family Dwelling	n/a	P	2	128	Veterinary Service (Indoor)	H	C	15	279	Wood Products	M	C	7; 15
14	Comm. facilities for the sale, repair, and service of Ag. equip., vehicles, feed, or suppl.	H	C	53	47	Public & Semipublic	(I)	AG	(C)	129	Veterinary Service (Outdoor)	M	C	10; 15					
15	Comm. Non-Farm Animals	M	P	53	48	Accessory Use		P	13	130	Retail & Wholesale Trade	(I)	AG	(C)					
16	Confined Feeding Operations	H	C	24; 44	50	Cemetery	H	P		131	Accessory Use		P	13					
17	Equestrian Center	H	C	53	57	Governmental Facility	H	P	7; 40	132	Agricultural Sale Barn	H	P	35					
18	Equine Services	L	P		60	Historic Adaptive Reuse		P	15; 44	153	Fruit Market	L	P						
19	Feed Lot	H	P	24	65	Religious Facilities	H	P	22	155	Garden Center	H	C	53					
20	Feed Mill	L	P	6; 25	66	Remote Garbage/Rubbish Removal	H	C	34	163	Historic Adaptive Reuse		P	15; 44					
21	Historic Adaptive Reuse		P	15; 44	69	Solar Farm	L	C		184	Automotive & Transportation	(I)	AG	(C)					
22	Horse Farm	L	P	53	70	Telephone and Telegraph Services	L	P	32	186	Automobile Repair Services, Minor	H	C	50; 53					
23	Nursery/greenhouse	H	P	53	72	Utility Service Facility	M	P	31	199	Historic Adaptive Reuse		P	15; 44					
24	Orchard	H	P	53	73	Wastewater Treatment Facility	H	C	15										
25	Pick-your-own operation	H	P	53	74	Water Treatment Facility	H	C											
26	Roadside farm stand, Permanent	M	P	52	75	Wired Communication Services	M	P	32										
27	Roadside farm stand, Temporary	L	P	51															
28	Stockyard	H	P	24															
29	Winery	H	P	53															