

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



**Tuesday, February 7, 2023
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/84585419468?pwd=TKRjdIRKOGRVcWM4VGh1YlhrUmVvUT09>

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, February 7, 2023
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold a **hybrid** Administrative (Work Session) meeting on Tuesday, **February 7, 2023 at 5:30 PM** in the Monroe County Government Center 501 N Morton Street, Bloomington, Indiana Room 100B or via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>).

The public may attend via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>) or in-person. For information about the Zoom meeting, you may call (812) 349-2560 or email (PlanningOffice@co.monroe.in.us) or call (812)349-2560 our office. The work session agenda includes the following agenda items for the regularly scheduled Tuesday, February 21, 2023 Plan Commission meeting:

ADMINISTRATIVE BUSINESS:

- | | | |
|----|---|---------|
| 1. | Plan Commission Committee Appointments | PAGE 4 |
| 2. | SMN-22-9 Dennis Reeves Minor Subdivision Road Width Waiver Refund Request | PAGE 5 |
| 3. | SIA-22-15 Subdivision Improvement Agreement Extension Request for Kemp Minor Subdivision (4119 & 4123 W Carmola Dr) for 1 year. | PAGE 6 |
| 4. | SIA-22-3 Subdivision Improvement Agreement Extension Request for Southern Meadows Subdivision Ph I (S Rogers and That Road) for 1 year. | PAGE 14 |
| 5. | Discuss the Plan Commission Rules of Procedure regarding letters of credit, surety bonds, and cashier's checks for PUDs | |
| 6. | SSS-22-13 Sites-Gaither Sliding Scale Subdivision Utility Waiver Refund Request | PAGE 40 |
| 7. | CDO Work Session | |

UNFINISHED BUSINESS:

- | | | |
|--------------|--|----------------|
| 1. REZ-22-12 | Rolfesen Rezone from RE1 to AG/RR Final Hearing. | PAGE 41 |
| | One (1) 19.34 +/- acre parcel in Bloomington Township, Section 8 at 4851 N Kinser PIKE, parcel #53-05-08-300-008.000-004 | |
| | Owner: Brawley Investment Group LLC | |
| | Zoned RE1. Contact: dmyers@co.monroe.in.us | |

NEW BUSINESS:

1. SSS-22-13

Sites-Gaither Sliding Scale Subdivision

PAGE 66

Preliminary Hearing.

Road Width Waiver Requested.

Waiver of Final Hearing Requested.

One (1) parcel on 18.57 +/- acres in Section 13 of Bean Blossom Township at 4305 W Prather RD, parcel # 53-03-13-300-002.000-001.

Owner: Sites, Jordan

Zoned AG/RR. Contact: acrecelius@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.

2022 OFFICERS	EXECUTIVE COMMITTEE	BZA APPOINTEE	PLAN REVIEW COMMITTEE	PLAT COMMITTEE	MPO POLICY COMMITTEE	ORDINANCE REVIEW COMMITTEE
<i>President:</i> 1. Margaret Clements	1. Julie Thomas	<i>P.C. Designee:</i> 1. Dee Owens	1. Bernie Guerrettaz	1. Trohn Enright- Randolph	1. Margaret Clements	1. Bernie Guerrettaz
<i>Vice President:</i> 2. Jerry Pittsford	2. Margaret Clements	<i>2. Commissioners</i> <i>P.C. Designee:</i> Margaret Clements	2. Julie Thomas	2. Geoff Morris	<i>Alternate:</i> 2. Trohn Enright- Randolph	2. Trohn Enright- Randolph
	3. Jerry Pittsford	<i>3. Council</i> <i>Designee:</i> Skip Daley	3. Geoff Morris	3. Jerry Pittsford		3. Julie Thomas
	4. Geoff McKim	4. Guy Loftman	4. Margaret Clements	Alternate: Margaret Clements		4. Jerry Pittsford
		5. Pamela Davidson	5. Citizen 1: Scott Faris			Alternate: VACANT
			6. Citizen 2:			
			7. Citizen 3: Amy Swain			

1. SMN-22-9 **Refund Request: Dennis Reeves Minor Subdivision Road Width Waiver for \$250.00**
One (1) parcel on 48.95 +/- acres in Section 19 of Benton South Township at 5118 E Ratliff RD,
Parcel # 53-06-19-200-019.000-003.
Owner: Reeves, Dennis
Zoned AG/RR. Contact: drbrown@co.monroe.in.us

The Plat Committee met January 19, 2023 and approved petition SMN-22-9 with a vote of 2-0 with the following condition:

“Petitioner must comply with MS4 Coordinator comments.”



Eric Deckard

Remove Comment • Dec 20, 2022 at 3:37 pm

We are requesting a refund of the \$250 for the road width wavier, as it is not required for a minor subdivision. Could you please verify this for me?

Estimated Staff hours to review, discuss with applicant, staff, site visit, report and processing = **3 hours**.

Itemized Receipt:

Minor Subdivision (3 lots) = \$325

1 waiver Request to the Road Width = \$250 (**Refund requested**)

Plat Vacation Fee = \$250

Property Marker Sign = \$8.50

TOTAL = \$833.50

Staff supports a refund of \$250 since the original petition should not have required a road width waiver, which only applies to Sliding Scale Subdivision petitions. The fee schedule in 2022 confirms the \$250.00 fee for a road width waiver request. The remaining fee that was charged (\$833.50 - \$250 = \$583.50) is what is recommended as the total fee for this subdivision petition. Staff does support the refund request.

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE**February 7, 2023**

PLANNER	Drew Myers
CASE NUMBER	SIA-22-15 (SFP-21-9)
PETITIONER	Joe Kemp Construction, LLC (owner) Marlys Allen (applicant)
ADDRESS	4123 W Carmola DR, parcel no. 53-04-24-200-026.000-011
REQUEST	Financial Guaranty for Subdivision Renewal Request
ACRES	0.84 acres
TOWNSHIP	Richland
SECTION	24
PLATS	Platted, Kemp Minor Subdivision Final Plat (Lots 1 & 2)

EXHIBITS

1. Petitioner Letter
2. Kemp Minor Subdivision Final Plat
3. Detailed Site Plan
4. Original Estimate
5. Signed SIA

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends renewing the Subdivision Improvement Agreement for one (1) year.

SUMMARY

The petitioner requests to renew the existing Subdivision Improvement Agreement to provide more time to complete the improvements. The current deadline for completing the required improvements is February 28, 2023. The petitioner submitted a new Letter of Credit to the Monroe County Highway Department that will expire on February 28, 2025. The improvements required under this agreement include sidewalks, street trees, and the work required to extend a sanitary sewer connection. The amount of the performance bond is for \$24,695.00. The original SIA was recorded on Jun 23, 2022.

858-2. Release or Reduction of Performance Bond and Financial Guaranty

- (D) The Commission may amend the performance bond to extend the performance period for an additional one (1) year period upon a finding that the Subdivider has been unable to complete the required improvements despite due diligence. A request for a performance period extension must be submitted to the Commission by the Subdivider at least four (4) months prior to the expiration date of the original performance period. As a condition precedent of such performance bond amendment, at least one (1) month prior to the expiration date of the original performance period, the Subdivider shall secure the amended performance bond in accordance with these regulations and shall submit the secured, amended performance bond to the Commission.

EXHIBIT 1: Petitioner Letter

Joe Kemp Construction, LLC
5458 N 1200 East
Loogootee IN 47553

January 18, 2023

To: Monroe County Planning Department

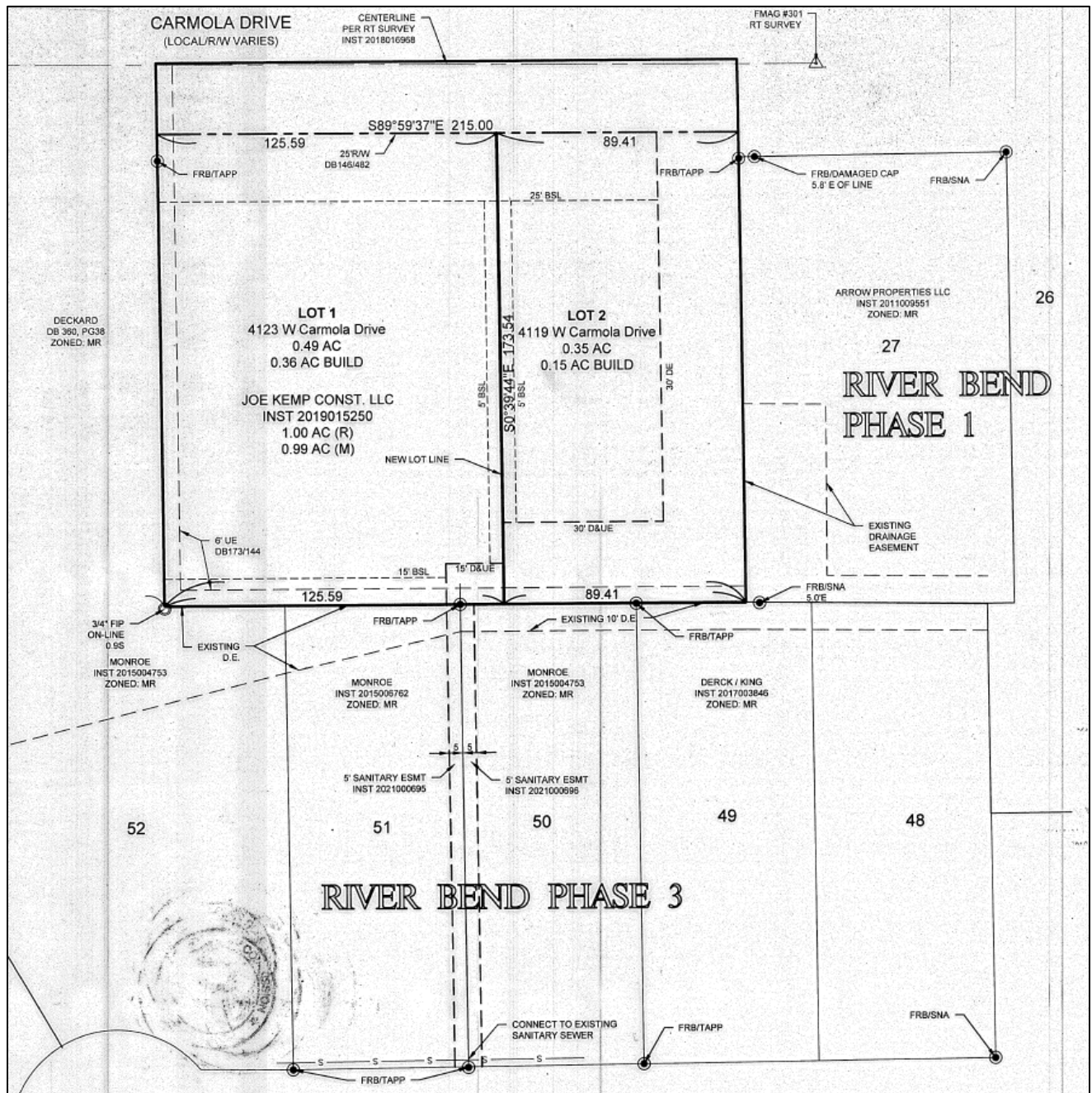
This letter is to serve as our request for a Subdivision Improvement Agreement Renewal for the project platted as "Kemp Minor Subdivision", the addresses of 4119 W Carmola Drive and 4123 W Carmola Drive. Please note, a new Letter of Credit has been posted as part of the process.

We appreciate your assistance with this renewal request.

Marlys Allen for
Joe Kemp, President
Joe Kemp Construction, LLC

EXHIBIT 2: Kemp Minor Subdivision Final Plat

[illegible]



PLAN VIEW

SECTION A-A

ROCK CHUTE DETAIL
NO SCALE

TEMPORARY CONSTRUCTION ENTRANCE DETAIL
NO SCALE

ROCK CHECK DAM DETAIL
NO SCALE

EROSION CONTROL LEGEND

SILT FENCE	ROCK CHECK DAM	CONCRETE WASHOUT	ROCK CHUTE	EROSION CONTROL BLANKET	CURB INLET PROTECTION	LAND INLET PROTECTION
ROCK CHECK DAM	CONCRETE WASHOUT	ROCK CHUTE	EROSION CONTROL BLANKET	CURB INLET PROTECTION	LAND INLET PROTECTION	

GRADING LEGEND

EXISTING MAJOR CONTOUR	PROPOSED MAJOR CONTOUR	EXISTING ELEVATION	PROPOSED ELEVATION
EXISTING MAJOR CONTOUR	PROPOSED MAJOR CONTOUR	EXISTING ELEVATION	PROPOSED ELEVATION

UTILITY LEGEND

PROPOSED UTILITY	PROPOSED UTILITY
PROPOSED UTILITY	PROPOSED UTILITY

LEGEND

3" IR SPIKE	1" IR SPIKE
3" IR SPIKE	1" IR SPIKE

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

6106 SHEET 1 OF 1

01/10/2022

GRADING PLAN

EXHIBIT 4: Original Estimate

<p style="text-align: center;"><i>Carmola Drive Minor Subdivision</i> Plat Bond Estimate Exhibit A Job No. 6106 SMITH DESIGN GROUP</p>					
NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Sidewalk, Concrete, 4'	100	SYS	\$80.00	\$8,000.00
2	Pipe, SDR-35 PVC, 6" Lateral	340	LFT	\$35.00	\$11,900.00
3	Cleanout, Sanitary	3	EA	\$550.00	\$1,650.00
4	Street Trees	6	EA	\$150.00	\$900.00
5	15" CMP Extension	15	LFT	\$90.00	\$1,350.00
6	15" CMP End Section	1	EA	\$500.00	\$500.00
7	Rock Chute	1	EA	\$150.00	\$150.00
Bond amount shown is for items yet to be completed.				Subtotal	\$24,450.00
				10% Bonding	\$2,445.00
				Total	\$26,895.00

EXHIBIT 5: Signed SIA



2022009413 MIS \$25.00
06/23/2022 02:54:35P 2 PGS
Eric Schmitz
Monroe County Recorder IN
Recorded as Presented

**Kemp (Carmola Drive) Minor Subdivision
SUBDIVISION IMPROVEMENT AGREEMENT**

Permit #: SIA-22-15

This Agreement, made by and between the Monroe County Plan Commission ("Plan Commission") and Kemp Construction LLC ("Subdivider").

Preamble

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for the Kemp (Carmola Drive) Minor Subdivision;

WHEREAS, on December 17, 2020 the Plan Commission granted Subdivider preliminary plat approval for the Kemp (Carmola Drive) Minor Subdivision but conditioned such approval on the installation of certain improvements throughout the subdivision as shown on the approved construction plans dated and preliminary plat dated December 17, 2020;

WHEREAS, the Monroe County Subdivision Control Ordinance states and requires that each final plat submitted to the Commission shall be accompanied by a subdivision improvement agreement that is secured by a financial guaranty, if the required public improvements have not been completed;

WHEREAS, Subdivider applied to the Administrator for final plat approval, as authorized by the Plan Commission, for the Kemp (Carmola Drive) Minor Subdivision;

WHEREAS, Subdivider has not completed improvements as shown on the itemized estimate attached to this agreement as Exhibit A and desires to submit a subdivision improvement agreement, secured by irrevocable letter of credit, in order to qualify for final plat approval.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS CONTAINED IN THIS AGREEMENT:

Promises and Mutual Covenants

1. Letter of Credit. Subdivider agrees to obtain and submit to the Plan Commission an irrevocable letter of credit in the amount of 24,695.00 in favor of Monroe County, to secure the completion of all required improvements of the Kemp (Carmola Drive) Minor Subdivision.

2. Completion of Standards. Subdivider agrees to complete the Kemp (Carmola Drive) Minor Subdivision public improvements or cause the same to be done on or before February 28, 2023 in accordance with the construction and design standards set forth or incorporated in the Monroe County Subdivision Control Ordinance, and in accordance with the preliminary plat and plans set forth or incorporated in the approved Kemp (Carmola Drive) Minor Subdivision as well as application materials from the preliminary plat approval.

3. Withholding of Permits. The parties acknowledge and agree that, to the extent provided by law, the Administrator may withhold improvement location permits for any undeveloped Kemp (Carmola Drive) Minor Subdivision lots unless and until Subdivider has complied with the requirements of paragraph number 2.

4. Time of Essence. The parties acknowledge and agree that time is of the essence and that any failure by Subdivider to strictly adhere to the foregoing schedule (paragraph number 2 above) would constitute a material breach and violation of this Agreement. Upon such violation, or any other violation of this agreement, the Plan Commission may submit a claim under the irrevocable letter of credit in an amount sufficient to cover the breach.

5. No Waiver. The parties acknowledge and agree that by accepting the irrevocable letter of credit from Subdivider and that by entering into this Agreement, the County has not and does not waive any of its rights with respect to the enforcement of the Monroe

County Subdivision Control Ordinance and/or any approval granted thereunder in relation to the Kemp (Carmola Drive) Minor Subdivision, against the Subdivider.

IN WITNESS WHEREOF, the Plan Commission, by its President, and the Subdivider execute this Agreement this 13th day of June, 2022



Plan Commission President
Monroe County Plan Commission



Subdivider
Kemp Construction LLC



PLANNER	Drew Myers
CASE NUMBER	SIA-22-3 (SFP-22-6)
PETITIONER	SOMO Development Company, LLC (owner) Jim Miller, Wininger Construction (applicant)
ADDRESS	W That Road, parcel no. 53-08-20-100-055.002-008
REQUEST	Financial Guaranty for Subdivision Renewal Request
ACRES	15 lots
TOWNSHIP	Perry
SECTION	20
PLATS	Platted, Southern Meadows Major Subdivision Final Plat

EXHIBITS

1. Petitioner Letter
2. Kemp Minor Subdivision Final Plat
3. Mass Grading Plan
4. CSGP Inspection - 20230126
5. Original Estimate
6. Signed SIA

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends renewing the Subdivision Improvement Agreement for one (1) year.

SUMMARY

The petitioner requests to renew the existing Subdivision Improvement Agreement to provide more time to complete the improvements. The current deadline for completing the required improvements is April 4, 2023. The petitioner submitted a new Letter of Credit to the Monroe County Highway Department that will expire on April 4, 2024. The improvements required under this agreement include sidewalks, street trees, road improvements, landscaping, etc. The amount of the performance bond is for \$337,382.64. The original SIA was signed on April 5, 2022.

858-2. Release or Reduction of Performance Bond and Financial Guaranty

- (D) The Commission may amend the performance bond to extend the performance period for an additional one (1) year period upon a finding that the Subdivider has been unable to complete the required improvements despite due diligence. A request for a performance period extension must be submitted to the Commission by the Subdivider at least four (4) months prior to the expiration date of the original performance period. As a condition precedent of such performance bond amendment, at least one (1) month prior to the expiration date of the original performance period, the Subdivider shall secure the amended performance bond in accordance with these regulations and shall submit the secured, amended performance bond to the Commission.

EXHIBIT 1: Petitioner Letter



Wininger Construction, Inc.
PO Box 185
Bloomington, IN 47402

To: Monroe County Planning Department

To Whom It May Concern:

The purpose of this letter is stating our request for a new financial guarantee for Somo Development Co., LLC.

Thank you,

A handwritten signature in blue ink, appearing to be "Tom Wininger", is written over a horizontal line.

Tom Wininger
President

[illegible]

2022005602 SPL \$25.00
04/12/2022 08:29:51A 1 PGS
Eric Scheitz
Monroe County Recorder IN
Recorded as Presented



LOCATION MAP

PERRY TOWNSHIP
SECTION 20
TOWNSHIP 8 NORTH
RANGE 1 WEST

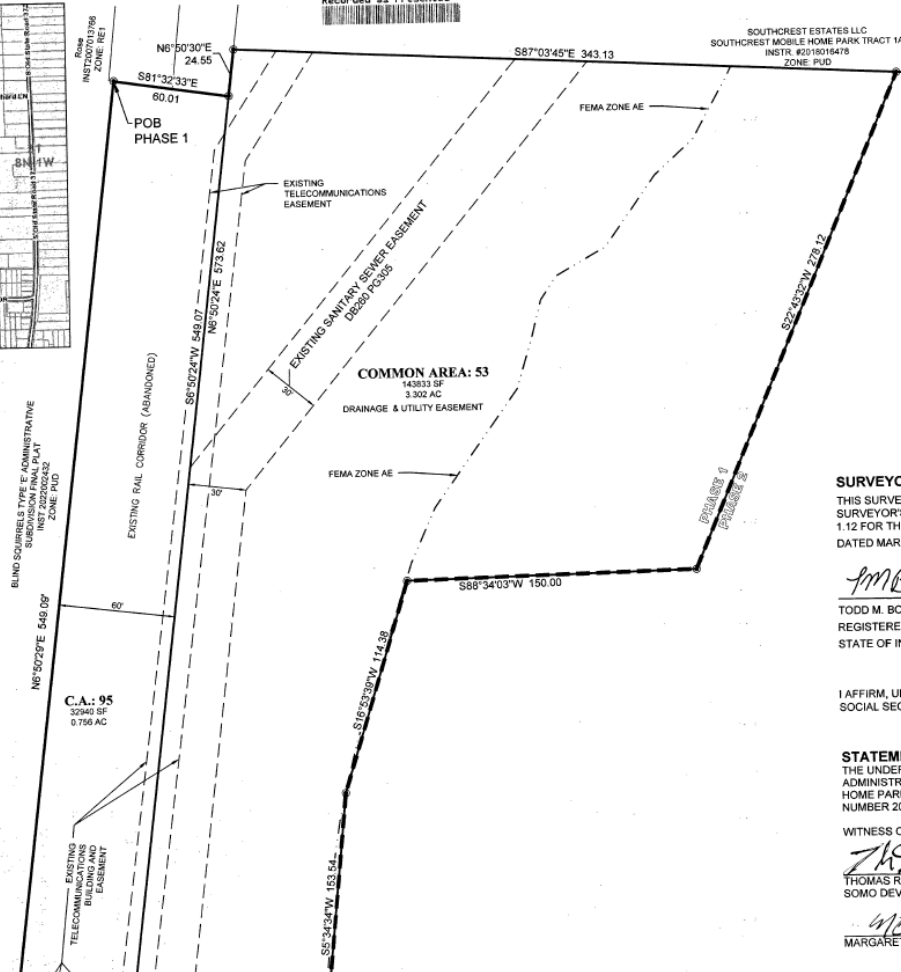
SURVEYOR
SMITH DESIGN GROUP, INC.
2755 E. CANADA DRIVE SUITE 101
Bloomington, IN. 47401
(812) 336-6536

OWNER/DEVELOPER
SOMO DEVELOPMENT COMPANY, LLC
1605 S WALNUT STREET
BLOOMINGTON, IN 47403
TOM WININGER
(812) 327-6000
INST 2020016865

BASIS OF BEARINGS:
INDIANA STATE PLANE, WEST ZONE

LEGEND

- REBAR
- △ MAG NAIL
- TREE PRESERVATION AREA
- ▨ BUILDABLE AREA
- ⊠ KARST CONSERVANCY AREA



LEGAL DESCRIPTION

A PART OF TRACT 2 IN SOUTHCREST MOBILE HOME PARK TYPE 'A' SUBDIVISION, PLAT AMENDMENT 1 TO TRACT 2 FINAL PLAT, AS SHOWN ON THE RECORDED THEREOF, RECORDED AS INSTRUMENT 2022002431 IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 2, THE NEXT (3) COURSES ARE ALONG SAID TRACT 2, (1) THENCE SOUTH 81 DEGREES 32 MINUTES 33 SECONDS EAST (INDIANA STATE PLANE, WEST ZONE) 60.01 FEET; (2) THENCE NORTH 05 DEGREES 50 MINUTES 30 SECONDS EAST 24.55 FEET; (3) THENCE SOUTH 87 DEGREES 03 MINUTES 45 SECONDS EAST 343.13 FEET; THENCE SOUTH 22 DEGREES 43 MINUTES 32 SECONDS WEST 278.12 FEET; THENCE SOUTH 88 DEGREES 34 MINUTES 03 SECONDS WEST 150.00 FEET; THENCE SOUTH 16 MINUTES 53 MINUTES 39 SECONDS WEST 114.38 FEET; THENCE SOUTH 05 SECONDS 34 MINUTES 34 SECONDS WEST SOUTH 01 DEGREES 24 MINUTES 32 SECONDS WEST 35.33 FEET; THENCE NORTH 88 DEGREES 35 MINUTES 28 SECONDS EAST 230.31 FEET; THENCE SOUTH 01 DEGREES 24 MINUTES 32 SECONDS EAST 70.00 FEET; THENCE NORTH 88 DEGREES 35 MINUTES 28 SECONDS EAST 159.00 FEET; THENCE SOUTH 01 DEGREES 24 MINUTES 32 SECONDS EAST 81.82 FEET; THENCE NORTH 88 DEGREES 35 MINUTES 28 SECONDS EAST 190.00 FEET; THENCE SOUTH 01 DEGREES 24 MINUTES 32 SECONDS EAST 98.64 FEET; THENCE SOUTHWESTERLY 21.21 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET BEING SUBTENDED BY A CHORD BEARING SOUTH 02 DEGREES 09 MINUTES 52 SECONDS WEST 21.19 FEET; THENCE SOUTH 05 DEGREES 44 MINUTES 17 SECONDS WEST 20.37 FEET; THENCE SOUTH 88 DEGREES 35 MINUTES 28 SECONDS WEST 141.10 FEET; THENCE NORTH 84 DEGREES 15 MINUTES 43 SECONDS WEST 50.00 FEET; THENCE SOUTH 05 DEGREES 44 MINUTES 17 SECONDS WEST 69.45 FEET; THENCE SOUTH 88 DEGREES 35 MINUTES 39 SECONDS WEST 346.54 FEET; THENCE SOUTH 01 DEGREES 22 MINUTES 36 SECONDS WEST 236.95 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 55 SECONDS WEST 137.44 FEET TO A WEST LINE OF THE AFORESAID TRACT 2, THE NEXT (5) COURSES ARE ALONG SAID TRACT 2, (1) THENCE NORTH 00 DEGREES 53 MINUTES 46 SECONDS EAST 425.13 FEET; (2) THENCE NORTH 85 DEGREES 31 MINUTES 48 SECONDS WEST 9.04 FEET; (3) THENCE NORTH 05 DEGREES 48 MINUTES 27 SECONDS EAST 253.45 FEET; (4) THENCE NORTH 81 DEGREES 33 MINUTES 32 SECONDS WEST 60.02 FEET; (5) THENCE NORTH 05 DEGREES 50 MINUTES 28 SECONDS EAST 549.09 FEET TO THE POINT OF BEGINNING, CONTAINING 8.579 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

THIS SURVEY WAS PERFORMED UNDER THE DIRECTION OF THE UNDERSIGNED, AND TO THE BEST OF THIS SURVEYOR'S KNOWLEDGE AND BELIEF WAS EXECUTED ACCORDING TO SURVEY REQUIREMENTS IN 865 IAC 1.12 FOR THE STATE OF INDIANA.
DATED MARCH 25, 2022

TMB
TODD M. BORGMAN
REGISTERED LAND SURVEYOR NO. 21200021
STATE OF INDIANA



I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. (TODD BORGMAN)

STATEMENT OF PLAT VACATION

THE UNDERSIGNED, BEING ALL OF THE OWNERS OF SOUTHCREST MOBILE HOME PARK TYPE 'A' ADMINISTRATIVE SUBDIVISION, PLAT AMENDMENT TO TRACT 2 VACATE THE PLAT OF SOUTHCREST MOBILE HOME PARK TYPE 'A' ADMINISTRATIVE SUBDIVISION, AMENDMENT TO TRACT 2, RECORDED AS INSTRUMENT NUMBER 2022002431 IN THE OFFICE OF THE MONROE COUNTY RECORDER OF MONROE COUNTY, INDIANA.

WITNESS OUR HANDS THIS 4TH DAY OF April 2022.

Thomas R. Wininger
THOMAS R. WININGER, MEMBER
SOMO DEVELOPMENT COMPANY, LLC

Margaret Clements
MARGARET CLEMENTS, PRESIDENT, President (MONROE COUNTY PLAN COMMISSION)

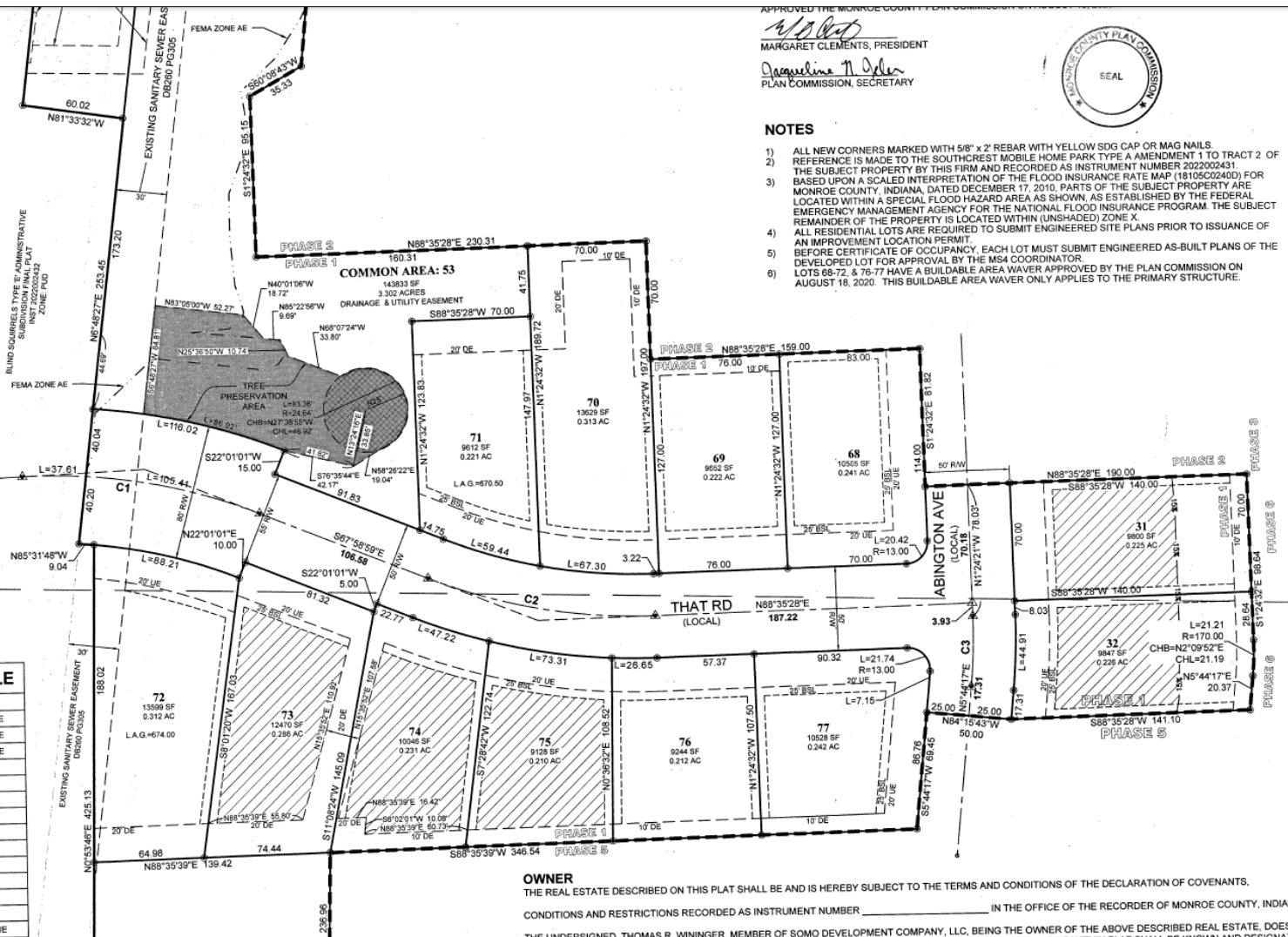
SRB SET REBAR
 FIP FOUND IRON PIPE
 FRS FOUND RAILROAD SPIKE
 FMAO FOUND MAG NAIL
 SMOG SET MAG NAIL
 B/C BUILDING CORNER
 FND FOUND
 BSL BUILDING SETBACK LINE
 UE UTILITY EASEMENT
 DE DRAINAGE EASEMENT
 PE PEDESTRIAN EASEMENT
 CA COMMON AREA



BLIND SOURCES TYPE EX ADMINISTRATIVE
 SUBDIVISION FINAL LOT
 INST 202002433 LOT
 ZONE PUD

LOT ADDRESS TABLE

LOT #	ADDRESS
31	5795 S. ABINGTON AVENUE
32	4801 S. ABINGTON AVENUE
66	4784 S. ABINGTON AVENUE
68 (corner)	402 W THAT ROAD
69	414 W THAT ROAD
70	422 W THAT ROAD
71	434 W THAT ROAD
72	453 W THAT ROAD
73	441 W THAT ROAD
74	439 W THAT ROAD
75	427 W THAT ROAD
76	415 W THAT ROAD
77	401 W THAT ROAD
77 (corner)	4822 S. ABINGTON AVENUE



APPROVED THE MONROE COUNTY PLAN COMMISSION
 MARGARET CLEMENTS, PRESIDENT
 Jacqueline M. Oden
 PLAN COMMISSION, SECRETARY



NOTES

- 1) ALL NEW CORNERS MARKED WITH 5/8" x 2" REBAR WITH YELLOW SDG CAP OR MAG NAILS.
- 2) REFERENCE IS MADE TO THE SOUTHCREST MOBILE HOME PARK TYPE A AMENDMENT 1 TO TRACT 2 OF THE SUBJECT PROPERTY BY THIS FIRM AND RECORDED AS INSTRUMENT NUMBER 202002431.
- 3) THE SUBJECT PROPERTY BY THIS FIRM AND RECORDED AS INSTRUMENT NUMBER 202002431. BASED UPON A SCALED INTERPRETATION OF THE FLOOD INSURANCE RATE MAP (18105C0240D) FOR MONROE COUNTY, INDIANA, DATED DECEMBER 17, 2010, PARTS OF THE SUBJECT PROPERTY ARE LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN, AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE NATIONAL FLOOD INSURANCE PROGRAM. THE SUBJECT REMAINDER OF THE PROPERTY IS LOCATED WITHIN (UNSHADED) ZONE X.
- 4) ALL RESIDENTIAL LOTS ARE REQUIRED TO SUBMIT ENGINEERED SITE PLANS PRIOR TO ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT.
- 5) BEFORE CERTIFICATE OF OCCUPANCY, EACH LOT MUST SUBMIT ENGINEERED AS-BUILT PLANS OF THE DEVELOPED LOT FOR APPROVAL BY THE MS4 COORDINATOR.
- 6) LOTS 68-72, & 76-77 HAVE A BUILDABLE AREA WAIVER APPROVED BY THE PLAN COMMISSION ON AUGUST 18, 2020. THIS BUILDABLE AREA WAIVER ONLY APPLIES TO THE PRIMARY STRUCTURE.

OWNER
 THE REAL ESTATE DESCRIBED ON THIS PLAT SHALL BE AND IS HEREBY SUBJECT TO THE TERMS AND CONDITIONS OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AS INSTRUMENT NUMBER _____ IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.
 THE UNDERSIGNED, THOMAS R. WININGER, MEMBER OF SOMO DEVELOPMENT COMPANY, LLC, BEING THE OWNER OF THE ABOVE DESCRIBED REAL ESTATE, DOES HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT IN ACCORDANCE WITH THIS PLAT. THIS WITHIN PLAT SHALL BE KNOWN AND DESIGNATED

EXHIBIT 3: Mass Grading Plan

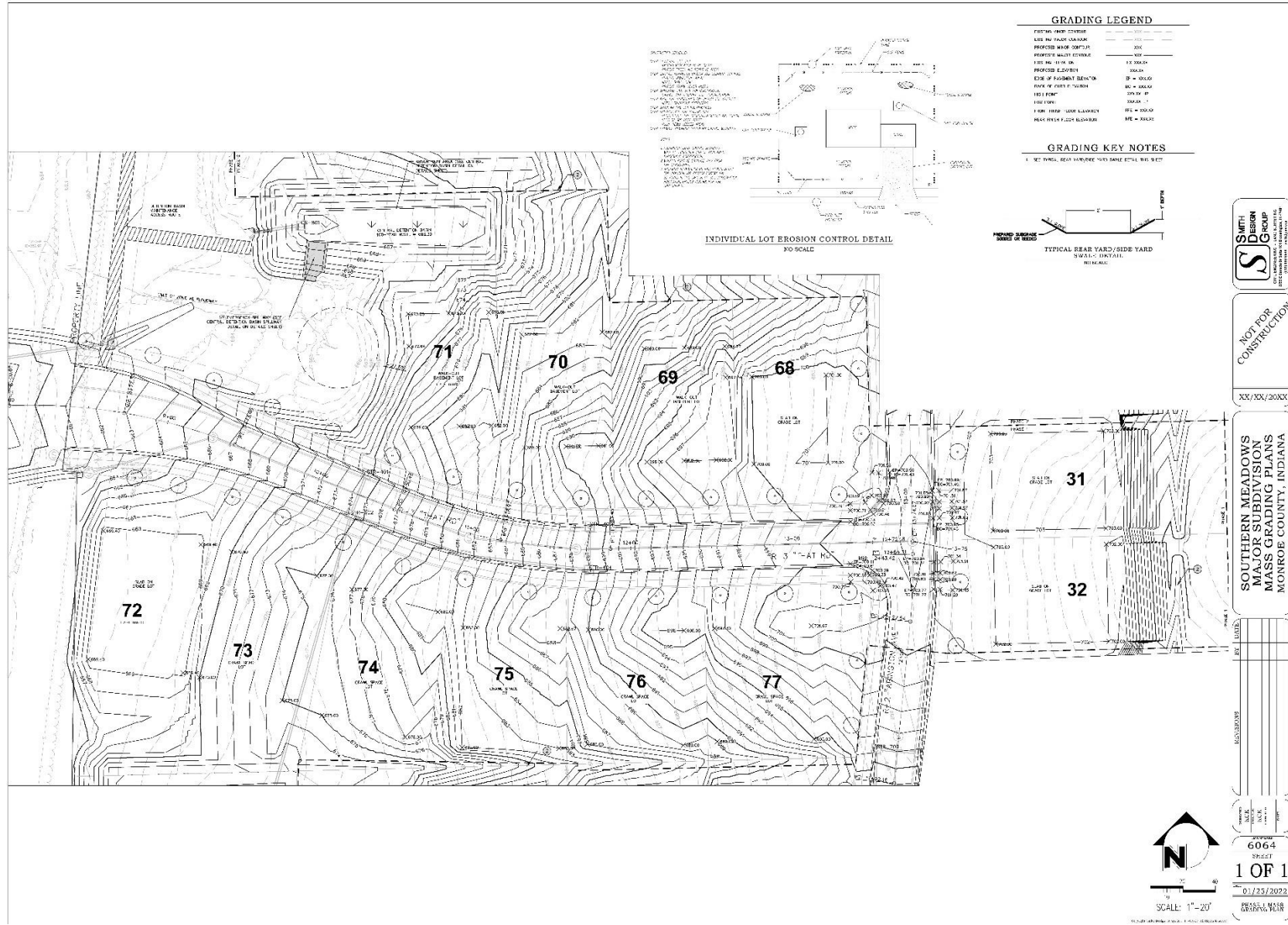


EXHIBIT 4: CSGP Inspection – 20230126

Monroe County Stormwater Construction Inspection Report			
PART A: SITE INFORMATION			
Project Name: Southern Meadows Project Location: S Rogers St at That Road CSGP Permit #: INRA05323 Project Must Meet MCC CH 761 and 816 Name of Evaluator: Erica Penna Title of Evaluator: Stormwater Inspector Affiliation: Monroe County Stormwater Program Email/Phone Number: epenna@co.monroe.in.us , 812-803-6345	Inspection Type <input type="checkbox"/> 24 hr (after >.5" rain) <input type="checkbox"/> 24 hr (before >.5" rain) <input checked="" type="checkbox"/> Periodic <input type="checkbox"/> Follow-up <input type="checkbox"/> Initial Erosion and Sediment Control	Inspection Date and Time <div style="display: flex; justify-content: space-between;"> January 23, 2023 1:30 pm </div> Date of Last inspection: <p style="text-align: center;">November 22, 2022</p> Amount of Last or Forecasted (circle one) Precipitation: ~0.1" <p style="text-align: center;">January 22, 2023</p>	
PART B: SITE CONDITIONS			
Current Site Information (check all that apply): <input type="checkbox"/> Clearing <input type="checkbox"/> Grubbing <input checked="" type="checkbox"/> Grading <input type="checkbox"/> Building Construction <input checked="" type="checkbox"/> Installation of Infrastructure <input checked="" type="checkbox"/> Utility Work <input type="checkbox"/> Vegetative Establishment <input type="checkbox"/> Other:			
Soil Conditions: <input type="checkbox"/> Dry <input type="checkbox"/> Moist <input checked="" type="checkbox"/> Wet <input type="checkbox"/> Muddy <input type="checkbox"/> Partial Snow Cover <input type="checkbox"/> Snow Cover <input type="checkbox"/> Frozen <input type="checkbox"/> Freeze/Thaw <input type="checkbox"/> Other:			
PART C: PROJECT MANAGEMENT			
(1) Was the SWPPP accessible at the time of the inspection?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(2) Is the SWPPP current and/or updated to reflect the current stage of development?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(3) Have all action items identified on the preceding reports been resolved? (a) If not identify which items require repair and provide a resolution timeline:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(4) Is the project posting information posted in accordance with the CSGP Section 3.7 and MCC CH 816-4(F)6?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
PART D: GOOD HOUSEKEEPING			
Site Ingress/Egress MCC CH 816-4(F)3 Location(s): Phase 3 & 4, Individual Lots	<input checked="" type="checkbox"/> Maintain Construction Entrance <input checked="" type="checkbox"/> Remove Tracked Sediment (do not flush sediment) MCC CH 816-4(F)4 <input type="checkbox"/> Install Additional Measures	Observations/Notes: Unpaved areas in Phase 3 and Phase 4 need additional stone. Individual lot ingress/egress need to be maintained with adequate stone.	
Dumpster/Trash MCC CH 816-4(F)2 Location(s):	<input checked="" type="checkbox"/> Continue to Monitor and Manage <input checked="" type="checkbox"/> Cover Trash Receptacles <input type="checkbox"/> Clean Up Wind-blown Trash <input type="checkbox"/> Other	Observations/Notes: Recommend covering dumpsters at the end of each day to prevent stormwater accumulation.	
General Housekeeping Location(s):	<input type="checkbox"/> Dust inadequately controlled <input type="checkbox"/> Facilities & equipment in working order <input type="checkbox"/> Proper storage and handling of materials. MCC CH 816-4(F)19 <input type="checkbox"/> Construction is impacting adjacent property	Observations/Notes: Concrete washout is overfilled, leaking, and does not meet CSGP or CH 816 standards. Replace immediately. Maintain adequate washout capacity for duration of project. Impacts to individual lots.	

PART E: SEDIMENT CONTROL AND RUN-OFF MANAGEMENT MCC CH 816-4(F)11

Measure: Silt Fence Location(s):	<input type="checkbox"/> No Action Required <input checked="" type="checkbox"/> Maintenance Required <input type="checkbox"/> Repair Measure <input type="checkbox"/> Temporary Measure <input type="checkbox"/> Replace Measure <input type="checkbox"/> Alternative Measure <input type="checkbox"/> Additional Measure	Observations/Notes: Phase 3 – north border silt fencing is not trenched in. Individual lots should have proper silt fence protections, particularly those adjacent to lots that are complete.
Measure: Check Dam Type: Location(s):	<input type="checkbox"/> No Action Required <input type="checkbox"/> Maintenance Required <input type="checkbox"/> Repair Measure <input type="checkbox"/> Temporary Measure <input type="checkbox"/> Replace Measure <input type="checkbox"/> Alternative Measure <input type="checkbox"/> Additional Measure	Observations/Notes: No check dams in place.
Measure: Street Inlet Protections Location(s):	<input type="checkbox"/> No Action Required <input checked="" type="checkbox"/> Maintenance Required <input type="checkbox"/> Repair Measure <input type="checkbox"/> Temporary Measure <input type="checkbox"/> Replace Measure <input type="checkbox"/> Alternative Measure <input type="checkbox"/> Additional Measure	Observations/Notes: Several inlets needing protections replaced.
Measure: Yard Inlet Location(s):	<input type="checkbox"/> No Action Required <input checked="" type="checkbox"/> Maintenance Required <input type="checkbox"/> Repair Measure <input type="checkbox"/> Temporary Measure <input type="checkbox"/> Replace Measure <input type="checkbox"/> Alternative Measure <input type="checkbox"/> Additional Measure	Observations/Notes: Yard inlet protections need replacement.
Measure: Coconut Fiber Rolls Location(s):	<input type="checkbox"/> No Action Required <input type="checkbox"/> Maintenance Required <input type="checkbox"/> Repair Measure <input type="checkbox"/> Temporary Measure <input type="checkbox"/> Replace Measure <input type="checkbox"/> Alternative Measure <input type="checkbox"/> Additional Measure	Observations/Notes: No coconut fiber rolls in place.
Measure: Sediment Basin Outlet Control Structure <i>MCC CH 816-4(F)5</i>	<input type="checkbox"/> No Action Required <input checked="" type="checkbox"/> Maintenance Required <input type="checkbox"/> Repair Measure <input type="checkbox"/> Temporary Measure <input type="checkbox"/> Replace Measure <input type="checkbox"/> Alternative Measure <input type="checkbox"/> Additional Measure	Observations/Notes: Common Area 53 outlet control basin structure missing temporary riser. Rock donut is in place, but sediment is still leaving the basin via exposed soil inside the donut.

Measure: Riprap/Rock Outlets and Aprons MCC CH 816-4(F)5 Location(s):	<input checked="" type="checkbox"/> No Action Required <input type="checkbox"/> Maintenance Required <input type="checkbox"/> Repair Measure <input type="checkbox"/> Temporary Measure <input type="checkbox"/> Replace Measure <input type="checkbox"/> Alternative Measure <input type="checkbox"/> Additional Measure	Observations/Notes: Riprap/rock outlets are currently in adequate condition. Common Area 53 outflow has some sediment accumulation.
---	---	---

PART F: SURFACE STABILIZATION (MCC CH 816-4(F)16)

Soil Stockpile	<input type="checkbox"/> Permanent Vegetative Cover: <input type="checkbox"/> Continue to Monitor <input type="checkbox"/> 70 Percent Density Achieved <input type="checkbox"/> Perform Seeding/Reseed <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent <input checked="" type="checkbox"/> Apply straw mulch and anchor <input type="checkbox"/> Install Erosion Control Blanket <input type="checkbox"/> Repair Erosion <input type="checkbox"/> Utilize Alternative Stabilization Method	Observations/Notes: Temporary stabilization should be applied to all stockpile areas that will sit inactive for more than seven days.
Sediment Basin	<input type="checkbox"/> Permanent Vegetative Cover: <input type="checkbox"/> Continue to Monitor <input type="checkbox"/> 70 Percent Density Achieved <input type="checkbox"/> Perform Seeding/Reseed <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent <input type="checkbox"/> Apply straw mulch and anchor <input type="checkbox"/> Install Erosion Control Blanket <input type="checkbox"/> Repair Erosion <input type="checkbox"/> Utilize Alternative Stabilization Method	Observations/Notes: Phase 1 and 2 basins have adequate temporary vegetative cover. Common Area 53 east embankment will need to be restabilized when Lots 54, 55, and 56 are completed.
Location(s): Individual Lots	<input checked="" type="checkbox"/> Permanent Vegetative Cover: <input checked="" type="checkbox"/> Continue to Monitor <input type="checkbox"/> 70 Percent Density Achieved <input type="checkbox"/> Perform Seeding/Reseed <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent <input type="checkbox"/> Apply straw mulch and anchor <input type="checkbox"/> Install Erosion Control Blanket <input type="checkbox"/> Repair Erosion <input type="checkbox"/> Utilize Alternative Stabilization Method	Observations/Notes: Several lots have permanent vegetative cover installed. For those applied late Fall 2022, continue to monitor and apply more seed or replace turf when seasonally appropriate.

PART G: EVALUATION OF SHEET FLOW AND CONCENTRATED RUN-OFF (DISCHARGES) MCC CH 816-4(F)5

☒ No discharges observed

PART H: INSPECTION FINDINGS

Does the corrective action based on this inspection require modification to the SWPPP? ☐ Yes ☒ No

Is a follow-up inspection required? ☒ Yes ☐ No

Additional Inspection Notes:

Also present at the inspection was Adam Rickert, Stormwater Specialist.

The concrete washout needs replacing immediately. It does not have sufficient capacity for the current site activities. Tom Winger was contacted immediately following the inspection and stated via email that the washout would be replaced the following day (1/24/2023). Confirmation of replaced washout was received 1/26/2023.

Heavy tracking observed on internal roads. Some tracking is leaving the site, but most is staying on internal roads. This is causing issues with street inlet protections becoming overwhelmed, damaged, or completely removed. Inlet protections on Irie Ct were missing entirely. Inlet protections on Abington Ave adjacent to and north of Irie Ct were missing or significantly covered in sediment.

Accessing individual lots should be limited to the approved driveway to reduce impacts to surrounding curbs. Lots adjacent to common areas should not be accessed via the common area unless no other option is available. Proper protections and repairs to basins should be implemented.

Additional stone needed on access roads for Phases 3 and 4. Perimeter controls are also missing in both phases.

Most silt fencing on site was in adequate condition, however sections on the north perimeter were not trenched in.

Current season conditions are not conducive to vegetation establishment. Alternative, seasonally appropriate measures are expected to be utilized on all areas that reach final grade or temporary grade and will be inactive. Additional seed may be needed in some previously stabilized areas when the weather permits.

Follow up inspection to be performed **Thursday, February 9**. Please have repairs and maintenance as outlined above and below completed or in progress. We understand that current weather can cause delays in your ability to safely perform some of these tasks but do expect effort to be made.

Corrective action must be initiated within 48 hours of discovery of deficiencies when maintenance is required and within seven (7) days of discovery of deficiencies when a new (alternative) or replacement measure is required.

I certify that Part A-G of this evaluation were evaluated by me as a trained individual. To the best of my knowledge and belief, the information documented in the report is true, accurate, and complete.

Evaluator Name and Title:

Erica Penna, Stormwater Inspector, Monroe County Highway Department



Signature:

Date: 1/26/2023

Appendix A – Site Pictures



Minimal tracking from private roads to public roads.



Inlet protections on That Rd at Rogers need maintenance.



Yard inlet protection needs maintenance.

West side of Phase 2 lots (in background) are adequately protected and vegetation growth is progressing. Additional seed may be necessary in spring to supplement and fill in any gaps.



Common Area 83 is adequately stabilized. Outlet control structure is adequately protected.



Looking east on That Rd.

Some tracking observed as vehicles and equipment leave the project areas.

Inlet protections are adequate and in good condition.



Concrete washout is overfilled and draining toward Common Area 83. Replace immediately with lined dumpster style. Adequate capacity should be maintained for the current concrete pouring activities. Additional bags should be kept on site.



Tracking coming south on Abington Ave.



Project signage has been blown over.



Significant accumulation of sediment beginning to build along road edges.

Maintain single access to each lot.



Inlet protections missing on Irie Ct.



Inlet protections missing on Irie Ct.

Some vegetation stabilization is place on individual lots. Additional seed or replacement turf may be necessary in spring.



Trail access path from Irie Ct. Stabilize adjacent slopes as soon as possible to limit erosion and sediment transport onto path.



View toward rear yard of Lots 61 & 60. Slopes adequately stabilized. Additional seed and stabilization will be necessary in spring on low point.



Looking north on Abington Ave, toward curve to Phase 3.

Significant tracking onto road.



Accumulated sediment has overwhelmed the inlet protections.

Remove accumulated sediment and replace inlet protections.



Inlet protections missing or severely damaged.
Remove accumulated sediment and replace inlet protections.



Protections on yard inlet between Lots 23 & 24 needs maintenance.



Significant tracking on Abington Ave, looking from just around the curve before Phase 3.



View from end of Phase 2, looking into Phase 3 & 4.
Inadequate stone on access road.



Sinkhole remains adequately protected. Repair silt fence as needed.
Street inlets at the end of Phase 2 are adequately protected.



Phase 4 access off S College Dr. is adequately blocked and is not being used as a construction entrance. When work begins in Phase 4, adequate stone should be placed to prevent tracking from this road.
Stabilization of areas disturbed for water line installation is inadequate.
No perimeter controls are in place for Phase 4.



Utility connection made to adjacent property to north. Sediment mound is losing sediment in the ditch-like area.

Stabilize as soon as work is completed and retrench perimeter fencing.



Silt fencing on north perimeter is not trenched.

Wrap-joint method should be used at all joints.



View from northeast corner of Common Area 53. Basin is performing adequately as a temporary sediment basin.

Limit access with heavy equipment needing to enter the basin.



View from atop Common Area 53 west embankment at the outlet control structure, toward Lot 55.

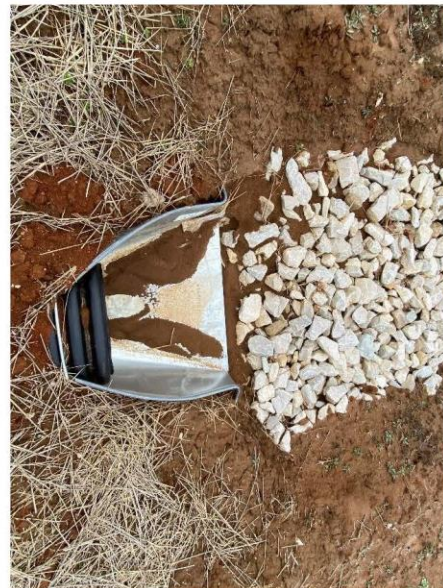
Finish floor elevations and final grading will be expected to meet the approved plans.

Rock donut is performing adequately.



Common Area 53: Temporary standpipe is not installed at the outlet control structure. Sediment inside the rock donut is entering box and is observed in the outflow.

Sediment observed in the outflow from Common Area 53.





Pipe between Lot 55 and 56, discharges to Common Area 53. Work on Lot 55 may damage metal end section.

Use caution and stabilize the area as soon as work is complete.



Southwest end of Common Area 53, looking south toward Lot 60 (white house) and Lot 59 (foundation).

Limit heavy equipment over the pipe to prevent damage to the pipe.



Phase 1 north Common Area, looking north.

Basin is well vegetated and outlet control structure is adequately protected by rock donut and coconut fiber mat.

Construction activities on adjacent lots should stabilize slopes as soon as possible.



Yard inlet at subdivision entrance. Maintenance recommended to clear accumulated debris and sediment.

Stabilize path used to access west boundary of project area. Path should no longer be in use. Work should not be occurring in the floodway.



Most of the disturbed area for work done in the floodway has been stabilized. Continue to monitor and apply more seed in spring as necessary.

Vehicle and equipment should not be used in this area.

EXHIBIT 5: Original Estimate

Southern Meadows Subdivision Phase I
with South Old State Road 37 and South Rogers Street Improvements
Wininger Construction Company, Inc.
Construction Estimation Sheet

Type of Work	Item Number	Qty.	Unit	Unit Price	Total Price
<u>Asphalt</u> - Abington Drive					
1.5" HMA Asphalt Surface	401-07322	63.8	ton	\$81.90	\$5,225.22
					\$5,225.22
<u>Concrete</u> - Abington Drive					
ADA Ramp	604-06070	2	sys	\$130.00	\$260.00
Sidewalk	604-02007	229.777	sys	\$80.55	\$18,508.54
					\$18,768.54
<u>Landscaping</u> - Abington Drive					
Street Tree		11	each	\$150.00	\$1,650.00
					\$1,650.00
<u>Stone</u> - Sidewalk - Abington Drive					
4.0" #53 Stone	301-12234	50.045	ton	\$50.44	\$2,524.27
					\$2,524.27
<u>Asphalt</u> - That Road					
1.5" HMA Asphalt Surface	401-07322	185.266	ton	\$81.90	\$15,173.29
					\$15,173.29
<u>Concrete</u> - That Road					
ADA Ramp	604-06070	5	sys	\$130.00	\$650.00
Sidewalk	604-02007	549.777	sys	\$80.55	\$44,284.54
					\$44,934.54
<u>Landscaping</u> - That Road					
Street Tree		29	each	\$150.00	\$4,350.00
					\$4,350.00
<u>Pavement Markings</u> - That Road					
Thermoplastic Crosswalk	808-11960	47	lft	\$7.60	\$357.20
Thermoplastic 4" Solid Line <i>Yellow</i> *	808-75245	100	lft	\$0.50	\$50.00
Thermoplastic 24" Solid Line <i>White</i>	808-75215	154	lft	\$2.73	\$420.42
Thermoplastic Left Turn Arrow	808-10077	1	each	\$177.46	\$177.46
Thermoplastic Multi-Component Lane Indication Arrow	808-10077	2	each	\$177.46	\$354.92
Thermoplastic Right Turn Arrow	808-10077	2	each	\$177.46	\$354.92
Thermoplastic Stop Bar	808-10051	21	lft	\$13.68	\$287.28
Thermoplastic Word ONLY	808-75325	1	each	\$135.22	\$135.22
					\$2,137.42

Prepared by Ben Ayers 3/29/2022



Southern Meadows Subdivision Phase I
with South Old State Road 37 and South Rogers Street Improvements
Wininger Construction Company, Inc.
Construction Estimation Sheet

<u>Stone - Sidewalk - That Road</u>					
4.0" #53 Stone	301-12234	119.741	ton	\$50.44	\$6,039.74
					\$6,039.74

<u>Stormwater/Drainage - That Road</u>					
Curb & Gutter	605-97937	114	1ft	\$33.95	\$3,870.30
					\$3,870.30

<u>Asphalt - Rogers Street</u>					
1.5" HMA Asphalt Surface	401-07322	54.347	ton	\$81.90	\$4,451.02
2.5" HMA Asphalt Intermediate	401-07390	90.581	ton	\$56.51	\$5,118.73
6.0" HMA Asphalt Base	401-07423	217.395	ton	\$73.38	\$15,952.45
					\$25,522.20

<u>Asphalt - Sidepath - Rogers Street</u>					
1.0" HMA Asphalt Surface	401-07322	62.211	ton	\$81.90	\$5,095.08
3.0" HMA Asphalt Intermediate	401-07390	186.633	ton	\$56.51	\$10,546.63
					\$15,641.71

<u>Concrete - Rogers Street</u>					
ADA Ramp	604-06070	5	sys	\$130.00	\$650.00
					\$650.00

<u>Landscaping - Rogers Street</u>					
Street Tree		11	each	\$150.00	\$1,650.00
					\$1,650.00

<u>Pavement Markings - Rogers Street</u>					
Thermoplastic 4" Solid Line Yellow*	808-75245	1258	1ft	\$0.50	\$629.00
Thermoplastic 4" Solid Line White	808-75215	274	1ft	\$2.73	\$748.02
Thermoplastic Left Turn Arrow	808-10077	4	each	\$177.46	\$709.84
Thermoplastic Word ONLY	808-75325	4	each	\$135.22	\$540.88
					\$2,627.74

<u>Stone - Rogers Street</u>					
6.0" #53 Stone	301-12234	217.395	ton	\$50.44	\$11,910.40
					\$11,910.40

<u>Stone - Sidepath - Rogers Street</u>					
6.0" #53 Stone	301-12234	337.266	ton	\$50.44	\$17,011.70
					\$17,011.70

Prepared by Ben Ayers 3/29/2022



Southern Meadows Subdivision Phase I
with South Old State Road 37 and South Rogers Street Improvements
Wininger Construction Company, Inc.
Construction Estimation Sheet

Stormwater

Street Inlet STR-903	1	\$2,655.00	\$2,655.00
Street Inlet STR-906	1	\$2,655.00	\$2,655.00
			\$5,310.00

Stormwater Basins

Pond #1 - Common Area: Lot #83, Southwest Detention Basin

Underdrain (4" pipe, plus aggregate)	500	lft	\$5.11	\$2,555.00
Amended Soils	1045	cyd	\$35.99	\$37,609.55
Erosion Control Blanket (sq. feet)	1070		\$0.18	\$192.60
Seed Mix	3841	sys	\$2.23	\$8,565.43

Pond #2 - West Pond

Underdrain (4" pipe, plus aggregate)	93	lft	\$5.11	\$475.23
Amended Soils	150	cyd	\$35.99	\$5,398.50
Seed Mix	1254	sys	\$2.23	\$2,796.42

Pond #3 - Common Area: Lot #53, Central Detention Basin

Outlet Structure	1	each	\$2,500.00	\$2,500.00
Underdrain (4" pipe, plus aggregate)	553	lft	\$5.11	\$2,825.83
Amended Soils	1020	cyd	\$35.99	\$36,709.80
Inflow/Outflow Pipes	340	lft	\$36.00	\$12,240.00
Riprap	48	ton	\$28.26	\$1,356.48
Erosion Control Blanket (sq. feet)	830		\$0.18	\$149.40
Seed Mix	3740	sys	\$2.23	\$8,340.20

\$121,714.44

10% Contingency	1	\$30,671.15	\$30,671.15
25% Contingency PUD	0	\$0.00	\$0.00
2 Year 10% Maintenance Bond***	0	\$0.00	\$0.00

\$30,671.15

* Footage Doubled for Solid Center Line

Total \$337,382.64

Prepared by Ben Ayers 3/29/2022

EXHIBIT 6: Signed SIA

4/4/22, 1:21 PM



Southern Meadows Major Subdivision Phase I Final Plat SUBDIVISION IMPROVEMENT AGREEMENT

Permit #: SIA-22-3

This Agreement, made by and between the Monroe County Plan Commission ("Plan Commission") and SOMO Development Company, LLC ("Subdivider").

Preamble

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for the Southern Meadows Major Subdivision Phase I Final Plat;

WHEREAS, on August 18, 2020 the Plan Commission granted Subdivider preliminary plat approval for the Southern Meadows Major Subdivision Phase I Final Plat but conditioned such approval on the installation of certain improvements throughout the subdivision as shown on the approved construction plans dated November 10, 2021 and preliminary plat dated June 19, 2020;

WHEREAS, the Monroe County Subdivision Control Ordinance states and requires that each final plat submitted to the Commission shall be accompanied by a subdivision improvement agreement that is secured by a financial guaranty, if the required public improvements have not been completed;

WHEREAS, Subdivider applied to the Administrator for final plat approval, as authorized by the Plan Commission, for the Southern Meadows Major Subdivision Phase I Final Plat;

WHEREAS, Subdivider has not completed improvements as shown on the itemized estimate attached to this agreement as Exhibit A and desires to submit a subdivision improvement agreement, secured by irrevocable letter of credit, in order to qualify for final plat approval.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS CONTAINED IN THIS AGREEMENT:

Promises and Mutual Covenants

1. **Letter of Credit.** Subdivider agrees to obtain and submit to the Plan Commission an irrevocable letter of credit in the amount of \$337,382.64 in favor of Monroe County, to secure the completion of all required improvements of the Southern Meadows Major Subdivision Phase I Final Plat.
2. **Completion of Standards.** Subdivider agrees to complete the Southern Meadows Major Subdivision Phase I Final Plat public improvements or cause the same to be done on or before April 4, 2023 in accordance with the construction and design standards set forth or incorporated in the Monroe County Subdivision Control Ordinance, and in accordance with the preliminary plat and plans set forth or incorporated in the approved Southern Meadows Major Subdivision Phase I Final Plat as well as application materials from the preliminary plat approval.
3. **Withholding of Permits.** The parties acknowledge and agree that the Administrator may withhold improvement location permits for any undeveloped Southern Meadows Major Subdivision Phase I Final Plat lots unless and until Subdivider has complied with the requirements of paragraph number 2.
4. **Time of Essence.** The parties acknowledge and agree that time is of the essence and that any failure by Subdivider to strictly adhere to the foregoing schedule (paragraph number 2 above) would constitute a material breach and violation of this Agreement. Upon such violation, or any other violation of this agreement, the Plan Commission may submit a claim under the irrevocable letter of credit in an amount sufficient to cover the breach.
5. **No Waiver.** The parties acknowledge and agree that by accepting the irrevocable letter of credit from Subdivider and that by entering into this Agreement, the County has not and does not waive any of its rights with respect to the enforcement of the Monroe

1/2

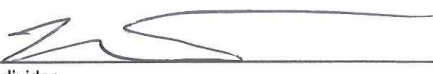
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County Subdivision Control Ordinance and/or any approval granted thereunder in relation to the Southern Meadows Major Subdivision Phase I Final Plat, against the Subdivider.

IN WITNESS WHEREOF, the Plan Commission, by its President, and the Subdivider execute this Agreement this 5th day of April, 2022



Plan Commission President
Monroe County Plan Commission



Subdivider
SOMO Development Company, LLC



MONROE COUNTY PLAN COMMISSION		February 2, 2023
PLANNER	Anne Crecelius	
CASE NUMBER	SSS-22-13	
PETITIONER	Jordan Sites	
ADDRESS	4305 W Prather RD, #53-03-13-300-002.000-001	
REQUEST	Refund for Buried Utilities Waiver \$250.00	
ACRES	18.57 +/- acres	
ZONE	AG/RR	
TOWNSHIP	Bean Blossom Township	
SECTION	13	
PLATS	Unplatted	
COMP PLAN DESIGNATION	Farm and Forest	

The petitioners applied and paid for a Buried Utility Waiver when filing for SSS-22-13 Sliding Scale Subdivision. Upon review staff determined that the existing home on the lot doesn't connect aerially to the transmission poles utilizing a drop line therefore a waiver is not required. The full fee for the waiver is \$50.00.



Jordan Sites

[Remove Comment](#) • Jan 20, 2023 at 8:44 am

Hi Anne,
As a follow up to last night's meeting, please consider this a formal request to start the refund process for the utilities waiver (which was determined to be unnecessary).

Thanks!

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE**February 7, 2023**

PLANNER	Drew Myers
CASE NUMBER	REZ-22-12
PETITIONER	Norvesco Real Estate Partners, LLC c/o Tim Rolfsen
ADDRESS	4851 N Kinser PIKE, parcel no. 53-05-08-300-008.000-004
REQUEST	Rezone Request from RE1 to AG/RR Waiver of Final Hearing Requested
ACRES	19.341 +/- acres
ZONE	Estate Residential 1 (RE1)
TOWNSHIP	Bloomington
SECTION	8
PLATS	Unplatted
COMP PLAN DESIGNATION	Farm and Forest

EXHIBITS

1. Petitioner Letter
2. Petitioner Draft Site Plan
3. AG/RR Use Table
4. RE1 Use Table
5. Petitioner's Response to PRC
6. Monroe County Thoroughfare Plan
7. Letters of Support/Opposition

RECOMMENDATION

Recommendation to the Plan Commission:

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

PLAN REVIEW COMMITTEE – December 8, 2022

Plan Review Committee discussed potential traffic concerns coming off N Kinser Pike and W Bell Road, as well as concerns for how to currently access the site. PRC members were curious how much product the proposed use would need to have imported or delivered and what the additional delivery truck traffic would look like for the residential area. PRC discussed a concern that the use of the property would become a sort of agricultural event center with live music that may be disruptive to the residential area.

PLAN COMMISSION: Preliminary Hearing – January 17, 2023

Plan Commission members had questions regarding the Highway Department's final recommendation regarding proposed access for the property and the overall thoroughfare plan for this area. Plan Commissioners asked the petitioner what steps he had to screen the proposed winery use from neighboring properties. Several members of the public came forward to speak in opposition to the petition stating concerns for traffic safety along N Kinser Pike, traffic safety as it relates to a neighboring winery, and other potential impacts from a commercial development in the area. Additionally, a list of signatures was submitted to staff at the start of the meeting and distributed to the Plan Commission members at the end of staff's presentation. The petitioner provided information regarding expected business activities, delivery truck occurrences, and plans to mitigate impacts of the winery on the neighbors. Plan Commission members ultimately decided to proceed with the regular meeting schedule for this petition and not grant the waiver of final hearing. The Plan Commission requested that members of the public submit letters to Planning Staff detailing their concerns or opposition to the rezone request.

MEETING SCHEDULE

Plan Review Committee – December 8, 2022

Plan Commission Admin Meeting – January 3, 2023

Plan Commission Regular Meeting – January 17, 2023 (Preliminary Hearing)

Plan Commission Admin Meeting – February 7, 2023

Plan Commission Regular Meeting – February 21, 2023 (Final Hearing)

Board of Commissioners Meeting – TBD

SUMMARY

The petition site is one parcel totaling 19.341 +/- acres located in Bloomington Township at 4851 N Kinser Pike. The petitioner is proposing to amend the Zoning Map from Estate Residential 1 (RE1) to Agricultural/Rural Reserve (AG/RR). The petitioner's intention behind the rezone request is provide for the appropriate zoning designation to establish a winery on the property. The land use of "winery" is not permitted in the RE1 zoning district but is a permitted use in the AG/RR zone.

If the rezone request is approved by the County Commissioners, the petitioner intends to complete the planning process for the establishment of a winery on the property. All applicable site plan requirements for a winery as well as the special conditions outlined in Chapter 802 for the winery use must be met by the proposed change of use on the property. Typically, site plan review for winery uses is completed at staff level.

If the rezone is denied, the petitioner may continue to operate the property as a single-family residence (previous use) or may pursue any of the available uses as outlined in Chapter 833 of the Monroe County Zoning Ordinance for the RE1 zone as long as any special conditions can be met.

CHAPTER 802:

Winery. An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

Permitted in the AG/RR, FR, and CR zoning districts. Subject to special condition #53.

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

BACKGROUND

The Zoning Map amendment would be from RE1 to AG/RR. Listed below are the definitions of these zones per Chapter 833 and Chapter 802, respectively.

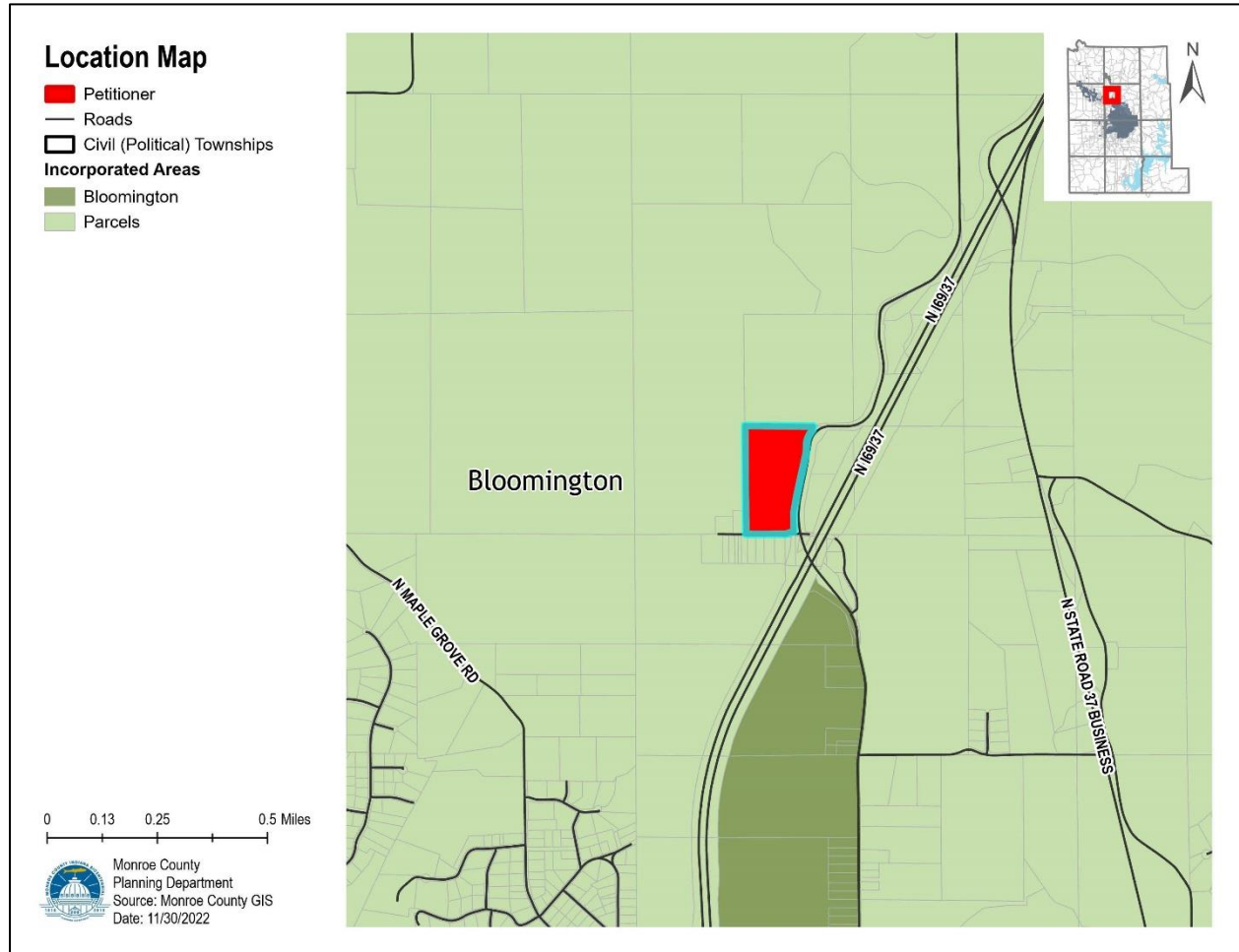
Estate Residential 1 (RE1) District. *The intent of this district is to accommodate large lot, estate type residential uses in a rural environment along with limited compatible agricultural uses. It is meant specifically to:*

- A. *Accommodate those persons who desire estate type living.*
- B. *Maintain a pattern of growth that is consistent with the cost-efficient provision of urban services to promoted compactness in the city structure.*
- C. *Provide for development in a rural setting not necessarily requiring urban utilities.*
- D. *Provide for limited compatible agricultural uses.*

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.*

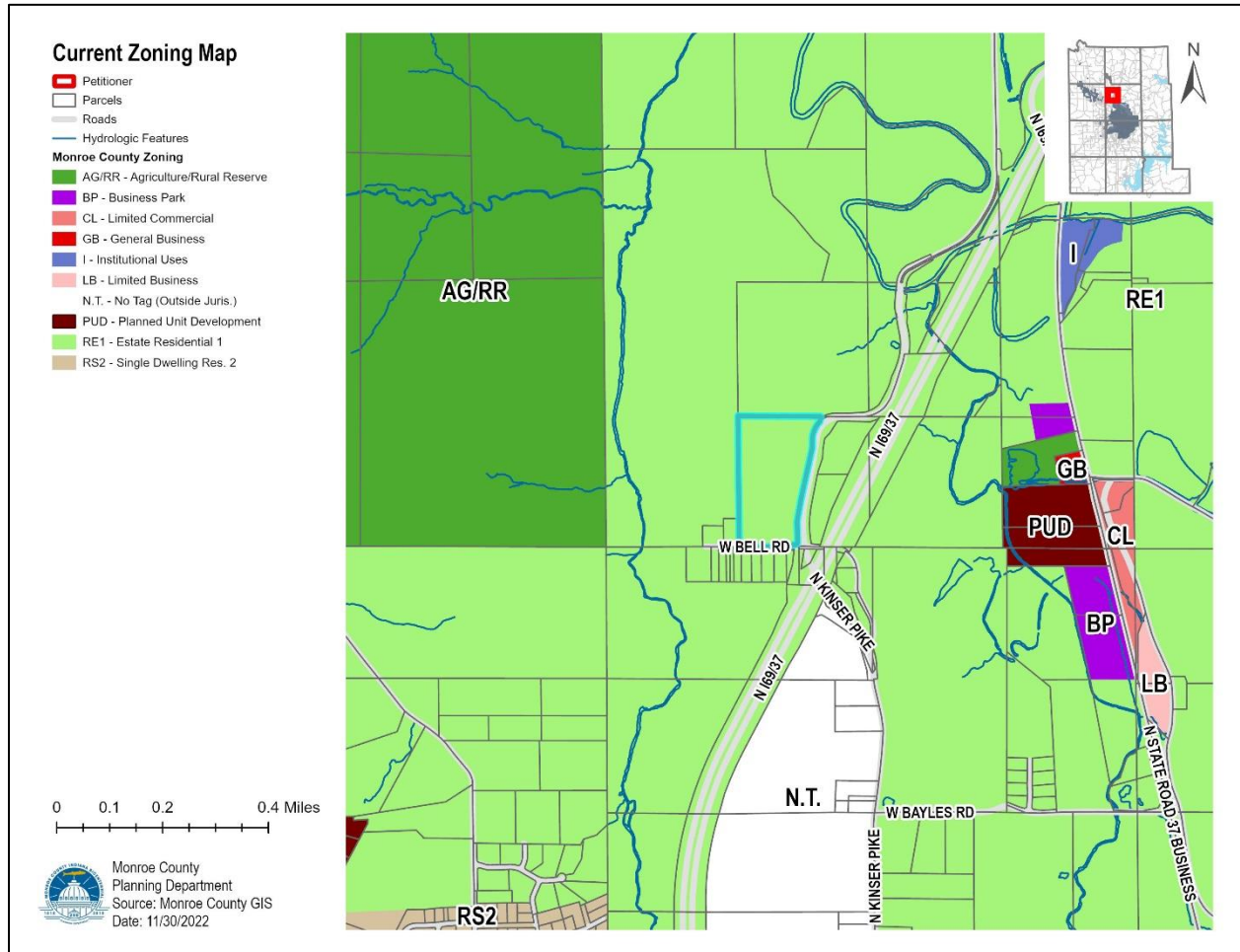
LOCATION MAP

The parcel is located at 4851 N Kinser Pike, Section 8 in Bloomington Township. The Parcel No. is 53-05-08-300-008.000-004.



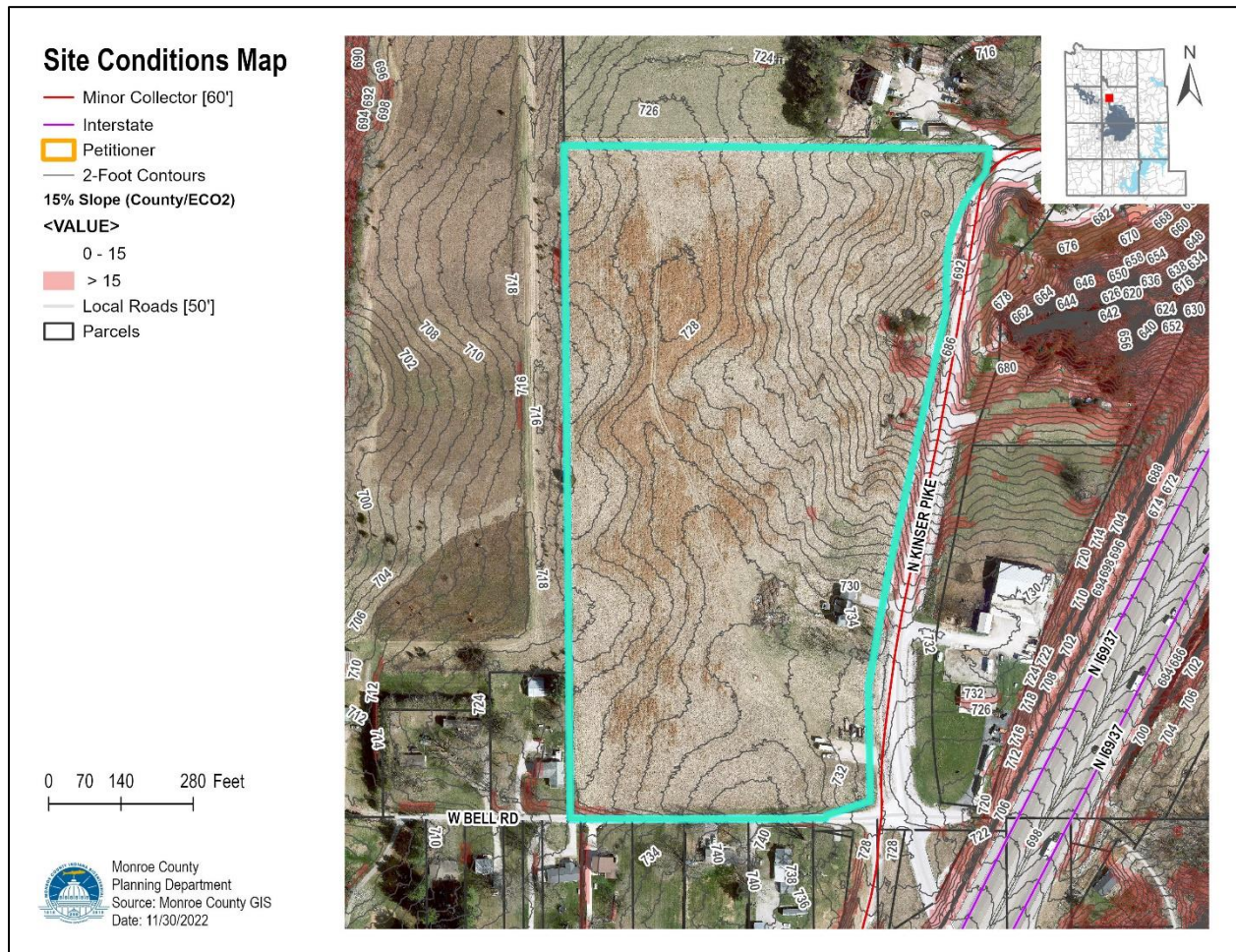
CURRENT ZONING

The parcel is zoned Estate Residential 1 (RE1) as are the adjoining parcels to the north, south, east, and southwest. The larger parcel adjacent to the west is zoned Agriculture/Rural Reserve (AG/RR). There are numerous properties zoned Agriculture/Rural Reserve (AG/RR) approximately a quarter mile to the east. There are no commercial uses directly adjacent to the subject property. The surrounding area includes mostly residential uses, with some areas of agricultural use.



SITE CONDITIONS & INFRASTRUCTURE






The petition site is made up of one 19.341 acre +/- parcel. The site currently sits vacant after a demolition permit was issued in February 2022 for the single-family residence that once stood on the property. Access to the site is from N Kinser Pike (road classification) via an existing driveway cut. There appears to be a second driveway cut utilized for the parking of equipment that stems off W Bell Road on the southeast corner of the subject property. According to the Monroe County Thoroughfare Plan, N Kinser Pike is designated as a Minor Collector, while W Bell Road is designated as a Local Road. The petition site is not located in the Environmental Constraints Overlay (i.e., the Lake Monroe Watershed). There is no floodplain designated on the petition site. There is no evidence of the presence of karst/sinkhole features on and near the petition site according to available contour data.



Stormwater Comments:

No comments provided at this time. MS4 Coordinator will review any site improvements when a commercial site plan and other permit applications are submitted.

Highway Comments:

	Paul Satterly	Remove Comment • Nov 17, 2022 at 3:52 pm
The Highway Department prefers that the primary driveway come off of Bell Road. The driveway should be located at least 300 ft. from the intersection with Kinser Pike. Right of way that was acquired for Kinser Pike during the construction of I-69 needs to be shown.		
	Tim Rolfsen	Remove Comment • Nov 23, 2022 at 7:03 am
Hi - The current driveway is located on Kinser Rd. as shown in the proposed site plan. My concern with locating the entrance on Bell Rd. is that it may create access issues to the few neighbors who live on that road. Not sure how I access the Right of Way you mentioned. Where would I find it?		
	Paul Satterly	Remove Comment • Nov 29, 2022 at 3:30 pm
The land that was purchased as part of the I-69/Kinser Pike project should have been recorded and can usually be found when looking up the deed for the property. What kind of traffic volumes are anticipated for this development?		
	Tim Rolfsen	Remove Comment • Nov 29, 2022 at 5:32 pm
<p>Not sure how to calculate, but while the planned parking capacity is 40 spots, it's likely to be less than that. When I observed residential traffic today I was again concerned that even ten+ cars/hour would impede access to homes. Last thing I need is irritated neighbors. I also feel left-right visibility from the current curb-cut is better coming off of Kinser Pike rather than pulling off of Bell Road.</p> <p>Kinser Pike traffic has been very light everytime I've been at the property.</p> <p>Not sure what right of way there would be to I-69 since you have to travel S-SE on Kinser Pike, go over the to Bayles Road, go left on N Walnut to access I-69.</p>		
	Tim Rolfsen	Remove Comment • Nov 30, 2022 at 6:53 am
I did try to look up the warranty deed #2019004689 on doxpop.com but got a message I wasn't authorized. Would like to arrange a call this morning so I can understand the issue. Thanks.		

From: Tim Rolfsen <tim.rolfsen@gmail.com>

Sent: Thursday, December 8, 2022 7:13 PM

To: Paul Satterly <psatterly@co.monroe.in.us>

Subject: FW: Paul Satterly

Hi Paul –

We discussed the driveway for 4851 N. Kinser Pike and I was left with the impression that you were open to leaving the current curb cut as long as the set-back, driveway width, and turn in requirements were met. That said, there was an initial meeting to night and a couple of people of the board were concerned about the drive being on W Bell Rd. While I won't be bringing in trucks frequently, those situations will occur, and I think Kinser Pike would be the most appropriate to handle that occasional traffic. I'd appreciate your thoughts.

One last think, there was also a question about whether Bayles Rd. could handle larger trucks, but guessing if that became an issue trucks could come down Kinser or Prow Rd. to Acuff?

Thanks!

Tim

Sent from [Mail](#) for Windows

From: [Paul Satterly](#)
Sent: Friday, December 9, 2022 9:31 AM
To: [Tim Rolfsen](#)
Cc: [Ben Ayers](#)
Subject: RE: Paul Satterly

Tim,

A driveway off of Kinser Pike would be acceptable. It would be best to have it located at least 150 ft. from the Bell Road intersection and further if possible.

The Bayles Road bridge near Business 37 North (Walnut St.) will be under construction next year so there will be no weight restrictions on Bayles Road once the new bridge is in service.

Please let me know if you have any questions.

Thanks,

Paul

Paul B. Satterly, P.E.
Highway Engineer
Monroe County Highway Department

501 N. Morton Street, Suite 216
Bloomington, Indiana 47404
psatterly@co.monroe.in.us
Office (812) 349-2554
Cell (812) 361-7918

From: Tim Rolfsen <tim.rolfsen@gmail.com>
Sent: Friday, December 9, 2022 10:51 AM
To: Paul Satterly <psatterly@co.monroe.in.us>
Cc: Ben Ayers <bayers@co.monroe.in.us>; Drew Myers <dmyers@co.monroe.in.us>
Subject: RE: Paul Satterly

Paul –

We also briefly talked about a road north of where we'll be at that is under construction. I'm thinking it was Wylie Rd? If so, will that connect to N. Thompson Ridge Rd. so that while Bayles is under construction they could get off at sample and take Wylie to Kinser? If so, it might not be the best choice, but options are good to have.

Thanks for the follow-up!

Tim

Sent from [Mail](#) for Windows

On Dec 9, 2022, at 11:00 AM, Ben Ayers <bayers@co.monroe.in.us> wrote:

Tim,

It might be best to go ahead and apply for the Right of way Activity permit so that we can check sight distance for the existing or proposed driveway entrance to see if the location will work or need shifted to meet sight distance.

Best,

Ben

From: Tim Rolfsen <tim.rolfsen@gmail.com>

Sent: Friday, December 9, 2022 11:27 AM

To: Ben Ayers <bayers@co.monroe.in.us>

Cc: Paul Satterly <psatterly@co.monroe.in.us>; Drew Myers <dmyers@co.monroe.in.us>

Subject: Re: Paul Satterly

OK, I'll get that started. Thanks

Tim Rolfsen

SITE PHOTOS

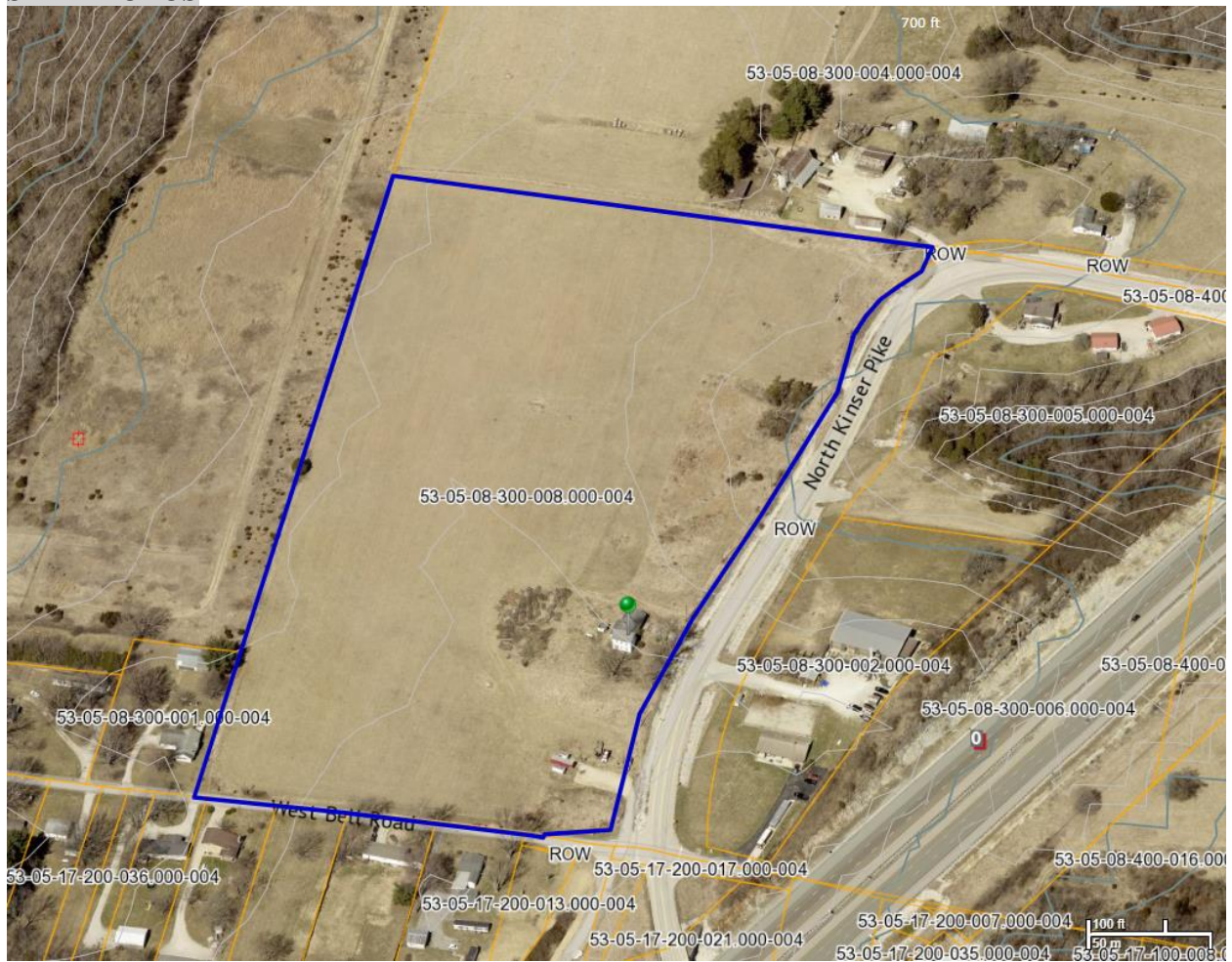


Photo 1. Aerial pictometry from the south (2020)



Photo 2: View of W Bell RD frontage – facing east



Photo 3: Aerial pictometry from the south zoomed in (2022)

Comprehensive Plan

- Petitioner
- Townships
- Monroe Co. Urbanizing Area (MCUA)
- Parcels
- Roads

Comp. Plan Land Use (Updated 2015)

- Conservation Residential
- Farm and Forest
- Protected Land
- MCUA Conservation Residential
- MCUA Open Space
- MCUA Rural Transition
- MCUA Suburban Residential

Bloomington Growth Policies Plan

- Employment Center

0 0.1 0.2 0.4 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/30/2022

Farm and Forest:

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

52

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

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

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

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

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as Farm and Forest.
- The rezone request is to change the zone for the petition site from Estate Residential 1 (RE1) to Agriculture/Rural Reserve (AG/RR);
- The current use of the petition site is single family residential;
- If approved the petitioner intends to submit a site plan application to convert the use of the property from single family residential to winery;

(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, which is described by the County’s Zoning Ordinance, Chapter 802, as follows:

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.

- The petition site is currently zoned Estate Residential 1 (RE1);
- A commercial driveway permit from County Highway may be required for the purposes of the future site plan proposal;
- The majority of the petition site exhibits slopes less than 12% (see Site Conditions Map);
- The petition site is not located in FEMA or DNR Floodplain;
- The petition site is not located in the Environmental Constraints Overlay (i.e., the Lake Monroe Watershed);
- There is no evidence of karst/sinkhole features present on or near the petition site according to available contour data;

(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 to the north, east, south, and southwest are currently zoned RE1;
- The larger parcel adjacent to the west is zoned AG/RR;
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no known 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 19.341 +/- acres;
- The purpose of the rezone is to provide the property owner with the right zoning to pursue a winery use on the property;
- According to the Monroe County Thoroughfare Plan, N Kinser PIKE is designated as a minor collector roadway, and W Bell Road is designated as a local roadway;

EXHIBIT 1: Petitioner Letter & Consent Letter

TANGLEWOOD VINEYARD AND WINERY PETITIONER'S NARRATIVE

We have entered into an agreement to purchase 4851 North Kinser Pike in Bloomington, Indiana, with the sole purpose of establishing a vineyard and winery to be known as "Tanglewood Vineyard & Winery". This request is to rezone the current zoning from Estate Residential 1 to AG2.5 Agricultural Estate, as proposed in the pending ordinance for the purpose of developing it for Agritourism Use and related Variances of Development Standard to accommodate our proposed use.

The Agritourism Use will include a vineyard (15 acres+/-), an 8,000 sq. ft.+/- production/warehouse, a 2,100 sq. ft.+/- tasting room, and an 1,800 sq. ft. +/- equipment building. The production building and warehouse is proposed to include wine processing (i.e., grape crushing, fermenting, aging, case goods storage). The tasting room will provide a relaxed environment for customer tastings and related retail sales, possibly including refrigerated displays for pre-packaged food and snacks.

Tanglewood Vineyards, would operate as under the rules of an Agricultural Event Center defined by Chapter 813, with total capacity of no more than 100 guests, and will host wine tours and small events on the premises which may include live music. The current proposed parking lot will contain 40 spaces.

DocuSign Envelope ID: 9A134A0A-1562-4DDE-85D7-277362E8BD25



November 2, 2022

To Whom It May Concern,

I, Jeff Brawley, give my written consent for Tim Rolfsen to proceed with any/all zoning requests/proceedings regarding the property that I own located at 4851 N Kinser Pike, Bloomington, IN 47404.

DocuSigned by:

21F2E42A4F6A468...
Jeff Brawley

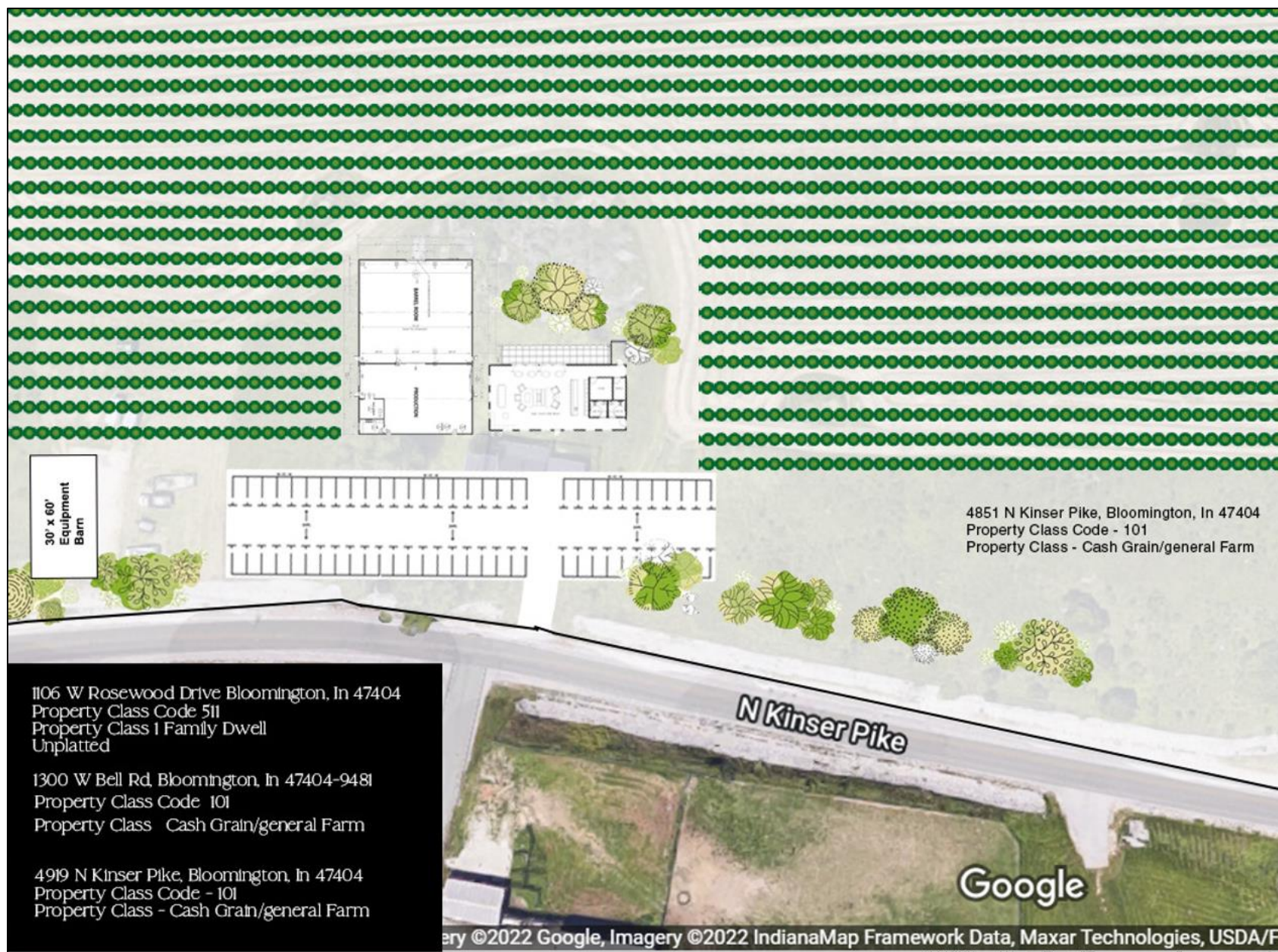
11/2/2022

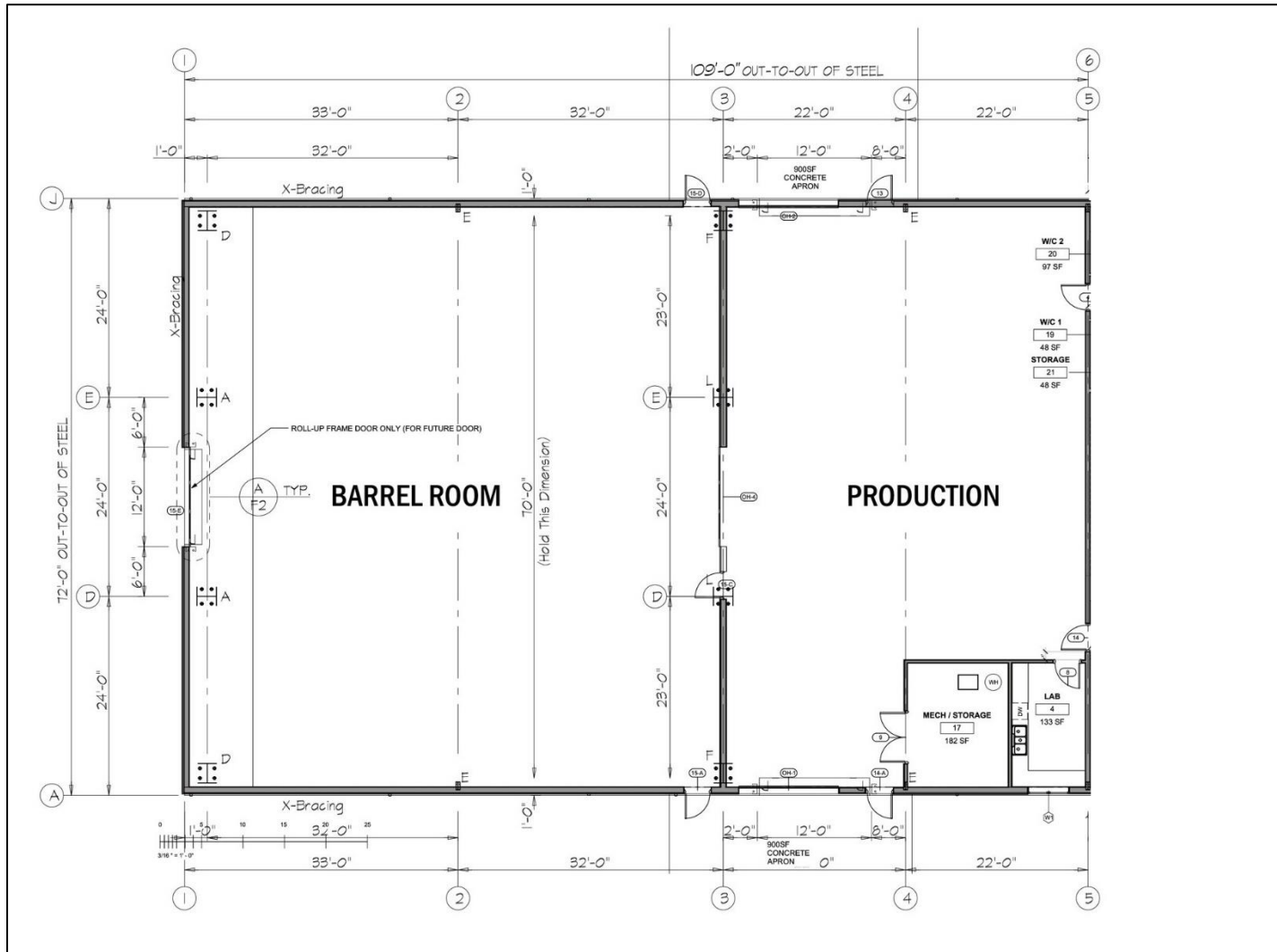
Jeff@thebrawleygroup.com

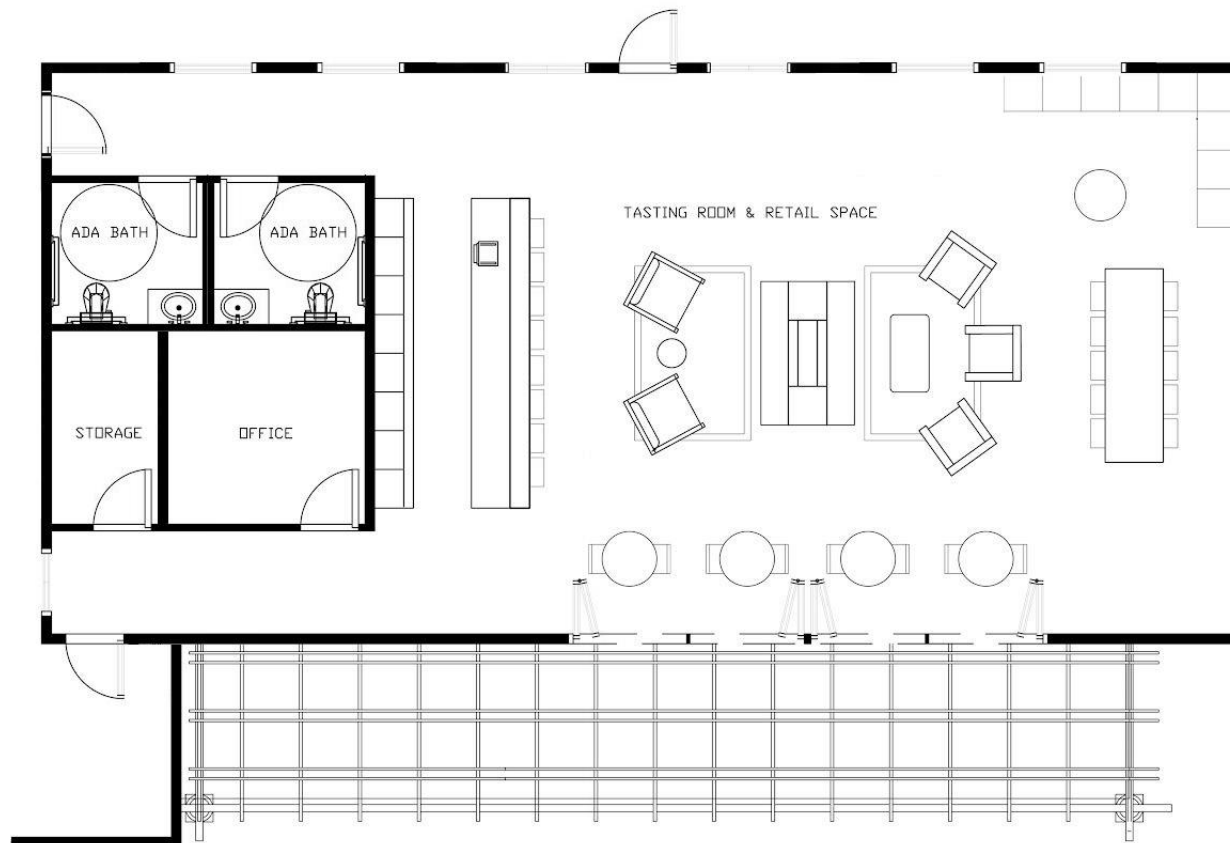
812-327-5331

EXHIBIT 2: Petitioner Draft Site Plan









TANGLEWOOD VINEYARDS
4851 North Kinser Pike
Bloomington, IN 47404

30' x 70'

EXHIBIT 3: Uses Permitted in the AG/RR Zone

USES	INTENSITY	ZONES	USES	INTENSITY	ZONES
Agricultural Uses	i	AG	Religious Facilities	H	P
Accessory Use		P	Remote Garbage/Rubbish Removal	H	C
Accessory Structures for Agricultural Use	L	P	Solar Farm	L	C
Agriculture	H	P	Telephone and Telegraph Services	L	P
Agricultural-Related Industry	H	P	Utility Service Facility	M	P
Agricultural Uses-Land Animal	H	P	Wastewater Treatment Facility	H	C
Agricultural Uses-Non Animal	H	P	Water Treatment Facility	H	C
Agritourism / Agritainment (i.e. corn mazes,	H	P	Wired Communication Services	M	P
Aquaculture	M	P	Business and Personal Services	i	AG
Christmas Tree Farm	H	P	Accessory Use		P
Commercial facilities for the sale, repair, a	H	C	Artisan Crafts	M	C
Commercial Non-Farm Animals	M	P	Bed and Breakfast	L	P
Confined Feeding Operations	H	C	Composting Operation	H	P
Equestrian Center	H	C	Greenfill	M	P
Equine Services	L	P	Historic Adaptive Reuse		P
Feed Lot	H	P	Kennel, including commercial animal breeding	H	C
Feed Mill	L	P	Real Estate Sales office Or Model	L	P
Historic Adaptive Reuse		P	Taxidermist	L	P
Horse Farm	L	P	Temporary Seasonal Activity	M	P
Nursery/greenhouse	H	P	Tourist Home or Cabin	L	P
Orchard	H	P	Veterinary Service (Indoor)	H	C
Pick-your-own operation	H	P	Veterinary Service (Outdoor)	M	C
Roadside farm stand, Permanent	M	P	Retail and Wholesale Trade	i	AG
Roadside farm stand, Temporary	L	P	Accessory Use		P
Stockyard	H	P	Agricultural Sale Barn	H	P
Winery	H	P	Fruit Market	L	P
Accessory Apartments	L	P	Garden Center	H	C
Accessory Dwelling Units	L	P	Historic Adaptive Reuse		P
Accessory Livestock	L	P	Automotive and Transportation	i	AG
Accessory Use		P	Automobile Repair Services, Minor	H	C
Guest House	L	P	Historic Adaptive Reuse		P
Historic Adaptive Reuse		P	Accessory Use		P
Home Based Business	L	P	Camping Facility	H	P
Home Occupation	L	P	Historic Adaptive Reuse		P
Residential Storage Structure	L	P	Park and Recreational Services	H	C
Single Family Dwelling	n/a	P	Private Recreational Facility	H	C
Temporary Dwelling	L	P	Recreational Vehicle (RV) Park	H	C
Two Family Dwelling	n/a	P	Manufacturing, Mining	i	AG
Public and Semipublic	i	AG	Accessory Use		P
Accessory Use		P	Historic Adaptive Reuse		P
Cemetery	H	P	Sawmill	H	C
Governmental Facility	H	P	Wood Products	M	C
Historic Adaptive Reuse		P			

EXHIBIT 4: Uses Permitted in the RE1**Estate Residential 1 Permitted and Conditional Uses**

Monroe County Zoning Ordinance Chapter 802 & Chapter 833

USES	RE1
Bed and breakfast	C
Cemeteries	P
Churches	C
Crops and pasturage	P
Day care centers	C
Fire stations	C
Golf courses	C
Historic adaptive reuse	C
Home occupations	C
Parks and playgrounds	P
Police stations	C
Public libraries/museums	C
Rehabilitative facilities	C
Residential care homes for developmentally disabled individuals	P
Residential care homes for mentally ill	P
Residential care homes for up to five individuals, other than the developmentally disabled	P
Schools	C
Single family detached dwellings	P
Swim clubs	C
Tennis clubs	C
Utility substations and transmission facilities	P

(I) Use Intensity
(P) Permitted
(C) Conditional
(RE1) Estate Residential 1

Created December 2019

EXHIBIT 5: Petitioner's Response to PRC

Wine Making and Trucks –

A board member expressed concern that Bayles Rd. couldn't handle truck traffic for all of the juice we will be purchasing. As a point of reference, we had the largest dumpsters available from Republic Services dropped at the property. Our neighbor to the north owns a trucking business and regularly runs tri-axle dump trucks up and down Kinser Pike.

According to Highway Engineer Paul Satterly, the Bayles Road bridge near Business 37 North (Walnut St.) will be under construction next year so there will be no weight restrictions on Bayles Road once the new bridge is in service. Alternate routes, including the one used by Republic Services to place their dumpsters (about eleven round-trips) on the property, are:

I-69 to E Indiana 45 Bypass to Kinser Pike (Gourley Pike to Arlington to Prow, then Acuff has also been used).

The newly completed Sample Rd. to Simpson Chapel Rd. to Bottom Rd./Kinser Pike, will also accommodate similar truck traffic.

Regarding the use of trucks, it will be necessary to purchase juice and grapes from select growers since it will take at least three years from our 2024 plant date to harvest our own fruit. As with all wineries, purchasing fruit and juice is necessary since owning enough land to plant vines to support more than very small-scale production would be prohibitive. To put this into context, Oliver Winery's Creekbend Vineyard in Ellettsville is approximately 75 acres of vines and yields enough fruit to make about 37,000 gallons of wine. When they were purchased in 2018 they were producing nearly 2 million gallons of wine, so the rest had to come from growers, and was delivered either as fruit from California or juice from the Lake Erie and Finger Lakes regions (NY). Their fermenting tanks hold up to 116,000 gallons of wine each. Our largest will be no more than 5,000 gallons.

Our goal is to produce, at most, 25,000 cases per year, and will take 10+ years to hit that target. If we do, that translates to 60,000 gallons/year, about 3% of what is produced by Oliver four years ago. Our proposed 14 acres will yield enough fruit to produce approximately 6,800 gallons of wine. Fermentable juice purchased by other growers will likely be delivered in 330 gal totes or by small, refrigerated trucks (think 40 ft box truck).

Noise and Nuisance

The facility will be a farm winery, and per the description of what is allowed, and given the size parcel (19.34 acres), will be designed to accommodate up to 100 people. There may be music, though the latest that would occur is during standard tasting room hours, which would likely be 11:00 am – 6:00 pm. While we may choose to offer private events beyond those hours, it will not include loud music. My request to highway engineers that we keep the drive to the property on Kinser Pike is not only to ensure the safety of our visitors, but also to keep from being a nuisance to neighbors on W Bell Rd.; that desire to coexist extends to noise as well. That request has been approved.

Indiana Winemaking Neighbors

Finally, a person suggested that grapes don't grow in Indiana, so we'd need to import all of our juice, which led to the discussion about road capacity. I'm fairly confident that this concern is not germane to the question of zoning, but Indiana has several growers of grapes, and many in the northern half of the state where it is much colder. Closer to our chosen location is Oliver, Butler, Huber, and several others. FWIW, I've had conversations with Yvan Quirion, owner of Domaine St.-Jacques, located near Quebec City, Canada, who successfully grows chardonnay, merlot, cabernet sauvignon, and cabernet franc. We have plenty of heat accumulation during the growing season to support robust growth of wine grapes, we just need to be mindful of the humidity that can cause powdery mildew and mold. That's why, like all Midwest growers, we will have a weekly spraying program.

EXHIBIT 6: Monroe County Thoroughfare Plan – Adopted 12/12/2018



EXHIBIT 7: Letters of Support/Opposition

From: [Michelle Rogers](#)
To: [Planning Office](#)
Cc: [Julie Thomas](#)
Subject: Comments on REZ-22-12
Date: Wednesday, January 18, 2023 1:33:02 PM

My name is Michelle Rogers, and I live at 1288 W. Bell Road. I am writing in response to Commissioner Thomas's request at the close of the meeting on January 17, 2023 for further comment in opposition to the rezone request to build a winery on Kinser Pike (REZ-22-12). As suggested in the meeting, I am sending to this address so this information can be shared with members of the Plan Commission.

Although close to I-69, West Bell Road, is a quiet little corner of rural living. Neighbors wave to one another, and there is little traffic on our dead end road. Last summer, my grandson and I had a nightly routine of riding up and down the street on his bike. Neighbors knew to look out for him, and when someone passed, we just got to the side of the road, and the motorist would wave, and oftentimes say hello to Luke. Here is a link to a video of us doing that this past summer. [I apologize for the commentary, and suggest you might want to watch sound-off ☺]
<https://www.facebook.com/michelle.rogers.5895/videos/5116522315091992> I think the video (taken looking down Bell Road toward Kinser Pike) gives you a good feel for the area. Any extra traffic would definitely make this kind of thing not possible. Even if the entrance was off of Kinser Pike (which, the suggestion to put it on Bell Road is absurd, and I hope that is nixed for good), it is probable that cars could find their way to us.

I've also attached a photograph I took of my daughter on her 16th birthday. As you can see, the white house in the background is the one that has been torn down, and where the winery is proposed to sit. Again, this is not meant to show off my kid, but just more to get a sense of our surroundings. For some of us, it will very nearly be in our backyards. And although the closest to us will be the vineyards, how do we know what goes into maintaining a vineyard. Will there be heavy machinery? Pesticides in the air? I also wonder what affect that will have on the rabbits and mice. Does that push more of them our way?

Overall, I think it is a bad idea, and is not worth it when you consider the negative impacts to residents in the area. We've seen what is happening in other cities like ours (and even in our own). It would be nice if an area could just be kept nice and quiet. Also, I do not believe that the sole business of the winery is as stated – Tasting hours Thurs-Sunday from 11-6. To be profitable it would seem that there would be an eye toward hosting events. These would probably occur later in the evening. I wouldn't want to encounter a bunch of drunk wedding guests leaving the venue late at night. And I don't believe that it will raise any property values, as suggested by the developer. Even so, I don't think that is even much of a concern for folks on Bell Road. Most seem pretty situated. I invite you to drive out to the area and experience it for yourself. I hope you'll find that this location is just not suited for a winery. Or really any business, for that matter. I feel the concerns far outweigh the benefits.

Thanks for your time!

From: Peter Bellessis <petekosmas@yahoo.com>

Sent: Sunday, January 29, 2023 1:39 PM

To: Jacqueline N. Jelen <jnester@co.monroe.in.us>; L025241@att.net

Subject: re; Upcoming February plan commission meeting on the proposed winery unneeded and unwanted on this plot of land in NW Monroe County

Dear Jackie,

Thank you very much for approaching both my wife, Jana, and I after the meeting. Paul Greene has again, door to door, requested me email him a list of concerns and as our very own "community organizer", he has worked tirelessly to call attention to this developer's intentions for his recent purchase in Northwest Monroe County.

I was going to try and email Julie Thomas but cannot find email contact information for her on the website listed on your business card. Perhaps you can help with that in a reply?

I am glad, even though three minutes was very little time to speak, I was able to call attention to what a long-term resident of the property directly across the street from this proposed development feels about this needless business idea from someone whom does not have area residents' best interests in mind.

There are many facets to this development that truly will disrupt life as we know it. The developer most certainly to his advantage downplayed the significant risk of having this increase of *in and out* traffic at this location. There are a myriad of dangerous reasons why this will not work. Regardless of where his entrance is located this road, Kinser Pike, is a fast moving corridor for local traffic and the danger of traveling North around an uphill left hander to both lanes being blocked (delivery vehicle) is daunting to say the least.

A popular area for both Indiana University cyclists and local enthusiasts this road is used by them frequently and I shudder to think of "non-local attitudes" at their presence as they can and often do use the entire lane of traffic as they are legally entitled to do so. I have so much to say about this and am typing extemporaneously at the moment so perhaps a second email to you where I can better organize my thought process is in order here, Jackie.

From the noise to light pollution this location will create to the true wildlife disruption it is sure to cause, I have personal experience with inebriated drivers and am a motorcyclist who does not want to hear "I did not see him", or "he was going too fast" as replies to an accident from a patron of this establishment who failed to take into account the higher alcohol content of the wine they will be serving at this winery and/or unfamiliarity with the surrounding roads and area they have maybe visited for the first time.

This developer and I attempted to debate at the meeting and I am sorry for this as it was not the venue for that but I am passionate about my hometown and we are truly grateful for the quiet nature of this area and with a near doubling of our rent upon our return in May of 2022 (we have rented at this property since we first left Los Angeles in September of 2009) the year spent owning our own rural property in Delaware had us longing to return to 1084 W. Bell Road.

I will be hoping for a response from you. Thanks for reading if I have you thus far.

Respectfully,
Peter K. Bellessis

MONROE COUNTY PLAN COMMISSION		February 21, 2023
PLANNER	Anne Crecelius	
CASE NUMBER	SSS-22-13	
PETITIONER	Jordan Sites	
ADDRESS	4305 W Prather RD, #53-03-13-300-002.000-001	
REQUEST	Sites-Gaither Sliding Scale Subdivision Preliminary Plat Road Width Waiver Waiver of Final Hearing	
ACRES	18.57 +/- acres	
ZONE	AG/RR	
TOWNSHIP	Bean Blossom Township	
SECTION	13	
PLATS	Unplatted	
COMP PLAN DESIGNATION	Farm and Forest	

EXHIBITS

1. Preliminary Plat
2. Petitioner Waiver Findings of Fact
3. Petitioner Letter

STAFF RECOMMENDATION

Staff recommends **approval** of the Sliding Scale Subdivision Preliminary Plat and the Road Width Waiver based on findings of fact and subject to the Monroe County Highway Department reports.

PLAT COMMITTEE – January 19, 2023

Plat Committee forwarded a favorable recommendation of the preliminary plat and Road Width Waiver by a vote of 2-0.

Plan Commission Regular Meeting – February 21, 2023 (Preliminary Hearing)

Waiver of Final Hearing Requested.

Plan Commission Regular Meeting – March 21, 2023 (Final Hearing)

SUMMARY

The petition site is one lot of record that totals 18.57 +/- acres located in Bean Blossom Township, Section 13. The site is zoned Agriculture/Rural Reserve (AG/RR). The petitioner is proposing a 2-lot Sliding Scale Subdivision with one (1) waiver request from the Road Width requirement of Chapter 856 of the Monroe County Zoning Ordinance. The electric transformer on-site appears to service a neighboring property and the existing structure on the petition site – using Pictometry it appears the overhead line from the transformer to the structure is buried, which means no overhead utility waiver is needed. The parcel maintains frontage along N Prather RD, a local road which is currently 14' +/- in width. A Sliding Scale Subdivision under the authority of Chapter 862 requires that any sliding scale subdivision meets the following standard:

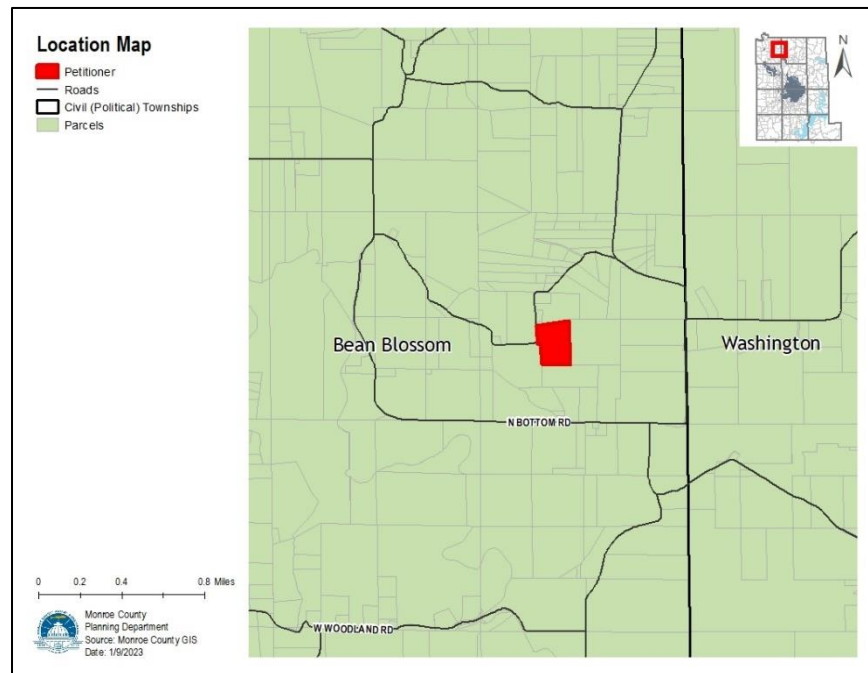
862-4 (5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

	Lot 1 Parent Parcel	Lot 2
Total Acreage	10.19 acres 5.27 buildable	7.9 acres 3.47 buildable
Wastewater	Installation permit WW-22-310	Installation permit WW-22-311
Access	Frontage on Prather RD Existing driveway must be relocated per RW-22-352	No direct Frontage – shared driveway with entrance that must be relocated. Easement access. RW-22-3560
ROW Dedication	30' R/W dedicated	No frontage

Environmental	Drainage Easement required – private driveway culvert required with development.	Drainage Easement required – private driveway culvert required with development.
Structures	Developed with SFR, residential accessory structure, and covered bridge	Undeveloped-
Electric/Water	REMC, Washington Township Water	REMC, Washington Township Water

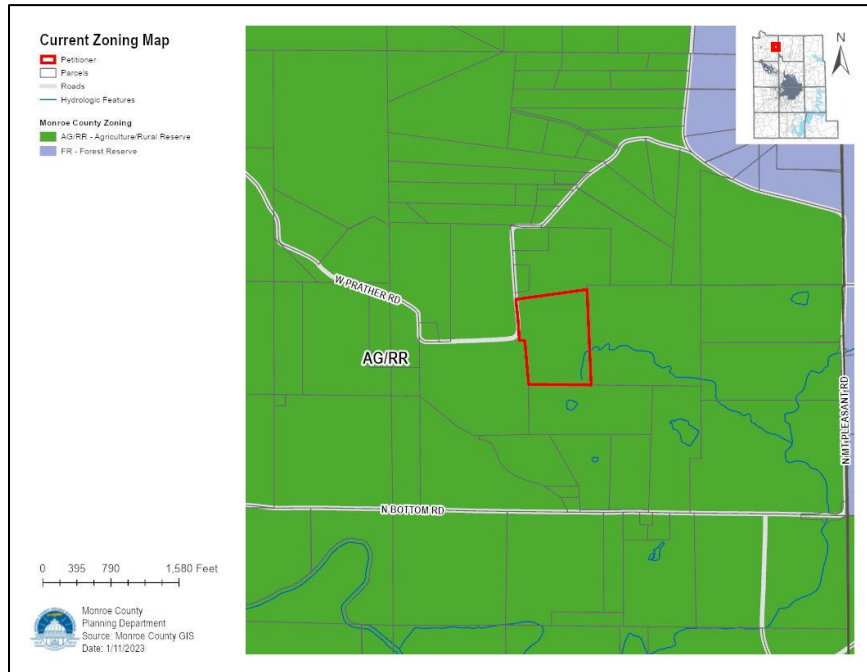
LOCATION MAP

The petition site is one lot of record, parcel number: 53-05-13-400-020.000-004. The site is located at 4305 W Prather RD in Section 13 of Bean Blossom Township.



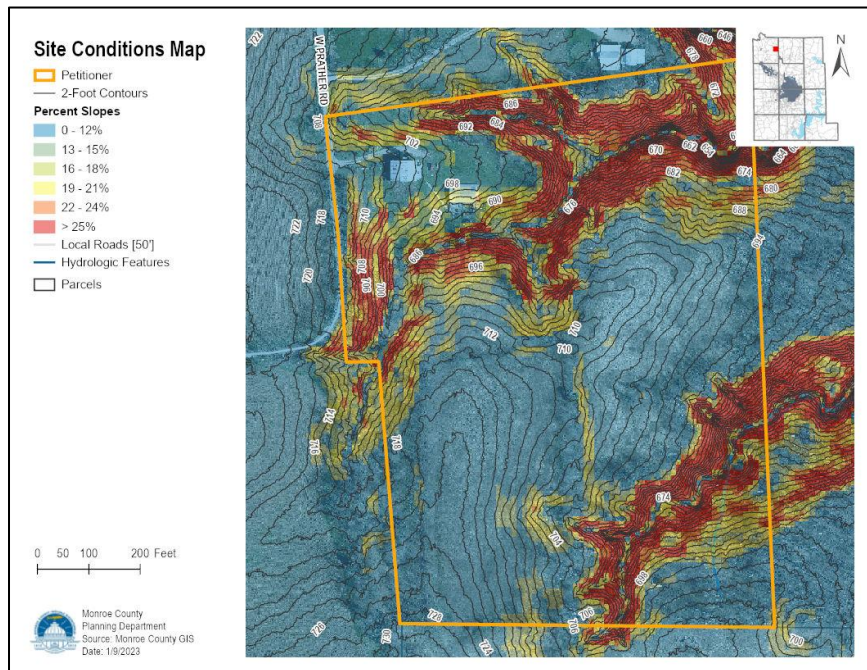
ZONING

The zoning for the petition site and adjacent sites are zoned Agricultural Rural Reserve (AG/RR). petition site use is currently vacant and a Single Family Residential use.



SITE CONDITIONS MAP

The petition site is two parcels totaling 18.57 +/- acres. The lot contains some steep slopes greater than 15% but has adequate Buildable Area to meet the minimum 1 acre requirement for each proposed lot. The two proposed lots would share a driveway entrance from W Prather RD.



Kelsey Thetonia, MS4 Coordinator, Comment from PRE-186

For the plat review for this subdivision. I will ask for a Drainage Easement for flowlines that cross property boundaries. A culvert will be required for the driveway crossing the Drainage

Easement. In general, new private driveway culverts are required to meet the following from MCC Ch. 761:

(E) Culverts for new driveways and for new private roads serving fewer than five houses shall be provided and designed so that:

- (1) flooding of existing local, collector, or arterial roads is not increased from any frequency flood,
- (2) flooding to habitable abodes is not increased,
- (3) the maximum off-site surcharge does not exceed one foot from any frequency flood, and
- (4) if the surcharge in a two year or a 100 year flood is over four feet, or if the berm height is over ten feet the berm shall be designed to the standards specified ed by the County Engineer.

Existing private roads or driveways that are improved or serve new uses will be considered to be new private roads, and the culverts or bridges for these roads must meet the criteria described in this Ordinance. If not covered above, the maximum amount of surcharge may be established by the Board if the crossing is likely to cause off-site damages. In order to reduce maintenance resulting from debris jams, multiple culvert structures shall be allowed only in cases in which the likelihood of debris jams is small and the use of a single culvert is not feasible.

It will be up to the property owner to ensure compliance with other state/federal water permitting- If you have any questions about whether or not these permits are applicable. you can use the state's inquiry tool: <https://www.m.gov/waterways/>

This project will require a Stormwater Pollution Prevention Plan (SWPPP) prior to any construction or land disturbing activity.

INFRASTRUCTURE AND ACCESS

The parcel maintains frontage along W Prather RD, which is classified as a Local road with 25' of right-of-way. The road is identified by the petitioner's surveyor as 14' +/- wide.

Paul Satterly, Highway Engineer, commented 01/09/2023 the following:

The Highway Department supports the road width waiver since the traffic volumes on Prather Road are low (80 vehicles per day) and the subdivision is estimated to add approximately 10 vehicles per day to the roadway.

Ben Ayers, Project Manager, has requested the following as of 12/16/2022:

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. See RW-22-352 & RW-22-356.

Existing driveway entrance does not meet the sight distance requirements of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way and is not safest location for access. The driveway entrance needs to be re-located south to the top of the hill to meet the requirements or be the safest location for access to issue a permit.

New proposed driveway entrance shall be shared between Lot #1 & Lot #2

SITE PICTURES



Photo 1. Pictometry photo of the petition site looking NE.



Photo 2. Pictometry photo of the petition site looking NW.





COMPREHENSIVE PLAN DISCUSSION

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

Farm and Forest Residential

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

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

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

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

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

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

FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- Approval of the subdivision would subdivide one lot into two (2) lots which will meet all design standards;
- Lot 1, the designated Parent Parcel Remainder, shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance;
- Steep slopes are present on the proposed lots but would meet the Buildable Area design standard requirements;
- Proposed lots have an approved septic permit location;
- Proposed lots 1 and 2 have received approved with conditions driveway permit off of W Prather RD;
- The MS4 Coordinator has reviewed the application and requested drainage easements;
- 30' of right-of-way is required to be dedicated along W Prather RD, a Local road;

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

Findings

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

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

Findings

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

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

Findings

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

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

Findings

- See findings under Sections A & C & D;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – WAIVER OF ROAD WIDTH REQUIREMENT

The petitioner has requested a waiver from the *Improvement, Reservation and Design Standards* outlined in in 862-4 (A) (General design considerations for Sliding Scale Option), which reads:

(5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

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

1. Practical difficulties have been demonstrated:

Findings:

- Note Exhibit 2 for Petitioner Submitted Findings for both waivers;
- The site gains access from W Prather RD, a designated Local Road;
- W Prather RD is measured by surveyor as 14 feet wide;
- The petition site has approximately 367' of frontage along W Prather RD;
- The existing road serves properties to the north and west of the petition site, as well as the proposed petition site;
- The existing driveway entrance to the petition site is required to be relocated per the Highway Department to meet safety standards;
- The petitioner did submit findings for the waivers (Exhibit 2);
-

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

Findings:

- See findings under Section 1;

- The Comprehensive Plan’s Farm and Forest designation states that “a low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting”;

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

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- The Monroe County Highway Department has provided comments for the Road Width Waiver that indicate support for the waiver request;
- See the findings submitted by the petitioner (Exhibit 2);

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

Findings:

- See findings under Section 1;

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

Findings:

- See findings under Section 1;
- Adjacent property owners on W Prather RD would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;

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

Findings:

- See findings under Section 1, 2, and 3;

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

Findings:

- See findings under Section 1;

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

Findings:

- See findings under Section 1;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

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

Findings:

- See findings under Section 1;

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

EXHIBIT 1: Preliminary Plat

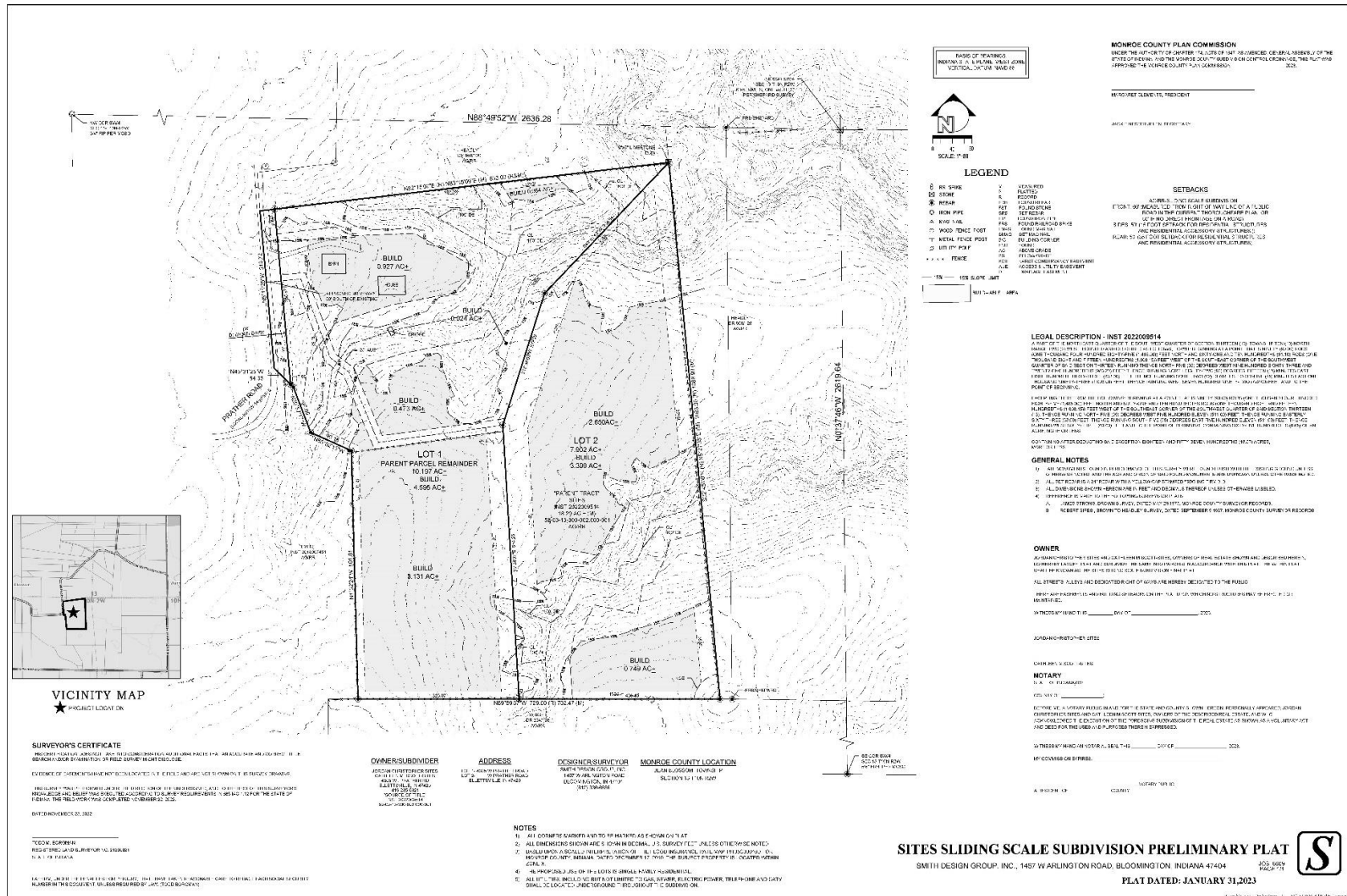


EXHIBIT 2: Petitioner Submitted Waiver Findings of Fact

December 7, 2022

To: Members of the Monroe County Plan Commission

Re: Sites Sliding Scale Subdivision

Road Width Waiver

The petitioner is requesting a road width waiver. The current road width is 15 feet +/- (varies) with a required width of 18 feet.

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

- (1) practical difficulties have been demonstrated;
 - Due to the road's location, length and local road classification, it is unlikely to be widened.
 - Traffic is typically moving at a slower speed in this area due to the 90-degree curve.
- (2) the requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;
 - Due to the road's location, length and local road classification, it is unlikely to be widened.
 - Traffic is typically moving at a slower speed in this area due to the 90-degree curve.
- (3) granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.);
 - Due to the road's location, length and local road classification, it is unlikely to be widened.
 - Traffic is typically moving at a slower speed in this area due to the 90-degree curve.
- (4) granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;
 - Granting the modification would leave the conditions as they presently exist.
- (5) the conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties:
 - Due to the road's location, length and local road classification, it is unlikely to be widened.
 - Traffic is typically moving at a slower speed in this area due to the 90-degree curve.
- (6) granting the requested modifications would not contravene the policies and purposes of these regulations;
 - Due to the road's location, length and local road classification, it is unlikely to be widened.
 - Traffic is typically moving at a slower speed in this area due to the 90-degree curve.
- (7) the requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done;
 - Due to the road's location, length and local road classification, it is unlikely to be widened.
 - Traffic is typically moving at a slower speed in this area due to the 90-degree curve.
- (8) the practical difficulties were not created by the Developer, Owner, Subdivider or Applicant; and,
 - Due to the road's location, length and local road classification, it is unlikely to be widened.
 - Traffic is typically moving at a slower speed in this area due to the 90-degree curve.
- (9) the practical difficulties cannot be overcome through reasonable design alternatives.
 - Due to the road's location, length and local road classification, it is unlikely to be widened.
 - Traffic is typically moving at a slower speed in this area due to the 90-degree curve.

EXHIBIT 3: Petitioner Letter

Jordan Sites
3775 W Lost Mans Ln, Bloomington IN 47404
jordan.sites@gmail.com
419-235-6921

Hello Monroe County Planning Commission,

We wanted to take a moment to help explain what it is we're hoping to do and provide a little background on how we got here.

My wife and I (below) live over on Lost Man's Lane, nearby. This is our family, Catie (my wife) is a nurse in the NICU at the hospital here in Bloomington, I am an IT Manager at the Indiana University Foundation, and our kids are Henry (5) who wants to be a farmer, Charlie (4) wants to be a 'grass mower', and Scottie (2) is TBD in her career aspirations.



The Sites Family

We currently live in the house (shown below) at the top of the hill on Lost Man's lane. It's a great place, but we're getting close to outgrowing it.



We really like my wife's sister and her family (see below). As a matter of fact, we like each other so much, we have long dreamed about buying about 10 acres a piece and building houses by each other and letting our kids grow up together.



The Gaither Family!

This is their family, Cara is a Communications Director and organizes children's programming at the YMCA, Josh is an IT Informatics Analyst at IU Health, Rosie (7) wants to be a nurse like her aunt, and Fiona (4) wants to be like her mom when she grows up.

Whew! Ok, nice to meet you all! Let me get right to the point.

We have been searching for land in Monroe County in the RBBSC district (we have family that teach there) to make our version of the 'American Dream' a reality. We've been at this for several years – making many offers and having things fall apart for one reason or another. It's been very difficult to find adjoining parcels or parcels that could work towards being split. However, we got lucky and in June my wife and I purchased 4305 W Prather Rd in Ellettsville. Since then, we've been working towards making the 'splitting' of the land a reality.

We've all fallen in love with the property, neighborhood, and are very hopeful we can make this a reality.

As you'll see from our submission, we've worked through as many of the details as possible. Here's the key items to assist you as you review:

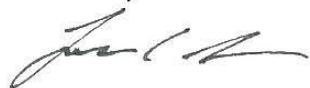
- Pre-design doc: PRE-186
- Jordan and Catie Septic Permit: WW-22-310
- Jordan and Catie Right of Way Permit: RW-22-352
- Josh and Cara Septic Permit: WW-22-311
- Josh and Cara Right of Way Permit: RW-22-356
- Capacity Report from REMC
- Capacity Report from Washington Township Water

We have been working with Todd Borgman at Smith Design Group to map out a design that achieves our high-level goals of:

1. A split of the parcels that fits the layout of the land, abiding by Monroe County regulations and ordinances.
2. A design that wouldn't hinder resale should something unexpected happen down the road and would not cause a disturbance to neighboring properties.

Ultimately our plan is to split the land, work with the building department to convert the existing, worn-down home to a storage shed, and build our houses.

Thanks for your consideration, and don't hesitate to reach out with questions.



Jordan Sites and the Gaither and Sites Families