

DRAFT

MONROE COUNTY PLAN COMMISSION

Hybrid Meeting - Minutes

December 13, 2022 – 5:30 P.M.

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – October 18, 2022

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

ROLL CALL: Jerry Pittsford, Bernie Guerrettaz, Geoff Morris, Geoff McKim, Margaret Clements, Julie Thomas, Trohn Enright-Randolph

ABSENT: *Dee Owens*

STAFF PRESENT: Jackie Nester Jelen, Director, Tammy Behrman, Assistant Director, Anne Crecelius, Planner II, Daniel Brown, Planner II, Shawn Smith, Planner II, Drew Myers, Senior Planner

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

INTRODUCTION OF EVIDENCE:

Jackie Nester Jelen introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

Motion to approve the agenda as amended, carried unanimously.

APPROVAL OF MINUTES

Motion to approve minutes from meeting of October 18, 2022, carried unanimously.

ADMINISTRATIVE BUSINESS:

1. CDO Public Engagement Session

- a. Staff Introductions to Module 2 of the CDO
- b. Presentation - Elizabeth Fields, McBride Dale Clarion, Consultant for CDO
- c. Public Engagement – Review of CDO material for input

UNFINISHED BUSINESS:

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

One (1) 17.29 +/- acre parcel in Clear Creek Township, Section 11 at 7955 S Fairfax RD, parcel no. 53-11-11-300-014.000-006.
Owner: Starts Living Trust c/o Lorraine Fowler
Zoned AG/RR, ECO 1/2/3. Contact: acrecelius@co.monroe.in.us

NEW BUSINESS:

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

One (1) 8.99 +/- acre parcel in Van Buren Township, Section 1 at S Liberty DR, parcel #53-09-01-100-034.000-015
Owner: Autovest II LLC c/o AJ Willis, Bynum Fanyo & Assoc.
Zoned PUD. Contact: acrecelius@co.monroe.in.us

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

One (1) 18 +/- acre parcel in Richland Township, Section 16 at 7935 W Ratliff RD, parcel no. #53-04-16-300-004.000-011.
Owner: Powell, Brandon and Hannah.
Zoned PUD. Contact: drbrown@co.monroe.in.us

ADMINISTRATIVE BUSINESS

1. CDO Public Engagement Session

- a. Staff Introductions to Module 2 of the CDO**
- b. Presentation - Elizabeth Fields, McBride Dale Clarion, Consultant for CDO**
- c. Public Engagement – Review of CDO material for input**

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Sure and thank you for that introduction. Liz is also going to be helping me go through the quick power point that we have for everyone tonight. We are hoping to focus in on public engagement one on one with you all here, so I do appreciate your attendance either in person or online. I just want to go over quickly where we are at in the process of the County Development Ordinance. The items in red have been substantially drafted. We have gone over Basic Provisions, Zoning Districts, the Use Table and Special Uses, Subdivision Standards, Administration and Definitions. Yet to be drafted will be the Design Standards, so we are working on lot size information. We are also working on development standards and that could be landscaping, parking standards, open space and then also our overlays and special districts. We are trying to make sure those are in the best spot possible for us to release that out to the public. Those will be either in the latter half of Module 2, which we are currently in or Module 3. The timeline for this is we are hoping that by end of next year we could really be seeing some progress with all of the drafts being completed, put together, feedback included and potentially even notice going out scheduling the date of hearing. Tonight's meeting, we are really focusing in on the Use Table and Special Uses as well as the Definitions. We do have our 4 planners here to help and if they can raise their hands real fast and you can see them here in the room. They are going to be helping everyone individually on which properties they want to go through and what the proposed and existing uses are in the zoning ordinance. Why do we need the County Development Ordinance? The last entire update of the ordinance was in 1997 and since then we have made piecemeal edits. So, we are trying to come up to code with state statutes changes, modernize our use list, consolidate things that could be consolidated. The number of zones is reducing from 45 to 16 as currently proposed, which will make it a little bit clearer and easier for the public to use. The number of uses will be consolidated from 372 to 174. We are not proposing on getting rid of those uses. They will just be updated and consolidated to a better use that will be able to go over each of those individual uses that are consolidated.

Fields: We wanted to touch base on, kind of remind everybody what some of the goals of this update were. Part of that, is this one not working? Ok. And part of that is reorganize, consolidate, and reformat the code, so that is coming through very clearly in the consolidated zoning districts and the consolidated uses. You will see in our proposed update that we are updating the format, trying to make the tables easier to read the whole code easier to read and to use. Streamline uses and regulations we are looking at all of those, updating, continuously looking, and updating those use standards. That is part of our process now. Improve the usability of the CDO as we go through. The flow of it is going to be a lot clearer. The usability of it we will be inserting hyperlinks throughout. We will be looking at some other ways to make the code really user-friendly for both the staff and for the public and then as we are drafting, we are also tracking important changes and footnotes in the code. Those will be deleted once the code is adopted. But we will keep those footnotes in there

until that point. This is sort of an example of one of the uses that we are taking and consolidating. You can see here there is like 10 different agricultural uses that we are proposing to consolidate into Agricultural/Traditional. You can see very specific uses like horse farm and stock yard and Christmas tree farm that they are all agricultural uses so that is part of how we are trying to consolidate and streamline in the process.

Nester Jelen: I want to explain for everyone that is here tonight we will be giving handouts but also for those attending virtually how you are going to navigate the draft CDO in order to give us feedback. If you are here in person, out in the hallway you will see a setup for an exercise to see what your proposed zoning is and what your current zoning is. We will have a form for you to fill out to keep track of that and then we will organize you by those proposed zoning districts to help have the conversation be a little more specific to you needs. If you are joining us virtually, it is going to involve you going to monroecdo.com. The home page will have a tab called maps and in the maps tab you will find the draft zoning map. The map should be fairly easy for you to type in your address in the upper left-hand corner. When you click on your property, once your address has populated you will see a popup that looks like the middle of the screen with the Monroe County Development Ordinance 2022. It will show your address, parcel number and then most importantly your proposed zoning code and your current zoning code. That information does popup there automatically as well as the feedback survey, which is something that we are going to work through with people here with us in person tonight. But also, something that you can do virtually.

Fields: We wanted to kind of give an update and an overview on kind of your current Use Table and the proposed Use Table to make sure that everyone understands how the Use Table works. This is a screenshot of your existing Use Table. You can see some examples of how you have very specific uses and how those are going to be consolidated. You can see the P and the C in the code. Those are for Permitted Uses and Conditional Uses. You will see in the new code that we are going to bring in Permitted with Standards. Currently if a use has standards there is a number in the conditions column, that last column in the table, and so it is not as user-friendly when you just look at this code to understand if a use has conditions because all of those P's are the same. So, kind of comparing that to the proposed code. This is a screenshot of the proposed Use Table. Part of the usability we have at the top and this will be at the top of every page. We have color coded and grouped the different zoning districts. So, they are grouped under rural, residential. The Institutional Public is kind of its own thing. So is the Airport but then business and industrial. Those colors are going to correspond to we are doing kind of those two-page spreads for each zoning district. Those will also have that color so that as you are flipping through you will understand ok, I am in the rural section, I am in the residential section. So, another example of how we are trying to improve that useability. We are also grouping uses clearly by category. Here you can see the general use category and the agricultural use category and then the uses are going to be alphabetical under those. As you can see previously to your current table, we have the P is for permitted uses. The C is for conditional, but we are adding in a PS and that is permitted with standards. So, if a use has use specific standards it will show up as a PS and then in the reference column, that last column, currently you are using number references. Right now, we just have y's. those will be changed to hyperlinked code sections so it will take you right to that code section if you are interested in those use standards. The y's are just placeholders because it is ridiculously hard, Word can be finicky and so doing the hyperlinks at the end makes it a lot more streamlined for us. If it is a blank box, it means they are not permitted use. We wanted to also provide kind of

an update on some of the use standards. This is an example of an existing use that have in your code, Equine Services currently it is permitted in AG and has no specific use standards. In the proposed code we are proposing for that use to the Equine Services/Stables and permitted with standards in the AG2.5 zone which is the corresponding zone from the old code to the new code. But then here are the kind of draft conditions that we are proposing for that use. So, this is just an example of where staff has identified the issues with some uses being fuzzy or realizing that it would be helpful to have some conditions. Those are being brought in again to make the code clearer and easier to implement. Just to kind of give people both virtually and in person an idea of what we are looking for today we have put up some kind of prompt things and questions for you to think about as you go through the activity in the hallway or again virtually. We are looking for feedback on, you know, if your zoning district is changing are you satisfied with that? Are you concerned about that? Do you have specific comments there? Are there any using in your district that you are concerned with or are there use standards? Is there a use that you think should be permitted instead of conditional or vice versa? Or are there use standards that you think are necessary for a certain use? Is there a use that you think is missing from the table? Does anything confuse you that you would like explained? Are there specific things that you like? Those are just some ideas to get you started. Obviously, we are open to whatever feedback that you have. But we are looking for whatever feedback on the general uses and districts tonight.

Nester Jelen: How we will want you to submit your comments and how we will use your comments is also important. We have asked to have input in by the end of January just to sort of provide some timeline for the public to get those comments in so that we can keep drafting this Module 2. Where you can get to this public survey, which is the main form of putting in your comments, is online either through the feedback survey or if you are here in person, we also have printouts and we will go ahead and accept those at the end of today's meeting and we can also have anyone call in that wants to do this over the phone with us or over email. I will have a contact slide up in just a few minutes. Basically, if you fill out the survey it is just a few questions and if you say that you are strongly dissatisfied with your zoning district, for instance, what we are going to do is take that through an informal process with the subcommittees of the Plan Commission and try to notify you along the way of some of the progress or some staff reasonings as to, we want to respond to each person's comment, basically. We want to make sure that you feel involved in what the proposed zoning is, what the current zoning is and at the end ultimately during the hearing process if that zoning has not changed and we have contacted you and you still disagree of course there are going to be time periods for public hearings at the Plan Commission level and then ultimately the County Commissioners. We will also receive that input for you to be able to see that through. The County Development Ordinance does include the zoning map changes, the zoning ordinance changes and the Subdivision Control Ordinance changes. That is what we are trying to have covered by this. Just lastly, we want to make sure that everyone can stay involved and ask questions throughout the process so our monroecdo.com website has a public input page. If you fill that out, you will be added to our list so if you would like to be contacted that way. Tonight, we are not going to be taking formal public comment since this is an administrative item. We would rather prioritize the time one on one with you out in the rotunda area to be able to get to know what your current zoning is, what your proposed zoning is and what your individualized comments are based on that. We think that will be very productive for tonight. If you are online or if you have questions, I have also put on the screen our phone number. We have a Planner of the Day Monday through Friday 8am to 4 pm. We would be happy to talk to you about your individual property or areas that you

would like to talk to us about in person or over the phone or via email. So, you are welcome to contact us in a variety of ways and hopefully everyone stays tuned as we keep going through this process. At this point I would like to take any questions or comments from the Plan Commission regarding the draft 2 and then after this point I would propose maybe a recess until maybe approximately 6:30 or another time set by the Plan Commission so that we could give the public time to go out in the hallway and do the exercise.

QUESTIONS FROM PLAN COMMISSION

Clements: Thank you Director, Nester Jelen and I want to thank you for all of your hard work you have put into making this come to fruition thus far. So, thank you for all of your dedicated work and to the rest of the staff. Thank you. I turn now to members of the Plan Commission. Do you have questions for staff? Commissioner Thomas?

Thomas: I think it will be important to let folks know that there are a lot of gaps right now. I think I heard from some constituents who said well, there is no information here. Well, it is not done yet. Would you be willing to run through the timeline really quick for the public so that they know when additional information will be posted and provide that?

Nester Jelen: Sure. We have gone through Module 1, which has sort of been the basic provisions, the administration sections of the code, those have been substantially drafted as well as the subdivision standards. In Module 2 we have done the zoning districts, the use table and the definitions. The latter half of Module 2, the overlays, and special districts we are hoping to have that out in early spring and then when it gets to the development standards and the design standards, we think that we could have that out probably by late summer. That would be the timeline for looking for those drafts. Anytime we have drafts posted we are going to take those to the Plan Commission, and we will make sure that those links are provided on our monroecdo.com homepage. We also post it on our Facebook page and then we also try to attend a few public meetings to promote the drafts as well to make sure people are aware.

Clements: Thank you for all of those public outreach activities. I have, oh, Mr. McKim?

McKim: Just to follow up on that and also to address a question from a member of the public that appeared in the chat there. Once we pass the Module 2 section and we are working on Module 3, a member of the public is reading Module 3 they might realize something but that doesn't implicate of Module 2, they can still make comments on previous modules to the very end. Is that correct?

Nester Jelen: Yes, absolutely.

McKim: Ok, thank you.

Clements: Ok and I have 2 questions. One is on page 115 of the packet, or page 82 of the revised CDO under buildable area. Is it a change from the current practice that the buildable area is only void on slopes greater than 15 percent? Isn't currently 15 percent or greater?

Nester Jelen: It is 15 percent or greater, yes.

Clements: Ok because this says something else on page 115. It says greater than 15 percent. Ok and I have an observation with regard to the catenation of the agricultural definitions. It seems to me that the 10 definitions are meaningful for areas because having an animal farm next to a person versus a crop field those are 2 very different things, and it seems to me as though the more general is not as descriptive as the 10. I just want to make that as a noted comment and then third I would like to have indicated throughout these changes which definitions are newly included in packet. Because it seems to me that there are a lot of things that are included in this packet that weren't even defined before, so it is a little bit difficult to compare the apples to the oranges, so to speak. Thank you for that. Any other questions from members of the Plan Commission?

Thomas: I do.

Clements: Commissioner Thomas?

Thomas: It is actually just a request. I would ask that the next time we insert this into a packet that we just have one set of page numbers, and it should be the set of page numbers that reflects the index. In other words, put it at the end of the packet and not number. It is just difficult to find things if you are not aware that there are 2 sets of numbers on that packet. Ok, thank you.

Nester Jelen: Sure, and hopefully I believe, I can double check this, I think if you are joining online some of the hyperlinks, yeah, some of the hyperlinks must have gotten transitioned out. Some of them do work though.

Clements: Ok, any further discussion from members of the Plan Commission? Ok, well, I know that the public is here to talk and to engage with the Planning staff about this County Development Ordinance and they are prepared to meet you in the hallway to hear your concerns and to take down your comments and interact with you. They are ready to go, and we will reconvene here at 6:30 and we will begin the regular business of the Plan Commission. Thank you all to the public for coming and being engaged in this important process.

-Meeting was recessed until 6:30pm –

Clements: It is now 6:30 and I would like to reconvene this meeting. We had a lot of input and connection with community out in the hallway and I really want to thank the Planning staff for having organized such a wonderful and interactive event. Ok, so I suppose we should take the roll once again. I am sorry.

DRAFT

UNFINISHED BUSINESS

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

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

Owner: Starts Living Trust c/o Lorraine Fowler

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition has been continued until March 2023.

NEW BUSINESS

1. PUO-22-1

Whitehall Business Park PUO Amendment 1

Preliminary Hearing. Waiver of Final Hearing Requested.

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

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

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Crecelius: Absolutely. Thank you. This request is specifically for one parcel that we see highlighted here in red. We will also be talking about an adjacent parcel located to the southwest that is addressed directly off of Liberty Drive at 701 South Liberty. So, I will be referencing both. Currently the property is zoned Whitehall Business Park Planned Unit Development. There is a large area that is all in the Whitehall Business Park and has been built out in multiple different phases. As you can see, we are on the westside of town with mainly industrial or business uses. The Whitehall Business Park PUD was created in the late 70's by the City of Bloomington. This would be Amendment 4 to the PUD Outline Plan. This general area is designated as either Phase 5 or Phase 6 and generally allows what they define as Light Industrial uses. As you can see this is a 1979 map. The extension of Liberty Drive is not necessarily shown here. But this is the general area of the 2 parcels we are looking at. The petitioner is currently proposing to amend the uses of the one petition site. We are including looking at that 701 South Liberty in the conceptual development for the future. At 701 South Liberty they currently have an approved development plan that was done in 2019. The site was graded and stabilized but further development has been pending. The proposed use for that site at 701 was Automobile Repair Services and Automotive Sales. The petitioner is proposing to add the same automotive uses to the petition site. It is kind of a flagpole lot as we can see, so it has a very narrow frontage on South Liberty Drive. They are proposing to add the 9 automotive uses that were added to 701 South Liberty Drive in 2014. They are also proposing adding a Warehousing and Distribution Activities us to only the petition site. The petitioner intent is to in the future possibly amend the 2 lot lines so that there is some overlap. I will be able to show a diagram here a little later. This is a 2022 pictometry photo. The petition site highlighted in pink -it was more vegetated earlier this year and has mostly been cleared. Larger trees still exist. The 701 South Liberty Drive as you can see was graded. It is currently vegetated and is mostly grasses and small shrubs. Here on the left-side of the screen is the current configuration of the parcels. On the right is the conceptual idea of a future lot line where we can see the 2 different uses of Warehousing and Distribution to the north and the Automobile Sales and Repair Service uses to the south. Because of that possible lot line shift right now in their current configuration it would need to have a mixture of uses. Hence the amendment to the uses on the petition site. This just kind of clarifies. Currently it is Industrial and Auto Uses on South 701, and it is only Industrial on the petition site. In the future it would be Industrial and Auto on both and Warehouse and Distribution Activities only on the northern parcel. Here I am going to run through a few site photos of the property. This would be looking west up that flagpole toward North Liberty Drive. This is looking south, and this is looking directly east. There is about 65 feet of frontage along South Liberty Drive. South Liberty Drive is currently a local road, and it does have sidewalks already built out. The site utilizes CBU water and sewer. There are also street trees

along South Liberty Drive. The property has multiple utility easements crossing through the property and if development is pursued upon the approval of this amendment the developer will work with CBU to alter the utility easements. Both of these properties are located within the sinking creek and west fork clear creek critical drainage areas. The Stormwater team has looked at this initially and they will provide comments if this amendment goes through, and a development plan is submitted. The Plan Review Committee heard this petition at that the November 10th meeting. We had a list of multiple questions, and I am just going to kind of work through some of that information and the responses that we got. We requested that sign regulations are clarified in the outline plan. Most of the outline plan is in the original state of that 1979 so there is a lot of vagueness, and we are definitely wanting to see a little bit more information. We have requested that they add a definition for the auto uses and they have identified that they will be using the definitions from our ordinance. We went ahead and added a list of the uses and our definitions and that is listed as Exhibit 4. We requested that they add a definition for the Warehousing and Distribution Activities and also include a list of permitted and not permitted materials and chemicals. They had added the language from Chapter 802 for the definition, but the owner does not want to restrict certain materials as they will already be restricted by the Building Department depending on the type of construction and type of fire rating or required sprinkler system. The petitioner with the development of the property is currently proposing the idea of a kind of roundabout access through both properties. So that potentially semi-trailer or vehicles can access off of 701 South Liberty and be able to pull through the warehousing and go out the flagpole. We have asked that they clarify how they might address the access if those properties are ever sold individually, so they proposed creating easements through the properties. We have also asked if they would be willing to provide an ingress/egress easement to the county because the county does own a parcel directly to the east. The client said they are willing to enter into discussions with the county but that they were under the impression that we already had an access easement. Staff has not necessarily found proof of an access easement. We are going to continue to work with them on what they are working on, what they are basing that response on. They have added that easement going all the way to the east, so it sounds like they are interested in working on that. We had a few discussion points about traffic and if South Liberty Drive could possibly handle an increase of flow or not. The Highway Department did comment under the Right of Way Activity Permit that if development is pursued there would need to be coordination for the traffic signal and that an agreement would be needed to cover the scope of work and cost reimbursement. That would be under the Right of Way Activity Permit approval if this is approved. Staff does recommend forwarding a positive recommendation to the Planned Unit Outline Plan Amendment request, based on the findings of fact, subject to Monroe County Highway and Drainage Engineer reports with the following plan edits; which would be to Identify total signage by square feet to be allowed, as well as sign types, identify how the easement for through access is to be recorded and confirm if use definitions will be applicable to the Chapter 802 conditions. Does anybody have any questions?

RECOMMENDATION

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

- Identify total signage by square feet to be allowed, as well as sign types (i.e. monument sign, pole sign, wall sign, etc.).

- Identify how the easement for through access is to be recorded.
- Confirm if use definitions will be applicable to Chapter 802 conditions.

PUD REVIEW CONSIDERATIONS

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

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

Findings:

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

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

Findings:

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

(3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to,

the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.

Findings:

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

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

Findings:

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

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

Findings:

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

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

Findings:

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

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

Findings:

- See Findings under Section 1;

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

Findings:

- Access is derived from S Liberty DR which is designated as a Local Road in the

- Thoroughfare Plan;
 - The parcel will be adjacent to an existing traffic signal used by Baxter Pharmaceutical employees;
 - All utilities are available to the petition site;
 - See findings under (d);
- (9) **The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.**
- Findings:*
- There is no known karst on the property;
 - Drainage will be reviewed under a PUD Development Plan if the this petition is adopted;
 - The area was originally listed as a ‘light industrial’ part of the Whitehall Business Park/Mirwec PUD request to the city of Bloomington in 1979.

QUESTIONS FOR STAFF – PUO-22-1 - Whitehall

Clements: Do members of the Plan Commission have questions? Ok, Mr. Guerrettaz.

Guerrettaz: Just a quick one. So, on your recommended conditions for approval...

Nester Jelen: Bernie can you just turn the mic on, sorry?

Guerrettaz: On your recommended conditions of approval, confirm, I am trying to understand if these have been met or not because they are putting in the easement to the county and they are platting and easement through the properties, so identify how the easement or through access is to be record. That would be through, I am trying to understand how these need to be addressed moving forward.

Creceilius: For the first one they just didn’t include enough information about signage. For the second one we are not currently platting the property. They are only theoretically proposing a lot line shift in the future so if this amendment were to go through with a positive recommendation, we would want to see that they describe to us how that they would record that easement. Because currently they are both under the same ownership so something would need to be transferred in and an easement created and recorded. The third one is worded a little weird but under Chapter 802 we have conditions for those uses and we want them to confirm if our conditions are also going to be applicable to those use definitions.

Clements: Thank you. Commissioner Thomas and then Mr. Pittsford.

Thomas: The second point here on the conditions relates to that roundabout access for 2 properties. It does not relate to the county’s access to the property to the east.

Creceilius: That is correct.

Thomas: So, to me it seems like we should have a solid, clear answer not just we will negotiate but I think I would feel much more comfortable waiting on this until January when we have a

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definitive answer on how access will be allowed to the east for the county. We cannot strand the county. Sorry, we just can't. That I think would be really helpful. In general, I support this I just want to make sure that everything is done before we approve this. Because I don't want to leave things that may be complications later that shouldn't be a complication. So, that would be my comment. Thank you.

Clements: Mr. Pittsford.

Pittsford: Going off of what Commissioner Thomas said can you show the slide that shows what the roundabout structure thing is that she was talking about?

Creceilius: Yes.

Pittsford: I have been trying to figure out this whole ingress/egress layout of this whole things.

Creceilius: Ok, so on the screen I believe you can see my mouse. So, ingress would be through the property and up around out through the flagpole, vice versa.

Pittsford: Ok, so it is an in and out.

Creceilius: Yes.

Pittsford: There are just 2 access points then.

Creceilius: 701 does have a southern access. Their idea to prevent any possible traffic issues with large semis or semis hauling vehicles would be that instead of any possible issues we possibly see on like South Walnut is to have the semis pull through and then no complications to pull right back out.

Pittsford: Ok, so the development would include both the, it would be 2 separate lots actually because 701 was listed but this is next door to the 701. Right?

Creceilius: Yes.

Pittsford: That was what I was thinking but I was trying to get on the phone, well it is always hard to blow these images up and I was looking at that and I just wanted you to kind of walk me through that while I was looking at that. Thank you, Anne.

Clements: Are there any other questions from the Plan Commission? Mr. Guerrettaz.

Guerrettaz: My point was exactly where Julie was going. It seemed like there was still some questions that were still out there that we either needed to address with the recommendation or not and I was just trying to sort out what staff's expectations were. Perfect. Thank you.

Clements: Mr. Morris?

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Morris: Just one more comment to the easement on that county property. I noticed when I was driving down I-69 the other day that there are powerlines that parallel I-69. It is either on the county property or on the state property along the highway but that just makes me feel like the easement to the county property is even more important knowing that the utility company may need to get back there.

Clements: That is a good comment.

Thomas: In just thinking about this I know that they don't have plans to include hazardous materials at this moment because of the insurance issue and I am just wondering something that Mr. Morris just said because this is a drainage area I wonder if we should do a condition, and this would be a question for Stormwater and I see that Ms. Thetonia is not on our meeting right now, but I wonder if Stormwater wants to create a condition that if hazardous materials are stored that it has to be okayed by the MS4 Operator. Just because of the location, right and how close that is. I am trying to think about the karst maps that I have in my head, and it feels like this is close and I worry about that kind of material getting into the water streams, which would impact Lawrence County more than it would impact us at that point. So, I guess the question is would Ms. Thetonia like to have that as a condition and if she doesn't feel like it is needed then that is fine. I guess that would just be a question that I would put out there before we hear this again.

Crececius: I believe she has raised her hand and is on if you would like her to address that.

Thetonia: Hi, this is Kelsey. Sorry I wasn't a panelist, but I was here and listening. Yes, for all of my stormwater reviews I look at water quality treatment and I do look at the proposed land use, any what we call hotspot land uses that do have the potential for different types of pollutants of concern. We design water treatment quality practices appropriate for those pollutants. That will happen during my plan review when we get a development plan, and I can also take anything to the Drainage Board if need be.

Clements: Thank you Kelsey. I see that Ms. Lisa Ridge is on as well and if she could be elevated to a panelist that would be great. I thought I saw Mr. Enright-Randolph's hand raised.

Enright-Randolph: I was just going to confirm that Kelsey was here.

Clements: Ok. If the petitioner or the petitioner's representative is online and would like to address the Plan Commission, you have 15 minutes to talk to us about what you want to do there.

PETITIONER/PETITIONER'S REPRESENTATIVE – PUO-22-1 - Whitehall

Butler: Hello everyone. This is Daniel Butler with Bynum Fanyo and Associates. Can you hear me?

Clements: Yes, thank you Mr. Butler.

Butler: Thank you for hearing this and working with us on different items that would need to be addressed to keep this moving forward. As you are aware this was approved on the front lot or the

western lot. It now has a different configuration. You heard this a couple of years ago with different automotive uses on the front lot and now we are adding that to the lot to the east and then also the distribution and warehousing structures that would be added to the lot to the east as well. We have no issue with any type of drainage condition. In fact, we enlarged the area that would be for onsite water quality and storage and not relying on the county's drainage facility just to the east so that we could make sure that we are treating everything on site and upgrading to current water quality standards. After that it would go to the drainage facility to the east. You are correct that there are 3 entrances and exits to this site. There is one to the north. There is a middle and there is a southern. The middle is the one that would get the upgrades to the light, the traffic light there and we are committed to working with the county to do that work as part of this project. I think the only other thing that I wanted to address, we are still under the impression, and I wanted to ask Julie and Bernie that raised this issue about an easement that is going to that eastern property if we are able to show where that is. We believe it is coming from Whitehall. Right now, the county has that easement to go into that property from that area. There is another drive just to the north of our northern drive shown on this plan and if we can show that is that acceptable or are you still asking for an easement through our property if that one exists? I am here for any other questions as well. Feel free to ask.

Clements: I am sorry for the interruption Mr. Butler. Were you finished or did we interrupt you from your presentation?

Butler: I was finished but now that you have pulled up this aerial photo it appears that there was some kind of agreement and I don't have it in hand tonight, but we are under the impression or the understanding that there easement behind I guess you could call it the Kmart property, even though Kmart doesn't exist there anymore that would go to that eastern lot. Now, if we were able to show that are you still asking for us to provide you an easement through our property as well? That would just be my follow up question and yes, I am done after that.

Clements: Thank you Mr. Butler. Commissioner Thomas did you have a follow up question?

Thomas: I think that would be up to Highway and Ms. Ridge is on the call tonight. Thank you.

Clements: Mr. Guerrettaz.

Guerrettaz: The only thing I might add Daniel, is it might be, I thought that there was an easement coming off from the north through there because I have done work in there in the past. You don't have that illustrated on any drawings currently, correct?

Butler: That was what I was saying Bernie, that is correct. I don't have that with me tonight but if I am able to demonstrate that that does exist would that be sufficient or are you still asking for something on our property if it is there?

Guerrettaz: I would be sufficient with that.

Thomas: It would be sufficient specially because Highway would review it and let know if that is really there or not. Yeah.

Guerrettaz: That is why seeing it on a plat would be helpful. I think it is putting us in a position where we can't say yes or no until we see what the characteristics of the easement are probably. If you have got access, I wouldn't have a problem using that. There is no use doubling up on that. It just creates more wear and tear. A question in the future maybe but if there is existing access subject to what it actually looks like. You know if it's a 15-foot-wide easement that is probably not going to cut the mustard but if it is something that provides ample access then I don't see why there would be a double up on that. Then again, the Highway Department I am not stepping ahead of them. The Highway Department would need to assess it.

Clements: Thank you for that helpful guidance, Mr. Guerrettaz. Is that clear Mr. Butler?

Butler: Yes, and we have no issue if tonight's answer is to either move forward with a condition of showing it or provide the easement or if you would like to wait till the next meeting. We are fine with either option if you so choose.

Clements: Ok, thank you. Well, now we move to members of the public. Are there members of the public who are in favor of this petition? If so, please make yourself known by either coming to the microphone in the Nat U Hill Room, raising your virtual hand on zoom or pressing *9 on the telephone. There seems to be no one. Are there members of the public who are in opposition to this petition? If so, please make yourself known in the same way by coming to the microphone or raising your virtual hand or *9 on the telephone. No one. Ok, Mr. Butler we return now to the members of the Plan Commission for further discussion and/or a motion. Yes, Mr. Enright-Randolph.

SUPPORTERS - PUO-22-1 – Whitehall: None

REMONSTRATORS – ZOA-22-5 – PUO-22-1 – Whitehall: None

ADDITIONAL QUESTIONS FOR STAFF – PUO-22-1 - Whitehall

Enright-Randolph: I guess in regard to that easement I was just kind of looking at some records and I guess this is for you, Daniel. To the north the Whitehall Plaza Final Plat, Instrument # 2019001255 does kind of indicate that that southern line that shares the property in question and the property to the north. It talks about an electric line easement and also, I think, I am not really sure that easement is really an ingress or an egress. I am not sure if that is helpful information. I just figured I would provide that to you.

Butler: Thank you.

FURTHER QUESTIONS FOR STAFF – PUO-22-1 - Whitehall

Clements: This is going to be continued to the next meeting, is that the general consensus? Is there any other motion other than that? Ok, so we will be hearing this at our January meeting. Ok, thank you Mr. Butler. It is always good to hear from you.

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No motion was made in case PUO-22-1, Whitehall Business Park PUO Amendment 1, Preliminary Hearing, Waiver of Final Hearing Requested, case is automatically moved to the January meeting.

NEW BUSINESS

2. REZ-22-9

Powell Rezone from PUD to AG/RR

Preliminary Hearing. Waiver of Final Hearing Requested.

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

Owner: Powell, Brandon and Hannah.

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

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Brown: Thank you. The petitioner is proposing to amend the zoning map from Planned Unit Development to Agricultural/Rural Reserve to reflect the surrounding area as you can see in the map on the left. In the past the site was meant to be rezoned into a Planned Unit Development, but the owner has not submitted a development plan to date. The impetus of creating a PUD was to establish an agricultural events center, which at the time was not permitted in the Agricultural/Rural Reserve zone. But is now a Conditional Use. I want to draw attention to the lot directly to the south here, which my mouse is on, because the petitioner also plans if this rezone is approved the petitioner plans to sort of combine those 2 lots and use them to make a 4 Lot Sliding Scale Subdivision. If the rezone is denied the petitioner will be unable to utilize this lot for the Sliding Scale Subdivision as the subdivision process is only applicable for Agricultural/Rural Reserve, Conservation Residential and Forest Reserve zones. Here on the left we can see an image of the buildings that are currently on the lot such as the existing house, which is seen on the right, existing barn, existing shed and existing carport and driveway and septic tank and field. This was the site plan submitted for the recent application. Here is an image of the barn, I believe and an image of the carport. Here is an image of another shed or barn on the property and on the right is a structure I noticed during the site visit. I am not actually sure what it is. It looks like it might be a broken-down mobile home that has been basically reduced to a skeleton. Staff recommends forwarding a positive recommendation to the County Commissioners based on the petition's compatibility with the Monroe County Comprehensive Plan.

PLAN COMMISSION

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

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as Rural Residential.
- The rezone request is to change the zone for the petition site from Planned Unit Development (PUD) to Agriculture/Rural Reserve (AG/RR);
- The current use of the petition site is single family residential;

- If approved, the petitioner intends to apply for a Sliding Scale Subdivision;

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

Findings:

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

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

Findings:

- See Findings under Section A and Section B;
- The adjacent parcels are currently zoned AG/RR;
- All properties adjacent to the property are zoned AG/RR;
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no commercial uses directly adjacent to the subject property;

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

Findings:

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

(E) Responsible development and growth.

Findings:

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

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QUESTIONS FOR STAFF – REZ-22-9 - Powell

Clements: Thank you Mr. Brown. That was a very good presentation. Do members of the Plan Commission have questions for Mr. Brown? Mr. McKim?

McKim: Thank you. So, the owner no longer intends in anyway to build an agricultural events center. Is that correct?

Brown: Not to my knowledge, no.

McKim: Ok. I am always happy to get rid of a PUD and revert it back to regular zoning. So, this isn't a hard one for me.

Clements: Are there any other questions for staff? Yes, Commissioner Thomas.

Thomas: I did not see that barn when I went so has anyone looked at that from a historic preservation perspective? Because that sure looks old and I would want that checked out before anything transpires on the property. I assume that white barn that you can see from the front is not older, but it would be great to have our Historic Preservation Board of Review take a look at this property before this rezone happens just to make sure. We do not have very many of these older barns still in existence in the county and I would hate to see us loose that precious resource. I don't know if we can make that a condition of approval or if we should just wait. I don't know what the answer is. Thank you.

Clements: I just want to assure Mr. Powell that he will have an opportunity to speak after we are finished with questions from the Plan Commission. Mr. Pittsford, do you have questions?

Pittsford: Daniel I was looking at pictures of the barn. Did you go up to the barn or did you just photograph it from a distance? Because I see evidence of power going into the barn and what looks like a concrete base.

Brown: Are you referring to the white barn or?

Pittsford: The wood barn.

Brown: This one, the one that is currently shown on the left?

Pittsford: Pardon me? Yes, the one on the left.

Brown: I did not go for a look to see if there were power lines leading to it.

Pittsford: But if you look on the left-hand side if you blow the image up you can see that there is a water spicket and conduit pipe running into this side of the building and what appears to be a concrete or a cinder block foundation underneath it. I just wanted to know if you had actually approached the barn or if you just photographed it from a distance.

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Brown: I photographed it from a distance and then proceeded to the trail that you can see off on the right of that same image towards the rear of the property.

Pittsford: Alright, thank you.

Clements: If there are no more questions of staff the petitioner has raised his hand. Mr. Brandon Powell, all together if you are here with someone else you will have a total of 15 minutes to address the Plan Commission. We look forward to hearing from you Mr. Powell.

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-22-9 - Powell

Powell: Good evening, everyone. Can you hear me ok?

Clements: We can hear you.

Powell: Great. Thank you. Well, first of all thank you for taking the opportunity to hear from us today. We appreciate all of the efforts that the team has put into this. In regard to the barn that you have mentioned the comments that were made are correct. It has power, it has water, and it has concrete block walls and man-made trusses. It was constructed by the previous owner; I believe in the 90's. I simply bought some locally sourced roughcut lumber to put on the outside to make it look a little nicer, but it is indeed not any type of historic barn. Purely concrete block under there with some modern widows as you can see on the side in a very modern construction if you were to see it. Plywood for the roof.

Clements: Are there other comments you have about the vacation of the PUD and the rezone to AG/RR or any other things that you would like to say to the members of the Plan Commission?

Powell: I believe what has already been presented is exactly what we plan to do. We would like to build a new home on part of the property. In order to be able to facilitate that we need to be able to subdivide to sell off the existing home that is on the property and basically that is it. Since we can only do this once there are a couple of other parcels that may be included in the future step of creating a sliding scale subdivision. But really, we just want to build a nicer home on the property and not have to move.

Clements: Thank you so much Mr. Powell and thank you for your application. Commissioner Thomas has a question for you.

Thomas: Mr. Powell, I am sorry. There are 2 barns in 2 different pictures so can you be very clear about what you are saying about the barns?

Powell: Of course, I can. The white one you are seeing now on the screen, they just switched away from, the white one is a little shed that is not bolted to the ground. It could be moved around that you could buy at any I don't know, side of the road shop that you see everywhere. I think it is 12 by 16 or something to that affect. So, by no means a permanent structure. The other one in the other picture. The, I am going to call it brown for lack of a better term, the natural wood there, that is one that I was talking about that I believe you were questioning as to whether it was a historical

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barn. It is indeed not. Concrete floor. Concrete block walls that I have literally just furred out and put wood on because we didn't like the look of the concrete block.

Clements: Thank you Mr. Powell. I am now going to go to the public. If there are members of the public either in favor or in opposition to this petition please raise your hand, press*9 or come to the podium. Do you see anybody? Ok, I bring it back to the members of the Plan Commission for further discussion and/or a motion. Mr. McKim?

SUPPORTERS - REZ-22-9 – Powell: None

REMONSTRATORS – REZ-22-9 – Powell: None

ADDITIONAL QUESTIONS FOR STAFF – REZ-22-9 - Powell

McKim: I guess I wanted to see if there were still lingering questions about the barn or have those been addressed to everyone's satisfaction?

Clements: Commissioner Thomas is there a condition that you would like to add?

Thomas: No because I would take a look at that before approving a sliding scale that is just a note to staff, but I don't have any issues right now.

Clements: Ok.

FURTHER QUESTIONS FOR STAFF – REZ-22-9 - Powell

McKim: I would like to make a motion. **In the matter of REZ-22-9, Powell Rezone from PUD to AG/RR, I move that we forward this petition to the Board of Commissioners with a positive recommendation and waive the final hearing.**

Clements: Is there a second?

Guerrettaz: **Second.**

Nester Jelen: It has been moved and seconded to send a favorable recommendation to the County Commissioners for the Powell rezone from PUD to AG/RR. This is REZ-22-9 as well as to waive the final hearing. A vote in favor is a vote to send a favorable recommendation along with a waiver of final hearing. Bernie Guerrettaz?

Guerrettaz: Yes.

Nester Jelen: Jerry Pittsford?

Pittsford: Yes.

Nester Jelen: Geoff McKim?

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McKim: Yes.

Nester Jelen: Margaret Clements?

Clements: Yes.

Nester Jelen: Geoff Morris?

Morris: Yes.

Nester Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Nester Jelen: Julie Thomas?

Thomas: Yes.

Nester Jelen: Ok motion passes 7 to 0.

Motion in case REZ-22-9, Powell Rezone from PUD to AG/RR, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of sending a favorable recommendation to the County Commissioners along with waiver of final hearing, carried unanimously (7-0).

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REPORTS:

Planning/Nester Jelen: I have one report which is that we heard today, this afternoon that we do have a new Purdue Extension person starting. They hope to start by mid-January, and I am getting a little bit more information from Ody, hopefully tomorrow on that.

Clements: Ok, thank you. We look forward to that. Mr. Schilling? Nothing. Ok, is there any objection to adjourning? Ok. Thank you to everyone and happy holidays to everyone. Thank you for all of your service and can't wait to see you in the new year.

Legal/Schilling: No reports.

The meeting adjourned at 7:18 pm.

Sign:

Attest:

Margaret Clements, President

Jacqueline Nester Jelen, Secretary

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