

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



**Tuesday, March 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, March 7, 2023
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold a **hybrid** Administrative (Work Session) meeting on Tuesday, **March 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, March 21, 2023 Plan Commission meeting:

ADMINISTRATIVE BUSINESS:

- 1. SIA-22-1** **Derby Pines Major Subdivision Financial Guaranty Reduction and Extension of the Performance Period** **PAGE 4**
Reduction and Extension of Financial Guaranty of Subdivision Improvement Agreement for Preliminary Plat public improvements.
- 2. SIA-23-1** **Baugh Minor Subdivision Financial Guaranty Release** **PAGE 30**
Request the release of the Financial Guaranty of the Subdivision Improvement Agreement for Preliminary Plat Public Improvements (Street trees)

3. CDO Work Session

UNFINISHED BUSINESS:

- 1. REZ-22-12** **Rolfesen Rezone from RE1 to AG/RR** **PAGE 42**
Final Hearing.
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. PUO-23-2** **North Park PUD Outline Plan Amd. #5 Change to Section 8 “Street and Alternative Transportation Guidelines**
- 2. PUD-23-2** **Preliminary Hearing.** **PAGE 84**
Waiver of Final Hearing Requested.
Twenty-four parcels (24) parcel totaling a construction area of 5.1 +/- acres in Bloomington Township, Sections 19, 27, & 30 at N Curry Pike and W Hunter Valley RD, Parcel #53-05-29-200-008.000-005, 53-05-19-400-021.000-004, 53-05-19-400-050.004-004, 53-05-20-300-008.000-004, 53-05-20-300-025.000-004, 53-05-20-300-029.000-004, 53-01-27-890-100.000-004, 53-05-19-400-001.000-004, 53-05-19-400-022.000-004, 53-05-19-400-022.000-004, 53-05-19-400-

044.000-004, 53-05-19-400-044.000-004, 53-05-30-100-003.000-004, 53-05-30-100-006.000-004, 53-05-30-100-011.000-004, 53-05-29-200-004.000-004, 53-05-30-100-001.000-004, 53-05-30-100-002.000-004, 53-05-30-100-007.000-004, 53-05-30-100-009.000-004, 53-04-24-100-017.000-011, 53-05-19-400-050.002-004, 53-05-19-400-050.003-004, 53-05-19-400-050.000-004.

Petitioner: Monroe County Redevelopment Commission/Crider & Crider Inc.
c/o Daniel Butler, Bynum Fanyo & Assoc.

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

3. PUO-22-2

Wiley Farm at Fieldstone Tract F PUO

PAGE 104

One (1) 30.23 +/- acre parcel in Van Buren Township, Section 02 at S Kirby RD, parcel #53-09-02-300-081.000-015.

Owner: Authentic Homes Inc.

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

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

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

The meeting will be open to the public.

MONROE COUNTY PLAN COMMISSION**March 7, 2023**

PLANNER	Anne Crecelius
CASE NUMBER	SIA-22-1 (SFP-21-45)
PETITIONER	Charles Layne LLC c/o Bynum Fanyo & Associates
ADDRESS	4214 S Derby Drive, parcel #: 53-08-21-100-089.000-008
REQUEST	Financial Guaranty for Subdivision Reduction and Extension Request
ACRES	23 lots, 22 buildable
TOWNSHIP	Perry
SECTION	21
PLATS	Platted, Derby Pines Major Subdivision Final Plat

EXHIBITS

1. Petitioner Letter
2. Derby Pines Major Subdivision Final Plat
3. Subdivision Improvement Agreement
4. Original Estimate
5. Updated Estimate for New Financial Guaranty
6. Highway Initial Inspection Report: S Derby DR
7. Highway Initial Inspection Report: E Holland DR
8. Highway Initial Inspection Report: S Red Pine DR

RECOMMENDATION

Staff recommends approving the Financial Guaranty Subdivision Improvement Agreement reduction and extension request for the Derby Pines Major Subdivision, Subdivision Improvement Agreement, as well as extending the performance bond period for the remaining work until April 12, 2024, with the following conditions:

1. Prior to release of the funds, the petitioner must submit as-builts to the Highway Department for the Holland Drive connection (roadway, sidewalks, street trees). As-builts for the remainder of the site will be required at the time of request for a release.
2. Petitioner submit an affidavit stating no liens or outstanding payments exist for the scope of work to receive a reduction, including Holland Drive.

SUMMARY

The petitioner is requesting to reduce the [Financial Guaranty under the](#) Subdivision Improvement Agreement (SIA) for the public improvements required for the Derby Pines Major Subdivision (see Exhibit 1, 4 & 5) and extend the performance period to complete the work until April 12, 2024. The SIA was signed on March 15, 2022. The improvements required under this agreement include two new public roads, a connector road, sidewalks, street trees, stormwater detention, landscaping, etc. The original estimate for the public improvements was \$297,928.47 – based on inspections by the Highway Project Manager and the MS4 Assistant the new estimate is \$128,858.06 – a reduction of \$169,070.41. The list of reductions include improvements made to each category, with the largest change being the completion of the E Holland Drive connection. The original deadline for completing the required improvements was January 12, 2023. The petitioner submitted a new Letter of Credit to the Monroe County Highway Department that will expire on April 12, 2023.

If approved for the reduction, the petitioner is also requesting until April 12, 2024 to complete the remaining improvements.

858-8. Release or Reduction of Performance Bond and Financial Guaranty

- (A) The Commission may release or reduce the performance bond and financial guaranty, but only if:

(1) the Subdivider applies to the Commission, in writing, for the release or reduction of the performance bond and financial guaranty and provides the Commission with a certificate, signed by the Subdivider's engineer, stating that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement. The certification of the Subdivider's engineer shall be accompanied by detailed "as-built" plans of the required improvements. Such as-built plans must be prepared and signed by the Subdivider's engineer;

See condition of approval requesting As-builts of the Holland Drive Connection.

(2) the County Engineer reviews the as-built plans and the subdivision site and reports to the Commission, in writing, that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement;

The site has been inspected by the Project Manager for the Highway Department at several points, but an as-built has not yet been reviewed. Prior to release of funds, we are requesting that as-builts be submitted for review by the Highway Engineer.

(3) the Subdivider provides the Commission with written assurances, in the form of affidavits, releases or waivers of liens from all contractors, subcontractors and materialmen, that liens will not be filed against the dedicated land and/or improvements after they are accepted; and,

Staff has requested this as a condition of approval.

(4) the Subdivider provides the Commission with the maintenance bond required by Section 858-9

A maintenance bond is still factored into the total new estimate.

- B. A performance bond and surety may be reduced only upon the acceptance of the required improvements, and only by the amount that corresponds to the cost of the improvements that are accepted as set forth in the preliminary approval.

Furthermore, a performance bond and financial guaranty may be reduced only one (1) time. The reduction may be approved only after at least fifty percent (50%) of the required improvements have been completed and accepted. However, in no event may the performance bond be reduced to less than ten percent (10%) of the original performance bond amount or ten thousand dollars (\$10,000.00), whichever is greater, until all required improvements for the subdivision or the approved subdivision section have been completed and accepted.

This is the first request for a reduction. The petitioner has shown that 50% of the work has been completed.

- C. The costs incurred by the Commission and/or the County in connection with a request for performance bond and financial guaranty reduction or release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the Subdivider, regardless of whether the request is ultimately granted. No performance bond and surety shall be released or reduced until such costs have been paid by the Subdivider.

No costs have been incurred to date by the County for this development.

- 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.

The petitioner is requesting one more year to complete the remaining improvements.

EXHIBIT 1: Petitioner Letter

Anne Crecelius

From: Jacqueline N. Jelen
Sent: Thursday, January 26, 2023 8:56 AM
To: Anne Crecelius
Subject: FW: Derby Pines Question

Can you work with Chris to have him fill out the Financial Guaranty form (SIA)? One of the first questions is whether they want a reduction. The reduction does need to go to the Plan Commission.

Thanks,

Jackie N. Jelen, AICP
Director
Monroe County Planning Department
501 N. Morton St., Suite 224
Bloomington, IN 47404
jnester@co.monroe.in.us
Phone: (812) 349-2560

From: Chris Bomba Sr. <CBomba@rwbaird.com>
Sent: Wednesday, January 25, 2023 3:04 PM
To: Jacqueline N. Jelen <jnester@co.monroe.in.us>
Subject: Derby Pines Question

Jackie,

I hope the new your finds you well. Holland Drive is complete and opened as a thru street. Kerry Dishman met with the highway department and also walked thru the project. We need to submit a SIA form for a reduction in of the bond amount, can you direct me were to get that form.

Thanks

Chris Bomba Sr., AAMS®,
Senior Vice President
Financial Advisor
Private Wealth Management
202 S College Ave
Bloomington, IN 47404
(o) 812.332.6333 | 800.790.6333 | 812.323.3154 fax
cbomba@rwbaird.com | rwbaird.com | <https://www.bombastallsmithrabadi.com/>



EXHIBIT 2: Derby Pines Major Subdivision Final Plat

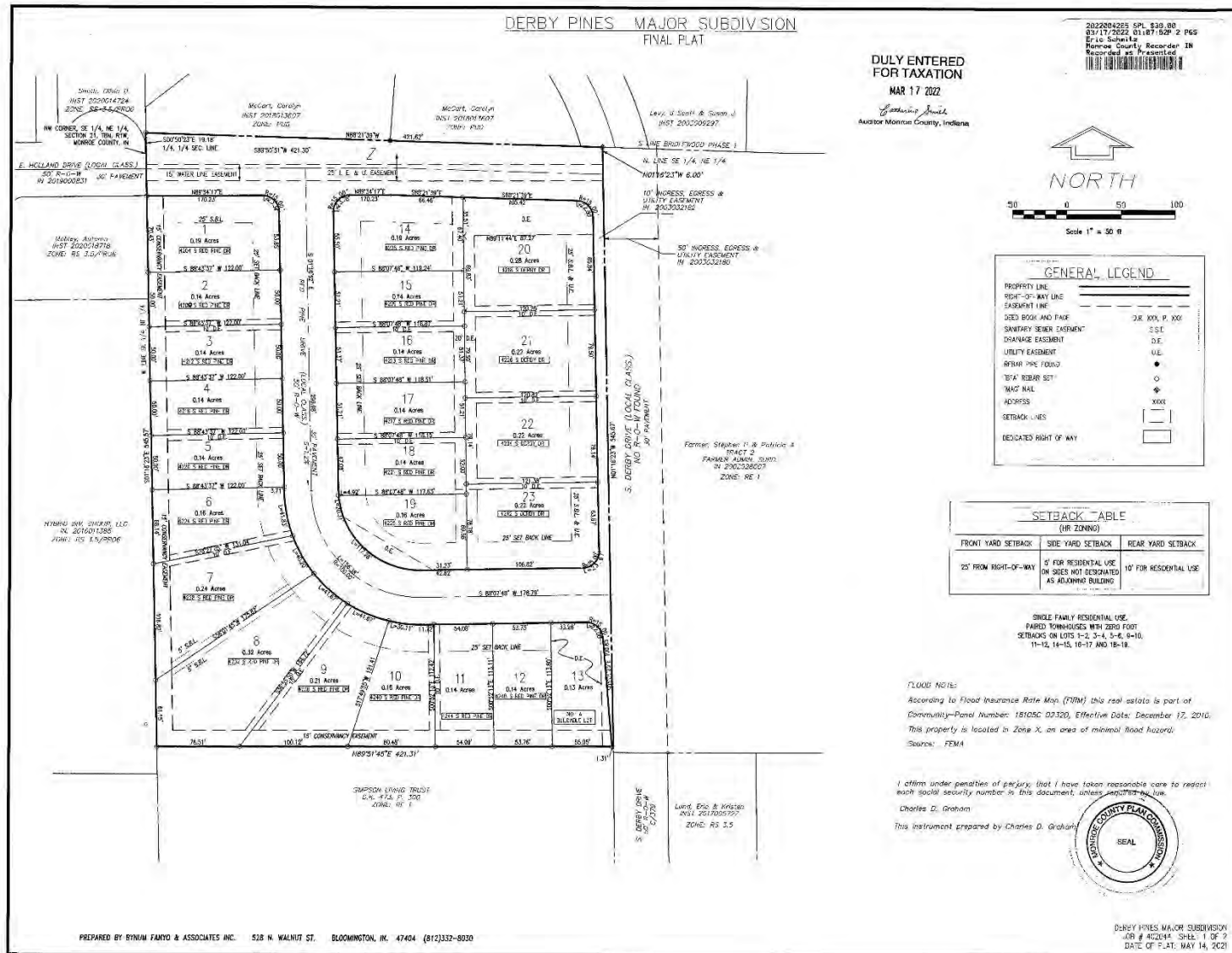


EXHIBIT 3: Subdivision Improvement Agreement

Firefox

<https://monroecountyin.viewpointcloud.com/track/7390/step/55539>



Derby Pines Major Subdivision SUBDIVISION IMPROVEMENT AGREEMENT

Permit #: SIA-22-1

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

Preamble

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for the Derby Pines Major Subdivision;

WHEREAS, on 03/23/2021 the Plan Commission granted Subdivider preliminary plat approval for the Derby Pines Major Subdivision but conditioned such approval on the installation of certain improvements throughout the subdivision;

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 Derby Pines Major 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 \$297,928.47 in favor of Monroe County, to secure the completion of all required improvements of the Derby Pines Major Subdivision.
2. Completion of Standards: Subdivider agrees to complete the Derby Pines Major Subdivision public improvements or cause the same to be done on or before January 12, 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 Derby Pines Major Subdivision 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 Derby Pines Major 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 Derby Pines Major Subdivision, against the Subdivider.

IN WITNESS WHEREOF, the Plan Commission, by its President, and the Subdivider execute this Agreement this 15 day of March, 2022


Plan Commission President
Monroe County Plan Commission



Subdivider
Charles Layne LLC

EXHIBIT 4: Original Estimate (Items in yellow box to be released, items in blue box being reduced – See Exhibit 5)



Derby Pines
Bynum Fanyo and Associates, Inc.
Construction Estimation Sheet

Type of Work	Item Number	Qty.	Unit	Unit Price	Total Price
<u>Asphalt</u> - Holland Drive					
1.5" HMA Asphalt Surface	401-07322	108.81	ton	\$81.90	\$8,911.54
2.0" HMA Asphalt Intermediate	401-07390	145.07	ton	\$67.79	\$9,834.30
3.0" HMA Asphalt Base	401-07423	217.62	ton	\$76.11	\$16,563.06
					\$35,308.89
<u>Asphalt</u> - Red Pine Drive					
1.5" HMA Asphalt Surface	401-07322	171.64	ton	\$81.90	\$14,057.32
					\$14,057.32
<u>Concrete</u>					
ADA Ramp - Derby Drive	604-06070	2	sys	\$130.00	\$260.00
ADA Ramp - Holland Drive	604-06070	4	sys	\$130.00	\$520.00
ADA Ramp - Red Pine Drive	604-06070	4	sys	\$130.00	\$520.00
Sidewalk - Derby Drive	604-02007	200.56	sys	\$80.55	\$16,155.11
Sidewalk - Holland Drive	604-02007	421.67	sys	\$80.55	\$33,965.52
Sidewalk - Red Pine Drive	604-02007	649.44	sys	\$80.55	\$52,312.39
					\$103,733.02
<u>Excavation</u> - Includes off-site work to East Holland Drive per the approved Construction Plan					
	206-51225	1	lsum	\$19,380.00	\$19,380.00
					\$19,380.00
<u>Landscaping</u>					
Street Tree - Derby Drive		9	each	\$150.00	\$1,350.00
Street Tree - Holland Drive		13	each	\$150.00	\$1,950.00
Street Tree - Red Pine Drive		36	each	\$150.00	\$5,400.00
					\$8,700.00
<u>Stone</u> - Sidewalk					
4.0" #53 Stone - Derby Drive	301-12234	43.68	ton	\$50.44	\$2,203.22
4.0" #53 Stone - Holland Drive	301-12234	91.84	ton	\$50.44	\$4,632.41
4.0" #53 Stone - Red Pine Drive	301-12234	141.45	ton	\$50.44	\$7,134.74
					\$13,970.37

Prepared by Ben Ayers 3/10/2022

S



Derby Pines
Bynum Fanyo and Associates, Inc.
Construction Estimation Sheet

<u>Stormwater/Drainage</u>					
Bio Retention Shrubs		1	each	\$5,073.00	\$5,073.00
Curb & Gutter - <i>Derby Drive</i>	605-97937	50	1ft	\$33.95	\$1,697.50
Curb & Gutter - <i>Holland Drive</i>	605-97937	788	1ft	\$33.95	\$26,752.60
Street Inlet		2	each	\$2,655.00	\$5,310.00
Street Pipe		25	1ft	\$50.00	\$1,250.00
Yard Swale 4" Underdrains		230	1ft	\$75.00	\$17,250.00
					\$57,333.10

<u>Stormwater Pond #1 - North Pond</u>					
4" Underdrain with Aggregate		87	1ft	\$75.00	\$6,525.00
Amended Soils		55	cyd	\$35.99	\$1,979.45
Inflow Pipe from STR 17		22	1ft	\$36.00	\$792.00
Metal End Section		1	each	\$300.00	\$300.00
Inflow Rip Rap		15	cyd	\$32.75	\$491.25
Seed Mix		2	lbs	\$17.50	\$35.00
					\$10,122.70

<u>Stormwater Pond #1 - North Pond</u>					
4" Underdrain with Aggregate		71	1ft	\$75.00	\$5,325.00
Amended Soils		58	cyd	\$35.99	\$2,087.42
Inflow Riprap		15	cyd	\$32.75	\$491.25
Metal End Section		1	each	\$300.00	\$300.00
Seed Mix		2	lbs	\$17.50	\$35.00
					\$8,238.67

10% Contingency		1		\$27,084.41	\$27,084.41
25% Contingency PUD		0		\$0.00	\$0.00
2 Year 10% Maintenance Bond***		0		\$27,084.41	\$0.00
					\$27,084.41

Total \$297,928.47

Prepared by Ben Ayers 3/10/2022

EXHIBIT 5: Updated Estimate for New Financial Guaranty

Derby Pines
Charles Layne, LLC
Construction Estimation Sheet

Type of Work	Item Number	Qty.	Unit	Unit Price	Total Price
<u>Asphalt - Red Pine Drive</u>					
1.5" HMA Asphalt Surface	401-07322	171.64	ton	\$104.57	\$17,948.39
					\$17,948.39

<u>Concrete</u>					
Sidewalk - 8.0' - Holland Drive	604-06070	20	sys	\$73.52	\$1,470.40
Sidewalk - 5.0' - Red Pine Drive	604-06070	571	sys	\$73.52	\$41,979.92
					\$43,450.32

<u>Landscaping</u>					
Street Tree - Red Pine Drive		22	each	\$150.00	\$3,300.00
Bio Retention Shrubs		1	each	\$5,073.00	\$5,073.00
					\$8,373.00

<u>Stone - Sidewalk</u>					
4.0" #53 Stone - Red Pine Drive	303-01180	124	ton	\$39.37	\$4,881.88
					\$4,881.88

<u>Stormwater/Drainage</u>					
Yard Swale 4" Underdrains - Lots 20, 21 & 22 .					
See Sheet no. C401		230	lft	\$75.00	\$17,250.00
					\$17,250.00

<u>Stormwater Pond #1 - North Pond</u>					
4" Underdrains with Aggregate		87	lft	\$75.00	\$6,525.00
Amended Soils		55	cyd	\$35.99	\$1,979.45
Inflow Pipe from STR17		22	lft	\$36.00	\$792.00
Metal End Section	715-46000	2	each	\$1,127.36	\$2,254.72
Inflow Rip Rap		15	cyd	\$32.75	\$491.25
Seed Mix		2	lbs	\$17.50	\$35.00
					\$12,077.42

<u>Stormwater Pond #1 - South Pond</u>					
4" Underdrains with Aggregate		71	lft	\$75.00	\$5,325.00
Amended Soils		58	cyd	\$35.99	\$2,087.42
Metal End Section	715-46020	1	each	\$1,424.01	\$1,424.01
Inflow Rip Rap		15	cyd	\$32.75	\$491.25
Seed Mix		2	lbs	\$17.50	\$35.00
					\$9,362.68

Prepared by Ben Ayers 2/6/2023



**Derby Pines
Charles Layne, LLC
Construction Estimation Sheet**

<u>Driveway Entrance</u>				
Driveway Entrance located @ 752 East Holland Drive	1	each	\$3,800.00	\$3,800.00
				\$3,800.00

Pricing Reflects 2022 INDOT Unit Prices

Subtotal **\$117,143.69**

10% Contingency	1		\$11,714.37	\$11,714.37
25% Contingency PUD	0		\$0.00	\$0.00
2 Year 10% Maintenance Bond*	0		\$29,792.85	\$0.00
				\$11,714.37

** Maintenance Bond can be no less than \$10,000.00*

Total **\$128,858.06**

Prepared by Ben Ayers 2/6/2023

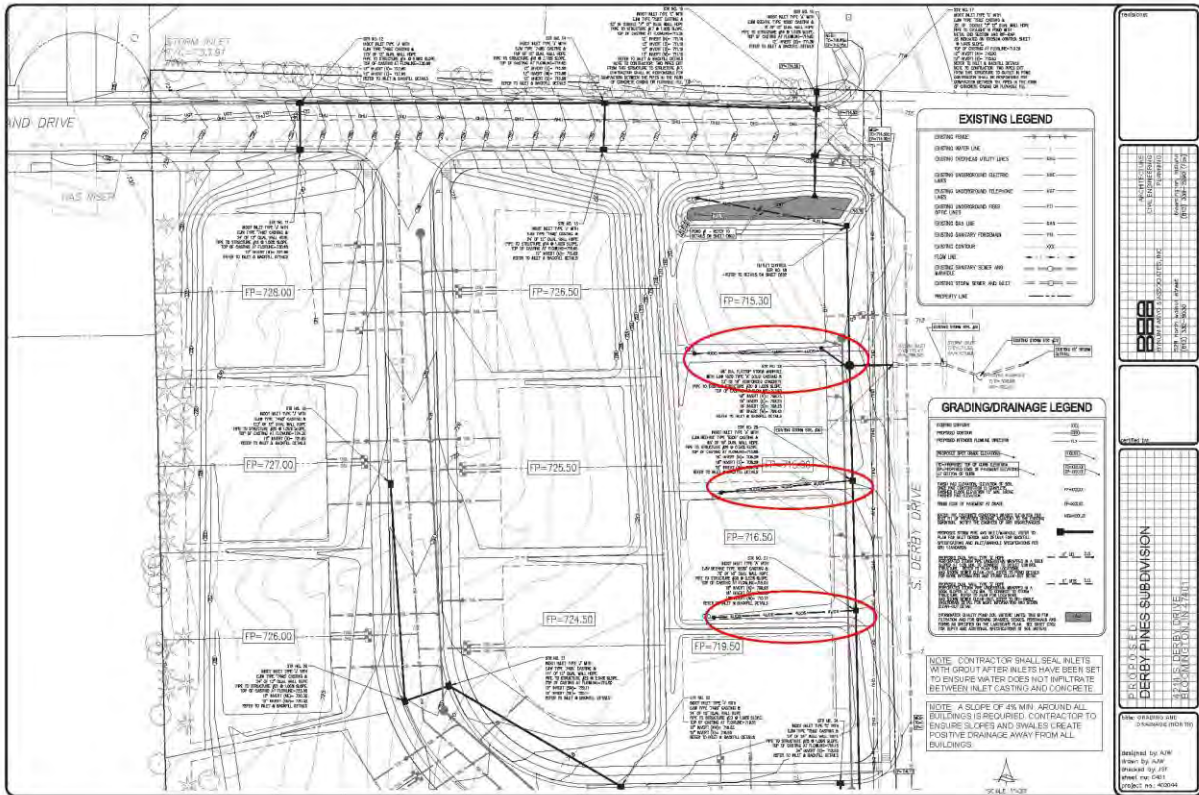


EXHIBIT 6: Highway Initial Inspection Report: S Derby DR



MONROE COUNTY HIGHWAY DEPARTMENT

5900 WEST FOSTER CURRY DRIVE
BLOOMINGTON, INDIANA 47403
PHONE: (812) 349-2555
www.co.monroe.in.us

INSPECTION REPORT

PLEASE NOTE THIS IS NOT A PERMIT

INSPECTION INFORMATION

Inspection: Initial Inspection

Inspectors: Ben Ayers, Project Manager

Inspection Date: January 17, 2023

Record no.: SIA-22-1

Location: South Derby Drive

Developer: Charles Layne, LLC

ROADWAY INFORMATION

Name of Subdivision: Derby Pines

Road Name: South Derby Drive

Segment ID: 905

Functional Classification: Local Road

Shoulder Type: Curb & Gutter

Surface Type: Asphalt

Road Width: 24.0'

Speed Limit: 25 MPH

ADT: 750

Number of Reported Crashes in the last 3 years: 1

SUMMARY TABLE			
General Information or Requirements	Fail	Partial Pass	Pass

SITE INSPECTION CHECKLIST
Asphalt: N/A
Casting or Grates: N/A
Cul-de-Sac Width: N/A
Curb Ramps: Curb Ramps meet ADA Specifications.
Drainage: Curb & Gutter
Driveway Final Inspections Completed: N/A
Erosion Control: ("If applicable") Erosion Control measures are in place.
Gas, Manholes or Water Valves: N/A
Mailboxes: No mailboxes at this time. Mailboxes and posts must be in compliance with Chapter 4.0 of the Manual for Construction Within and Adjacent to Monroe County Right of Way.
Pavement Section: N/A
Private Utilities or Systems within the Right of way: Did not notice anything at this time.
Roadway Length: 2,851'
Roadway Width: 24.0'
Sidewalk: ("If applicable") Sidewalks meet ADA Specifications.
Signage: N/A

Street Trees:
Complete.
Stormwater Concerns:
Finish underdrain installation on Lots 20, 21 & 22.
Additional Comments:
This Phase of Derby Pines Subdivision is good for a one-time reduction.
Overall Results: <input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail
This Phase of Derby Pines Subdivision is good for a one-time reduction.
Finish underdrain installation on Lots 20, 21 & 22.
I certify the information in this report to be true, accurate and complete to the best of my ability and the information given reflects the specifications listed in Monroe County Code Chapter 755 and the Manual for Construction for Within and Adjacent to Monroe County Right-of-Way that was approved in July, 2020 or the approved Construction Plans.
Signature: <i>B. J. Hays</i> Date: February 6, 2023





EXHIBIT 7: Highway Initial Inspection Report: E Holland DR



MONROE COUNTY HIGHWAY DEPARTMENT

5900 WEST FOSTER CURRY DRIVE
BLOOMINGTON, INDIANA 47403
PHONE: (812) 349-2555
www.co.monroe.in.us

INSPECTION REPORT

PLEASE NOTE THIS IS NOT A PERMIT

INSPECTION INFORMATION

Inspection: Initial Inspection
Inspectors: Ben Ayers, Project Manager
Inspection Date: January 17, 2023
Record no.: SIA-22-1
Location: East Holland Drive
Developer: Charles Layne, LLC

ROADWAY INFORMATION

Name of Subdivision: Derby Pines
Road Name: East Holland Drive
Functional Classification: Local Road
Shoulder Type: Curb & Gutter
Surface Type: Asphalt
Road Width: 26.0'
Speed Limit: 25 MPH

SUMMARY TABLE			
General Information or Requirements	Fail	Partial Pass	Pass
SITE INSPECTION CHECKLIST			
Asphalt:			
Complete.			
Casting of Grates:			
Complete.			
Cul-de-Sac Width:			
N/A			
Curb Ramps:			
Curb Ramps meet ADA Specifications.			
Drainage:			
Curb & Gutter			
Driveway Final Inspections Completed:			
No driveway entrances will be coming off of this section of East Holland Drive.			
Erosion Control: ("If applicable")			
Erosion Control measures are in place.			
Gas, Manholes or Water Valves:			
Water valve at the intersection of East Holland Drive and South Red Pine Drive is too high.			
Water valves near the intersection of East Holland Drive and South Derby Drive are too high.			
Mailboxes:			
No mailboxes will be located on this section of East Holland Drive.			
Pavement Section:			
Meets the specifications of Chapter 755 and The Manual for Construction Within and Adjacent to Monroe County Right-of-Way.			
Private Utilities or Systems within the Right of way:			
Did not notice anything at this time.			
Roadway Length:			
N/A			
Roadway Width:			
26.0'			
Sidewalks: ("If applicable")			
Sidewalks meet ADA Specifications.			
Replace a 23.0' x 8.0' section of sidewalk at 753 East Holland Drive.			

Signage:
Complete.
Street Trees:
Complete.
A total of (1) street tree needs to be located away from the Stop Sign.
Stormwater Concerns:
12.0" Dual Wall HDPE pipe was installed per Approved Plan. Sheet no. C401 & C402 shows Dual Wall 12.0" HDPE pipe to be installed. This goes against Monroe County Code Chapter 755; 755-11.
Additional Comments:
This Phase of Derby Pines Subdivision is good for a one-time reduction. All deficiencies listed will need to be repaired before any Roads will be accepted into Monroe County Inventory.
Overall Results: <input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail
This Phase of Derby Pines Subdivision is good for a one-time reduction. All deficiencies listed will need to be repaired before any Roads will be accepted into Monroe County Inventory.
Replace a 23.0' x 8.0' section of sidewalk at 753 East Holland Drive.
Water valve at the intersection of East Holland Drive and South Red Pine Drive is too high.
Water valves near the intersection of East Holland Drive and South Derby Drive are too high.
Relocate (1) street tree away from the Stop Sign.
(12.0" Dual Wall HDPE pipe was installed per Approved Plan. Sheet no. C401 & C402 shows Dual Wall 12.0" HDPE pipe to be installed. This goes against Monroe County Code Chapter 755; 755-11.
I certify the information in this report to be true, accurate and complete to the best of my ability and the information given reflects the specifications listed in Monroe County Code Chapter 755 and the Manual for Construction for Within and Adjacent to Monroe County Right-of-Way that was approved in July 2020 or the approved Construction Plans.
Signature: <i>Bugilaga</i> Date: February 6, 2023



4184 S Derby Dr Bloomington IN 47401 US
E (T), 1/23/23



4214 S Derby Dr Bloomington IN 47401 US
E (T), 1/23/23



4214 S Derby Dr Bloomington IN 47401 US
N (T), 2/2/23



4214 S Derby Dr Bloomington IN 47401 US
E (T), 1/17/23



EXHIBIT 8: Highway Initial Inspection Report: S Red Pine DR



MONROE COUNTY HIGHWAY DEPARTMENT

5900 WEST FOSTER CURRY DRIVE
BLOOMINGTON, INDIANA 47403
PHONE: (812) 349-2555
www.co.monroe.in.us

INSPECTION REPORT

PLEASE NOTE THIS IS NOT A PERMIT

INSPECTION INFORMATION

Inspection: Initial Inspection
Inspectors: Ben Ayers, Project Manager
Inspection Date: January 17, 2023
Record no.: SIA-22-1
Location: South Red Pine Drive
Developer: Charles Layne, LLC

ROADWAY INFORMATION

Name of Subdivision: Derby Pines
Road Name: South Red Pine Drive
Functional Classification: Local Road
Shoulder Type: Curb & Gutter
Surface Type: Asphalt
Road Width: 26.0'
Speed Limit: 25 MPH

SUMMARY TABLE			
General Information or Requirements	Fail	Partial Pass	Pass
SITE INSPECTION CHECKLIST			
Asphalt:			
Install 1.5" of asphalt surface.			
Casting of Grates:			
Complete.			
Cul-de-Sac Width:			
N/A			
Curb Ramps:			
Curb Ramps meet ADA Specifications.			
Drainage:			
Curb & Gutter			
Driveway Final Inspections Completed:			
N/A			
Erosion Control: ("If applicable")			
Erosion Control measures are in place.			
Gas, Manholes or Water Valves:			
Unable to determine at this time due to asphalt surface not being installed.			
Mailboxes:			
No mailboxes at this time.			
Mailboxes and posts must be in compliance with Chapter 4.0 of the Manual for Construction Within and Adjacent to Monroe County Right of Way.			
Pavement Section:			
Pavement Section does not meet the specifications of Chapter 755 and The Manual for Construction Within and Adjacent to Monroe County Right-of-Way.			
Private Utilities or Systems within the Right of way:			
Did not notice anything at this time.			
Roadway Length:			
N/A			
Roadway Width:			
26.0'			
Sidewalk: ("If applicable")			
Sidewalk does not meet ADA Standards at 4204 South Red Pine Drive. Cross slope ranges from -2.1% to +3.1%. Sidewalk must be ADA Compliant with no more than 2% cross slope.			

Signage:

Complete.

Street Trees:

A total of (7) street trees have been installed.

A total of (22) street trees are missing.

A total of (2) street trees need to be located away from the Stop Signs.

Stormwater Concerns:

24.0" Dual Wall HDPE pipe was installed per Approved Plan. Sheet no. C401 & C402 shows Dual Wall 24.0" HDPE pipe to be installed. This goes against Monroe County Code Chapter 755; 755-11.

Additional Comments:

This Phase of Derby Pines Subdivision is good for a one-time reduction. All deficiencies listed will need to be repaired before any Roads will be accepted into Monroe County Inventory.

Overall Results: ☒ Pass ☐ Fail

This Phase of Derby Pines Subdivision is good for a one-time reduction. All deficiencies listed will need to be repaired before any Roads will be accepted into Monroe County Inventory.

Install 1.5" of asphalt surface.

Install (22) street trees.

Relocate (2) street trees away from the Stop Signs.

Sidewalk does not meet ADA Standards at 4204 South Red Pine Drive. Cross slope ranges from -2.1% to +3.1%. Sidewalk must be ADA Compliant with no more than 2% cross slope.

24.0" Dual Wall HDPE pipe was installed per Approved Plan. Sheet no. C401 & C402 shows Dual Wall 24.0" HDPE pipe to be installed. This goes against Monroe County Code Chapter 755; 755-11.

I certify the information in this report to be true, accurate and complete to the best of my ability and the information given reflects the specifications listed in Monroe County Code Chapter 755 and the Manual for Construction for Within and Adjacent to Monroe County Right-of-Way that was approved in July, 2020 or the approved Construction Plans.

Signature:



Date: February 6, 2023

4214 S Derby Dr Bloomington IN 47401 US
E (T), 1/17/23



4214 S Derby Dr Bloomington IN 47401 US
N (T), 2/2/23





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

PLANNER	Daniel Brown
CASE NUMBER	SIA-23-1 (1505-SFP-20)
PETITIONER	Brenda Baugh and Elizabeth Taylor (owner) Elizabeth Taylor (applicant)
ADDRESS	6427 N Charlie Taylor LN, parcel no. 53-05-04-200-034.002-004
REQUEST	Financial Guaranty for Subdivision Release Request
ACRES	2.16 acres
TOWNSHIP	Bloomington
SECTION	04
PLATS	Platted, Brenda Baugh Minor Subdivision Final Plat (Lots 1 & 2)

EXHIBITS

1. Petitioner Letter
2. Baugh Minor Subdivision Preliminary Plat
3. Site Photos
4. Proof of Cashier's Check
5. SIA

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends releasing the Financial Guaranty for the Brenda Baugh Subdivision without the need for a maintenance bond.

SUMMARY

The petitioner requests to release the existing Financial Guaranty required as part of the Subdivision Improvement Agreement for the Brenda Baugh Minor Subdivision. The improvements required under this agreement include only street trees (11 total). The amount of the performance bond is for \$1,155.00. The original SIA was finalized in May, 2015.

The location of the street trees is on private property, and therefore, the requirement for a maintenance bond is not needed. The trees were required to be on private property due to the reconfiguration of the frontage road during I69 construction. Since the trees will remain private, staff finds that the ordinance reference to Ch 858-8 is partially not applicable as these trees will not be the County's responsibility to maintain. Instead, the improvements are tied to the development plan of the site and required to be kept in perpetuity; landscaping is routinely reviewed as the site is amended and further built out.

858-8. Release or Reduction of Performance Bond and Financial Guaranty

The Commission may release or reduce the performance bond and financial guaranty, but only if:

- (1) the Subdivider applies to the Commission, in writing, for the release or reduction of the performance bond and financial guaranty and provides the Commission with a certificate, signed by the Subdivider's engineer, stating that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement. The certification of the Subdivider's engineer shall be accompanied by detailed "as-built" plans of the required improvements. Such as-built plans must be prepared and signed by the Subdivider's engineer;

See Exhibit 1 for the petitioner letter. No "as-built" was required as the only improvements were street trees.

- (2) the County Engineer reviews the as-built plans and the subdivision site and reports to the Commission, in writing, that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by

preliminary approval and by the subdivision improvement agreement;

N/A. Staff did conduct a site visit to confirm the location and planting of the street trees.

- (3) the Subdivider provides the Commission with written assurances, in the form of affidavits, releases or waivers of liens from all contractors, subcontractors and materialmen, that liens will not be filed against the dedicated land and/or improvements after they are accepted; and,

Since the trees are on private property, this reference is N/A.

- (4) the Subdivider provides the Commission with the maintenance bond required by Section 858-9.

N/A

(B) A performance bond and surety may be reduced only upon the acceptance of the required improvements, and only by the amount that corresponds to the cost of the improvements that are accepted as set forth in the preliminary approval. Furthermore, a performance bond and financial guaranty may be reduced only one (1) time. The reduction may be approved only after at least fifty percent (50%) of the required improvements have been completed and accepted. However, in no event may the performance bond be reduced to less than ten percent (10%) of the original performance bond amount or ten thousand dollars (\$10,000.00), whichever is greater, until all required improvements for the subdivision or the approved subdivision section have been completed and accepted.

N/A - The street trees will remain on private property.

(C) The costs incurred by the Commission and/or the County in connection with a request for performance bond and financial guaranty reduction or release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the Subdivider, regardless of whether the request is ultimately granted. No performance bond and surety shall be released or reduced until such costs have been paid by the Subdivider.

N/A

(D) The Commission may, by rule, authorize the Director to reduce or release performance bonds and, by rule, may establish the procedures by which the Director may reduce or release such bonds.

Staff has recommended approval of release of the funds.

EXHIBIT 1: Petitioner Letter

M & E THOMPSON GROUP INC
Dba THOMPSON FURNITURE
6505 North Thompson Ridge Road
BLOOMINGTON, IN 47404

Monroe County Planning Department
501 N Morton St. Suite 224
Bloomington, In 47404

To Whom It May Concern:

We are requesting the refund of \$1155.00 deposited with Monroe County on 5-12-2015. The funds were to ensure appropriate landscaping was completed on our property at 6427 N Charlie Taylor Lane. The parking lot and landscaping were completed in 2020 per plans approved by the planning department.

As the project has been completed and approved we are requesting a refund of the funds held by the county.

Thank you,
Elizabeth Thompson
Thompson Furniture
Bloomington, IN

EXHIBIT 2: Brenda Baugh Minor Subdivision Preliminary Plat

BRENDA BAUGH MINOR SUBDIVISION Part of the SW 1/4 and part of the NW 1/4 of Section 4, T9N, R1W Bloomington Township, Monroe County, Indiana PRELIMINARY PLAT

LEGAL DESCRIPTION - BRENDA BAUGH MINOR SUBDIVISION

Part of the Northwest quarter and part of the Southwest quarter of Section 4, Township 9 North, Range 1 West, being Tract No. 1 of deed instrument number 2014002978, Office of the Recorder of Monroe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Northwest quarter; thence North 89 degrees 36 minutes 36 seconds East along the South line of said quarter 752.01 feet to a rebar set at the point of beginning; thence North 16 degrees 23 minutes 38 seconds East 235.16 feet to an iron pipe; thence North 75 degrees 42 minutes 30 seconds East 247.98 feet to the West right-of-way of State Road No. 37; thence along the proposed right-of-way for Interstate I-69 the following three courses:

- 1) South 42 degrees 13 minutes 49 seconds West 40.39 feet to a rebar set;
- 2) South 12 minutes 57 seconds 40 seconds West 31.05 feet;
- 3) South 14 degrees 05 minutes 40 seconds East 9.80 feet to a rebar set on the West right-of-way line of State Road No. 37;

thence South 24 degrees 50 minutes 03 seconds West along said West line 98.07 feet to a rebar set on the South line of said Northwest quarter; thence continuing South 24 degrees 50 minutes 03 seconds West along said West line 204.53 feet to a rebar set; thence North 04 degrees 10 minutes 40 seconds West 161.46 feet to a 1/2" rebar; thence North 16 degrees 23 minutes 38 seconds East 194.50 feet to the point of beginning, containing 2.172 acres, more or less, with 1.110 acres in said Southwest quarter and 1.062 acres in said Northwest quarter.

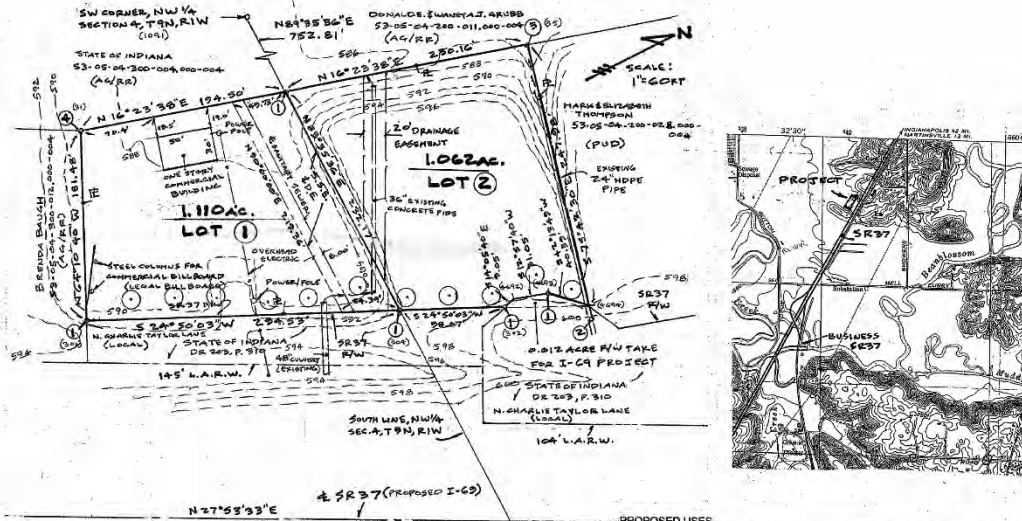
Subject to a sanitary sewer easement recorded in Deed Record 374, pages 206-210 and Deed Record 408, page 672, Office of the Recorder of Monroe County, Indiana, and subject to all other easements, restrictions, and rights-of-way of record.

CERTIFICATION

The above legal description is based on a recent survey performed in accordance with survey standards set forth in §§ 1-12-1 through 19 and all monuments were either set this survey or found this survey as shown on plat.

Certified this _____ day of _____, 2014.

James Douglas Hall
J.D. Hall Land Surveying
803 Ohio Street
Shenandoah, Indiana 46069
Phone (317) 646-3924



DEDICATION OF PUBLIC RIGHTS-OF-WAY

Brenda Baugh, owner of the real estate shown and described herein, do hereby certify, lay off, and plat lots numbered 1 and 2 to be known as BRENDA BAUGH MINOR SUBDIVISION. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as BRENDA BAUGH MINOR SUBDIVISION.

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

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

Brenda Baugh

STATE OF INDIANA }
COUNTY OF MONROE } SS:

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Brenda Baugh who acknowledged the execution of the foregoing instrument as her voluntary act and deed for the purposes therein expressed.

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

Notary Public _____ Notary Public _____
(written) (printed)
County of Residence _____ Commission Expires _____

PROPOSED 3' CALIBER STREET TREES REQ'D.

NOTE - ALL UTILITIES TO BUILDINGS TO BE BURIED
EXISTING ZONING - LB (LIMITED BUSINESS)

SETBACK TABLE
Front Yard - 25 feet
Side Yard - 6 feet
Rear Yard - 0 feet

STORM AND SURFACE DRAINAGE

There will be no disturbance to the natural drainage.
The subject property does not appear to be located in a FEMA special flood hazard area.

COMMISSION CERTIFICATE

Under the authority of Chapter 174, Acts of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Minor Subdivision procedure and approved by the Monroe County Plan Commission at a meeting held on the _____ day of _____, 20____.

President: _____
John Irvine
Secretary: _____
Larry Wilson

PROPOSED USES -

Lot 1 - Any use allowed for Limited Business (LB) as shown in Table 2-1 of the Monroe County Zoning Ordinance

LEGEND

- (1) 5/8" rebar with cap set this survey
- (2) 5/8" rebar with cap set on projected North line
- (3) Iron pipe found
- (4) 1/2" rebar found
- D.E. - DRAINAGE EASEMENT
- S.E. - Sanitary Sewer Easement
- R.W. - Right-of-Way
- L.A.R.W. - Limited Access Right-of-Way
- (001) - Coordinate Reference Number

NOTES

1. Field work completed in August 2014
2. Basis of bearing from Structurepoint survey of proposed Interstate I-69
3. I affirm under penalty for perjury that I have taken responsible care to redact each Social Security number in this document unless required

SOURCE OF TITLE - Instrument No. 2014002978 Tract No. 1

PARENT TRACT PLAT No. 22 and 23

OWNER OF RECORD/ DEVELOPER/ SUBDIVIDER

Brenda Baugh
2099 East Bethel Lane
Bloomington, IN 47408
Phone (317) 732-0222

Preliminary Plat
APPROVED

EXHIBIT 3: Site Photos









EXHIBIT 4: Proof of Cashier's Check

M & E Thompson Group Inc
Dba Thompson Furniture
6431 Highway 37 North
Bloomington, IN 47404

Received
5/14/15
TB

*Sent to Toby

Monroe County Plan Commission
Bloomington, IN

Attached please find a Certified Cashier's Check in the amount of \$1,155.00. This check covers the amount needed for the Subdivision Improvement Agreement for the Baugh Minor Subdivision. This covers the cost of the trees required, to be planted upon completion of I69 work by the State of Indiana.

Elizabeth Thompson
Thompson Furniture

		OLD NATIONAL BANK	1467703
REMITTER	BRANCH # <u>255</u>	Your bank. For life.	DATE
ELIZABETH THOMPSON			May 14, 2015
PAY TO THE ORDER OF	"MONROE COUNTY PLAN COMMISSION"		\$1,155.00
One Thousand One Hundred Fifty Five Dollars and No Cents			
CASHIER'S CHECK		 NAME AND TITLE SHERI RICO TELLER SUPERVISOR PRINTED NAME AND TITLE	
THIS DOCUMENT HAS A COLORED BACKGROUND. NOT A WHITE BACKGROUND.			

EXHIBIT 5: Original SIA

Baugh Minor Subdivision SUBDIVISION IMPROVEMENT AGREEMENT

This Agreement, made by and between the Monroe County Plan Commission ("Plan Commission") and Brenda Baugh ("Subdivider").

Preamble

WHEREAS, Subdivider applied to the Plan Commission for preliminary plat and development approval for the Baugh Minor Subdivision;

WHEREAS, on February 19, 2015, the Plan Commission granted Subdivider preliminary plat approval for the Baugh Minor Subdivision, but conditioned such approval on the installation of certain public improvements throughout the subdivision;

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 Baugh Minor Subdivision;

WHEREAS, Subdivider has not completed the required public improvements, namely the *Installation of Required Public Improvements* (Street Trees) and desires to submit a subdivision improvement agreement, secured by 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. Subdivider agrees to obtain and submit to the Plan Commission a letter of credit in the amount of \$1,155 *Installation of Required Public Improvements* (Street Trees), in favor of Monroe County, to secure the completion of all required public improvements at the Baugh Minor Subdivision.
2. Subdivider agrees to installation of street trees on Lot 2 after INDOT construction has been completed.
3. Subdivider agrees to maintain the Baugh Minor Subdivision public improvements in perpetuity, in accordance with the Monroe County Subdivision Control Ordinance.
4. The parties acknowledge and agree that the Administrator may withhold improvement location permits for the undeveloped Baugh Minor Subdivision Lot 2 unless and until Subdivider has completed the public improvements that serve the lot.

5. 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 letter of credit (copy attached) in an amount sufficient to cover the breach.

6. The parties acknowledge and agree that by accepting the 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 Baugh Minor Subdivision, against the Subdivider.

IN WITNESS WHEREOF, the Plan Commission, by its President Richard Martin, and Subdivider execute this Agreement this ____ day of May, 2015.

PLAN COMMISSION

SUBDIVIDER

Richard Martin, President
Monroe County Plan Commission

Brenda Baugh

ATTEST:

Larry Wilson, Secretary
Monroe County Plan Commission

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE**March 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. Petitioner's Kinser Pike Road Width & Crash Data Narrative
8. Monroe County Motor Vehicle Crash Summaries
9. Letters of Support/Opposition
10. Draft Written Commitment

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.

PLAN COMMISSION: Preliminary Hearing – February 21, 2023

Planning Staff presented an updated staff report with additional exhibits submitted by the petitioner as well as letters of opposition from a few neighbors. During the meeting, the petitioner provided a detailed presentation that covered traffic concerns brought up at the last Plan Commission meeting. The petitioner also provided some renderings of what the winery structures could look like and touched on various aspects of the winery's day-to-day operations and expectations. Plan Commission members requested that the petitioner prepare a draft written commitment and a list of uses he is comfortable with striking from the AG/RR use table. The Plan Commission voted 7-2 to continue the petition to the March 21, 2023, Plan Commission regular meeting to provide the petitioner with enough time to prepare said commitments. At the time of this packet's publishing the petitioner's attorney has not had the opportunity to review the draft written commitment. Please see EXHIBIT 10.

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) – CONTINUED to 3/21/2023

Plan Commission Admin Meeting – March 7, 2023

Plan Commission Regular Meeting – March 21, 2023

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.

CHAPTER 801:

Event Center. A building (which may include on-site kitchen/catering facilities) where indoor and outdoor activities such as weddings, receptions, banquets, corporate events, and other such gatherings are held by appointment.

Permitted in only the GB zoning district.

CHAPTER 813:

Agricultural Event Center (Accessory Use in AG/RR Zone) – Conditional in the AG/RR Zone

Development and Operational Standards.

The following development and operational standards shall apply to an event center in the AG/RR Zone:

(a) Parking.

An event center in the AG/RR Zone shall provide parking at a ratio of one parking space for each two and one-half guests allowed on-site and one parking space for each permanent employee. No off-site parking is permitted unless approved in the conditional use permit process. Parking areas shall follow the requirements of Chapter 806 of the Monroe County Zoning Ordinance (Off-Street Parking and Loading).

(b) Access Standards.

1. Access roads to an event center in the AG/RR Zone shall comply with county, state and local fire safe standards as determined by the county and the serving fire agency.
2. Direct access to a publicly-maintained roadway is required.
3. A driveway permit from the responsible public agency is required to address ingress, egress, and sight-distance requirements for the driveway connection to a county-maintained road or state highway.

(c) Minimum Parcel Size.

1. A small agricultural event center shall have a minimum parcel size of ten (10) acres.
2. An intermediate agricultural event center shall have a minimum parcel size of twenty (20) acres.
3. A large agricultural event center shall have a minimum parcel size of forty (40) acres.

(d) Setbacks.

An event center in the AG/RR Zone shall be located and is required to hold all outdoor activities associated with the event center (with the exception of parking) a minimum of two hundred (200) feet from the exterior property lines. Parking shall be allowed with fifty (50) feet from the exterior property lines unless the Board of Zoning Appeals increases the parking setback provision to meet neighborhood conditions.

(e) Event Size.

1. Small agricultural event center: shall be allowed a maximum event size of one hundred (100)

guests or as specified by the conditional use permit.

2. Intermediate agricultural event center: shall be allowed a maximum event size of two hundred (200) guests or as specified by the conditional use permit.
3. Large agricultural event center: shall be allowed a maximum event size of three hundred (300) guests or as specified by the conditional use permit.

(f) Number of Events.

An agricultural event center may hold events on a maximum of maximum of forty (40) days per year, which may be further limited by the conditional use permit. For purposes of this provision, an “event” is a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner.

(g) Agricultural Requirement.

1. An event center in the AG/RR Zone shall be accessory to a primary agricultural use and is required to have an on-going, on-site agricultural production for the length of the term of the conditional use permit.
2. An event center in the AG/RR Zone and its associated areas such as parking, decks and patios shall not occur within current agricultural production areas on a parcel designated as prime farmland in the Web Soil Survey, Natural Resources Conservation Service, United States Department of Agriculture (Available online at <http://websoilsurvey.nrcs.usda.gov/>) unless otherwise specified in the conditional use permit.

(h) Hours of Operation.

An event center in the AG/RR Zone shall be allowed to operate from 10:00 a.m. to 11:00 p.m. on Friday and Saturday and from 10:00 a.m. to 8:00 p.m. Sunday through Thursday.

(i) Noise Regulations.

An event center in the AG/RR Zone shall be subject to the Noise Control Ordinance (Chapter 380 of the Monroe County Code) and shall be required to stop all noise generating activities, such as music, at 10:00 p.m. or move such activities into an enclosed structure. After 10:00 p.m., all noise levels must be reduced to fifty (50) decibels or less at the event center’s exterior property lines.

(j) Food Regulations.

An event center in the AG/RR Zone: as specified by the conditional use permit. If a commercial kitchen is approved with the event center, it shall only be used in conjunction with on-site events and for processing of on-farm products. Restaurants and off-site catering are not allowed as part of an event center in the AG/RR Zone.

(k) Neighbor Notification.

An event center in the AG/RR Zone shall post and maintain a schedule of future events on their website. An annual/seasonal schedule of future events shall be mailed to all owners of real property located within

660 feet of the subject property at least two weeks prior to the beginning of the event year or season. The schedule shall show days planned for events, hours of operation, and include a phone number for inquiries.

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.*

Consolidated Development Ordinance

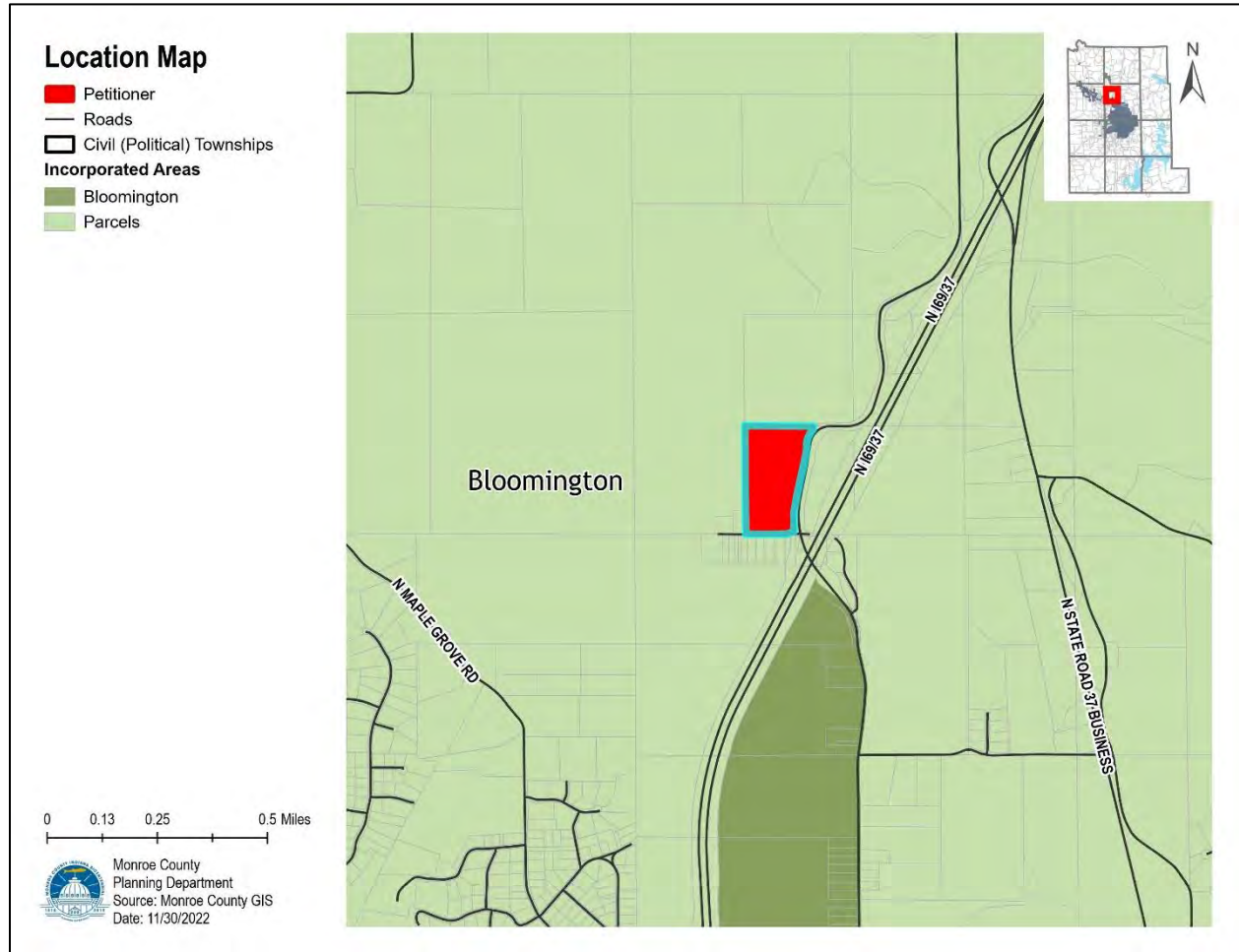
According to the current draft zoning map for the forthcoming Consolidated Development Ordinance (CDO), the subject property is slated to transition from the RE1 zone to the AG2.5 zone. The petitioner stated that this proposed zoning transition was one of the reasons he felt comfortable pursuing a rezone to the AG/RR zone, as a similar district – the AG2.5 zone – would be applied to this location anyways. Planning Staff communicated to the petitioner early on that the CDO draft zoning map is subject to change and does not infer what the final zoning of a property will be when the CDO is adopted.

Hamilton Rezone, REZ-21-4, Ordinance 2021-42

The neighboring 134.5-acre property to the west at 1300 W Bell RD requested a rezone from **Estate Residential 1 (RE1) to Agriculture/Rural Reserve (AG/RR)** in July 2021 with the intention to perform a 2-lot sliding scale subdivision. The Plan Commission voted 7-0 to forward the petition with a positive recommendation with no conditions of approval to the Board of Commissioners on **September 21, 2021**. The Monroe County Board of Commissioners voted 3-0 to grant the rezone request from RE1 to AG/RR under Ordinance 2021-42 on October 20, 2021.

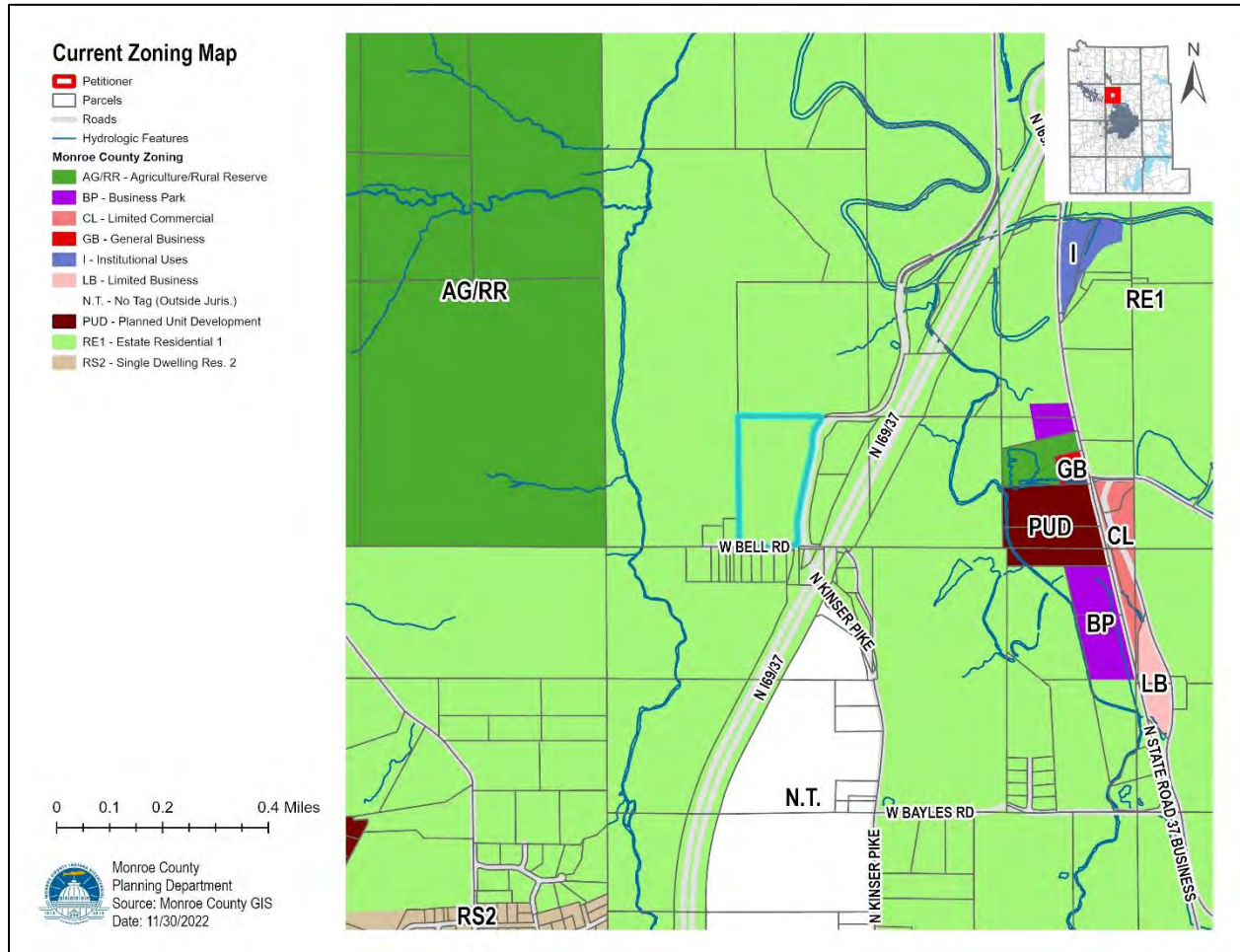
LOCATION MAP

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.



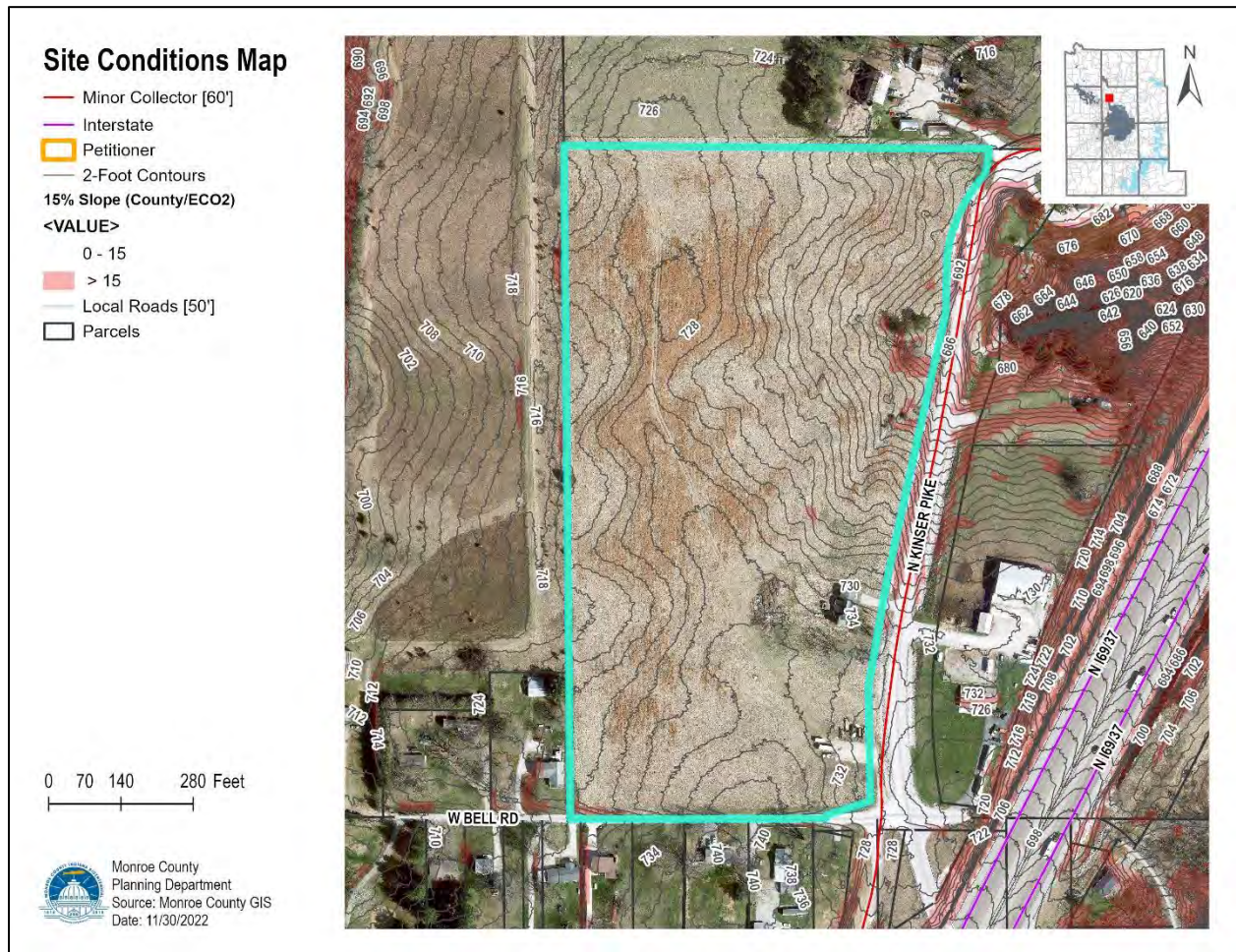
CURRENT ZONING

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

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

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

Department Coordination Meeting – February 14, 2023

Planning Staff spoke with the Highway Engineer regarding the Plan Commission's request for a more precise recommendation regarding the petition site's driveway access. Paul Satterly, Highway Engineer, stated that the Highway Department is in support of the petition site's access point off N Kinser Pike. Ben Ayers, Project Manager, at the Highway Department stated he will review the specifics of the driveway's proposed location and make recommendations based thereon. To-date staff has not received an application for a driveway permit so the exact location is undetermined at this point.

Paul Satterly continued with a discussion on the road conditions of nearby roadways. N Kinser Pike was recently reconstructed as part of the I-69 project. Portions of N Kinser Pike begin to narrow as it continues into the City of Bloomington's jurisdiction. Comments regarding this portion of N Kinser Pike should be brought up with the City of Bloomington. A bridge on W Bayles Road is undergoing reconstruction and is expected to be completed around July 1, 2023.

The petitioner shared an email conversation with Andrew Cibor dated Thursday, February 2, 2023, regarding the width and safety of N Kinser Pike within the City of Bloomington's jurisdiction. Mr. Cibor stated that he was unaware of any forthcoming City capital projects in this area of N Kinser Pike and assumed the widening performed on N Kinser Pike was completed by INDOT for the I-69 project. Mr. Cibor conveyed an interest in receiving more information about the trees that are purportedly posing a threat to public safety. If he were to know the location of said trees possibly with pictures, he could have the appropriate city staff look into it.

Photo 1. Aerial pictometry from the south (2020)

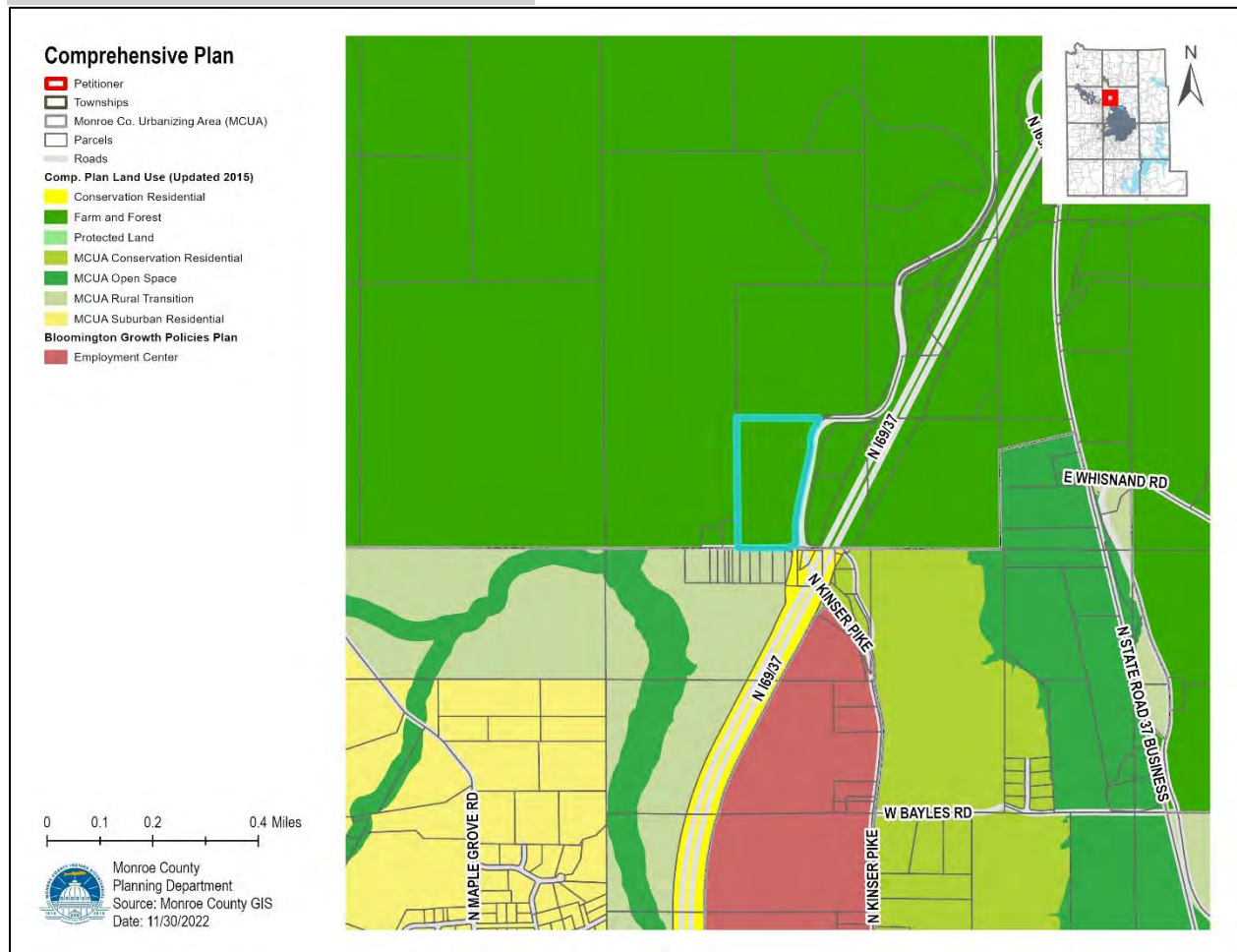


Photo 2: View of W Bell RD frontage – facing east



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

COMPREHENSIVE PLAN DISCUSSION



The petition site is located within the **Farm and Forest** Comprehensive Plan designation which states:

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.

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:

- 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 **at 1300 W Bell RD was recently rezoned from RE1 to 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 rezoning 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 rezoning 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

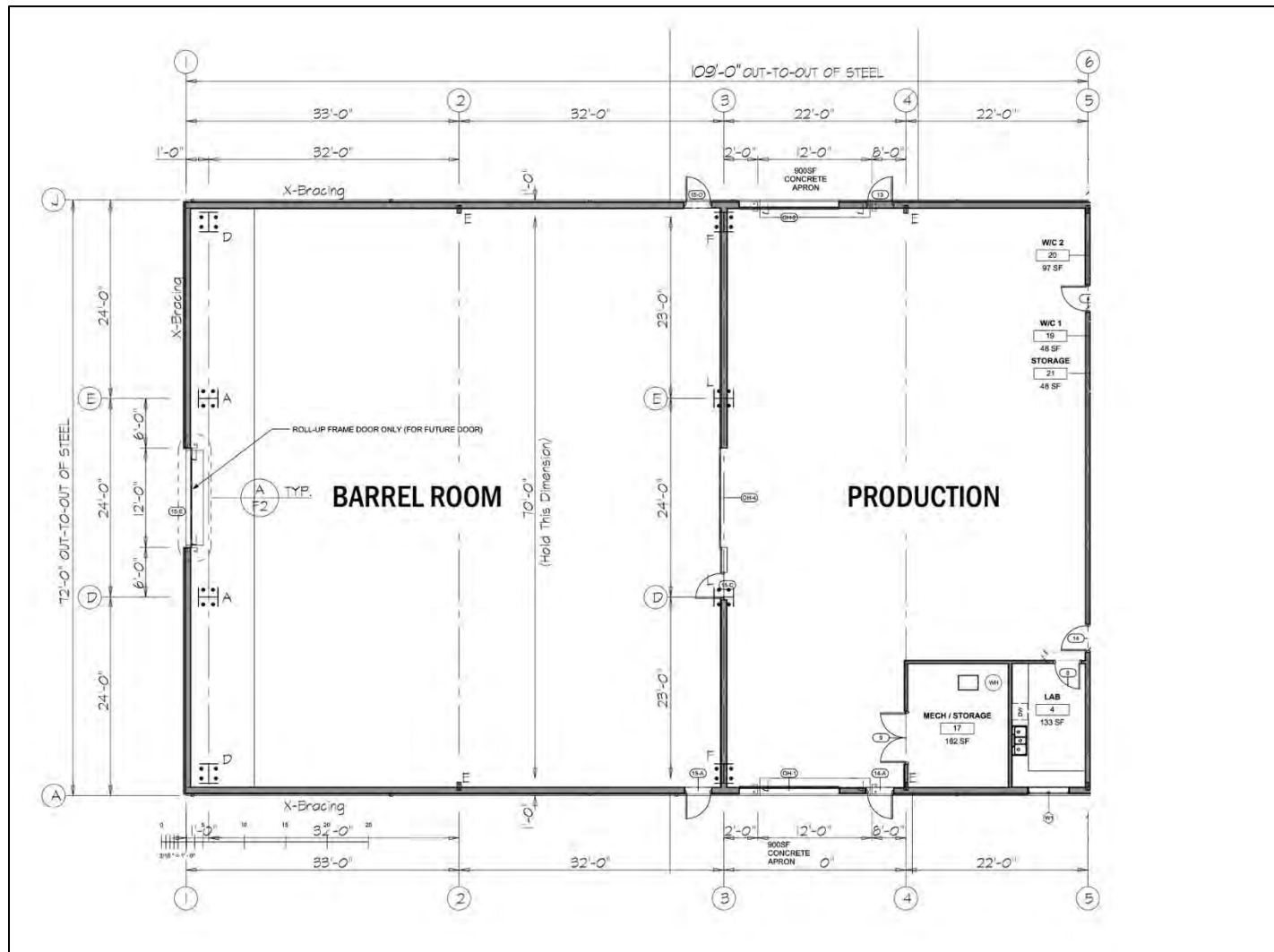
Jeff@thebrawleygroup.com

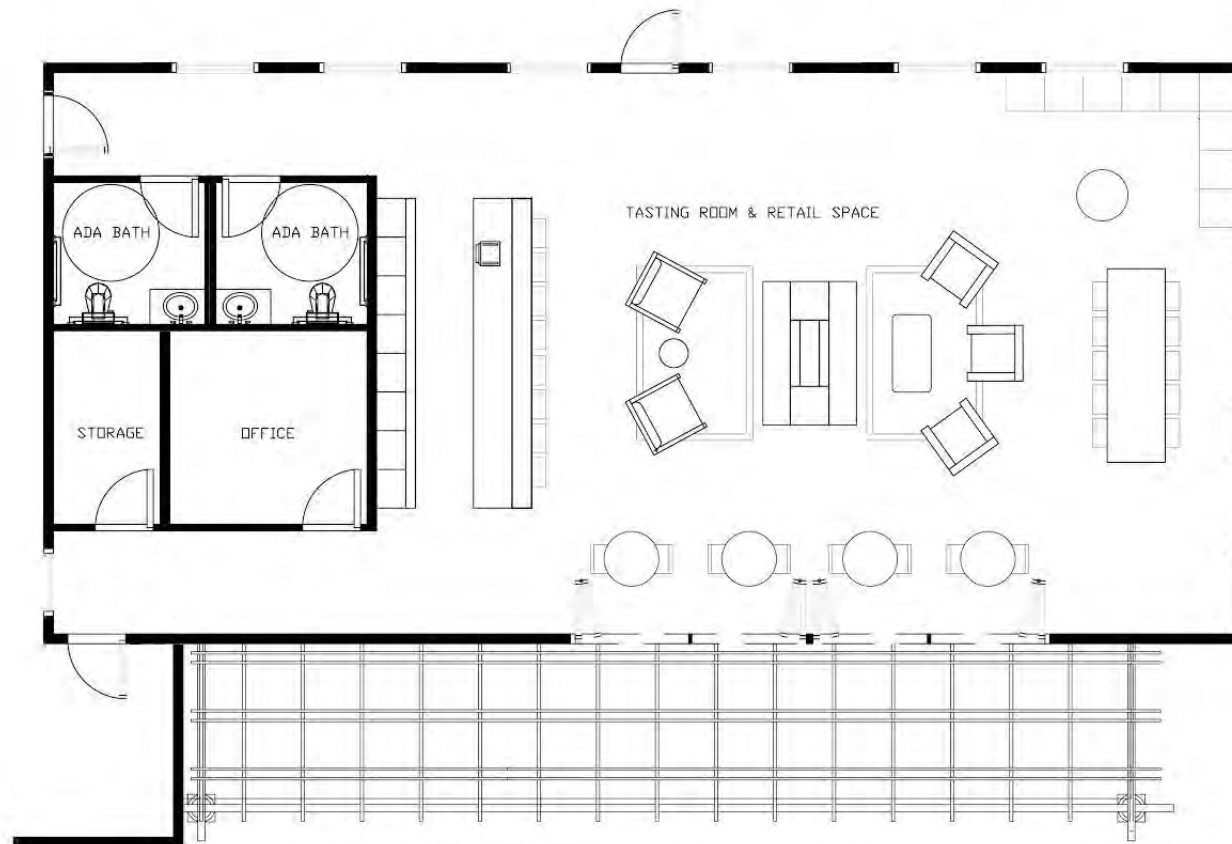
812-327-5331

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: Petitioner's Kinser Pike Road Width & Crash Data Narrative

Kinser Pike Road Width:

- The neighbor petition claims that Kinser Pike is only 16' wide between the white lines.
- The attached map, Exhibit A, confirms the 16' wide area in question is limited to a 0.3-mile stretch that runs north/south between Bayles Rd. and the driveway at 4755 N Kinser Pike.
- 4755 N. Kinser Pike Driveway is located 0.2 mile south of I-69 (Exhibit B).
- North of 4755 N Kinser Pike the road widens to 21'-22'.
- South of Bayles Road, Kinser Pike maintains a road width of 18'-18.5', about average for most older roads.

Alternate Routes to 4851 N. Kinser Pike

- In addition to travel along Bayles Rd. and Kinser Pike from N. Walnut St., visitors can choose to exit at Sample Rd. (Exhibit D), and use the newly rebuilt Simpson Chapel Rd. The trip is approximately 8 minutes, vs. 6 minutes using I-69 to Walnut/Bayles/Kinser.
- Visitors can also choose to travel north on Kinser Pike from the I-69/SR 45 interchange, or from Bloomington (Exhibit E).

Traffic Accident Data – In three Annual Monroe County Motor Vehicle Traffic Crash Summary reports prepared by the Monroe County Highway Department, spanning 2016-2021, Kinser Pike received no mention. Data in all three reports reflects crash rates as low as two per year. Topics in the reports include:

- **Table 4.** Number of Alcohol Related Crashes.
- **Table 9.** Intersections with the Highest Number of Crashes.
- **Table 7.** Top 20 Roads for Number of Crashes

Wine Served in Tasting Rooms – It's about tasting and comparing, not consuming.

- Wine bottles contain 750ml, or (25.4 oz).
- For personal consumption, a bottle generally yields about four 6 oz glasses.
- The average pour size at a tasting room is approximately 1 oz.
- Most tasting rooms offer five wines, totaling 5 oz, less than the average glass size of 6 oz.
- From Jennifer Quail, Tasting Room Manager at Domaine Berrien Cellars

"At most wineries like the one I work at, by the time a guest has finished, they will have had a glass's worth, or a little less. The object is to try a few different wines (five is average around here). In any situation, the goal is to taste, not drink..."

- For comparison purposes, which is what a tasting room is all about, Master Sommelier Andrea Robinson recommends a one-ounce pour.
- From another winery owner,

"One ounce is more than enough for evaluating, but there's another reason to limit the pour size in a winery tasting room: 4 tastes at 2 ounces equals one glass short of half a bottle of wine; the taster does that at a few wineries and what do you think the result will be?

It's good judgment to keep tastes in the tasting room below 1 ounce...

In my opinion, unless the winery's aim is to promote drinking rather than sampling, it's poor business judgment to worry that you might look cheap."

- From travel website Afar.com, "Basic tastings last about an hour, while more involved tastings can go anywhere from 90 minutes to two or three hours. Hosts are trained to pace the tastings slowly to keep everyone relaxed. Remember that you don't have to drink every drop..."
- From Healthline.com and Alcohol Beverage Commission of California –

About five percent of the alcohol consumed leaves the body through urine, sweat glands, and breathing. Most of the alcohol must be broken down (metabolized) by the liver to remove it from the system. The liver metabolizes alcohol at a very constant rate, approximately one drink per hour. If there is excessive alcohol in the blood, the liver cannot speed up the detoxification process. The unmetabolized alcohol just continues to circulate in the bloodstream. This is intoxication – when there is a buildup of alcohol in the system.

healthline

Health Conditions ▾

Discover ▾

Plan ▾

Connect ▾

What is a standard drink?

A [standard drink](#) is an estimated 0.6 ounces or 14 grams of pure alcohol. The amount of alcohol in common beverages includes:

oz	drink	alcohol content
12	beer	5%
8	malt liquor	7%
5	wine	12%
1.5	80-proof distilled spirits	40%

Winery Traffic

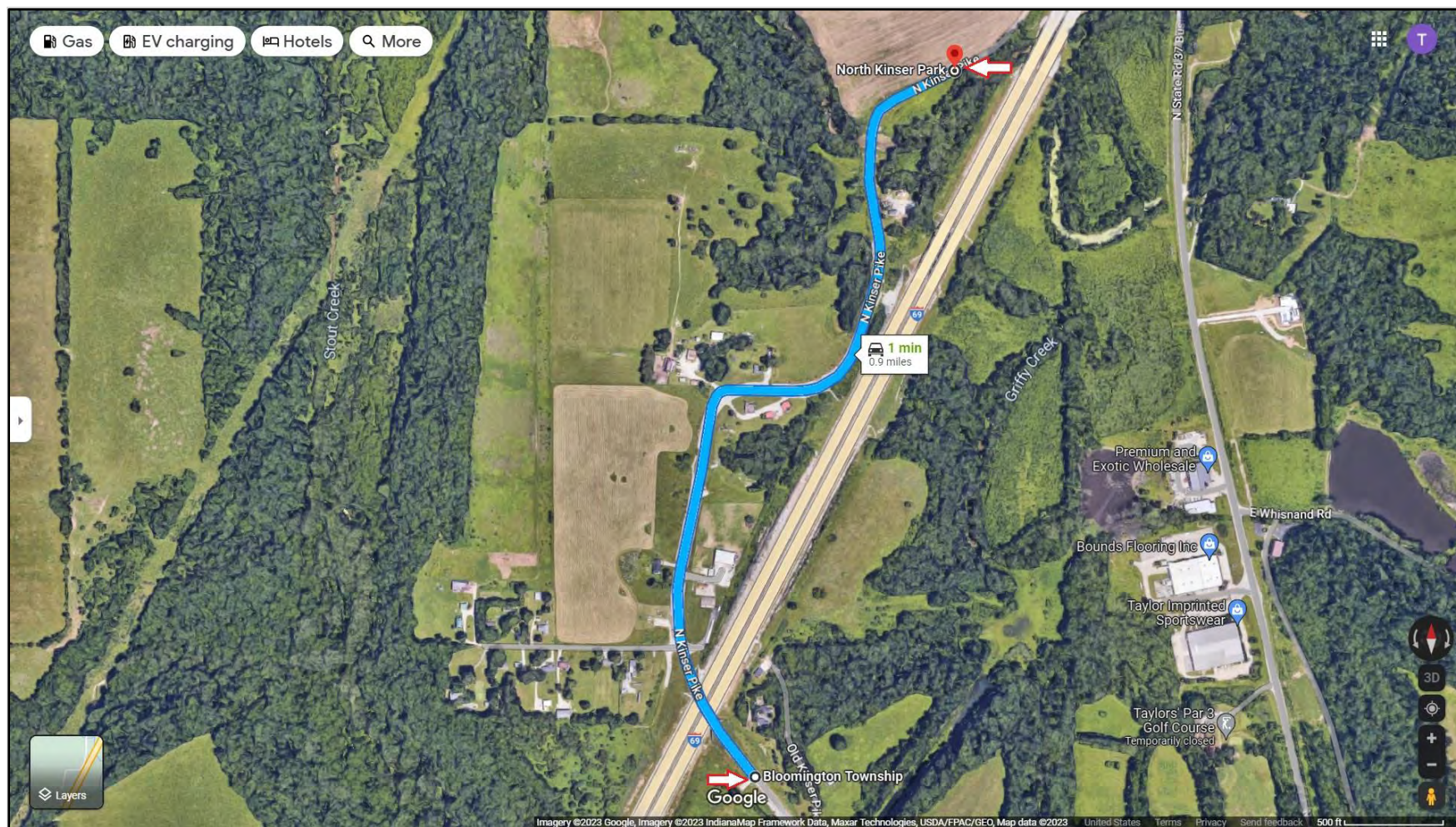
- According to statistics published by Purdue in 2017, Indiana's 92 wineries served approximately 630,000 visitors, an average of 6,848 per winery annually. On a weekly basis, the simple average is 132 visitors. At two visitors per vehicle, average weekly traffic would increase by 61 cars, or an average daily increase of nine cars.
- Huber Winery and Oliver have, by some estimates, hosted over 100,000 annual visitors each. On that basis, the average volume of visitors to the remaining 90 wineries drops by approximately 30%, to an average of 4,778 annual visitors. This translates to 92 weekly visitors, an assumed increase of 46 cars per week, or slightly more than six cars per day.



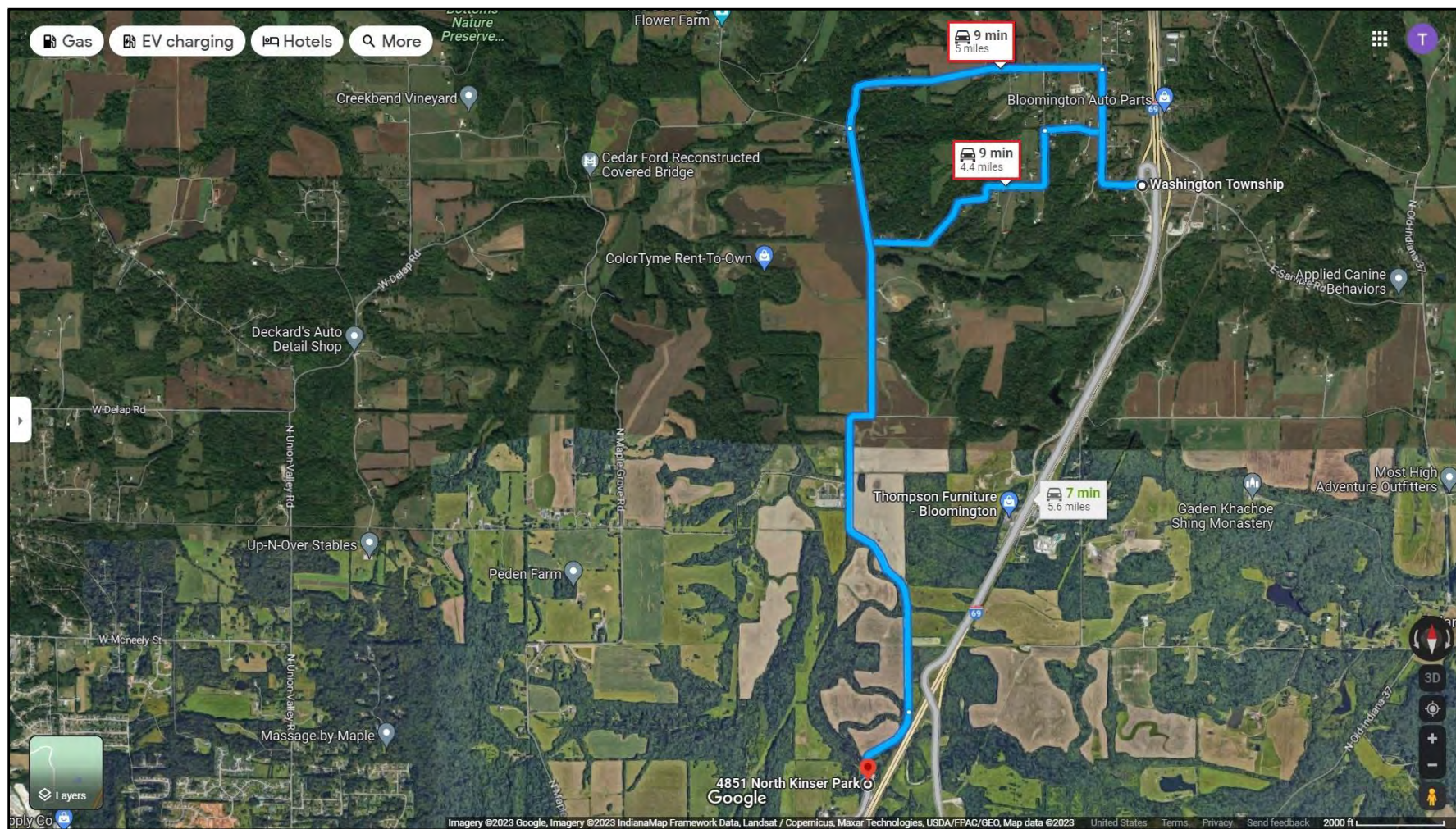
Petitioner's Exhibit A.



Petitioner's Exhibit B.



Petitioner's Exhibit C.



Petitioner's Exhibit D.

EXHIBIT 8: Monroe County Motor Vehicle Crash Summaries

1. Motor Vehicle Traffic Crash Summary January 2016 – December 2018
https://www.co.monroe.in.us/egov/documents/1562955319_49857.pdf
2. Motor Vehicle Traffic Crash Summary January 2017 – December 2019
https://www.co.monroe.in.us/egov/documents/1617388918_98651.pdf
3. Motor Vehicle Traffic Crash Summary January 2019 – December 2021
https://www.co.monroe.in.us/egov/documents/1662724561_04271.pdf

EXHIBIT 9: 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

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~continued on next page.

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

Respectfully,
Peter K. Bellessis

From: Jana Hasty <jana.hasty@gmail.com>
Date: Wed, Feb 15, 2023 at 6:48 PM
Subject: Case # REZ-22-12
To: <jnester@comonroe.in.us>, <dymers@co.monroe.in.us>

Thank you both for listening to our concerns about the proposed Winery, corner of Kinser Pike and W. Bell Road

- 1) A substantial increase in traffic on Kinser Pike
- 2) Kinser Pike is the access road to Bloomington High School North. Many young drivers drive to school and could potentially encounter winery traffic of inebriated drivers.
- 3) BHSN cross country runners run on Kinser Pike during their training season.
- 4) Kinser Pike is a training route for the IU Little 500 (April) and Hilly Hundred each October.
- 5) We have lived on W. Bell Rd for 37 years and enjoy no crime and limited traffic on our little dead-end road. The winery could potentially bring people down our road (even though it says dead end we get the random lost car) and crime.
- 6) Potentially increase our chance of annexation, which Paul Greene and other homeowners fought so hard against and won.
- 7) With the rezoning, should the winery fail or the developers change their mind, the list of other options is troubling as well.
- 8) From a previous survey within the last 5 years, (could probably get that information) it was determined that there WERE sinkholes. I am not sure where the developer got their information.

Again, thank you for your time and consideration.

—
Jana Hasty & Bob Hasty
Birth Doula,
Licensed Massage Therapist &
Reiki Master/Practitioner
(812) 361.4271

EXHIBIT 10: Draft Written Commitment

COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Norvesco Real Estate Partners, LLC makes the following commitment to the Monroe County Plan Commission (the "Commission") regarding the use and development of the following described real estate in Monroe County, Indiana:

Section 1: Real Estate.

Tract Number: 53-05-08-300-008.000-004 (012-02070-00) 19.34 acres

Deed Reference: Instrument Number 2022016875, recorded in the Office of Monroe County, Indiana

Section 2: Case Number: REZ-22-12, Rezone Application

Section 3: Statement of Commitment.

- a. Norvesco Real Estate Partners, LLC is the sole owner of the above-described Real Estate.
- b. On recording of the final plat for petition REZ-22-12, covenants, conditions, and restrictions are imposed on the real estate as follows:

Uses. Uses of the Real Estate shall be as permitted as shown for the AG zone, Table of Permitted Uses, Chapter 802, Monroe County Zoning Ordinance, subject to the following restrictions:

The following uses will not be permitted on the Real Estate:

1. AGRICULTURAL USES

- a. Commercial facilities for the sale, repair, and service of agricultural equipment, vehicles, feed, or supplies
- b. Feed Mill
- c. Stockyard
- d. Two Family Dwelling

2. PUBLIC AND SEMIPUBLIC

- a. Cemetery
- b. Governmental Facility
- c. Remote Garbage/Rubbish Removal
- d. Utility Service Facility
- e. Water Treatment Facility

3. BUSINESS AND PERSONAL SERVICES

- a. Real Estate Sales Office or Model
- b. Taxidermist
- c. Veterinary Service (Indoor)
- d. Veterinary Service (Outdoor)

4. AMUSEMENT AND RECREATIONAL

- a. Recreational Vehicle (RV) Park

5. MANUFACTURING, MINING, CONSTRUCTION & INDUSTRIAL

- a. Sawmill
- b. Wood Products

Section 4: Additional Restrictions & Operational Guidelines

- a. Hours of farming and winery operations, including but not limited crop management, irrigation, harvest, fruit processing, production, shipping/receiving and maintenance, are unrestricted and as needed.
- b. The tasting room, for the purposes of product sampling and retail alcohol sales, shall be operated daily from 11:00 am until 7:00 pm.
- c. While not a dedicated event center, the winery will occasionally, at its discretion, and conducted in accordance with relevant laws and permits, host other events, including, but not limited to:
 - 1. Seasonal festivals
 - 2. Charitable events
 - 3. Art fairs
 - 4. Private meetings, events, and other gatherings
- d. Outdoor music, whether live or prerecorded, will be limited to tasting room hours of operation, and shall be managed in compliance with Chapter 380 of the Monroe County Noise Ordinance.

- e. The outdoor music genre or artists chosen to be played, whether live or prerecorded, will be consistent with the lower-key, relaxed environment we are creating.
- f. The winery will not have a kitchen, but will be designed with a food staging area containing a refrigerator(s) and warming oven(s). Food items served at the winery will be provided either via food truck, or pre-prepared items from catering companies or local restaurants. Examples of items the winery will procure from caterers and restaurants and served by staff will be like what can be purchased in a cold case at a local grocery store, include:
 - 1. Charcuterie boards
 - 2. Cheese & Cracker Trays
 - 3. California Rolls
 - 4. Fresh Fruit

Section 5: Authorization for Signature

Tim Rolfsen certifies that he is president and managing director of, and duly authorized and empowered, for and on behalf of Norvesco Real Estate Partners, LLC to execute this Commitment Concerning the Use and Development of Real Estate.

Section 6: Binding Effect.

- a. This commitment is a condition of approval of the proposed winery, Petition Number REZ-22-12. Failure to honor this commitment shall constitute a violation of the zoning ordinance and shall be subject to the penalties for the violation in addition to all other enforcement remedies.
- b. This commitment is binding on the owner(s) of the above-described real estate, subsequent owners and each person acquiring an interest in the above-described real estate, including tenants and lessees.
- c. This commitment may be modified or terminated only by approval of the Monroe County Plan Commission.

Section 6: Effective Date. The commitments contained herein shall be effective upon recording of the approval of the rezone of parcel 53-05-08-300-008.000-004, AKA 4851 N. Kinser Pike, Bloomington, IN 47404, to AG/RR.

Section 7: Recording. This Commitment shall be recorded by or on behalf Owners, and upon failure to do so the Director of the Monroe County Plan Commission is authorized to record this commitment in the Office of the Recorder of Monroe County, Indiana at the

expense of Owners. The Owners shall submit a copy of the recorded Commitment bearing the recording stamp of the Recorder of Monroe County, Indiana, to the Monroe County Planning Department.

Section 8: Enforcement. This Commitment may be enforced by the Monroe County Plan Commission as defined by the Monroe County Plan Commission rules and procedures.

IN WITNESS WHEREOF, Norvesco Real Estate Partners., LLC has caused this Commitment to be executed as of the ____ day of March, 2023

Norvesco Real Estate Partners, LLC
By Tim Rolfsen, Member/Managing Director

STATE OF INDIANA)
) SS
COUNTY OF MONROE)

Before me, a Notary Public in and for said county and state, the ____ day of March 2023, at which time by Tim Rolfsen, Member and Managing Director of Norvesco Real Estate Partners, LLC personally appeared and acknowledged the execution of the above and foregoing.

My Commission Expires _____

Notary Public

(Printed Name)

A Resident of _____ County

MONROE COUNTY PLAN COMMISSION**March 21, 2023**

CASE NUMBER	PUO-23-2 and PUD-23-2
PLANNER	Anne Crecelius
PETITIONER	Monroe County Redevelopment Commission/Crider & Crider Inc. c/o Daniel Butler, Bynum Fanyo & Assoc.
REQUEST	North Park PUD Outline Plan Amd. #5 Change to Section 8 “Street and Alternative Transportation Guidelines Preliminary Hearing Waiver of Final Hearing Requested
ADDRESS	N Curry Pike and W Hunter Valley RD, Parcel #53-05-29-200-008.000-005, 53-05-19-400-021.000-004, 53-05-19-400-050.004-004, 53-05-20-300-008.000-004, 53-05-20-300-025.000-004, 53-05-20-300-029.000-004, 53-01-27-890-100.000-004, 53-05-19-400-001.000-004, 53-05-19-400-022.000-004, 53-05-19-400-022.000-004, 53-05-19-400-044.000-004, 53-05-19-400-044.000-004, 53-05-30-100-003.000-004, 53-05-30-100-006.000-004, 53-05-30-100-011.000-004, 53-05-29-200-004.000-004, 53-05-30-100-001.000-004, 53-05-30-100-002.000-004, 53-05-30-100-007.000-004, 53-05-30-100-009.000-004, 53-04-24-100-017.000-011, 53-05-19-400-050.002-004, 53-05-19-400-050.003-004, 53-05-19-400-050.000-004
ACRES	Construction area approximately 5.1 +/-
ZONE	North Park PUD
TOWNSHIP	Bloomington
SECTION	19, 27, 30
PLATS	Platted
COMP PLAN DESIGNATION	MCUA Mixed Use, MCUA Open Space, MCUA Quarry Landscape

EXHIBITS

1. Petitioner Outline Plan Statement (PUO-23-2)
2. Outline Plan with Track Changes (pages 109-114)
3. Overall Construction Plan View
4. North Park Ordinance Road Classification (page 127)
5. [Link to Construction Plans \(PUD-23-2\)](#)
6. [Link to Current North Park Ordinance](#)

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:

1. The petitioner to propose language to require the construction of a cul-de-sac at the existing south road stub of N Stone Branch DR adjoining the property at 2017 W Hunter Valley Rd.

PUBLIC HEARING TIMELINE

- March 7, 2023 – Plan Commission (Admin) Preliminary Hearing
- March 9, 2023 – Plan Review Committee
- March 21, 2023 – Plan Commission (Regular) Preliminary Hearing
 - o Waiver of Final Hearing Requested
- April 4, 2023 – Plan Commission (Admin) Final Hearing
- April 18, 2023 – Plan Commission (regular) Final Hearing

SUMMARY

The petitioner, the Monroe County Redevelopment Commission/Crider and Crider, INC, is requesting to

amend the North Park PUD Ordinance, and has submitted a development plan for the construction of "Hunter Valley Road Extension" from N Curry PIKE (from the intersection of SR 46) to Hunter Valley Road (to the intersection of W Arlington RD). The outline plan request is to change the specific street construction guidelines (i.e. Reduction of Right of Way dedication, reclassification of roadway class type, removal of street trees along the proposed extension, reduction of speed limit, and the removal of three (3) connector roads in the general area) and required street connections of the North Park Planned Unit Development Ordinance. The development plan is to construct the "Hunter Valley Road Extension" from N Curry PIKE (from the intersection of SR 46) to Hunter Valley Road (to the intersection of W Arlington RD) with the outline plan changes as being proposed. The construction plans under the development plan include approximately 2,500 feet of roadway, including a new proposed bridge. The Highway Engineer has reviewed these plans and agree with the plans as drafted. Once constructed, the connection will satisfy the following requirements under the North Park Ordinance:

5. A frontage road shall be constructed linking Curry Pike/Hunter Valley Road and Arlington Road. The road shall consist of two travel lanes and left turn lanes and intersections as warranted. **This road shall be completed within each of the Use Areas prior to the issuance of any land use certificates or occupancy permits for land use activities that will derive access from the road.**

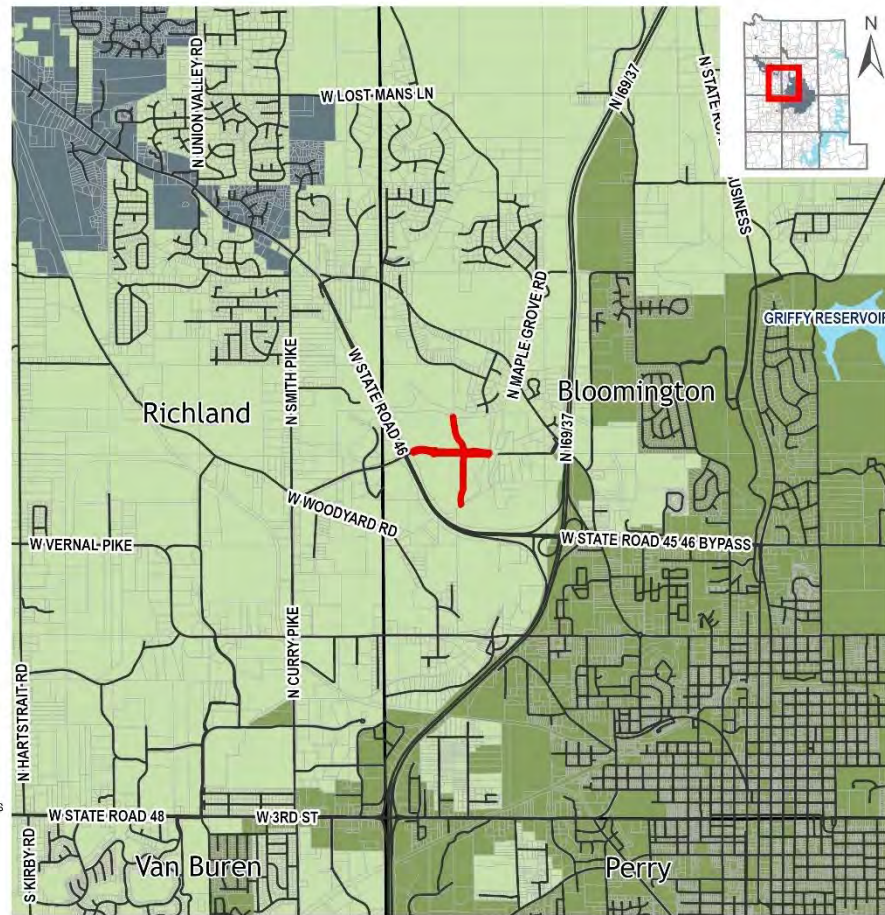
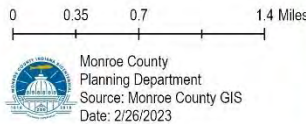
6. (Amended 12/30/10 by Ord. 2010-32) Curry Pike/Hunter Valley Road shall be constructed from its intersection with SR46 to its intersection with Arlington Road. The road shall consist of two through travel lanes, two combined right turn and through travel lanes and left turn lanes and intersections as warranted. This road shall be designed as a boulevard with landscaped median running from SR46 to the proposed linear park first collector road intersection west of Stout's Creek. **This road shall be completed as warranted within each of the Use Areas prior to the issuance of any land use certificates or occupancy permits for land use activities within the related area, except that the entire road shall be complete from SR46 to Arlington Road prior to development plan approval of two-hundred (200) single family dwelling units, or two hundred (200) multi-family dwelling units, or 50% of the acreage of the Town Center, or 50% of the acreage of Use District A, or 50% of the acreage of Use District C, or 75% of the acreage of the Public/Civic Use Area, whichever occurs first.**

BACKGROUND

The petition site is located in Bloomington Township, Sections 19, 27 and 30. The proposed road extension will connect N Curry PIKE (from the intersection of SR 46) to Hunter Valley Road (to the intersection of W Arlington RD). The road connection is required under the North Park PUD ordinance. The changes to the ordinance include: Reduction of Right of Way dedication, reclassification of roadway class type, removal of street trees along the proposed extension, reduction of speed limit, and the removal of three (3) connector roads in the general area. The changes requested and the current standards are listed below and can be viewed in Exhibit 2.

Location Map

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



Reduction of Designated Right of Way

Current Standard:

The ordinance currently requires that the entirety of the right of way for the connection is a minimum of 120'. Due to standard land acquisition negotiations some areas will be at minimum 60' of right of way, with the majority of the right of way area being approximately 90' in width.

Proposed Standard:

1. Revised total right of way (ROW) shall be a minimum of one-hundred-twenty (120) feet to total right of way (ROW) shall be a minimum of ninety (90) feet.
2. The addition of the statement, One-hundred-twenty (120) feet for the entirety of the bridge spanning Stouts Creek.
3. The addition of the statement, The ROW shall be reduced to sixty (60) feet to preserve existing structures when the structures frontage is less than ninety (90) feet from the existing section line (proposed road centerline).

Reclassification of Roadway

Current Standard: the ordinance designates this road connection as a "Minor Arterial Boulevard/Secondary Arterial". The Monroe County Highway Dept. has identified that the correct standards for this road extension would be as a "Major Collector". See Exhibit 2 for the change in classification.

Removal of Street Trees

The ordinance requires that street trees are planted on both sides of the roadway. Note, sidepaths/sidewalks will remain unchanged within the ordinance and are included in the proposed construction plans.

Proposed Standard:

4. Removing the street trees from the statement “Street trees and sidewalks/sidepaths shall be provided on both sides of the street.”

Reduction of Speed

Current Standard: requires all streets to have a minimum of 40 MPH speed limit. Due to design the petitioner’s design professionals and the Monroe County Highway Dept. have agreed to a 30 MPH speed limit.

Proposed Standard:

5. Revised the design speed of forty (40) miles per hour to thirty (30) miles per hour.

Removal of Road Connections: Curry Pike/Hunter Valley to Arlington

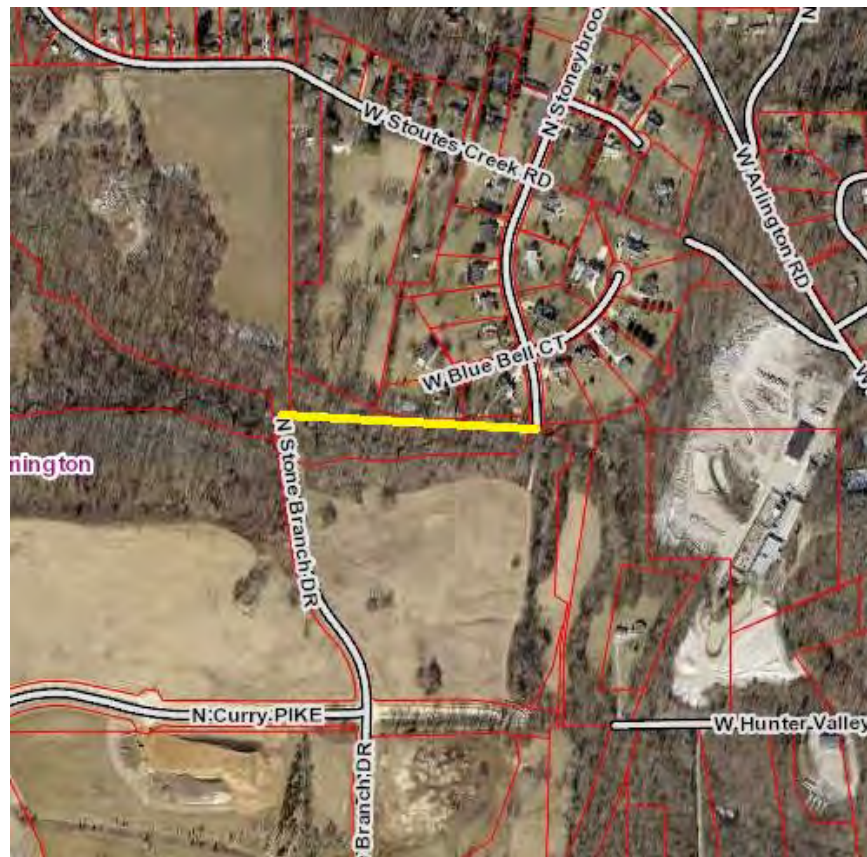
The ordinance currently requires a frontage road to be constructed that connection SR 46 to Arlington Road. See image below for approximate location (shown in yellow). This road connection would be constrained by the width of the North Park property at the proposed connection to W Arlington RD. The parcel shape is a “flagpole” like shape and doesn’t contain enough of area to construct a road to county standards.



Proposed Standard: All text referencing NP b21 will be removed.

Removal of Road Connections: N Stone Branch DR to Stoneybrooke Boulevard

The ordinance requires that a local road connection between N Stone Branch DR and Stoneybrooke BLVD. See image below for approximate location (shown in yellow).



Proposed Standard: All text referencing NP b20 will be removed.

Removal of Road Connections: N Stone Branch DR to Hunter Valley RD

The ordinance requires a connecting road from N Stone Branch DR to Hunter Valley RD that follows a southern path through an area that was a quarry. The area was quarried and contains multiple open pits which would be required to be filled if road construction was pursued. There have been environmental studies that detailed the road connection would be impractical.



Proposed Standard: The description of NP b5 will be revised to end roadway construction within Use District A and shall not link Curry Pike/Hunter Valley Road and Arlington Road.

With the removal of this road connection to the south N Stone Branch DR would be left as a road stub (existing, see photo below). Planning Staff recommends that the petitioner propose language to be added to the ordinance that would trigger the construction of a cul-de-sac. The North Park PUD ordinance is set-up to require road construction using a “percent of development” trigger. Staff recommends that lots A-8 and A-7, platted under the North Park Type D & E Administrative Subdivision (2011015965), have a developmental trigger to construct a cul-de-sac at the road stub. Alternatively, the construction of the cul-de-sac could be a condition of approval of this amendment.



ZONING AND ADJACENT USES

Site Conditions Map

- Major Collector [70']
- Minor Arterial [100']
- Major Arterial [150']
- Interstate
- Sanitary Pipe
- Water Pipe
- Storm Water
- Local Roads [50']
- Hydrologic Features

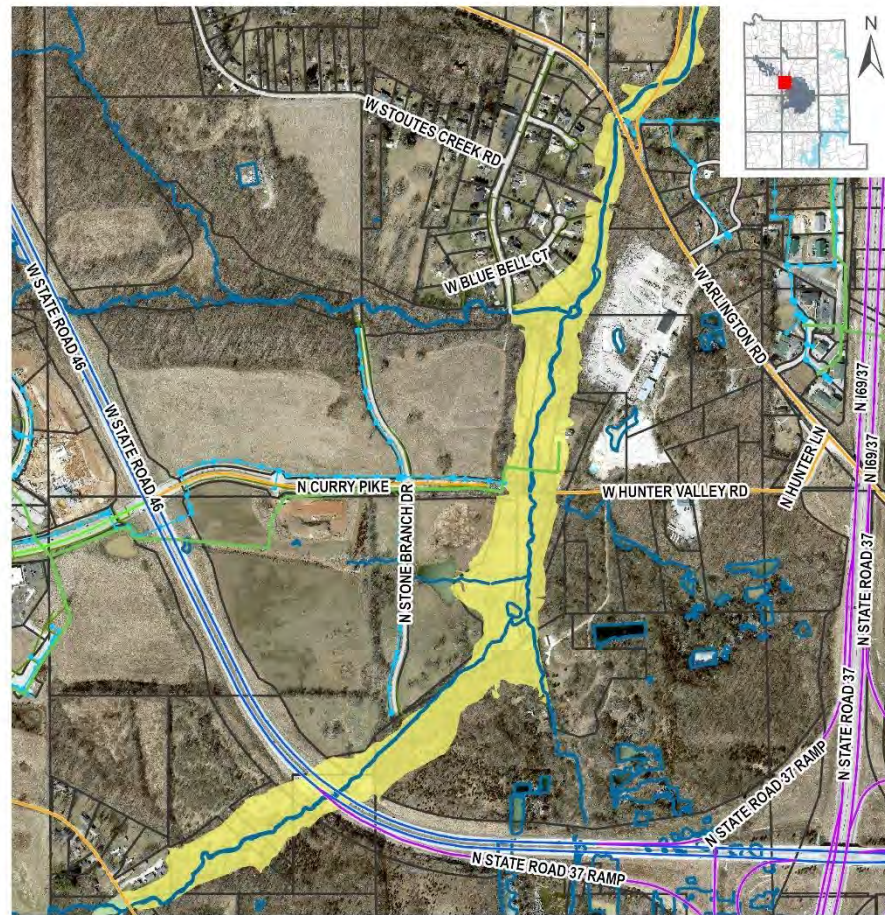
DNR Best Available Data

- Flood Zone
- A
- AE and FLOODWAY
- Parcels

0 340 680 1,360 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/26/2023

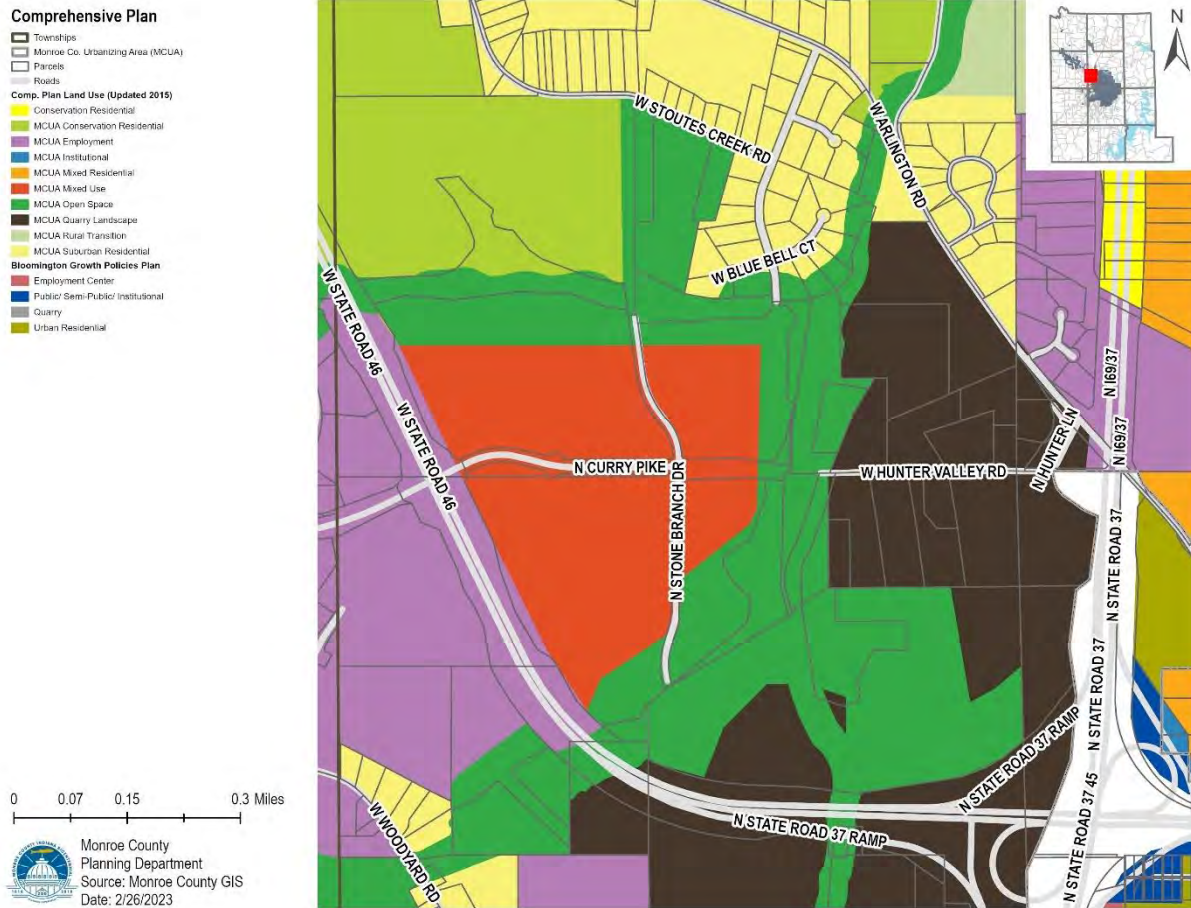


SITE PICTURES



COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the **Mixed Use, Open Space, and Quarry Landscape** districts on the Monroe County Urbanizing Area Plan portion of the Monroe County Comprehensive Plan.



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 current zoning is North Park PUD created by the County in 2004;
- The Comprehensive Plan designates the property as MCUA Mixed Use, Open Space, and Quarry Landscape;
- The petitioner requests to amend the ordinance in order to: Reduce the amount required dedicated Right of Way, reclassify roadway class type, remove of street trees along the proposed extension, reduce the speed limit, and remove three (3) connector roads in the general area;
- The North Park Ordinance requires the connection of N Curry PIKE to W Hunter Valley RD;
- The connection is currently the high priority of the roads proposed within the North Park PUD;
- A development plan filing is required for the road construction;

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

Findings:

- See Findings under section A;

- (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);
 - The petitioner is proposing to remove a road connection that would extend N Stone Branch DR to the south;
 - N Stone Branch DR is currently stubbed at the property line;
 - Staff recommends the petitioner propose language to include the construction of a cul-de-sac at the existing road stub of Stone Branch DR;
 - A cul-de-sac would allow emergency vehicles to turn around in the event of an emergency;
- (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:
- The Monroe County Thoroughfare plan has identified N Curry PIKE and W Hunter Valley RD as a Major Collector;
 - The petitioner's are proposing to change the road classification from a "Minor Arterial Boulevard/Secondary Arterial" to a Major Collector;
- (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 (1), & (9);
 - The surrounding area is zoned Planned Unit Development;
 - Surrounding uses include residential to the north, southeast, and east, and undeveloped commercial to the west;
- (7) **The desirability of the proposal to the County's physical development, tax base, and economic well-being.**
Findings:
- See Findings under Section 1;
 - The Monroe County Redevelopment Commission is proposing a residential TIF district that would include portions of the North Park PUD in this area;
- (8) **The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.**
Findings:
- N Curry PIKE is accessible from SR 46, and W Hunter Valley RD is accessible from W Arlington RD;
 - 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 this amendment is adopted;
- The area is not located within a critical watershed;
- Work within the floodplain will be reviewed under a local permit if this amendment is adopted

EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

February 2nd, 2023 REVISED February 15th, 2023

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

SUBJECT: North Park PUD Outline Plan Amendment

Monroe County Plan Commission or To Whom It May Concern:

On behalf of Crider and Crider Inc. & Monroe County Redevelopment Commission, Bynum Fanyo & Associates, Inc. would like to request approval of amendments to the 'North Park PUD Outline Plan.' These amendments would affect the planned road extension of West Hunter Valley Road following the existing section line from the intersection of N. Curry Pike and N. Stone Branch Drive to W. Arlington Road. The amendments would affect three (3) additional planned roadways.

The amendment to the PUD Plan that is being sought is to change the roadway classification of W. Hunter Valley Road (Curry Pike Extension Phase II, Hunter Valley Lane) from Minor Arterial Boulevard/Secondary Arterial to a Major Collector.

Additional amendments are the addition/revision of these statements to the PUD document for the planned road extension are:

1. Revised total right of way (ROW) shall be a minimum of one-hundred-twenty (120) feet to total right of way (ROW) shall be a minimum of ninety (90) feet.
2. The addition of the statement, One-hundred-twenty (120) feet for the entirety of the bridge spanning Stouts Creek.
3. The addition of the statement, The ROW shall be reduced to sixty (60) feet to preserve existing structures when the structures frontage is less than ninety (90) feet from the existing section line (proposed road centerline).
4. Removing the street trees from the statement, Street trees and sidewalks/sidepaths shall be provided on both sides of the street.
5. Revised the design speed of forty (40) miles per hour to thirty (30) miles per hour.

Other amendments are the removal of plans for future construction of roadways NP b5, NP b20, and NP b21. All text referencing NP b20 and NP b21 will be removed. The description of NP b5 will be revised to end roadway construction within Use District A and shall not link Curry Pike/Hunter Valley Road and Arlington Road.

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

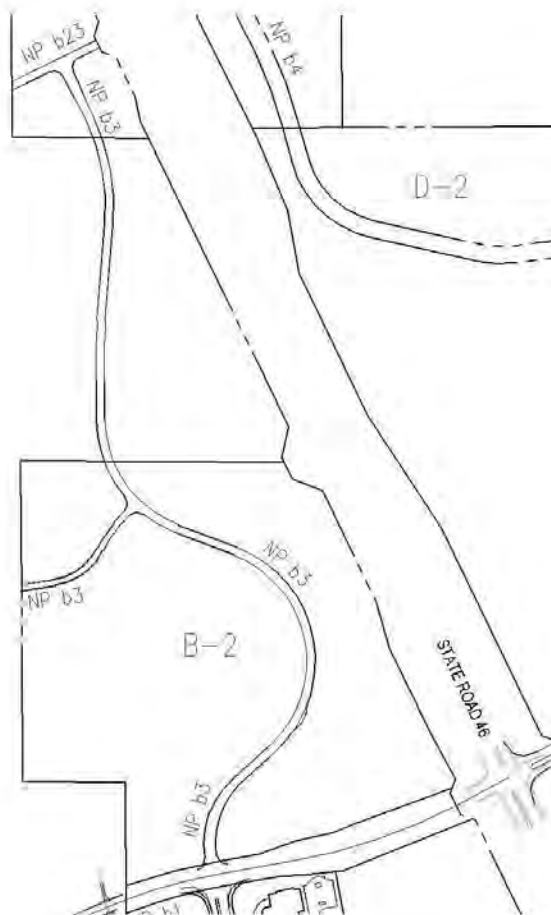
Let us know if you have any questions or concerns for the proposed road classification change.

Sincerely,
Bynum Fanyo & Associates, Inc.
Anthony Willis, Project Engineer

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

EXHIBIT 2: Outline Plan with Track Changes (pages 109-114)



4. A frontage road shall be constructed linking SR46 at the northern intersection and Curry Pike/Hunter Valley Road. The road shall consist of two travel lanes and left turn lanes and intersections as warranted. This road shall be completed prior to the approval of fifty percent (50%) or more single family dwelling units and 50% of the multi-family units in Use District A.
5. A frontage road shall be constructed ~~linking between Curry Pike/Hunter Valley Road and Arlington Road~~ Use District C. The road shall only be constructed within Use District A and shall not be continued within Use District C. The road shall consist of two travel lanes and left turn lanes and intersections as warranted. This road shall be completed within each of the Use Areas prior to the issuance of any land use certificates or occupancy permits for land use activities that will derive access from the road.

6. (Amended 12/30/10 by Ord. 2010-32) Curry Pike/Hunter Valley Road shall be constructed from its intersection with SR46 to its intersection with Arlington Road. The road shall consist of two through travel lanes, two combined right turn and through travel lanes and left turn lanes and intersections as warranted. This road shall be designed as a boulevard with landscaped median running from SR46 to the ~~proposed linear park~~ first collector road intersection west of Stout's Creek. This road shall be completed as warranted within each of the Use Areas prior to the issuance of any land use certificates or occupancy permits for land use activities within the related area, except that the entire road shall be complete from SR46 to Arlington Road prior to development plan approval of two-hundred (200) single family dwelling units, or two-hundred (200) multi-family dwelling units, or 50% of the acreage of the Town Center, or 50% of the acreage of Use District A, or 50% of the acreage of Use District C, or 75% of the acreage of the Public/Civic Use Area, whichever occurs first.
7. A right turn lane shall be added on northeast bound Curry Pike to southeast bound SR46 at the time that a traffic study conducted for a development plan indicates an increase in right turn movements of 279 vehicles per hour or more.
8. A second left turn lane shall be added on northwest SR46 to southeast bound Curry Pike at the time that a traffic study conducted for a development plan indicates an increase in left turn movements of 204 vehicles per hour or more.
9. A second left turn lane shall be added on southwest bound Curry Pike/Hunter Valley Road to southeast bound SR46 at the time that a traffic study conducted for a development plan indicates an increase in left turn movements of 262 vehicles per hour or more.
10. A third lane shall be added on southeast bound SR46 at the time a traffic study conducted for a development plan indicates an increase in through movements of 202 vehicles per hour or more.
11. A third right turn lane shall be added on northeast bound Curry Pike to southeast bound SR46 at the time a traffic study conducted for a development plan indicates an increase in right turn movements of 735 vehicles per hour or more.
12. A third lane shall be added on northwest bound SR46 at the time a traffic study conducted for a development plan indicates an increase in through movements of 163 vehicles per hour or more.
13. A third left turn lane shall be added on southwest bound Curry Pike/Hunter Valley Road to the southeast bound SR46 at the time a traffic study conducted for a development plan indicates an increase in left turn movements of 834 vehicles per hour or more.
14. Modifications to the traffic signal heads and supports, controllers and its appurtenances shall be improved as required with the lane modifications mentioned in the afore-mentioned 7-13. This will including, but not limited to, the installation of additional signal heads, pavement loops or cameras, signal support relocation, and other incidental items associated with this type of work.

15. A fully actuated traffic signal shall be installed at the northern SR46 intersection at the time a traffic study conducted for a development plan indicates that an increase in traffic movements at this intersection satisfy any one of the eight warrants in Part 4 of the Manual on Uniform Traffic Control Devices as published by USDOT, FHWA. This includes, but is not limited to, vehicular, pedestrian, and school bus movements, along with crash history occurrences.
16. A fully actuated traffic signal shall be installed at the intersection of Curry Pike and the yet unnamed southern frontage road connecting Use Districts B and D at the time a traffic study conducted for a development plan indicates that an increase in traffic movements at this intersection satisfy any one of the eight warrants in Part 4 of the Manual on Uniform Traffic Control Devices as published by USDOT, FHWA. This includes, but is not limited to, vehicular, pedestrian, and school bus movements, along with crash history occurrences.
17. A fully actuated traffic signal shall be installed at the intersection of Curry Pike/Hunter Valley Road and the yet unnamed northern frontage road connecting Use Districts A and D at the time a traffic study conducted for a development plan indicates that an increase in traffic movements at this intersection satisfy any one of the eight warrants in Part 4 of the Manual on Uniform Traffic Control Devices as published by USDOT, FHWA. This includes, but is not limited to, vehicular, pedestrian, and school bus movements, along with crash history occurrences.
18. A fully actuated traffic signal shall be installed at the intersection of Curry Pike/Hunter Valley Road and Arlington Road at the time a traffic study conducted for a development plan indicates that an increase in traffic movements at this intersection satisfy any one of the eight warrants in Part 4 of the Manual on Uniform Traffic Control Devices as published by USDOT, FHWA. This includes, but is not limited to, vehicular, pedestrian, and school bus movements, along with crash history occurrences.
19. A second through lane shall be added on the southeast bound SR46 from Curry Pike to the SR37 southbound ramp at the time a traffic study conducted for a development plan indicates an increase in through movements of 633 vehicles per hour or more.
20. ~~A local road connection shall be made between the yet un-named frontage road connecting Curry Pike/Hunter Valley Road and the northern SR 46 intersection to Stoneybrooke Boulevard. This connection shall be indirect in nature to calm through traffic and shall be completed prior to development plan approval of 75% of the multi-family units in Use District A or D, or of the single-family units in Use District D.~~
21. ~~A local road stub shall be made between the yet un-named frontage road connecting Curry Pike/Hunter Valley Road and the through traffic and shall be completed prior to development plan~~

~~approval of 75% of the acreage located in Use District D.~~

22. A local road connection shall be made between the yet un-named frontage road connecting Curry Pike and Packinghouse Road to Woodyard Road. This connection shall be completed prior to any land use certificates or certificates of occupancy approval of 50% of the acreage in Use District B.
 23. A local road stub shall be provided between the yet un-named frontage road that connects Curry Pike and the northern SR46 intersection and property between the North Park PUD and Smith Road. This stub shall be completed prior to any land use certificates or certificates of occupancy approval of 75% of the acreage in this Use Area.
 24. Connectivity between land uses via interconnected parking areas, cross-access easements, pedestrian ways or shared driveways, etc. shall be provided in all Use Districts and Use Areas, where practicable.
 25. Local roads serving land uses, parking areas, etc. shall be completed as necessary prior to the issuance of any land use certificates or occupancy permits for any land uses within the PUD.
 26. All required sidewalks, bicycle lanes, sidepaths, etc. shall be installed concurrent with the related road construction.
 27. A multi-use trail shall be constructed within the linear park use district prior to construction of 50% or more single family dwelling units, multi-family dwelling units, acreage of the Town Center, and acreage of SR46 Office Use Area, or acreage of the Curry Pike Industrial Use Area. This trail shall be stubbed into each of the Use Areas adjoining the linear park.
 28. A pedestrian overpass/underpass shall be constructed prior to approval of 50% or more single family dwelling units or 50% or more multi family dwelling units and 50% of the acreage of the SR46 Office Use Area or 50% of the acreage of the Curry Pike Industrial Use Area. This facility shall be connected into the multi-use trail.
 29. A multi-use trail or sidepath shall be constructed connecting the Town Center and the linear park multi-use trail with the proposed pedestrian overpass/underpass facility through the residential area in Use District D prior to approval of 50% or more single family dwelling units or 50% or more multi family dwelling units, whichever occurs first. This facility shall be stubbed into each of the use areas that it is be adjacent to.
- c. **Minor Arterial/Secondary Arterial (Curry Pike Extension, Phase I).** These streets are intended to provide a high degree of mobility and serve to connect adjacent land uses to the larger transportation network via collector streets. These streets are intended to accommodate high volumes of traffic. The following standards shall apply to these streets within the

North Park PUD:

1. Total right of way (ROW) shall be a minimum of one-hundred (100) feet
2. Travel lane widths shall be a minimum of twelve (12) feet
3. On-street parking is prohibited
4. Street trees and sidewalks/sidepaths shall be provided on both sides of the street.
5. Gutters and curbs measuring at least two (2) feet in width shall be provided, unless appropriately designed drainage swales are permitted by the Plan Commission or earthen shoulders measuring at least two (2) feet in width shall be provided.
6. All such streets shall have a design speed of forty (40) miles per hour and all design features (curves, radii, etc.) shall be in accordance with the applicable standards contained in the Indiana Department of Transportation Standards and Specifications Manual, The Indiana Department of Transportation Road Design Manual, and the Policy on Geometric Design of Highways and street, published by the American Association of State Highway and Transportation Officials.
7. All such streets shall include signs meeting the standards established in the Manual on Uniform Traffic Control Devices.

- d. ~~Minor Arterial Boulevard/Secondary Arterial-Major Collector~~ **(Curry Pike Extension Phase II, Hunter Valley Lane).** These streets are intended to provide a high degree of mobility and serve to connect adjacent land uses to the larger transportation network via collector streets in a manner that utilizes a landscaped median. These streets are intended to accommodate high volumes of traffic. The following standards shall apply to these streets within the North Park PUD:

1. Total right of way (ROW) shall be a minimum of ~~one hundred twenty (120) ninety (90)~~ feet, except that the ROW shall be a minimum of one-hundred-forty (140) feet between SR46 and the yet un-named frontage roads and one-hundred-twenty (120) feet for the entirety of the bridge spanning Stouts Creek. The ROW shall be reduced to sixty (60) feet to preserve existing structures when the structures frontage is less than ninety (90) feet from the existing section line (proposed road centerline).
2. Travel lane widths shall be a minimum of twelve (12) feet
3. On-street parking is prohibited
4. ~~Street trees and~~ sidewalks/sidepaths shall be provided on both sides of the street.
5. (Amended 12/30/10 by Ord. 2010-32) A landscaped median shall be provided at its intersection with SR 46. The median shall vary in width as it proceeds east of this intersection accounting for taperint to left turn lanes where required. ~~and shall be at least twenty (20) feet in width. Breaks and constrictions in the median shall only occur at locations where the street intersects with an Arterial or Minor Collector.~~ The landscaped median shall be privately maintained. The specific design

and maintenance responsibilities will be established during the review and approval of the applicable Development Plan.

6. Gutters and curbs measuring at least two (2) feet in width shall be provided, unless appropriately designed drainage swales are permitted by the Plan Commission or earthen shoulders measuring at least two (2) feet in width shall be provided.
7. All such streets shall have a design speed of ~~forty (40)~~ thirty (30) miles per hour and all design features (curves, radii, etc.) shall be in accordance with the applicable standards contained in the Indiana Department of Transportation Standards and Specifications Manual, The Indiana Department of Transportation Road Design Manual, and the Policy on Geometric Design of Highways and street, published by the American Association of State Highway and Transportation Officials.
8. All such streets shall include signs meeting the standards established in the Manual on Uniform Traffic Control Devices.

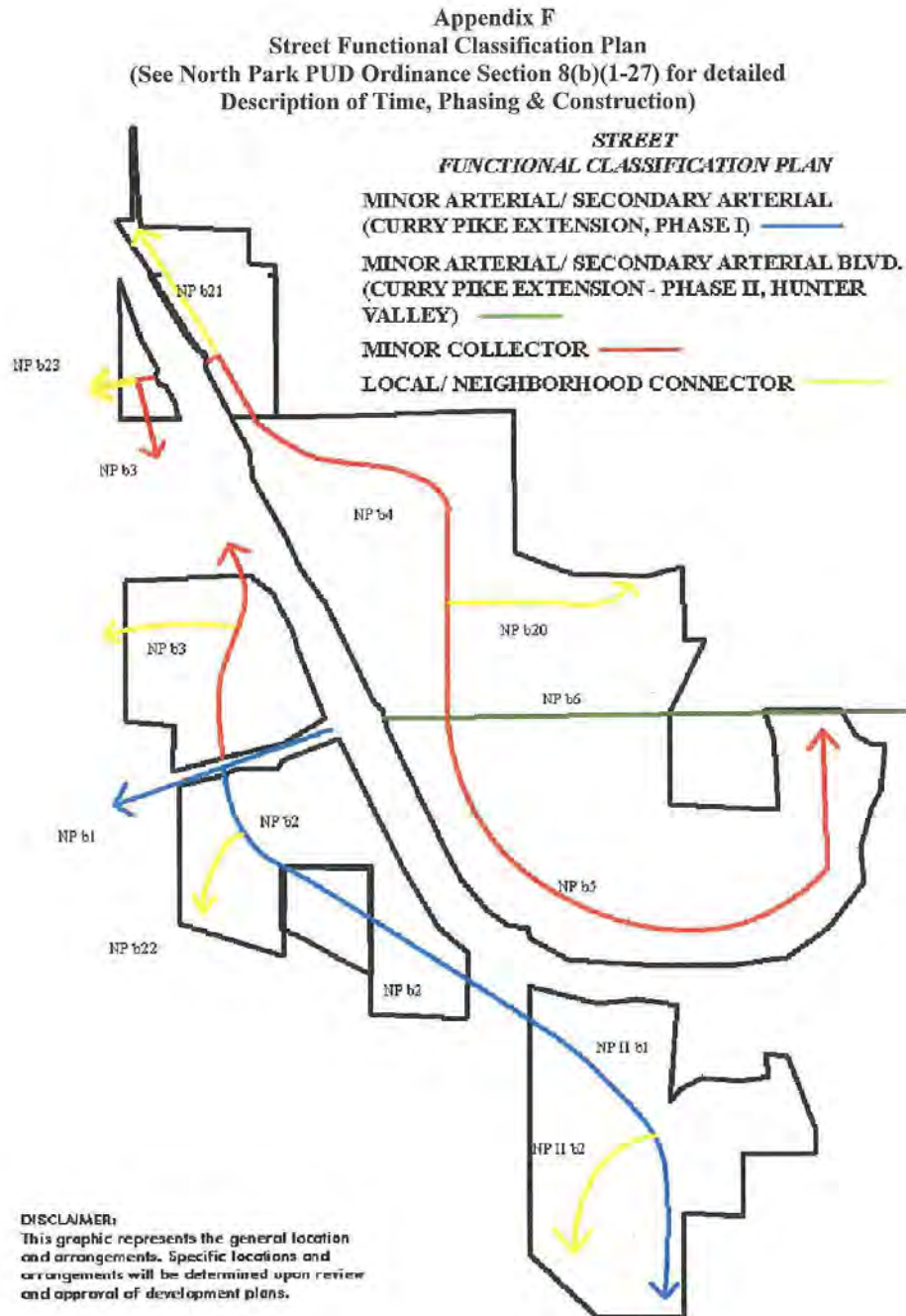
e. **Minor Collector.** These streets are intended to accommodate moderate volumes of traffic and are intended to connect local streets into the transportation network. The following standards shall apply to these streets within the North Park PUD:

1. Total right of way (ROW) shall be a minimum of seventy (70) feet
2. Travel lane widths shall be a minimum of twelve (12) feet
3. On street parking is prohibited
4. Street trees and sidewalks/sidepaths shall be provided on both sides of the street.
5. Gutters and curbs measuring at least two (2) feet in width shall be provided, unless appropriately designed drainage swales are permitted by the Plan Commission or earthen shoulders measuring at least two (2) feet in width shall be provided.
6. All such streets shall have a design speed of forty (40) miles per hour and all design features (curves, radii, etc.) shall be in accordance with the applicable standards contained in the Indiana Department of Transportation Standards and Specifications Manual, The Indiana Department of Transportation Road Design Manual, and the Policy on Geometric Design of Highways and street, published by the American Association of State Highway and Transportation Officials.
7. All such streets shall include signs meeting the standards established in the Manual on Uniform Traffic Control Devices.

f. **Local/Neighborhood Streets.** These streets are intended to accommodate low volumes of traffic and provide direct access to business and multi-family parking areas and to residences. The following standards shall apply to these streets:

1. Total right of way (ROW) shall be fifty (50) feet
2. Travel lane widths shall be a minimum of twelve (12) feet

EXHIBIT 4: North Park Ordinance Road Classification (page 127)



MONROE COUNTY PLAN REVIEW COMMITTEE**March 7, 2023**

CASE NUMBER	PUO-22-2
PLANNER	Daniel Brown
PETITIONER	Bynum Fanyo & Assoc.
OWNER	Authentic Homes Inc.
REQUEST	Planned Unit Outline Plan Amendment 1 to Wiley Farm at Fieldstone Waiver of Final Hearing Requested
ADDRESS	S Kirby RD, Parcel #: 53-09-02-300-081.000-015
ACRES	30.23 +/-
ZONE	PUD - Fieldstone
TOWNSHIP	Van Buren
SECTION	2
PLATS	Platted
COMP PLAN DESIGNATION	MCUA Suburban Residential

EXHIBITS

1. Petitioner Outline Plan Statement
2. Capacity Letters
3. Site Plan (Conceptual) – updated February 16, 2023
4. HOA Meeting Synopsis
5. Original Fieldstone Wiley Farm PUD Ordinance
6. Karst Report

RECOMMENDATION

Recommendation to the Plan Commission:

- Staff recommends forwarding a “positive recommendation” to the Plan Commission for the new road configuration and removing part of the bufferyard open space based on the petition’s compatibility with the Monroe County Comprehensive Plan.
- Staff recommends forwarding a “negative recommendation” for adding 1 use to Tract F to the Plan Commission based on the petition’s incompatibility with the Monroe County Comprehensive Plan.

PUBLIC HEARING TIMELINE**PLAN REVIEW COMMITTEE – February 9, 2023**

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

1. Petitioner to submit a broader site plan showing tracts F, G, and I, along with their proposed phase developments to Planning staff prior to the Plan Commission meeting. There was a question as to whether, given the karst analysis, there has been discussions about reducing the housing density in the remaining areas of this property.
 - a. RESPONSE: Added language in the updated petitioner's statement and added new site plan to Exhibit 3.
2. The PRC would like the MS4 coordinator to review the karst study and hydrology report prior to the Plan Commission meeting.
 - a. RESPONSE: No comments from the MS4 coordinator at this time.

PLAN COMMISSION Regular – March 21, 2023 (Preliminary Hearing)

Waiver of Final Hearing requested.

PLAN COMMISSION Regular – April 18, 2023 (Final Hearing)**SUMMARY**

The petition site is located off S Kirby RD, in Section 02 in Van Buren Township. The site 30.23 +/- acres and is undeveloped. The petitioner is now requesting a Planned Unit Development Outline Plan Amendment to propose the following:

1. New Road Configuration and different triggers for completing this roadway.
2. Removal of Bufferyard/Open Space for Purposes of Rerouting Roadway
3. Propose the First Phase in Tract F that would contain 1 use of “Convenience Storage” and adjust the remaining density per unit for the remainder Area F (High Density Residential).

With the Plan Review Committee’s feedback, the petitioner further proposes to:

1. Develop only the 3.34 acre portion of Tract F for convenience storage (no residential use permitted on the 3.34 ac tract), while the remainder of the lot will remain single-family residential (see second map in Exhibit 3).
2. After further study, they also plan to give the commercial site a maximum of 65% impervious surface. Also, the remainder for single family lots of 26.22 acres would have a max. of 40% impervious surface. This would include the road network in the calculation for the 26.22 acre remainder area.
3. The petitioner would like to commit to treating the entirety of the 3.34 acre convenience storage commercial lot in a pond to meet the post-development critical watershed values. Also, the entire road network to be treated in a pond to meet the post-development critical watershed values.
4. Clarify their request to only 1 use option in the 3.34 acre property of 'convenience storage' as defined in chapter 802 of the Monroe County ordinance.

Since proposing the impervious cover maximums, this petition has not yet been reviewed by the Drainage Board. The Drainage Board is planning on reviewing the petition at the March 1 Drainage Board meeting. Comments will be summarized for the regular Plan Commission hearing.

The Highway Engineer had the following comment to make:

Paul Satterly

Remove Comment • Jan 27, 2023 at 10:55 am

Roadways are to meet County Design standards in terms of width, curb and gutter, pavement section and no trees located between the curb and sidewalk. Stub streets are not allowed and temporary cul-de-sacs are required at roadway ends. Sight distance needs to be checked at the roadway intersection with Kirby Road. Acceleration and deceleration tapers will be required at this intersection as a minimum. Left turn lane or a passing blister may be needed on Kirby Road at the intersection depending on traffic volumes.

Here is also a table explaining the density changes being proposed:

	CURRENTLY PERMITTED	PROPOSED
Tract F	184 units (10 units per acre)	36 units (3.6 units per acre)
Tract G	56 units (6.9 units per acre)	27 units (2.93 units per acre)
Tract I	42 units (1.99 units per acre)	10 units (2.37 units per acre)

BACKGROUND

The area is zoned Fieldstone PUD and has been developed in different phases and sections. The original Planned Unit Development seems to have been established first by the City of Bloomington in 1994 as PUD-63-94.

The property owner intends to develop Tract F of the Wiley Farms section of this PUD with an additional one (1) use: Convenience Storage.

Tract F was originally designated as High-Density Residential, and the list of approved uses for each tract in Wiley Farms can be found in Exhibit 5. The petitioner intends to establish “Convenience Storage” on 3.5 acres of this tract, as well as develop roadways that would allow for future expansion. The ordinance

defines Convenience Storage as follows:

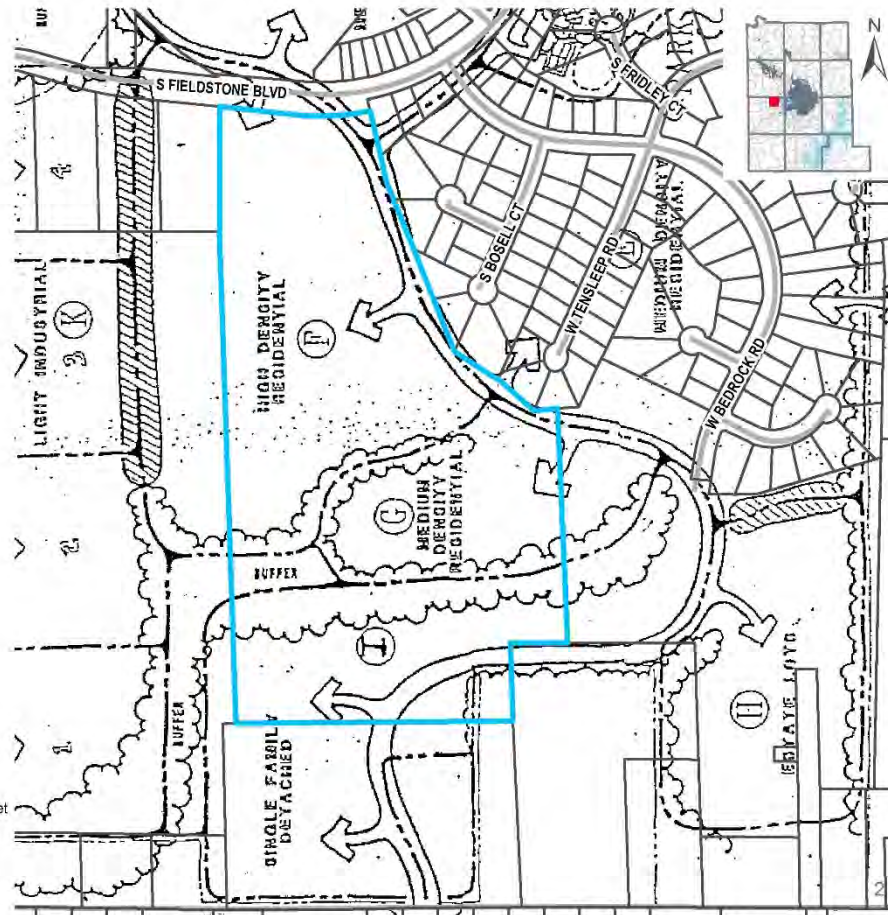
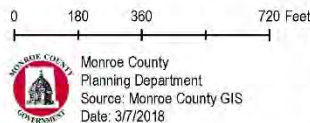
Convenience Storage. A storage service primarily for personal effects and household goods within an enclosed storage area having individual access, but excluding uses such as workshops, hobby shops, manufacturing or commercial activities, and may include an on-site apartment for a resident manager.

Slope Map

-  Petitioner
-  Parcels
-  Roads

Wiley Farm.tiff

Value
- High : 1
- Low : 0



Above: A georeferenced image showing the layout of the use districts of Wiley Farms in reference to the petition parcel. Below: A comment from the Planning Director, Jackie N. Jelen, and the petitioner's response to said comment.



Jackie Nester Jelen ✓

Remove Comment • Jan 6, 2023 at 3:05 pm

Hi Danny -

Based on our conversation, this is what we still need:

(b) Ownership: a statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.?

- Get us confirmation from Bruce & Lana Conder that they consent to the new road changes.

(c) Development scheduling Parts 1 and 2

-State what the construction timeline would be (within 5 months of PUD approval)

(d) Proposed Uses: Include # of units per acre for each phase and include uses for the remainder.

- change the DU/acre to incorporate the change in remaining Multifamily acreage



Daniel Butler

Remove Comment • Jan 9, 2023 at 11:48 am

Thank you Jackie.

Here are our responses to the last 3 items requested stated:

1. We had several meetings with the Conders over a six month time period to discuss a road option onto their property including, but not limited to, the following:

- Purchase of property to perform future road extension
- An easement from them to receive free infrastructure road extension.

The permission agreement at this time was to perform the Karst Study to determine possible routing through the property to avoid environmentally sensitive areas. The Conders and our client would like to hear more of the discussion with the Plan Commission and Commissioners on timing, requirements, etc. of this road extension before agreeing to anything concretely.

2. The desire is to start April 1, 2023 and finish for rental November, 2023

3. This proposal would use 3.97 acres of the 18.4 acres in tract 'F'. The PUD allows 10 units/acre. The remainder of tract 'F' would only allow for 144 units, not the 184.

-Daniel, Bynum Fanyo

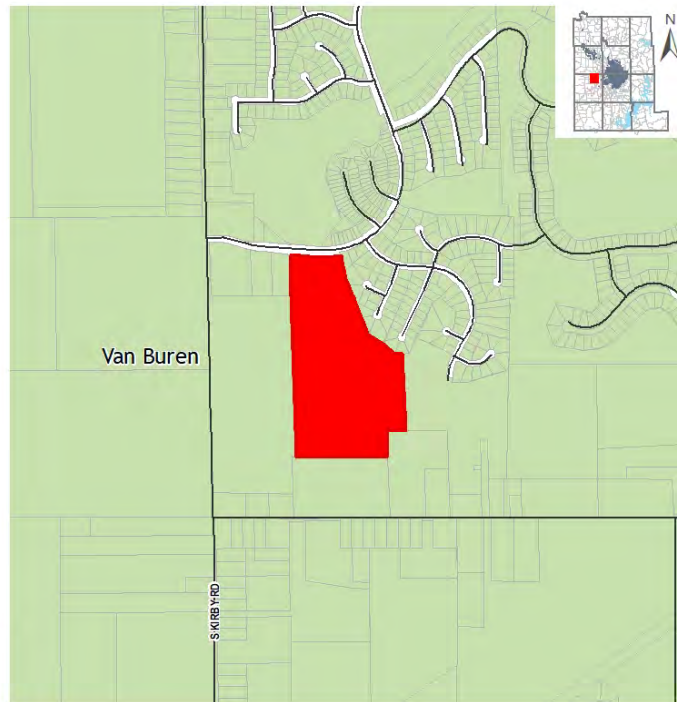
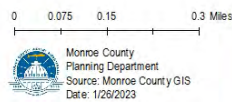
Though staff has not received any official comments from neighbors in the surrounding area, there has been phone call where a resident has expressed adjacent concerns and an email where a resident stated that they did not believe the use of mini warehouses should belong adjacent to residential uses.

LOCATION MAP

The petition site is located west of the City of Bloomington, with frontage along South Kirby RD in Section 02 of Van Buren Township. The site 30.23 +/- acres and is undeveloped, Parcel #: 53-09-02-300-081.000-015.

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels

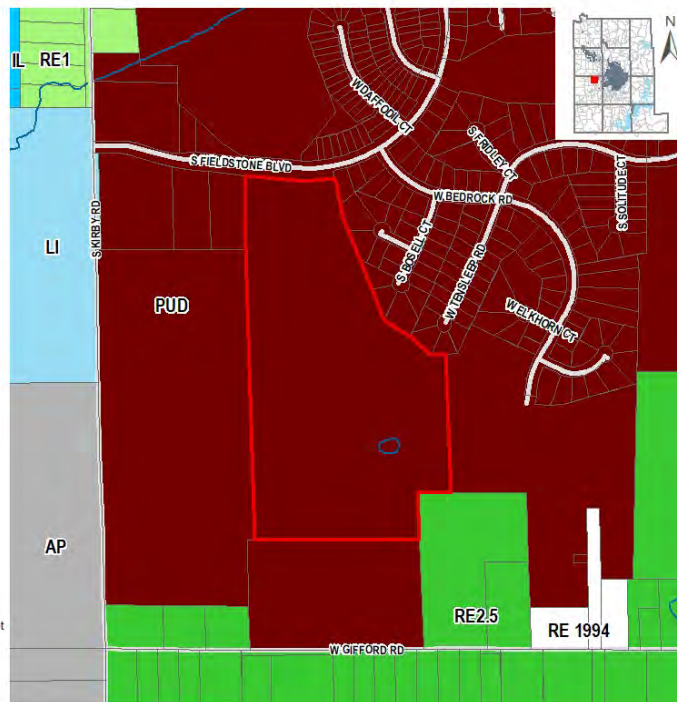
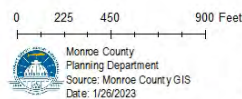


ZONING AND ADJACENT USES

The petition site is zoned PUD and is a part of the Fieldstone PUD area. Property to the north is located within the City of Bloomington zoning jurisdiction. The rest of the adjacent property is zoned PUD, and RE2.5).

Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
 - AP - Airport
 - IL - Limited Industrial
 - LI - Light Industrial
 - PUD - Planned Unit Development
 - RE1 - Estate Residential 1
 - RE2.5 - Estate Residential 2.5



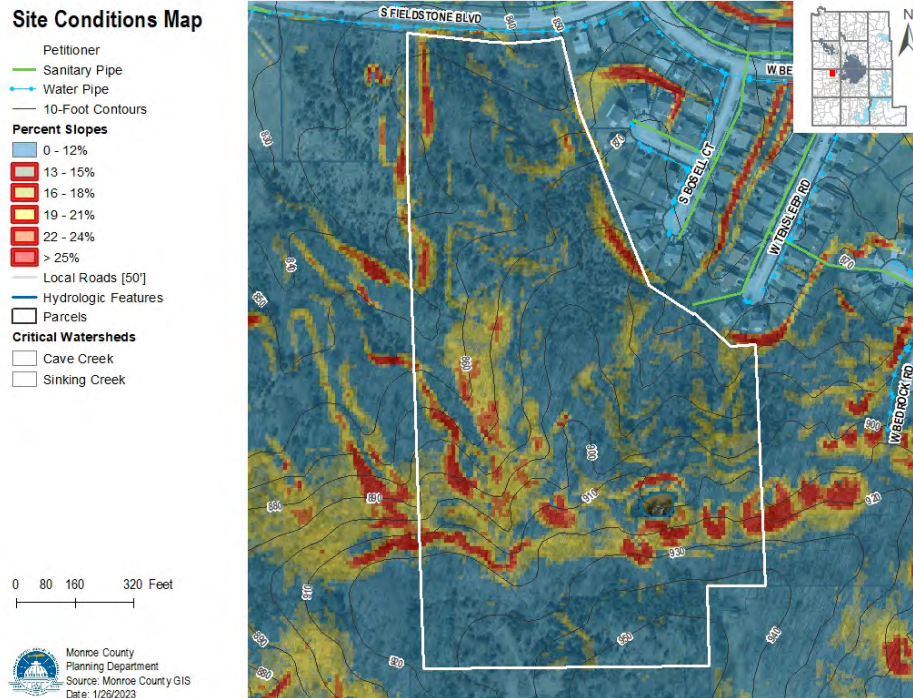
INFRASTRUCTURE

Capacity letters have been provided for this site regarding gas, electricity, and water, though staff has not received a letter saying that sewer will be extended to this property. No Right-of-Way activity permits have been submitted to the Highway Department for review at his time. A 36-page karst survey has been

submitted for this project as well. This project was also discussed preliminarily during the Drainage Board meeting on February 1, 2023, where it was discussed that the drainage would need to go from the south to the north.

SITE CONDITIONS

The site utilizes CBU water and sewer is in the general vicinity. Sidewalks run along both sides of S Fieldstone BLVD where the proposed site will have access. Multiple karsts are present on the property. Drainage implications of development would be reviewed under a PUD Development Plan.



SITE PICTURES



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

COMPREHENSIVE PLAN DISCUSSION – PHASE I

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

Suburban Residential includes existing low-density single-family subdivisions and isolated multi-family apartment complexes. Different housing types are typically segregated, with multiple buildings having a similar or identical appearance. This development type is not recommended for extensive application beyond existing or currently planned developments. In some locations, it may be appropriate to extend this development pattern if it is directly adjacent to existing Suburban Residential subdivisions as an appropriate way to coordinate with those neighborhoods. However, the conservation community land use category offers a more appropriate alternative to the conventional suburban subdivision that balances the desire for non-urban living while also preserving rural character. The following guidelines should be considered if new suburban-style developments are approved; they also provide considerations for potential retrofitting of public infrastructure within existing neighborhoods.

A. TRANSPORTATION

Streets: Suburban residential subdivisions are auto-oriented by design. To the extent possible, this approach to residential development should be de-emphasized within the Urbanizing Area to prevent continued expansion of isolated “leap-frog” subdivisions and sprawl development patterns that require continued reliance on the automobile. **New Suburban Residential streets should be designed to encourage interconnectivity to and through the neighborhood and to surrounding subdivisions.** Cul-de-sacs should be discouraged unless necessary due to topographic or environmental constraints. Streets are typically designed with curb and gutter, but may also be designed to accommodate surface runoff with open street-side swales or ditches.

Bike, Pedestrian, and Transit Modes: **Sidewalks and/or shared use paths should be provided on all streets, with connections to larger pedestrian and bicycle systems.** Sidewalk retrofits in existing subdivisions should be considered after thorough consultation with and support from existing residents. Given their remote location and low-density development pattern, opportunities to serve Suburban Residential neighborhoods with public transportation are limited. Expansion opportunities for Rural Transit routes should be explored, with pick-up locations considered near entries to subdivisions.

B. UTILITIES

Sewer: **New development should be served by the public sewer system.** Localized package systems for individual residential subdivisions should be discouraged. Retrofit and tie-ins should be encouraged for older neighborhoods on septic.

Power: **Overhead utility lines should be buried within subdivisions.** Where possible, existing overhead lines along arterial frontages should also be buried.

Communications: Communications needs will vary within the suburban residential developments, but upgrades to infrastructure should be a key consideration for future development sites. Creating a standard for development of communications corridors should be considered to maintain uniform and adequate communications capacity.

C. OPEN SPACE

Park Types: Many of the older suburban subdivisions in the Urbanizing Area were developed without dedicated open space. new developments, such as Stone Chase, include platted open space reserves; these generally function to preserve natural features such as streams and tree stands, or to provide space for stormwater retention ponds. However, subdivisions are not currently required to provide usable park space, with the exception of voluntary cluster subdivisions. **All new residential subdivisions should be designed to include neighborhood parks and/or greenways as a community amenity.**

Urban Agriculture: Private residential gardens and local community gardens should be encouraged within commonly maintained open space areas or via conversion of undeveloped lots in established neighborhoods.

D. PUBLIC REALM ENHANCEMENTS

Lighting: Lighting needs will vary by street type and width but safety, visibility and security are important. Local streets may be lighted, but lighting may not be necessary in all low-density subdivisions.

Street/Site Furnishings: Suburban residential neighborhoods typically have few street furnishings beyond street lamps.

E. DEVELOPMENT GUIDELINES

Open Space: A minimum of 5% of total site area for new developments should be set aside for publicly accessible and usable open space areas. Open spaces may be designed as formal park settings or informal, naturalized reserve areas. Natural areas should be accessible with trails or paths where appropriate. If not accessible, additional open space area should be provided. Likewise, open space areas may include stormwater management features, but should not be dominated by large retention ponds with no additional recreational space.

Parking Ratios: Parking for single-family homes is typically accommodated on individual lots. on-street parking should also be permitted.

Site Design: Reverse frontage lots should be avoided. homes should not back onto arterial or collector streets.

Building Form: Modern suburban single-family construction has trended in two directions: either overly simplified (e.g. blank, windowless side facades) or overly complex (e.g. complicated building massing and roof forms). Homes should have recognizable forms and detailing appropriate to the architectural style, with an emphasis on “four-sided architecture”. Garages doors should not dominate the front facade; ideally garages should be set back from the front facade and/or side-loaded.

Materials: High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Vinyl and Exterior Insulated Finishing Systems (EIFS) may be appropriate as secondary materials, particularly to maintain affordability, but special attention should be paid to material specifications and installation methods to ensure durability and aesthetic quality.

Private Signs: Subdivision entry signs should be integrated into high-quality landscape designs.

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 inconsistent with the Comprehensive Plan per the Suburban Residential district;
- The current use and potential expansion of the site would not support commercial uses;
 - The MCUA Phase I plan designates the petition site as “Suburban Residential”;
- The current zoning is Fieldstone PUD, Wiley Farms Tract F created by the City of Bloomington in 1994;
- The Comprehensive Plan designates the property as MCUA Suburban Residential;
- The current approved uses for the petition parcel have been determined to be the ‘high-density residential’ uses listed in the petitioner letter from the 1994 city of Bloomington PUD filing;
- The petition parcel has remained vacant since that time;
- The petitioner requests to add one (1) new 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;
- Design standards were found specifically listed in the PUD documentation;
- The site will not meet the design standards of the underlying zone, High-Density Residential;
- 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 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);
- Other immediately surrounding uses include single-family residential to the southeast and east, duplexes/condominiums to the northeast, and vacant land to the west, east, and south;
- Much of the surrounding area is zoned Planned Unit Development, Estate Residential 2.5;
- 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:

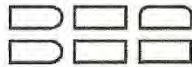
- Access is derived from S Fieldstone BLVD which is designated as a Local Road in the Thoroughfare Plan;
- All utilities are available to the petition site;
- See findings under (d);

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

Findings:

- There are known karsts 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 'high-density residential' part of the Fieldstone PUD request to the city of Bloomington in 1994.

EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

October 24, 2022

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

SUBJECT: Wylie Farm PUD Tract 'F'
Three (3) PUD Amendments

Monroe County Plan Commission or To Whom It May Concern:

On behalf of Authentic Homes, Inc., Bynum Fanyo & Associates, Inc. would like to request approval of three PUD amendments to the Wylie Farm PUD ordinance due to a site plan being proposed in Tract 'F' of the PUD area. The property is located at 800' east of the intersection of S Kirby Rd and S Fieldstone Blvd in Monroe County, Indiana. The approval request would make a way for a 1st phase in tract 'F' for 'convenience storage' in 2 proposed lots of a proposed subdivision (ROW dedication proposed as well). This PUD ordinance was originally approved by the City of Bloomington in October of 1994. This proposal would be an alteration of the PUD original concept to where 'manufacturing' or 'MP' type business would be located but is found in the PUD in area K right now. The lot owned by the developer currently contains 30.21 acres and is proposed to subdivide into 2 lots after dedicated ROW for local roads and utilities. This is the SW quarter of section 2, T8N, R2W, Van Buren township.

The proposed commercial plan would require three (3) amendments to the ordinance approved in 1994 as follows:

- 1) Traffic and Circulation: The 3rd paragraph under this heading on page 3 of the ordinance document revised to state: *Another local road ~~the secondary collector~~ runs from Kirby Road to Gifford Road. This road is intended to directly serve units and provide an indirect connection to Kirby and Gifford and a good connection to the internal collector roadway. This roadway will be completed in phases that follows the limit and physical extent of the last residential structure or commercial business developed of that phase. The routing of this local road shall be designed and finalized by the site engineer to best serve development. Possible routing of roads shown on pages 5-11 of this document but final routing to be designed at time of development and approved by Monroe County Highway Engineer.*
- 2) Open Space: The 4th paragraph under this heading on page 3 of the ordinance document revised to state: *There are numerous other locations on the site with existing vegetation or with steep slopes. These areas are proposed to be used as buffer and transitions between land uses and projects. Proposed local and collector roads to avoid steep slopes and existing vegetation to best extent*

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

possible. The routing of local or collector roads shall be designed and finalized by the site engineer to best serve development. Possible routing of roads shown on pages 5-11 of this document but final routing to be designed at time of development and approved by Monroe County Highway Engineer.

- 3) Land Use: The 2nd title under this heading is 'manufacturing' and should add this sentence under this title: Area F may have 3.5 acres maximum contained in one lot of MP zone with the allowable uses listed below. Only one use is allowed from allowable uses below in this one lot.

Also, on behalf of Authentic Homes, Inc., Bynum Fanyo & Associates, Inc. would like to request, if possible, the Plan Commission waive the need for a 2nd hearing and make a determination for these PUD amendments after the 1st hearing.

Let us know if you have any questions or concerns for this subdivision and use of this parcel of land.

Sincerely,
Bynum Fanyo & Associates, Inc.



Daniel Butler, PE, Project Engineer

EXHIBIT 2: Capacity Letter



4/6/2022

Bynum, Fanyo & Associates
528 N. Walnut St.
Bloomington, IN 47404

Re: Wiley Farm Section F
Near SE Corner of Kirby and Fieldstone

To whom it may concern::

The preliminary information for Wiley Farm Section F in Bloomington, IN was received on 4/6/2022 by CenterPoint Energy. A determination has been made that CenterPoint has natural gas facilities in the area to provide service subject to our standard policies and procedures.

This shall not be construed as approval of the preliminary plat/plans for said project, but rather a statement that facilities to provide service are available. A final approved engineering drawing and service load requirements must be submitted to CenterPoint to determine if capacity exists to meet the requested load.

If you have further questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Boser", with a long, sweeping horizontal line extending to the right.

Joel Boser
Account Manager
812-948-4902

EXHIBIT 3: Site Plan (Conceptual)

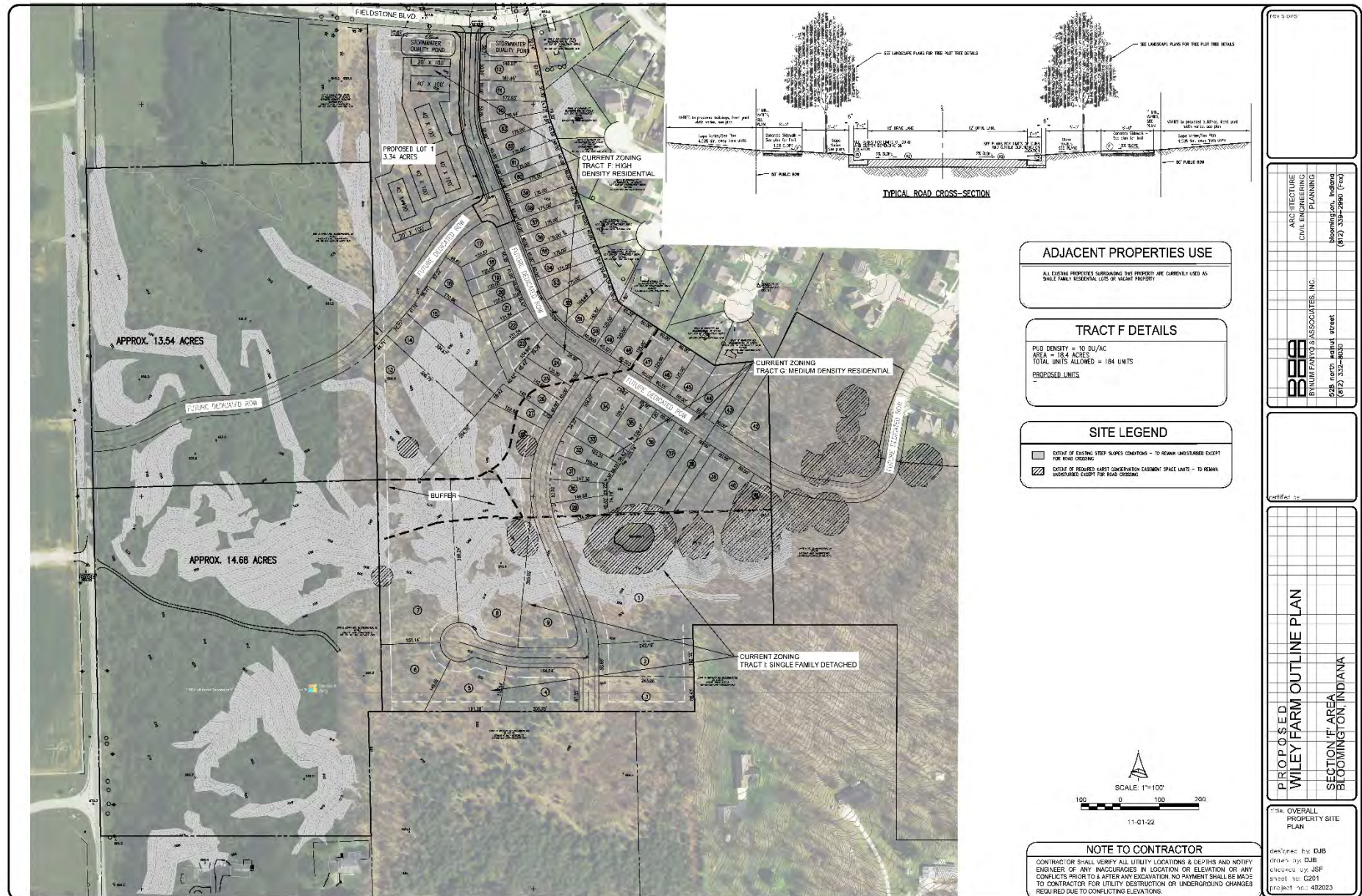
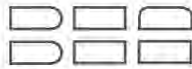


EXHIBIT 4: HOA Meeting Synopsis



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

January 18, 2023

Monroe County Planning Department
Showers Building North
501 N Morton St, Suite 224
Bloomington, IN 47404

SUBJECT: Wylie Farm PUD Tract 'F' Amendment plan
Neighborhood Meeting for 'Fieldstone Community Association'

This letter serves to give a synopsis of the SUBJECT meeting required to hold for communication, collaboration, and helpful feedback for a new plan adjacent to an existing neighborhood.

This meeting was offered and held January 19, 2023 at the Monroe County Convention Center in the Finch Room at 5:30pm. It was advertised to the Fieldstone Community Association administrator, Michael Rousey, to advertise to all HOA members. Michael Rousey was responsive through e-mail to 'spread the word' to homeowners.

The meeting offered all current plans as displays for all to comment on and a presentation was offered for any to give feedback, ask questions, or provide comments.

There were no questions or comments offered.

Sincerely,

Bynum Fanyo & Associates, Inc.

528 NORTH WALNUT STREET
812-332-8030 OR DBUTLER@BYNUMFANYO.COM

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

EXHIBIT 5: Original Fieldstone Wiley Farm PUD Ordinance

ORDINANCE 94-50

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RE TO RL/PUD AND MP/PCD AND GRANT OUTLINE PLAN APPROVAL

Re: 5701 WEST S.R. 48

(Brett Davis of J&B Builders, Petitioner)

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, RL/PUD/MP/PCD-63-94 and has recommended that the petitioner, Brett Davis (J&B Builders), be granted an amendment to the Bloomington zoning maps, a PUD and PCD designation, and an outline plan approval and request that the Common Council consider his petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-4, the zoning for the property located at 5701 W. S.R. 48 be changed from RE to RL with a PUD designation. That property is further described as follows:

The Southwest Quarter of Section 2, Township 8 North, Range 2 West in Monroe County, Indiana, containing 160 acres more or less excepting therefrom the following described tracts:

Exception No. 1 - A part of the Southwest quarter of the Southwest quarter of said Section 2, Township 8 North, Range 2 West, described as follows: Beginning at a point on the South line of said quarter quarter, 600 feet west of the southeast corner thereof; thence NORTH 01 degree 43 minutes WEST and parallel with the east line of said quarter quarter 746 feet to an iron pipe; thence WEST 521 feet to an iron pipe; thence SOUTH 1 degree 43 minutes EAST 746 feet to the south line of said quarter quarter; thence EAST along said south line 521 feet to the place of beginning, containing 8.92 acres, more or less.

Exception No. 2 - A part of the Southwest Quarter of Section 2 Township 8 North Range 2 West, bounded and described as follows, to-wit: Beginning at the Southeast corner of said Southwest quarter; thence running west over and along the south section line 100 feet; thence NORTH 200 feet; thence EAST 100 feet and to the east boundary line of said quarter section; thence SOUTH over and along said east boundary line 200 feet and to the place of beginning, containing .5 acre, more or less.

Exception No. 3 - A part of the Southwest quarter of the Southwest quarter of Section 2, Township 8 North, Range 2 West, Van Buren Township, Monroe County, Indiana, and more particularly described as follows: Beginning SOUTH 88 degrees and 36 minutes EAST 480.00 feet from the Southwest corner of said Section, and on a railroad spike in the Gifford Road and on the south line of said Section; thence NORTH 210.00 feet to an iron rod; thence NORTH 88 degrees and 36 minutes WEST 200.00 feet to an iron rod; thence SOUTH 210.00 feet to a railroad spike in the said road and on the south line of said section; thence on the said road and section line SOUTH 88 degrees 36 minutes EAST 200.00 feet to the place of beginning, containing 1.00 acre more or less.

Course datum used in this description is based on an assumed due north bearing of the west line of said section.

Exception No. 4 - A part of the Southwest quarter of the Southwest quarter of Section 2, Township 8 North, Range 2 West, Van Buren Township, Monroe County, Indiana,

and more particularly described as follows: Beginning SOUTH 88 degrees and 36 minutes EAST 480.00 feet from the southwest corner of said Section, and on a railroad spike in the Gifford Road and on the south line of said section; thence NORTH 210.00 feet to an iron rod, thence SOUTH 88 degrees 36 minutes EAST 210.00 feet to an iron rod; thence SOUTH 210.00 feet to a railroad spike in the said road and on the south line of said Section, thence on the said Road and Section line NORTH 88 degrees 36 minutes WEST 210 feet to the place of beginning, containing 1.01 acres, more or less.

Exception No. 5 - A part of the Southwest quarter of the southwest quarter of Section 2, Township 8 North, Range 2 West, Van Buren Township, Monroe County, Indiana, and more particularly described as follows: Beginning at the southwest corner of said Section 2 and in Gifford Road; thence NORTH 210 feet along Kirby Road; thence SOUTH 88 degrees 36 minutes EAST 280 feet to an iron rod; thence SOUTH 210 feet to a railroad spike in said Gifford Road and on the south line of said Section; thence on the said road and section line NORTH 88 degrees 36 minutes WEST 280 feet to the place of beginning, containing 1.35 acres more or less.

Exception No. 6 - A part of the Southwest Quarter of Section 2, Township 8 North, Range 2 West, bounded and described as follows; to-wit: Beginning at a concrete nail in the centerline of the Gifford Road 300.0 feet west of the Southeast corner of the southwest quarter of said Section 2, Township 8 North, Range 2 West, said corner being marked by a concrete nail at the point of intersection of said centerline of said Gifford Road with the centerline of an unimproved public roadway running in a northerly direction therefrom; thence WEST over and along said centerline of said Gifford Road and south line of said quarter section for 300.0 feet to a concrete nail; thence leaving said centerline of said Gifford Road on a bearing of NORTH 1 degree 43 minutes WEST for 200.0 feet to an iron pipe, passing over another iron pipe, 22.2 feet from said centerline as measured along the described line; thence EAST 300.0 feet to an iron pipe; thence SOUTH 1 degree 43 minutes EAST for 200.0 feet to the point of beginning, passing over another iron pipe 22.0 feet therefrom as measured along the described line, containing 1.377, more or less.

Exception No. 7 - A part of the Southwest Quarter of Section 2, Township 8 North, Range 2 West, Monroe County, Indiana, bounded and described as follows: Beginning at a point on the south line of said Southwest quarter and in Gifford Road, said point of beginning begin NORTH 89 degrees 11 minutes 54 seconds WEST, 100.00 feet from the Southeast corner of said Southwest quarter, said point of beginning being also the Southwest corner of a tract of land that is described in a deed from William Carl and Beverly Juroff to Gary Lee and Nancy Jo Bruce and recorded March 29, 1979 in Deed Record 267, page 06 in the office of the Recorder of Monroe County, Indiana; thence from said point of beginning and with the west line of said Bruce tract and running NORTH 00 degrees 00 minutes 13 seconds WEST for 200.00 feet and to the Northwest corner of said Bruce tract; thence SOUTH 89 degrees 11 minutes 54 seconds EAST for 100.00 feet and to the Northeast corner of said Bruce tract on the east line of said Southwest quarter; thence with the east line of said Southwest quarter and running NORTH 00 degrees 00 minutes 13 seconds WEST for 137.33 feet; thence leaving said east line and running NORTH 89 degrees 11 minutes 54 seconds WEST for 258.26 feet; thence SOUTH 00 degrees 00 minutes 13 seconds EAST for 337.33 feet and to the south line of said Southwest quarter; thence with the south line of said Southwest quarter and running SOUTH 89 degrees 11 minutes 54 seconds EAST for 158.26 feet and to the point of beginning, containing 1.541 acres, more or less.

Also Excepting the following dedicated roadway.

A part of the Southwest Quarter of Section 2, Township 8 North, Range 2 West, Monroe County, Indiana, bounded and described as follows: Beginning at a point on the south line of said Southwest Quarter and in Gifford Road, said point of beginning being NORTH 89 degrees 11 minutes 54 seconds WEST 258.26 feet from the Southeast corner of said Southwest quarter; thence from said point of beginning and

running NORTH 00 degrees 00 minutes 13 seconds WEST for 674.67 feet; thence NORTH 89 degrees 11 minutes 54 seconds WEST for 60.00 feet; thence SOUTH 00 degrees 00 minutes 13 seconds EAST for 674.67 feet and to the south line of said Southwest quarter; thence with said south line and running SOUTH 89 degrees 11 minutes 54 seconds EAST for 60.00 feet and to the point of beginning, containing 0.929 acres, more or less.

Containing after said exceptions 143.38 acres.

Also, the Northwest Quarter of Section 2, Township 8 North, Range 2 West in Monroe County, Indiana, containing 134 acres more or less, excepting therefrom the following described tracts:

Exception A - A part of the said quarter section, bounded and described as follows, to-wit: Beginning at the Northwest corner of said quarter section, thence SOUTH 52 rods; thence EAST 28 rods; thence NORTH 32 rods; thence EAST 8 rods; thence NORTH 20 rods and to the north line of said quarter section; thence WEST 36 rods over and along the said north line, and to the place of beginning, containing 10.1 acres, more or less.

Exception B - A part of the said quarter section, bounded and described as follows, to-wit: Beginning at the northeast corner of said quarter section, where there is a stone put down in the ground on the Township line in the main road leading from Bloomington to Smith's Ferry, and running thence WEST 6 poles and 20 links to the half mile stake of Section 35, Township 9 North, Range 2 West where there is a stone put down on the Township line in said Road; thence SOUTH $7\frac{1}{2}$ degrees EAST 137 poles and 23 links to a stone put down in the East and West center line; thence EAST 3 poles $6\frac{1}{2}$ links to a stone put down in the East and West center line; thence NORTH 137 poles and 23 links to the place of beginning; said exception containing 4.31 acres, more or less.

Exception C - A part of the said quarter section, bounded and described as follows, to-wit: Beginning at a point on the north line of said quarter section 6 rods and 20 links west of the northeast corner thereof; thence SOUTH $7\frac{1}{2}$ degrees EAST 20 rods; thence WEST parallel to the north line of said quarter section 404 feet; thence NORTH $7\frac{1}{2}$ degrees WEST and parallel to the east line of this excepted tract 20 rods, and to the north line of the said quarter section; thence EAST 404 feet over and along the North line of said quarter section, and to the place of beginning, containing 3 acres, more or less.

Exception D - A part of the Northeast Quarter of the Northwest Quarter of Section Two (2), Township Eight (8) North, Range Two (2) West, Monroe County, Indiana, and more particularly described as follows: Beginning at a point on the North line of said Section and in the center line of State Road Number 48, said point being SOUTH 89 degrees 53 minutes 50 seconds WEST 825.20 feet from the Northeast corner of the Northwest Quarter of said Section; thence continuing along said North line and said center line SOUTH 89 degrees 53 minutes 50 seconds WEST 264.00 feet; thence leaving said North Line and said center line SOUTH 1 degree 54 minutes EAST 330.00 feet to an iron pipe; thence NORTH 89 degrees 53 minutes 50 seconds EAST 264.00 feet to an iron pipe; thence NORTH 1 degree 54 minutes WEST 330.00 feet to the place of beginning. Containing 2.00 acres, more or less.

Exception E - A part of the Northwest Quarter of Section 2, Township 8 North, Range 2 West, bounded and described as follows, to-wit: Beginning at a point on the north line of said quarter section 6 rods and 20 links west of the northwest corner thereof; thence running SOUTH $7\frac{1}{2}$ degrees EAST 20 rods and to the real point of beginning which real point of beginning is the southeast corner of a certain tract of land conveyed by Turner Wiley and Ollie P. Wiley, to Leonard Edward Scaggs and Sarah Jean Scaggs, by Warranty Deed recorded in Deed Record 120, at page 86 of the records of the County Recorder of Monroe County, Indiana; running thence SOUTH $7\frac{1}{2}$ degrees EAST 10 rods; thence WEST and parallel to the south line of the tract

above referred to 8 rods; thence in a NORTHEASTERLY direction and parallel to the tract herein conveyed 10 rods and to the southwest corner of the tract above referred to; thence EAST over and along the south line of said tract referred to 8 rods and to the place of beginning, containing 0.5 acres more or less.

Exception F - A part of the Northwest Quarter of Section 2, Township 8 North, Range 2 West, Monroe County, Indiana, bounded and described as follows, to-wit: Beginning at a point on the west line of said northwest quarter of Section 2, Township 8 North, Range 2 West, said point being 1245.75 feet south of the northwest corner of said quarter section, said point also being the southwest corner of a tract of land conveyed to Robert Byers by Russell Wiley, and recorded April 12, 1956 in Deed Record 119, page 592 in the office of the Recorder of Monroe County, Indiana; thence with the south line of said Byers tract and running from said point of beginning NORTH 87 degrees 10 minutes EAST for 205.00 feet; thence leaving the south line of said Byers tract and running SOUTH 02 degrees 09 minutes EAST for 100.00 feet; thence SOUTH 87 degrees 10 minutes WEST for 205.00 feet, and to the west line of said northwest quarter; thence NORTH 2 degrees 09 minutes WEST for 100.00 feet, and to the place of beginning, containing 0.47 acres more or less.

Exception G - A part of the Southwest Quarter of the northwest quarter of Section 2, Township 8 North, Range 2 West, Van Buren Township, Monroe County, Indiana, and more particularly described as follows: Beginning at a P.K. nail on the Kirby Road 3,499.0 feet north from the southwest corner of said section; thence NORTH 100.00 feet to a P.K. Nail on the said road, thence north 89 degrees and 20 minutes EAST 222.24 feet to a post; thence SOUTH 00 degrees and 52 minutes WEST 100.00 feet to an iron rod, thence SOUTH 89 degrees and 19 minutes WEST 220.82 feet to the place of beginning, containing 0.51 acres, more or less.

Exception H - A part of the Northwest quarter of Section 2, Township 8 North, Range 2 West, bounded and described as follows, to-wit: Beginning at a point on the west line thereof, 52 rods south of the northwest corner, running thence EAST a distance of 28 rods; thence SOUTH 12 rods; thence WEST 28 rods, and to the said west line, thence NORTH on said west line a distance of 12 rods, and to the point of beginning, containing 2.1 acres, more or less.

Exception I - A part of the Northwest quarter of Section 2, Township 8 North, Range 2 West, bounded and described as follows, to-wit: Beginning at a point on the west line thereof 64 rods south of the northwest corner running thence east a distance of 28 rods, thence SOUTH 11½ rods; thence WEST 28 rods, and to the said west line; thence NORTH on said west line a distance of 11½ rods, and to the point of beginning, containing 2 acres, more or less.

Exception J - A part of the Southwest Quarter of the Northwest Quarter of Section 2, Township 8 North, Range 2 West, Monroe County, Indiana, also being all of Lot Number 1 in Wiley Farms Subdivision, an unrecorded plat being more particularly described as follows: COMMENCING at the southwest corner of said Section 2; thence NORTH along the west line of said Section 2, a distance of 3,307.00 feet and to the point of beginning; thence continuing along said line NORTH 190.00 feet; thence leaving said line EAST 252.63 feet; thence SOUTH 190.00 feet; thence WEST to the point of beginning, containing 1.10 acres, more or less.

Exception K - A part of the Southwest quarter of the Northwest quarter of Section 2, Township 8 North, Range 2 West, Monroe County, Indiana, also being all of Lot 3 in Wiley Farms Subdivision an unrecorded plat being more particularly described as follows: COMMENCING at the southwest corner of said Section 2; thence NORTH along the west line of said Section 2 a distance of 2,849.00 feet to the point of beginning; thence continuing along said line NORTH 200.00 feet; thence leaving said line EAST 240.00 feet; thence SOUTH 200.00 feet; thence WEST 240.00 feet to the point of beginning. Containing 1.10 Acres, more or less, less 40 feet of even width lying east of the centerline of Kirby Road for a right-of-way.

Containing, after said exceptions 106.81 acres.

Also excepting:

A part of the Northwest Quarter of Section 2, Township 8 North, Range 2 West in Monroe County Indiana more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 2; thence SOUTH along the east line of said quarter 50 feet; thence WEST parallel to the center of State Road 48 a distance of 1220 feet to the POINT OF BEGINNING; thence continuing WEST 377 feet; thence SOUTH 540 feet; thence EAST 237 feet, thence NORTHEASTERLY 558 feet to the POINT OF BEGINNING, containing 3.8 acres, more or less.

Also excepting:

A part of the Southeast Quarter of Section 2, Township 8 North, Range 2 West in Monroe County, more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section thence SOUTH 200 feet; thence EAST 30 feet to the POINT OF BEGINNING; thence SOUTH parallel to the centerline of Kirby Road 2246 feet to a point 210 feet north of the south line of said quarter; thence EAST parallel with the south line of said quarter 600 feet; thence NORTH 840 feet; thence EAST 100 feet; thence NORTH 1406 feet; thence WEST 700 feet and to the POINT OF BEGINNING, containing 34.2, acres more or less.

Containing after all exceptions 212.2 acres, more or less.

SECTION II. Through the authority of IC 36-7-4 the zoning for two parcels of property located at 5701 W. S.R. 48 be changed from RE to MP with a PCD designation. That property is further described as follows:

A part of the Southeast Quarter of Section 2, Township 8 North, Range 2 West in Monroe County, more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section thence SOUTH 200 feet; thence EAST 30 feet to the POINT OF BEGINNING; thence SOUTH parallel to the centerline of Kirby Road 2246 feet to a point 210 feet north of the south line of said quarter; thence EAST parallel with the south line of said quarter 600 feet; thence NORTH 840 feet; thence EAST 100 feet; thence NORTH 1406 feet; thence WEST 700 feet and to the POINT OF BEGINNING, containing 34.2, acres more or less.

ALSO:

A part of the Northwest Quarter of Section 2, Township 8 North, Range 2 West in Monroe County Indiana more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 2; thence SOUTH along the east line of said quarter 50 feet; thence WEST parallel to the center of State Road 48 a distance of 1220 feet to the POINT OF BEGINNING; thence continuing WEST 377 feet; thence SOUTH 540 feet; thence EAST 237 feet, thence NORTHEASTERLY 558 feet to the POINT OF BEGINNING, containing 3.8 acres, more or less.

SECTION III. Through the authority of IC 36-7-4 and pursuant to Chapter 20.14 of the Bloomington Municipal Code, that an outline plan be approved.

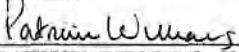
SECTION IV. The Outline Plan shall be attached and made a part of this ordinance.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

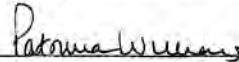
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of December, 1994.


JIM SHERMAN, President
Bloomington Common Council

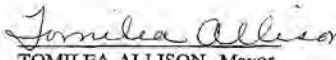
ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 9th day of December, 1994.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 9th day of December, 1994.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance grants a rezoning from RE to RL/PUD and MP/PCD and approves an outline plan for the 250 acre Wiley Farm located at 5701 W. S.R. 48.

Signed upon
Planning
Resolution - C/O SMITH
NEUBERGER

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 94-50 is a true and complete copy of Plan Commission Case Number RL/PUD/MP/PCD-63-94 which was given a recommendation of approval by a vote of 10 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 11, 1994.

Date: November 1, 1994

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____,

Patricia Williams
Patricia Williams, City Clerk

Appropriation _____ Fiscal Impact _____ Resolution # _____
Ordinance # _____ Statement # _____
Ordinance _____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other _____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____ Emergency _____
Unforeseen Need _____ Other _____

Funds Affected by Request:

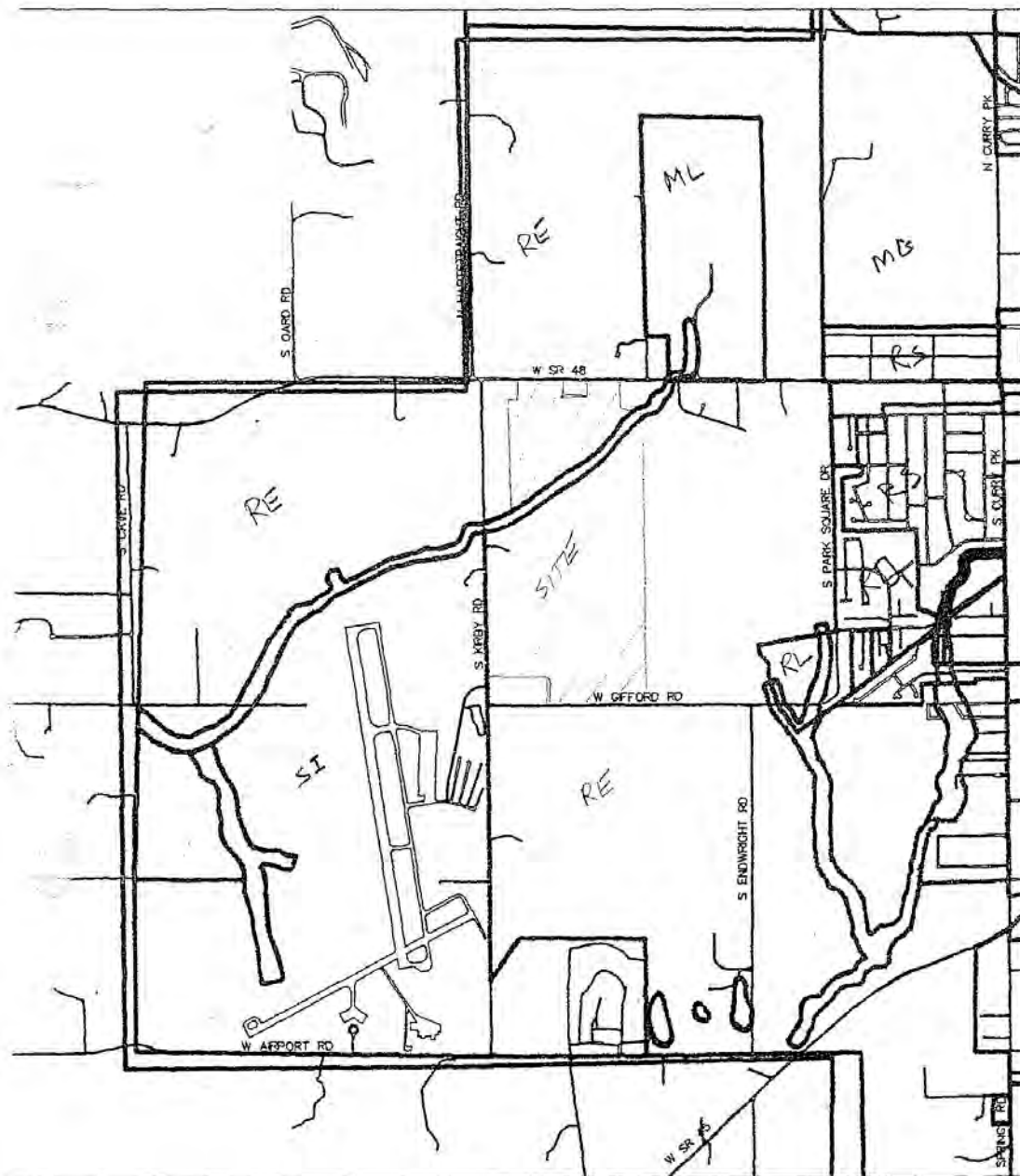
Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	_____	_____
Revenue Expected for Rest of year	_____	_____
Appropriations to Date	_____	_____
Unappropriated Balance	_____	_____
Effect of Proposed Legislation (+/-)	_____	_____
Projected Balance	\$ _____	\$ _____

Signature of Controller _____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)



MEMO

To: Common Council
From: Planning Department
Date: November 2, 1994
Case No.: RL/PUD-MP/PCD-63-94
Location: 5701 West State Road 48
Petitioner: Brett Davis, J&B Builders, Inc.
Counsel: Smith Neubecker & Assoc., Inc.

On October 31, 1994, the Bloomington Plan Commission approved a rezone of 250 acres currently zoned RE to RL/PUD and MP/PCD and outline plan approval. This parcel contains 250 acres and is bordered by S.R. 48 to the north, Kirby Rd. and the airport to the west, and Gifford Rd. to the south. There is farmland to the east along with large lot residences. The site is gently rolling pasture with trees scattered throughout the site. The site is impacted by two drainage systems (Cave Creek and Sinking Creek), karst topography, and some relatively steep slopes.

This parcel is proposed to be developed into a mixed use area, including light industrial, a business park, low, medium and high residential housing, and a park. The petitioner has attempted to work with the existing topography and drainage. The original proposal was changed slightly to increase the industrial use. The areas of development as proposed are summarized below.

- | | |
|---------|---|
| TRACT A | 29 acres, located off S.R. 48, single family detached homes, 86 units, 2.97 DU/AC |
| TRACT B | 17.5 acres, located off S.R. 48, single family detached homes or institutional, 62 units, 3.54 DU/AC |
| TRACT C | 24.5 acres, located south of Tract B on the east side of the site, single family detached homes, 86 units, 3.51 DU/AC |
| TRACT D | 22.1 acres, located centrally located on the site just south of TRACT A, medium density residential, 100 units, 4.52 DU/AC |
| TRACT E | 37.6 acres, located along the east side of the site, medium density residential, 190 units, 5.05 DU/AC |
| TRACT F | 18.4 acres, located centrally on the site adjacent to the light industrial use, high density residential, 184 units, 10 DU/AC |
| TRACT G | 9.2 acres, located between Tracts I and F, medium density residential, 56 units, 6.09 DU/AC |
| TRACT H | 12.8 acres, located on the southeast corner of the site, large single family |

- home lots, 5 units, 0.39 DU/AC
- TRACT I 21.1 acres, located on the south edge of the site, single family detached homes, 42 units, 1.99 DU/AC
- TRACT J 7.2 acres, located on the south center portion of the site, single family detached homes, 15 units, 2.08 DU/AC
- TRACT K 34.2 acres, located along the western edge of the site, 4 proposed lots
- TRACT L 3.8 acres, limited neighborhood business off S.R. 48 (see list of proposed uses)
- TRACT M 6.4 acre park

Right-of-way dedication is required along Gifford Rd. (35' from CL), S.R. 48 (50' from CL), and Kirby Rd. (40' from CL). One access point is proposed for S.R. 48, one access point for Gifford, and multiple access points for Kirby. An issue for development plan approval will be the number of accesses for the industrial portion of the site. Sidewalks will be required along the perimeter streets as well as the internal streets.

Drainage is a major issue to this development. Although this is outline plan stage, this area drains to two very sensitive basins; Sinking Creek and Cave Creek. Sinking Creek drains to the south where this proposal calls for larger estate size lots. The area draining towards Cave Creek includes industrial uses to the west, park to the east and high, medium and low density residential housing to the east and north. A business Park is planned for the north area of the site. The petitioners have done a considerable amount of engineering work to assure that the drainage situation will be acceptable. The concept now involves a larger area than originally proposed.

The detention area, much bigger than the regulatory floodplain, will allow an uncommon approach to storm drainage management. Conventional detention basins store the increase in the 100 year storm while the detention basin continues to discharge at the predevelopment rate of runoff. In other words, a big flow in and a small flow out occur simultaneously. The basin is sized to fill up during a 100 year storm, then continue to trickle down when the storm is over.

An impoundment of water would still be waiting where Cave Creek enters a cave downstream when water from a conventional basin would arrive downstream. The solution is to store 100% of the project's increase in runoff from a 100 year storm with no discharge. This requires a larger detention area and managed (human decision) release of the water. This is essentially what the Corps of Engineers does with the system of flood control reservoirs of which Lake Monroe is a part.

In addition, the petitioner's detention area will be sized to accommodate another 28 acre-feet (1 acre/1 foot deep) of water over and above the development's impact. The effect

is that the flood problem at the cave will actually be reduced, not just held constant.

The Growth Policies Plan includes the site in an area designated "landbank": areas in which major development should await contiguous development and urban services, with periodic reconsideration to determine whether development is warranted based on the nature of evolving development patterns. Early in the process of developing the new zoning ordinance, the Commission decided not to carry the "landbank" concept from plan to ordinance. The area along both sides of S.R. 48 in this vicinity were targeted for industrial zoning, given Park 48 and the airport's proximity. Urban density residential uses, perhaps clustered to avoid sinkholes, was discussed for the steeper, karst impacted portion of this site.

The area was viewed as an appropriate component of a "compact urban form" because the airport area and proposed airport related economic development lie to the west, Park 48 and proposed zoning for more economic development lie to the north, the area is served by an adequate highway, and severed by an elementary school to the east. Earlier this year, the petitioner received approval of a large-lot plat under the existing RE zoning, effectively blocking the industrial zoning scenario. After that approval, discussion continued as to what development alternatives might best serve the Growth Policies Plan's goals. Two fundamental issues drove this continued discussion: the inclusion of some land for industrial development, and the need for an exceptional response to flooding problems along Cave Creek west of the airport. The proposed plan is the result.

RE zoning motivates a developer to cookie-cutter the site into as many 40,000 s.f. lots as the regulations permit. Any acre devoted to common open space or stormwater detention would be a valuable lot foregone. A higher density enables the developer to allocate significant area to these functions. The plan shows several wooded buffer areas between land use components, a 6.4 acre park, and a very large detention area.

The mixed residential components at an average density of 3.7 units/acre are consistent with the plan's density goal for development in appropriate areas, and are well conceived in terms of wooded areas, other site features, and surrounding uses. The 3.8 acre business area at the S.R. 48 entrance is sized to serve the local needs for day-to-day convenience shopping.

Note that the MP, Manufacturing Park zoning, serves as the underlying zoning for both PCD components: the industrial area on Kirby and the neighborhood shopping on Whitehall Pike.

RL/PUD/MP/PCD-63-94

Brett Davis, J&B Builders, Inc.
5701 W. S.R. 48

Request for rezone of approximately 206.4 acres from RE to RL/PUD and proposed to be developed as a residential project with approximately 896 units, rezone of approximately 31.6 acres from RE to MP/PCD and proposed to be development as 27.38 acres light industrial, 3.8 acres limited neighborhood business, and a 6.4 acre park, and outline plan approval for the approximate 250 acre tract as a whole.

Conditions of approval;

1. The petitioner's development plan shall be designed with a report by a geotechnical consultant regarding the proposed stormwater detention system. This report should address the underlying geology of the Cave Creek basin, suitability of the detention basin's design, and measures for handling leakages in the system caused by karst features. If the geotechnical report determines that the 74 acre feet of additional stormwater cannot be detained, or if the specified storage cannot be accomplished in an appropriate location, then this outline plan provides that the land use shall be as permitted by the current zoning; residential estate (RE).
2. The entire detention facility must be fully completed with Phase I of the petitioner's development plans, or as otherwise determined by the Plan Commission.
3. The development plan shall contain a written agreement between the petitioner's and Monroe County for the operation of the stormwater detention facility by the County. If this written agreement between the petitioner's and the County cannot be secured prior to development plan approval then this outline plan provides that the land use shall be as permitted by the current zoning; residential estate (RE).
4. Responsibility and ongoing funding for the maintenance of the stormwater detention facility will be provided by homeowner's association agreement. The agreement will enable Monroe County or the City of Bloomington to order maintenance or repairs, or to perform them at the homeowner's expense. This agreement shall be a component of any development plan.
5. Except for the stormwater commitments, the outline plan is a schematic representation; all engineering details, required dedications, and other site plan details are to be considered in the development plan approval process.
6. The Kirby Road entrances will be considered in the development plan review process. The Commission reserves the discretion to combine the entrances or require a service road.
7. Regarding the list of allowed uses: Chemicals and chemical products in the industrial

uses be limited to non-reactive combinations of previously prepared components. Delete Meat/Poultry/Seafood. Metal fabrication be limited to indoor processing and storage only with no significant external impacts. Delete Millwork and Sawmills. Paper products will exclude the manufacturing and use of pulp materials. Delete drugs and pharmaceuticals.

8. The Engineering staff and petitioner examine the possibility and feasibility of additional retention over and above that proposed.

October 31, 1994

To: Tim Mueller

From: T. Micuda, K. Komisarcik, G. Heise,
M. Wedekind, P. Werner

Subj: RL/PUD-MP/PCD-63-94 J & B Builders 5701 W. SR 48

Please see our October 10, 1994 staff report for a full description of the site and some general environmental considerations. This report concentrates on recommendations.

Stormwater Detention - In light of the significant flooding that has occurred downstream in the Cavewood Estates subdivision and surrounding farmland, stormwater detention is the most important development issue on the site. Issues revolving around the detention plan include:

- 1) **Basin Type** - The Environmental Commission is in favor of using a dry detention basin in order to secure the maximum amount of storage capacity possible. The petitioner's plan is in agreement with this concept.
- 2) **Basin Monitoring** - The basin is being designed to manually control the release of stormwater flow. This is designed because the drainage downstream is so poor that it becomes necessary to hold back stormwater for much longer periods of time. We are supportive of a manually controlled detention basin and believe that it is the best way to insure that downstream residents will be adequately protected during large storm events. However, the Environmental Commission will not support a detention system of this importance that it would only be maintained by a homeowners association. An agreement between the petitioners and the County to insure governmental monitoring of the basin would be the best way to address this issue. If an agreement is not worked out to adequately address basin monitoring, the Environmental Commission would be reluctant to support an upzoning of land of this magnitude.
- 3) **Geotechnical Report** - The Environmental Commission strongly feels that a geotechnical report is necessary as a condition of any development plan approval for this site. This report should examine the underlying geology of the proposed detention area, locate any leakages in the basin due to karst features and propose adjustments in the size and capacity of the detention system based on any karst problems. Again, if the geotechnical shows that there are insoluble problems in the detention system due to karst, the Environmental Commission would not support any proposal at the densities being proposed by the petitioner.

A more complete report on the detention issue and other environmental issues will be given at the hearing as discussions with the petitioner and staff are completed.

cc. Rod Young

55

Smith Neubecker & Associates, Inc.



Stephen L. Smith P.E., L.S.
President

Daniel Neubecker L.A.
Project Manager

September 1, 1994

City of Bloomington Plan Commission
c/o Tim Mueller, Director
City of Bloomington Plan Department
P. O. Box 100
Bloomington, IN 47402-0100

Dear Tim and Plan Commissioners:

We are pleased to submit this comprehensive land use plan for the development of the Wiley Farm on Bloomington's west side. This is an unique plan for an integrated development of a large (250 acres) parcel with varied features and opportunities.

We respectfully request consideration of the Plan Commission for rezoning from Residential Estate RE to RL Planned Unit Development and Plan Manufacturing Park. Our submission includes the outline plan drawings, outline plan statement, abbreviated property description and standard application form. Proof of notice to adjacent owners will be submitted prior to the hearing.

We look forward to working with you over ensuing weeks on this unique development proposal for Bloomington's west side.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Steve Smith', written over the typed name.

Stephen L. Smith
SMITH NEUBECKER & ASSOCIATES, INC.

SLS:vp

Enclosures

cc: Lynn Coyne
Brett Davis
File #2296

4625 Morningside Drive
Post Office Box 5355
Bloomington, Indiana 47407-5355
Telephone 812 336-6536
FAX 812 336-0513

57



**WILEY FARM
PLANNED DEVELOPMENT
OUTLINE PLAN STATEMENT
9/1/94**

The Wiley Farm is a planned development of a 250 acre tract at the corner of State Road 48 and Kirby Road on Bloomington's west side. Proposed is a mix of land uses that compliment each other, fit the existing features of the site, blend with surrounding land uses and meet many of the goals of the Bloomington Master policy plan.

The planned development calls for up to 896 residential units varying from 2.5 acre lot single-family to 10 units per acre multi-family. A small retail commercial area is proposed to compliment the project and serve area needs. Twenty-seven acres along the Kirby Road frontage adjacent to the airport is planned as a manufacturing park. The natural features of the site provide for open space, park land, buffers and transitions between land uses. Table 1 "Land Use and Density Summary" shows the size, maximum number of units and maximum density for each of the tracts.

This petition seeks rezone from the existing RE to RL Planned Unit Development and Planned Manufacturing Park.

LAND USE

RESIDENTIAL

The project will vary from estate lots to high density residential. Areas A, B and C are intended to be smaller lot single family detached subdivisions. Area D, E, and G are medium density residential and may be attached doubles, triples, quads, townhouses or small lot detached housing. Area F is high density housing intended to be multi-family buildings with multiple units in each building. Area H is estate lots at a density of 2.5 acres per lot. Areas I and J are large lot subdivision tracts of approximately two lots per acre.

MANUFACTURING

Area K is intended to be consistent with the current MP zone.

"The industrial park district is established to provide areas in which the use of the land is limited to light manufacturing, warehousing, wholesaling, storage and corporate offices."

Allowable uses in the MP portion of the project will include:

Commercial Trade

Business Service and Professional Office
Schools
Trade and Business
Building Trade Shops
Warehouses
Mini Warehouses

Commercial Wholesale

Building Material
Farm Products
Farm Supplies
Food Products
Household Goods

Manufacturing Processing

Apparel
Bakery
Dairy Products
Confectionery

Beverage Bottling
Chemicals and Chemical Products
Clocks
Scientific Instrument
Drugs and Pharmaceuticals
Electronic Equipment
Furniture
Meat, Poultry, Seafood
Medical Equipment
Metal Fabrication
Mill Work
Sawmills
Paper Products
Printing Newspapers
Research Laboratories
Miscellaneous Small Products
Sporting Goods, Toys, Novelties

Industrial Non-Processing

Warehouse
Storage

BUSINESS

Area L is designated as neighborhood serving retail services. This area shall be limited to 3.8 acres with a maximum of 30,000 gross square foot of building area. No individual use shall contain more than 10,000 square feet of gross floor area. Access will be directly to the internal collector street. Significant landscape and mounding will provide the interface between the business use and adjacent residential uses. Allowable uses will include:

Convenience Store
Day Care
Gift Shop
Retail Bakery
Drug Store
Personal Service
Arts and Crafts
Dairy Products
Floor Shop
Grocery
Meats

Hardware
Jewelry
Variety Store
Business and Professional Office
Clinics and Services
Doctor and Dentist Offices

OPEN SPACE

Extensive green space is proposed throughout this project to insure a pleasant residential environment. The natural site amenities are being retained, augmented and utilized to enhance the quality of the development.

An open space system shall be provided along the existing floodway. This system will include one or more lakes, detention, and natural green areas. This area becomes a major focal point of the development.

A neighborhood park is located in the central portion of the project utilizing some existing steeper sloped wooded land. This park also includes some flatter open areas that can be used for parking and open field play areas. The park may be developed, owned and maintained as a common area for this development or dedicated to the public for improvements and ownership. Discussion will commence between the applicant and City and County Parks Departments.

There are numerous other locations on the site with existing vegetation or with steep slopes. These areas are proposed to be used as buffer and transitions between land uses and projects.

TRAFFIC AND CIRCULATION

A key element to this planned development is the roadway network. A system of collector, secondary collector and local streets run throughout the project. The roadway connections are provided to all surrounding streets and properties.

The main collector roadway accesses State Road 48 and will serve as a thoroughfare into the project. From State Road 48 to the T-intersection no units shall have direct access to this thoroughfare. There will be numerous local roads entering the development serving parcels A, B, C, D, E and L. A center island will be constructed at S.R. 48 and a landscape plan developed along the R/W of this collector.

The secondary collector runs from Kirby Road to Gifford Road. This road is intended to directly serve units and provide an indirect connection to Kirby and Gifford and a good connection to the internal collector roadway.

A series of local streets will provide interconnection throughout the project as well as access to the land to the east. Direct accesses are proposed to Kirby Road for each of the four parcels of manufacturing land. Kirby is a relatively low volume road, and an attempt is being made to keep the development costs and associated land prices reasonable to encourage MP development in this location.

STORM WATER

A comprehensive storm water control system is proposed. The open space system along the existing floodway shall include significant detention facilities. The storm water detention shall be designed to provide a very long and slow discharge in recognition of downstream flooding problems. In so far as geologic conditions will allow, lakes shall be constructed in the floodway to serve both as amenities and as storm water control. An overall storm water plan will be designed with a first development plan.

SETBACKS

Building setbacks unique to this planned development are proposed based on the type of housing project. The following setbacks shall apply:

Housing Type and Area	Building Front Setback	Building Side Least Setback	Building Side Combined Setback	Rear Yard Setback
Single-Family Areas A, B & C	20 feet	6 feet	15 feet	25 feet
Medium Density Residential Areas D, E & G	20 feet	5 feet	10 feet	15 feet
Estate Lots Area H	30 feet	10 feet	25 feet	25 feet
Single-Family Large Lot Areas I & J	25 feet	8 feet	20 feet	25 feet



Weight of Female (Grams) (20 months)		
Age (days)	Weight (g)	Weight (g)
1	1.0	1.0
2	1.5	1.5
3	2.0	2.0
4	2.5	2.5
5	3.0	3.0
6	3.5	3.5
7	4.0	4.0
8	4.5	4.5
9	5.0	5.0
10	5.5	5.5
11	6.0	6.0
12	6.5	6.5
13	7.0	7.0
14	7.5	7.5
15	8.0	8.0
16	8.5	8.5
17	9.0	9.0
18	9.5	9.5
19	10.0	10.0
20	10.5	10.5
21	11.0	11.0
22	11.5	11.5
23	12.0	12.0
24	12.5	12.5
25	13.0	13.0
26	13.5	13.5
27	14.0	14.0
28	14.5	14.5
29	15.0	15.0
30	15.5	15.5
31	16.0	16.0
32	16.5	16.5
33	17.0	17.0
34	17.5	17.5
35	18.0	18.0
36	18.5	18.5
37	19.0	19.0
38	19.5	19.5
39	20.0	20.0
40	20.5	20.5
41	21.0	21.0
42	21.5	21.5
43	22.0	22.0
44	22.5	22.5
45	23.0	23.0
46	23.5	23.5
47	24.0	24.0
48	24.5	24.5
49	25.0	25.0
50	25.5	25.5
51	26.0	26.0
52	26.5	26.5
53	27.0	27.0
54	27.5	27.5
55	28.0	28.0
56	28.5	28.5
57	29.0	29.0
58	29.5	29.5
59	30.0	30.0
60	30.5	30.5
61	31.0	31.0
62	31.5	31.5
63	32.0	32.0
64	32.5	32.5
65	33.0	33.0
66	33.5	33.5
67	34.0	34.0
68	34.5	34.5
69	35.0	35.0
70	35.5	35.5
71	36.0	36.0
72	36.5	36.5
73	37.0	37.0
74	37.5	37.5
75	38.0	38.0
76	38.5	38.5
77	39.0	39.0
78	39.5	39.5
79	40.0	40.0
80	40.5	40.5
81	41.0	41.0
82	41.5	41.5
83	42.0	42.0
84	42.5	42.5
85	43.0	43.0
86	43.5	43.5
87	44.0	44.0
88	44.5	44.5
89	45.0	45.0
90	45.5	45.5
91	46.0	46.0
92	46.5	46.5
93	47.0	47.0
94	47.5	47.5
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389	195.0	195.0
390		

Wiley Farm Planned Development				
TRACT	LAND USE	APPROXIMATE SIZE (acres)	MAXIMUM # UNITS	MAXIMUM DENSITY
A	Single Family Detached	29.0	86	2.97
B	Single Family Detached or Institutional	17.5	62	3.54
C	Single Family Detached	24.5	86	3.51
D	Medium Density Residential	22.1	100	4.52
E	Medium Density Residential	37.6	190	5.05
F	High Density Residential	25.1 18.4*	254 184*	10.00
G	Medium Density Residential	9.2	56	6.09
H	Estate Lots	12.8	5	0.39
I	Single Family Detached	21.1	42	1.99
J	Single Family Detached	7.2	15	2.08
	SUBTOTAL	206.4 199.4	896 736	4.34
K	Light Industrial	27.8 34.2 *		
L	Limited Neighborhood Business	3.8		
	Park	6.4		
	Buffer (not included in other tracts)	5.6		
	TOTAL	250.0		

Table 1
Land Use and Density Summary

* INDUSTRIAL AREA WAS
INCREASED AS SUGGESTED
IN PRE-HEARING



Wiley Farm

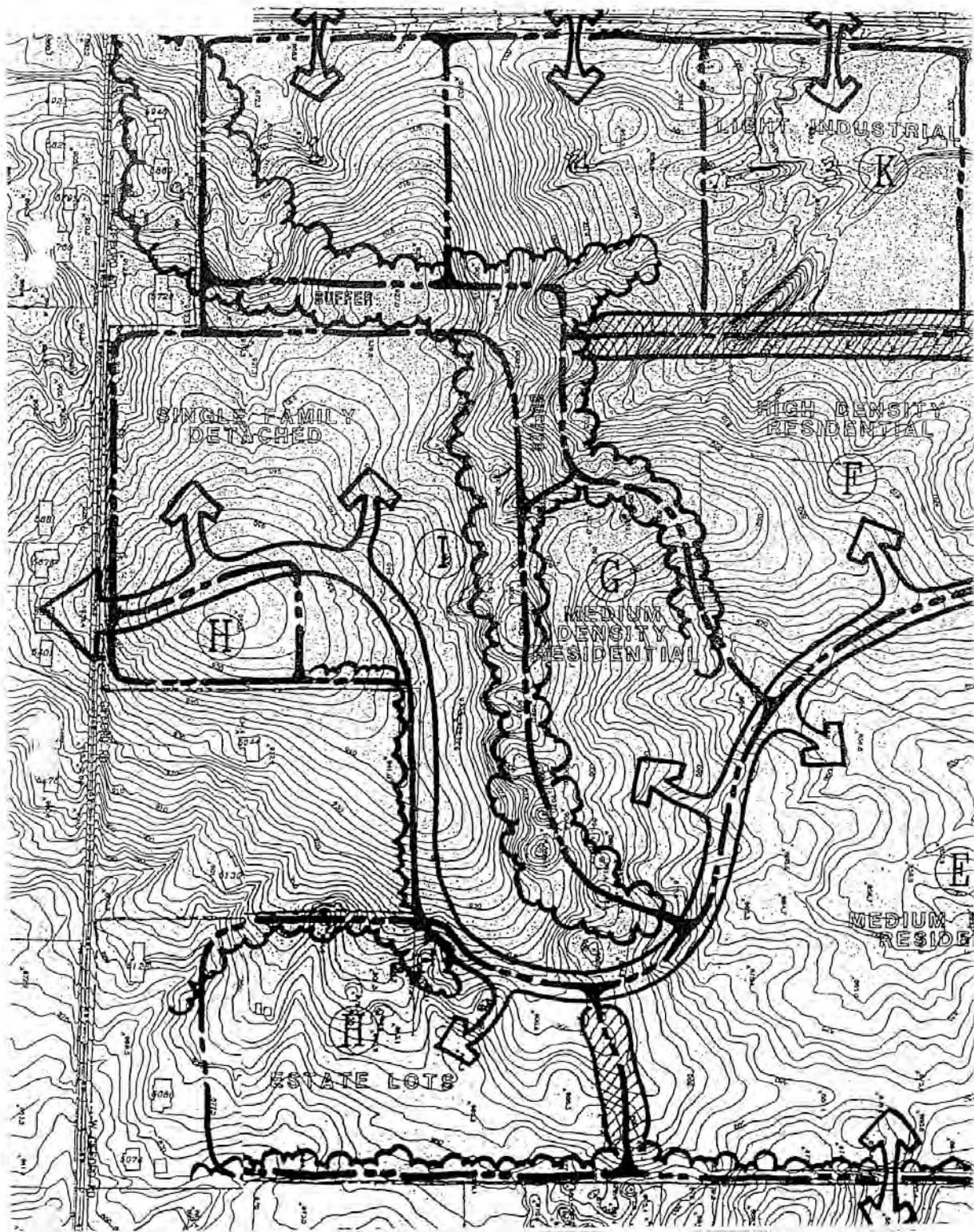
PLANNED DEVELOPMENT

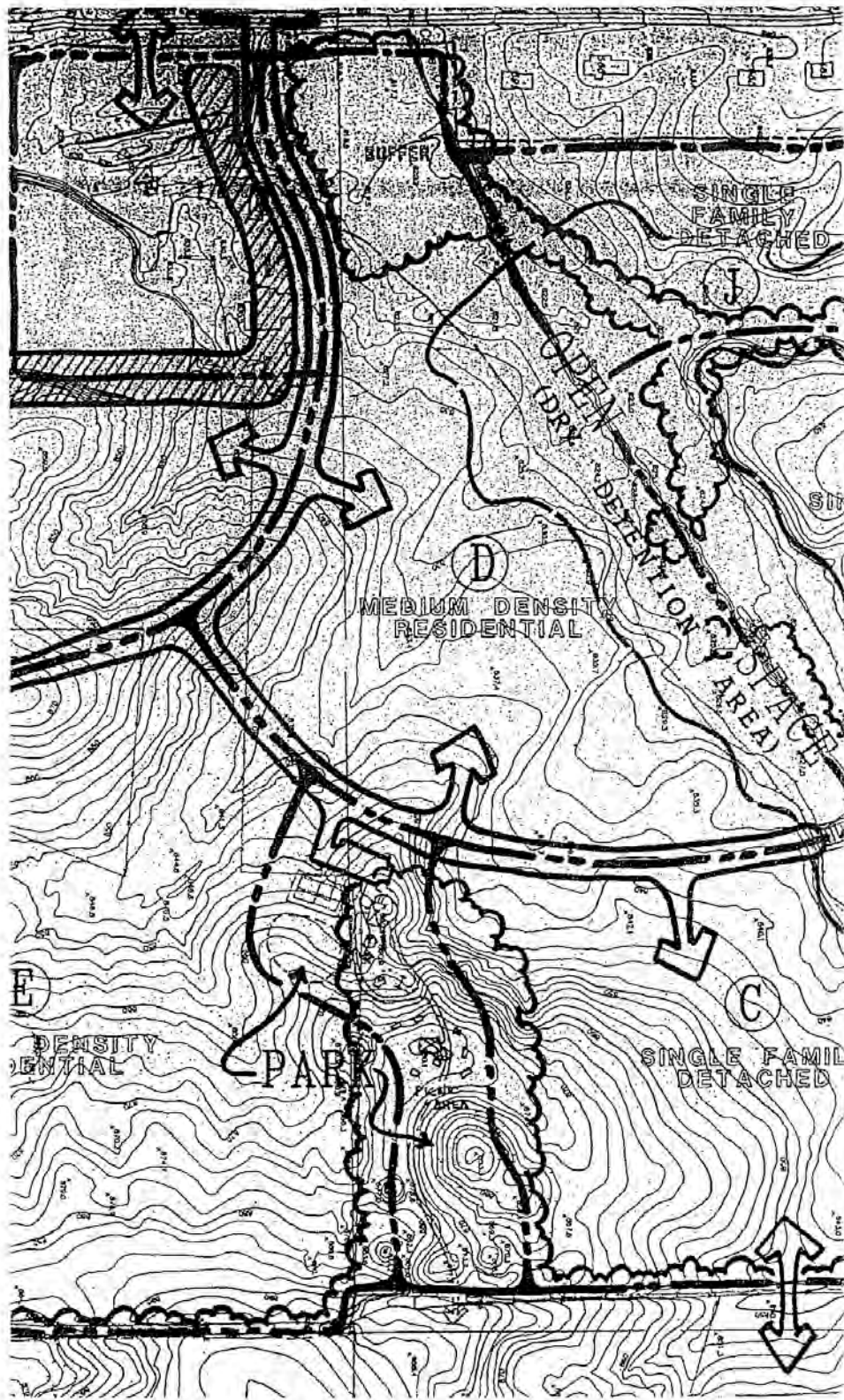
Notes from Planned Development

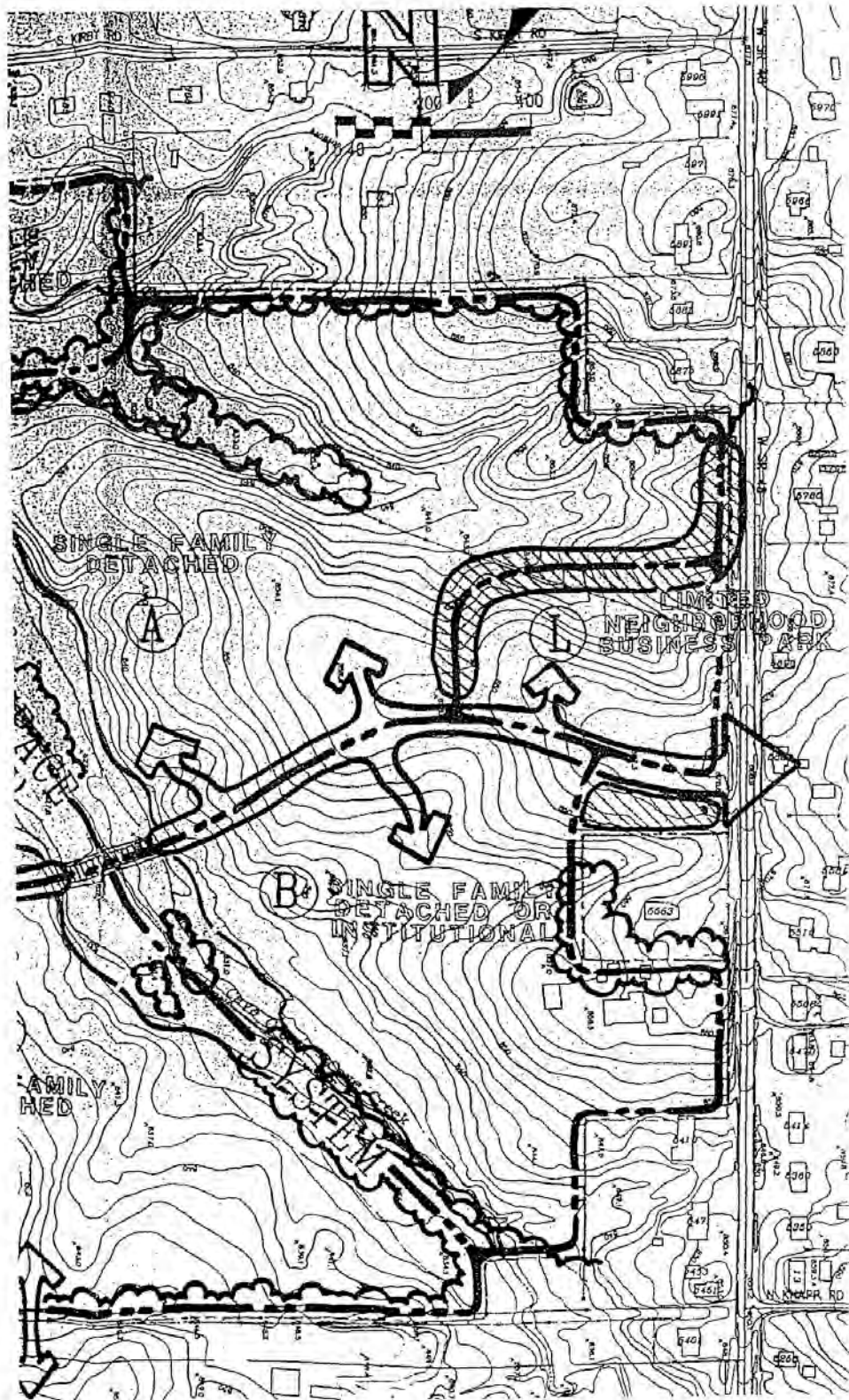
TRACT	APPROXIMATE ACRES	ACRES IN PLANNED DEVELOPMENT	ACRES IN EXISTING DEVELOPMENT
1	10.0	10.0	0.0
2	10.0	10.0	0.0
3	10.0	10.0	0.0
4	10.0	10.0	0.0
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100	10.0	10.0	0.0

Revised Site Plan

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Smith Neubecker & Associates, Inc.



October 26, 1994

Stephen L. Smith P.E., L.S.
President

Daniel Neubecker L.A.
Project Manager

City of Bloomington Planning Commission
c/o Tim Mueller, Director
P. O. Box 100
Bloomington, IN 47402-0100

RE: Wiley Farm Plan Development

Dear Tim and Plan Commissioners:

Ongoing communications and planning for the Wiley Farm Plan Development since the first public hearing of the Plan Commission have resulted in clarifications and/or updates to two items in the plan. These items are the amount of land allocated to **industrial** and the commitment on **storm water controls**.

The **industrial** area has been expanded eastward to the edge of the old "earth borrow area" and to a grade break that forms somewhat of a natural buffer between the industrial and the residential uses. This change, shown on the amended outline plan drawing, increases the industrial area to 34.2 acres.

Storm water. Further analysis of the storm water detention requirements indicates that a dry basin is appropriate because of the volume of storage necessary. The area will become green space with a storm water easement overlayed. Title to the land will either be with the Home Owners Association or with the County under the control of the County Drainage Board. Further investigation has indicated that the volume of runoff as well as the rate of runoff leaving this site and flowing towards Cave Creek needs to be addressed. Flooding in Cave Creek persists for several days after a large rainfall. This basin will be sized to reduce the volume of runoff during those days following the rainfall event. The water stored will be released after the downstream water has subsided. The basin will be sized to hold a 100-year post-development runoff to the 50-year pre-development rate and volume, the 50-year volume and rate to the 25-year volume and rate, and the 25-year rate to the 10-year volume and rate. Smaller storms will be allowed to flow in their normal fashion. In each of these cases the volume of water would be discharged from the basin at such time as the downstream facilities are able to handle the volume. The details of this design are being developed by Smith Neubecker & Associates, Inc. engineers in coordination with the City Engineering Department and the County Drainage Board. Full details will be developed for development plan stage. An analysis will also be performed at the development plan stage relative to potential karst impacts on the proposed basin.

4625 Morningside Drive
Post Office Box 5355
Bloomington, Indiana 47407-5355
Telephone 812 336-6536
FAX 812 336-0513

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Smith Neubecker & Associates, Inc.



City of Bloomington Planning Commission
c/o Tim Mueller
October 26, 1994
Page two

The updated outline plan reflects these changes.

Very truly yours,

Stephen L. Smith
SMITH NEUBECKER & ASSOCIATES, INC.

SLS:vp

Enclosures

cc: Lynn Coyne
Brett Davis
File #2296

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EXHIBIT 6: Karst Report

hydrogeology inc.

1211 S Walnut St
Bloomington, IN 47401

Authentic Homes Inc.
Attn: David Jenner
6100 W Cowden Rd
Ellettsville, In 47429

Subject:

**Authentic Homes – Karst Survey
Bloomington, IN**

Date: November 16, 2021

Contact:

Jason Krothe

Phone:

812-219-0210

Email: jnkrothe@hydrogeologyinc.com

Dear Mr. Jenner:

Hydrogeology Inc. (Hydrogeology) respectfully submits this karst report for multiple parcels located on S Kirby Road in Bloomington, IN. The combined parcels are approximately 36-acres (Figure 1).

1 – Overview

The Site is located near the intersection of S Kirby Road and S Fieldstone Blvd in Bloomington, Indiana and is approximately 36-acres (Figure 2). The property currently consists of mostly areas of trees with dense ground vegetation.

2 - Geology / Physiography

The Site is in the Mitchell Plateau physiographic region, which is one of the primary karst forming areas in Indiana. The bedrock at the Site includes the West Baden Group, Paoli Limestone, and Ste. Genevieve Limestone (Hasenmueller, Estell, Keith, and Thompson, 2008) (Figure 3). The West Baden Group consists primarily of shale, mudstone, and sandstone; with important but smaller amounts of limestone (Gray, 1962, table 2 and fig. 4; Gray, 1970, 1986). The Paoli Limestone is primarily limestone with smaller layers of shale and sandstone (Carr, 1986). The Ste. Genevieve Limestone is also primarily limestone with some layers of shale and sandstone (Carr, Rexroad, and Gray, 1986). All three bedrock units at the Site are known to form karst features. No water wells registered with the Indiana Department of Natural Resources (IDNR) were located at the Site.

3 – Sinkholes & Springs

Sinkholes are surface depressions that form in a variety of ways in karst areas (Figure 4). Sinkholes can have a swallow hole, which is an opening in the ground where water infiltrates. Groundwater flow in karst areas is predominantly fracture flow, meaning the bedrock itself has low permeability while the fractures in the bedrock are open conduits that allow water, soil, and other materials to travel quickly through the subsurface. Water that drains into a sinkhole can eventually discharge at a karst spring (Figure 5).

4 – Karst Desktop Review

A review of available karst resources was conducted prior to the field survey. Those resources include United State Geological Survey (USGS) topographic maps, Indiana Map 1-ft LIDAR topographic, karst spring maps, and private cave databases.

5 – Karst Field Survey

Hydrogeology conducted a karst field survey at the Site on November 12 and 16, 2021. The Site was walked at 10-foot transects to locate any karst features. Fifteen sinkholes were identified during the field survey and are described below (Figure 6, Appendix A). Sinkhole dimensions described below are based on 1-ft LIDAR topographic contours. All sinkholes were flagged and should be surveyed.

SH-01 – Sinkhole SH-1 is approximately 30 feet in diameter and 3 feet deep (Photo 1). No bedrock or opening was observed within the sinkhole.

Mitigation Measures: SH-01 should receive a 25-foot Sinkhole Conservancy Area (SCA) based on the Monroe County zoning guidelines. Additionally, erosion and sediment control measures should be installed around the rim of SH-01 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-02 – Sinkhole SH-02 is 15 feet long, 7 feet wide, and 3 feet deep (Photo 6). The sinkhole is soil filled with no apparent opening or bedrock.

Mitigation Measures: SH-02 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-02 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-03 – Sinkhole SH-03 is 50 feet long, 35 feet wide, and 5 feet deep. No bedrock or opening were observed within the sinkhole (Photo 8).

Mitigation Measures: SH-03 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-03 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-04 – Sinkhole SH-04 is 35 feet in diameter and 6 feet deep (Photos 9 and 10). Some amounts of bedrock are present within the sinkhole, but no surface opening was observed.

Mitigation Measures: SH-04 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-04 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-05 – Sinkhole SH-05 is 35 feet in diameter and 6 feet deep (Photo 11). Some amounts of bedrock are present within the sinkhole, but no surface opening was observed.

Mitigation Measures: SH-05 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-05 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-06 – Sinkhole SH-06 is 60 feet long, 40 feet wide, and 7 feet deep (Photos 16 & 17). The sinkhole has two distinct depressions, both with steep sides, soil openings, and bedrock.

Mitigation Measures: SH-06 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-06 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-07 – Sinkhole SH-07 is 55 feet long, 25 feet wide, and 3 feet deep (Photo 1). The sinkhole is soil filled with no obvious opening or bedrock.

Mitigation Measures: SH-07 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-07 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-08 – Sinkhole SH-08 is 160 feet long, 100 feet wide, and unknown depth (Photo 20). The sinkhole is currently holding water and the northern side of the sinkhole appears to have been altered to help hold water. Due to the ponded water in this area, it was not possible to determine the physical characteristics of SH-08.

Mitigation Measures: SH-08 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-08 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-09 – Sinkhole SH-09 is 60 feet long, 35 feet wide, and 4 feet deep (Photos 21 and 22). The sinkhole is soil filled with no obvious opening or bedrock.

Mitigation Measures: SH-09 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-09 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-10 – Sinkhole SH-10 is 100 feet long, 40 feet wide, and 6 feet deep (Photos 23 and 24). The sinkhole is soil filled with no obvious opening or bedrock.

Mitigation Measures: SH-10 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-10 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-11 – Sinkhole SH-11 is 65 feet long, 45 feet wide, and 5 feet deep (Photos 25 and 26). The sinkhole is soil filled with no obvious opening or bedrock.

Mitigation Measures: SH-11 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-11 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-12 – Sinkhole SH-12 is 65 feet long, 55 feet wide, and 8 feet deep (Photos 27 and 28). The sinkhole is soil filled with no obvious opening or bedrock.

Mitigation Measures: SH-12 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-12 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-13 – Sinkhole SH-13 is 60 feet long, 35 feet wide, and 4 feet deep (Photo 33). The sinkhole is soil filled with no obvious opening or bedrock. Only the western edge of this sinkhole appears to be within the Site.

Mitigation Measures: SH-13 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-13 prior to land clearing operations and until revegetation has occurred at the Site after construction.

SH-14 – Sinkhole SH-14 is 4 feet in diameter and 2 feet deep (Photo 37). The sinkhole is soil filled with no obvious opening or bedrock. The sinkhole is located along a south to north orientated drainage axis.

Mitigation Measures: SH-14 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-14 prior to land clearing operations and until revegetation has occurred at the Site after construction.

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SH-15 – Sinkhole SH-14 is 5 feet long, 2 feet wide, and 2 feet deep (Photo 38) and situated on the western Site boundary. The sinkhole is located at the base of a limestone outcrop. SH-15 is possibly outside of the property boundary for the Site and its location relative to the property boundary should be confirmed with a survey.

Mitigation Measures: SH-14 should receive a 25-foot SCA. Additionally, erosion and sediment control measures should be installed around the rim of SH-14 prior to land clearing operations and until revegetation has occurred at the Site after construction.

6 – Study Limitations

The identification of karst features at the Site was limited to surface inspection. No subsurface investigations were conducted for this study. Undocumented karst features are possible in the subsurface. Dense vegetation covers most of the Site. Identification of karst surface features can be difficult in areas with dense ground vegetation. Clearing of ground vegetation was not within the scope of work for this survey.

7 – Karst Best Management Practices

The following are karst management practices that should be considered for the Site:

Water Quality

Groundwater recharge in karst areas predominately occurs through sinkholes. Water infiltrates into a sinkhole, then flows along karst conduits and typically discharges to a karst spring. There is minimal filtration of the water throughout this shallow groundwater cycle. Therefore, it is critical to maintain or improve water quality at the Site.

Impacts to water quality at the Site are most likely to occur due to erosion and sediment mobilization during construction. Erosion and sediment control will be critical to preventing water quality impacts. All sinkholes should be protected with appropriate erosion and sediment controls for the duration of construction at the Site.

In addition to these measures a low salt no herbicide/pesticide spray policy should be implemented for the Site.

Drainage Alteration

Alteration of natural drainage patterns can result in the development of new sinkholes, particularly when run-off is concentrated. The drainage plan for the Site should maintain the existing drainage patterns wherever possible and prevent concentrated

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run-off. To prevent development of new sinkholes, detention basins should be lined with an impervious material.

Unknown Karst Features

Previously unknown karst features are possibly present in the subsurface at the Site. If any previously unknown karst feature is identified during development of the Site, the features should be protected with erosion and sediment control measures and inspected by a karst specialist.

8 – Summary

A desktop review and field survey were conducted at the Site to identify any karst features. Fifteen sinkholes were identified at the Site. All sinkholes should have a 25-ft SCA and be protected with erosion and sediment control measures throughout the entire construction process. The karst field survey was limited to surface inspection with no subsurface investigation. Unknown karst features are possibly present in the subsurface at the Site. Dense vegetation was present over most of the Site, which prevented close ground inspection in those areas. If a previously unknown karst feature is discovered during construction activities the feature should be protected with erosion and sediment control measures and inspected by a karst specialist.

Hydrogeology appreciates the opportunity to provide this summary report. If you have any questions, concerns, or comments please do not hesitate to contact me directly at (812) 219-0210.

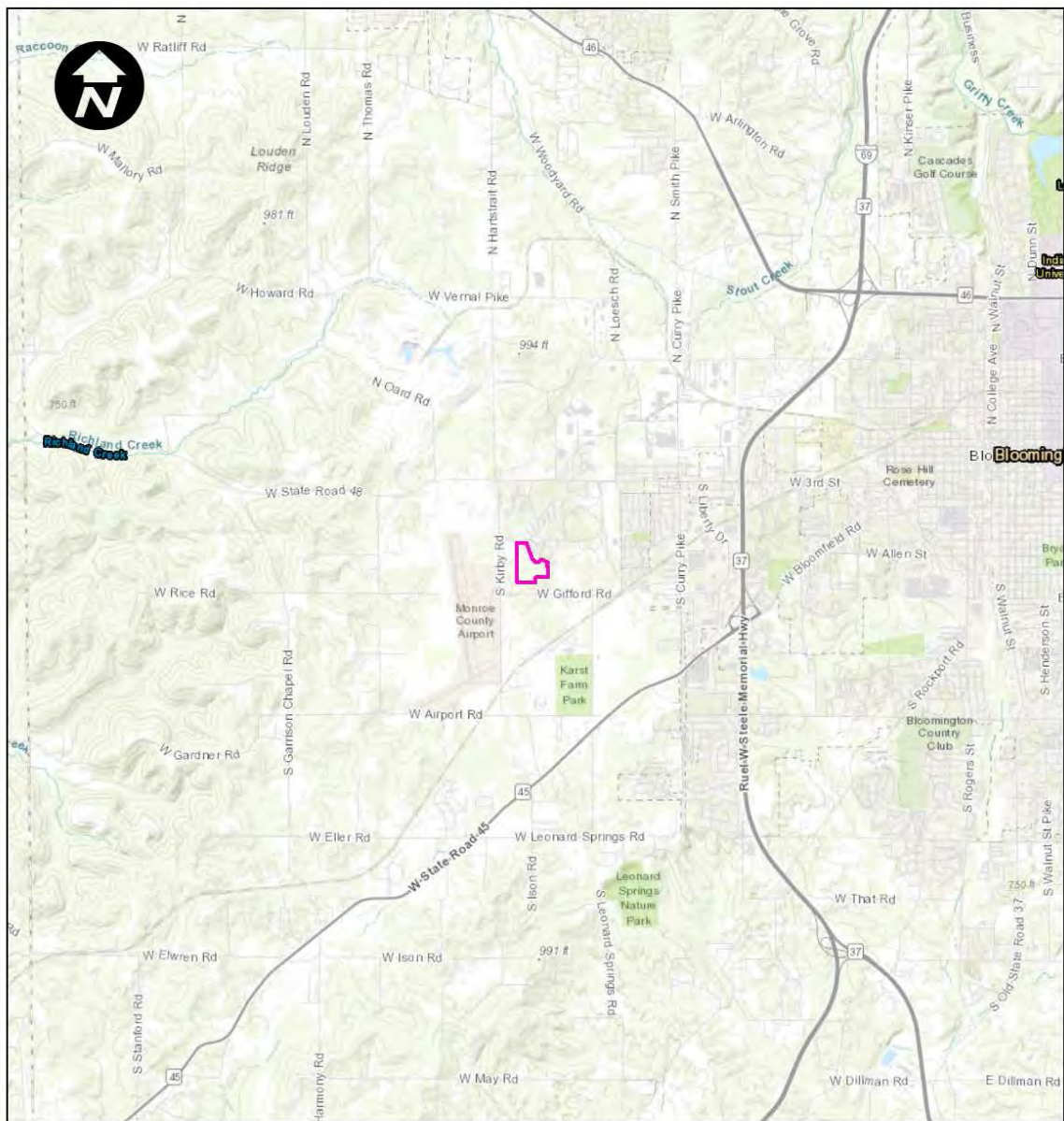
Sincerely,

Hydrogeology Inc.



Jason N. Krothe, LPG IN-2511
President





LEGEND

SITE

0 0.5 1 2 Miles

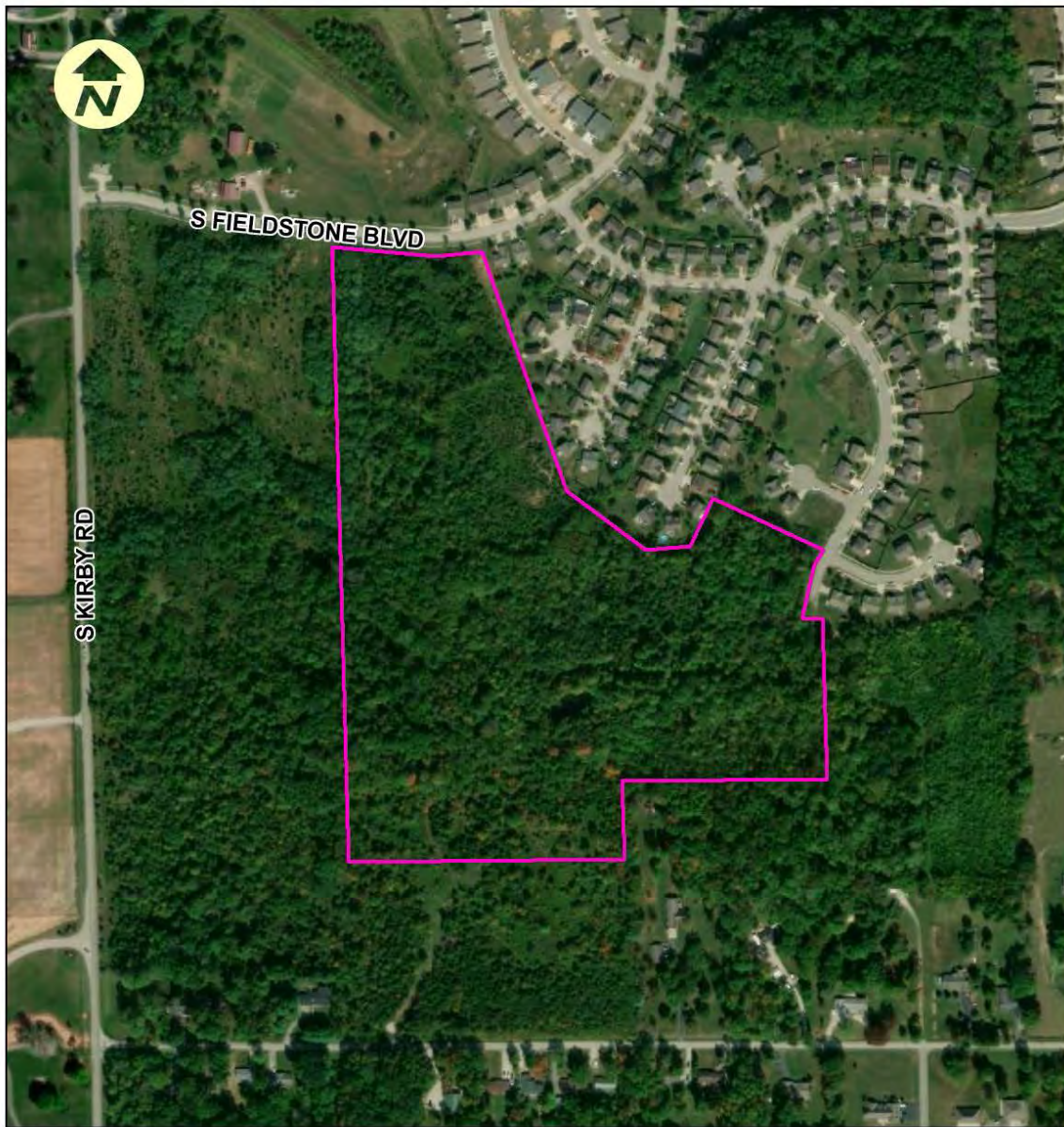
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

**KARST SURVEY
AUTHENTIC HOMES
BLOOMINGTON, IN**

SITE LOCATION

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FIGURE
1



LEGEND

SITE

0 125 250 500 Feet

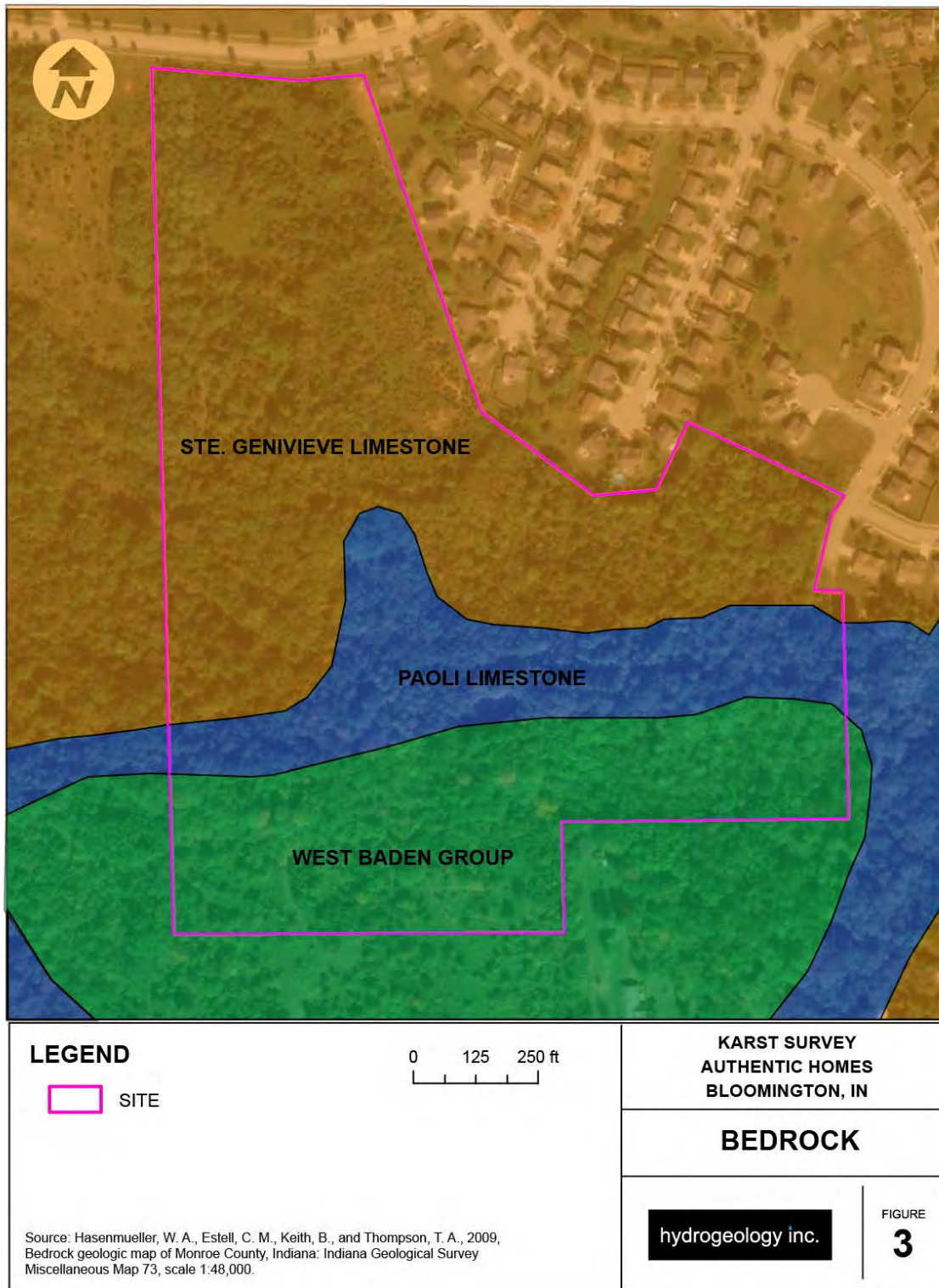
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

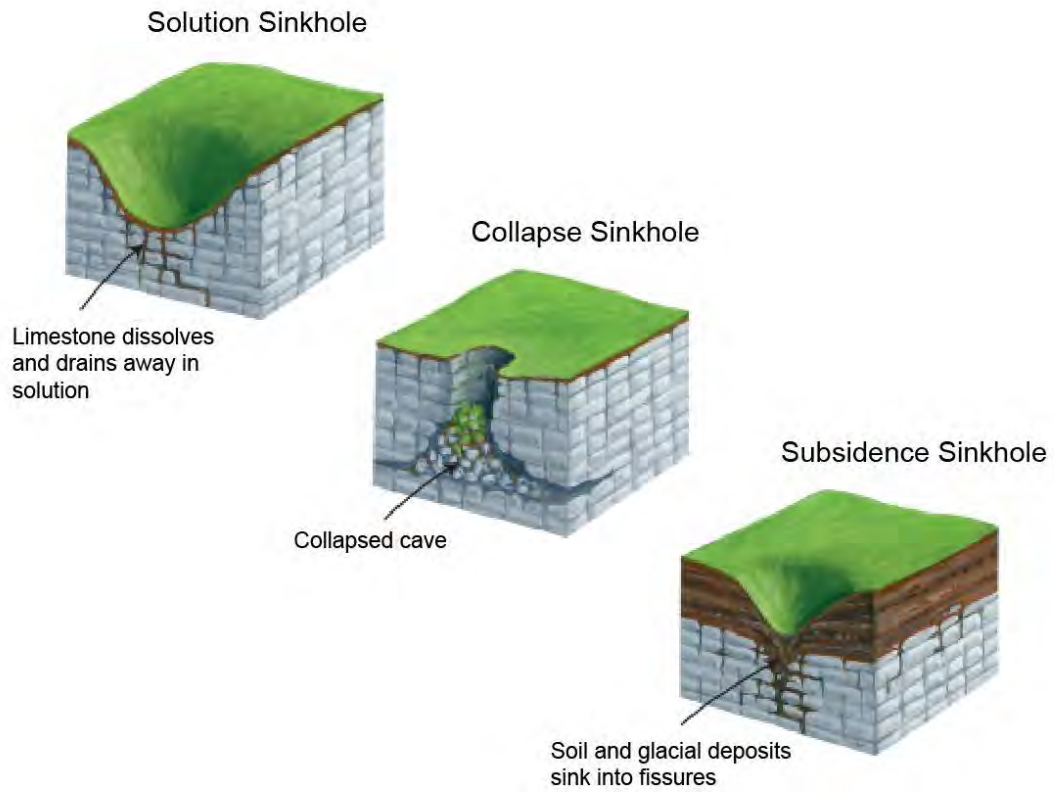
KARST SURVEY
AUTHENTIC HOMES
BLOOMINGTON, IN

SITE BOUNDARY

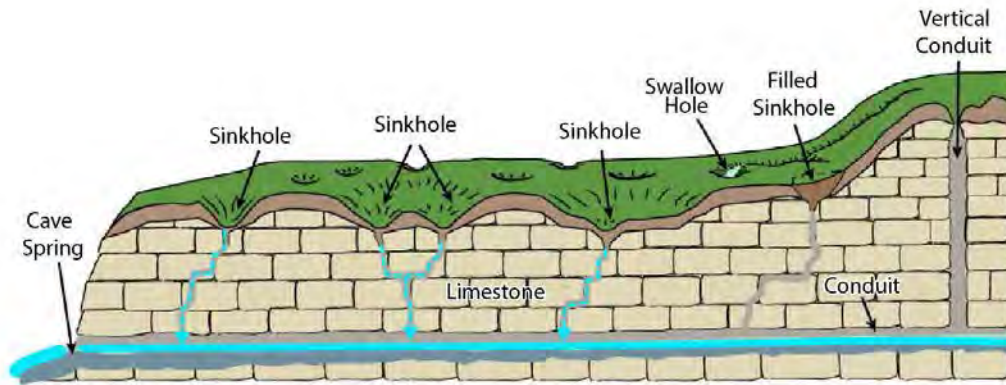
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FIGURE
2





	KARST SURVEY AUTHENTIC HOMES BLOOMINGTON, IN	
	SINKHOLE TYPES	
	hydrogeology inc.	FIGURE 4



	KARST SURVEY AUTHENTIC HOMES BLOOMINGTON, IN	
	CONCEPTUAL KARST CROSS SECTION	
	hydrogeology inc.	FIGURE 5



LEGEND

- SITE
- SINKHOLE

0 125 250 ft

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community


KARST SURVEY
AUTHENTIC HOMES
BLOOMINGTON, IN


SINKHOLES


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FIGURE
6


Photograph Number: 1	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-01.	
Recommended treatment: 25-foot SCA	


Photograph Number: 2	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Northeast side of the property looking southwest.	
Recommended treatment: NA	


Photograph Number: 3	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Northeast side of the property looking south.	
Recommended treatment: NA	


Photograph Number: 4	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Northeast side of the property looking southeast.	
Recommended treatment: NA	


Photograph Number: 5	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Northeast side of the property looking southeast.	
Recommended treatment: NA	


Photograph Number: 6	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-02.	
Recommended treatment: 25-foot SCA	


Photograph Number: 7	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: West side of the property looking north.	
Recommended treatment: NA	


Photograph Number: 8	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-03.	
Recommended treatment: 25-foot SCA	


Photograph Number: 9	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-04.	
Recommended treatment: 25-foot SCA	


Photograph Number: 10	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-04.	
Recommended treatment: 25-foot SCA	


Photograph Number: 11	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-05.	
Recommended treatment: 25-foot SCA	


Photograph Number: 12	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Northeast side of the property looking southwest.	
Recommended treatment: NA	


Photograph Number: 13	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Center of the property looking southeast.	
Recommended treatment: NA	


Photograph Number: 14	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Center of the property looking southwest.	
Recommended treatment: NA	


Photograph Number: 15	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Center of the property looking southwest.	
Recommended treatment: NA	


Photograph Number: 16	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-06.	
Recommended treatment: 25-foot SCA	


Photograph Number: 17	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-06.	
Recommended treatment: 25-foot SCA	

Photograph Number: 18	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-07.	
Recommended treatment: 25-foot SCA	


Photograph Number: 19	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: South side of the property looking south.	
Recommended treatment: NA	


Photograph Number: 20	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-08.	
Recommended treatment: 25-foot SCA	


Photograph Number: 21	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-09.	
Recommended treatment: 25-foot SCA	

Photograph Number: 22	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-09.	
Recommended treatment: 25-foot SCA	

Photograph Number: 23	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-10.	
Recommended treatment: 25-foot SCA	

Photograph Number: 24	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-10.	
Recommended treatment: 25-foot SCA	

Photograph Number: 25	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-11.	
Recommended treatment: 25-foot SCA	


Photograph Number: 26	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-11.	
Recommended treatment: 25-foot SCA	


Photograph Number: 27
Coordinates (UTM Meters) NA
Photograph Date: 11-12-21
Comments: Sinkhole SH-12.
Recommended treatment: 25-foot SCA





Photograph Number: 28
Coordinates (UTM Meters) NA
Photograph Date: 11-12-21
Comments: Sinkhole SH-12.
Recommended treatment: 25-foot SCA





Photograph Number: 29	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Southeast side of the property looking northwest.	
Recommended treatment: NA	


Photograph Number: 30	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: South side of the property looking north.	
Recommended treatment: NA	

Photograph Number: 31	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: South side of the property looking northeast.	
Recommended treatment: NA	


Photograph Number: 32	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: East side of the property looking west.	
Recommended treatment: NA	


Photograph Number: 33	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-13.	
Recommended treatment: 25-foot SCA	


Photograph Number: 34	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Northwest side of the property looking southeast.	
Recommended treatment: NA	


Photograph Number: 35	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: West side of the property looking east.	
Recommended treatment: NA	


Photograph Number: 36	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: West side of the property looking east.	
Recommended treatment: NA	


Photograph Number: 37	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-14.	
Recommended treatment: 25-foot SCA	


Photograph Number: 38	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Sinkhole SH-15.	
Recommended treatment: 25-foot SCA	


Photograph Number: 39	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Southwest side of the property looking northeast.	
Recommended treatment: NA	


Photograph Number: 40	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: South side of the property looking south.	
Recommended treatment: NA	


Photograph Number: 41	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Southwest side of the property looking northeast.	
Recommended treatment: NA	


Photograph Number: 42	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: South side of the property looking northwest.	
Recommended treatment: NA	


Photograph Number: 43	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: Center of the property looking south.	
Recommended treatment: NA	

Photograph Number: 44	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: North side of the property looking south.	
Recommended treatment: NA	

Photograph Number: 45	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: North side of the property looking southwest.	
Recommended treatment: NA	

Photograph Number: 46	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: North side of the property looking south.	
Recommended treatment: NA	

Photograph Number: 47	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: North side of the property looking south.	
Recommended treatment: NA	

Photograph Number: 48	
Coordinates (UTM Meters) NA	
Photograph Date: 11-12-21	
Comments: North side of the property looking south.	
Recommended treatment: NA	