

MONROE COUNTY PLAT COMMITTEE



**March 16, 2023
4:00 PM**

Hybrid Meeting

In-person

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

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/82305485858?pwd=c2lrWFp0eGFNQUtqK0NQOIFLazRTQT09>

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

Meeting ID #: 823 0548 5858

Password: 278851

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

Monroe County Planning Department
HYBRID

When: March 16, 2023, at 4:00 PM

Where: 501 N Morton St, Suite 224

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

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

ADMINISTRATIVE: None.

OLD BUSINESS:

- | | | |
|--------------------|---|---------------|
| 1. SMN-23-1 | Topoligus Minor Subdivision Plat Committee Decision. | PAGE 3 |
| | Two (2) parcels on 519.17 +/- acres in Sections 16, 17, 20, and 21 of Polk Township along E Allens Creek RD, Parcel #s: 53-12-16-400-007.000-010, 53-12-17-400-001.000-010, 53-08-03-107-001.000-009, 53-12-16-300-002.000-010, 53-12-16-400-018.000-010, 53-12-16-400-019.000-010, 53-12-16-400-022.000-010, 53-12-17-300-004.000-010, 53-12-20-200-016.000-010, 53-12-21-200-006.000-010, 53-05-28-200-001.001-005, 53-05-28-203-013.000-005, 53-05-28-203-030.000-005, 53-08-03-406-004.000-009, and 53-12-20-200-007.000-010.
Owner: Topoligus Investment Limited Partnership
Zoned FR, ECO 1, ECO 2, and ECO 3. Contact: dmyers@co.monroe.in.us | |

NEW BUSINESS:

- | | | |
|--------------------|---|----------------|
| 2. SMN-22-8 | Zikes Road Minor Subdivision Preliminary Plat Plat Committee Recommendation. Sidewalk Waiver Requested. | PAGE 17 |
| | Four (4) parcels on 98.57 +/- acres in Section 9 of Clear Creek Township at S Zikes RD, Parcel #53-11-09-100-003.000-006.
Owner: Fourth Generation Property Management, LLC
Zoned AG/RR. Contact: shawnsmith@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 PLAT COMMITTEE

Public Meeting

Date: March 16, 2023

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-23-1	Topoligus Minor Subdivision	2-Lot Minor Subdivision Preliminary Plat

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

PLAT COMMITTEE	<input type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Decision
RECOMMENDED MOTION	Approval with Conditions	Planner: Drew Myers
Recommended Motion Conditions or Reasoning: <u>Approve</u> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance.		

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

PETITIONER	TRICO Surveying & Mapping, Inc.	
OWNERS	Topoligus Investment Limited Partnership	
ADDRESS	E Allens Creek RD, Parcel #: 53-12-16-400-007.000-010, 53-12-16-400-024.000-010, 53-12-16-300-002.000-010, 53-12-16-300-002.000-010, 53-12-16-300-002.000-010, 53-12-16-400-019.000-010, 53-12-16-400-019.000-010, 53-12-16-400-019.000-010, 53-12-16-400-019.000-010, 53-12-16-400-022.000-010, 53-12-17-300-004.000-010, 53-12-17-300-004.000-010, 53-12-17-400-001.000-010, 53-12-17-400-001.000-010, 53-12-17-400-001.000-010, 53-12-20-200-016.000-010, 53-12-20-200-016.000-010, 53-12-21-200-006.000-010, 53-12-21-200-006.000-010, 53-12-21-200-006.000-010, 53-12-21-200-006.000-010.	
TOWNSHIP + SECTION	Polk; 16, 17, 20 & 21	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	519.17 +/- acres	
	PETITION SITE	ADJACENT
ZONING	Forest Reserve (FR)	Forest Reserve (FR)
COMP PLAN	Farm and Forest	Farm and Forest
USE	Vacant; DNR Classified Forest	Residential; Vacant; Federal Land

SUMMARY

The petitioner is proposing a 2-lot Minor Subdivision Preliminary Plat with no waiver requests. The property is zoned Forest Reserve (FR) and is located within Area 1, 2, and 3 of the Environmental Constraints Overlay. The proposed subdivision will create two tracts: Tract 1 totals 369.90 +/- acres and Tract 2 totals 149.27 +/- acres. Proposed Tract 1 and Tract 2 **will each be designated as a lot suitable for development**. Tract 2 will contain 40.69 acres of buildable area. Both Tract 1 and Tract 2 are currently vacant. Portions of both tracts include area designated as DNR Classified Forest. **At the time of this report's publication, septic permits for both Tract 1 and Tract 2 were not yet issued by the Health Dept.**

DISCUSSION

The proposed subdivision will create two (2) tracts out of 519.17 +/- acres. A summary of the details for each tract can be found in Table 1.

A Construction Stormwater General Permit (CSGP) – formerly known as Rule 5 – is not required for this subdivision. If the subdivider makes no land improvements and only sells the tracts, then they do not need to submit a Stormwater Pollution Prevention Plan (SWPPP) or a Notice of Intent (NOI). The individual(s) who purchases the lot(s) and build there must submit their own SWPPP and NOI, even if land disturbance is under one (1) acre.

There are no waiver requests for this subdivision petition.

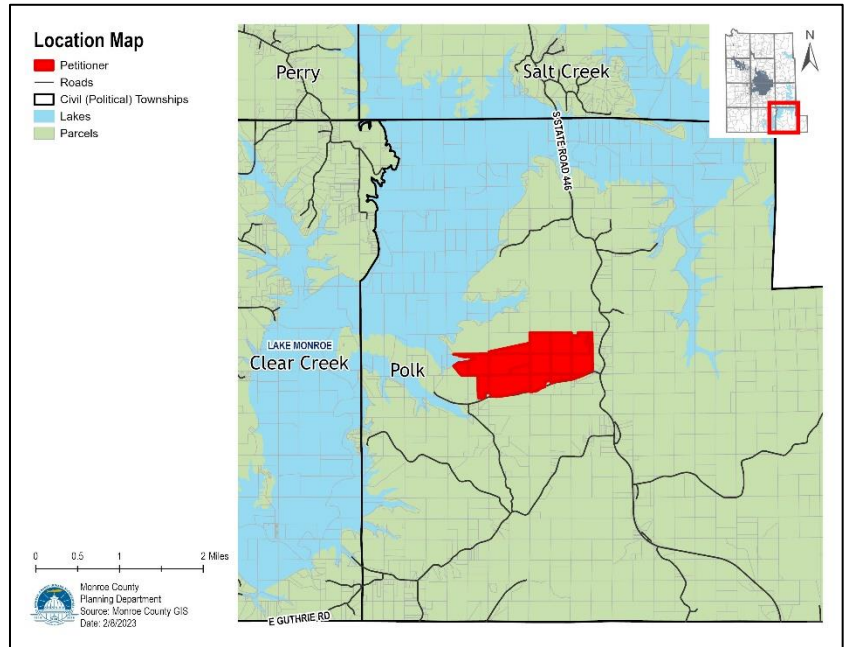


TABLE 1: summary of the lot configurations and requirement.

	Tract 1	Tract 2
Acreage / Buildable (+/- acres)	359.90 /	149.27 / 40.69
Wastewater	WW-23-46	WW-23-3
Property Access	E Allens Creek Road; existing driveway RW-23-8	E Allens Creek Road; existing driveway RW-23-4
R/W Dedication; E Allens Creek Road (local)	Dedication already exists in varying widths	Dedication already exists in varying widths
Environmental Conditions	Ponds, streams; slopes > 15%; DNR Classified Forest	Ponds, streams, slopes > 15%; DNR Classified Forest
Existing Structure(s)	Vacant	Vacant

HIGHWAY COMMENTS:

- Requested the plat show centerline and edge of pavement for E Allens Creek RD. Completed.

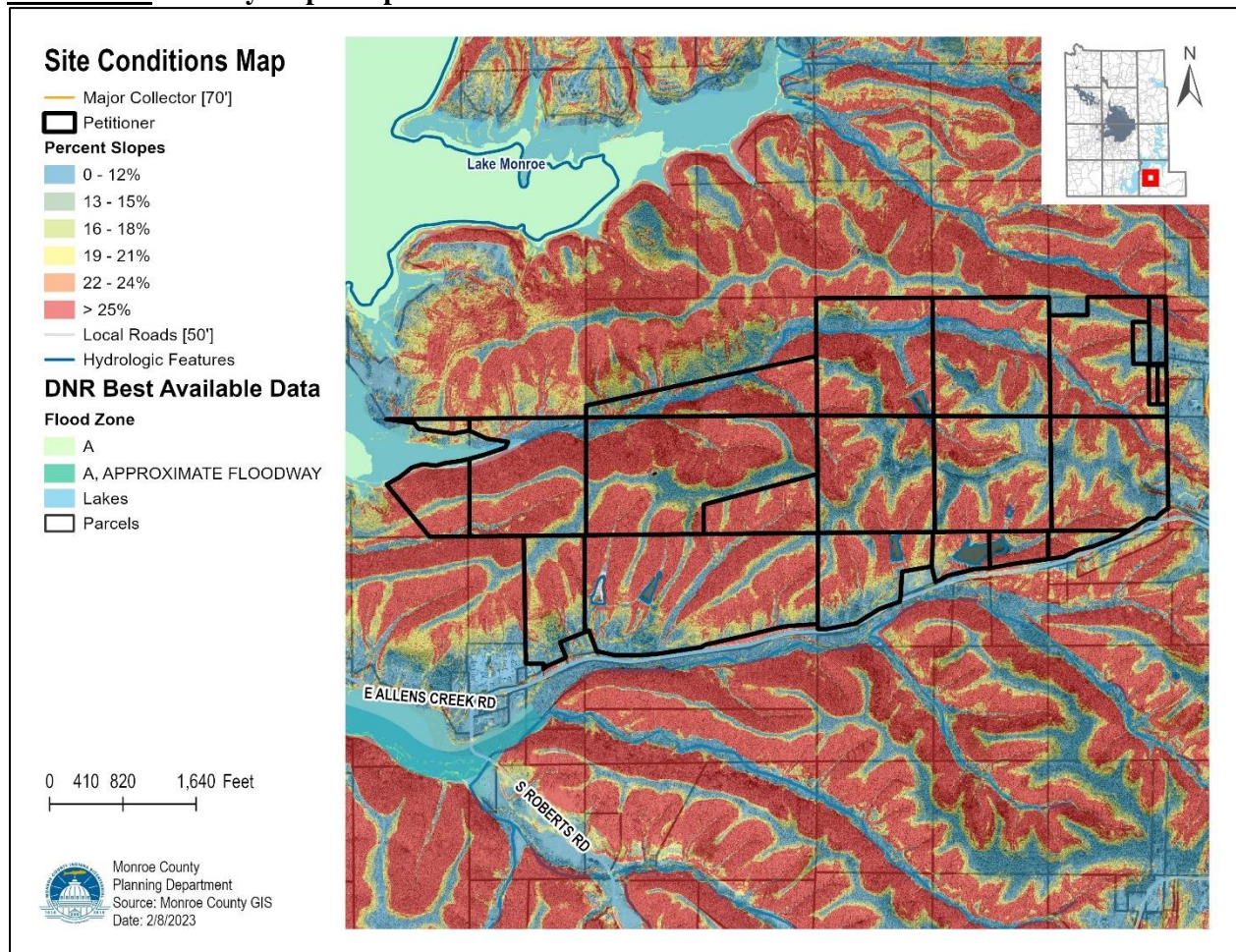
STORMWATER COMMENTS:

- No Comments as of February 8, 2023.

EXHIBITS - Immediately following report

1. County Slope Maps
2. Site Pictometry/Photos
3. Planning Staff Findings of Fact
4. Topogus Minor Subdivision – Preliminary Plat

EXHIBIT 1: County Slope Maps



Site Conditions Map

- Petitioner
- 10-Foot Contours

Percent Slopes

- 0 - 12%
- 13 - 15%
- 16 - 18%
- 19 - 21%
- 22 - 24%
- > 25%
- Local Roads [50']
- Hydrologic Features

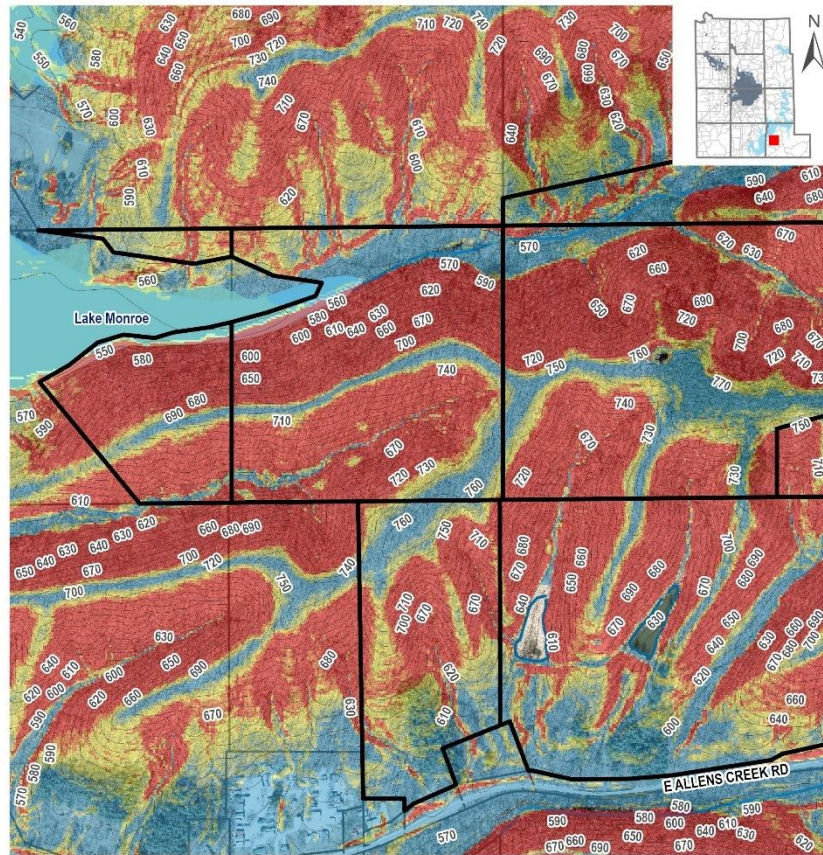
DNR Best Available Data

- Flood Zone A
- Lakes
- Parcels

0 175 350 700 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/8/2023



Site Conditions Map

- Petitioner
- 10-Foot Contours

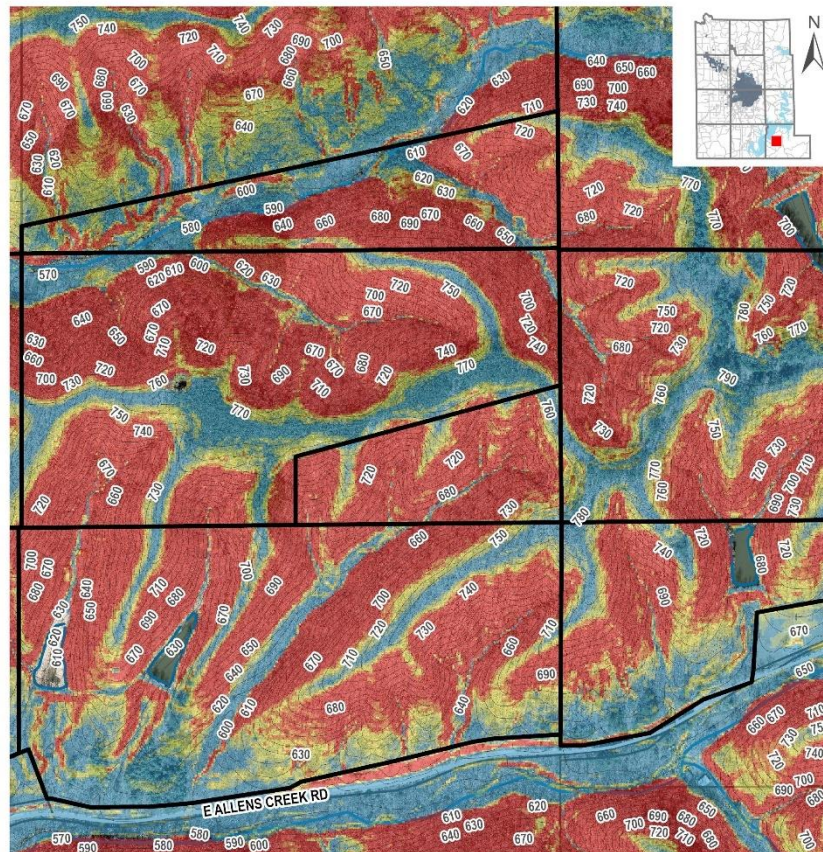
Percent Slopes

- 0 - 12%
- 13 - 15%
- 16 - 18%
- 19 - 21%
- 22 - 24%
- > 25%
- Local Roads [50']
- Hydrologic Features
- Parcels








0 175 350 700 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/8/2023



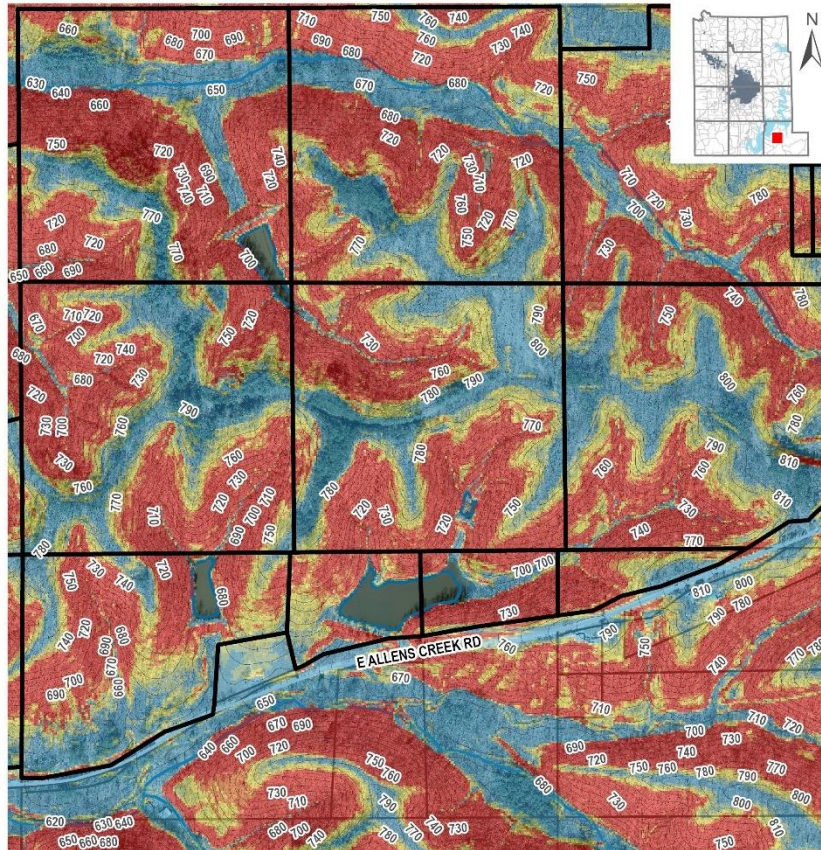
Site Conditions Map

-  Petitioner
-  10-Foot Contours
- Percent Slopes**
 -  0 - 12%
 -  13 - 15%
 -  16 - 18%
 -  19 - 21%
 -  22 - 24%
 -  > 25%
-  Local Roads [50']
-  Hydrologic Features
-  Parcels













0 175 350 700 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/8/2023



Site Conditions Map

-  Major Collector [70']
-  Petitioner
-  10-Foot Contours
- Percent Slopes**
 -  0 - 12%
 -  13 - 15%
 -  16 - 18%
 -  19 - 21%
 -  22 - 24%
 -  > 25%
-  Local Roads [50']
-  Hydrologic Features
-  Parcels

0 175 350 700 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/8/2023

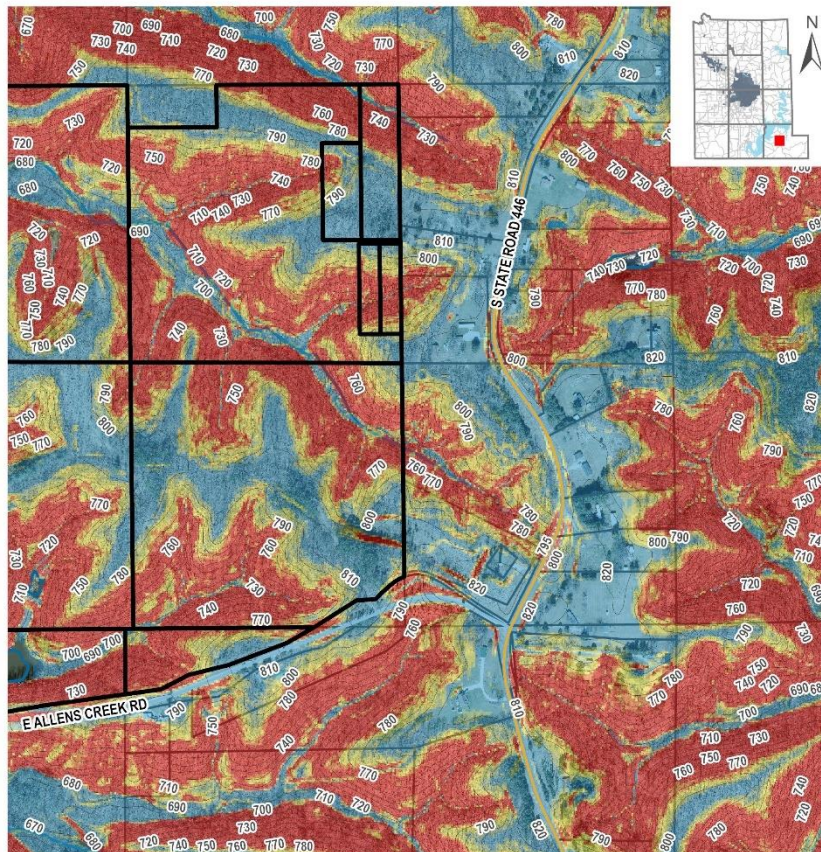


EXHIBIT 2: Site Photos



Photo 1: E Allens Creek RD; adjacent to Tract 2 driveway entrance – facing West



Photo 2: Tract 2 driveway entrance – facing North



Photo 3: E Allens Creek RD – petition site on the right



Photo 4: E Allens Creek RD; road cut to existing lake on Tract 2



Photo 5: Lake on Tract 2; facing North



Photo 6: E Allens Creek RD; adjacent to Tract 1 driveway entrance; facing West



Photo 7: Tract 1 driveway entrance; facing North

EXHIBIT 3: Findings of Fact
FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- The petition site is twenty-one (21) parcels totaling approximately 509.17 +/- acres;
- The petition site is not in a platted subdivision;
- The site is zoned Forest Reserve (FR);
- The preliminary plat petition is to subdivide the property into four new lots with the following details:
 - Tract 1: 359.90 +/- acres;
 - Tract 2: 149.27 +/- acres / 40.69 buildable acres;
- Both Tract 1 and Tract 2 are designated for conservation purposes;
- The preliminary plat petition does not require a subdivision waiver;
- Street trees and sidewalks are not required for this subdivision petition;
- Proposed Tract 1 and Tract 2 to receive access off of E Allens Creek Road via individual pre-existing driveway cuts;
- There is no designated DNR Floodplain located on the petition site;
- Portions of the petition site are located within Area 1, 2, or 3 of the Environmental Constraints Overlay;

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

Findings

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

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

Findings

- See findings under Section A;
- Tract 1 (359.90 +/- acres) is to be dedicated for conservation;
- Tract 2 (149.27 +/- acres) is to be dedicated for conservation;

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

Findings

- Neighboring properties are also zoned Forest Reserve (FR);
- The use of neighboring properties is either residential, vacant, or federally owned;
- See findings under Sections A & C;

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

Findings

- There is no designated DNR Floodplain on the petition site;
- There are no known sinkholes or karst features located on the petition site;
- Proposed Tract 1 and Tract 2 both exhibit existing ponds and streams;
- See findings under Sections A & C;

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

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

Findings:

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

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

Findings:

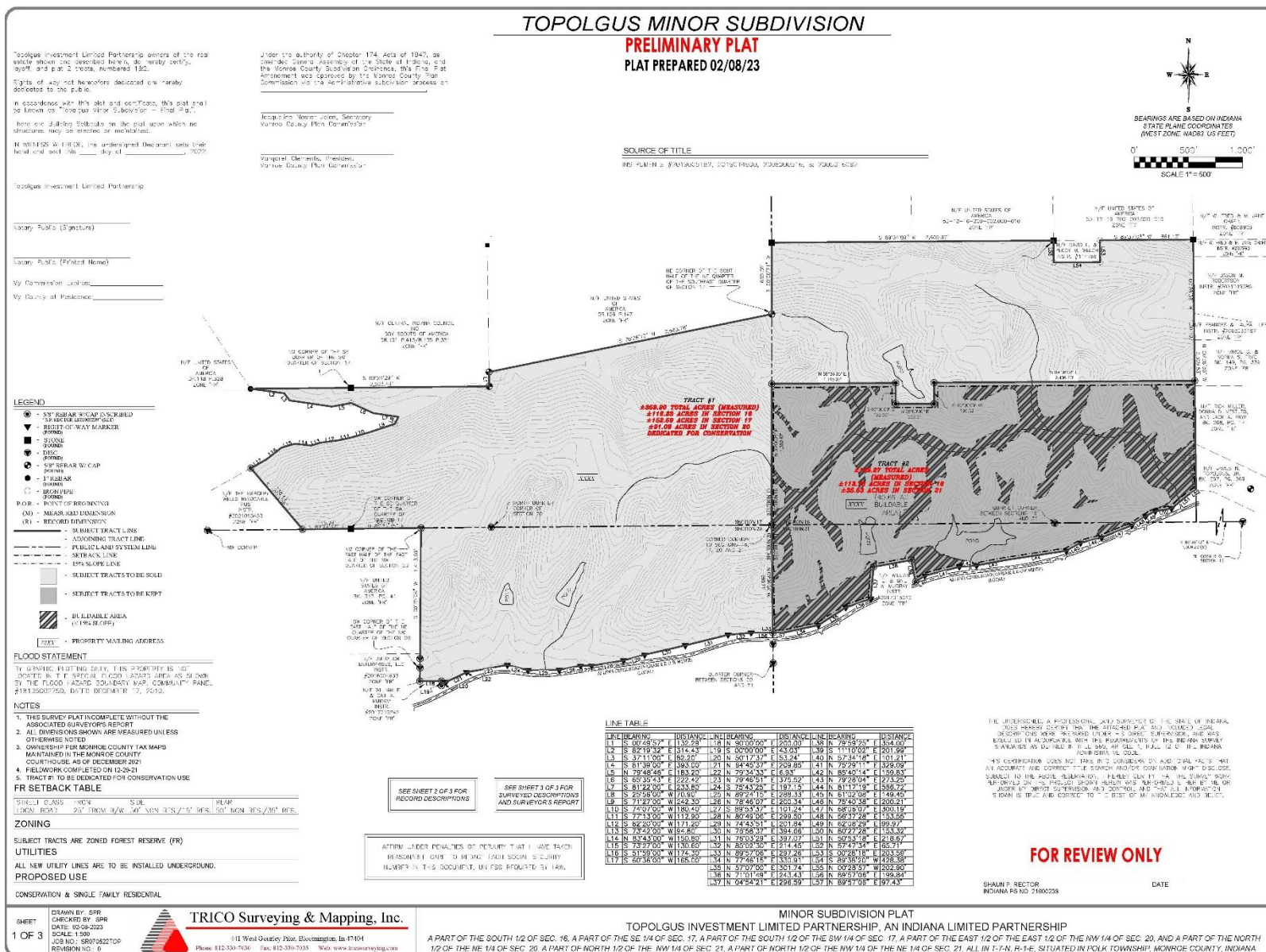
- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site. County Surveyor has also reviewed the plat for survey accuracy;

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

Findings

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

EXHIBIT 4: Topoligus Minor Subdivision – Preliminary Plat





MONROE COUNTY PLAT COMMITTEE

Public Meeting

Date: March 16, 2023

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-22-8	Zikes Road Minor Subdivision	4-Lot Minor Subdivision Preliminary Plat

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

PLAT COMMITTEE	<input checked="" type="checkbox"/> Recommendation	<input type="checkbox"/> Decision
RECOMMENDED MOTION	Approval	Planner: Shawn Smith
<p><i>Recommended Motion Conditions or Reasoning:</i> Approve the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance with the following edits:</p> <ol style="list-style-type: none"> 1. Surveyor locate the proposed septic locations on the preliminary plat. 2. Surveyor address MS4 Coordinator comments. 3. Surveyor to illustrate location of preserved or planted street trees per Chapter 856-43. <p>Recommend approval of the sidewalk waiver based on the findings.</p>		

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

PETITIONER	Todd Borgman	
OWNERS	Fourth Generation Property Management, LLC	
ADDRESS	S Zikes RD; 53-11-09-100-003.000-006	
TOWNSHIP + SECTION	Clear Creek; 9	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	98.57 +/- acres	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
COMP PLAN	Designated Communities	Farm and Forest, Designated Communities
USE	Vacant Land	Residential, Other Residential Structures

SUMMARY

The petitioner is proposing a 4-lot Minor Subdivision Preliminary Plat with no waiver requests. The property is zoned Agriculture/Rural Reserve (AG/RR). All proposed lots will meet the minimum requirements for subdividing land in their respective zoning districts. Septic Permits have already been applied for and approved. Right-of-Way permits have been applied for and are pending the approval of this subdivision.

Comments from Stormwater:



Kelsey Thetonia

Remove Note • Oct 11, 2022 at 8:25 am

For sinkholes greater than 0.25 acre, provide 50 ft. SCA.
See marked up version for potential additional SCAs and some modifications.
Provide DEs for flowlines provided, and for sinkhole outlets as much as possible (assume the sinkhole is plugged, provide at least 30 ft. DE for overflow routing).



Kelsey Thetonia

Remove Comment • Oct 11, 2022 at 11:10 am

Zikes Rd. Minor Subdivision

Hi Todd, I have some significant comments on this plat:

- There are several areas I circled where I'd like you to check for SCAs again.
- There are also two areas on Lot 2 that need to be defined by the largest closed contour. I roughly outlined that area but I'd like you to look at those two spots again.
- Also on Lot 2, I suspect there may be a spring, which I've circled, and that's just from looking at the NHD flowlines and the contours. That is why I have a flowline coming from it.
- Please put any mapped floodplain area in a drainage easement.
- For the large stream on Lot 1, a 100 ft. DE centered on the flowline. There are a few other flowlines I've marked that should have DEs. I would normally ask for 100 ft. centered on the flowline but you're welcome to propose a different size and I'll review it.
- And in general, sinkholes should have a DE for overflow. I've marked a few on the map but not every one. Please look at that again.

Feel free to call me if you have any questions or want to discuss these comments. Thanks

Comments from Highway Department:



Ben Ayers ✓

Remove Comment • Sep 27, 2022 at 8:00 am

Right of way Activity permit applications have been submitted and will be approved pending Final Plat. See RW-22-156, RW-22-157, RW-22-158 & RW-22-159.

Existing driveway entrance on Lot #2 does not meet the sight distance requirements of Chapter 755 and the Manual for Construction Within and Adjacent to Monroe County Right-of-Way and is not safest location for access. The driveway entrance needs to be re-located 206' to the south to meet the requirements or be the safest location for access to issue a permit.

All proposed driveway entrance shall be marked on the Final Plat.



TODD BORGMAN

Remove Comment • Oct 3, 2022 at 1:06 pm

Added approved driveway locations.

DISCUSSION

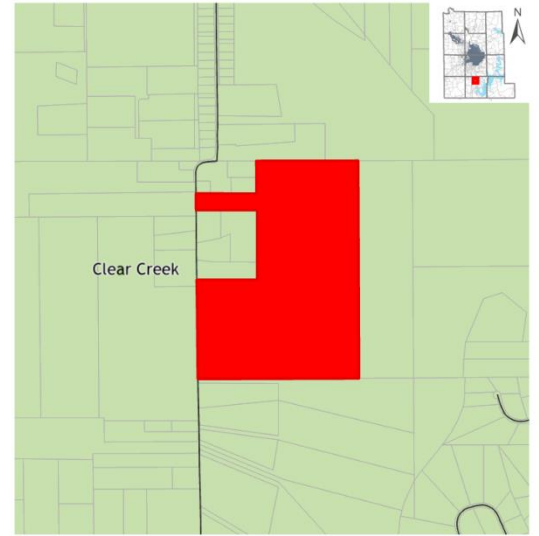
The proposed subdivision will create three lots out of 98.57 +/- acres. Below is a summary table of facts regarding the three lots. The property does contain a DNR floodplain zone.

There is at least one waiver request for this subdivision petition; sidewalk (We're working with the Surveyor regarding the planting/preservation of the required street trees).

Below is a summary of the lot configurations and requirement.

Location Map

■ Petitioner
— Roads
 Civil (Political) Townships
 Parcels



	Lot 1	Lot 2	Lot 3	Lot 4
Acreage / Buildable Area (+/-)	28.437 acres / 14.48 acres	27.394 acres / 10.59 acres	21.275 acres / 17.99 acres	20.261 acres / 16.25 acres
Wastewater	WW-22-170 (Issued)	WW-22-171 (Issued)	WW-22-172 (Issued)	WW-23-7 (Issued)
Property Access	S Zikes Rd; RW-22-156	S Zikes Rd; RW-22-157	S Zikes Rd; RW-22-158	S Zikes Rd; RW-22-159
R/W Dedication; S Zikes RD (local)	Yes	Yes	Yes	Yes
Environmental Conditions	Slopes > 15%	Slopes > 15%	Slopes > 15%	Slopes > 15%
Existing Structure(s)	Vacant	Vacant	Hunting Blind	Hunting Blind

EXHIBITS - Immediately following report

1. County Slope Maps
2. Site Photos
3. Preliminary Plat

4. Planning Staff Findings of Fact

EXHIBIT 1: County Slope Map

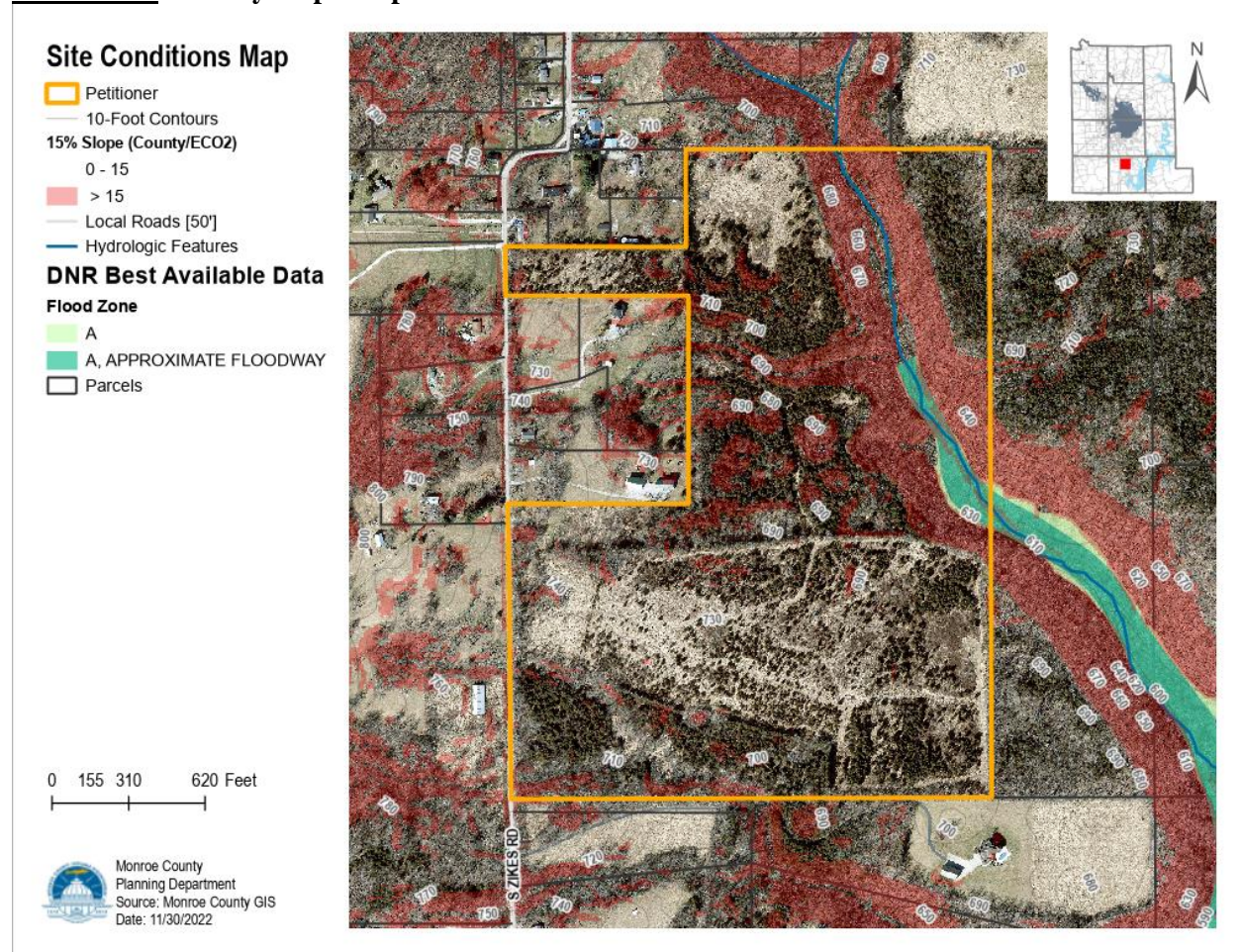


EXHIBIT 2: Site Photos



Photo 1: Aerial imagery.



Photo 2: Existing path located on proposed Lot 2.



Photo 3: South Zikes Road.



Photo 4: Looking West, towards Zikes Road.



Photo 4: Sinkhole area.



Photo 5: Adjacent Property (looking north).



Photo 6: Looking East.



Photo 7: Winding paths throughout property.



Photo 8: Area looks like it is currently being used for hunting.



Photo 9: What most of the property looks like.

EXHIBIT 4: Findings of Fact
FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- The petition site is one parcel totaling 98.57 +/- acres;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture/Rural Reserve (AG/RR) along with the surrounding area;
- The preliminary plat amendment request is to subdivide the property into four new lots with the following details:
 - LOT 1: 28.44 acres; LOT 2: 27.39 acres; LOT 3: 21.28 acres; LOT 4: 20.26 acres
- The preliminary plat requests one subdivision waiver;
- Street tree requirements are applicable due to the designation of the Designated Community in the Comprehensive Plan;
- Sidewalk requirements are applicable due to the designation of the Designated Community in the Comprehensive Plan;
- All proposed lots have right-of-way-activity permits to provide access off of S Zikes RD;

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

Findings

- The Comprehensive Plan designates the property as Designated Communities;
- See findings under Section A;

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

Findings

- Surveyor to address the MS4 Coordinator notes per the condition of approval;
- See findings under Section A;

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

Findings

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

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

Findings

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

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

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

Findings:

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

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-40 (A) (Sidewalks), which reads:

- (A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way when any of the following are applicable:
 - (4) the proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or;

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

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner is requesting a waiver from the S Zikes Road required 4' sidewalks. The northern portion of S Zikes Road would require 195' of sidewalk and the southern portion would require 1,200' approximately.
- The sidewalk improvements are required due to the petition site meeting the criteria described in 856-40 (A) (4) above;
- The parcel of the petition site is **not** within a designated growth area in the Smithville-Sanders Rural Community, however, the property is classified as Designated Community under the 2012 Comprehensive Plan;
- The topography has dense vegetation and small road width that would make sidewalk installation difficult;
- The site gains access from E Smithville RD, designated a Major Collector in the Monroe County Thoroughfare Plan;
- Sidewalks do not currently exist adjacent to the petition site in either direction;
- The requirement is that sidewalks be constructed within the right-of-way along the petition site's frontage of S Zikes Road (north side 195' and south side 1,200'), unless the waiver is

granted;

- There are obvious existing physical constraints, including steep slopes, existing fence posts, and high powered utilities lines, where the sidewalk would be required along S Zikes Road;
- The total length of required sidewalk for which the waiver is requested is approximately 1,395’;
- In the right of way of proposed Lots 2 and 4, the preliminary plat shows there would be conflict with proposed sidewalks in relation to karst areas and greater than 15% slope;
- Much of the right of way has mature trees that add to the character of the area. Sidewalk installation would likely require the removal of many of those trees;
- There are no nearby sidewalks within a 1 mile radius of the parcel;
- Practical difficulties have been demonstrated;

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

Findings:

- See findings under Section (1);
- The petition site is located in the Monroe County Designated Community as designated by the Comprehensive Plan;
- The Comprehensive Plan calls for transportation alternatives throughout Monroe County;
- The 2018 Monroe County Transportation Alternatives Plan does not have identify S Zikes Road as a priority road;



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

Findings:

- See finding under Sections (1) and (2);
- The absence of a sidewalk would not have a detrimental relationship to the delivery of governmental services (e.g. water, fire protection, etc.) to the proposed subdivision lots;

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

Findings:

- See findings under Sections (1), (2), and (3);
- Requiring sidewalks would alter the essential character of the neighborhood;

5. **The conditions of the parcel that give rise to the practical difficulties are unique to the parcel**

and are not applicable generally to other nearby properties;

Findings:

- See findings under Section (1);

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

Findings:

- See findings under Sections (1), (2), and (3);
- Granting the requested modification would contravene the policies and purposes of these regulations;

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

Findings:

- See findings under Sections (1), (2), and (3);
- The requested modification is necessary to ensure that substantial justice is done and represent the minimum modification necessary;

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

Findings:

- See findings under Sections (1) and (7);
- The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant;

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

Findings:

- See findings under Section (1);

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