

DRAFT

**MONROE COUNTY PLAN COMMISSION  
Hybrid Meeting - Minutes  
February 21, 2023 – 5:30 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES – December 13, 2022**

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

**ROLL CALL:** Bernie Guerrettaz, Geoff Morris, Margaret Clements, Julie Thomas, Cheryl Munson, Dee Owens, Trohn Enright-Randolph, Jerry Pittsford

**ABSENT:** *None*

**STAFF PRESENT:** Jackie Jelen, Director, Anne Crecelius, Planner II, Drew Myers, Senior Planner

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

**INTRODUCTION OF EVIDENCE:**

**Jackie Jelen introduced the following items into evidence:**

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

**The motion to approve the introduction of evidence carried unanimously.**

**APPROVAL OF AGENDA**

**Motion to approve the agenda as amended, carried unanimously.**

**APPROVAL OF MINUTES**

**Motion to approve minutes from meeting of December 13, 2022, carried unanimously.**

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**ADMINISTRATIVE BUSINESS: None.**

**UNFINISHED BUSINESS:**

**1. REZ-22-12 Rolfsen Rezone from RE1 to AG/RR**

**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](mailto:dmyers@co.monroe.in.us)

**NEW BUSINESS:**

**1. SSS-22-13 Sites-Gaither Sliding Scale Subdivision**

**Preliminary Hearing.**

**Road Width Waiver Requested.**

**Waiver of Final Hearing Requested.**

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

Owner: Sites, Jordan

**Zoned AG/RR.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

## UNFINISHED BUSINESS

### 1. REZ-22-12 Rolfsen Rezone from RE1 to AG/RR

#### Final Hearing.

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**Zoned RE1.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

#### STAFF ACTION:

Jelen: Margaret, I'm going to make a quick announcement that should have been under Administrative Business. I apologize. But I just wanted to let people know that we had a discussion at the Administrative Meeting about hosting a CDO, County Development Ordinance Focus Group. We have picked a date of March 23<sup>rd</sup> for those meetings to be held. It will be 5:30 to 6:45 and we are going to be hosting the 3 focus groups concurrently. We have chosen the names for those as Environmental Protections, Construction Review and Economic Development. We will be coordinating with the Plan Commission members about which groups that you have signed up for and that we are going to have you put in. I have got the next slide that will also show it. But we will be posting more information on our [monroecdo.com](http://monroecdo.com) website with the information about each group so that people can sign up and attend the focus groups. For anyone online that wants to get more information about the focus groups we will be posting that on the [monroecdo.com](http://monroecdo.com) website.

Clements: Ok. Thank you for organizing all of that. That will be important. Members of the public if you are interested to have some input in the new County Development Ordinance, I encourage you to attend on March 23<sup>rd</sup> from 5:30 to 6:45 to learn what is happening and how it may affect your property, so put that on your calendars and if you can please show up. We would like to hear your feedback. With that being said, Mr. Myers, would you please begin?

Myers: Thank you. This is REZ-22-12, Rolfsen Rezone from RE1 to AG/RR. This is the final hearing. We heard this during the last Plan Commission meeting, which was on January 17<sup>th</sup>. In the staff report that was included in the packet I did include some red text and red highlights for changes that have been made to that petition. For example, a brief synopsis of what happened at the last meeting, there were some questions regarding the Highway Department's final recommendation regarding proposed access for the property and the overall Thoroughfare Plan of the area. We will talk a bit about that tonight. Also, the Plan Commission asked the petitioner what steps he had to screen the proposed winery use from the neighboring properties. There were several members of the public that came to speak in opposition to the proposal and staff had requested those individuals submit letters to the Planning Staff. Those letters have been included in the packet and they will also be presented here this evening. We do have one letter that missed the publication of the packet, so it is only in the presentation this evening. I will pause a little longer when we get to that letter specifically so you will have an opportunity to read it. I think that pretty much covers it other than the petitioner it was requested that they provide more information about the business activities, delivery occurrences, plans to mitigate the impacts of the winery, etcetera. With that I will get to a bit of summary since it has been a little while since we have heard this. The petition

site is one parcel totaling 19.34 acres located in Bloomington Township at 4851 North Kinser Pike. The petitioner is proposing to amend the zoning map from Estate Residential 1 to Agricultural/Rural Reserve with the intention to establish the land use of a winery on the property. A winery is not permitted in the RE1 zoning district, but it is permitted in the AG/RR zone. If approved by the County Commissioners, the petitioner intends to complete the planning process for the establishment of a winery and follow site plan review process. This site plan review is typically completed at staff level. It is reviewed administratively by the planning staff. If the rezone is denied, the petitioner may continue to operate the property as a single-family residence, which was the previous use of the property or may pursue any of the available uses as outlined in Chapter 833 of the Monroe County Zoning Ordinance for the RE1 zone, subject to any special conditions for each of those specific uses. I do have the definition for winery as identified in Chapter 802 listed here. I also have the definition of event center. There are 2 kinds of event centers in the zoning ordinance. There is event center that you see here on the screen in Chapter 801. This event center is permitted only in the GB zoning district or General Business, and you can see the definition there. It is essentially a more urban use event center if you will. There is also agricultural event center. Although it does not have a unique definition within the zoning ordinance it does appear in Chapter 813 as a Conditional Use for the AG/RR zone. The next few slides are the standards that are required for a Conditional Use of this event center in the AG/RR district. There is lots of guidance here for establishing an event center. It would be an accessory use to a primary agricultural use in this zone. In order to establish this type of use a petitioner would have to go through a Conditional Use Variance process, which goes to the Board of Zoning Appeals. These are the types of standards that would be evaluated in a situation that would have gone to the Board of Zoning Appeals for an event center in the AG/RR zone. We included this information because in the past the petitioner did state that they had some plans to engage in some event planning on the property. However, through initial conversations with Planning staff and seeing what the petitioner had in mind for the property it was conveyed to them that their mixed-use idea for the property would fit better as a Planned Unit Development. That type of process was communicated to the petitioner and the petitioner came back to Planning staff and stated that if they wanted to do that, they would follow the appropriate process. However, they wanted to pursue simply the winery use as defined in Chapter 802 for this rezone request. I included the definition of Agricultural/Rural Reserve district as well. We can come back to this if we have any questions about the character of this district. Next, I have some exhibits. Here is the current zoning map. You will note that the construction site is highlighted in light blue here where my curser is here on the screen. West Bell Road to the south and North Kinser Pike along the east of the property and then I-69 as well to the east. This large parcel here that I am highlighting with my curser that is just west of the petition site. This is actually zoned Agricultural/Rural Reserve. It does not show up on the county zoning map yet. It is a recent rezone that came through that was granted for the purposes of a Sliding Scale Subdivision, which created 2 lots. Over here on the right side of the screen I have the Comprehensive Plan, which has the property designated as Farm and Forest. Here we have the location map as well as the site conditions map on the right. You will note that there is very little slope over 15% on the property and no known karst features or FEMA Floodplain or any other hydrologic features. Here we have some comments from the Highway Department. During the department coordination meeting Planning Staff was able to get some more information from the Highway Engineer regarding the recommendations for this petition. I know that this is a lot of text on the screen. But essentially Paul Satterly, the Highway Engineer who I believe is on the call tonight stated that the Highway Department would be in support of the access point of North Kinser

Pike rather than West Bell Road. Ben Ayers, Project Manager at the Highway Department stated that he will review the specifics of the driveways proposed location and make recommendations based there on after a Right of Way Activity Permit is submitted. To date there has been no Right of Way Activity Permit submitted. But that is something that we can condition on the rezone request and also have the petitioner submit that. Other things to note from my discussion with the Highway Engineer is that North Kinser Pike was recently reconstructed as part of an I-69 project. Portions of North Kinser Pike do begin to narrow as it continues into the City of Bloomington jurisdiction and the Highway Engineer stated that once you get that far into the city's jurisdiction that it is more of a city question. I will note that the petitioner shared an email conversation with Andrew Cibor. I hope I pronounced that right. That was dated Thursday, February 2<sup>nd</sup> and there was some initial extra conversation afterward. Basically, Mr. Cibor said that he was unaware of any upcoming capital projects in the area to improve North Kinser Pike or widen it, but he knew that it was recently worked on as part of the INDOT project for I-69. There was some discussion during the past meeting at the Plan Commission level regarding the safety of certain trees along North Kinser Pike and West Bales Road. Mr. Cibor conveyed an interest in receiving more information about those trees that may be in the City of Bloomington's jurisdiction and that he would gladly look at pictures or other pieces of information to look into the safety of those trees along the roadway. Here is also an email conversation between the petitioner and the representative from the City of Bloomington and copied is the Highway Engineer as well. This is an email conversation that kind of touches on some of the things that I just spoke about and the City's jurisdiction and recommendation for portions they are in charge of along the roadways in the area. Ok, so here is aerial pictometry of the property. The farmhouse here has since been removed so the property is vacant. Here are some pictures on the ground. This is West Bell Road here and then North Kinser Pike extends in the foreground there going north to south. Here is a picture of the property itself. It is fairly flat land. The petitioner's statement. This was the statement that was shared last time. We do have a few other new exhibits that I am going to click to. This was the petitioner's initial response to the Plan Review Committee, which was the first committee that heard this petition. There is some good information in here about that initial discussion regarding noise and nuisance and Indiana Wine Making and other aspects of the project itself for the petitioner. Here is the proposed site plan. This is not a final draft or anything. This is just more conceptual. Again, the site plan review process is an administrative process that would happen if this rezone is approved. I have some more details here that are just the same as the last time that we saw them. Some draft building plans and construction plans for structures on the property. Here we have the Use Table for the AG/RR district as well as the Estate Residential 1 district. You will note that the AG/RR district does have a lot more available uses compared to the RE1 district. I know that there was some conversation in the past about restricting the number of uses or restricting to a specific use for this particular rezone. That is something that could come in the form of a condition, and we can always come back to these tables for more discussion. Ok, here are a few newer exhibits. These were included in the staff packet. This is the petitioner's Kinser Pike Road Width and Traffic Study narrative. Information that the petitioner provided. Again, it is in the packet, and this is just kind of highlighting alternative routes to the petition site, Kinser Pike road width, as well as other aspects that were mentioned in the previous meeting regarding specifics to the proposed business as well as traffic in relation to the winery. Here are some exhibits that followed that narrative from the petitioner, and we can come back to any of these if we want to. This is a new exhibit that was submitted this afternoon. This is the petitioner's final thoughts regarding the rezone. I won't read this word for word, and I am sure that the petitioner has a

prepared statement this evening that he will share. We can come back to this during that time if you would like. I will pause for a moment for people to read a little bit. We did receive some letters of opposition. This one was included in the staff packet. We did have a few members of the public that attended the meeting last time. They did submit letters to Planning Staff that were then published in the packet. I will click through a few of these that hopefully you have read that were included until I get to the one that was not included. This one on the left side of the screen from Ms. Hasty, that one was not included in the packet because it just missed the publishing deadline for the packet. I will take a pause here for you to read that as well. We can come back to these if we so wish as well. That brings us to the staff recommendation and one more note to make that was included in your packet, this property specifically in initial conversations with the petitioner with the new Consolidated Development Ordinance coming in and the draft zoning map, this property initially was slated to transition from the RE1 zone to the AG2.5 zone. The petitioner stated that this proposed zoning transition was one of the initial reasons he felt comfortable with pursuing a rezone to the AG/RR district being that the AG2.5 will be similar to the AG/RR district. Planning staff communicated to the petitioner in these early conversations that the CDO zoning map is indeed a draft and that it is subject to change and does not infer what the final zoning of a property will be when the CDO is adopted. However, the petitioner felt that information was still enough to go for a rezone to the AG/RR district at this time instead of waiting out the CDO process to see what the property would indeed transition to. Overall Planning Staff recommends forwarding a positive recommendation to the Monroe County Board of Commissioners based on the petitions compatibility with the Monroe County Comprehensive Plan and subject to the Highway Engineer and MS4 Coordinator reports, subject to the following condition;

- 1) Petitioner submit a Right of Way Activity Permit application.

I will now take any questions.

### **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 and subject to the Highway Engineer and MS4 Coordinator reports subject to the following condition.

- 1) Petitioner submit a right-of-way activity permit.

### **FINDINGS OF FACT - REZONE**

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

#### **(A) The Comprehensive Plan;**

##### **Findings:**

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

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

**Findings:**

- See Findings under Section A;
- The rezone request is to change the zoning for the entirety of the site to the Agriculture/Rural Reserve (AG/RR) District, which is described by the County's Zoning Ordinance, Chapter 802, as follows:

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

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

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

**Findings:**

- See Findings under Section A and Section B;
- The adjacent parcels to the north, east, south, and southwest are currently zoned RE1;
- The larger parcel adjacent to the west is zoned AG/RR;
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no known commercial uses directly adjacent to the subject property;

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

**Findings:**

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

**(E) Responsible development and growth.**

**Findings:**

- See Findings under Section A, Section B, and Section C;
- The petition site is one parcel with 19.341 +/- acres;
- The purpose of the rezone is to provide the property owner with the right zoning to pursue a winery use on the property;
- According to the Monroe County Thoroughfare Plan, N Kinser PIKE is designated as a minor collector roadway, and W Bell Road is designated as a local roadway;

**QUESTIONS FOR STAFF – REZ-22-12 – Rolfsen**

Clements: Do members of the Plan Commission have questions for Mr. Myers? I don't see any. With that being said, Mr. Rolfsen welcome back. If you would please come to the podium, sign in, state your name and the county where you live. You will have 15 minutes to give us your petition.

Enright-Randolph: Pardon me, Ms. Clements. Ms. Thomas did raise her virtual hand.

Clements: Oh, I can't see it here. Commissioner Thomas?

Thomas: Sorry if I might, one of the emails that we got in late mentioned something about sinkholes. Did anybody on staff see anything related to sinkholes? It was Jane Hasty; you were on it just a minute ago. I know you mentioned there weren't any, but her email specifically mentioned that there are some. Do we know anything about that?

Myers: Looking at the contour data that you can see on the screen staff doesn't recognize any sinkhole locations. But a more thorough survey could provide more information regarding that.

Thomas: Thank you.

Clements: Thank you. Mr. Rolfsen, if you would kindly state your name and the county where you live.

**PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-22-12 – Rolfsen**

Rolfsen: I am sorry, what?

Clements: Your name and the county where you live.

Rolfsen: Sure. Tim Rolfsen and I live in Marion County.

Clements: You have 15 minutes now to make your petition to the Plan Commission.



Rolfesen: Drew, do you have that PowerPoint?

Myers: Yes, I do. One second while I try and locate that.

Rolfesen: By the way, there are sinkholes on the property. There was on pretty much dead center and some other karst. We will be working around those when we plant vines. I had a surveyor and a geologist come out and look at the property, so I am very aware of them being out there. Hopefully that is not too big to load. I put this together so we can get some high-level information and then I have got final thoughts that I would like to share with you on my take on this. The name is the winery is proposed to be Limerock Ridge. We had Tanglewood. We couldn't do that because it had a national trademark on it. So, we are clear on Limerock Ridge, and we are pursuing that. But as a working farm growing high value grapes Limerock Ridge, by the way grapes are very high value and they are very long in duration. Typical vineyard is going to last about 30 years so this isn't a build it, run away and do a fly by night business. It is designed to maintain the character and feel of the surrounding agricultural properties. A tasting room, a production facility will look and feel comfortable in this rural setting. It will blend seamlessly with its environment, while increasing land values and revenue for tourism, employment and taxes. Some of the things that we talked about at the last meeting, we want to be on 3 right now, there we do. The topics we have would be the impact on the homeowners and I presume by that we mean by default impact on home values. Real estate studies show that in fact a pattern of increased property values of homes that are located near wineries and vineyards. Noise, tasting room hours and occasional coffee show type of entertainment. When you go into a coffee shop, and someone is playing guitar that is basically what we are going to have. We are not going to have The Who replicate band come out there and blast their speakers. That is not what we are about, and the other thing is we will be closing the tasting room between 6 and 6:30, so everything is going to be buttoned up, everyone is going to be going home for dinner and the neighbors if they could hear it in the first place, they will be able to rest peacefully and enjoy their dinner around their patio. That will limit the noise and the intensity. As far as traffic patterns are concerned, I talked to Andrew Cibor and he emailed me back and said you are currently dealing with about 600 plus cars a day on Kinser Pike. We are expected to increase that maybe when things get really rolling by about 8 percent and that will be for our area. I think this is an important point but alcohol consumption, Limerock is not intended to be a bar or an event center. We talked about it early on having an event center there. We have dialed that back. It is not going to be a bar or an event center. Tastings amount to samplings for example 5 different wines an ounce or less of each, which is equivalent of one glass or less of wine. It is not going to be like a bar where people come in and hang out for a couple of hours and watch a basketball game. A typical tasting last for one hour or less. As far as economic impact is concerned our impact will include an increase in tourism, which is a state goal, the county, and the state. With that we will also collect additional tax dollars, have an impact on surrounding land value and create jobs as our business grows. As far as offerings, tastings, again consists of 5 wines, one ounce or less. Industry average of tastings last about an hour. It could last a little longer if people sign up to take a tour of the facility. It is not an uncommon thing. My nephew just had his pictures taken at Oliver Winery back in the tank room. That seems to be a highlight for some people. But that can extend. There is no drinking involved then maybe a small sample of a barrel aged wine. Again, occasional entertainment featuring mostly local and regional artists. In keeping with the lax nature of our facility the music will be low key and it will end at 6:30 or sooner. As far as food is concerned, we will not have a restaurant or commercial kitchen, rather we would

work with local vendors to have food trucks on site with permission from the Health Department and other requirements for that. Again, if allowed we would have a prep area where we could receive delivered snacks that can be refrigerated and served without further preparation. Meetings and events, yes, sure. I did a lot of business with Cook when I did my other business, and I would love to have the folks from Cook come down and have one of their executive meetings in our facility. We would love to host them. We would do that, small intimate events, and perhaps local art fairs. Given the small size of the facility, crowd size will also be limited. This is a view of one of the renditions of what we are pursuing. It is designed to replicate a farmhouse/barn style concept. It will utilize limestone and earthtones to blend in with the landscape. The setback from the road if memory serves me, we have got about 200 feet setback from the center line of Kinser Pike. It will allow us to use landscape and continue to soften the appearance and going north from Bell Road there is approximately 300 feet, so about a football field of buffer space between where the winery is going to be located and the road. Filling in that space we will have landscaping, grape vines and other things that will grow to approximately 5 feet tall. Really the winery I would think is going to be offending anybody with that kind of buffer area. Ok, this is a rear view, a back view of the winery and this is facing west. The outdoor area has a large patio space and panoramic views so customers can come out and just relax while they are enjoying their wine. Driveways to the north, which is this side of the building will have our commercial people are asking about deliveries of grapes or things like that. It will be on the north side far away from where the neighbors are on Bell Road and I don't have this in here but to answer the question when and how much, I can't say precisely but our business is all about making wine in the fall. Typically harvest occur starting in September and they end in October that is when you are making wine if you are going to be making wine from juice or fruit from other growers, which everybody does then that is the same time frame that we will be receiving the fruit and the juice. It is not a yearlong venture. This is the floor plan. It kind of as you can see, we have got this area here is ultimately going to be the receiving area and then customers can either move to the left to into the tasting room or they can move to right to see a tour of the facility or if we have got business partners coming in that is how they will enter there as well. But again, it is not a sprawling space that we are going to be able to host inside hundreds of people. It is really meant to be intimate. Some of the findings based on the last meeting that we had, you can go to the next one, Drew. Thank you. I came down here a few weeks back, bought a tape measure at Lowes and kind of got in the way of a few cars because I wanted to measure what was going on and what I found was, there is a segment of Kinser Pike that is in question, and I first determined this via google maps. The segment of road in question runs from Bayles Road to the driveway at 4755 North Kinser Pike. In that section, yes, there are indeed some shoulders that are kind of worn out. It is a 17-foot-wide stretch from white line to white line and there is one stretch in front of 4600, which is right here that goes down to 16 feet. North of the 4755 Kinser Pike address the road is what INDOT just worked on and that goes up to I have got 21 to 22 and I went back and measured it another time and it seemed like it was closer to 24 to 26 but we can measure that if need be South of Bayles Road, it is more comfortable at 18 to 18 and half feet. There is a lot less wear in that area too, so I think you are probably dealing with a little bit of elevation change out there and again, when I spoke to Andrew Cibor that is something that they want to take into consideration. I will cover that in a minute. This is just another shot of the area that is in question leading up to the property that we would like to build the winery at. Again, the area in question and that is really causing heartburn for some people is about three tenths of a mile in length. The next slide, this slide is actually showing the length of Kinser Pike which is at the roughly 24 feet in width area and it is that way throughout all of the

elevation changes and all of the curves and then it ends up on Bottom Road where things go flat, things are a little less treacherous and you probably just don't have to worry about it. I don't know what drove the decision to end it there. I don't know what drove the decision to build it out like that in the first place or to build out Simpson Chapel Road. But it seems to me as part of a larger plan, but I don't have information on that. So, alternate routes and I did this one a couple of times. Sample Road is completely rebuilt. Simpson Chapel Road is completely rebuilt, and this route eventually becomes Bottom Road. You come to the bottom of Simpson Chapel bear to the left, and you are on Bottom Road. While it adds about 2 minutes, a substantial portion of the route along Bottom Road, a substantial portion is new and wide. Bottom Road is not new. Visibility is very good, and it is flat. It has got a couple of 90 degree turns. What I would propose is I am happy to work with the Highway and even foot the bill, you know, you go down Bottom Road and all of a sudden you have a hard right-hand turn. I will pay for a reflective sign there. During our busiest period people are not going to be doing that at nighttime so it is probably not as relevant. But I will pay for that sign if so requested. To encourage visitors to use this route we propose placing signage near the Sample Road exit and there is already signage for Butler Winery and Oliver Winery there. We will get our sign up there and we will also put samples, downloadable rather directions on our website to encourage people coming from the Indianapolis area or other areas south to use those directions. Another way that I have been to the property is the Kinser Pike from the bypass. It is used daily by cars without issue. I would go down to the Subway, at least when it was open and got my sandwich at lunchtime. To me it is a very safe route, but you still have to go over that three tenths of a mile there. Again, referencing Andrew Cibor and the city's response to my request about doing work on that three tenths of a mile section of road and I did reach out to the District 2 rep as well, I don't recall what her name is but Andrew's quote from the email was, "given the city's transportation plan priorities, the noted limited crash history on this corridor and lack of anticipated significant changes in the area I don't expect the project would prioritize terribly." That kind of leads me into this information which you know, as soon as I got back from that last meeting I thought ok, but what is the crash data in Monroe County. I pulled up these 3 crash reports that ran and they overlap a little bit. January 2016 through 2018. January 2017 through 2019 and then 3 years, 2019 through 2021. Not one of those accident reports that is produced by the Monroe County Highway Department indicate, mentions Kinser Pike once, which kind of reinforces what Andrew Cibor said is that such a low incident rate on that road does not make it a priority. It just appears as though it is not quite as dangerous as people fear it might be. I understand people can have fears, but my understanding is you have to back that up with the data and the data shows that is not the issue that it is expected to be. So, as far as traffic patterns are concerned and what we are going to bring to the increased load on the road is in 24 months after opening we anticipate experiencing the highest traffic in the 3 months of July, August, and September. During those 3 months we forecast most traffic on Saturday and Sunday with the total visitors approaching 100 per day at an average of 2 persons per vehicle. That would mean winery related traffic would increase by 50 cars over a 7-hour period, which is approximately 7 cars per hour, which is 1 car every 8 minutes. I know this seems like a long, boring presentation I am making but in the amount of time I am going to be up here in 15 minutes, 2 cars would have gone by. That information is based on averages that we received from the Indiana Winery Association as far as what the typical traffic is and that was the very first piece that Drew put up there as far as notes are concerned early on in this process. Kind of getting back to traffic and possibilities, the way that the property is zoned right now these are all of the potential uses.

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Enright-Randolph: I am sorry, Madam President. I am sorry to jump in there, but I think we lost zoom for a moment. I was just going to ask if it would be appropriate if we paused for a moment until we get everything back up.

Clements: The staff is working on it.

Enright-Randolph: Ok. I was just asking if that was something that you wanted to entertain but.

Jelen: I think Tech Services is working on it but the whole zoom hybrid meeting has paused for a second.

Clements: Ok, well, we can take a minute. The people who are signed in online and members of the Plan Commission who are attending via zoom wouldn't be privy to what you might say.

Rolfson: I understand.

Clements: Thank you. It is just a technical glitch. While we are doing that, I noticed that in your photos in your presentation that the dome of the courthouse went from the kind of oxidized copper to (inaudible). Did we clean that or something? Anyway, we are back online. Thank you. Ok, Mr. Rolfson I think you might have about a minute or a minute and half to finish up if that is ok given some of the difficulties.

Rolfson: Sure. Let's go this really quick. A couple of the permitted uses right now and I am assuming this is what C and P mean, Permitted and Conditional on this list. What is permitted right now under Conditional is bed and breakfast, church, daycare center, golf course, swim clubs, public libraries, museums, schools, these are all things that I could do with it right now accordingly on a conditional basis and police stations. The whole idea of pointing this out is because part of the concern is the increased traffic on Kinser Pike. The potential already exists for that possibility in a way that would far exceed anything that we would be generating. What is permitted is cemetery, parks and playgrounds, residential care homes, single family detached dwellings and what would probably be a really beautiful utility substation and transmission facility. So, there are a lot of things that I think can take away from the rural feeling of that area and add a lot of traffic to what is going on without ever putting this through a rezoning process. What we are trying to do is keep things as agricultural feeling as we can. We will be growing grapes. I will be a farmer, a big difference from my former career. So, let's go onto this one. Potential impact according to Bob Brick partner at Brick and Corbell Real Estate in Traverse City, wineries and local wine culture can play a big role in benefiting local homeowners from increasing the tax base, raising property values, supporting local economy and so on. Brick goes on to say, "For the same reason that views of the water, views of the golf course and the views of city skylines will raise the property value. Views of rolling fields of grapes and a beautiful winery will too." This is what is specializes in, in real estate. I threw this up there simply because agritourism that is on the next slide is a big part. I will conclude. Denying the zoning approval process, I came up with this not to offend anybody, but it was my discussion with the land use attorney that led to this, denying the approval process based primarily on the condition of Kinser Pike may not be the most effective solution to addressing the road issue. The county and city governments may need to address the road issue regardless of what the new zoning decision is. Denying zoning approval on the basis may not

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necessarily solve the problem or address the underlying concern of road condition safety. I have got more but I will save it for my 5-minute rebuttal.

Clements: Thank you Mr. Rolfsen. Thank you very much. We are going to move on to members of the public who are both online and in person who are in favor of this petition. If you are here in the room, would you please come to the podium and sign in. If you are online on zoom, please raise your virtual hand and if you are calling in by telephone, please press \*9 in order to be recognized if you are in favor of this petition. Ok, we don't see that. If there are members of the public who are in this room or online, please make yourself known, or on the telephone and if you are here to speak against this petition, please begin by coming up to the podium, signing in, stating what county you live in and you will each have 3 minutes.

**SUPPORTERS - REZ-22-12 – Rolfsen: None**

**REMONSTRATORS – REZ-22-12 – Rolfsen**

Hasty: I am Jana Hasty, and I live in Monroe County. I am a resident of Bell Road for 40 years. My question is will you be able to buy wine to consume on the property while you are there?

Clements: When he has his rebuttal, he can go over that.

Hasty: That is fine.

Clements: We saw your letter in the packet. If there is anything you would like to add or not?

Hasty: No, that was it.

Clements: Thank you Ms. Hasty. Hello, sir. It is good to see you back.

Greene: My name is Paul Greene. I am not a good public speaker so bear with me. I was here last time. I gave a presentation on the roadway, showing how narrow it is, how many times people have had to get off of the road just for normal traffic reasons, let alone large trucks coming in and out. What I have got right now is a list of different things that I know is concerns of not only myself but other people. To start with, there is sinkholes on that property. I have lived out there for over 40 years. I know there are sinkholes. I also know there is karst. The roads are bad, which I explained last time. There will be excess traffic, which we don't need, including drunks whether they got drunk at the winery or got drunk before and going to the winery to try to get some more alcohol. Sewers, I don't know what they are going to do about that. Because previous people who wanted to develop that property was told they would have to put a line in all the way down to the bottom by Old 37 to connect with the line going to Bleacher Pool. Worried about the smell from grapes or the storage and any rotten that goes on. It has been a known fact that they have not allowed any businesses out there in the past including Grey Brothers which wanted to build out there was not allowed to. Noise from the bands or whatever entertainment that they have out there, especially if they are on the outside of the building, whether it be daytime, nighttime or whatever. Annexation by the city. That is another big problem. Once you get something like that out there then the city is going to say, hey, that is business we want that in our territory. So, they start trying

to annex it again. Me and six others fought really hard to keep that area out of the city. The area is rural. It is not urban, and it is not in the city. We want to keep it that way. We have cross country runners from BHS who train all along that road and with the excess traffic I am afraid we are going to have more problems with young students getting hit. We also have a lot of bicyclists that run out there especially the ones that are training for the Little 500. I am worried about the environmental impact of any chemicals they use on the grapes and so forth. That is just a few of the concerns for the area and like I said we would like to keep it rural. It has been rural for years ever since I have been out there for 40 some years. We want to keep it that way. Another problem we have is if it is rezoned there are so many other businesses that one it has been rezoned that either this gentleman or somebody else can bring in there other than a winery, including car repairs, shops, and all kind of stuff. Like I said we want to keep it rural and safe for our kids and so forth in the area.

Clements: Thank you so much sir. Thank you for coming back today. Are there other members of the public who would like to speak in opposition to this petition who are here in this room? Please come to the podium. If there are members of the public who are online attending by zoom who would like to speak in opposition to this petition, please raise your virtual hand or if you are dialing in by phone, press \*9 in order to be recognized. If there is no one, Mr. Rolfsen you have a 5-minute opportunity to make a rebuttal.

#### **PETITIONER REBUTTAL – REZ-22-12 – Rolfsen**

Rolfsen: This won't take 5 minutes if you have got any questions, please feel free to dive in there. To answer the ladies question regarding can people just buy wine. I have been to Oliver and Huber and all over California. I have never been some place where you go in for a wine tasting but you just buy a single glass of wine. Not to say it is not permitted. I don't quite know what the rules are. That is not our intent. But maybe it is allowed. I will have to check with the TTB and the ABC on that one and find out if it is even allowed. While change is not always welcome by all decision on whether to grant the change in zoning should be based on the impact of the neighborhood, the safety, and the welfare of its citizens. The data simply does not support the fear the neighbors expressed regarding increased traffic and drunk driving leading to accidents. Kinser Pike has had so few accidents that it is not even mentioned in the Monroe County Highway Department traffic accident data one time over a 5-year period. To further minimize the accident risk driveways will be located on Kinser Pike so that guests exiting the facility can get a full view in either direction of oncoming traffic. We are also going to do it minimize the inconvenience to the neighbors because it was originally suggested that we put the driveway to the winery on Bell Road. The fear of drunk driving is also not supported by any evidence-based findings from the concerned parties. There are no reports either antidotal or factual that either of Bloomington's other wineries have had issues with drunk driving. Further neither Limerock or the other wineries can accurately be compared to a bar or restaurant where patrons can spend hours consuming alcoholic beverages. Tasting at Limerock as I have said before will follow standard protocol of 5 one-ounce samples or approximately one full glass, which is the equivalent of one full beer. For those concerned over that volume the National Institute of Health states that the liver can metabolize alcohol at a very constant rate of approximately one standard drink per hour and I put a chart down there to indicate what they are calling a standard drink, a 12-ounce beer, an 8 ounce malt liquor, a 5 ounce glass of wine, or a one and half ounce shot of 80 proof distilled spirits. Denying a zoning approval based

primarily on the condition of Kinser Pike may not be the most effective solution to addressing the road issue. County and city governments may need to address the road issue regardless of the zoning decision and denying the zoning approval on that basis isn't going to solve the problem of the condition of the road. Based on the facts and the information presented a lack of concrete evidence that Limerick Ridge would present a present danger of the population, degrade home values, or otherwise create a nuisance we respectfully request the Board approve our zoning petition consistent with the recommendation of the Monroe County Planning Department. Thank you.

Clements: Thank you so much, Mr. Rolfsen. I turn now to members of the Plan Commission. Do you have questions for Mr. Rolfsen or for staff? Mr. Enright-Randolph.

#### **ADDITIONAL QUESTIONS FOR STAFF – REZ-22-12 – Rolfsen**

Enright-Randolph: I have a question and a lot of it is focused on the uses. I guess, Drew this is kind of since we have a lot of the members here with the public, if you could actually go to the request to rezone to AG/RR. Would you speak about the intensity and how those relate to permitted use and then intensity and how those relate to conditional uses? Because everything you see here still has some limitations where you have to come into compliance before they are necessarily granted. So, if you could speak to that and then I have one additional maybe comment if it is permitted. It could turn into a question about you expand.

Myers: Ok. So, on the screen I have the permitted use table for the AG/RR district as well as the permitted use table for the Estate Residential 1 district. In the left table with the yellow titles there are 2 columns. There is intensity and there are zones. In the intensity column H stands for high intensity and M stands for medium intensity and L stands for low intensity. The column that is titled zones, anywhere you see a P that particular use in that row is permitted. There isn't a, some of those uses may have standards attached to them. Those are depicted in this table. I will note that. Anywhere you see a C is conditional, meaning that particular use must go to the Board of Zoning Appeals through Conditional Use Variance which is a public hearing and there may be additional standards that have to be met as well as the conditions of the Conditional Use for that particular use. Anywhere, I don't think that there are any blank ones, this is just all of the permitted ones but if you were to see a blank space, that particular use would not be permitted there. You will note that a lot of the uses in the AG/RR district are of agricultural in nature and then there are few others that are listed here in the table. The same goes for the Estate Residential zoning district's table. The C standards for conditional. That still have to follow that same process of a Conditional Use Variance and a P stands for permitted. Again, so of those P's for permitted may have additional standards attached to them that aren't depicted in this table at this moment.

Enright-Randolph: Right and some of those could be hooking up to sewer or other conditions depending on what use. I guess my question to the petitioner is how amendable are you to truncating that use list? There are several things on here that I don't necessarily think would be ideal for that location and right now you are just asking for a blanket rezone. I will just highlight a few like automotive repair service. Now, maybe you can't meet all of the conditions at the time but to the gentleman's point if we just rezone it eventually maybe all of those conditions can be met, and it is treated more like a by right. Also, I think the private recreational or no, the

recreational vehicle rv park, again that is kind of considered a high intense use and conditional so there are some perimeters that you would have to comply with before you could build that. But that is really kind of where a lot of my focus is on this petition because I do think what is already allowed could kind of increase the traffic. There is some truth if we are creating a winery there is access to wine and alcohol. But at the same time, I think even just at a private residence you can go to the liquor store and come home and have a case of beer. I don't really want to question people's morals or ethics here, but I do think it is a relevant and needed point to bring up, but I am not going to factor that one into my decision making. Again, the question is how amenable are you to removing some of the conditional and permitted uses that are listed currently?

Rolfson: To removing them? Well, I think the whole intent is to retain and this is what we are trying to keep the spirit of is to retain the rural agricultural feeling. What we are proposing to put there is not a body shop or an automotive repair facility or a Grey Brothers Cafeteria. We are proposing putting a farm there. In the middle of about 20 acres, we will have about a 3-acre footprint where we are going to take our own fruit and process into wine and sell it. I am with the neighbors, you know, as the owner of that property I would not want those other things going up around there.

Enright-Randolph: So, you would work with Planning and maybe strike some of those uses that we are looking at currently?

Rolfson: If I had that kind of input I would sure.

Enright-Randolph: Thank you.

Rolfson: So, what it is worth when we moved into the house in Fishers, Indiana there was a guy that owned the land, and they ran really loud motorcycles directly in the back of our house all of the time. It drove me nuts, which is why I was looking for a large piece of land so we could have some peace and quiet.

Enright-Randolph: Currently I think this is our second hearing so if we are thinking of entertaining this, we would have to move it to another meeting to kind of have a clear list. But, again, that is kind of where my thought process is and that is all of my questions. Thank you.

Clements: Thank you, Mr. Enright-Randolph. County Council Member Ms. Munson.

Munson: I have 2 questions that come from opponents of the project and neighbors of the proposed zoning change area I believe. One had to do with smells emanating from the processing of wine and the second had to do with sewage and septic. If you could talk more about this, I would appreciate it and if staff wishes to make comments, I would be very happy to hear from them as well.

Rolfson: Sure. Regarding smells, I suppose in any process you are releasing some carbon dioxide during that particular process for a brief period of time. There is probably going to be some odor, but they are not going to be living next door to the winery so how far those odors go into the air before they connect with other molecules and become something else, it is kind of like ozone's. It



starts out as an o3, it gets into the air, and it splits into an o2 and free radical. So, I don't know how that process works being that far away. First of all, they are down wind, or up, they are down wind. So, the wind is going, and this is one of the nigg reasons why I picked this property is the wind is moving from the south/southeast or south/southwest across the property and that is one of the reasons why I picked it. Because if there was any agricultural around their farms use 24d and that is deadly to a vineyard. When you are growing corn and things like that so I wanted to make sure that we were far enough away that that wouldn't have an impact and the air blows south to north. So, I don't know how they would ever pick that up unless they moved to the north side of property. I'm sorry, what was the second question?

Munson: The second question had to do with sewage or septic.

Rolfsen: Well, septic is how we would have to go because I don't have quite deep enough pockets to connect with the water treatment facility a mile away. We are not there yet. But I did talk to the engineers and there is no reason that we cannot put a commercial septic system in. For all of the commercial septic systems I have heard about I have not heard that one of them really emanates nasty odors. I don't have one. But I have several friends that live on large parcels of land. Does anyone have a septic that they? I don't have firsthand knowledge of that. But I can't image that would be allowed to go that way. It seems to me it wouldn't be effective if it wasn't keeping control of the odors.

Munson: Thank you for that information.

Rolfsen: Sure.

Clements: Mr. Morris, do you have any questions? Ok, and to my left, are there questions from any other members of the Plan Commission for Mr. Rolfsen or staff? Mr. Guerrettaz?

Guerrettaz: One of the neighbors discussed a little bit about the alcohol sold inside. You don't allow alcohol to be brought in?

Rolfsen: No.

Guerrettaz: Right, I just wanted to make sure that I understood that. I appreciate the traffic discussion because I think that was helpful. That is really all that I have right now.

Clements: Ok. Thank you.

Rolfsen: So, do you feel this meeting will go to a third?

Clements: It normally would go to the Commissioners after this for a decision.

Guerrettaz: You are basing your question on Trohn's comments, I think.

Rolfsen: Yes, sir.

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Clements: Someone would make a motion, for example, that would recommend discussion with the Plan Commission to limit uses and then it could still go to the Commissioners in a timely manner, so to speak. But that being said, do you have any questions sir? Then we will go to Julie Thomas and Dee Owens online.

Oehlman: I don't really have a question, more so of a comment. My comment is coming from the experience of agriculture and the diverse agriculture that Indiana has throughout and even just in Monroe County particularly and there is a lot of the agricultural aspects that are noted in that AG/RR that if smell or noise is a grave concern winery are a lot lesser than say stockyard or hay production. The amount of equipment, noise and use on the land as it is currently probably higher than that of what a vineyard would have from my experience throughout agriculture. So, just kind of a comment to that regard.

Rolfesen: If I can just reply to that. Part of the goal of this is to produce as close as we can a lead friendly facility that generates as little waste as possible and to use systems and farming practices that minimize the impact both noise and sound pollution and other wise.

Clements: Thank you. Commissioner Thomas has her hand raised. Please proceed.

Thomas: I have concerns similar to what Mr. Enright-Randolph talked about but mine are even broader than that. Because we have petitioners that appear before us and say things like, oh, we are going to close at 6 and we won't have music or we are not going to host events or we will only host small events, whatever it may be that we hear and the intentions may be there right now but then something changes, the profit margins look different, whatever changes for a new owner and we have a sudden ramping up of intensity in use. So, what I would like to see would be a full commitment to all of the things that were outlined today by the petitioner as part of a recorded commitment and then the public can come back and say yes, that is sufficient, that is exactly what we want to make sure happens. I don't think anybody is opposed to having a winery or a grape growing venture on this property. I don't think anyone is opposed to that. I think it is the event center side of it. Because it is so unpredictable in terms of noise, traffic, and things. So, I would like to see all of this put down as a recorded commitment. Then to have those neighbors come back and say, yeah that works. We agree to that. Fine. But I just feel like it is a lot of conversation, and I don't think that is enough for anybody to hang their hat on. Thanks.

Clements: Thank you, Commissioner Thomas. I can't see if Dee Owens has her hand raised.

Owens: No, I have nothing. Thank you.

Clements: So, I bring it back to members of the Plan Commission. Mr. Enright-Randolph.

#### **FURTHER QUESTIONS FOR STAFF – REZ-22-12 – Rolfesen**

Enright-Randolph: Barring any other questions or comments, I am ready to make a motion. If it needs to be more eloquently said, I will defer to my colleagues. Would you help me to pronounce the first name?

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Rolfesen: Rolfesen. That is why I didn't name it Rolfesen Winery.

Enright-Randolph: **In case number REZ-22-12, Rolfesen Rezone from RE1 to AG/RR, I would like to our next Administrative Meeting to discuss the uses and then ultimately continue it to our next Regular Meeting.**

Clements: Is there a second for Mr. Enright-Randolph's motion? His motion is to give Mr. Rolfesen an opportunity to limit the uses and for the public that means that they would try to limit some of your worst fears, that they would receive a commitment on the property in perpetuity that would not allow certain activities on that property. That is what the motion is to continue it, which means it will come to an Administrative Meeting the first Tuesday of the month if the members of the Plan Commission second and approve Mr. Enright-Randolph's motion. Yes, Council Member Munson?

Munson: I would like to **second** the motion.

Jelen: It has been moved and seconded to the March Plan Commission Meeting.

Guerrettaz: Can I offer a **friendly amendment**?

Clements: Yes, Mr. Guerrettaz.

Guerrettaz: The only question I would have is, as it relates to what Julie had mentioned with **discussing any commitments that they want to put on paper in addition to the uses.**

Clements: Could you repeat that?

Guerrettaz: Yes, hours of operation, the things that Julie had talked about, I think if we are going to do this and we are going to come back here and look at the petition we should look at the conditions that the petitioner has thought through with what we have discussed with what the neighbors has discussed and understand exactly what the site will look like then. Is that clear enough?

Enright-Randolph: Just to clarify. Have a written commitment of kind of what we are going to look at by the regular meeting.

Clements: No, by the administrative meeting, which is the first Tuesday of the month of March.

Guerrettaz: Does that give staff enough time?

Enright-Randolph: Yeah, that was my question.

Rolfesen: So, you want to see an outline of what our standard operating, not operating procedures for production but what our hours of operation are going to be and what in addition to that are you going to be looking at?

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Guerrettaz: What I am doing is I am trying to look at this comprehensively based on what Julie brought up, what Trohn brought up. Julie's point I think was neighbors are concerned sometimes with hours of operation, that is usually the big thing. So, if you would look at what you intend on the hours, it will be open 7 days a week just things like that that might curb some of those concerns then we don't have to discuss those again.

Rolfsen: Sure, we can do that.

Thomas: Can I add something if I might?

Clements: Yes, Commissioner Thomas.

Thomas: I am sorry to jump in and I am sorry Mr. Guerrettaz. I would say, if you are saying you are never going to have more than you know, "x" number of people visiting the property at any time, I mean, anything about your operation that you are willing to commit to in perpetuity, I think should be thought about. Things that will make your potential future neighbors happy.

Rolfsen: The only thing I would say in response to that is that over a period of a day we are anticipating 100 people, 10 years from now it could be more than that and I can't anticipate that because you don't want to throttle your success. It is a free enterprise is what it is, so the whole idea is we want to do this. I think to put this on paper would be legally challenging because it would require us to keep records of exactly how many people came in over the course of a day and when we hit that mark that we said we would do in 2023 then we have to shut everybody else down. Do you follow what I am saying on that?

Thomas: If I might that is not what I am talking about. I am talking about that you are not going to host a wedding with 200 guests.

Rolfsen: Oh, no.

Thomas: If that is your intention, right. If you think it might grow into that then don't put it on there. I am not talking about the visitors coming day to day, I am talking about the size of any one event, which is a very big difference for people who live in that neighborhood.

Rolfsen: Of course, yes. I understand.

Thomas: That is the only thing that I am talking about.

Clements: Council Member Munson has an additional question.

Munson: This question is for staff really. I am concerned about by right permitted uses that would be available with the rezone AG/RR and which of those by right permitted uses the applicant would be willing to give us so that the neighbors would not be concerned about those future uses that you do not intend to pursue.

Rolfsen: Like the body shop?

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Munson: Yes.

Pittsford: Point of order.

Clements: Just one moment. I am going to continue. I allowed Council Member Munson's question.

Pittsford: We are losing all focus. We had a motion and a second on the floor and we have diverted into a conversation that has little to do with that and it is a point of order. You don't take a motion and a second and then go off on some other categories.

Enright-Randolph: We are on an amendment. Point of order and clarity. That was part of motion was to discuss the uses. The amendment that Bernie was offering was to have a statement prepared by the petitioner of how you want to outline this, and I am just going to echo Commissioner Thomas' comment. If it is not something that you are intending or thinking that it is feasible, don't include it. I personally focused on the uses and yes, to **Mr. Guerrettaz friendly amendment, I would accept the amendment that you would like to see some of these in writing from the petitioner** if he has any to present at the next Admin. Meeting and then I guess the question is does your second still stand?

Munson: **My second stands.** I did want the petitioner and staff to review the permitted uses in AG/RR.

Clements: Ok, that being said there is a motion and a second with an amendment. We don't follow Roberts Rules strictly in this County Plan Commission.

Pittsford: I don't even remember what the motion was.

Clements: It was to continue it to the Admin Meeting with a recommendation that Mr. Rolfsen work with Planning Staff to limit the uses. That is the continuation. The motion is to continue this petition. That being said, Ms. Nester Jelen, will you please call the vote?

Jelen: Sure, and I will just want to clarify one thing. Do you want this to be decided at the next Administrative Meeting or do you want it to just to the regular meeting?

Enright-Randolph: Move there for discussion and then we will make it to the regular meeting in March. That is kind of how my motion originally was.

Jelen: Ok. It has been moved and seconded to continue to the March 21<sup>st</sup> regular Plan Commission Meeting with request for 2 items from the petitioner; one is a draft commitment which could include information such as hours of operation, event sizes, event types, frequency of events, limitations to any outdoor events such as number of people in attendance and also number two is to go through the list of AG/RR permitted uses and have a conversation with the petitioner about which uses they would feel comfortable striking from the rezone and therefore would not be permitted. A motion in favor is a motion to continue this to the March 21<sup>st</sup> regular meeting of the Plan Commission. Cheryl Munson?

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Munson: Yes.

Jelen: Edward Oehlman?

Oehlman: No.

Jelen: Dee Owens?

Owens: Yes.

Jelen: Jerry Pittsford?

Pittsford: No.

Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Clements: It is your motion.

Enright-Randolph: Yeah, but it is the amendment that is tripping me up. I will just preference, only add what you really thing that is reasonable to your commitment. I will vote yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Jelen: Geoffrey Morris?

Morris: Yes.

Jelen: Ok, the motion carries 7 to 2, to continue this to the March 21<sup>st</sup> regular meeting of the Plan Commission.

Clements: To the members of the public who are here that means that you will have a chance yet again to come to our county Plan Commission Meeting on March 21<sup>st</sup> to speak in favor or in opposition to proposed project with the new restrictions on future uses on property. He intends to make some commitments about what if he is allowed to build a winery there that will never happen on the property because he is agreeing to restrict those uses. That is for the public if you are wanting

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to come back. Please do. We would like to have your input and Mr. Rolfsen we know you will be working with staff. Thank you.

Pittsford: Madam President, before we continue, I am going excuse myself so you all may continue, and I will see you at the next meeting. Thank you.

**\*\*Jerry Pittsford left meeting at 6:51 pm.\*\***

**Motion in case REZ-22-12, Rolfsen Rezone from RE1 to AG/RR, Final Hearing, in favor of continuing to the March 21, 2023, Plan Commission meeting, allowing time for petitioner draft written commitments as stated in motion, carried (7-2).**

## NEW BUSINESS

### 1. SSS-22-13      **Sites-Gaither Sliding Scale Subdivision Preliminary Hearing.**

**Road Width Waiver Requested.**

**Waiver of Final Hearing Requested.**

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

Owner: Sites, Jordan

**Zoned AG/RR.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

### **STAFF ACTION:**

Crecelius: Thank you. Absolutely. As you just stated this is in Bean Blossom Township. It is 18.57 acres. This is one single lot of record, and they are proposing to use the sliding scale subdivision process to create one new additional small lot. The property consists of mainly buildable area which are slopes that are 15% or under. There are a few drainage areas which have been identified on the Preliminary Plat by the MS4 Coordinator to be protected into 100-foot drainage easements. Here is a pictometry view from 2022 of the property. There is an existing single-family residence on that property along with a couple of residential accessory structures. The existing single-family residence is in a dilapidated state. The petitioners do intend to build a new home of which we will plan in the future. Here is just a slightly different angle. This the Preliminary Plat of the Sliding Scale Subdivision which here on the screen. One of the requirements under Chapter 862 for the sliding scale is that the road is required to be 18 feet in width. Currently Prather Road I believe is identified as approximately 14 feet wide. The Highway Department is in support of this request, and I will get there in a moment. Currently we are looking at the 2 proposed parcels. Lot 1 would be considered the parent parcel and under the sliding scale subdivision it would be required to have a recorded note on the plat that limits future subdivisions for 25 years. Lot 1, the parent parcel would be 10 acres. With approximately 5 acres buildable. It has an approved installation permit for a septic. It would have the main frontage along Prather Road. It has an approved driveway entrance. This would be shared with Lot 2. The proposed entrance is slightly relocated per the driveway permit Project Manager, Ben Ayers. The entrance shown on the plat is the proposed safer entrance. Here is just a slightly zoomed in photo that might be easier to view. Access to the area towards the south on Lot 1 would cross a drainage easement. The MS4 Coordinator has provided comments on what that driveway would look like, and they have already given feedback for the culvert and proper safe driveway entrance. Lot 2 would be 7.9 acres and consist of 3.47 buildable acres. There is an approved installation permit for a septic system. It would have no direct frontage and it would have that shared platted easement for the driveway. There would be 25' feet of right of way dedicated along West Prather Road and currently the area that would be Lot 2 has no structures on it. I am just going to run through kind of quickly a few site photos of the area. It was kind of a dark and gloomy day so some of the photos are kind of hard to see. Here are some of the existing residential structures. This is the existing single-family home on the property. This is the area that would be going through a drainage easement and would the access to the southern portion of Lot 1. This is an area that the MS4 Coordinator has already identified that would require a culvert. The petitioner has provided findings for the Road Width Waiver. The Highway Engineer, Paul Satterly, has commented that they would support the Road Width Waiver since the traffic



volumes on Prather Road are low, approximately 80 vehicles per day and the subdivision is estimated to add approximately 10 vehicles per day to the roadway. Overall, staff does recommend approval of the Sliding Scale Subdivision Preliminary Plat and the Road Width Waiver based on the findings of fact and subject to the Monroe County Highway Department reports. I believe we have no new reports, and this does have a Waiver of Final Hearing requested.

### **STAFF RECOMMENDATION**

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

### **FINDINGS OF FACT - Subdivisions**

#### **850-3 PURPOSE OF REGULATIONS**

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

#### **Findings**

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

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

#### **Findings**

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

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

#### **Findings**

- See findings under (A);
- The proposed use is residential;

- Structures may not cover more than 65 percent of the lot;
- The surrounding uses are residential or agricultural;

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

**Findings**

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

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

**Findings**

- See findings under Sections A & C & D;

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

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

**Findings:**

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

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

**Findings:**

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

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

**Findings**

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

## **FINDINGS OF FACT – WAIVER OF ROAD WIDTH REQUIREMENT**

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

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

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

### **1. Practical difficulties have been demonstrated:**

#### **Findings:**

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

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

#### **Findings:**

- See findings under Section 1;
- The Comprehensive Plan’s Farm and Forest designation states that “a low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting”;

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

#### **Findings:**

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

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

**Findings:**

- See findings under Section 1;

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

**Findings:**

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

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

**Findings:**

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

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

**Findings:**

- See findings under Section 1;

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

**Findings:**

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

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

**Findings:**

- See findings under Section 1;

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

DRAFT

### **QUESTIONS FOR STAFF – SSS-22-13 – Sites-Gaither**

Clements: Do members of the Plan Commission have questions for Ms. Crecelius? Mr. Enright-Randolph?

Enright-Randolph: Just one. Did you state the Plat Committee's vote on this when we reviewed it?

Clements: It was affirmative. I was there.

Crecelius: Yes, it was a positive recommendation from the Plat Committee.

Clements: That being said if Mr. Sites or Mr. Gaither or their wives would like to come to the podium and make your case to the Plan Commission, you have 15 minutes in total. After you sign in if you state your name and what county you live in.

### **PETITIONER/PETITIONER'S REPRESENTATIVE – SSS-22-13 – Sites-Gaither**

Sites: My name is Jordan Sites. I live in Monroe County, and I promise I won't take the whole 15 minutes. But my family can attest that if given the chance to speak, I take it. Thank you all for the opportunity to speak. As I said, I am Jordan Sites. I am the petitioner. I live in Monroe County and my wife, and I are the current owners of 4305 West Prather. My wife Katie and I have long had a dream of purchasing land near Bloomington with here sister's family. We all like each other a lot. With the hopes of raising our kids together, creating a memorable childhood for the 5 cousins and together we collective have 5 under the age of 7 and we have a dream of giving them a childhood that consists of exploring woods, building forts, searching for geodes, and making memories with the family, which we have already started. This has been our dream for years and as you might image with all of the things that you hear it is very difficult to find adjoining parcels or parcels that would work toward being split. After quite a few failed attempts we have finally succeeded in finding a property that would help us make our version of the American Dream a reality. We have been working with Todd Borgman and the Smith Design Group to map out a design that achieves our high-level goals of number one a split of the parcels that follows the layout of the land, abiding by Monroe County's regulation and ordinances and number two a design that wouldn't our real estate value should something unexpected happen down the road and would not cause a disturbance to any of our neighbors. Over the past 9 months, we have fallen in love with the property and neighborhood, and we are very hopeful that we can make this work. We have had a chance to meet quite a few of the neighbors and we are honestly looking forward to becoming a part of their community. Thank you for your time. Thank you for your thoughtful consideration and we also want to express sincere thanks to Anne for her guidance and answering numerous questions and emails every step of the way. Thank you.

Clements: Thank you, Mr. Sites. I will turn now to members of the public who are either in favor or opposed to this petition. If you are here now, please come to the podium. If you are online on zoom, please raise your virtual hand. If you are calling in by telephone, please press\*9 in order to be recognized and you would have then 3 minutes to speak. Either in favor or opposed. If none, I come back to members of the Plan Commission for further discussion and/or a motion.

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**SUPPORTERS - SSS-22-13 – Sites-Gaither: None**

**REMONSTRATORS – SSS-22-13 – Sites-Gaither: None**

**ADDITIONAL QUESTIONS FOR STAFF – SSS-22-13 – Sites-Gaither: None**

**FURTHER QUESTIONS FOR STAFF – SSS-22-13 – Sites-Gaither**

Guerrettaz: I can make a motion.

Clements: Wonderful.

Guerrettaz: **In the matter of case number SSS-22-13, this is the Sites-Gaither Sliding Scale Subdivision Preliminary Plat, I move that we approve the Preliminary Plat along with the request for Road Width Waiver, Waiver of Final Hearing, based on the findings of fact in the staff report and subject to the Monroe County Highway Department, MS4 Operator and Planning Staff.**

Enright-Randolph: **Second.**

Jelen: It has been moved and seconded to approve SSS-22-13, which is a 2 Lot Sliding Scale Subdivision, a Road Width Waiver request, as well as a Waiver of Final Hearing, a motion in favor is to approve the Sliding Scale, Road Width Waiver and Waiver of Final Hearing. Edward Oehlman?

Oehlman: Yes.

Jelen: Dee Owens?

Owens: Yes.

Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

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Jelen: Geoffrey Morris?

Morris: Yes.

Jelen: Cheryl Munson?

Munson: Yes.

Jelen: Ok, petition is approved 8 to 0.

**Motion in case Sites-Gaither Sliding Scale Subdivision, Preliminary Hearing, Road Width Waiver Requested, Waiver of Final Hearing Requested, in favor of approving all requests, carried unanimously (8-0).**

DRAFT

**REPORTS:**

**Planning/Jelen:** I do not have anything.

**Legal/Schilling:** No reports.

Clements: Is there a motion to adjourn?

Owens: **So moved.**

Any objects? Ok, great. Thank you everyone for your good work tonight. Thank you.

**The meeting adjourned at 7:02 pm.**

Sign:

Attest:

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Margaret Clements, President

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Jacqueline N. Jelen, Secretary



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