

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



**Tuesday, April 4, 2023
5:30 pm**

Hybrid Meeting

In-person

Monroe County Government Center
501 N Morton Street, Room 100B
Bloomington, Indiana

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/84585419468?pwd=TKRjdIRKOGRVcWM4VGh1YlhrUmVvUT09>

If calling into the Zoom meeting, dial: 312-626-6799
Meeting ID: 845 8541 9468
Password: 418555

Agenda
Plan Commission Administrative Meeting
5:30 p.m. – 7:00 p.m.
Tuesday, April 4, 2023
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold a **hybrid** Administrative (Work Session) meeting on Tuesday, **April 4, 2023 at 5:30 PM** in the Monroe County Government Center 501 N Morton Street, Bloomington, Indiana Room 100B or via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>).

The public may attend via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>) or in-person. For information about the Zoom meeting, you may call (812) 349-2560 or email (PlanningOffice@co.monroe.in.us) or call (812)349-2560 our office. The work session agenda includes the following agenda items for the regularly scheduled Tuesday, April 18, 2023 Plan Commission meeting:

ADMINISTRATIVE BUSINESS:

1. VAR-23-13 \$208.50 Refund Request for VAR-23-13 PAGE 4

2. CDO Work Session

- a. Debrief from the March 23 Focus Group Meetings**
- b. Discussion on Public Engagement Next Steps**
- c. Other work session business brought before the Commission**

UNFINISHED BUSINESS:

1. PUO-22-2 Wiley Farm at Fieldstone Tract F Amendment 1 Planned Unit Development Outline PAGE 5
One (1) 30.23 +/- acre parcel in Van Buren Township, Section 02 at S Kirby RD, parcel #53-09-02-300-081.000-015.
Owner: Authentic Homes Inc.
Zoned PUD. Contact: drbrown@co.monroe.in.us

NEW BUSINESS:

1. REZ-23-1 Lake Lemon Marina Rezone from LB to LB PAGE 85
Preliminary Hearing. Waiver of Final Hearing Requested.
One (1) 3.14 +/- acre parcel in Benton North Township, Section 35 at 9554 E North Shore DR, parcel #53-01-35-100-017.000-003.
Owner: Werner Group, LLC
Zoned LB. Contact: dmyers@co.monroe.in.us

2. SMN-22-8 Zikes Road Minor Subdivision Preliminary Plat PAGE 142
Preliminary Hearing. Waiver of Final Hearing Requested
Sidewalk Waiver Requested.
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 PLAN COMMISSION		April 4, 2023
PLANNER	Anne Crecelius	
CASE NUMBER	VAR-23-13	
PETITIONER	Josh Brown	
ADDRESS	6109 E Kerr Creek RD, #53-06-31-100-013.000-003	
REQUEST	Refund for VAR-23-13 \$208.50	
ACRES	24.02 +/- acres	
ZONE	AG/RR	
TOWNSHIP	Benton South Township	
SECTION	31	
PLATS	Unplatted	
COMP PLAN DESIGNATION	MCUA Rural Transition	

The petitioners applied and paid for a design standard variance from the ECO Area 3 (18% Slope) standard of Chapter 825. The petitioner's applied by the March 2023 deadline intending for the request to be heard at the April 2023 BZA. The petitioner was intending to purchase the property and had a contract with the property owners. The property owners broke the contract therefore the petitioner is no longer interested in pursuing the variance. Staff has accepted the variance filing but has not visited the site or wrote a report. The total filing fee for the variance was \$208.50. Staff supports a refund of \$200.00, which doesn't include the cost for the petition sign.

Joshua Brown

[Remove Comment](#) • Mar 20, 2023 at 9:41 am

Dear Planning office,

Recently the Sellers of the property at 6109 E Kerr Creek broke the purchase and sale contract I had to buy the property. Because of this fact, I have no further interest in the property. I hereby formally request that the application for the zoning variance 23-13 be withdrawn, and any appropriate refunds of the fees I paid be refunded to me. Thanks for your help with this.

Best,
Josh

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

EXHIBITS

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

RECOMMENDATION

Recommendation to the Plan Commission:

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

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

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

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

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

Waiver of Final Hearing requested. Continued to the April meeting.

The following information will be finalized prior to the April 18, 2023 final hearing.

1. The allowance of the "Convenience Storage" would only be for the 3.34 ac area as shown in Exhibit 3
2. See Exhibit 5 for the uses permitted to the parcel to the west (Parcel K)
3. See Exhibit 3 & 5 for the proposed connectivity vs the existing required connectivity
4. Staff reached out to Daniel Butler to inquire about conducting a second neighborhood meeting and including Summerfield HOA.

At the time this packet has gone out, staff has not heard from Mr. Butler.

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

SUMMARY

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

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

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

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

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

The Highway Engineer had the following comment to make:

Paul Satterly

[Remove Comment](#) • Jan 27, 2023 at 10:55 am

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

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

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

BACKGROUND

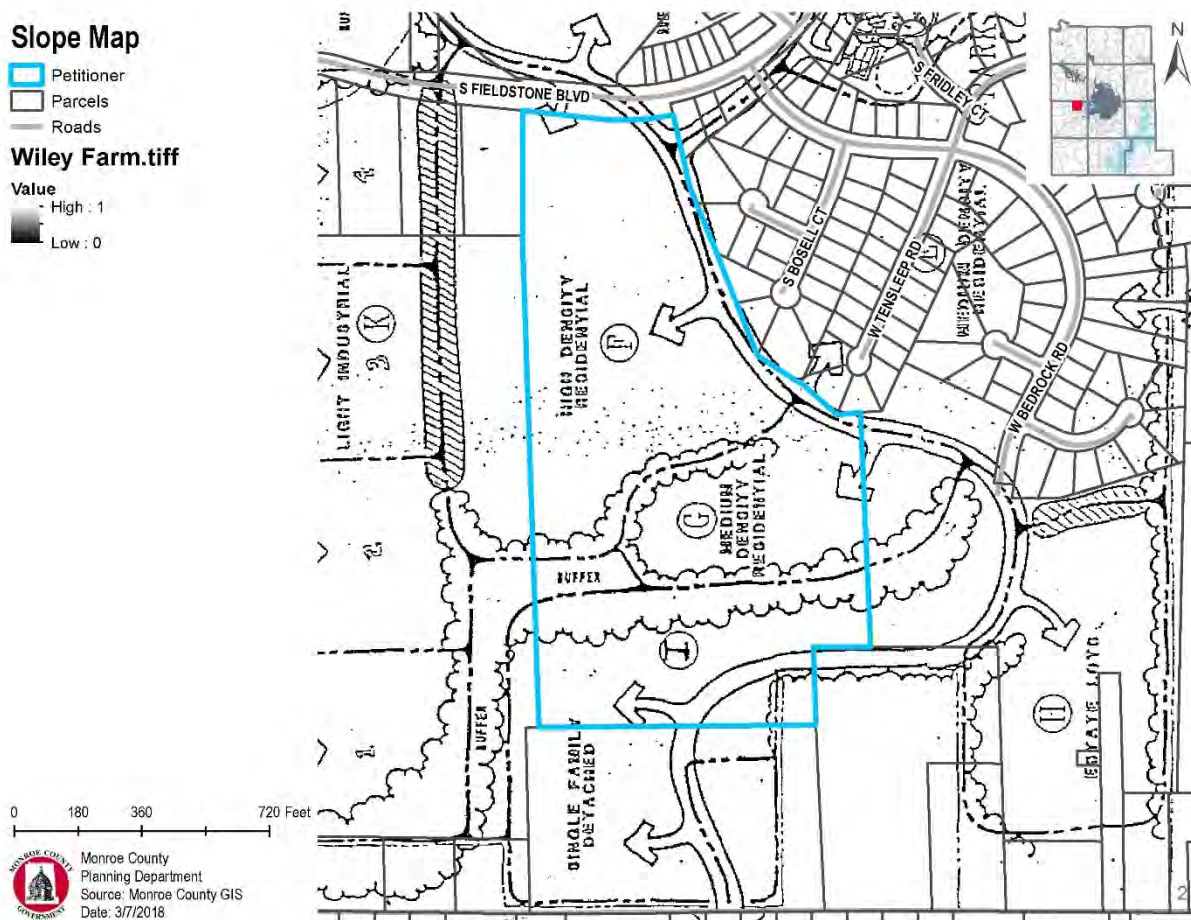
The area is zoned Fieldstone PUD and has been developed in different phases and sections. The original Planned Unit Development seems to have been established first by the City of Bloomington in 1994 as PUD-63-94.

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

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

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

Slope Map
Petitioner
Parcels
Roads
Wiley Farm.tiff
Value
High : 1
Low : 0



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



Jackie Nester Jelen ✓

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

Hi Danny -

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

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

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

(c) Development scheduling Parts 1 and 2

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

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

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



Daniel Butler

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

Thank you Jackie.

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

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

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

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

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

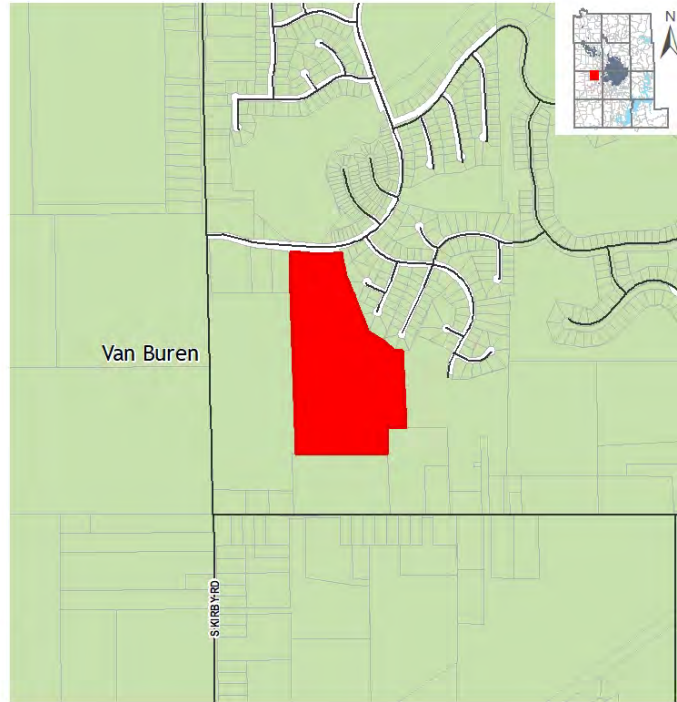
3. This proposal would use 3.97 acres of the 18.4 acres in tract 'F'. The PUD allows 10 units/acre. The remainder of tract 'F' would only allow for 144 units, not the 184.

-Daniel, Bynum Fanyo

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

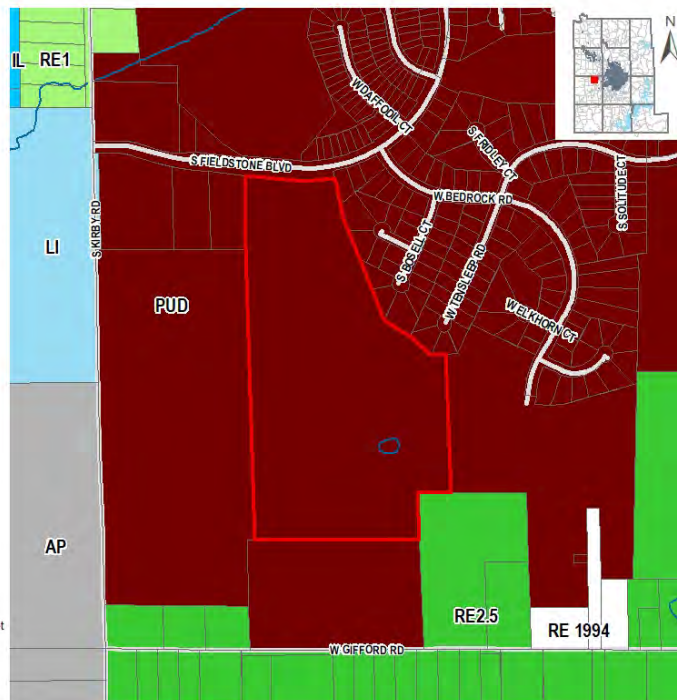
LOCATION MAP

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



ZONING AND ADJACENT USES

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

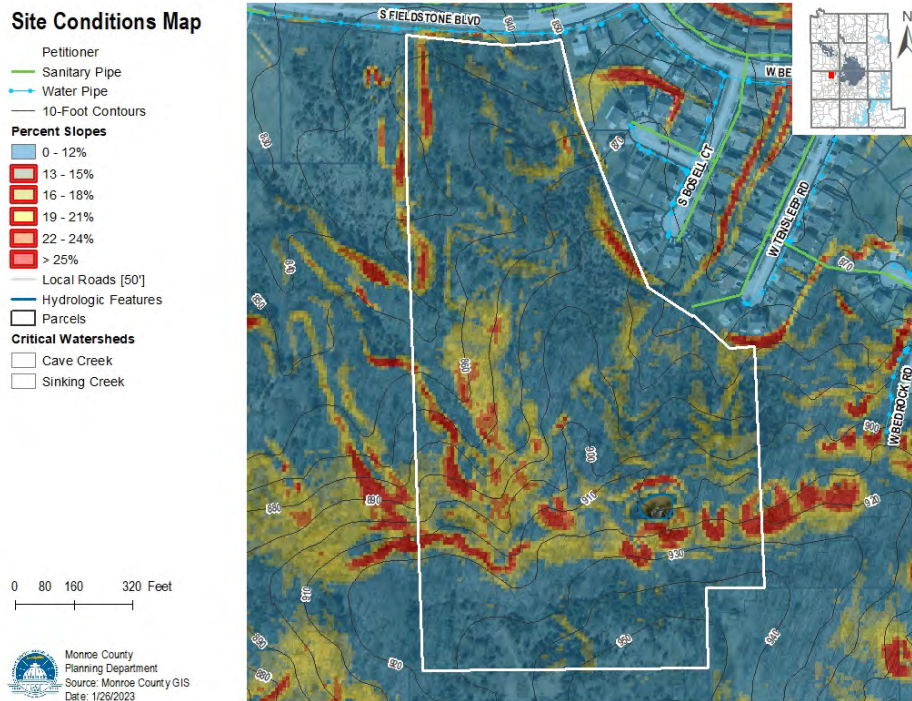


INFRASTRUCTURE

Capacity letters have been provided for this site regarding gas, electricity, and water, though staff has not received a letter saying that sewer will be extended to this property. No Right-of-Way activity permits have been submitted to the Highway Department for review at this time. A 36-page karst survey has been submitted for this project as well. This project was also discussed preliminarily during the Drainage Board meeting on February 1, 2023, where it was discussed that the drainage would need to go from the south to the north.

SITE CONDITIONS

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



SITE PICTURES



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

COMPREHENSIVE PLAN DISCUSSION – PHASE I

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

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

A. TRANSPORTATION

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

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

B. UTILITIES

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

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

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

C. OPEN SPACE

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

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

D. PUBLIC REALM ENHANCEMENTS

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

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

E. DEVELOPMENT GUIDELINES

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

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

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

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

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

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

PUD REVIEW CONSIDERATIONS

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

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

Findings:

- The existing and proposed development appears to be inconsistent with the Comprehensive Plan per the Suburban Residential district;
- The current use and potential expansion of the site would not support commercial uses;
 - The MCUA Phase I plan designates the petition site as “Suburban Residential”;
- The current zoning is Fieldstone PUD, Wiley Farms Tract F created by the City of Bloomington in 1994;
- The Comprehensive Plan designates the property as MCUA Suburban Residential;
- The current approved uses for the petition parcel have been determined to be the ‘high-density residential’ uses listed in the petitioner letter from the 1994 city of Bloomington PUD filing;
- The petition parcel has remained vacant since that time;
- The petitioner requests to add one (1) new use;

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

Findings:

- The proposed plan will need use definitions to be defined;
- Design standards were found specifically listed in the PUD documentation;
- The site will not meet the design standards of the underlying zone, High-Density Residential;
- The petitioner has not indicated that any other deviation from the Zoning Ordinance would be sought at this time related to density, dimension, bulk, use, required improvements, and construction and design standards;
- Site plan improvements including parking, landscaping, and bioretention requirements will be addressed at the development plan stage;
- See Findings under section A, regarding use;

- (3) **The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.**

Findings:

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

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

Findings:

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

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

Findings:

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

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

Findings:

- See Findings (a), (b) & (d);
- Other immediately surrounding uses include single-family residential to the southeast and east, duplexes/condominiums to the northeast, and vacant land to the west, east, and south;
- Much of the surrounding area is zoned Planned Unit Development, Estate Residential 2.5;
- Development plan requirements including parking, landscaping, and bioretention requirements will be addressed at the development plan stage.

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

Findings:

- See Findings under Section 1;

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

Findings:

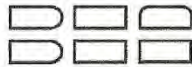
- Access is derived from S Fieldstone BLVD which is designated as a Local Road in the Thoroughfare Plan;
- All utilities are available to the petition site;
- See findings under (d);

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

Findings:

- There are known karsts on the property;
- Drainage will be reviewed under a PUD Development Plan if the this petition is adopted;
- The area was originally listed as a 'high-density residential' part of the Fieldstone PUD request to the city of Bloomington in 1994.

EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

October 24, 2022

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

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

Monroe County Plan Commission or To Whom It May Concern:

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

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

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

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

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

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

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

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

Sincerely,
Bynum Fanyo & Associates, Inc.



Daniel Butler, PE, Project Engineer

EXHIBIT 2: Capacity Letter



4/6/2022

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

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

To whom it may concern::

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

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

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

Sincerely,

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

Joel Boser
Account Manager
812-948-4902

EXHIBIT 3: Site Plan (Conceptual)

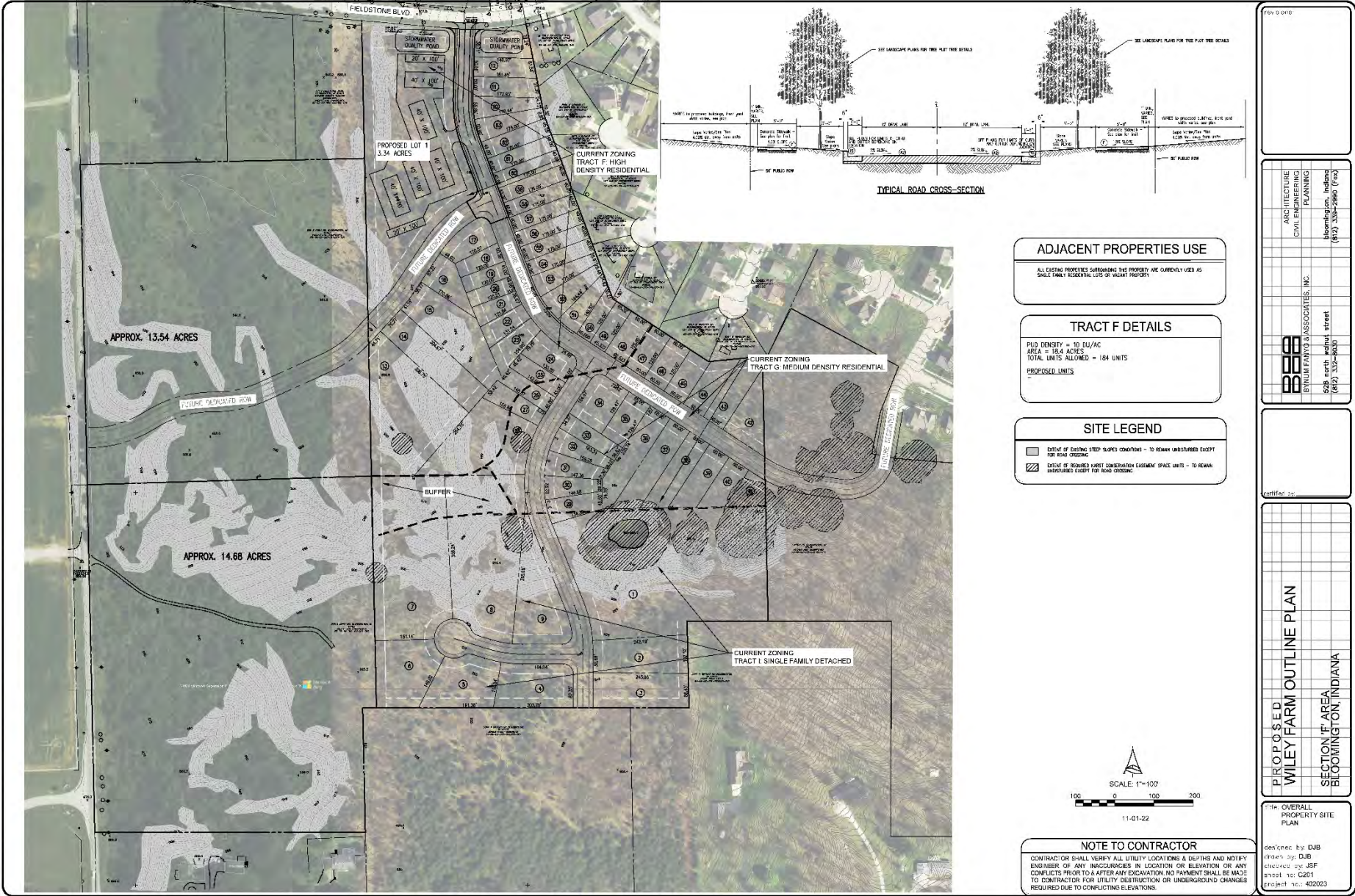
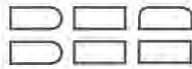


EXHIBIT 4: HOA Meeting Synopsis



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

January 18, 2023

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

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

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

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

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

There were no questions or comments offered.

Sincerely,

Bynum Fanyo & Associates, Inc.

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

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

EXHIBIT 5: Original Fieldstone Wiley Farm PUD Ordinance

ORDINANCE 94-50

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

Re: 5701 WEST S.R. 48

(Brett Davis of J&B Builders, Petitioner)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Also Excepting the following dedicated roadway.

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

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

Containing after said exceptions 143.38 acres.

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

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

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

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

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

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

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

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

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

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

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

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

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

Containing, after said exceptions 106.81 acres.

Also excepting:

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

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

Also excepting:

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

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

Containing after all exceptions 212.2 acres, more or less.

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

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

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

ALSO:

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


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

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

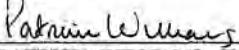
SECTION IV. The Outline Plan shall be attached and made a part of this ordinance.

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

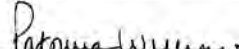
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of December, 1994.


JIM SHERMAN, President
Bloomington Common Council

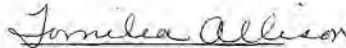
ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

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


PATRICIA WILLIAMS, Clerk
City of Bloomington

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


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

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

Signed upon
Planning
Resolution - C/O SMITH
NEUBERGER

****ORDINANCE CERTIFICATION****

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

Date: November 1, 1994

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

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

Patricia Williams
Patricia Williams, City Clerk

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____ Emergency _____
Unforeseen Need _____ Other _____

Funds Affected by Request:

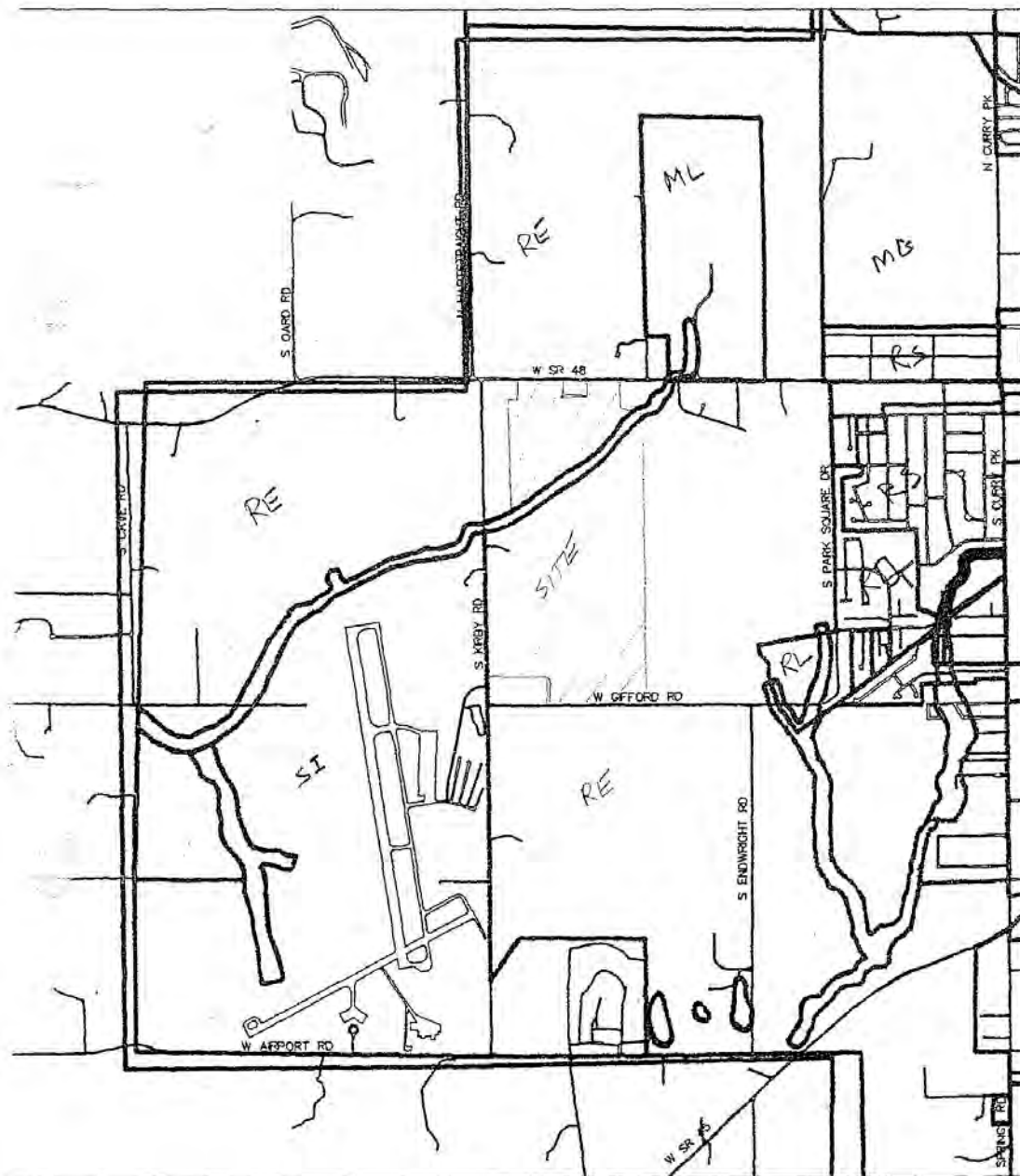
Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	_____	_____
Revenue Expected for Rest of year	_____	_____
Appropriations to Date	_____	_____
Unappropriated Balance	_____	_____
Effect of Proposed Legislation (+/-)	_____	_____
Projected Balance	\$ _____	\$ _____

Signature of Controller _____

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

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

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



MEMO

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

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

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

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

home lots, 5 units, 0.39 DU/AC

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

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

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

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

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

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

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

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

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

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

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

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

RL/PUD/MP/PCD-63-94

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

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

Conditions of approval;

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

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

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

October 31, 1994

To: Tim Mueller

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

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

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

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

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

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

cc. Rod Young

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Smith Neubecker & Associates, Inc.



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

Daniel Neubecker L.A.
Project Manager

September 1, 1994

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

Dear Tim and Plan Commissioners:

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

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

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

Very truly yours,

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

Stephen L. Smith
SMITH NEUBECKER & ASSOCIATES, INC.

SLS:vp

Enclosures

cc: Lynn Coyne
Brett Davis
File #2296

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

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

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

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

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

LAND USE

RESIDENTIAL

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

MANUFACTURING

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

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

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

Commercial Trade

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

Commercial Wholesale

Building Material
Farm Products
Farm Supplies
Food Products
Household Goods

Manufacturing Processing

Apparel
Bakery
Dairy Products
Confectionery

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

Industrial Non-Processing

Warehouse
Storage

BUSINESS

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

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

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

OPEN SPACE

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

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

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

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

TRAFFIC AND CIRCULATION

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

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

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

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

STORM WATER

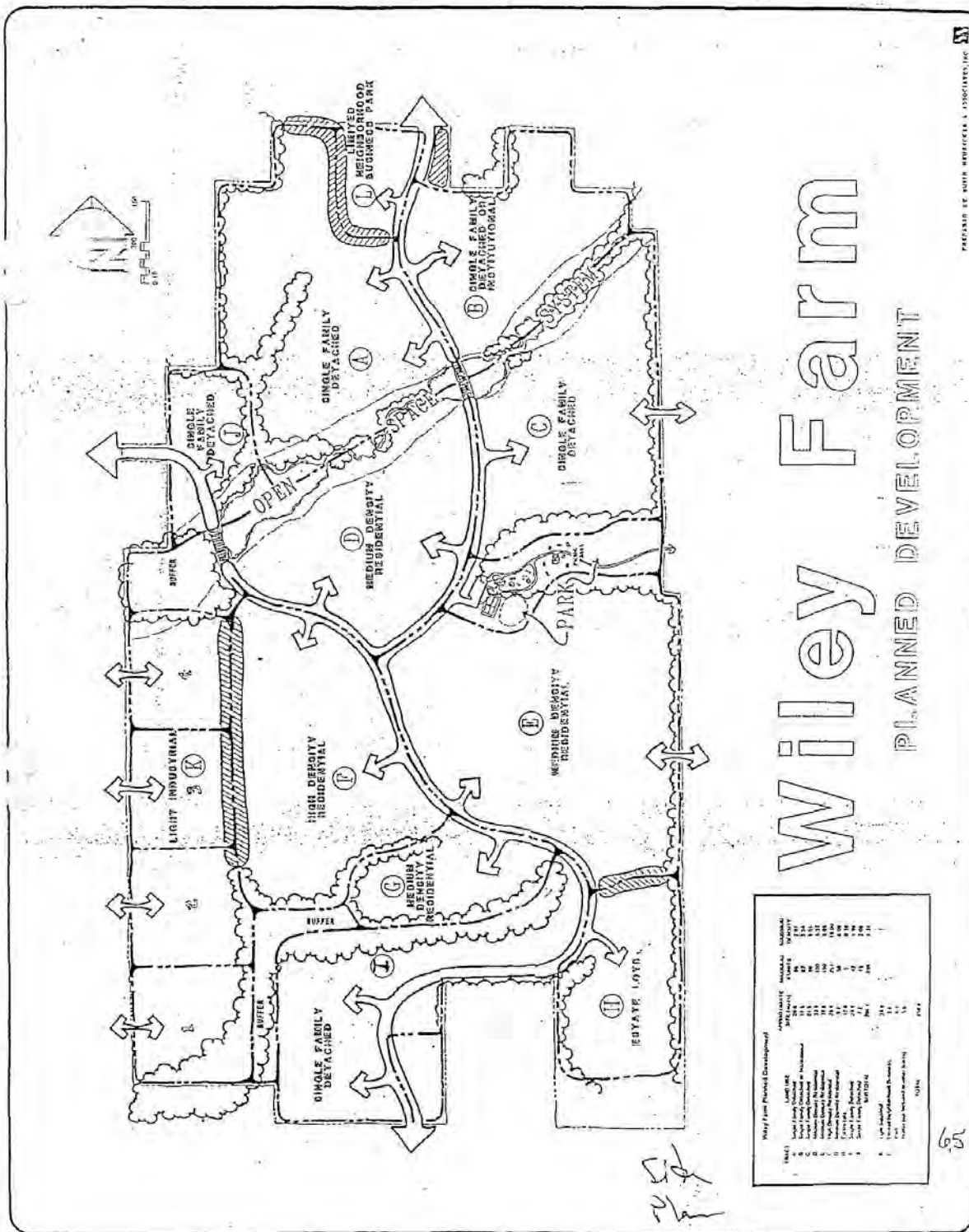
A comprehensive storm water control system is proposed. The open space system along the existing floodway shall include significant detention facilities. The storm water detention shall be designed to provide a very long and slow discharge in recognition of downstream flooding problems. In so far as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

SETBACKS

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

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

[illegible]



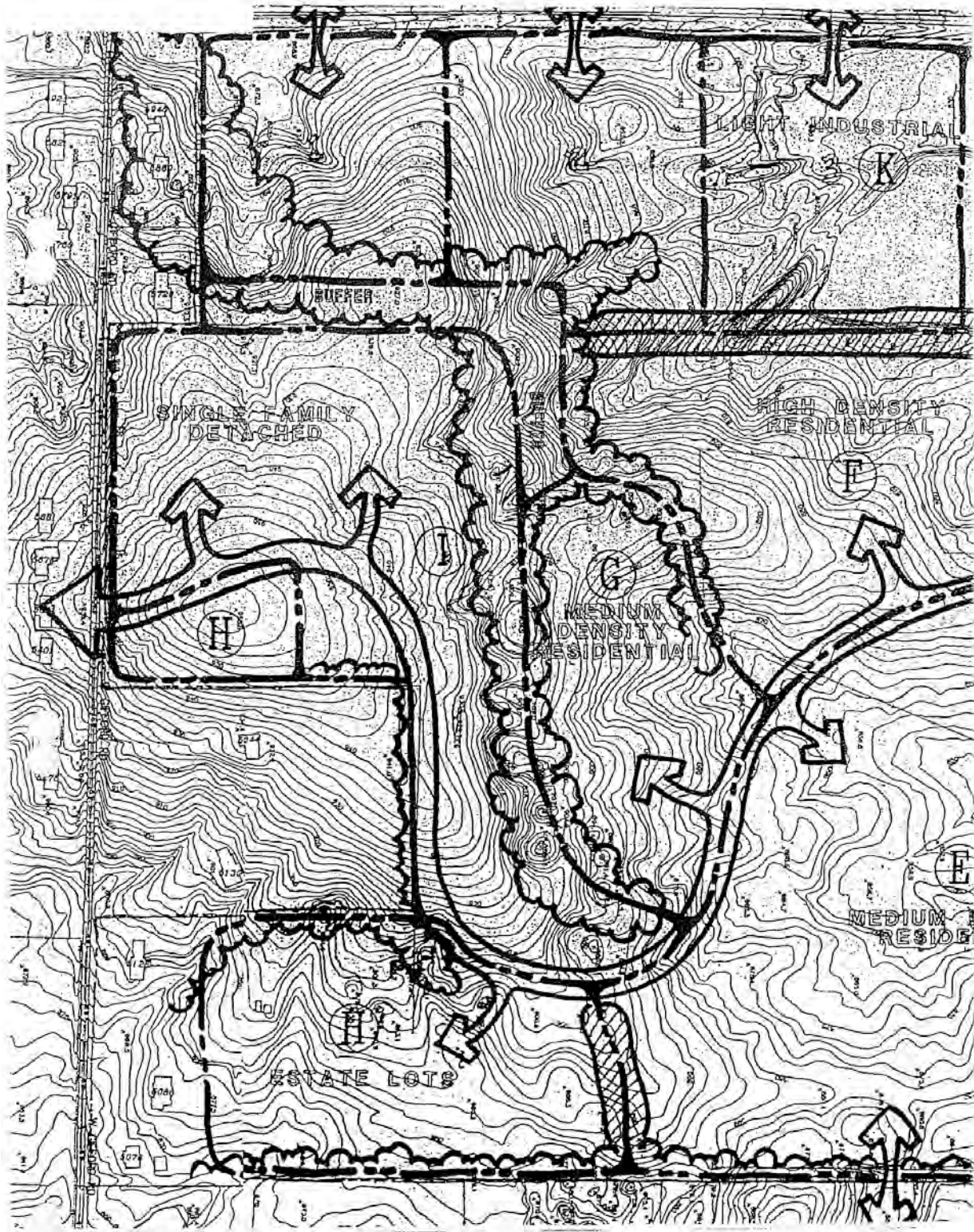
Wiley Farm Planned Development

Zone	Area (Acres)	Population	Employment	Commercial	Industrial	Residential	Public	Other
1	100.0	1,000	100	100	100	100	100	100
2	100.0	1,000	100	100	100	100	100	100
3	100.0	1,000	100	100	100	100	100	100
4	100.0	1,000	100	100	100	100	100	100
5	100.0	1,000	100	100	100	100	100	100
6	100.0	1,000	100	100	100	100	100	100
7	100.0	1,000	100	100	100	100	100	100
8	100.0	1,000	100	100	100	100	100	100
9	100.0	1,000	100	100	100	100	100	100
10	100.0	1,000	100	100	100	100	100	100
11	100.0	1,000	100	100	100	100	100	100
12	100.0	1,000	100	100	100	100	100	100
13	100.0	1,000	100	100	100	100	100	100
14	100.0	1,000	100	100	100	100	100	100
15	100.0	1,000	100	100	100	100	100	100
16	100.0	1,000	100	100	100	100	100	100
17	100.0	1,000	100	100	100	100	100	100
18	100.0	1,000	100	100	100	100	100	100
19	100.0	1,000	100	100	100	100	100	100
20	100.0	1,000	100	100	100	100	100	100
21	100.0	1,000	100	100	100	100	100	100
22	100.0	1,000	100	100	100	100	100	100
23	100.0	1,000	100	100	100	100	100	100
24	100.0	1,000	100	100	100	100	100	100
25	100.0	1,000	100	100	100	100	100	100
26	100.0	1,000	100	100	100	100	100	100
27	100.0	1,000	100	100	100	100	100	100
28	100.0	1,000	100	100	100	100	100	100
29	100.0	1,000	100	100	100	100	100	100
30	100.0	1,000	100	100	100	100	100	100
31	100.0	1,000	100	100	100	100	100	100
32	100.0	1,000	100	100	100	100	100	100
33	100.0	1,000	100	100	100	100	100	100
34	100.0	1,000	100	100	100	100	100	100
35	100.0	1,000	100	100	100	100	100	100
36	100.0	1,000	100	100	100	100	100	100
37	100.0	1,000	100	100	100	100	100	100
38	100.0	1,000	100	100	100	100	100	100
39	100.0	1,000	100	100	100	100	100	100
40	100.0	1,000	100	100	100	100	100	100
41	100.0	1,000	100	100	100	100	100	100
42	100.0	1,000	100	100	100	100	100	100
43	100.0	1,000	100	100	100	100	100	100
44	100.0	1,000	100	100	100	100	100	100
45	100.0	1,000	100	100	100	100	100	100
46	100.0	1,000	100	100	100	100	100	100
47	100.0	1,000	100	100	100	100	100	100
48	100.0	1,000	100	100	100	100	100	100
49	100.0	1,000	100	100	100	100	100	100
50	100.0	1,000	100	100	100	100	100	100
51	100.0	1,000	100	100	100	100	100	100
52	100.0	1,000	100	100	100	100	100	100
53	100.0	1,000	100	100	100	100	100	100
54	100.0	1,000	100	100	100	100	100	100
55	100.0	1,000	100	100	100	100	100	100
56	100.0	1,000	100	100	100	100	100	100
57	100.0	1,000	100	100	100	100	100	100
58	100.0	1,000	100	100	100	100	100	100
59	100.0	1,000	100	100	100	100	100	100
60	100.0	1,000	100	100	100	100	100	100
61	100.0	1,000	100	100	100	100	100	100
62	100.0	1,000	100	100	100	100	100	100
63	100.0	1,000	100	100	100	100	100	100
64	100.0	1,000	100	100	100	100	100	100
65	100.0	1,000	100	100	100	100	100	100
66	100.0	1,000	100	100	100	100	100	100
67	100.0	1,000	100	100	100	100	100	100
68	100.0	1,000	100	100	100	100	100	100
69	100.0	1,000	100	100	100	100	100	100
70	100.0	1,000	100	100	100	100	100	100
71	100.0	1,000	100	100	100	100	100	100
72	100.0	1,000	100	100	100	100	100	100
73	100.0	1,000	100	100	100	100	100	100
74	100.0	1,000	100	100	100	100	100	100
75	100.0	1,000	100	100	100	100	100	100
76	100.0	1,000	100	100	100	100	100	100
77	100.0	1,000	100	100	100	100	100	100
78	100.0	1,000	100	100	100	100	100	100
79	100.0	1,000	100	100	100	100	100	100
80	100.0	1,000	100	100	100	100	100	100
81	100.0	1,000	100	100	100	100	100	100
82	100.0	1,000	100	100	100	100	100	100
83	100.0	1,000	100	100	100	100	100	100
84	100.0	1,000	100	100	100	100	100	100
85	100.0	1,000	100	100	100	100	100	100
86	100.0	1,000	100	100	100	100	100	100
87	100.0	1,000	100	100	100	100	100	100
88	100.0	1,000	100	100	100	100	100	100
89	100.0	1,000	100	100	100	100	100	100
90	100.0	1,000	100	100	100	100	100	100
91	100.0	1,000	100	100	100	100	100	100
92	100.0	1,000	100	100	100	100	100	100
93	100.0	1,000	100	100	100	100	100	100
94	100.0	1,000	100	100	100	100	100	100
95	100.0	1,000	100	100	100	100	100	100
96	100.0	1,000	100	100	100	100	100	100
97	100.0	1,000	100	100	100	100	100	100
98	100.0	1,000	100	100	100	100	100	100
99	100.0	1,000	100	100	100	100	100	100
100	100.0	1,000	100	100	100	100	100	100

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

Table 1
Land Use and Density Summary

* INDUSTRIAL AREA WAS
INCREASED AS SUGGESTED
IN PRE-HEARING



Smith Neubecker & Associates, Inc.



October 26, 1994

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

Daniel Neubecker L.A.
Project Manager

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

RE: Wiley Farm Plan Development

Dear Tim and Plan Commissioners:

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

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

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

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

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Smith Neubecker & Associates, Inc.



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

The updated outline plan reflects these changes.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steve', written over the printed name.

Stephen L. Smith
SMITH NEUBECKER & ASSOCIATES, INC.

SLS:vp

Enclosures

cc: Lynn Coyne
Brett Davis
File #2296

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EXHIBIT 6: Karst Report

hydrogeology inc.

1211 S Walnut St
Bloomington, IN 47401

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

Subject:

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

Date: November 16, 2021

Contact:

Jason Krothe

Phone:

812-219-0210

Email: jnkrothe@hydrogeologyinc.com

Dear Mr. Jenner:

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

1 – Overview

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

2 - Geology / Physiography

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

3 – Sinkholes & Springs

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

4 – Karst Desktop Review

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

5 – Karst Field Survey

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 – Study Limitations

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

7 – Karst Best Management Practices

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

Water Quality

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

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

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

Drainage Alteration

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

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Bloomington, IN 47401

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

Unknown Karst Features

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

8 – Summary

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

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

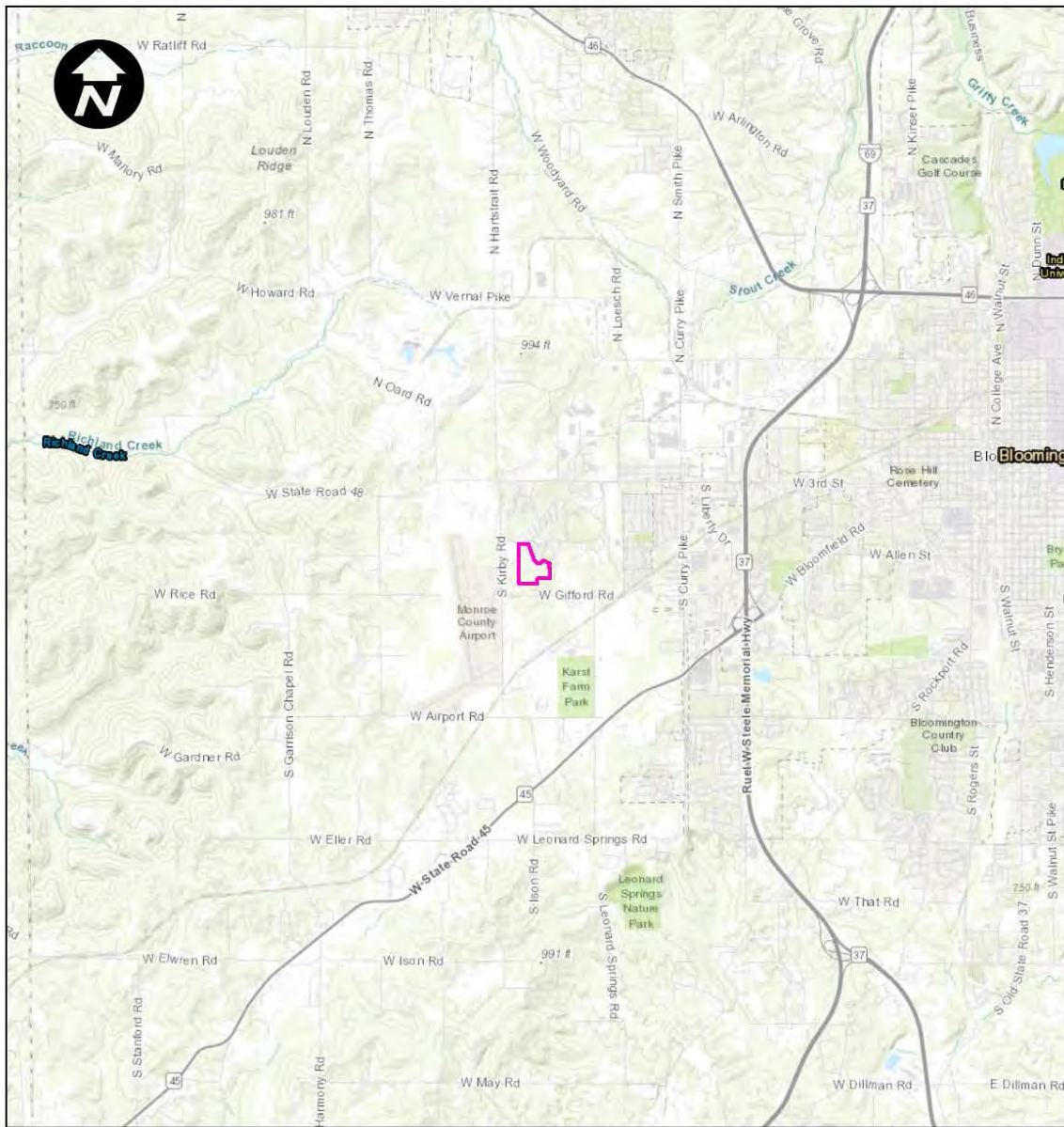
Sincerely,

Hydrogeology Inc.



Jason N. Krothe, LPG IN-2511
President





LEGEND

SITE

0 0.5 1 2 Miles

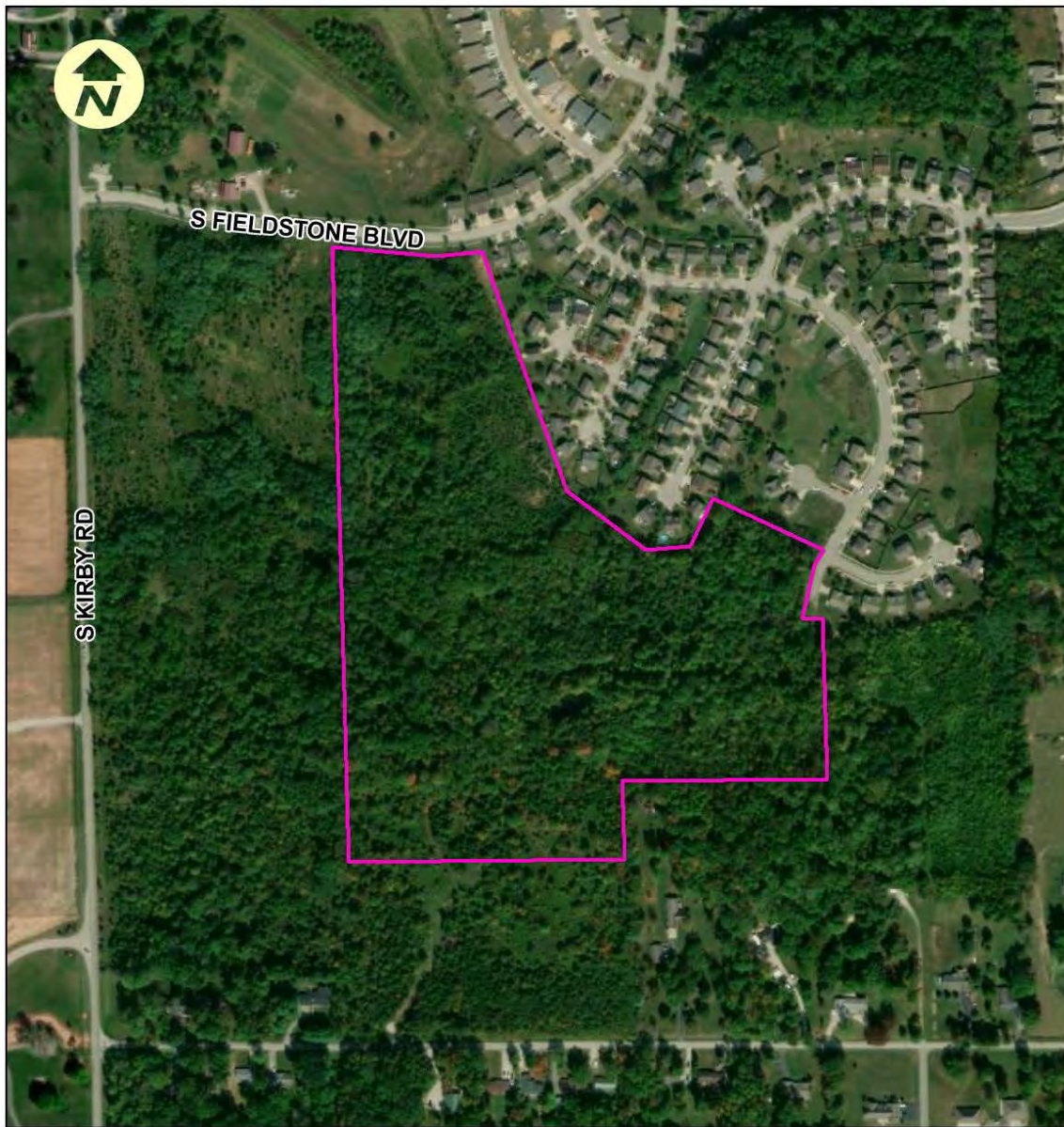
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

**KARST SURVEY
AUTHENTIC HOMES
BLOOMINGTON, IN**

SITE LOCATION

hydrogeology inc.

FIGURE
1



LEGEND

SITE

0 125 250 500 Feet

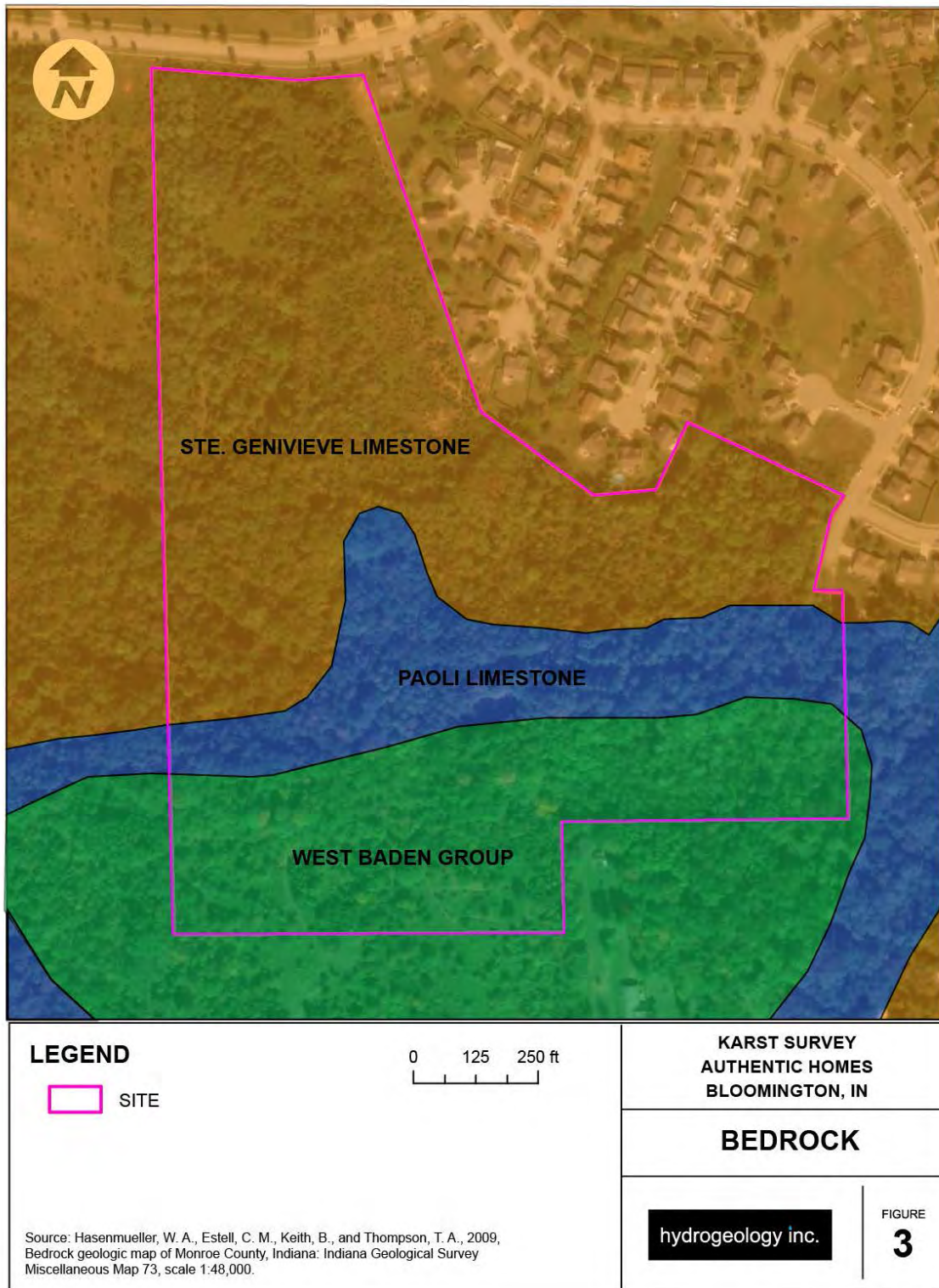
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

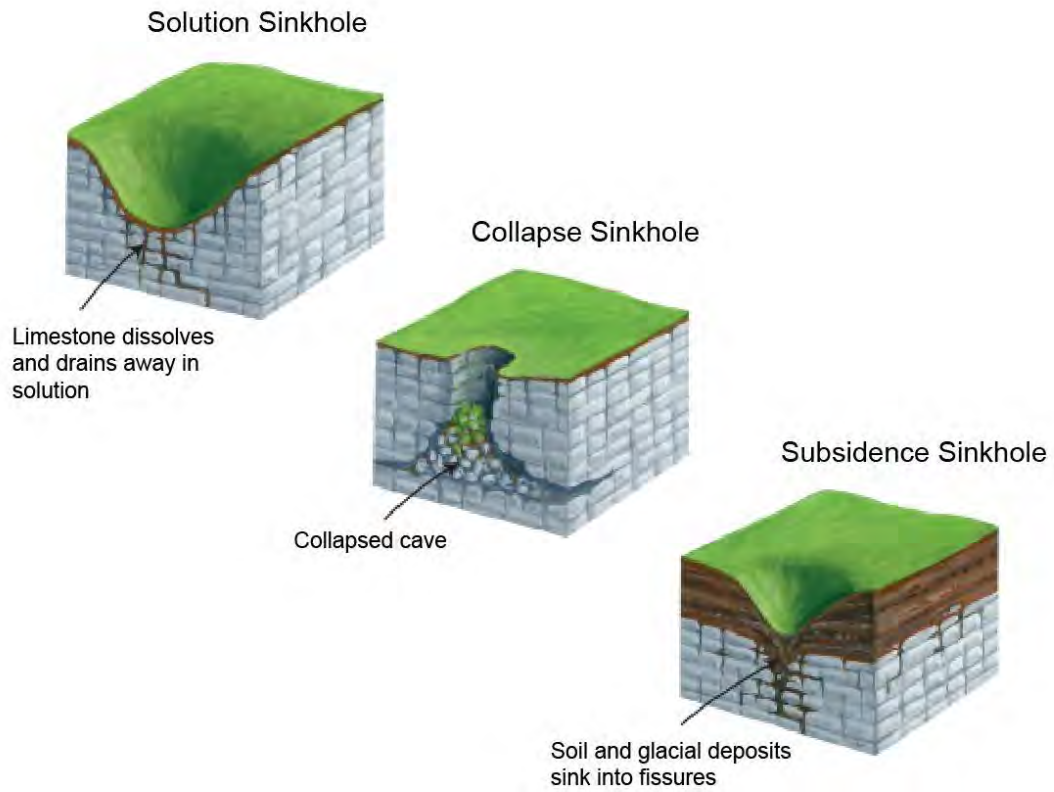
KARST SURVEY
AUTHENTIC HOMES
BLOOMINGTON, IN

SITE BOUNDARY

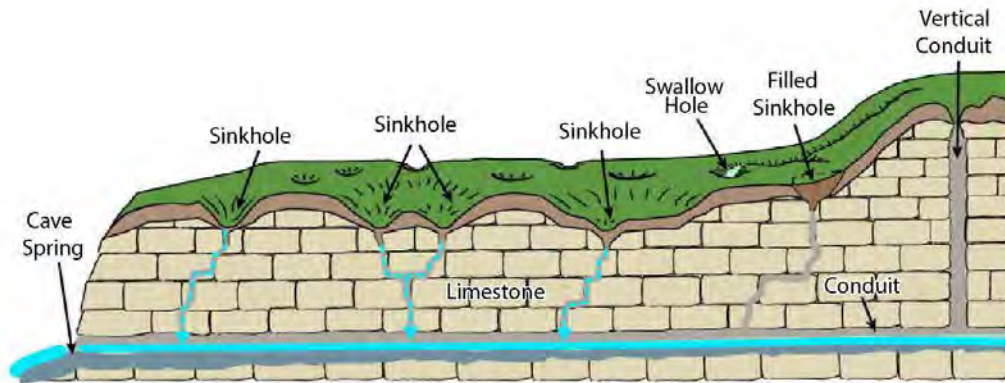
hydrogeology inc.

FIGURE
2





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



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



LEGEND

- SITE
- SINKHOLE

0 125 250 ft

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


KARST SURVEY
AUTHENTIC HOMES
BLOOMINGTON, IN


SINKHOLES


hydrogeology inc.


FIGURE
6


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


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


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


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


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


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


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


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


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


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


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


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


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


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


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


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


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

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


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


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


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

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

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

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

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


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


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





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





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


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

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


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


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


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


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

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


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


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


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


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


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


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


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

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

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

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

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

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

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE**April 4, 2023**

PLANNER	Drew Myers
CASE NUMBER	REZ-23-1, Lake Lemon Marina Rezone
PETITIONER	Werner Group LLC c/o Stephen Werner
ADDRESS	9554 E Northshore DR, parcel no. 53-01-35-100-017.000-003
REQUEST	Rezone Request from LB to LB (w/ the request to remove the prior rezone condition of approval for a shared driveway) Waiver of Final Hearing Requested
ACRES	3.41 +/- acres
ZONE	Limited Business (LB)
TOWNSHIP	Benton North
SECTION	35
PLATS	Platted; Northshore Final Plat Amendment One
COMP PLAN DESIGNATION	Rural Residential

EXHIBITS

1. Petitioner Letter
2. As-Built Survey
3. Ordinance 2007-48
4. Plan Commission Minutes – September 25, 2007
5. Driveway Permits – November 2016
6. North Shore Amendment One - Final Plat
7. North Shore Subdivision Improvement Agreement
8. North Shore Amendment Two - Final Plat
9. Letters of Support
10. Petitioner's Presentation
11. Petitioner's Site Photos

RECOMMENDATION

Recommendation to the Plan Commission:

- Staff recommends forwarding a “negative recommendation” to the Monroe County Board of Commissioners based on the prior rezone petition’s conditions of approval and the recommendation by the Monroe County Highway Department.

PLAN REVIEW COMMITTEE – March 9, 2023

Plan Review Committee (PRC) members discussed the planning history of the petition site and requested staff include the Plan Commission minutes for the most recent rezone (9/25/07) in the next staff report (see Exhibit 4). PRC members also asked for staff to include any driveway permits that were issued for the neighboring properties to the north (see Exhibit 5).

MEETING SCHEDULE

Plan Review Committee – March 9, 2023

Plan Commission Admin Meeting – April 4, 2023

Plan Commission Regular Meeting – April 18, 2023 (Preliminary– Waiver of Final Hearing Requested)

Plan Commission Admin Meeting – May 1, 2023

Plan Commission Regular Meeting – May 16, 2023 (Final Hearing)

Board of Commissioners Meeting – TBD

SUMMARY

The petition site is one parcel totaling 3.41 +/- acres located in Benton North Township at 9554 E

Northshore DR. The petitioner is proposing to amend the Zoning Map from Limited Business (LB) to Limited Business (LB) with the intention to remove a prior condition of approval from Ordinance 2007-48. The petitioner's intention behind the rezone request is to remove the condition of approval related to requiring a shared driveway with the adjacent properties (see highlighted condition below requested to be removed).

Ordinance 2007-48 (Exhibit 3):

SECTION II.

The following conditions of approval shall apply to this petition:

1. Access to proposed lots be provided by an ingress-egress easement at the existing petition site entrance or via an easement from another existing driveway cut. No new driveway cuts shall be allowed onto east Northshore Drive.
2. 30' Right of way dedication along E. Northshore Drive (Minor Collector)
3. The submitted site plan be amended to remove right-of-way dedication acreage from the minimum lot size count and reach compliance with the requirements of the Subdivision Control Ordinance, Chapter 856-28 (B).
4. The existing business use be brought into compliance with applicable site plan development standards (Chapters 806, 807, 815, 830) prior to recording any final plat.
5. The minimum first floor elevation (including basement) for any new building shall be 637.0 ft. NGVD.

The driveway to be shared is circled in blue:



If the rezone request is approved by the County Commissioners, the petitioner intends to apply for a major subdivision preliminary plat amendment with a sidewalk waiver to remove the requirement of constructing a sidewalk along lots #1-5, and also, remove mention of the shared driveway. It is Staff's understanding that the shared driveway requirement is conditioned in both the rezone and subdivision final guiding documents. The petitioner also intends on submitting a commercial site plan amendment and possible design standards variance requests to adjust the commercial site aspects like paving, parking, landscaping, etc. The site is currently not paved, and the plans call for a paved parking area; the petitioner would like to keep the parking area gravel, which will further require a variance.

If the rezone is denied, the petitioner may continue to operate the property as the Lake Lemon Marina under the Limited Business (LB) zone but must remove a driveway entrance and instead use a shared driveway design. The petitioner may still apply for the major subdivision preliminary plat amendment and subsequent process for a commercial site plan amendment.

BACKGROUND

The Zoning Map amendment would be from LB to LB with the intention of removing a condition of approval from a prior rezone petition.

In May of 2005, a rezone (case #: 0503-REZ-06) was approved for 1.37 acres of a 7.53-acre parcel to Estate Residential (ER). The original 7.53-acre parcel was the Lake Lemon Marina property, which was zoned Limited Business (LB).

In May 2005, a minor subdivision (case #: 0505-SMN-14) was approved by the Plat Committee creating two lots, (1.37 acres zoned ER and 6.16 acres to remain zoned LB).

In May of 2006, the Monroe County Plan Commission approved a three-lot major subdivision (case #: 0602-SPP-01) creating two 1-acre lots and a remaining 5.53-acre lot for the marina business use.

In December of 2007, a rezone (case #: 0707-REZ-06, Ordinance 2007-48) was approved for the 5.53-acre lot. Two acres of the 5.53-acre lot were rezoned from LB to ER. The remaining 3.53 acres from the 5.53-acre lot remained the LB zoning to contain the existing marina business zone.

In March 2008, the Plan Commission approved a three-lot preliminary plat amendment (case #: 0801-SVA-01) to officially create the two 1-acre lots and left the remaining 3.41-acre lot for the marina business use.

Sometime in April or May of 2008, a commercial site plan for the marina business was approved by County Planning Staff (case #: 0804-SIT-01). To-date, staff is unsure whether a final Land Use Certificate (LUC) was issued for this site plan. There is a bond on file for paving the marina site, which is also the impetus for part of these filings; the petitioner would prefer not to pave and instead get a release of the bond funds.

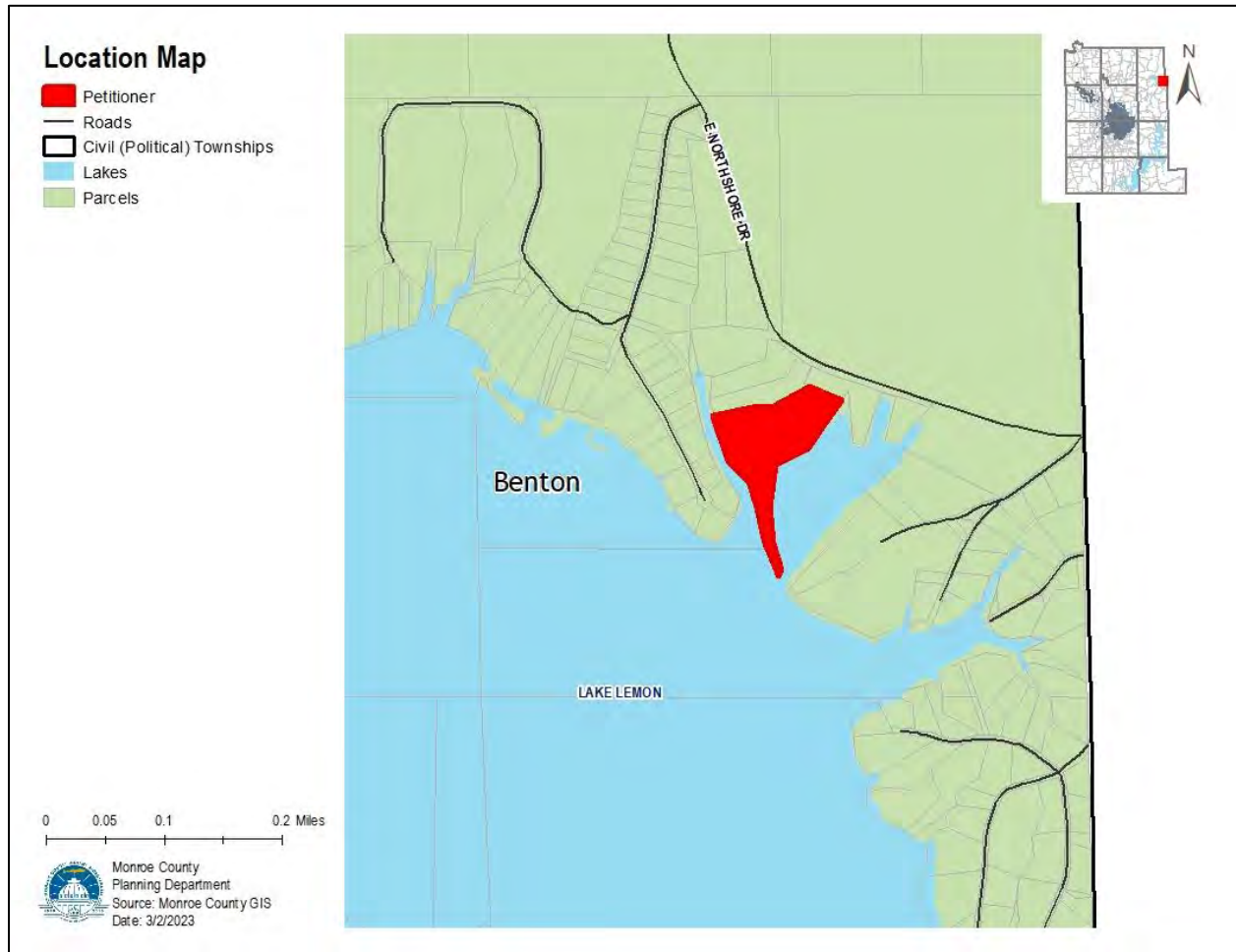
Listed below are the definitions of the LB zone per Chapter 802.

Limited Business (LB) District.

The character of the Limited Business (LB) District is defined as that which is primarily intended to meet the essential business needs and convenience of neighboring residents. Limited business uses should be placed into cohesive groupings rather than on individual properties along the highways and access control should be emphasized. Its purposes are: to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross-access in order to allow traffic from one business to have access to another without having to enter the highway traffic; to discourage single family residential uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the LB District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

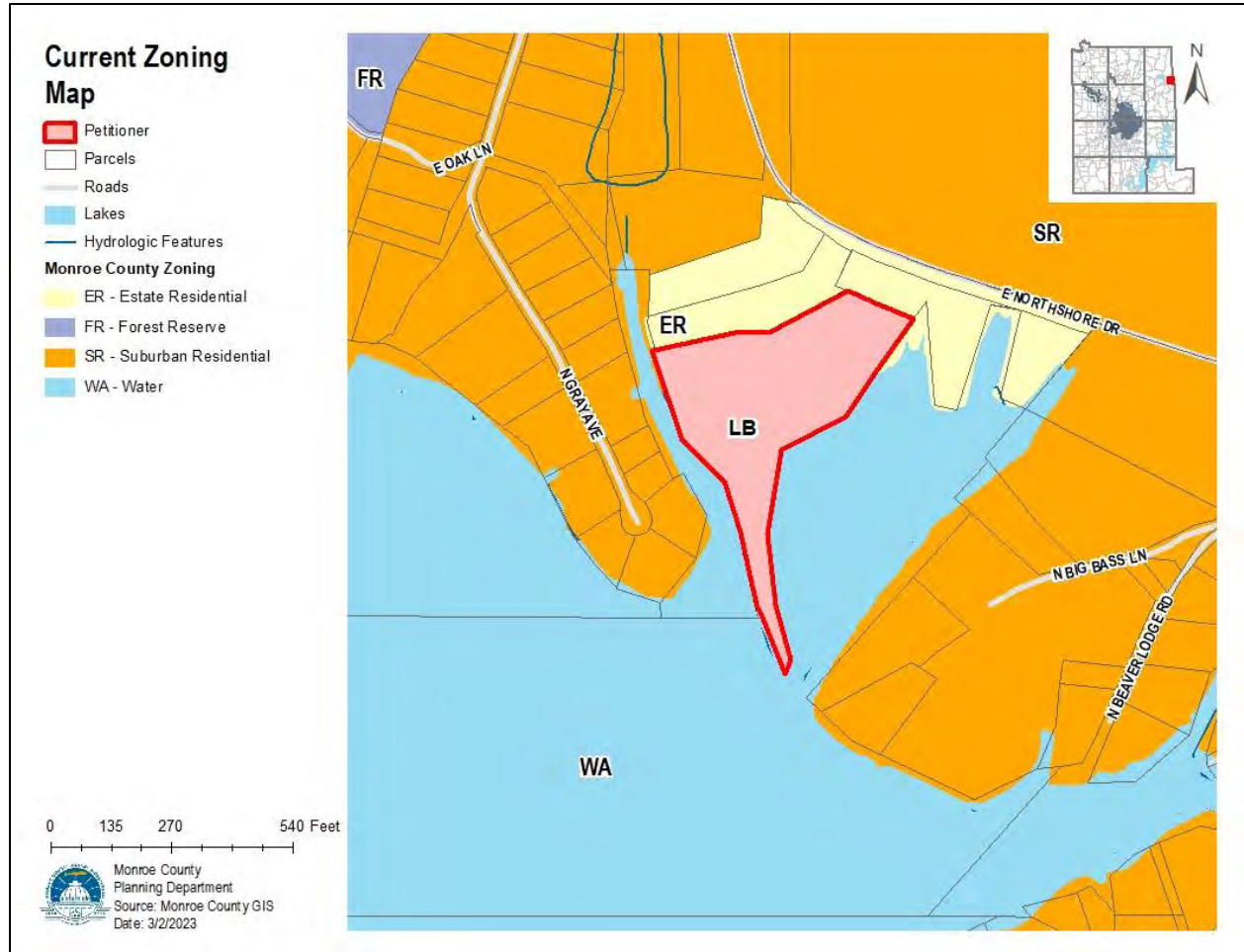
LOCATION MAP

The parcel is located at 9554 E Northshore DR, Section 35 in Benton North Township. The Parcel No. is 53-01-35-100-017.000-003.



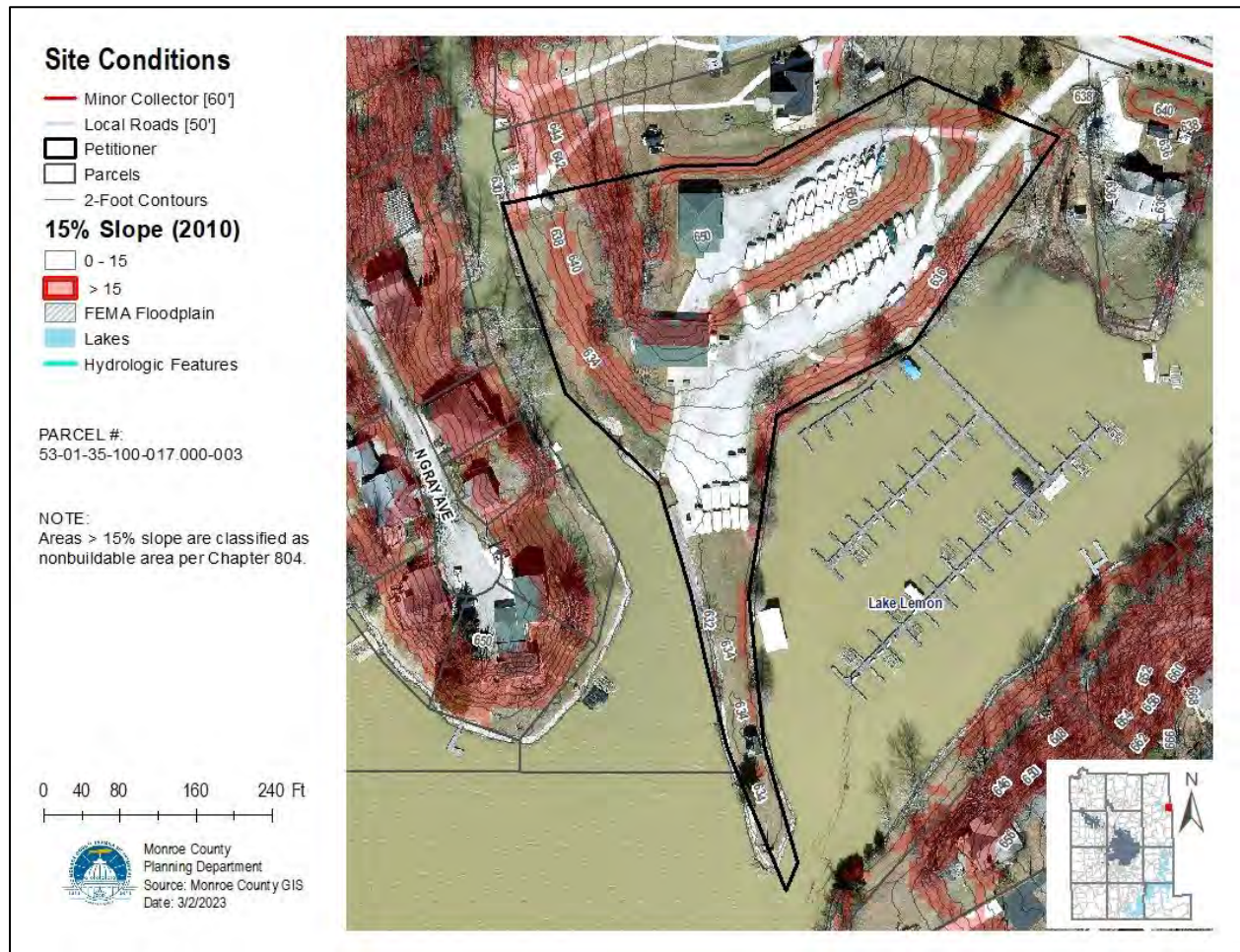
CURRENT ZONING

The parcel is zoned Limited Business (LB). Adjoining parcels to the north and east are zoned Estate Residential (ER), and adjoining parcels to the west are zoned Suburban Residential (SR). There are no commercial uses directly adjacent to the subject property. The surrounding area consists of predominantly residential uses.



SITE CONDITIONS & INFRASTRUCTURE

The petition site is made up of one 3.41 acre +/- parcel. The Lake Lemon Marina currently operates on the petition site. Access from E Northshore DR is through an ingress/egress easement on the property at 9604 E Northshore DR (Hamer, Karen & Colin). Portions of the property are designated "A" according to the DNR Best Available Floodplain Map. There is no evidence of the presence of karst/sinkhole features on and near the petition site according to available contour data.



Lake Lemon Marina
9554 E Northshore DR

- Legend**
DNR – Best Available Floodplain Mapping
- A
 - A, APPROXIMATE FLOODWAY
 - AE
 - AE and FLOODWAY
 - X SHADED
 - X UNSHADED



DNR Best Available Floodplain Mapping. Map created 3/2/2023.

Site Photos:



Photo 1 – Lake Lemon Marina Driveway; facing northeast.



Photo 2 – Lake Lemon Marina Driveway; facing west.



Photo 3 – Lake Lemon Marina Driveway; facing northwest.



Photo 4 – E Northshore DR; facing southeast.



Photo 5 – E Northshore DR; facing northwest.



Photo 6 – 9550 & 9548 E Northshore DR driveway cut; facing northwest.



Photo 7 – Driveway cuts off E Northshore DR; facing southeast.



Photo 8 – Area for potential shared driveway; facing northeast.

Stormwater Comments:



Kelsey Thetonia

[Remove Note](#) • Feb 17, 2023 at 2:47 pm

Received a call from Steve Werner 2/17/23 2:30 pm, discussed his drainage concerns for the two driveways. I also talked to Ben afterwards about this. From desktop review, it looks like the marina will need a driveway pipe to alleviate some of their drainage issues. Ditch it to our small structure (66" x 51") under Northshore, just west of the 9608 E Northshore driveway. I did not communicate this with Mr. Werner over the phone. I'm going to perform a site visit next week to look at it before providing formal comments on the drainage in this area.



Stephen Werner

[Remove Comment](#) • Feb 23, 2023 at 10:05 am

I spoke with Kelsey and she was going to visit the property to look at the poor runoff situation already causing severe erosion around the lake that any more asphalt would only exacerbate. Spoke to Adam Casey at the Lake Lemon Conservancy District and he also does not want to see more asphalt in this area due to the erosion problems happening in this area and all around the Lake. Please advise on your findings Kelsey after visiting the site and speaking with the LLCD and revise this step.

Highway Comments:



Ben Ayers

[Remove Comment](#) • Feb 14, 2023 at 10:09 am

Northshore Drive is classified as a Minor Collector with an ADT of 534. Due to the hill and curve to the west the required sight distance of 335.0' and the driveway spacing requirement of 150.0' of Monroe County Code Chapter 755; 755-11 cannot be obtained. I recommend that the condition of approval of the Northshore Subdivision to share the existing driveway entrance remain.

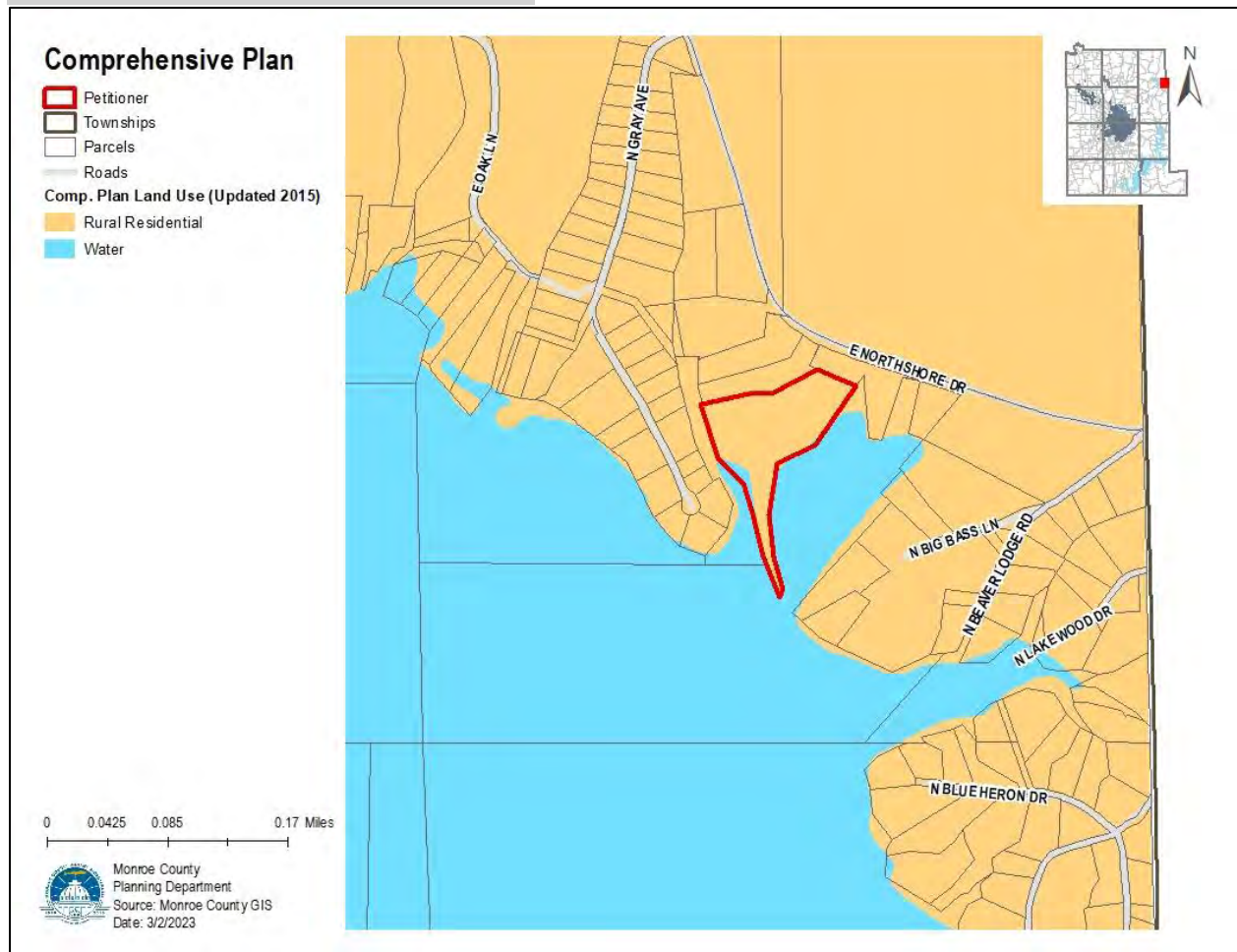


Stephen Werner

[Remove Comment](#) • Feb 23, 2023 at 10:35 am

Ben, thanks for chatting with me last week. I believe the ADT number shown above to not be representative of the traffic during the spring and summer at the convergence of these properties. We strongly disagree with a strict reading of the code without taking into account many traffic related factors, including that the existing drive is directly across from another high volume property (Lake Lemon Acres Trailer Park), that traffic heading west on Northshore from east of the existing drive that would try to reach the Western residential parcel would be cat cross-purposes to commercial traffic into the Marina, traffic into the trailer park and traffic to the residence to the east. The proposed shared drive would cause a dangerous confluence of traffic with mixed commercial and residential purpose traveling in different directions on a shared drive. We are not sure why the highway department, notwithstanding the code, would want to turn separate drives with separate purposes into what is essentially a five-way stop. We ask the highway department to visit the site and assess the traffic patterns that are likely to arise when the ADT rises to double or more of the annual average with boaters trying to get into the marina with residents and guests trying to reach the residential plats around the Marina. Right now the existing shared drive is wide enough for the plat to the east to not have to cross Marina traffic. The sight distance and driveway separation measurements are so close to the requirements in this case and that these plats, which are zoned differently (Limited Business for the Marina and ER for the residences), are being treated as one residential subdivision ignores reality. As you can read from the letters we have attached to our submission, all of our neighbors agree that what you propose would actually increase traffic danger not in any way lessen it.

COMPREHENSIVE PLAN DISCUSSION



The **Rural Residential** use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.

The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential property use opportunities, an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available

for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as Rural Residential.
- The rezone request is to remove a prior rezone condition of approval that requires ...;
- The current use of the petition site is boat storage;
- If approved the petitioner intends to submit a preliminary plat amendment and request a sidewalk waiver to remove the sidewalk requirement on the petition site, and submit a commercial site plan amendment to come up-to-date with site development standards;

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

Findings:

- See Findings under Section A;
- The rezone request is not to change the zoning, but rather remove a prior condition of approval from Ordinance 2007-48;
- The petition site is currently zoned Limited Business (LB);
- A marina has operated at this location for more than 20 years;
- Ben Ayers of the Highway Dept. provided the following comment:
 - “Northshore Drive is classified as a Minor Collector with an ADT of 534. Due to the hill and curve to the west the required sight distance of 335.0' and the driveway spacing requirement of 150.0' of Monroe County Code Chapter 755; 755-11 cannot be obtained. I recommend that the condition of approval of the Northshore Subdivision to share the existing driveway entrance remain.”
- The petition site does exhibit areas of considerable slope greater than 15% (see Site Conditions Map);
- Portions of the petition site are designated “A” per the DNR Best Available Floodplain Map;
- 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 and east are zoned ER;
- The adjacent parcel to the west is zoned SR;

- Land uses in the surrounding area are predominantly residential;
- There are no known commercial uses directly adjacent to the subject property;

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

Findings:

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

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- The petition site is one parcel with 3.41 +/- acres;
- The purpose of the rezone is to remove a prior rezone condition of approval related to requiring a shared driveway;
- According to the Monroe County Thoroughfare Plan, E Northshore DR is designated as a Minor Collector roadway;
- Driveway permits were issued by the Highway Dept. in 2016 for 9548 and 9550 E Northshore DR;

EXHIBIT 1: Petitioner Letter



9554 E. Northshore Drive
Unionville, Indiana 47468

Phone: (812) 988-9400
E-mail: info@lemonmarina.com
Web: <https://lemonmarina.com>

January 23, 2023

Monroe County Planning Department
Attention: Planning Committee
501 N Morton St
Suite 224
Bloomington, IN 47404

Dear Planning Committee,

Werner Group, LLC ("**Marina Group**"), formerly known as Schell Group, LLC (an now under new ownership as of December 29, 2021), hereby requests removal of the previous rezone's conditions of approval to require construction of a shared driveway across an easement owned by another property owner, Colin Hamer, tying together 4 parcels, 3 of which are residential (zoned ER) and one of which (ours) is commercial (Lake Lemon Marina, zoned LB). We are requesting removal of this impractical requirement on behalf of ourselves and the adjacent residential property owners who are in full support of this request.

This shared drive requirement related to the re-zoning of two 1-acre parcels (from LB to ER) that were partitioned off from the Marina and sold for residential development back in 2008. In 2008, the former owners of the Marina Group tacitly agreed to construction of the shared driveway and an agreement was drawn up by the County (but never executed) to provide for a letter of credit securing this requirement and other landscaping, paving, and sidewalk requirements as a condition for such former owners of the Marina Group to partition these parcels into residential plots. Ever since, this letter of credit has been maintained by the Marina Group and the former owners never constructed the shared driveway (or other improvements). The current owners of the Marina Group are hereby requesting removal of this requirement of a shared driveway as such requirement is (i) unduly costly, (ii) impractical as it would require digging up and relocating critical utility lines, (iii) unsightly in requiring removal of greenspace and possibly a tree, and (iv) impractical because it requires 3 residential parcels that have maintained driveways that have functioned well for around 15 years to share a drive with a commercial property that is busy during the spring through fall seasons. This requirement does not make sense for us, the residents around us, or for traffic flow for the surrounding community.

Attached with this letter are the recorded plats from 2008 of the Marina Group land and the residential parcel to the North reflecting the shared drive requirement, the unsigned Subdivision Improvement Agreement, the record of the related Plan Commission Ordinance 2007-48, the relevant pre-design conference document of the Planning Department, current as-builts of the Marina parcel, and letters from the relevant residential landowners in support of removal of this impractical, unsightly, and unduly burdensome shared drive requirement.

Sincerely,

Stephen M. Werner, Esq.
Manager, Werner Group, LLC

Page 1 of 1

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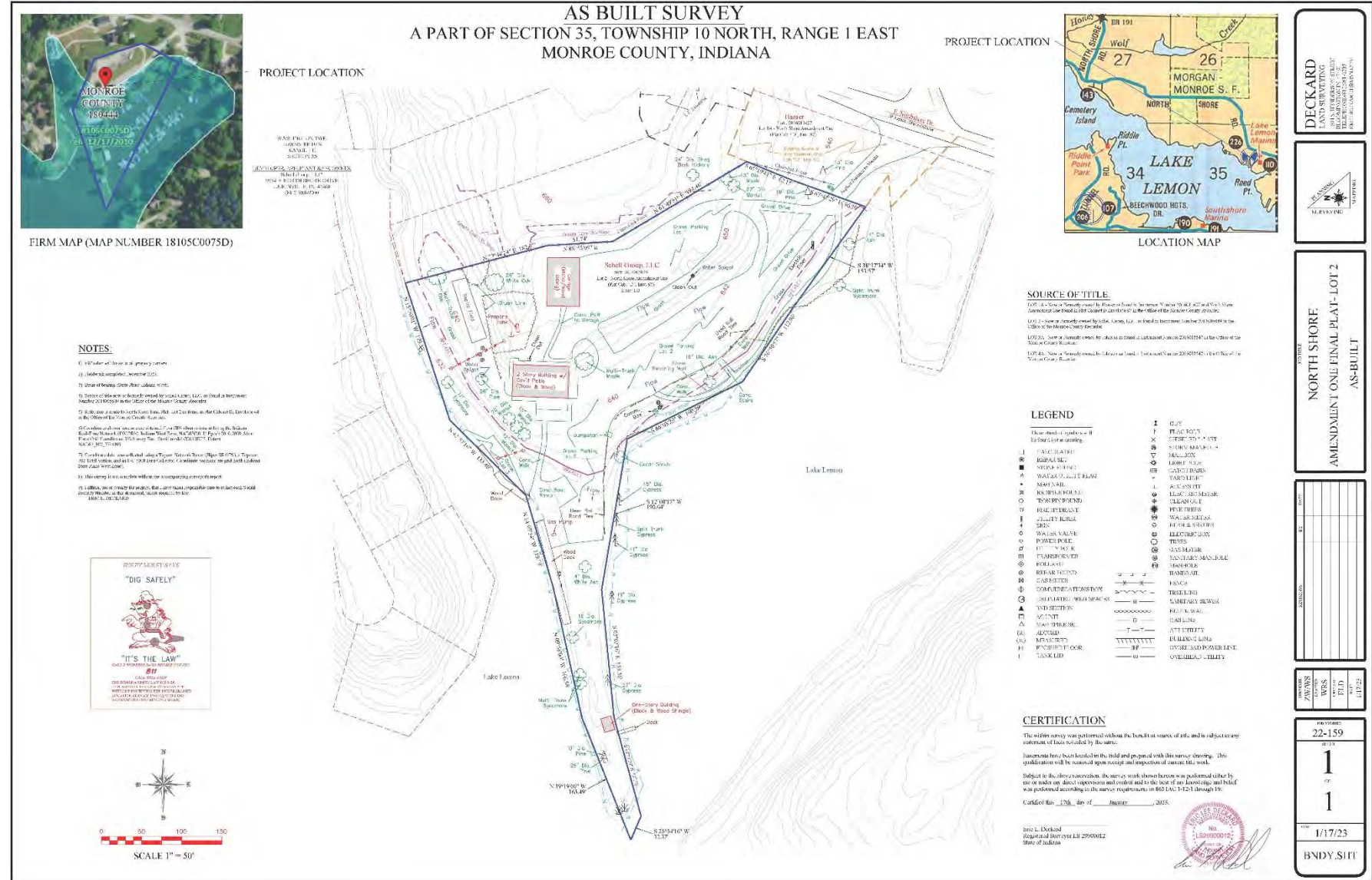


EXHIBIT 3: Ordinance 2007-48

PLAN COMMISSION ORDINANCE # 2007-48

Schell Group, LLC Rezone

An ordinance to amend the Monroe County Zoning Maps which were adopted December 1996.

Whereas, the Board of Commissioners of Monroe County, Indiana, passed a zoning ordinance and adopted zoning maps effective January 1997, which ordinance and maps are incorporated herein; and,

Whereas, the Monroe County Plan Commission, in accordance with all applicable laws, has considered the petition to amend said zoning maps;

Now, therefore, be it ordained by the Board of Commissioners of Monroe County, Indiana, as follows:

SECTION I.

The Monroe County Zoning Ordinance is amended to reclassify:

A part of the Northeast quarter of Sections 35, Township 10 North, Range 1 East, Benton Township, Monroe County Indiana, being 2 acres.

Request is to rezone from Limited Business (LB) to Estate Residential (ER).

SECTION II.

The following conditions of approval shall apply to this petition:

1. Access to proposed lots be provided by an ingress-egress easement at the existing petition site entrance or via an easement from another existing driveway cut. No new driveway cuts shall be allowed onto east Northshore Drive.
2. 30' Right of way dedication along E. Northshore Drive (Minor Collector)
3. The submitted site plan be amended to remove right-of-way dedication acreage from the minimum lot size count and reach compliance with the requirements of the Subdivision Control Ordinance, Chapter 856-28 (B).
4. The existing business use be brought into compliance with applicable site plan development standards (Chapters 806, 807, 815, 830) prior to recording any final plat.
5. The minimum first floor elevation (including basement) for any new building shall be 637.0 ft. NGVD.

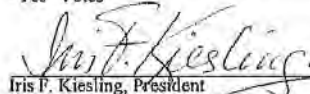
SECTION III.

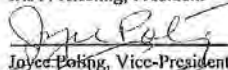
This ordinance shall be in full force and effect from and after its passage and adoption by the Board of Commissioners of Monroe County, Indiana.

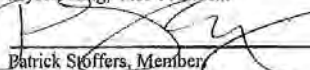
Passed and adopted by the Board of Commissioners of Monroe County, Indiana,
this 7th day of December, 2007.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes


Iris F. Kiesling, President


Joyce Poling, Vice-President


Patrick Stoffers, Member

"No" Votes

Iris F. Kiesling, President

Joyce Poling, Vice-President

Patrick Stoffers, Member

Attest:

Sandra Newmann, Monroe County Auditor



MONROE COUNTY BOARD OF COMMISSIONERS
REQUESTED AGENDA INFORMATION FOR THE COMMISSIONER'S MEETINGS

TITLE OF ITEM THAT APPEARS ON THE COMMISSIONER'S AGENDA: Ordinance 2007-48
Schell Group, LLC Rezone from LB to ER

- THE COMMISSIONERS WILL NOT ACCEPT THIS ITEM FOR THEIR BOARD OF COMMISSIONERS' MEETING IF THE EXECUTIVE SUMMARY IS NOT WRITTEN.

The petitioner is seeking to rezone 2+ acres of an existing 5.53 lot within the North Shore Subdivision located at 9554 E. Northshore Drive from LB to ER. In May of 2006, the Monroe County Plan Commission approved a three lot major subdivision creating two 1 acre lots and a remaining 5.53 lot for the marina business use. It is this remaining 5.53 acre lot which is seeking a rezone of 2 acres to ER and retention of 3.53 acres as LB zoning to contain the existing business use. The Plan Review Committee expressed concerns regarding traffic and level of service for Northshore Drive. Recommendations were made that the ability to support septic systems must be demonstrated and the removal of the existing barn structure on site be supported. The Plan Commission unanimously approved this petition at the September 25, 2007 regular meeting with the conditions included in the ordinance.

DATE ITEM WILL APPEAR ON THE COMMISSIONER'S AGENDA: December 7, 2007

CONTACT PERSON: Jason Eakin PHONE NUMBER: 2564

PRESENTER AT COMMISSIONER'S MEETING (if other than contact person) _____

OFFICE/DEPARTMENT: Planning

HAS THE MONROE COUNTY LEGAL DEPARTMENT REVIEWED ITEM? Yes X No _____

SIGNED: [Signature] DATE: 11/30/07
(2 copies must be made: 1 given to Auditor's Office, 1 given to the Commissioner's Office)

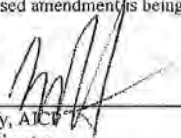
OFFICE OF
MONROE COUNTY PLAN COMMISSION
COURTHOUSE - ROOM 306
BLOOMINGTON, IN 47404

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

I, Gregg Zody, AICP, hereby certify that during its meeting on September 25, 2007, the Monroe County Plan Commission considered petition #0707-REZ-06 for an amendment (Ordinance #2007-48) to the Monroe County Zoning Ordinance and made a recommendation to approve thereon, based on the findings, with a vote of 7-0.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).



Gregg Zody, AICP
Planning Director



Date

EXHIBIT 4: Plan Commission Minutes – September 25, 2007

Notice of Public Hearing

The Monroe County Plan Commission will hold a public hearing on Tuesday, September 25, 2007, at 6:00 PM, in Courthouse - Meeting Room 315, Bloomington, IN, to consider the following agenda & requests regarding the following described properties in Monroe County, IN:

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

August 21, 2007 Regular Meeting

OLD BUSINESS:

1. **0706-REZ-05** William Parks Rezone from LB to GB, two parcels on 1.88 acres. Located in Richland Township, Section 13, Plats 26 and 36, at 3536 W. Pyramid Court.

NEW BUSINESS:

MONROE COUNTY COMPREHENSIVE LAND USE PLAN UPDATE

RURAL COMMUNITY PLANS UPDATE

ALTERNATIVE TRANSPORTATION AND GREENWAYS SYSTEM PLAN UPDATE

1. **0706-REZ-02** Slaven/Freeman Fields Lot 29 Rezone from AG/RR to LB, 1 parcel on 2.5 acres. Located in Clear Creek Township, Section 15, Plat 27. Located at 8805 S. Adah Ave. Zoned AG/RR. (Continued by staff)
2. **0708-SMN-13** Grace Hillenburg Minor Subdivision, Sidewalk waiver for 2 lots on 4.96 acres. Located in Perry Township, Section 21 Plat 87. Located at 4900 S Old State Rd 37.
3. **0706-SPP-04** Benchmark Subdivision, Preliminary Plat for 21 lots, 3 parcels on 54.12 acres. Located in Clear Creek Township, Section, 6, Plat 16. Located at 7187 S. Ketcham Road. Zoned AG/RR.
4. **0707-REZ-06** Schell Group, LLC Rezone Request from LB to ER, 1 parcel on 5.53 acres. Located in Benton North Township, Section 35, Plat 126. Located at 9554 E. Northshore Drive. Zoned LB.

- 0707-REZ-06** Schell Group, LLC Rezone Request from LB to ER, 1 parcel on 5.53 acres. Located in Benton North Township, Section 35, Plat 126. Located at 9554 E. Northshore Drive. Zoned LB.

BOARD ACTION:

Pittsford read the petition.

STAFF ACTION:

(Eakin) Just in the event anyone has a similar acreage question, in your packets, my packet says 2 acres, plus or minus, so I am going to blame Mr. Gates.

(Pittsford) Why is the agenda always different from the....because I read from the agenda; that's what is supposed to guide us, and then I look at the presentation and it says 2 acres, plus or minus; this says 5.

(Zody) President Pittsford, we're going to have a discussion about this tomorrow in the office.

(Pittsford) This concerns me almost as much as the zone map not matching the comprehensive plan language.

(Irvine) Jerry, they're just playing with you and it's fun. You're going to take all the pleasure out of this.

(Eakin) Just to clarify, we are looking at 5.53 acres with this petition site. The petition request is to rezone 2 acres of a 5.53 acre tract, which is probably the nature of the discrepancy. The intent will be to further subdivide the two acre tracts at a later date for single family residential use. That's the Estate Residential zoning district which allows one acre minimum lot sizes. This petition site, as you stated, is on East Northshore Drive on the north side of Lake Lemon, obviously. This is within the Lake Lemon conservancy district boundaries as well. As you can see, the current zoning designation is Limited Business for this site. This is the site of the Schell Marina property which has been before you recently regarding a subdivision and rezone request prior to that for the properties you see zoned Estate Residential to the east along Northshore Drive. In the vicinity you can also see Suburban Residential was the zoning of choice in the district. The reason being that most of those lot sizes you see there are well below one acre minimum lot size which is the designation of Suburban Residential. That is to coincide with the early plan at Lake Lemon for cabin rentals, fishing cabins and so on. Immediately adjacent to the north on Northshore is the Knob Hill Campground which has been in existence since the 60's. Once you head out of the Lake Lemon immediate district, in the conservancy district boundaries, you get into Forest Reserve. This is just west of the Brown County line. This is an overview of the comprehensive plan designations for the area. This site is within the Conservation Residential district. You have public open space which is most of the Morgan-Monroe State Forest further north, Rural Residential west of Lake Lemon. Then once you hit State Road 45, most of it in to the south falls into the Lake Monroe watershed, and then everything north heads into the Lake Lemon. This just further indicates that it is Conservation Residential in that district. This is an aerial of the site; you can see there is a peninsula and boat docks out in the water as well as boat storage which takes place on the existing lot of record. The petition site is on the northern side immediately abutting Northshore Drive. The hash area was a rough drawing I put in with the aerial overlays to try and give you a concept of what 2 acre lots would look like on this site. It is not exactly to scale so that could be slightly off in certain areas. But you can see that the topography is relatively flat on top. There is some steeper drainage into a little drainage channel that feeds into the lake on to the west. There is a pretty significant curve on Northshore at this site of the petition and you will see that in Staff's conditions, which I will go ahead and read at this time.

Based on the Findings of Fact, staff recommends the Plan Commission forward this request to the County Commission with a positive recommendation subject to the conditions of the County Highway Engineer and County Drainage Engineer and the following conditions:

1. Access to proposed lots be provided via an ingress/egress easement at the existing petition site entrance. No new driveway cuts should be allowed onto E. Northshore Drive.
2. 30' Right of way dedication along E. Northshore Drive (Minor Collector)
3. The submitted site plan be amended to remove right-of-way dedication acreage from the minimum lot size count and reach compliance with the requirements of the Subdivision Control Ordinance, Chapter 856-28 (B)
4. The existing accessory apartment(s) use being conducted in the principal business structure be vacated prior to recording any final plat.
5. The existing business use be brought into compliance with applicable site plan development standards (Chapters 806, 807, 815, 830) prior to recording any final plat.

(Eakin) We felt that Condition No. 4 regarding the removal of accessory apartments or the vacation of the use of some accessory apartments within the existing business structure was not feasible given that the nature of this specific request and the provisions of the pre-existing non-conforming use chapter. We can go into that later if you like. It's fairly complex and I'm still a bit perplexed a bit by it but we feel confident that at a later date, at the time of subdivision, we can address that particular issue when we get into the sighting of septic for the subdivision and the use areas and the buffering and so on. We think that will be something we would like to address at a later date. So Staff is recommending to strike Condition No. 4.

Findings:

- The petition site is located in the Conservation Residential land use. The Comprehensive Plan states the following with regards to Conservation Residential:

This category recommends limitations on development within the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon and Lake Griffy. It is established to provide a residential option while protecting the lakes and the water supply resources of the County. There are approximately 9,000 acres of land in this category.

With the exception of The Pointe development on Monroe Reservoir, these sensitive areas generally do not have public water and sewer services. Access is limited by narrow, winding roadways. Development at higher densities would require a significant investment in roadways, water, sewer and other public services. Most of these areas are heavily forested and have rugged topography making development at higher densities difficult and potentially expensive and environmentally damaging.

In general, critical water supply watersheds and areas of steep topography are not encouraged for development. Where development occurs, it should be for large lot residential uses with a minimum lot size of five acres. In reviewing subdivision and site development proposals, the County Plan Commission should consider the following criteria:

- Public services or improvements are not recommended for these areas.
- Regulations should be adopted regarding erosion, drainage and vegetation management.

- The present zoning is Limited Business (LB) for the 2 acre petition site which would be inconsistent with the Conservation Residential recommendations.
- The requested zoning of Estate Residential (ER) would also be inconsistent with the recommendations of the Conservation Residential land use area of the Comprehensive Plan.

(B) Current Conditions and the Character of Current Structures and Uses in Each District;

Findings:

- The current condition and character of the site is a marina with accessory structures and on site boat storage.
- Adjacent uses are small lot, single family residential to the east and west on the south side of E. Northshore Drive, many of which are vacation properties and not year round occupancy.
- The property immediately to the north (Knob Hill Campground) is a legal, pre-existing, non-conforming campground use.
- The character of the area is a mix low density residential in areas not immediately surrounding Lake Lemon, small lot single family residential with acreages ranging from 0.14-5 acres fronting along Lake Lemon and recreational uses (i.e. Lake Lemon Marina) given its proximity to Lake Lemon.

(C) the Most Desirable Use for which the Land in Each District is Adapted;

Findings:

- The most desirable use for the site is residential low intensity use, as its intensity would be lower than the current boat storage use which is medium intensity.
- The proposed zone, ER, is compatible with surrounding residential uses and brings the site closer to conformity with the recommended land use plan designation of Conservation Residential.

(D) The Conservation of Property Values throughout the Jurisdiction; and

Findings:

- The conservation of property values throughout the jurisdiction should be preserved as the petitioner is seeking to bring the petition site closer to conformance with the recommended land use for the area and proposes a use more consistent with existing adjacent residential development.

(E) Responsible Development and Growth

Findings:

- While the Plan is clear about encouraging residential uses at five (5) acres, this petition site is decreasing the intensity of a use of Limited Business (Marina) down to two single family residential use areas.
- The request promotes continuity with adjacent uses and their relative density

- North Shore Drive, which is classified as a Minor Collector Road with a Level of Service of "A", would be decreasing the Vehicle Trips per Day as opposed to a higher intensity use such as a Boat Storage/Marina use, which is a Medium intensity use.
- The proposed removal of a large dilapidated structure on site and replacement with a more modest structure as a result of the approval of this petition will also result in a decrease in the intensity of business use in the area.
- Mound Septic permits have been approved for the petition site.

(Eakin) This is the site plan. As you can see, the two one-acre lots are on the north side. The business building is located more central to the site. There is a large structure that was used previously, the barn storage structure, I can let the petitioner speak to some of that; part of his initial conversations with Staff was that that would be removed and the construction of a new barn facility be put in place on the business lot itself. So that structure is proposing to be removed. This is an aerial view of the site; it's down in the right hand corner you see here. There is the Knob Hill Campground north of the petition site. Again, you can see the boat docks and the marina business use. On the north side where the actual petition is taking place to rezone the two acres, it is Staff's understanding in conversations with the petitioner, which I will let him to speak to these as well, there were some mobile home use there, or short term camping use, something to that effect, and that has been removed since he has taken ownership for the property. It is presently being used for boat storage at times. This is an alternate view looking back across the lake. Again, Knob Hill Campground is located here; petition site is here. The reason we include this photo is to give you an idea of the reason behind Condition No. 1 which is the encourage the new residential lots that would be subsequent to this rezone approval to use the entrance which has much better site distance than being located in close proximity to the curve along Northshore Drive. I wish Bill Williams were here to speak to that. I have had conversations with him but can't speak for him; however, he did not have any opposition to Staff's condition in our last conversation. These are some on the ground photos of the site. This is looking towards the curve I was just speaking of which would be westbound on Northshore Drive. This is the barn structure which is proposed to be removed. In the bottom left hand corner would be looking eastbound on Northshore which does have good site distance to the east. This is the petitioner's new home site which was recently part of the subdivision and rezone approvals they just received. Just a couple more images here. Again, this is the barn to be removed; this is the current business structure which has the apartments on top and the business use underneath. This is the boat docks and a couple other views of the existing building. That is Staff's presentation. At this time I would be happy to answer any questions if you have them.

BOARD DISCUSSION:

(Montgomery) Jason, are they okay with the Staff's recommendations to your knowledge?

(Eakin) To my knowledge. We have spoken about them. I would let the petitioner

answer some of those questions.

PETITIONER:

(John Schell) I am John Schell and this is my wife, Laura, sitting next to me. We've been at the marina five years now; we've accomplished a lot; not as much as we hoped to. Five years ago, we bought a pig's ear and we're still working on turning it into a silk purse. I've always wanted to make all of the improvements that the county asked us to make, including pavement, and with approval of this I think we can afford those improvements, finally, and finish this silk purse. In the five years, we've done an awful lot to decrease the amount of activity on the site. It is an extremely irregular piece of ground and you gave us permission a couple of years ago to eliminate from the marinas ownership the two points of ground and we have successfully sold one of those to a happy couple from Chicago and we have purchased one and we're happily building on it. The hilltop has been a notorious catchall ever since the marina was built and in the 80's they received permission to put 20 RV's up there. And they put in a sub-standard sewer, sub-standard water and a sub-standard electrical delivery system. There was a loop, a drive, that served it and people lived happily up there for a long, long time. It was about half occupied when we purchased the marina and the sub-standard had gone to failure, so we removed them all. But we still consider our business mission as providing lake access to people. We see bicyclists, hikers, motorists, kayakers sailors and families owning power boats. And the length of time they want to stay out there is a big variable from a ten minute photo op out on the point to a week on a house boat. Recently, one of our tenants had been forced because of age to sell his little cabin cruiser and he very much wants to stay in one of our apartments. We have put in those apartments for this period of time because we had no place else to live. But vacating and moving to our home we have always seen them as _____ the business plan. We appreciate the approval that Staff gave us and the conditions that Staff gave, as I understand it, are all reasonable ones, particularly with elimination of the apartment restriction. I really respect Bill Williams and I am sure we will work out, to his satisfaction and his permission, some sort of access onto the site. Ironically, the original Northshore Drive came straight south, did not turn, and went clear up _____ south around the bay and then returned on the Brown County side. That was when the marina and the campground, which was pointed out, were all under one ownership. Just before we purchased the marina, the homeowner who owned the marina, who lives immediately north deeded a sliver of the corner back to himself, so he had access to Northshore Drive. That is what has hurt us right now and I think, perhaps with his cooperation, and I think certainly with Bill's permission, we will pursue something up there. It is not easy to allow access off the marina entrance because the marina is a gated community, so to speak, and that would put the homes and the home access on the wrong side of the gate. The 30 foot easement makes perfect sense and I have already instructed our surveyor to make those changes in ground area calculations. I could say one more thing in discussing the apartments. We have gone already to the expense of completely gutting the four efficiencies that were there and putting in just two units, occupying twice the space, so we essentially downloaded by half those apartment capacities. At the same time, we put in complete ADA complying restrooms for them with central heat and air. It was a considerable investment; we did not realize that we

might lose them later on. Additionally, just last fall we had to put in a brand new mound system to handle that building and at that time the County Health Department sized that mound for those residential units and the public restrooms which we have in the office. Thank you.

QUESTIONS FOR PETITIONER:

(Martin) I am trying to remember how we did this. The little kind of thing that kind of juts out there, that one right there, that, as I recall, I can't quite tell, the current access to the marina comes off of a driveway and doesn't the access to that lot also come off of the same driveway that the marina comes off of?

(Schell) There is a hugely overgrown sort of road access at the bottom of the hill, directly across from the trailer park. The home has a dedicated driveway which shares the curb cut, if that makes any sense. Jason, if you can get in there with a photo. This is an enormous **rough** _____. **(away from microphone)** Since this was photographed there have been two planters placed on either side of the electronic gate and on the east side of the east planter the driveway enters this home site.

(Martin) Okay.

(Schell) **(Away from microphone)** It will be possible, perhaps, for Bill to say we're going to go to the west side of the west planter and drive up the hill for an easement. That ground is owned in cooperation with both points. We had to add that ground to get those points up to one acre minimums.

(Martin) Right. That's what I remember. That driveway actually sits on a piece of property which is zoned ER with those two things, those two points to get the right size. So they are actually part of one of those lots.

(Schell) Yes.

(Martin) Okay. So there is an easement across that western lot which is used by the business at this point in time. Is that correct?

(Schell) Yes.

(Martin) Okay, so the only question is whether or not that same easement can service these other two lots and how all that would have to work out to be dealt with. How far from the roadway is that gate that you've installed where those planters are?

(Schell) I would estimate 40 feet.

(Martin) Okay.

(Schell) Which would probably place it about 10 or 15 feet from the right of way.

(Martin) So it is really tight right in there, isn't it?

(Schell) Then there is also a complication that there is a big culvert under the ground there that is a _____.

(Martin) Yes, that goes right underneath the road there. Can you see the gate there; is that what you can see?

(Schell) Yes. **Away from microphone....**It is a horizontal sliding gate that runs back this way and comes over across.....there are planters here now, and here and this is the curb cut to the home.

(Martin) Okay. Now I've got it. So, effectively, to use that area as access for two lots up on that hill, that gate is going to have to get moved.

(Schell) Don't say that.

(Martin) If that's what we say, that's what you're going to have to do and the question is, the other alternative would be to try and work something out with Bill that would allow you to get access in a reasonable way off of Northshore Drive for these two.

(Schell) Yes, and our neighbor might affect that. Our negotiations with our neighbors could easily affect that because historically that was the marina's. He just acquired it because you can see his east-west running driveway was crossing the marina land. It didn't matter when he owned it; it mattered after he sold it. So he nipped that off. He might flexibly look at that and let us,....

(Martin) So that could possibly turn out to be an access point which is already an access point.

(Schell) Yes.

(Martini) Okay, so that's another alternative

(Schell) It was the historic marina access point.

(Martin) Okay.

(Pittsford) If it has to go on the other side of the gate, is there not a possibility of giving the two properties access to the opening and closing of the gate?

(Schell) There is that possibility.

(Pittsford) Certainly the boat owners have access to the opening and closing of the gate.

(Schell) Yes, they use a credit card with a reader and that could be provided. The homeowners.....you get into the pizza delivery dilemma.

(Pittsford) True. Do they deliver out there?

(Schell) No, **maybe that's at the gate.**

(Pittsford) I don't think it is an insurmountable obstacle. It may be an inconvenience but it is not insurmountable.

(Martin) The removal of that one building which would straddle these two lots – that's not a problem?

(Schell) No, I've wanted to eliminate it since the day we got there. It has a bad roof, no floor, bad walls and it's in the wrong spot.

(Martin) So this will be a good thing.

(Schell) It's a good thing. We will ask Planning to approve approximately a third to a half size barn approximately eight feet below in grade that barn, which will have utilities and a dry roof.

(Martin) That would be part of the business activity.

(Schell) That will be storage for the business. The business does not do any traditional boat repair work any longer.

(Martin) Okay, thank you.

REMONSTRATORS: None

SUPPORTERS: None

BOARD DISCUSSION:

(Martin) I've got a question for Staff regarding that structure which is going to bridge these two lots. Is that something we have to deal with now or is that dealt with at the time of the subdivision of the property?

(Eakin) I would say it can be done at the time of subdivision, the development plan.

(Martin) Okay. So the only things we have to worry about now are these conditions you've got here and any change we might want to make to that easement aspect.

Martin moved and Newlin seconded the motion in case 0707-REZ-06 to forward this request to the County Commissioners with a positive recommendation subject to the

conditions of the County Highway Engineer and the County Drainage Engineer and the following conditions

1. Access to proposed lots be provided by an ingress-egress easement at the existing petition site entrance or via an easement from another existing driveway cut. (This would give him an opportunity to work this thing out with the neighbor so they've got another way in there.) No new driveway cuts shall be allowed onto east Northshore Drive.
2. As stated
3. As stated
4. Delete condition number 4.
5. Make condition number 5 condition number 4.

FURTHER DISCUSSION:

(Enright) There is a driveway at the top of the curve, up here, that goes to the adjoining lot that's on the north of this. So you're changing of Condition No. 1 would allow them to use this existing driveway easement for these lots as well?

(Martin) Yes. That would give him another way to access those without creating another cut, but he would have to make an arrangement with the neighbor who owns that.

The motion in case 0707-REZ-06 carried unanimously.

0707-PUO-02 Wheeler Mission, Rezone/Outline Plan from AG/RR to PUD, ten parcels on 281 acres. Located in Washington and Benton North Townships, Sections 24 & 25/ sections 18 & 19), at 7790 Fish Rd.
Zoned AG/RR.

BOARD ACTION: Pittsford read the petition.

STAFF ACTION:

(Lepke) Usually that is a star but apparently the GIS didn't decide to make it a star on here, so pardon me, I wasn't going for random characters. Out here off of Fish Road, just north of Anderson there across from the old landfill and based on the findings of fact, Staff is recommending the Plan Commission forward the petition to the County Commissioners, as this is a rezone and outline plan, with a positive recommendation with the following condition:

Condition: That approval be subject to the conditions proposed by the County Highway and Drainage Engineers

Basically the reason that the camp and Wheeler Mission is coming with this petition is twofold. Number one, the Mission applied for a variance and I think we heard that back

EXHIBIT 5: Driveway Permits – November 2016



Monroe County Highway Department

501 N. Morton Rm 216
Bloomington, IN 47404
(812) 349-2555

DRIVEWAY PERMIT

PERMIT #2016272

ISSUED TO: JOHNSON, KRAIG & SUNI
FOR DRIVEWAY AT: 9548 NORTHSHORE DR E
OWNERS NAME: JOHNSON, KRAIG & SUNI
3674 E MILKHOUSE RD
MOORSVILLE, IN -

REQUIREMENTS

DRIVEWAY WITH SWALE IS APPROVED: Construct a swale that allows water to drain across the driveway and away from the county road. See reverse side of permit.

This lot has access through a private road system. This permit is issued for the entrance at the road only.

A minimum of three hundred (300) feet sight distance both directions is required.

Two (2) foot dirt shoulders required.

All areas disturbed by construction must be seeded and mulched to prevent erosion.

Drainage ditches must be constructed to blend uniformly with the edge of pavement and original ground.

A turn around area is required so no vehicle must back out onto county roads.

It is the responsibility of applicant to make provisions for relocation of utilities which are in conflict with new driveway or subdivision road.

I AGREE TO CONSTRUCT MY DRIVEWAY TO COMPLY WITH THE ABOVE REQUIREMENTS.

SIGNED *Sw Johnson* DATE 11-17-2016

THIS PERMIT IS VALID ONE YEAR FROM 11-17-16 BY BA

Lisa Ridge

Lisa Ridge,
Public Works Director

Permit # 2016272
Date Issued 11-14-16
Application# 59832

Driveway Permit Application

Complete and return to: Monroe County Highway Engineer
501 N. Morton Street, Suite 216
Bloomington, IN 47404
Phone: (812) 349-2555 Fax: (812) 349-2959

PLEASE FILL OUT #1 THROUGH #10 COMPLETELY

1. OWNER'S NAME JOHNSON, KRAIG + SONS
2. OWNER'S PRESENT ADDRESS 3674 E. MILKHOUSE RD. MOORESVILLE, IN
3. ADDRESS or LOT # AND ROAD NAME OF PROPOSED DRIVE TO BE INSPECTED
(if no address yet give directions in box #10)
9548 E. NORTHSIDE DR. MOORESVILLE, IN
4. PHONE 317-374-9311
5. TODAY'S DATE 11/10/16
6. CONTRACTOR _____
7. **PARCEL NUMBER**
Or tax bill ID# (REQUIRED) 58-01-35-100-017.004-003
8. SIGNATURE Sam Johnson

9. DRIVEWAY CLASSIFICATION - Check all boxes that apply to your drive.

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> New Driveway | <input type="checkbox"/> Pre-Existing Driveway |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Logging | <input type="checkbox"/> Required by Planning |
| <input type="checkbox"/> Subdividing property | | <input type="checkbox"/> Public Hearing required? |

9A. What are you building? _____

9B. If commercial, what is the intended use? _____

ATTENTION LOGGERS To harvest timber in Monroe County you must have a driveway permit for logging and post a \$2500 bond for any public improvement damages. Each access must have a permit & bond. All bonds must be in the form of a letter of credit from a local bank, a bank check (cashier check). The bank must be within 60 miles of Monroe County. No cash, no personal/business checks, or insurance type bonds will be accepted.

10. **(REQUIRED)**

If you do not have an address yet give exact directions on how to get to your proposed driveway. Attach map if necessary. You MUST stake with red flagging tape we will give you so that our inspector can find the driveway location. We will not check your drive unless it is staked and/or flagged unless this step is waived by the Highway Office.

STAFF USE

Date Inspected 11/10/16

Sight distance 753 EAST 310' WEST

If pipe required, diameter & length: SWALE

Clear brush and/or cut bank down for sight distance requirements? Yes (No)

Existing? Swale / Pipe / C&G

Private Road? Yes

By: BA

Notes: THIS LOT HAS ACCESS THROUGH A PRIVATE ROAD SYSTEM. THIS PERMIT IS ISSUED FOR THE ENTRANCE AT THE ROAD ONLY.

30 M.P.H.



Monroe County Highway Department

501 N. Morton Rm 216
Bloomington, IN 47404
(812) 349-2555

DRIVEWAY PERMIT

PERMIT #2016273

ISSUED TO: JOHNSON, KRAIG & SUNI
FOR DRIVEWAY AT: 9550 NORTSHORE DR E
OWNERS NAME: JOHNSON, KRAIG & SUNI
3674 E MILKHOUSE RD
MOORESVILLE, IN

REQUIREMENTS

DRIVEWAY WITH SWALE IS APPROVED: Construct a swale that allows water to drain across the driveway and away from the county road. See reverse side of permit.

A minimum of three hundred (300) feet sight distance both directions is required.

Two (2) foot dirt shoulders required.

All areas disturbed by construction must be seeded and mulched to prevent erosion.

Drainage ditches must be constructed to blend uniformly with the edge of pavement and original ground.

A turn around area is required so no vehicle must back out onto county roads.

It is the responsibility of applicant to make provisions for relocation of utilities which are in conflict with new driveway or subdivision road.

I AGREE TO CONSTRUCT MY DRIVEWAY TO COMPLY WITH THE ABOVE REQUIREMENTS.

SIGNED *[Signature]* DATE 11-17-2016

THIS PERMIT IS VALID ONE YEAR FROM 11-17-16 BY BA

[Signature]

Lisa Ridge,
Public Works Director

Permit # 2016273
Date Issued 11-14-2016
Application# 59833

Driveway Permit Application

Complete and return to: Monroe County Highway Engineer
501 N. Morton Street, Suite 216
Bloomington, IN 47404
Phone: (812) 349-2555 Fax: (812) 349-2959

PLEASE FILL OUT #1 THROUGH #10 COMPLETELY

1. OWNER'S NAME JOHN & KATHY KZAK + SON
2. OWNER'S PRESENT ADDRESS 3674 E. MILKHOSE RD. MIDDLESVILLE, IN
3. ADDRESS or LOT # AND ROAD NAME OF PROPOSED DRIVE TO BE INSPECTED
(if no address yet give directions in box #10)
9550 E. DORTSHORE DR. MIDDLESVILLE, IN
4. PHONE 317.374.9311
5. TODAY'S DATE 11/10/16
6. CONTRACTOR _____
7. **PARCEL NUMBER**
Or tax MII ID# **(REQUIRED)** 53-01-35-100-017.003-003
8. SIGNATURE [Signature]
9. DRIVEWAY CLASSIFICATION - Check all boxes that apply to your drive.

<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> New Driveway	<input type="checkbox"/> Pre-Existing Driveway
<input type="checkbox"/> Commercial	<input type="checkbox"/> Logging	<input type="checkbox"/> Required by Planning
<input type="checkbox"/> Subdividing property		<input type="checkbox"/> Public Hearing required?

9A. What are you building? _____

9B. If commercial, what is the intended use? _____

"ATTENTION LOGGERS" To harvest timber in Monroe County you must have a driveway permit for logging and post a \$2500 bond for any public improvement damages. Each access must have a permit & bond. All bonds must be in the form of a letter of credit from a local bank, a bank check (cashier check). The bank must be within 60 miles of Monroe County. No cash, no personal/business checks, or insurance type bonds will be accepted.

10. **(REQUIRED)**
If you do not have an address yet give exact directions on how to get to your proposed driveway. Attach map if necessary. You MUST stake with red flagging tape we will give you so that our inspector can find the driveway location. We will not check your drive unless it is staked and/or flagged unless this step is waived by the Highway Office.

STAFF USE

Date Inspected 11/10/16 By: RA
Sight distance 753 EAST 310' WEST
If pipe required, diameter & length: SWALE
Clear brush and/or cut bank down for sight distance requirements? Yes (No)
Existing? Swale / Pipe / C&G _____
Private Road? Yes _____ Notes: _____

EXHIBIT 6: North Shore Amendment One - Final Plat

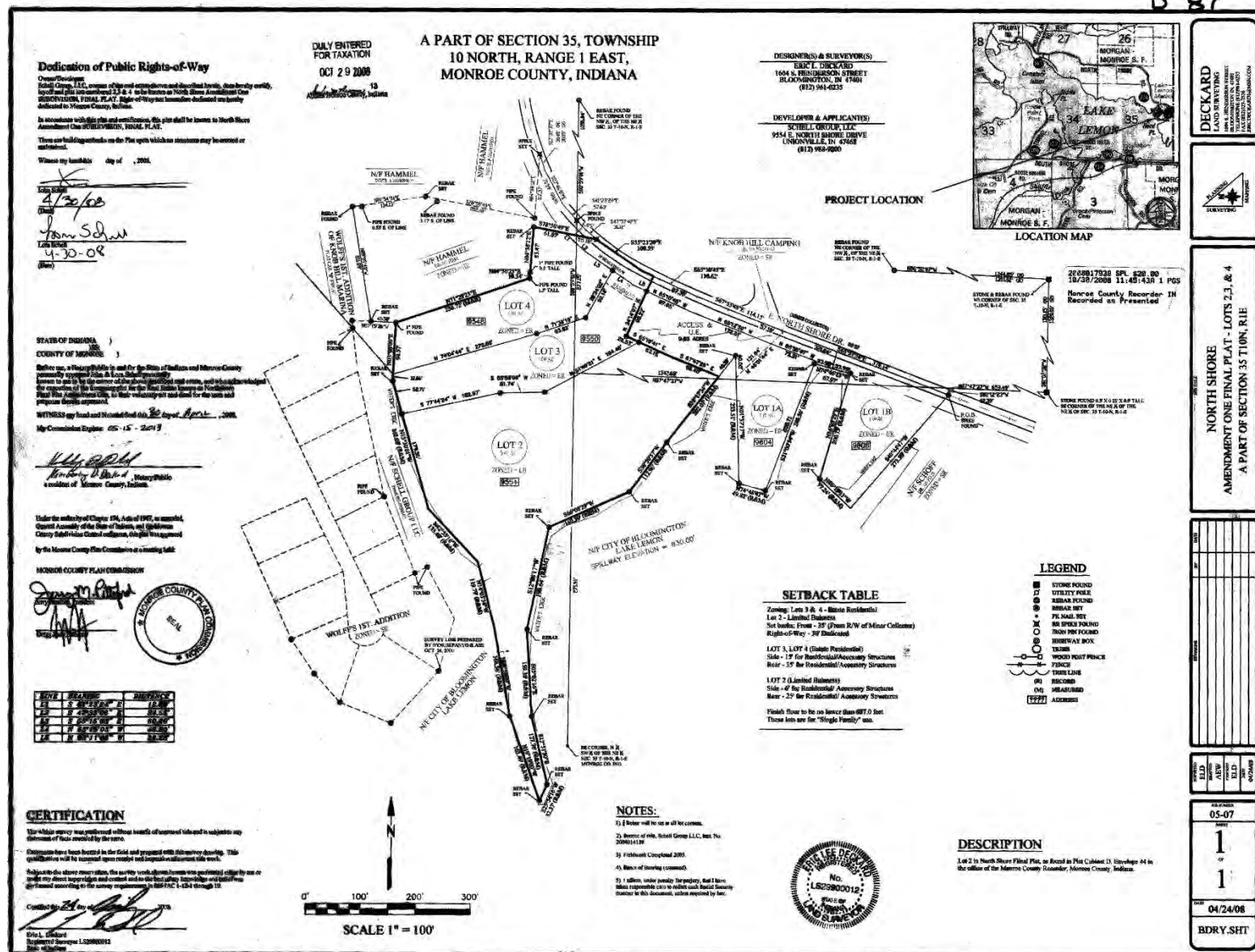


EXHIBIT 7: North Shore Subdivision Improvement Agreement

North Shore Subdivision, Amendment One SUBDIVISION IMPROVEMENT AGREEMENT

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

Preamble

WHEREAS, Subdivider applied to the Plan Commission for preliminary plat approval for North Shore Subdivision, Amendment One;

WHEREAS, on March 18, 2008, the Plan Commission granted Subdivider preliminary plat approval for North Shore Subdivision, Amendment One, but conditioned such approval on the installation of certain public improvements throughout the subdivision;

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

WHEREAS, Subdivider applied to the Administrator for final plat approval, as authorized by the Plan Commission, for North Shore Subdivision, Amendment One;

WHEREAS, Subdivider has not completed the required public improvements, namely improvements to *asphalt surface, landscaping, sidewalks* and desires to submit a subdivision improvement agreement, secured by letter of credit, in order to qualify for final plat approval.

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

Promises and Mutual Covenants

1. Subdivider agrees to obtain and submit to the Plan Commission a(n) letter of credit in the amount of \$ **42,000** (*asphalt surface, landscaping, sidewalks*), in favor of Monroe County, to secure the completion of all required public improvements at North Shore Subdivision, Amendment One.

2. Subdivider agrees to complete the North Shore Subdivision, Amendment One public improvements on or before November 1, 2009, in accordance with the construction and design standards set forth or incorporated in the Monroe County Subdivision Control Ordinance and in accordance with the development plans set forth or incorporated in the approved North Shore Subdivision, Amendment One and application materials.

3. The parties acknowledge and agree that the Administrator may withhold improvement location permits for any undeveloped North Shore Subdivision, Amendment One lot unless and until Subdivider has completed the public improvements that serve the lot.

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

5. The parties acknowledge and agree that by accepting the letter of credit from Subdivider and that by entering into this Agreement, the County has not and does not waive any of its rights with respect to the enforcement of the Monroe County Subdivision Control Ordinance and/or any approval granted thereunder in relation to North Shore Subdivision, Amendment One, against the Subdivider.

IN WITNESS WHEREOF, the Plan Commission, by its President Jerry Pittsford, and Subdivider execute this Agreement this ____ day of October, 2008.

PLAN COMMISSION

SUBDIVIDER

Jerry Pittsford, President
Monroe County Plan Commission

John Schell, Schell Group, LLC
Owner/Developer

ATTEST:

Gregg Zody, AICP, Secretary
Monroe County Plan Commission

EXHIBIT 8: North Shore Amendment Two - Final Plat

DULY ENTERED FOR TAXATION
MAR 20 2019
Caroline Smith
Auditor Monroe County, Indiana

2018003522 SPL \$25.00
03/20/2019 09:32:56A 1 PGS
Eric Schell
Monroe County Recorder IN
Recorded as Prescribed

BENTON NORTH TWP.
TOWNSHIP 10 N
RANGE 1 E
SECTION 35

DEVELOPER, APPLICANT & SUBOWNER
KRAIG & SANTI JOHNSON
INSTRUMENT NUMBER 2016015547
3674 E. MILKHOUSE LN.
MOORESVILLE, INDIANA 46158

NORTH SHORE AMENDMENT TWO SUBDIVISION FINAL PLAT

A PART OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 1 EAST
MONROE COUNTY, INDIANA

LEGEND

- HIGHWAY
- UTILITY POLE
- RETAIN FOUND
- RAILROAD
- W/NAE SET
- R/S PALE FOUND
- TIES FOUND
- CALCULATED
- ▲ TENCE CORNER POST
- OVERHEAD POWER LINE
- FENCE
- TREE LINE
- RAILROAD
- ABANDONED
- ADJUTANTS
- 15' WIDE RESIDENTIAL
- 15' WIDE RESIDENTIAL

SETBACK TABLE

Front - 35' from Right-of-Way for Public Road
Side - 15' for Residential / Accessory Structures
Rear - 15' for Residential / Accessory Structures
These are for the "Single Family" use.
ZONE: ESTATE RESIDENTIAL (LX)

LOCATION MAP

STATEMENT OF VACATION AND RIGHT-OF-WAY DEDICATIONS:

Kraig and Santi Johnson, owners of the real estate shown and described herein do hereby certify, lay off and plat lots numbered 3A and 4A to be known as North Shore Amendment Two Subdivision Final Plat. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as North Shore Amendment Two Subdivision Final Plat.

The right-of-way to be dedicated for East North Shore Drive shall measure 30 feet perpendicular to and parallel with the existing centerline of East North Shore Drive. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

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

As owner(s) of Lots three (3) and four (4), in North Shore Amendment One Subdivision, Final Plat as found in Plat Cabinet "D", Envelope 87 in the Office of the Monroe County Recorder, Monroe County, Indiana, we by this instrument declare these platted lots vacated.

Witness our hands and seals this 15 day of January, 2019

Kraig Johnson
Kraig Johnson (Owner)
3674 E. Milkhouse Ln.
Mooreville, Indiana 46158
(317) 696-9028

Santi Johnson
Santi Johnson (Owner)
3674 E. Milkhouse Ln.
Mooreville, Indiana 46158
(317) 696-9028

STATE OF INDIANA)
COUNTY OF MONROE)
SS:
Before me, the undersigned Notary Public, in and for said County and State, personally appeared Santi Johnson and Kraig Johnson (Owners), each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this 25 day of Feb., 2019

Notary Public: *J. H. Dardel*

County of Residence: Monroe

My Commission Expires: 5-2-20

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in zone "X", and does not appear to be located in a special flood hazard area, according to FIRM, Panel Number 18105C06075D dated December 17th, 2010.

COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Final Plat Amendment procedure and approved by the Monroe County Plan Commission on March 5, 2019.

Monroe County Plan Commission:

Susan Johnson President: *Susan Johnson*

Larry Wilson Secretary: *Larry Wilson*

NOTES:

- 1) Rebar will be set in all property corners.
- 2) Fieldwork completed December 2018.
- 3) Bridge of existing State Plank - Johnson West.
- 4) Status of title held or formerly owned by Kraig and Santi Johnson, as found in Instrument Number 2016015547 in the Office of the Recorder of Monroe County, Indiana.
- 5) Reference is made to North Shore Amendment One Final Plat by Eric L. Decker dated April 24th, 2008 (Plat Cabinet "D", Envelope 87).
- 6) Together with Access and Maintenance agreement set out on the plat of North Shore Major Subdivision, Final Plat, as found in Instrument number 2016015547, as the office of the Recorder of Monroe County, Indiana.
- 7) Together with the right to use for easement and construction of a boat dock as found in Instrument number 2016015547, in the office of the Recorder of Monroe County, Indiana.
- 8) Subject to Right-of-Way Easement in favor of South Central Indiana Rural Electric Membership Corp., dated March 13, 2006, as in Instrument number 2006005713, in the office of the Recorder of Monroe County, Indiana.
- 9) Subject to A.T.F. Indiana Non-Residential easement dated April 12, 2006, recorded June 11, 2006, as in Instrument number 2006001487, in the office of the Recorder of Monroe County, Indiana.
- 10) I affirm, under penalty for perjury, that I have taken responsibility not to violate each Social Security Number in this document, unless required by law.

DESCRIPTION

Lot Number Three (3) and Four (4) in North Shore Amendment One Subdivision, Final Plat, as shown by the plat thereof, recorded October 30, 2008, in Plat Cabinet D, Envelope 87, in the Office of the Recorder of Monroe County, Indiana.

CERTIFICATION

The within survey was performed without the benefit of source of title and is subject to any statement of facts revealed by the same.

Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown herein was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 12-1-1 through 19.

Certified this 15th day of January, 2019.

Andrew E. Wilken
Andrew E. Wilken
Registered Surveyor F.S. 21800017
State of Indiana

SEAL

ANDREW E. WILKEN
REGISTERED
No. 21800017
STATE OF INDIANA
LAND SURVEYOR

DECKARD
LAND SURVEYOR
MONROE COUNTY, INDIANA
18105C06075D
18105C06075D

NORTH SHORE
AMENDMENT TWO FINAL PLAT - LOTS 3 & 4
A PART OF SECTION 35, T10N, R1E

16-132
1
1
01/15/19
BNDY.SHT

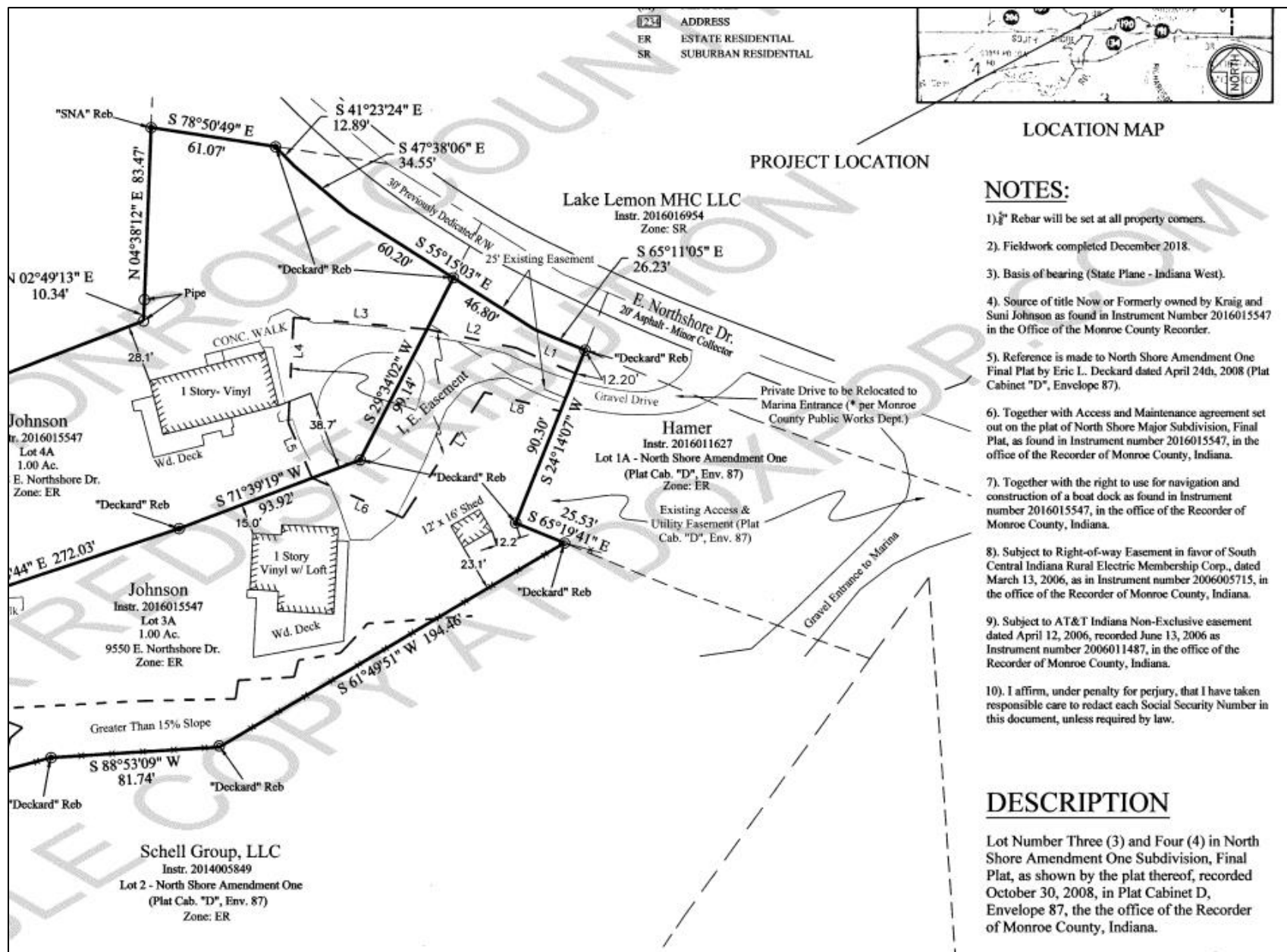


EXHIBIT 9: Letters of Support

January 23, 2023

Monroe County Planning Department
Attention: Planning Committee
501 N Morton St
Suite 224
Bloomington, IN 47404

Dear Planning Committee,

We, Thomas and Tamera Gravelie, owners of Parcel 53-01-35-100-017.004-003 at 9548 E Northshore Dr., Unionville, In 47468, are writing in support of the request by Werner Group, LLC ("Marina Group"), formerly known as Schell Group, LLC, for the removal of the previous rezone's conditions of approval to require construction of a shared driveway between our parcel, the residential parcel to the South of us, the Lake Lemon Marina, and the residential parcel to the Southeast of the Marina. We are requesting removal of this requirement as we believe construction of such driveway will be impractical by focusing too much traffic to one unsightly entry point between three residential properties and one commercial property that is busy for much of the year.

Already, we share a drive with the residential property to the South owned by the Wisemans, which we have paid the cost to pave (recently) and have maintained since we have owned the property. We do not want our investment in this existing driveway to be wasted and our privacy and separation from the Marina to be diminished by having to share a driveway with them. We believe replacing our existing drive with a new drive that is tied into traffic from the Marina will only make traffic to our properties worse by forcing us and our visitors to cross Marina traffic to get to our parcels during the busy season, especially if we are coming in from the Southeast on Northshore Drive. This does not make sense and is easily avoided with the current configuration. Adding the shared drive across hundreds of feet of greenspace will only prove unsightly as well and dump more drainage to parcels to the Southeast.

So, we fully support removal of the requirement for the Marina Group to construct a shared drive tying in our parcel and the Wiseman's parcel with the Marina and the Hamer's parcel, which would only make traffic management worse and become a drainage problem and eyesore. The current configuration of the separate drives, both of which have been recently paved and are well-maintained should remain unchanged.

Sincerely,



Thomas and Tamera Gravelie

January 23, 2023

Monroe County Planning Department
Attention: Planning Committee
501 N Morton St
Suite 224
Bloomington, IN 47404

Dear Planning Committee,

We, Colin and Karen Hamer, owners of Parcel 53-01-35-100-026.000-003 at 9604 E. North Shore Dr. Unionville, Indiana 47468, are writing in support of the request by Werner Group, LLC ("**Marina Group**"), formerly known as Schell Group, LLC, for the removal of the previous rezone's conditions of approval to require construction of a shared driveway across an easement on our property. We are requesting removal of this requirement as we believe construction of such driveway will be impractical by focusing too much traffic to one unsightly entry point between three residential properties and one commercial property that is busy for much of the year.

Already, we share our drive with the adjacent Marina, which shared drive is sufficiently wide and has been partitioned to ensure traffic flow is separated between our home and visitors to the Marina. Trying to merge the existing shared drive with the shared driveway of the two parcels to the North would only cause confusion with residential traffic trying to reach those northern parcels crossing commercial traffic trying to get into the Marina or reach our parcel to the Southeast. Construction of a shared driveway for all 4 parcels would cause a very costly and disruptive digging up and relocation of utility services that run through the same easement to our property and other properties down Northshore Drive. Furthermore, constructing such a drive would necessitate removal of greenspace and trees and would affect drainage on our parcel, which would make our parcel less desirable, dump more drainage towards our home, and prove unsightly for the community. Right now, traffic flow across our parcel separated by the two existing driveways ensures there is no traffic clash and has worked very well for nearly 15 years.

So, we (along with our neighbors) fully support the removal of the requirement for the Marina Group to construct a shared drive across our parcel, which would only make traffic management worse and become a drainage problem and eyesore. The current configuration of the separate drives on our parcel, both of which have been recently paved and are well-maintained, should remain unchanged.

Sincerely,

Colin Hamer K L HAMER

Colin & Karen Hamer

January 23, 2023

Monroe County Planning Department
Attention: Planning Committee
501 N Morton St
Suite 224
Bloomington, IN 47404

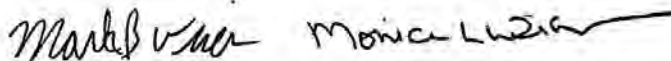
Dear Planning Committee,

We, Mark B. and Monica L. Wiseman, owners of Parcel 53-01-35-100-017.003-003 at 9550 E Northshore Dr., Unionville, IN 47468, are writing in support of the request by Werner Group, LLC ("Marina Group"), formerly known as Schell Group, LLC, for the removal of the previous rezone's conditions of approval to require construction of a shared driveway between our parcel, the residential parcel to the North of us, the Lake Lemon Marina, and the residential parcel to the Southeast of the Marina. We are requesting removal of this requirement as we believe construction of such driveway will be impractical by focusing too much traffic to one unsightly entry point between three residential properties and one commercial property that is busy for much of the year.

Already, we share a drive with the residential property to the North owned by the Gravelies, which preserves our privacy and separation from the Marina. We believe replacing our existing drive with a new drive that is tied into traffic from the Marina will only make traffic to our properties worse by forcing us and our visitors to cross Marina traffic to get to our parcels during the busy season especially if we are coming in from the Southeast on Northshore Drive. This does not make sense and is easily avoided with the current configuration. Adding the shared drive across hundreds of feet of greenspace will only prove unsightly as well and dump more drainage to parcels to the Southeast.

So, we fully support removal of the requirement for the Marina Group to construct a shared drive tying in our parcel and the Gravelie's parcel with the Marina and the Hamer's parcel, which would only make traffic management worse and become a drainage problem and eyesore. The current configuration of the separate drives, both of which have been recently paved and are well-maintained should remain unchanged.

Sincerely,



Mark B. and Monica L. Wiseman

EXHIBIT 10: Petitioner's Presentation



Livein' the Lemon Life!

Removal of 2008 Rezone Condition

MARINA PRESENTATION TO MONROE COUNTY PLANNING COMMISSION



Livein' the Lemon Life!

ONLY MARINA ON LAKE OPERATING FOR OVER 65 YEARS; HUB FOR SURROUNDING COMMUNITY; ~130 WET AND DRY DOCKERS; ONLY BOAT RAMP ON NORTH SIDE OF LAKE; C-STORE; EVENTS; WINTERIZATION AND STORAGE; DOCK AND LIFT SERVICE; LODGING; BAIT; BOAT RENTALS; FOOD SERVICE PLANNED

ADDED (BACK, IN SOME CASES) SERVICES AND EVENTS TO BETTER SERVE COMMUNITY; ALSO INCREASES TRAFFIC

Marina is seeking removal of rezone condition of shared driveway with 2 residential parcels to NW for the following reasons:

- Legal: Laches & Estoppel
- Drainage / Environmental Issues
- Utilities
- Safety
- Privacy, Cost, and Lack of Support

Legal / Laches / Estoppel

- It's just plain unfair, equitably and legally, for the County to force the current Marina owners to maintain a Letter of Credit that egregiously underfunds the rezone conditions that were ostensibly placed on prior owners or be forced to construct those conditions at an extremely higher cost than that line of credit could possibly secure when the County has neglected to enforce these conditions for **15 years** now while on the other hand openly allowing the separate driveways to be permitted by acquiescence, if not by actual permit (we are asking for discovery of any permit for the driveway to the West, which we believe was granted).
- At this point, the County is holding hostage \$42,000 of the Marina's funds (even though we are not the owners who parceled off the land and did not benefit in any way from that residential transaction) at threat of enforcing a host of conditions (this shared driveway being just one) that far exceed \$42,000 in 2023 dollars while at the same having unclean hands in acquiescing and neglecting in a reasonably timely manner to enforce those conditions (having since 2008 to do so) against the parties who actually benefitted from such rezone.
- We also do not believe that the County over the relevant time has uniformly and consistently applied the exact standards of driveway separation, sidewalk requirement (not a sidewalk for miles), and line of sight.
- We do not wish to be litigious but feel strongly that if the Planning Commission does not act to remove this shared driveway condition and its appurtenant sidewalk condition (so double the construction complexities mentioned in this doc) [among the other onerous conditions of the original 2008 rezone] we will appeal to a court to equitably bar their enforcement.

Drainage

- Connecting the driveways (not to mention constructing an appurtenant sidewalk to nowhere) may be impossible given there is an existing 48" drainage culvert (omitted from stormwater report included in materials) running all the way from the NW Residential Parcels under the easement in question into the lake.



Drainage

- Connecting the driveways may be impossible given there is an existing 48" drainage culvert (omitted from stormwater report included in materials) running all the way from the NW Residential Parcels under the easement in question into the lake



Drainage



Drainage

- This existing culvert already dumps so much runoff and sediment into lake that lake was down in this area to less than a foot.
- Marina and Hamers paid for excavation and creation of retention moat and now is paying to dredge
- LLCD does not support any more asphalt in this area according to Adam Casey (manager of LLCD), as it will just accelerate erosion



Drainage

- Additional Dredging in runoff area on 3/9/23



Drainage / Environmental

- Ground is **not** flat and would require re-grading, cutting into hill, and removing retention wall that also blocks / absorbs runoff



Drainage / Environmental

- Requires removal of at least 1 tree and about 1,440 SF worth of greenspace and runoff absorption
- Water will bypass absorbing ground and existing underground culvert and go straight into lake



Utilities

- Several critical utilities run right through this area and would have to be moved (if even feasible), disrupting service to hundreds of people downstream



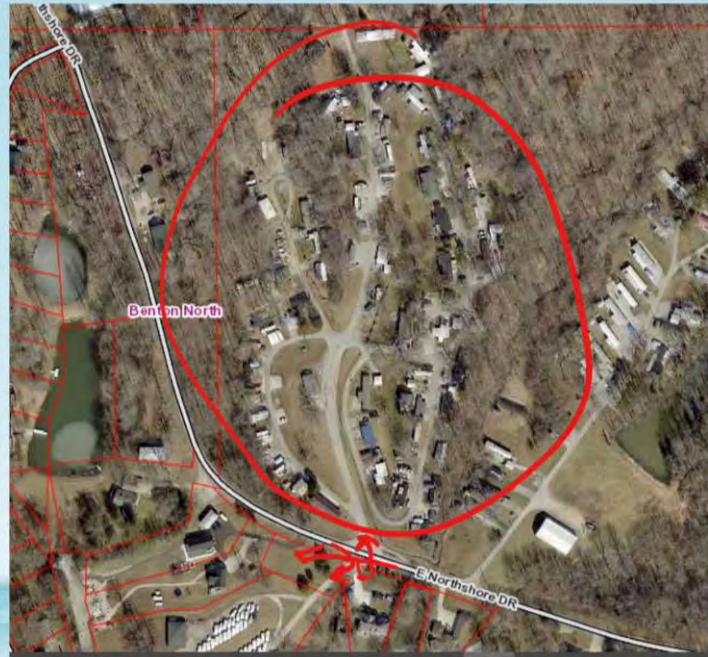
Safety

- The ADT number quoted by the Highway Dept. is an average over the entire year and is not accurate from May through September (which would be double that number, if not higher)
- Merging 2 more residential plots to W into drive will create a **6-way** intersection with no stop signs in high season
- Traffic going W to Residential plots to W will cross E bound traffic into Trailer Park and Marina and Residential to E
- ~130 Marina Tenants + family, guests and community events
- Distances between existing drives have been safe (**NO accidents in 15 years**) and are almost at 120' (centerline to centerline) and 320' sight line to hill, which is close to requirements, closer than **many** homes around lake and in county.



Safety

- What the aerial in page 4 of your report omits:
- **100+ trailer homes; heavy summer traffic; 1 entrance**



Safety



Safety

- View down hill with existing **HIGH-VIS pedestrian crossing sign**
- Sight line is not unsafe



Privacy / Cost/ Lack of Support

- As shown in the record all owners affected by this requirement are not in support and have signed letters in support of removal of the shared driveway condition due to the facts that:
 - The existing drives have been well-maintained at great cost to the respective parties and they preserve safety and privacy for the residential plots.
 - Putting these drives together almost guarantees a conflagration of traffic at this chokepoint and will lead to people trying to get to marina to go up residential drive when coming in from E traveling W.
 - The bottom line is these parcels are and have been at completely different purposes for 15 years now, co-existing separately, safely, and privately. No one living on those residential parcels would want to have to share a commercial drive (directly opposite from a large multi-family trailer park) with a business in this situation
- Original estimated cost and retention of \$42,000, even in 2008 dollars was far too low to account for all of the conditions the County is now pursuing. There is no way the Marina's new ownership can absorb the additional cost which may reach into 6 figures to address all of the very serious issues presented (if they can actually be addressed notwithstanding the strict reading of the code by the highway department, ignoring the reality of these requirements). The past ownership did not understand these issues or requirements and found them impossibly cost-prohibitive when they tried to comply.

Questions? Feel free to reach out to us anytime!

We invite the commission, the highway department (including the engineer who has not weighed in), and stormwater to actually visit the site to determine whether this requirement in any way actually makes sense on the ground. The commission has discretion to determine when strict reading of a code makes no sense in a given situation and we ask you to remove this unnecessary and likely deleterious condition from the property.

-Steve and Stephen



9534 E. Northshore Drive
Unionville, Indiana 47468

Phone: (812) 988-9400

E-mail: info@lemonmarina.com

Web: <https://lemonmarina.com>

EXHIBIT 11: Petitioner's Site Photos

TT 1



Marina Entrance looking West

Issues

- ① Property owned by Hamer-Marins easement
- ② Utilities
- ③ Watershed drainage culvert
- ④ Trees/Landscaping



Watershed culvert inlet



Watershed flow into marina

#2



Watershed culvert outlet



#2



Marina Entrance



4

Marina Exit



Marina



Northshore looking east

#5





MONROE COUNTY Plan Commission

Public Meeting Date: April 18, 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> <u>Approve</u> 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 <u>approval</u> of the sidewalk waiver based on the findings.</p> <p>PLAT COMMITTEE (March 16, 2023): Voted to approve Staff's recommendation by a vote of 3-0 with one amendment:</p> <ol style="list-style-type: none"> 1. Confirmation that the proposed right of way on Lot 2 has an acceptable line of sight. 		

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 a sidewalk waiver request and waiver of the final hearing. 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.

PLAT COMMITTEE SUMMARY

At Plat Committee, it was communicated by Staff that the street trees requirement would more than likely be met due to the existing dense vegetation along South Zikes Road. Staff also communicated that there did not appear to be sidewalks within a 1 mile radius of this proposed subdivision. It was also reiterated by Plat Committee members that part of the justification for recommending approval of the sidewalk waiver is due to the extent of which the trees alongside South Zikes Road would need to be removed to place sidewalks along the roadway.

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.

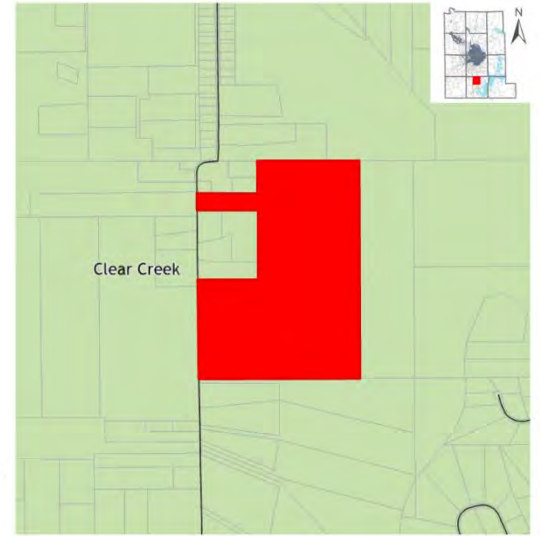
There is at least one waiver request for this subdivision petition; sidewalk (We're working with the Surveyor regarding the planting/preservation of the required street trees).

Below is a summary of the lot configurations and requirement.

Location Map

■ Petitioner
— Roads
□ Civil (Political) Townships
■ Parcels

0 0.07 0.15 0.3 Miles
 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 11/30/2022



	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.