



**MONROE COUNTY BOARD OF COMMISSIONERS'
WORK SESSION AGENDA**

April 5, 2023

Nat U. Hill Meeting Room - 3rd Floor, Courthouse and Zoom Connection

- | | |
|---|------------|
| 1. Planning – Drew Myers
Ordinance 2023-10; Rolfsen Rezone | 2 |
| 2. Planning – Anne Crecelius
Ordinance 2023-11; North Park PUD Amendment 5 | 53 |
| 3. Health – Lori Kelley
Health Department Code Chapter 341 revisions | 85 |
| 4. Parks – Kelli Witmer
Karst Farm Greenway relocation proposal for MCCSC project | 98 |
| 5. Sheriff – Phil Parker
Discussion of key points from the 4/3 meeting with the Commissioners | 100 |



Monroe County Board of Commissioners Agenda Request Form

Date to be heard 04/05/23

Formal ☐

Work session ☒

Department Planning

Title to appear on Agenda: REZ-22-12 Rolfsen Rezone
Ordinance 2023-10

Vendor #

Executive Summary:

The petition site is one parcel totaling 19.341 +/- acres located in Bloomington Township at 4851 N Kinser Pike. The petitioner is proposing to amend the Zoning Map from Estate Residential 1 (RE1) to Agricultural/Rural Reserve (AG/RR). The petitioner's intention behind the rezone request is provide for the appropriate zoning designation to establish a winery on the property. The land use of "winery" is not permitted in the RE1 zoning district but is a permitted use in the AG/RR zone.

If the rezone request is approved by the County Commissioners, the petitioner intends to complete the planning process for the establishment of a winery on the property. All applicable site plan requirements for a winery as well as the special conditions outlined in Chapter 802 for the winery use must be met by the proposed change of use on the property. Typically, site plan review for winery uses is completed at staff level.

If the rezone is denied, the petitioner may continue to operate the property as a single-family residence (previous use) or may pursue any of the available uses as outlined in Chapter 833 of the Monroe County Zoning Ordinance for the RE1 zone as long as any special conditions can be met.

CHAPTER 802:

Winery. An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting.

Fund Name(s):

Fund Number(s):

Amount(s)

Presenter: Drew Myers

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

Tim Rolfsen

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed: Schilling, David

OFFICE OF
MONROE COUNTY PLAN COMMISSION
501 N Morton Street, Suite 224
BLOOMINGTON, IN 47404

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

I, Jackie N. Jelen, hereby certify that during its meeting on March 21st, 2023 the Monroe County Plan Commission considered Petition No. REZ-22-12 for a Zoning Map Amendment (Ordinance No. 2023-10) to the Monroe County Zoning Ordinance and made a positive recommendation to approve thereon, based on the findings, conditions, and Highway Department reports, with a vote of 6-3 with the following conditions:

1. The petitioner submit a right-of-way activity permit application,
2. The written commitment be reviewed and approved by the Monroe County Legal Department
3. The written commitment include the additional language regarding a fourteen (14) day deadline for its recording.

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

Jackie N. Jelen

Jackie N. Jelen
Planning Director

3/24/2023

Date

ORDINANCE NO. 2023-10

Rolfsen 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 rezone one (1) 19.34 +/- acre parcel in Bloomington Township, Section 8 at 4851 N Kinser PIKE, parcel #53-05-08-300-008.000-004 from Estate Residential 1 (RE1) to Agriculture/Rural Reserve (AG/RR).

SECTION III.

The following conditions of approval shall apply to this petition as forwarded by the Plan Commission by a vote of 6-3 on March 21, 2023:

- 1.) The petitioner submit a right-of-way activity permit,
- 2.) The written commitment be reviewed and approved by the Monroe County Legal Dept.
- 3.) The written commitment include additional language regarding a fourteen (14) day deadline for its recording.

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 ___th day of April 2023.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes

"No" Votes

Penny Githens, President

Penny Githens, President

Julie Thomas, Vice President

Julie Thomas, Vice President

Lee Jones, Commissioner

Lee Jones, Commissioner

Attest:

Catherine Smith, Monroe County Auditor

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

PLANNER	Drew Myers
CASE NUMBER	REZ-22-12
PETITIONER	Norvesco Real Estate Partners, LLC c/o Tim Rolfsen
ADDRESS	4851 N Kinser PIKE, parcel no. 53-05-08-300-008.000-004
REQUEST	Rezone Request from RE1 to AG/RR Waiver of Final Hearing Requested
ACRES	19.341 +/- acres
ZONE	Estate Residential 1 (RE1)
TOWNSHIP	Bloomington
SECTION	8
PLATS	Unplatted
COMP PLAN DESIGNATION	Farm and Forest

EXHIBITS

1. Petitioner Letter
2. Petitioner Updated Design Concepts
3. AG/RR Use Table
4. RE1 Use Table
5. Petitioner's Response to PRC
6. Monroe County Thoroughfare Plan
7. Petitioner's Kinser Pike Road Width & Crash Data Narrative
8. Monroe County Motor Vehicle Crash Summaries
9. Letters of Support/Opposition
10. Draft Written Commitment
11. Brick & Corbett Real Estate on Home Values

RECOMMENDATION

Recommendation to the Plan Commission:

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

PLAN REVIEW COMMITTEE – December 8, 2022

Plan Review Committee discussed potential traffic concerns coming off N Kinser Pike and W Bell Road, as well as concerns for how to currently access the site. PRC members were curious how much product the proposed use would need to have imported or delivered and what the additional delivery truck traffic would look like for the residential area. PRC discussed a concern that the use of the property would become a sort of agricultural event center with live music that may be disruptive to the residential area.

PLAN COMMISSION: Preliminary Hearing – January 17, 2023

Plan Commission members had questions regarding the Highway Department's final recommendation regarding proposed access for the property and the overall thoroughfare plan for this area. Plan Commissioners asked the petitioner what steps he had to screen the proposed winery use from neighboring properties. Several members of the public came forward to speak in opposition to the petition stating concerns for traffic safety along N Kinser Pike, traffic safety as it relates to a neighboring winery, and other potential impacts from a commercial development in the area. Additionally, a list of signatures was submitted to staff at the start of the meeting and distributed to the Plan Commission members at the end of staff's presentation. The petitioner provided information regarding expected business activities, delivery truck occurrences, and plans to mitigate impacts of the winery on the neighbors. Plan Commission members ultimately decided to proceed with the regular meeting schedule for this petition and not grant the waiver of final hearing. The Plan Commission requested that members

of the public submit letters to Planning Staff detailing their concerns or opposition to the rezone request.

PLAN COMMISSION: Preliminary Hearing – February 21, 2023

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

MEETING SCHEDULE

Plan Review Committee – December 8, 2022

Plan Commission Admin Meeting – January 3, 2023

Plan Commission Regular Meeting – January 17, 2023 (Preliminary Hearing)

Plan Commission Admin Meeting – February 7, 2023

Plan Commission Regular Meeting – February 21, 2023 (Final Hearing) – CONTINUED to 3/21/2023

Plan Commission Admin Meeting – March 7, 2023

Plan Commission Regular Meeting – March 21, 2023

Board of Commissioners Meeting – TBD

SUMMARY

The petition site is one parcel totaling 19.341 +/- acres located in Bloomington Township at 4851 N Kinser Pike. The petitioner is proposing to amend the Zoning Map from Estate Residential 1 (RE1) to Agricultural/Rural Reserve (AG/RR). The petitioner's intention behind the rezone request is provide for the appropriate zoning designation to establish a winery on the property. The land use of "winery" is not permitted in the RE1 zoning district but is a permitted use in the AG/RR zone.

If the rezone request is approved by the County Commissioners, the petitioner intends to complete the planning process for the establishment of a winery on the property. All applicable site plan requirements for a winery as well as the special conditions outlined in Chapter 802 for the winery use must be met by the proposed change of use on the property. Typically, site plan review for winery uses is completed at staff level.

If the rezone is denied, the petitioner may continue to operate the property as a single-family residence (previous use) or may pursue any of the available uses as outlined in Chapter 833 of the Monroe County Zoning Ordinance for the RE1 zone as long as any special conditions can be met.

CHAPTER 802:

Winery. An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

Permitted in the AG/RR, FR, and CR zoning districts. Subject to special condition #53.

53. Only permitted on lots 5 acres or greater in the AG/RR, CR, and FR zoning districts.

CHAPTER 801:

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

Permitted in only the GB zoning district.

CHAPTER 813:

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

Development and Operational Standards.

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

(a) Parking.

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

(b) Access Standards.

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

(c) Minimum Parcel Size.

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

(d) Setbacks.

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

(e) Event Size.

1. Small agricultural event center: shall be allowed a maximum event size of one hundred (100) guests or as specified by the conditional use permit.
2. Intermediate agricultural event center: shall be allowed a maximum event size of two hundred (200) guests or as specified by the conditional use permit.
3. Large agricultural event center: shall be allowed a maximum event size of three hundred (300) guests or as specified by the conditional use permit.

(f) Number of Events.

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

(g) Agricultural Requirement.

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

(h) Hours of Operation.

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

(i) Noise Regulations.

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

(j) Food Regulations.

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

(k) Neighbor Notification.

An event center in the AG/RR Zone shall post and maintain a schedule of future events on their website. An annual/seasonal schedule of future events shall be mailed to all owners of real property located within 660 feet of the subject property at least two weeks prior to the beginning of the event year or season. The schedule shall show days planned for events, hours of operation, and include a phone number for inquiries.

BACKGROUND

The Zoning Map amendment would be from RE1 to AG/RR. Listed below are the definitions of these zones per Chapter 833 and Chapter 802, respectively.

Estate Residential 1 (RE1) District. *The intent of this district is to accommodate large lot, estate type residential uses in a rural environment along with limited compatible agricultural uses. It is meant specifically to:*

- A. *Accommodate those persons who desire estate type living.*
- B. *Maintain a pattern of growth that is consistent with the cost-efficient provision of urban services to promoted compactness in the city structure.*
- C. *Provide for development in a rural setting not necessarily requiring urban utilities.*
- D. *Provide for limited compatible agricultural uses.*

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

Consolidated Development Ordinance

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

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

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

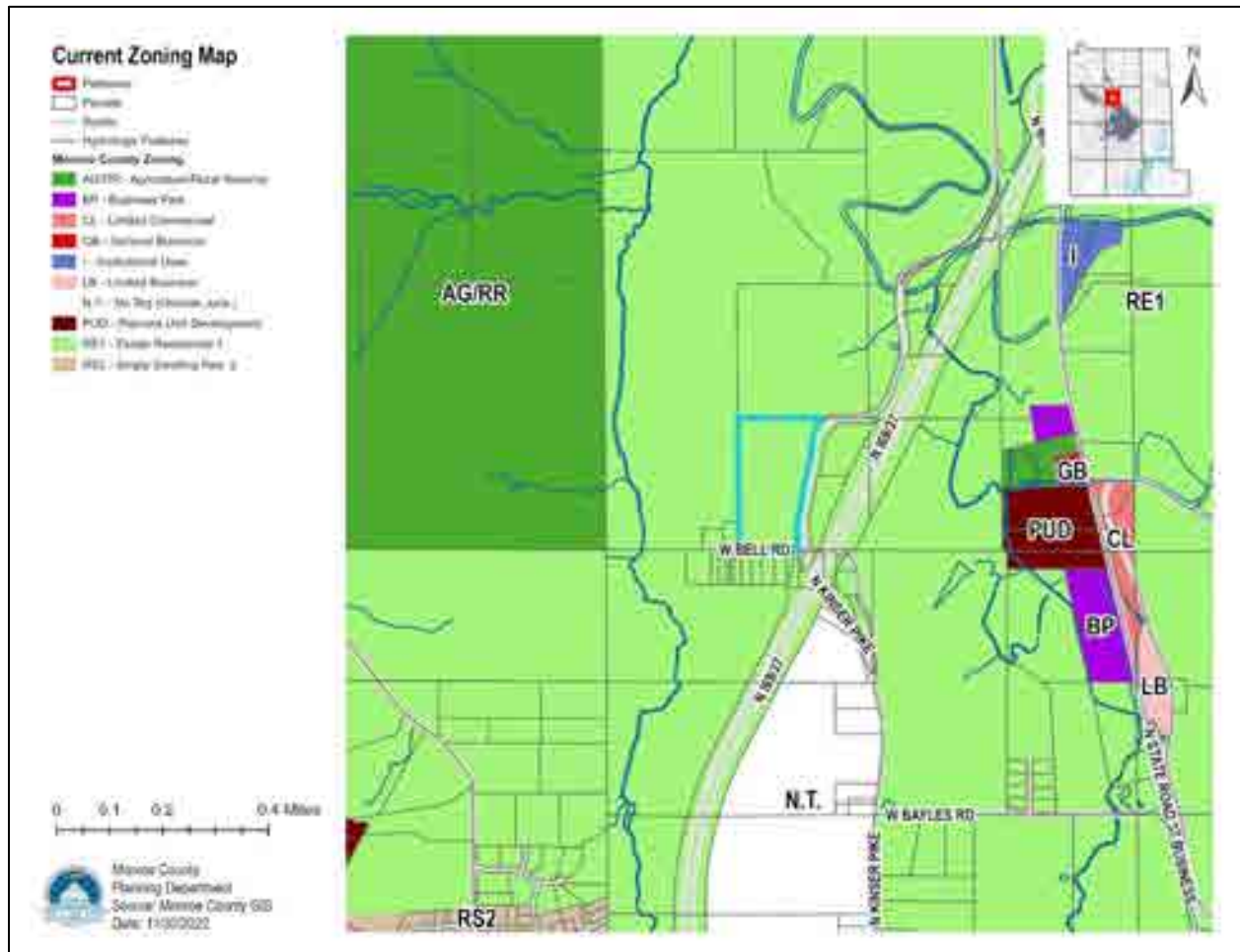
LOCATION MAP

The parcel is located at 4851 N Kinser Pike, Section 8 in Bloomington Township. The Parcel No. is 53-05-08-300-008.000-004.



CURRENT ZONING

The parcel is zoned Estate Residential 1 (RE1) as are the adjoining parcels to the north, south, east, and southwest. The larger parcel adjacent to the west is zoned Agriculture/Rural Reserve (AG/RR). There are numerous properties zoned Agriculture/Rural Reserve (AG/RR) approximately a quarter mile to the east. There are no commercial uses directly adjacent to the subject property. The surrounding area includes mostly residential uses, with some areas of agricultural use.



SITE CONDITIONS & INFRASTRUCTURE


The petition site is made up of one 19.341 acre +/- parcel. The site currently sits vacant after a demolition permit was issued in February 2022 for the single-family residence that once stood on the property. Access to the site is from N Kinser Pike (road classification) via an existing driveway cut. There appears to be a second driveway cut utilized for the parking of equipment that stems off W Bell Road on the southeast corner of the subject property. According to the Monroe County Thoroughfare Plan, N Kinser Pike is designated as a Minor Collector, while W Bell Road is designated as a Local Road. The petition site is not located in the Environmental Constraints Overlay (i.e., the Lake Monroe Watershed). There is no floodplain designated on the petition site. There is no evidence of the presence of karst/sinkhole features on and near the petition site according to available contour data.



Stormwater Comments:

No comments provided at this time. MS4 Coordinator will review any site improvements when a commercial site plan and other permit applications are submitted.


Highway Comments:



Paul Satterly

Response Commented - Dec 12, 2022 at 2:02pm


The Highway Department prefers that the primary driveway come off of Bell Road. The driveway should be located at least 300 ft. from the intersection with Kinser Pike. Right of way that was acquired for Kinser Pike during the construction of I-69 needs to be shown.



Tim Rolfsen

Response Commented - Nov 27, 2022 at 10:51am


Hi - The current driveway is located on Kinser Rd, as shown in the proposed site plan. My concern with locating the entrance on Bell Rd is that it may create access issues to the five neighbors who live on that road. Not sure how I access the Right of Way you mentioned. Where would I find it?



Paul Satterly

Response Commented - Nov 29, 2022 at 8:09am

The land that was purchased as part of the I-69/Kinser Pike project should have been recorded and consistently be filed when looking up the deed for the property. What kind of traffic volumes are anticipated for this development?




Tim Rolfsen

Response Commented - Nov 29, 2022 at 8:28pm

Not sure how to calculate, but while the planned parking capacity is 40 spots, it's likely to be less than that. When I observed residential traffic today I was again concerned that even 100+ cars/hour would impede access to homes. Last thing I need is irritated neighbors. I also feel left right visibility from the current curb-cut is better coming off of Kinser Pike rather than pulling off of Bell Road. Kinser Pike traffic has been very light everytime I've been at the property.

Not sure what right of way there would be to I-69 since you have to travel S-SE on Kinser Pike, go east the to Bayles Road, go left on N Walnut to access I-69.



Tim Rolfsen

Response Commented - Nov 29, 2022 at 8:54am

I did try to look up the warranty deed #2019004689 on doqnap.com but got a message I wasn't authorized. Would like to arrange a call this morning so I can understand the issue. Thanks!

From: Tim Rolfsen <tim.rolfsen@gmail.com>
Sent: Thursday, December 8, 2022 7:13 PM
To: Paul Satterly <psatterly@co.monroe.in.us>
Subject: FW: Paul Satterly

Hi Paul –

We discussed the driveway for 4851 N. Kinser Pike and I was left with the impression that you were open to leaving the current curb cut as long as the set-back, driveway width, and turn in requirements were met. That said, there was an initial meeting to night and a couple of people of the board were concerned about the drive being on W Bell Rd. While I won't be bringing in trucks frequently, those situations will occur, and I think Kinser Pike would be the most appropriate to handle that occasional traffic. I'd appreciate your thoughts.

One last think, there was also a question about whether Bayles Rd. could handle larger trucks, but guessing if that became an issue trucks could come down Kinser or Prow Rd. to Acuff?

Thanks!
Tim

From: [Paul Satterly](#)
Sent: Friday, December 9, 2022 9:31 AM
To: [Tim Rolfsen](#)
Cc: [Ben Ayers](#)
Subject: RE: Paul Satterly

Tim,

A driveway off of Kinser Pike would be acceptable. It would be best to have it located at least 150 ft. from the Bell Road intersection and further if possible.

The Bayles Road bridge near Business 37 North (Walnut St.) will be under construction next year so there will be no weight restrictions on Bayles Road once the new bridge is in service.

Please let me know if you have any questions.

Thanks,

Paul

Paul B. Satterly, P.E.
Highway Engineer
Monroe County Highway Department

501 N. Morton Street, Suite 216
Bloomington, Indiana 47404
psatterly@co.monroe.in.us
Office (812) 349-2554
Cell (812) 361-7918

From: Tim Rolfsen <tim.rolfsen@gmail.com>
Sent: Friday, December 9, 2022 10:51 AM
To: Paul Satterly <psatterly@co.monroe.in.us>
Cc: Ben Ayers <bayers@co.monroe.in.us>; Drew Myers <dmyers@co.monroe.in.us>
Subject: RE: Paul Satterly

Paul –

We also briefly talked about a road north of where we'll be at that is under construction. I'm thinking it was Wylie Rd? If so, will that connect to N. Thompson Ridge Rd. so that while Bayles is under construction they could get off at sample and take Wylie to Kinser? If so, it might not be the best choice, but options are good to have.

Thanks for the follow-up!

Tim

On Dec 9, 2022, at 11:00 AM, Ben Ayers <bayers@co.monroe.in.us> wrote:

Tim,

It might be best to go ahead and apply for the Right of way Activity permit so that we can check sight distance for the existing or proposed driveway entrance to see if the location will work or need shifted to meet sight distance.

Best,

Ben

From: Tim Rolfsen <tim.rolfsen@gmail.com>

Sent: Friday, December 9, 2022 11:27 AM

To: Ben Ayers <bayers@co.monroe.in.us>

Cc: Paul Satterly <psatterly@co.monroe.in.us>; Drew Myers <dmyers@co.monroe.in.us>

Subject: Re: Paul Satterly

OK, I'll get that started. Thanks

Tim Rolfsen

Department Coordination Meeting – February 14, 2023

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

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

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

SITE PHOTOS

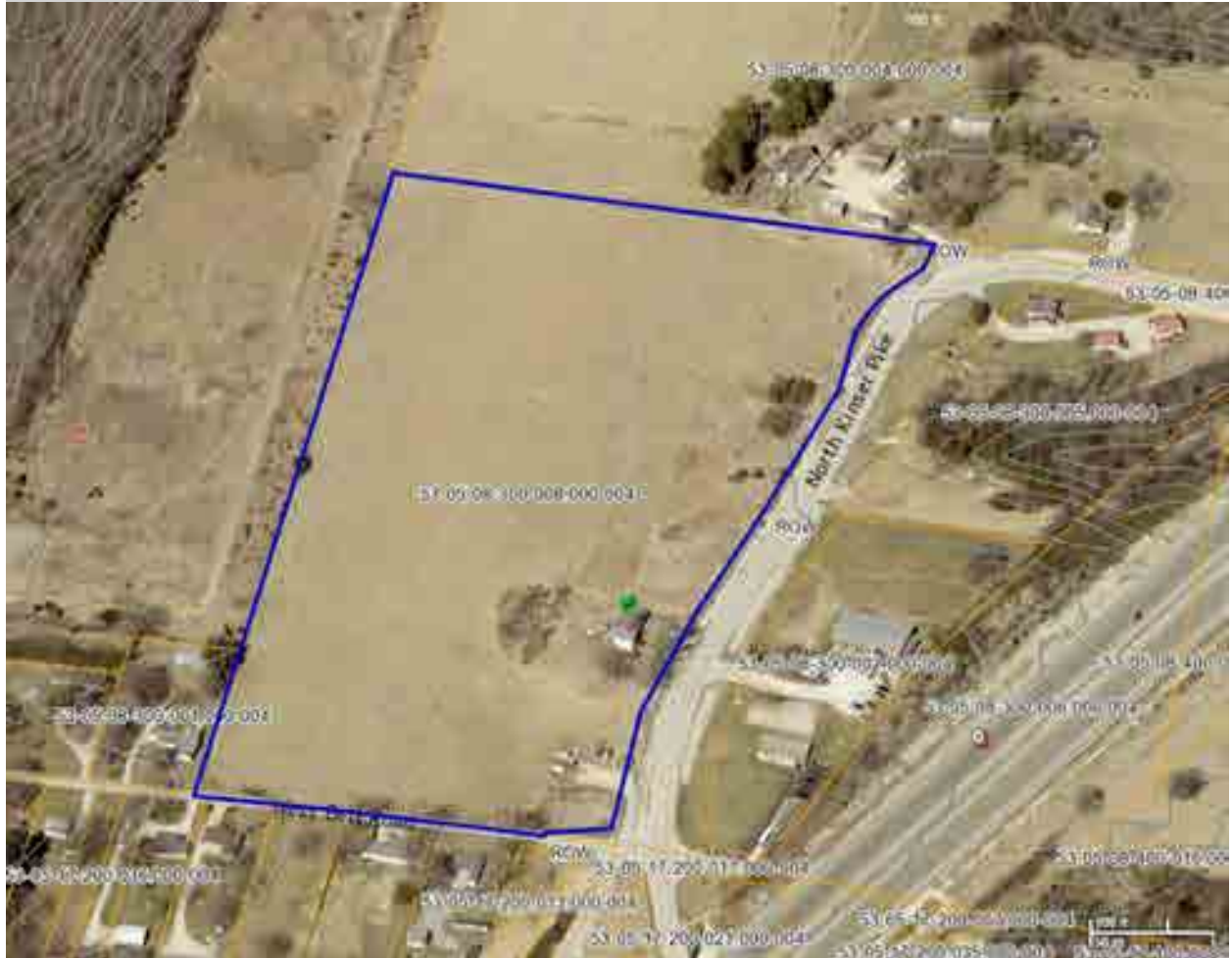


Photo 1. Aerial pictometry from the south (2020)

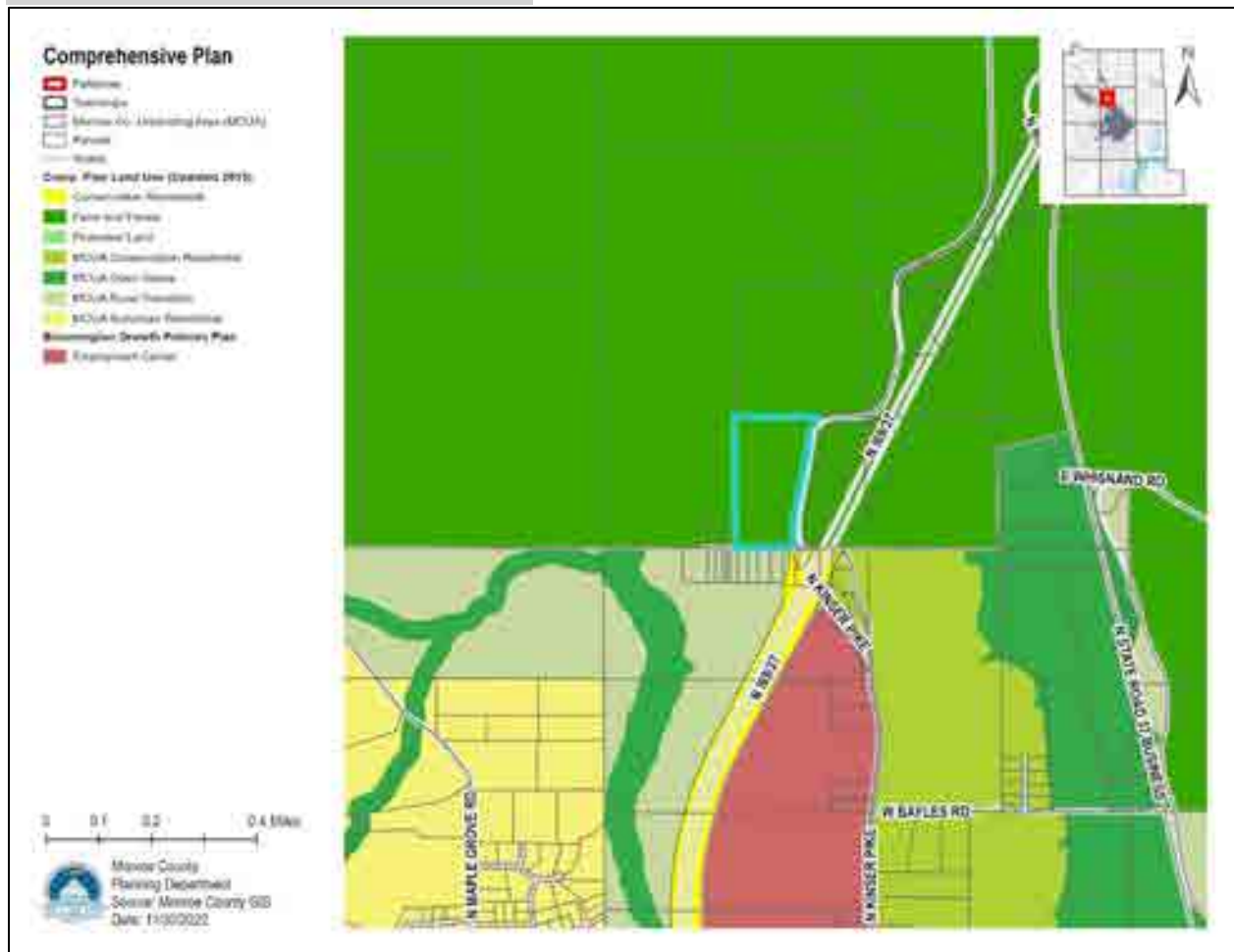


Photo 2: View of W Bell RD frontage – facing east



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

COMPREHENSIVE PLAN DISCUSSION



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

Farm and Forest:

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- a) Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.*
- b) New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.*
- c) Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.*

To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadway shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

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

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

Findings:

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

Agriculture/Rural Reserve (AG/RR) District. The character of the Agriculture/Rural

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

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

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

Findings:

- See Findings under Section A and Section B;
- The adjacent parcels to the north, east, south, and southwest are currently zoned RE1;
- The larger parcel adjacent to the west **at 1300 W Bell RD was recently rezoned from RE1 to AG/RR;**
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no known commercial uses directly adjacent to the subject property;

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

Findings:

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

(E) Responsible development and growth.

Findings:

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

EXHIBIT 1: Petitioner Letter & Consent Letter

TANGLEWOOD VINEYARD AND WINERY PETITIONER'S NARRATIVE

We have entered into an agreement to purchase 4851 North Kinser Pike in Bloomington, Indiana, with the sole purpose of establishing a vineyard and winery to be known as "Tanglewood Vineyard & Winery". This request is to rezone the current zoning from Estate Residential 1 to AG2.5 Agricultural Estate, as proposed in the pending ordinance for the purpose of developing it for Agritourism Use and related Variances of Development Standard to accommodate our proposed use.

The Agritourism Use will include a vineyard (15 acres+/-), an 8,000 sq. ft.+/- production/warehouse, a 2,100 sq. ft.+/- tasting room, and an 1,800 sq. ft. +/- equipment building. The production building and warehouse is proposed to include wine processing (i.e., grape crushing, fermenting, aging, case goods storage). The tasting room will provide a relaxed environment for customer tastings and related retail sales, possibly including refrigerated displays for pre-packaged food and snacks.

Tanglewood Vineyards, would operate as under the rules of an Agricultural Event Center defined by Chapter 813, with total capacity of no more than 100 guests, and will host wine tours and small events on the premises which may include live music. The current proposed parking lot will contain 40 spaces.

DocuSign Envelope ID: 9A134A0A-1562-4DDE-85D7-277362E8BD25



November 2, 2022

To Whom It May Concern,

I, Jeff Brawley, give my written consent for Tim Rolfsen to proceed with any/all zoning requests/proceedings regarding the property that I own located at 4851 N Kinser Pike, Bloomington, IN 47404.

Consented by:

Jeff Brawley

11/2/2022

Jeff@thebrawleygroup.com

812-327-5331

LIMEROCK RIDGE WINERY

Option 2 3D Back

02/16/23



LIMEROCK RIDGE WINERY

Option 2 3D Front

02/16/23



LIMEROCK RIDGE WINERY

Option 2 Elevations

02/16/23



② OPT. 2 BUILDING ELEVATION - EAST



① OPT. 2 BUILDING ELEVATION - WEST

LIMEROCK RIDGE WINERY

Option 1 3D Back

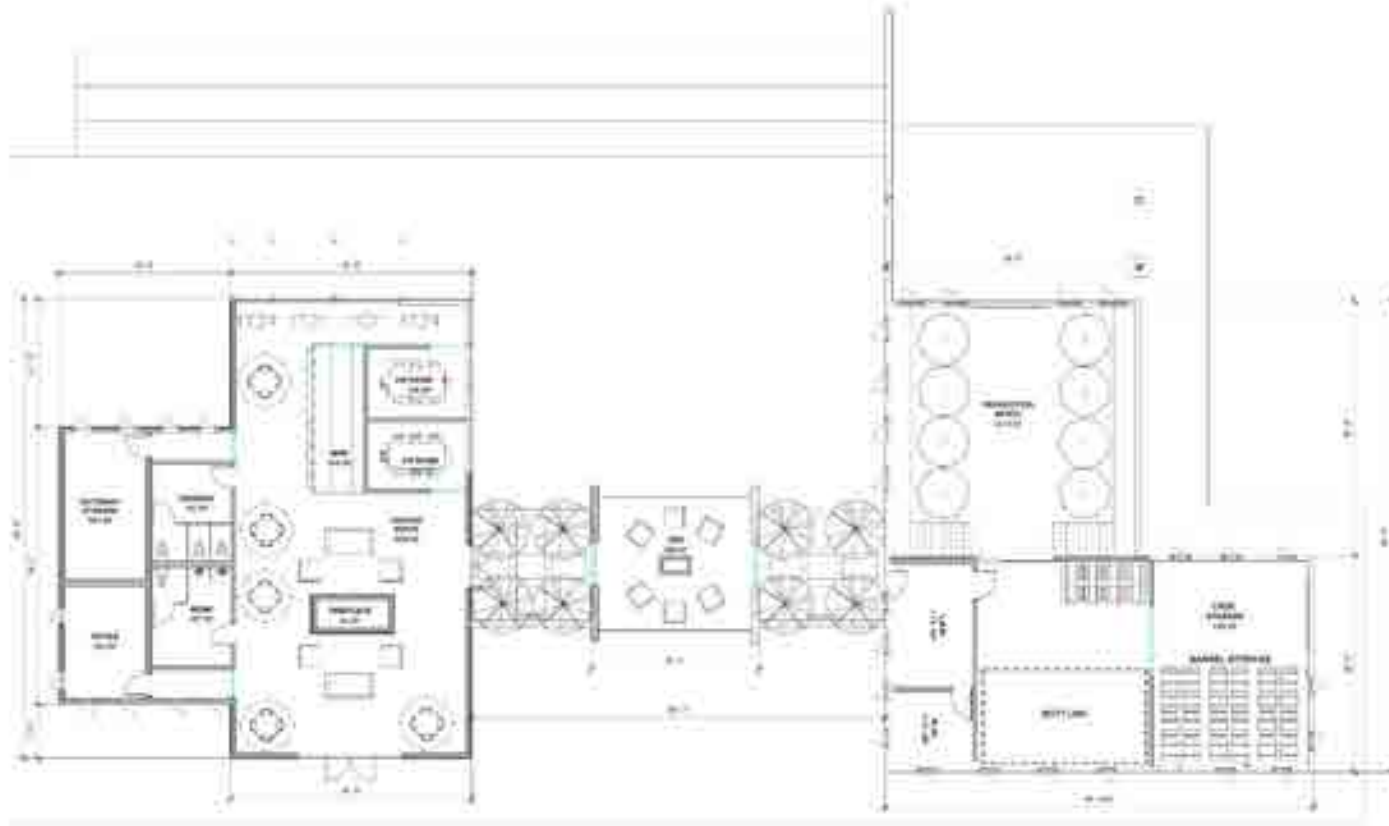
02/16/23



LIMEROCK RIDGE WINERY

Option 2 Floor Plan

02/16/23



LIMEROCK RIDGE WINERY

Option 1 3D Front

02/16/23



LIMEROCK RIDGE WINERY

Option 1 Elevations

02/16/23



LIMEROCK RIDGE WINERY

Option 1 Floor Plan

02/16/23

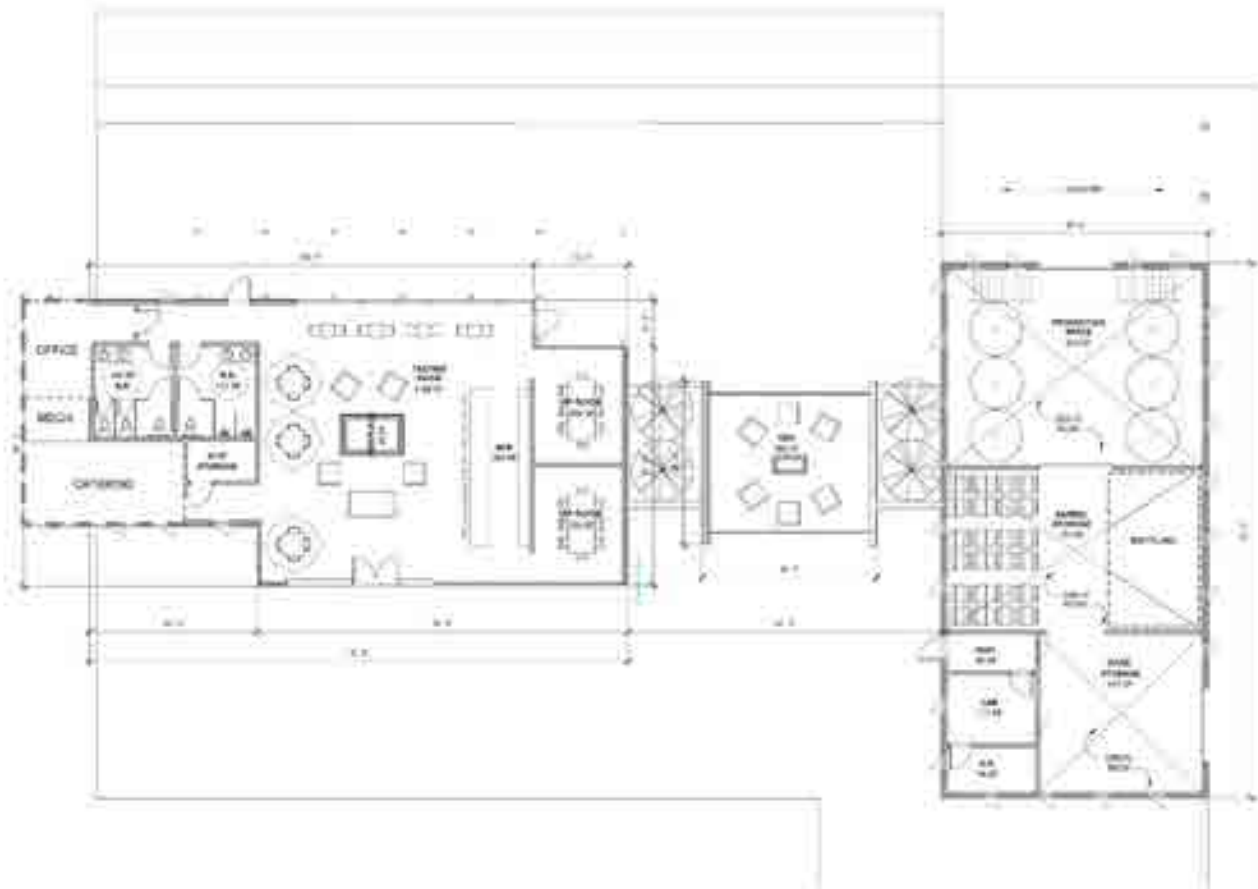


EXHIBIT 3: Uses Permitted in the AG/RR Zone

USES	INTENSITY	ZONES	USES	INTENSITY	ZONES
Agricultural Uses	i	AG	Religious Facilities	H	P
Accessory Use		P	Remote Garbage/Rubbish Removal	H	C
Accessory Structures for Agricultural Use	L	P	Solar Farm	L	C
Agriculture	H	P	Telephone and Telegraph Services	L	P
Agricultural-Related Industry	H	P	Utility Service Facility	M	P
Agricultural Uses-Land Animal	H	P	Wastewater Treatment Facility	H	C
Agricultural Uses-Non Animal	H	P	Water Treatment Facility	H	C
Agritourism / Agritainment (i.e. corn mazes,	H	P	Wired Communication Services	M	P
Aquaculture	M	P	Business and Personal Services	i	AG
Christmas Tree Farm	H	P	Accessory Use		P
Commercial facilities for the sale, repair, a	H	C	Artisan Crafts	M	C
Commercial Non-Farm Animals	M	P	Bed and Breakfast	L	P
Confined Feeding Operations	H	C	Composting Operation	H	P
Equestrian Center	H	C	Greenfill	M	P
Equine Services	L	P	Historic Adaptive Reuse		P
Feed Lot	H	P	Kennel, including commercial animal breeding	H	C
Feed Mill	L	P	Real Estate Sales office Or Model	L	P
Historic Adaptive Reuse		P	Taxidermist	L	P
Horse Farm	L	P	Temporary Seasonal Activity	M	P
Nursery/greenhouse	H	P	Tourist Home or Cabin	L	P
Orchard	H	P	Veterinary Service (Indoor)	H	C
Pick-your-own operation	H	P	Veterinary Service (Outdoor)	M	C
Roadside farm stand, Permanent	M	P	Retail and Wholesale Trade	i	AG
Roadside farm stand, Temporary	L	P	Accessory Use		P
Stockyard	H	P	Agricultural Sale Barn	H	P
Winery	H	P	Fruit Market	L	P
Accessory Apartments	L	P	Garden Center	H	C
Accessory Dwelling Units	L	P	Historic Adaptive Reuse		P
Accessory Livestock	L	P	Automotive and Transportation	i	AG
Accessory Use		P	Automobile Repair Services, Minor	H	C
Guest House	L	P	Historic Adaptive Reuse		P
Historic Adaptive Reuse		P	Accessory Use		P
Home Based Business	L	P	Camping Facility	H	P
Home Occupation	L	P	Historic Adaptive Reuse		P
Residential Storage Structure	L	P	Park and Recreational Services	H	C
Single Family Dwelling	n/a	P	Private Recreational Facility	H	C
Temporary Dwelling	L	P	Recreational Vehicle (RV) Park	H	C
Two Family Dwelling	n/a	P	Manufacturing, Mining	i	AG
Public and Semipublic	i	AG	Accessory Use		P
Accessory Use		P	Historic Adaptive Reuse		P
Cemetery	H	P	Sawmill	H	C
Governmental Facility	H	P	Wood Products	M	C
Historic Adaptive Reuse		P			

EXHIBIT 4: Uses Permitted in the RE1

Estate Residential 1 Permitted and Conditional Uses
Monroe County Zoning Ordinance Chapter 802 & Chapter 833

USES	RE1
Bed and breakfast	C
Cemeteries	P
Churches	C
Crops and pasturage	P
Day care centers	C
Fire stations	C
Golf courses	C
Historic adaptive reuse	C
Home occupations	C
Parks and playgrounds	P
Police stations	C
Public libraries/museums	C
Rehabilitative facilities	C
Residential care homes for developmentally disabled individuals	P
Residential care homes for mentally ill	P
Residential care homes for up to five individuals, other than the developmentally disabled	P
Schools	C
Single family detached dwellings	P
Swim clubs	C
Tennis clubs	C
Utility substations and transmission facilities	P

(I) Use Intensity
(P) Permitted
(C) Conditional
(RE1) Estate Residential 1

Created December 2019

EXHIBIT 5: Petitioner's Response to PRC

Wine Making and Trucks –

A board member expressed concern that Bayles Rd. couldn't handle truck traffic for all of the juice we will be purchasing. As a point of reference, we had the largest dumpsters available from Republic Services dropped at the property. Our neighbor to the north owns a trucking business and regularly runs tri-axle dump trucks up and down Kinser Pike.

According to Highway Engineer Paul Satterly, the Bayles Road bridge near Business 37 North (Walnut St.) will be under construction next year so there will be no weight restrictions on Bayles Road once the new bridge is in service. Alternate routes, including the one used by Republic Services to place their dumpsters (about eleven round-trips) on the property, are:

I-69 to E Indiana 45 Bypass to Kinser Pike (Gourley Pike to Arlington to Prow, then Acuff has also been used).

The newly completed Sample Rd. to Simpson Chapel Rd. to Bottom Rd./Kinser Pike, will also accommodate similar truck traffic.

Regarding the use of trucks, it will be necessary to purchase juice and grapes from select growers since it will take at least three years from our 2024 plant date to harvest our own fruit. As with all wineries, purchasing fruit and juice is necessary since owning enough land to plant vines to support more than very small-scale production would be prohibitive. To put this into context, Oliver Winery's Creekbend Vineyard in Ellettsville is approximately 75 acres of vines and yields enough fruit to make about 37,000 gallons of wine. When they were purchased in 2018 they were producing nearly 2 million gallons of wine, so the rest had to come from growers, and was delivered either as fruit from California or juice from the Lake Erie and Finger Lakes regions (NY). Their fermenting tanks hold up to 116,000 gallons of wine each. Our largest will be no more than 5,000 gallons.

Our goal is to produce, at most, 25,000 cases per year, and will take 10+ years to hit that target. If we do, that translates to 60,000 gallons/year, about 3% of what is produced by Oliver four years ago. Our proposed 14 acres will yield enough fruit to produce approximately 6,800 gallons of wine. Fermentable juice purchased by other growers will likely be delivered in 330 gal totes or by small, refrigerated trucks (think 40 ft box truck).

Noise and Nuisance

The facility will be a farm winery, and per the description of what is allowed, and given the size parcel (19.34 acres), will be designed to accommodate up to 100 people. There may be music, though the latest that would occur is during standard tasting room hours, which would likely be 11:00 am – 6:00 pm. While we may choose to offer private events beyond those hours, it will not include loud music. My request to highway engineers that we keep the drive to the property on Kinser Pike is not only to ensure the safety of our visitors, but also to keep from being a nuisance to neighbors on W Bell Rd.; that desire to coexist extends to noise as well. That request has been approved.

Indiana Winemaking Neighbors

Finally, a person suggested that grapes don't grow in Indiana, so we'd need to import all of our juice, which led to the discussion about road capacity. I'm fairly confident that this concern is not germane to the question of zoning, but Indiana has several growers of grapes, and many in the northern half of the state where it is much colder. Closer to our chosen location is Oliver, Butler, Huber, and several others. FWIW, I've had conversations with Yvan Quirion, owner of Domaine St.-Jacques, located near Quebec City, Canada, who successfully grows chardonnay, merlot, cabernet sauvignon, and cabernet franc. We have plenty of heat accumulation during the growing season to support robust growth of wine grapes, we just need to be mindful of the humidity that can cause powdery mildew and mold. That's why, like all Midwest growers, we will have a weekly spraying program.

EXHIBIT 6: Monroe County Thoroughfare Plan – Adopted 12/12/2018

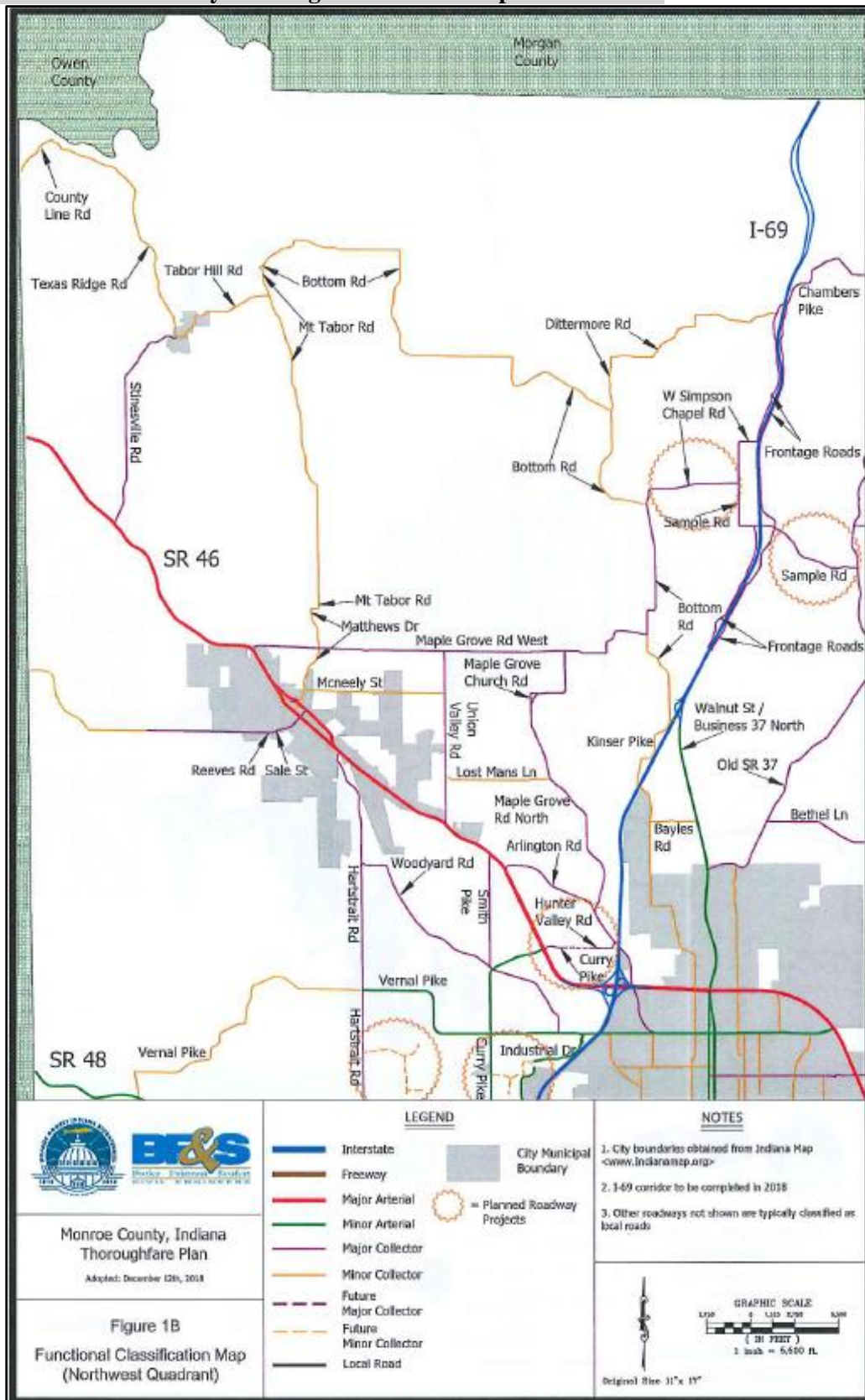


EXHIBIT 7: Petitioner's Kinser Pike Road Width & Crash Data Narrative

Kinser Pike Road Width:

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

Alternate Routes to 4851 N. Kinser Pike

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

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

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

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

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

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

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

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

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

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

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

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

healthline

Health Conditions ▾

Discover ▾

Plan ▾

Connect ▾

What is a standard drink?

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

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

Winery Traffic

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



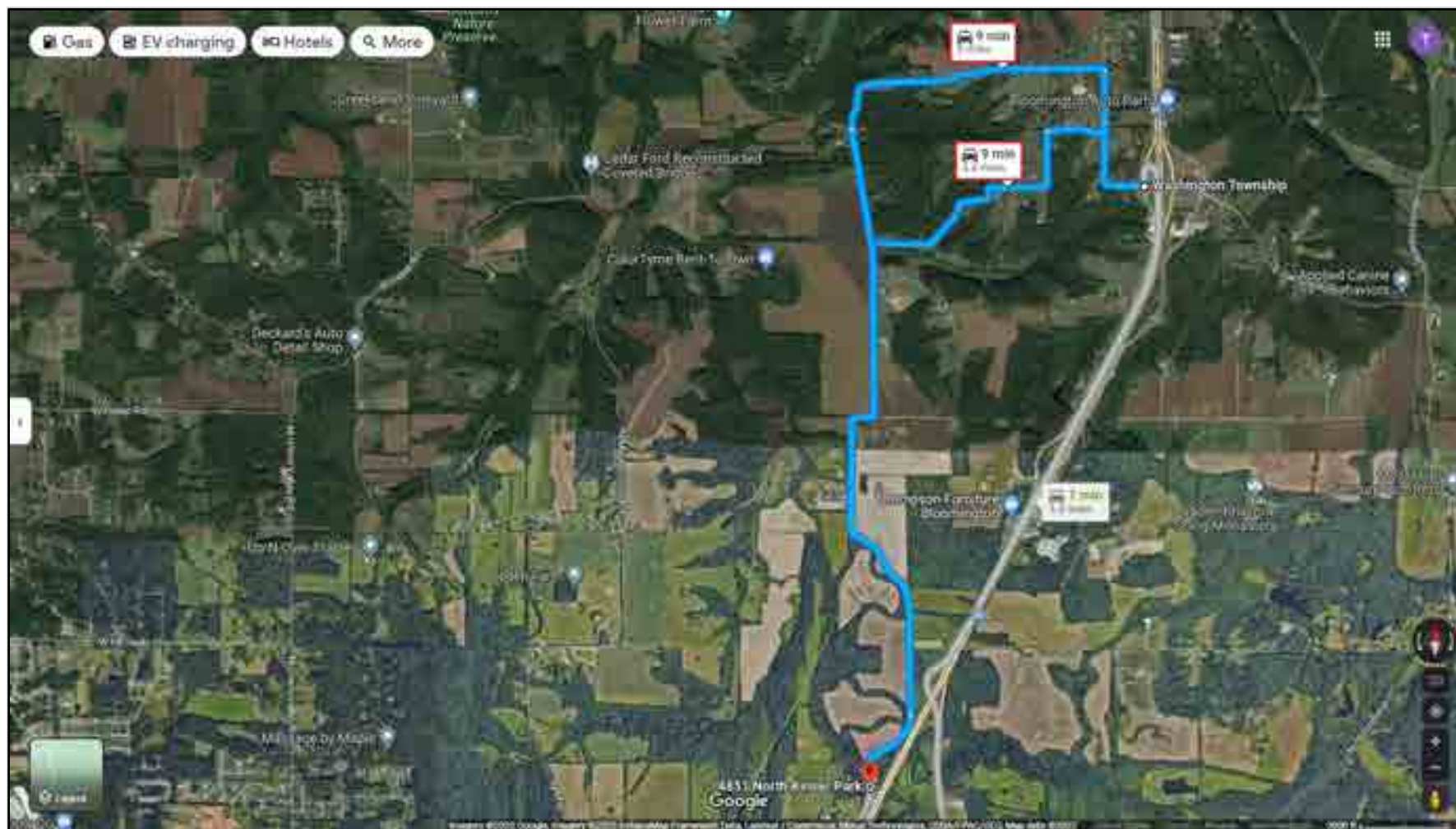
Petitioner's Exhibit A.



Petitioner's Exhibit B.



Petitioner's Exhibit C.



Petitioner's Exhibit D.


EXHIBIT 8: Monroe County Motor Vehicle Crash Summaries

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

EXHIBIT 9: Letters of Support/Opposition

From: [Michelle Rogers](#)
To: [Planning Office](#)
Cc: [Julie Thomas](#)
Subject: Comments on REZ-22-12
Date: Wednesday, January 18, 2023 1:33:02 PM

My name is Michelle Rogers, and I live at 1288 W. Bell Road. I am writing in response to Commissioner Thomas's request at the close of the meeting on January 17, 2023 for further comment in opposition to the rezone request to build a winery on Kinser Pike (REZ-22-12). As suggested in the meeting, I am sending to this address so this information can be shared with members of the Plan Commission.

Although close to I-68, West Bell Road, is a quiet little corner of rural living. Neighbors wave to one another, and there is little traffic on our dead end road. Last summer, my grandson and I had a nightly routine of riding up and down the street on his bike. Neighbors knew to look out for him, and when someone passed, we just got to the side of the road, and the motorist would wave, and oftentimes say hello to Luke. Here is a link to a video of us doing that this past summer. [I apologize for the commentary, and suggest you might want to watch sound-off 
<https://www.facebook.com/michelle.rogers.5895/videos/5516522315091992>. I think the video (taken looking down Bell Road toward Kinser Pike) gives you a good feel for the area. Any extra traffic would definitely make this kind of thing not possible. Even if the entrance was off of Kinser Pike (which, the suggestion to put it on Bell Road is absurd, and I hope that is nixed for good), it is probable that cars could find their way to us.

I've also attached a photograph I took of my daughter on her 16th birthday. As you can see, the white house in the background is the one that has been torn down, and where the winery is proposed to sit. Again, this is not meant to show off my kid, but just more to get a sense of our surroundings. For some of us, it will very nearly be in our backyards. And although the closest to us will be the vineyards, how do we know what goes into maintaining a vineyard. Will there be heavy machinery? Pesticides in the air? I also wonder what affect that will have on the rabbits and mice. Does that push more of them our way?

Overall, I think it is a bad idea, and is not worth it when you consider the negative impacts to residents in the area. We've seen what is happening in other cities like ours (and even in our own). It would be nice if an area could just be kept nice and quiet. Also, I do not believe that the sole business of the winery is as stated – Tasting hours Thurs-Sunday from 11-5. To be profitable it would seem that there would be an eye toward hosting events. These would probably occur later in the evening. I wouldn't want to encounter a bunch of drunk wedding guests leaving the venue late at night. And I don't believe that it will raise any property values, as suggested by the developer. Even so, I don't think that is even much of a concern for folks on Bell Road. Most seem pretty situated. I invite you to drive out to the area and experience it for yourself. I hope you'll find that this location is just not suited for a winery. Or really any business, for that matter. I feel the concerns far outweigh the benefits.

Thanks for your time!

From: Peter Bellessis <peterkoomas@yahoo.com>

Sent: Sunday, January 29, 2023 1:39 PM

To: Jacqueline N. Jelen <jnelen@co.monroe.in.us>; 6025241@aol.net

Subject: re: Upcoming February plan commission meeting on the proposed winery unneeded and unwanted on this plot of land in NW Monroe County

Dear Jackie,

Thank you very much for approaching both my wife, Jana, and I after the meeting. Paul Greene has again, door to door, requested me email him a list of concerns and as our very own "community organizer", he has worked tirelessly to call attention to this developer's intentions for his recent purchase in Northwest Monroe County.

I was going to try and email Julie Thomas but cannot find email contact information for her on the website listed on your business card. Perhaps you can help with that in a reply?

I am glad, even though three minutes was very little time to speak, I was able to call attention to what a long-term resident of the property directly across the street from this proposed development feels about this needless business idea from someone whom does not have area residents' best interests in mind.

There are many facets to this development that truly will disrupt life as we know it. The developer most certainly to his advantage downplayed the significant risk of having this increase of in and out traffic at this location. There are a myriad of dangerous reasons why this will not work. Regardless of where his entrance is located this road, Kinser Pike, is a fast moving corridor for local traffic and the danger of traveling North around an uphill left hander to both lanes being blocked (delivery vehicle) is daunting to say the least.

A popular area for both Indiana University cyclists and local enthusiasts this road is used by them frequently and I shudder to think of "non-local attitudes" at their presence as they can and often do use the entire lane of traffic as they are legally entitled to do so. I have so much to say about this and am typing extemporaneously at the moment so perhaps a second email to you where I can better organize my thought process is in order here, Jackie.

From the noise to light pollution this location will create to the true wildlife disruption it is sure to cause, I have personal experience with inebriated drivers and am a motorcyclist who does not want to hear "I did not see him", or "he was going too fast" as replies to an accident from a patron of this establishment who failed to take into account the higher alcohol content of the wine they will be serving at this winery and/or unfamiliarity with the surrounding roads and area they have maybe visited for the first time.

This developer and I attempted to debate at the meeting and I am sorry for this as it was not the venue for that but I am passionate about my hometown and we are truly grateful for the quiet nature of this area and with a near doubling of our rent upon our return in May of 2022 (we have rented at this property since we first left Los Angeles in September of 2009) the year spent owning our own rural property in Delaware had us longing to return to 1084 W. Bell Road.

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

Respectfully,

Peter K. Bellessis

From: Peter Bellessis <petekosmas@yahoo.com>

Sent: Sunday, January 29, 2023 1:39 PM

To: Jacqueline N. Jelen <jnester@co.monroe.in.us>; L025241@att.net

Subject: re; Upcoming February plan commission meeting on the proposed winery unneeded and unwanted on this plot of land in NW Monroe County

Dear Jackie,

Thank you very much for approaching both my wife, Jana, and I after the meeting. Paul Greene has again, door to door, requested me email him a list of concerns and as our very own "community organizer", he has worked tirelessly to call attention to this developer's intentions for his recent purchase in Northwest Monroe County.

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~continued on next page.

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

Respectfully,
Peter K. Bellessis

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

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

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

Again, thank you for your time and consideration.

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

EXHIBIT 10: Draft Written Commitment

COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

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

Section 1: Real Estate.

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

Acreage: 19.34 acres

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

Section 2: Case Number.

REZ-22-12, Rezone Application

Section 3: Statement of Commitment.

- a. Owner is the sole owner of the Real Estate.
- b. On final approval of petition REZ-22-12, covenants, conditions, and restrictions are imposed on the Real Estate as follows:

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

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

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

2. AUTOMOTIVE & TRANSPORTATION
 - a. Automobile Repair Services
3. PUBLIC AND SEMIPUBLIC
 - a. Cemetery
 - b. Governmental Facility
 - c. Remote Garbage/Rubbish Removal
 - d. Utility Service Facility
 - e. Water Treatment Facility
4. BUSINESS AND PERSONAL SERVICES
 - a. Real Estate Sales Office or Model
 - b. Taxidermist
 - c. Veterinary Service (Indoor)
 - d. Veterinary Service (Outdoor)
5. AMUSEMENT AND RECREATIONAL
 - a. Recreational Vehicle (RV) Park
6. MANUFACTURING, MINING, CONSTRUCTION & INDUSTRIAL
 - a. Sawmill
 - b. Wood Products

Section 4: Additional Restrictions & Operational Guidelines

- a. Hours of farming and winery operations, including but not to limited crop management, irrigation, harvest, fruit processing, production, shipping/receiving and maintenance, are unrestricted and as needed.
- b. The winery will host special events, including, but not limited to:
 1. Seasonal festivals
 2. Charitable events
 3. Art fairs
 4. Meetings, events, and other private gatherings
- c. Not more than twice each month, the winery will host outdoor live music events to be held Friday, Saturday, and/or Sunday.
- d. Outdoor music for all the special events will last no later than 8:00 p.m. and shall be managed in compliance with Chapter 380 of the Monroe County Noise Ordinance.

Section 5: Authorization for Signature

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

Section 6: Binding Effect.

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

Section 7: Effective Date.

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

Section 8: Recording.

This Commitment shall be recorded by or on behalf Owner, and upon failure to do so the Director of the Monroe County Plan Commission is authorized to record this commitment in the Office of the Recorder of Monroe County, Indiana at the expense of Owner. The Owner shall submit a copy of the recorded Commitment bearing the recording stamp of the Recorder of Monroe County, Indiana, to the Monroe County Planning Department.

Section 9: Enforcement.

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

[Signature Page Follows]

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

NORVESCO REAL ESTATE PARTNERS, LLC

By: _____
Tim Rolfsen, Member/Managing Director

STATE OF INDIANA)
) SS
COUNTY OF MONROE)

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

My Commission Expires _____
Notary Public

(Printed Name)
A Resident of _____ County

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Sarah E. Jones, Esq.

This instrument prepared by: Sarah E. Jones, Esq., Krieg DeVault LLP, 12800 North Meridian Street, Suite 300, Carmel, Indiana 46032

EXHIBIT 11: Brick & Corbett Real Estate on Home Values

Why the Northern Michigan Wine Culture is Good for Homeowners

If you're a northern Michigander, you probably get a lot of requests from your out-of-town friends to come to visit, especially in the summertime. And honestly, who can blame these friends? We've got some of the most spectacular water, fantastic restaurants, and a ton of things to do both in town and out and about.

If we had to guess what one of the items on your guests' must-do lists is, especially if you live near the Old Mission or Leelanau peninsulas, we'd put wine tasting and touring near the top.

The winery scene in Northern Michigan has been around for more than 50 years, and has become even more vibrant and attractive as the years have gone on. Staples on the Old Mission peninsula like Chateau Grand Traverse and relative newcomers like Bonobo provide lovers of great wine, tasty food, and beautiful vistas more than a full weekend worth of activities.

But, are these businesses actually good for local property owners? Absolutely.



Local Wineries Are Good For Property Owners



Wineries and local wine culture can play a big role in benefiting local homeowners, from increasing the tax base, raising property values by proximity, and supporting a local economy that ultimately supports the local home buyers and sellers.

Stabilizing the Tax Base

Local wineries increase the tax base for local communities by paying business taxes on land that, while used for

agricultural purposes, is used in a way that is very friendly to neighbors. When you have an area with a diversified mix of business and residential taxes, you stabilize the tax base, allowing the local and regional governments to do better planning when it comes to infrastructure support and other community-benefiting projects.



Higher Community Property Values



Living next door or near a winery is not like living next door or near a traditional business, or even a standard agricultural business. Ask anyone who lives next door to a winery and they'll tell you that most of the time it's like living next door to a Buddhist temple.

Grapevines and the grapes themselves require delicate care by both machinery and people, so unlike traditional agriculture, the fields are treated with an extra level of reverence and care, many tasks being performed by hand. It is unlikely you'll hear the roar of a tractor early in the morning when you live next door to a winery.

Also, fields of grapes are just aesthetically beautiful to look at. For the same reason that views of the water, views of the golf course, or views of the city skyline will raise your property value, views of rolling fields of grapes and a beautiful winery will too.

Plus, unlike other businesses, wineries have built-in longevity to their business, owing to the fact that grapes take time to develop, and great wine needs time to mature. Because of this, wineries are not fly-by-night businesses, so you can be assured that you aren't going to have a new business moving in every other year.

Overall, wineries make great neighbors because they are beautiful, respectful, and create stability in an area, all things that do good things for property values.

Great For Our Local Economy

Finally, wineries and the northern Michigan wine culture are a big supporter of our local economy, something that contributes heavily to the financial health and well-being of those most interested in buying and selling homes in our area.

As a region heavily dependent on tourism, many have been especially concerned with the way COVID-19 is affecting our local economy. While the local wine industry has certainly not been immune to this, they also have a large following of local patrons who purchase their products and even (safely) patronize their tasting rooms and restaurants. Having steady service industry businesses like wineries in our local economy goes a long way towards preventing the most substantial economic impacts of the COVID-19 shutdown.



Ready to Go Wine Tasting?

Ready to go check out some Grand Traverse and Leelanau area wineries? The Old Mission Peninsula Wine Trail and the Leelanau Peninsula Wine Trails are a great place to start. Both of these organizations have tons of great information on some of the best wineries in the area. If you have to pick and choose we recommend Chateau Chantal, Sonoma Winery, and Mari Vineyards on the Old Mission Peninsula, and Blackstar Farms, Mawby, and Bluestone Vineyards on the Leelanau Peninsula.

Bringing It All Together



It is hard to picture northern Michigan without these amazing agricultural community, and tourism destinations as a part of it. What are your favorite northern Michigan wines? What is your favorite tasting room? Tell us in the comments below.

And, if you're ready to think about finally getting that home out in wine country (or anywhere else for that matter) in Grand Traverse or Leelanau Counties, the Brick & Corbett Team are here to help you with all your home buying and selling needs. Contact us today to for help turning the next chapter in your homeownership journey from a fairytale to a happily ever after.

Written by Bob Brick on June 23, 2020. Posted in Local insight

Tags: Brick Corbett, Local TC, Locals only, summer activities, Summer in Traverse city, Summer market, Vineyards

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About our blog

Our agents write often to give you the latest insights on owning a home or property in the local area.



Monroe County Board of Commissioners Agenda Request Form

Date to be heard Formal ☐ Work session ☒ Department

Title to appear on Agenda: Vendor #

Executive Summary:

This request is to amend the North Park PUD Outline Plan (Amd. #5 Change to Section 8 "Street and Alternative Transportation Guidelines) to a construction area approximately 5.1 +/- acres in Sections 19, 27, and 30 in Bloomington Township, at N Curry Pike and W Hunter Valley RD, parcel #53-05-29-200-008.000-005, 53-05-19-400-021.000-004, 53-05-19-400-050.004-004, 53-05-20-300-008.000-004, 53-05-20-300-025.000-004, 53-05-20-300-029.000-004, 53-01-27-890-100.000-004, 53-05-19-400-001.000-004, 53-05-19-400-022.000-004, 53-05-19-400-022.000-004, 53-05-19-400-044.000-004, 53-05-19-400-044.000-004, 53-05-30-100-003.000-004, 53-05-30-100-006.000-004, 53-05-30-100-011.000-004, 53-05-29-200-004.000-004, 53-05-30-100-001.000-004, 53-05-30-100-002.000-004, 53-05-30-100-007.000-004, 53-05-30-100-009.000-004, 53-04-24-100-017.000-011, 53-05-19-400-050.002-004, 53-05-19-400-050.003-004, 53-05-19-400-050.000-004.

Fund Name(s):	Fund Number(s):	Amount(s)
<input type="text"/>	<input type="text"/>	<input type="text"/>

Presenter:

Speaker(s) for Zoom purposes:

Name(s)	Phone Number(s)
<input type="text" value="Jeff Fanyo, Bynum Fanyo & Assoc.
A.J. Willis, Bynum Fanyo & Assoc."/>	<input type="text"/>

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed:

OFFICE OF
MONROE COUNTY PLAN COMMISSION
501 N Morton Street, Suite 224
BLOOMINGTON, IN 47404

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

I, Jacqueline N. Jelen, hereby certify that during its meeting on March 21st, 2023 the Monroe County Plan Commission considered Petition No. PUO-23-2 for a Zoning Map Amendment (Ordinance No. 2023-11) to the Monroe County Zoning Ordinance and made a positive recommendation to approve thereon, based on the findings, conditions, and Highway Department reports, with a vote of 9-0 including the following conditions:

1. Petitioner to apply for a "Road Name Change" request.

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



Jacqueline N. Jelen
Planning Director

3-21-2023

Date

ORDINANCE NO. 2023-11

North Park Planned Unit Development (PUD) Outline Plan Amendment 5

The purpose of this ordinance is to amend certain provisions of the North Park Planned Unit Development (North Park PUD) Outline Plan relating to the Curry Pike Extension Phase II, Hunter Valley Lane. In addition, the purpose of this ordinance is to amend certain provisions of the North Park PUD Outline Plan relating to the timing of improvements of three separate roadways within Use District A, Use District C, and Use District D of the North Park PUD.

WHEREAS, Indiana Code 36-7-4-601 authorizes the Board of Commissioners of the County of Monroe, Indiana (Board of Commissioners), to adopt planning and zoning ordinances, and amendments thereto, including maps, for the following purposes: securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general welfare; and otherwise accomplishing the purposes of Indiana Code Chapter 36-7-4;

WHEREAS, the Board of Commissioners have established the Monroe County Zoning Ordinance (Zoning Ordinance), through the passage of Ordinance 96-36, and through subsequent amendments to the Zoning Ordinance, including the December 10, 2004, adoption of the North Park PUD Outline Plan (Ordinance 2004-61);

WHEREAS, Indiana Code 36-7-4-602 requires local plan commissions to prepare, conduct public hearings on, approve and certify planning and zoning ordinances, and amendments thereto, for consideration by the local board of commissioners;

WHEREAS, the Monroe County Plan Commission (Plan Commission) prepared amendments (the Proposed Amendments) to certain road construction standards and permit requirements of the North Park PUD Outline Plan;

WHEREAS, the Plan Commission advertised for and conducted a public hearing on the Proposed Amendments on March 21, 2023;

WHEREAS, following the public hearing, the Plan Commission voted to forward the Proposed Amendments to the Board of Commissioners with a positive recommendation;

WHEREAS, the Plan Commission certified the Proposed Amendments and its recommendation thereon to the Board of Commissioners for consideration pursuant to Indiana Code Sections 36-7-4-602 through 605, on March 21, 2023;

WHEREAS, in accordance with Indiana 5-14-1.5-5, the Board of Commissioners provided public notice of its intention to consider the Proposed Amendments in ordinance form during its April 12, 2023 meeting;

WHEREAS, the Board of Commissioners accepted public comment on the Proposed Amendments during its April 12, 2023 meeting;

WHEREAS, the Board of Commissioners finds that the adoption of the Proposed Amendments would more reasonable and efficiently advance the statutorily recognized zoning ordinance purposes, which include, among other purposes, the promotion of the health, safety, morals, convenience, order, and general welfare of the citizens of Monroe County, Indiana;

WHEREAS, the Board of Commissioners finds and confirms that in the preparation and consideration of the Board Revisions, the Board of Commissioners gave reasonable regard to: the Comprehensive Land Use Plan of Monroe County, Indiana; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each

district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth;

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

- Section 1. Section 8, Subsection b, Part 5 of the North Park PUD Outline Plan shall be, and hereby is, amended to read as follows:
5. A frontage road shall be constructed between Curry Pike/Hunter Valley Road and Use District C. A cul-de-sac shall be constructed at the termination point within Use District A where Use District A adjoins Use District C. The road and cul-de-sac shall only be constructed within Use District A and shall not be continued within Use District C. The road shall consist of two travel lanes and left turn lanes and intersections as warranted. This road shall be completed within each of the Use Areas prior to the issuance of any land use certificates or occupancy permits for land use activities that will derive access from the road. The cul-de-sac shall be designed and constructed concurrent with the first Development Plan approval within the Development Tract.
- Section 2. Section 8, Subsection b, Part 20 of the North Park PUD Outline Plan shall be, and hereby is, amended and removed from the North Park PUD Ordinance.
- Section 3. Section 8, Subsection b, Part 21 of the North Park PUD Outline Plan shall be, and hereby is, amended and removed from the North Park PUD Ordinance.
- Section 4. Section 8, Subsection d, of the North Park PUD Outline Plan shall be, and hereby is, amended to read as follows:
- d. Major Collector (Curry Pike Extension Phase II, Hunter Valley Lane). These streets are intended to provide a high degree of mobility and serve to connect adjacent land uses to the larger transportation network via collector streets in a manner that utilizes a landscaped median. These streets are intended to accommodate high volumes of traffic. The following standards shall apply to these streets within the North Park PUD:
- Section 5. Section 8, Subsection d, Part 1 of the North Park PUD Outline Plan shall be, and hereby is, amended to read as follows:
1. Total right of way (ROW) shall be a minimum of ninety (90) feet, except that the ROW shall be a minimum of one-hundred-forty (140) feet between SR46 and the yet un-named frontage roads and one-hundred-twenty (120) feet for the entirety of the bridge spanning Stout Creek. The ROW shall be reduced to sixty (60) feet to preserve existing structures when the structures frontage is less than ninety (90) feet from the existing section line (proposed road centerline).

Section 6. Section 8, Subsection d, Part 4 of the North Park PUD Outline Plan shall be, and hereby is, amended to read as follows:

4. Sidewalks/sidepaths shall be provided on both sides of the street.

Section 7. Section 8, Subsection d, Part 7 of the North Park PUD Outline Plan shall be, and hereby is, amended to read as follows:

7. All such streets shall have a design speed of thirty (30) miles per hour and all design features (curves, radii, etc.) shall be in accordance with the applicable standards contained in the Indiana Department of Transportation Standards and Specifications Manual, The Indiana Department of Transportation Road Design Manual, and the Policy on Geometric Design of Highways and street, published by the American Association of State Highway and Transportation Officials.

Section 8. The terms and provisions of this ordinance are separable. If any part or provision of this ordinance or the application thereof to any persons or circumstances is adjudged invalid by a court of competent jurisdiction on procedural grounds, or any other grounds, such judgment shall be confined in its operation to the part, provision, procedure or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the applications thereof to other persons or circumstances. The board of Commissioners hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision, procedure or application.

Section 9. This ordinance shall take effect upon adoption.

SO APPROVED AND ADOPTED by the Board of Commissioners of the County of Monroe, Indiana, this _____ day of _____, 20____.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

“Yes” Votes

“No” Votes

Penny Githens, President

Penny Githens, President

Julie Thomas, Vice President

Julie Thomas, Vice President

Lee Jones, Commissioner

Lee Jones, Commissioner

ATTEST: _____
Catherine Smith, Auditor

MONROE COUNTY COMMISSIONERS**April 5, 2023**

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

EXHIBITS

1. Petitioner Outline Plan Statement (PUO-23-2)
2. Outline Plan with Track Changes (pages 109-114)
3. Overall Construction Plan View
4. North Park Ordinance Road Classification (page 127)
5. [Link to Construction Plans \(PUD-23-2\)](#)
6. [Link to Current North Park Ordinance](#)
7. 2004 Memo from Bill Williams Regarding Road Connectivity

RECOMMENDATION

Staff recommends **approving** the Planned Unit Outline Plan Amendment request based on the findings of fact, subject to the Monroe County Highway and Drainage engineer reports, and the following condition:

1. Petitioner apply for a “Road Name Change”.

PUBLIC HEARING TIMELINE

- March 7, 2023 – Plan Commission (Admin) Preliminary Hearing
- March 9, 2023 – Plan Review Committee
- March 21, 2023 – Plan Commission (Regular) Preliminary Hearing
 - o Forwarded a positive recommendation and the following condition to “apply for a Road Name Change”.

SUMMARY

The petitioner, the Monroe County Redevelopment Commission/Crider and Crider, INC, is requesting to amend the North Park PUD Ordinance, and has submitted a development plan for the construction of "Hunter Valley Road Extension" from N Curry PIKE (from the intersection of SR 46) to Hunter Valley Road (to the intersection of W Arlington RD). The outline plan request is to change the specific street construction guidelines (i.e. Reduction of Right of Way dedication, reclassification of roadway class type,

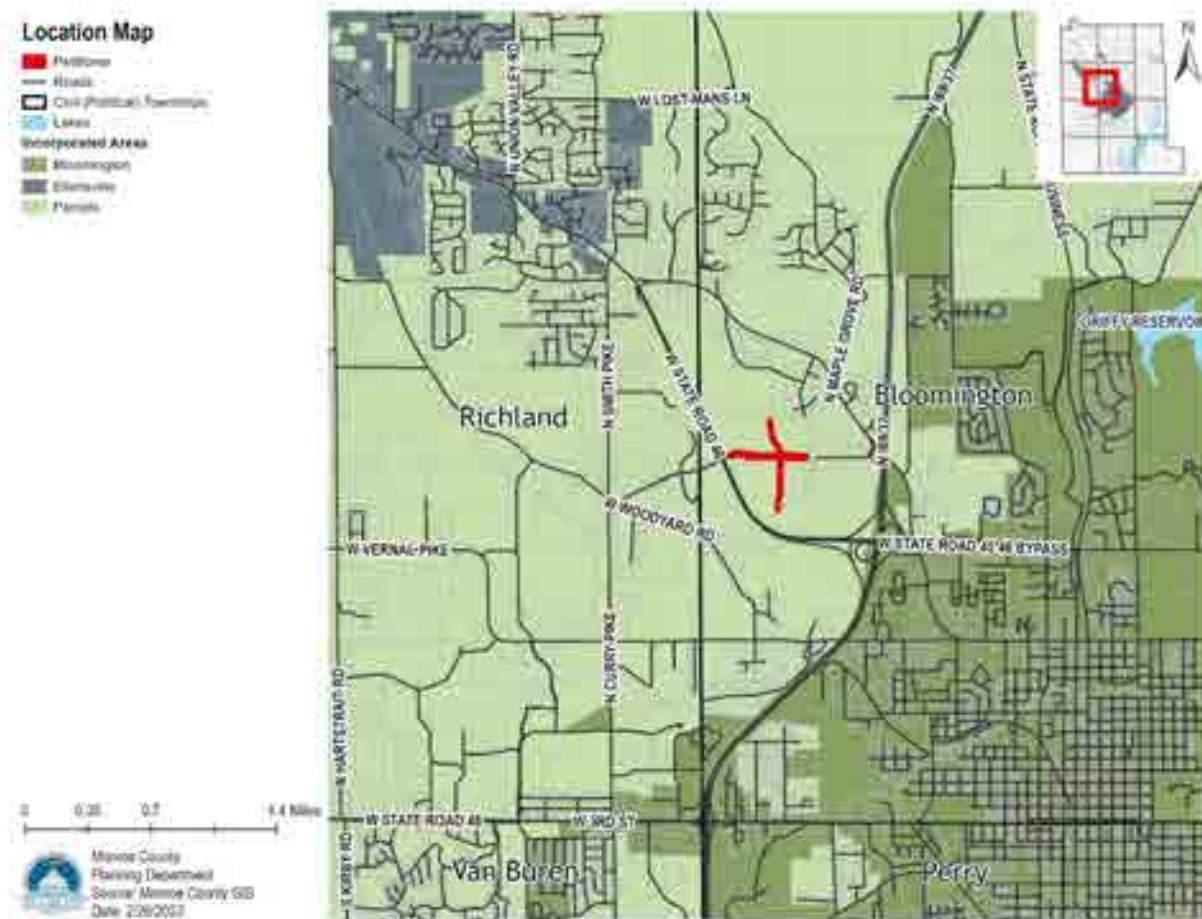
removal of street trees along the proposed extension, reduction of speed limit, and the removal of three (3) connector roads in the general area) and required street connections of the North Park Planned Unit Development Ordinance. The development plan is to construct the "Hunter Valley Road Extension"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

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

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

BACKGROUND

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



Reduction of Designated Right of Way

Current Standard:

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

Proposed Standard:

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

Reclassification of Roadway

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

Removal of Street Trees

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

Proposed Standard:

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

Reduction of Speed

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

Proposed Standard:

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

Removal of Road Connections: Curry Pike/Hunter Valley to Arlington (b21)

The ordinance currently requires a frontage road to be constructed that connection SR 46 to the north. See image below for approximate location (shown in yellow). The petitioner has identified that this road connection wasn’t intended to access W Arlington RD using the flagpole portion of the property. They’ve identified that a road stub was to be construction in this area.

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



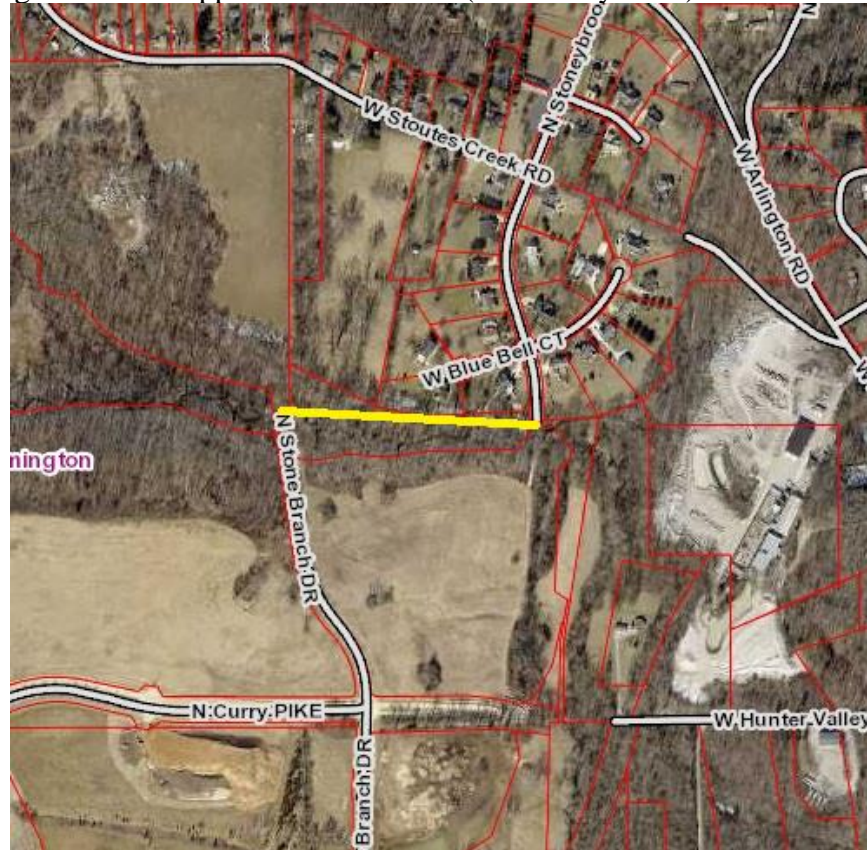
Highway Engineer, Paul Satterly, Comments: There is insufficient right of way width to connect this road segment to Arlington Road. Existing and planned commercial development along Arlington Road would prohibit a cost-effective connection to Arlington Road. The proposed intersection with SR 46 would provide adequate access to the area covered by the NP b21 roadway.

Petitioner reason for removal: The ordinance currently requires a local road stub to be made between the yet unnamed frontage road connection on Curry Pike/Hunter Valley Road and the through traffic and shall be completed prior to development plan approval of 75% of the acreage located in Use District D. A large portion of the acreage north of the existing road stub off SR46 is a non-buildable area. Of the total acreage north of the existing road stub, 53% of the acreage is either greater than 15% slope or required open space from the North Park PUD. Approximately 47% of the acreage is buildable. The allowable uses for Use

District D are: Low Density Buffer Lot Residential, Neighborhood Density Lot Residential, and Multi-family Neighborhood Residential. The feasibility of constructing residential properties in this area has become a concern due to the location and amount of non-buildable area. The proposed changes to the PUD would remove the requirement to construct NP b21. This will allow for all other areas of Use District D to be developed without the road stub being constructed.

Removal of Road Connections: N Stone Branch DR to Stoneybrooke Boulevard (b20)

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



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

Highway Engineer, Paul Satterly, Comments: Connection of Stone Branch Drive to the existing Stoneybrook Subdivision (Stoneybrook Blvd.) – This roadway connection between Stone Branch Drive and Stoney Brook Blvd. would encourage cut through traffic between Curry Pike/SR 46 and Arlington Road. Cut through traffic has negative impacts on subdivisions including higher volumes of traffic, higher volumes of truck traffic and increased speeds. The extension of Curry Pike/Hunter Valley Road is designed to accommodate traffic between Arlington Road and Curry Pike/SR 46, including trucks.

Petitioner reason for removal: The ordinance currently requires a local road connection to be made between the yet unnamed frontage road connecting Curry Pike and northern SR46 intersection (NP b4) to Stoneybrook Boulevard. The connection shall be indirect in nature to calm through traffic and shall be completed prior to development plan approval of 75% of the multi family units in Use District A or D, or of the single family units in Use District D. The proposed changes to the PUD would remove the requirement to construct a local road that connects NP b4 to N. Stoneybrook Blvd. The requirement for this roadway construction has been proven to be a hindrance for development in the area. The residents in the surrounding community, especially those of Stoneybrook neighborhood, have been very outspoken about their concerns with said roadway connection. The residents of Stoneybrook believe that this connection would increase the traffic through their neighborhood and negatively impact the safety of the residents and

do not support the construction of the connection. By removing the requirement for this road connection, it will allow for development in the area that would meet the requirements of North Park PUD and will alleviate the concerns of the residents in surrounding areas to gain their support.

Removal of Road Connections: N Stone Branch DR to Hunter Valley RD (b5)

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



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

Highway Engineer, Paul Satterly, Comments: NP b5, Loop Road that connects Stone Branch Drive to east end of Hunter Valley Road – The purpose of this roadway is to provide access to the adjacent property. This land is owned by the County and there is interest in using this property for a County Park. The use as a park would not require a loop road for access. Access would be provided by driveways connecting to Stone Branch Drive and/or Curry Pike/Hunter Valley Road.

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



Petitioner reason for removal: The ordinance currently requires a frontage road to be constructed linking Curry Pike/Hunter Valley Road to Arlington Road and shall be completed within each of the Use Areas prior to the issuance of any land use certificates of occupancy permits for land use activities that will derive access from the road. The original plan was that N. Stone Branch Drive would begin at its intersection with N. Curry Pike and traverse through Use District A and Use District C and connect to NP b6 (W. Hunter Valley Road Extension). The current allowable uses for Use District C are: Hotel, Office Highway District, Retail Highway District, Multi-family Highway District Residential, and Public/Civic. The purpose of the continuation of NP b5 through Use District C is to serve any future development in the uses listed for Use District C.

A large portion of the acreage in Use District C is dedicated to the Require Open Space/Linear Park and Vegetation Conservation Areas in the North Park PUD. There are multiple open quarry pits throughout the district and PCBs have been found in some areas. The feasibility of construction of the roadway and future development has become a large concern due to the rough terrain, open quarry pits, and PCBs. The Monroe County Redevelopment Commission has decided to investigate alternative ways to utilize the property that will be more feasible for construction and will be beneficial to the public.

The proposed changes to the PUD would remove the requirement to continue NP b5 through Use District C. NP b5 ends at the existing south road stub of N. Stone Branch Drive just west of the property line separating Use District A and Use District C. The changes would require a cul-de-sac to be constructed at the existing road stub to provide a turnaround area for emergency vehicles. The cul-de-sac shall be designed and constructed concurrent with the first Development Plan approval within the Development Tract [A]. Removing the requirement for the continuation of NP b5 through Use District C will allow the Monroe County Redevelopment Commission time to develop an alternative plan for the area without preventing or delaying any development in the other districts in the North Park PUD.

Abstract



The site contains a brick

Site Conditions Map

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

DNR Best Available Data

- Flood Zone
- A
- AE and FLOODWAY
- Parcels

0 340 680 1,360 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 2/26/2013

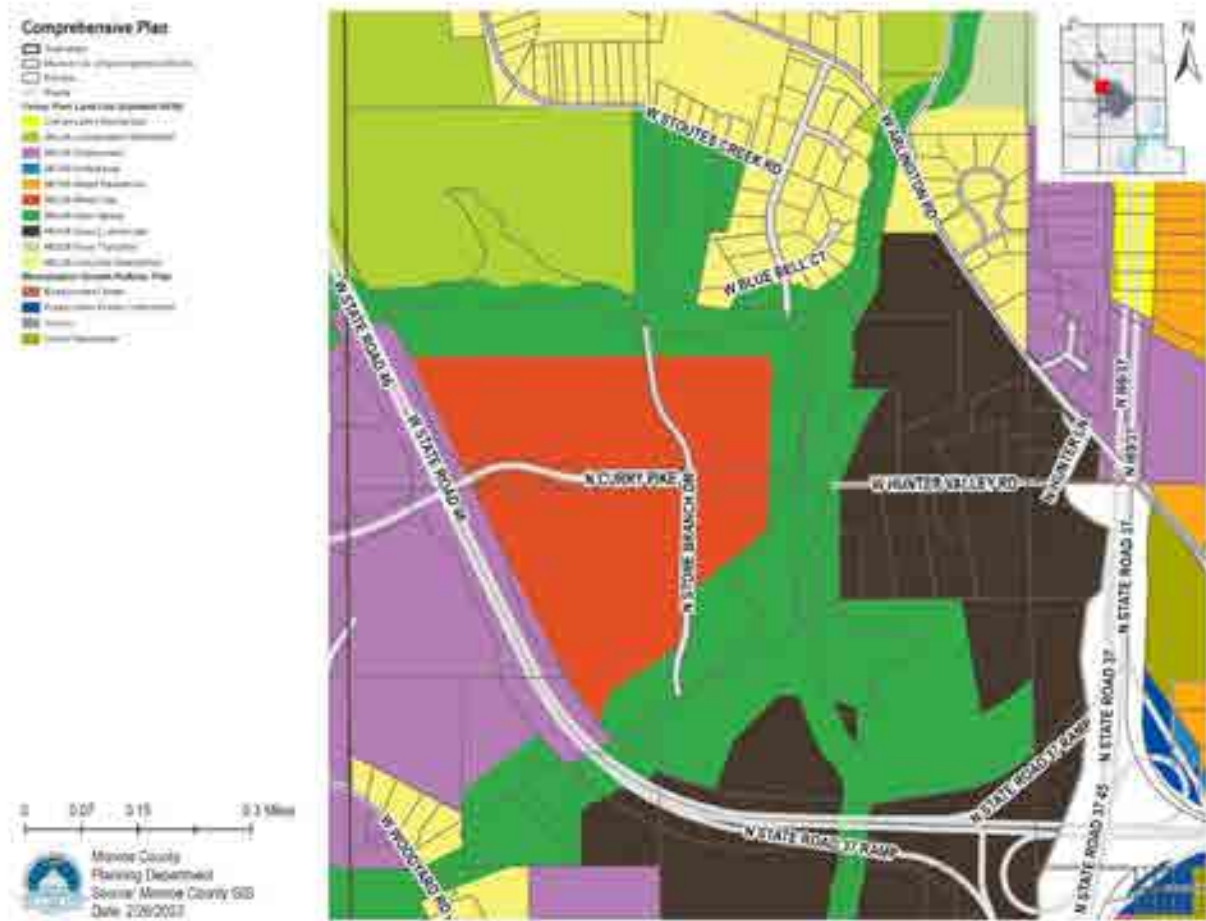


SITE PICTURES



COMPREHENSIVE PLAN DISCUSSION

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



PUD REVIEW CONSIDERATIONS

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

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

Findings:

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

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

Findings:

- See Findings under section A;

- (3) **The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.**
Findings:
- See Findings under section A;
 - One of the purposes of the PUD, under Chapter 811, is to encourage a harmonious and appropriate mixture of uses;
- (4) **The proposal will not be injurious to the public health, safety, and general welfare.**
Findings:
- See Findings (1), (2) and (8);
 - The petitioner is proposing to remove a road connection that would extend N Stone Branch DR to the south;
 - N Stone Branch DR is currently stubbed at the property line;
 - Staff recommends the petitioner propose language to include the construction of a cul-de-sac at the existing road stub of Stone Branch DR;
 - A cul-de-sac would allow emergency vehicles to turn around in the event of an emergency;
- (5) **The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.**
Findings:
- The Monroe County Thoroughfare plan has identified N Curry PIKE and W Hunter Valley RD as a Major Collector;
 - The petitioner's are proposing to change the road classification from a "Minor Arterial Boulevard/Secondary Arterial" to a Major Collector;
- (6) **The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.**
Findings:
- See Findings (1), & (9);
 - The surrounding area is zoned Planned Unit Development;
 - Surrounding uses include residential to the north, southeast, and east, and undeveloped commercial to the west;
- (7) **The desirability of the proposal to the County's physical development, tax base, and economic well-being.**
Findings:
- See Findings under Section 1;
 - The Monroe County Redevelopment Commission is proposing a residential TIF district that would include portions of the North Park PUD in this area;
- (8) **The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.**
Findings:
- N Curry PIKE is accessible from SR 46, and W Hunter Valley RD is accessible from W Arlington RD;
 - See findings under (d);
- (9) **The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.**

Findings:

- There is no known karst on the property;
- Drainage will be reviewed under a PUD Development Plan if this amendment is adopted;
- The area is not located within a critical watershed;
- Work within the floodplain will be reviewed under a local permit if this amendment is adopted

EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

February 2nd, 2023 REVISED February 15th, 2023 REVISED March 14th, 2023

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

SUBJECT: North Park PUD Outline Plan Amendment

Monroe County Plan Commission or To Whom It May Concern:

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

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

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

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

Other amendments are the removal of plans for future construction of roadways NP b5, NP b20, and NP b21. All text referencing NP b20 and NP b21 will be removed. The description of NP b5 will be revised to end roadway construction within Use District A and shall not link Curry Pike/Hunter Valley Road and Arlington Road. Language will be added to NP b5 that requires the construction of a cul-de-sac at the existing south road end of NP b5.

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

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

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

528 NORTH WALNUT STREET
BLOOMINGTON, INDIANA 47404
812.332.8030

BLOOMINGTON, INDIANA 47404
FAX 812.339.2990

The map illustrates a proposed frontage road project. A main road, SR 46, runs diagonally from the top left towards the bottom right. A secondary road, Curry Pike/Hunter Valley Road, runs horizontally across the middle of the map. A new frontage road is proposed to connect SR 46 at its northern end to Curry Pike/Hunter Valley Road. The map also shows several other roads, including NP 53, NP 54, and NP 55. The area is divided into Use District A (labeled 'A-2') and Use District B-2 (labeled 'B-2').

4. A frontage road shall be constructed linking SR 46 at the northern intersection and Curry Pike/Hunter Valley Road. The road shall consist of two travel lanes and left turn lanes and intersections as warranted. This road shall be completed prior to the approval of fifty percent (50%) or more single family dwelling units and 50% of the multi-family units in Use District A.
5. A frontage road shall be constructed linking between Curry Pike/Hunter Valley Road and Arlington Road Use District C. A cul-de-sac shall be constructed at the termination point within Use District A where Use District A adjoins Use District C. The road and cul-de-sac shall only be constructed within Use District A and shall not be continued within Use District C. The road shall consist of two travel lanes and left turn lanes and intersections as warranted. This road shall be completed within each of the Use

109

-
- | Age Group | Believe it is a problem (%) | Do not believe it is a problem (%) |
|-----------|-----------------------------|------------------------------------|
| 18-29 | 85 | 15 |
| 30-49 | 85 | 15 |
| 50-69 | 85 | 15 |
| 70+ | 85 | 15 |

Areas prior to the issuance of any land use certificates or occupancy permits for land use activities that will derive access from the road. The cul-de-sac shall be designed and constructed concurrent with the first Development Plan approval within the Development Tract.

6. (Amended 12/30/10 by Ord. 2010-32) Curry Pike/Hunter Valley Road shall be constructed from its intersection with SR46 to its intersection with Arlington Road. The road shall consist of two through travel lanes, two combined right turn and through travel lanes and left turn lanes and intersections as warranted. This road shall be designed as a boulevard with landscaped median running from SR46 to the ~~proposed linear park~~ first collector road intersection west of Stout's Creek. This road shall be completed as warranted within each of the Use Areas prior to the issuance of any land use certificates or occupancy permits for land use activities within the related area, except that the entire road shall be complete from SR46 to Arlington Road prior to development plan approval of two-hundred (200) single family dwelling units, or two-hundred (200) multi-family dwelling units, or 50% of the acreage of the Town Center, or 50% of the acreage of Use District A, or 50% of the acreage of Use District C, or 75% of the acreage of the Public/Civic Use Area, whichever occurs first.
7. A right turn lane shall be added on northeast bound Curry Pike to southeast bound SR46 at the time that a traffic study conducted for a development plan indicates an increase in right turn movements of 279 vehicles per hour or more.
8. A second left turn lane shall be added on northwest SR46 to southeast bound Curry Pike at the time that a traffic study conducted for a development plan indicates an increase in left turn movements of 204 vehicles per hour or more.
9. A second left turn lane shall be added on southwest bound Curry Pike/Hunter Valley Road to southeast bound SR46 at the time that a traffic study conducted for a development plan indicates an increase in left turn movements of 262 vehicles per hour or more.
10. A third lane shall be added on southeast bound SR46 at the time a traffic study conducted for a development plan indicates an increase in through movements of 202 vehicles per hour or more.
11. A third right turn lane shall be added on northeast bound Curry Pike to southeast bound SR46 at the time a traffic study conducted for a development plan indicates an increase in right turn movements of 735 vehicles per hour or more.
12. A third lane shall be added on northwest bound SR46 at the time a traffic study conducted for a development plan indicates an increase in through movements of 163 vehicles per hour or more.
13. A third left turn lane shall be added on southwest bound Curry Pike/Hunter Valley Road to the southeast bound SR46 at the time a traffic study conducted for a development plan indicates an increase in left turn movements of 834 vehicles per hour or more.
14. Modifications to the traffic signal heads and supports; controllers

and its appurtenances shall be improved as required with the lane modifications mentioned in the afore-mentioned 7-13. This will include, but not limited to, the installation of additional signal heads, pavement loops or cameras, signal support relocation, and other incidental items associated with this type of work.

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

- ~~the multi-family units in Use District A or D, or of the single-family units in Use District D.~~
21. ~~A local road stub shall be made between the yet-un-named frontage road connecting Curry Pike/Hunter Valley Road and the through traffic and shall be completed prior to development plan approval of 75% of the acreage located in Use District D.~~
22. A local road connection shall be made between the yet un-named frontage road connecting Curry Pike and Packinghouse Road to Woodward Road. This connection shall be completed prior to any land use certificates or certificates of occupancy approval of 50% of the acreage in Use District B.
23. A local road stub shall be provided between the yet un-named frontage road that connects Curry Pike and the northern SR46 intersection and property between the North Park PUD and Smith Road. This stub shall be completed prior to any land use certificates or certificates of occupancy approval of 75% of the acreage in this Use Area.
24. Connectivity between land uses via interconnected parking areas, cross-access easements, pedestrian ways or shared driveways, etc. shall be provided in all Use Districts and Use Areas, where practicable.
25. Local roads serving land uses, parking areas, etc. shall be completed as necessary prior to the issuance of any land use certificates or occupancy permits for any land uses within the PUD.
26. All required sidewalks, bicycle lanes, sidepaths, etc. shall be installed concurrent with the related road construction.
27. A multi-use trail shall be constructed within the linear park use district prior to construction of 50% or more single family dwelling units, multi-family dwelling units, acreage of the Town Center, and acreage of SR46 Office Use Area, or acreage of the Curry Pike Industrial Use Area. This trail shall be stubbed into each of the Use Areas adjoining the linear park.
28. A pedestrian overpass/underpass shall be constructed prior to approval of 50% or more single family dwelling units or 50% or more multi family dwelling units and 50% of the acreage of the SR46 Office Use Area or 50% of the acreage of the Curry Pike Industrial Use Area. This facility shall be connected into the multi-use trail.
29. A multi-use trail or sidepath shall be constructed connecting the Town Center and the linear park multi-use trail with the proposed pedestrian overpass/underpass facility through the residential area in Use District D prior to approval of 50% or more single family dwelling units or 50% or more multi family dwelling units, whichever occurs first. This facility shall be stubbed into each of the use areas that it is be adjacent to.

- c. **Minor Arterial/Secondary Arterial (Curry Pike Extension, Phase I).** These streets are intended to provide a high degree of mobility and serve to connect adjacent land uses to the larger transportation network via collector streets. These streets are intended to accommodate high volumes of traffic. The following standards shall apply to these streets within the North Park PUD:

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

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

1. Total right of way (ROW) shall be a minimum of ~~one-hundred-twenty (120)~~ ninety (90) feet, except that the ROW shall be a minimum of one-hundred-forty (140) feet between SR46 and the yet un-named frontage roads and one-hundred-twenty (120) feet for the entirety of the bridge spanning Stout's Creek. The ROW shall be reduced to sixty (60) feet to preserve existing structures when the structures frontage is less than ninety (90) feet from the existing section line (proposed road centerline).
2. Travel lane widths shall be a minimum of twelve (12) feet
3. On-street parking is prohibited
4. ~~Street trees and~~ sidewalks/sidepaths shall be provided on both sides of the street.
5. (Amended 12/30/10 by Ord. 2010-32) A landscaped median shall be provided at its intersection with SR 46. The median shall vary in width

as it proceeds east of this intersection accounting for taper into left turn lanes where required, and shall be at least twenty (20) feet in width. ~~Breaks and constrictions in the median shall only occur at locations where the street intersects with an Arterial or Minor Collector.~~ The landscaped median shall be privately maintained. The specific design and maintenance responsibilities will be established during the review and approval of the applicable Development Plan.

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

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

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

f. Local/Neighborhood Streets. These streets are intended to accommodate

EXHIBIT 3: Overview of Construction

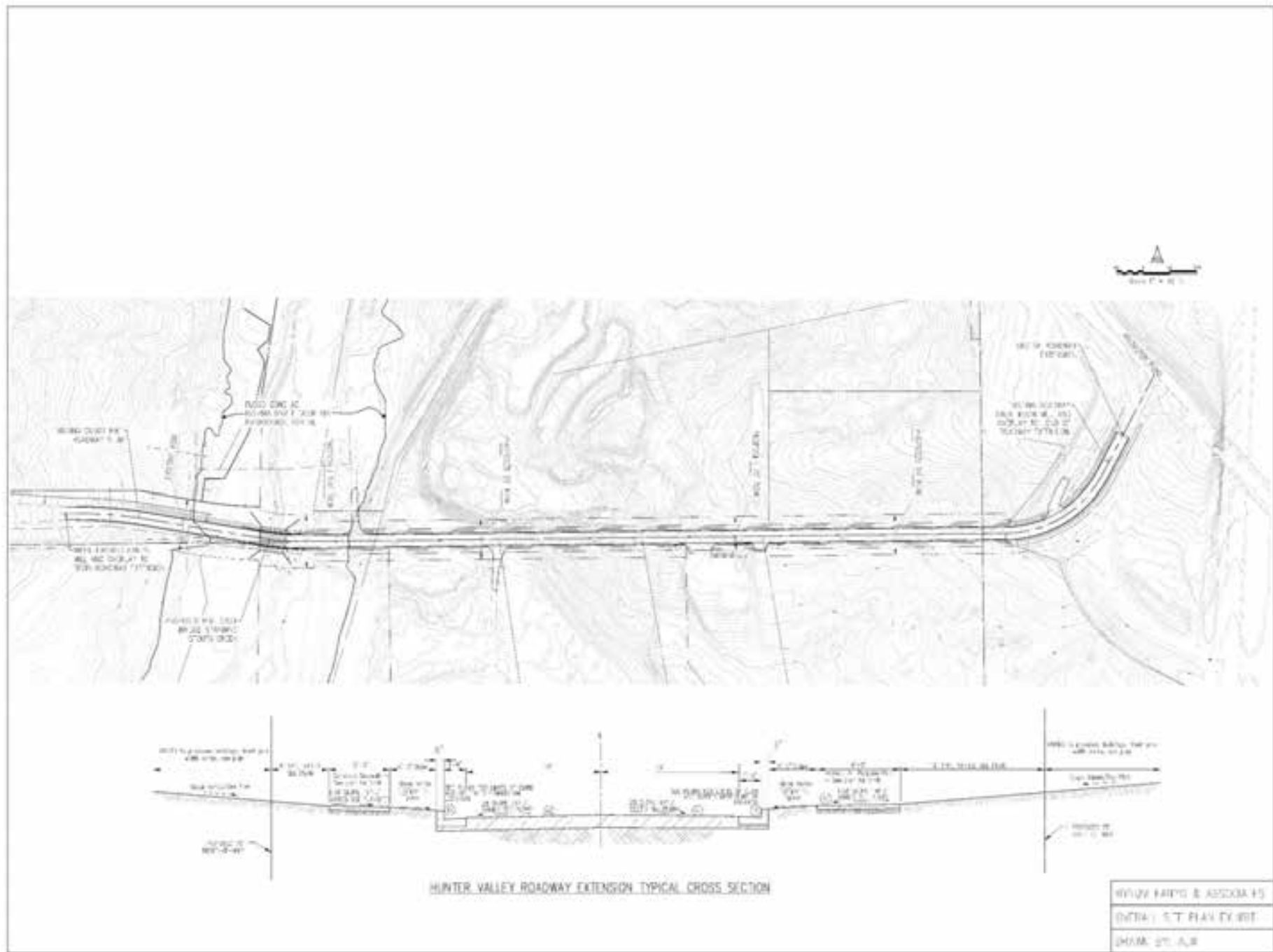


EXHIBIT 4: North Park Ordinance Road Classification (page 127)

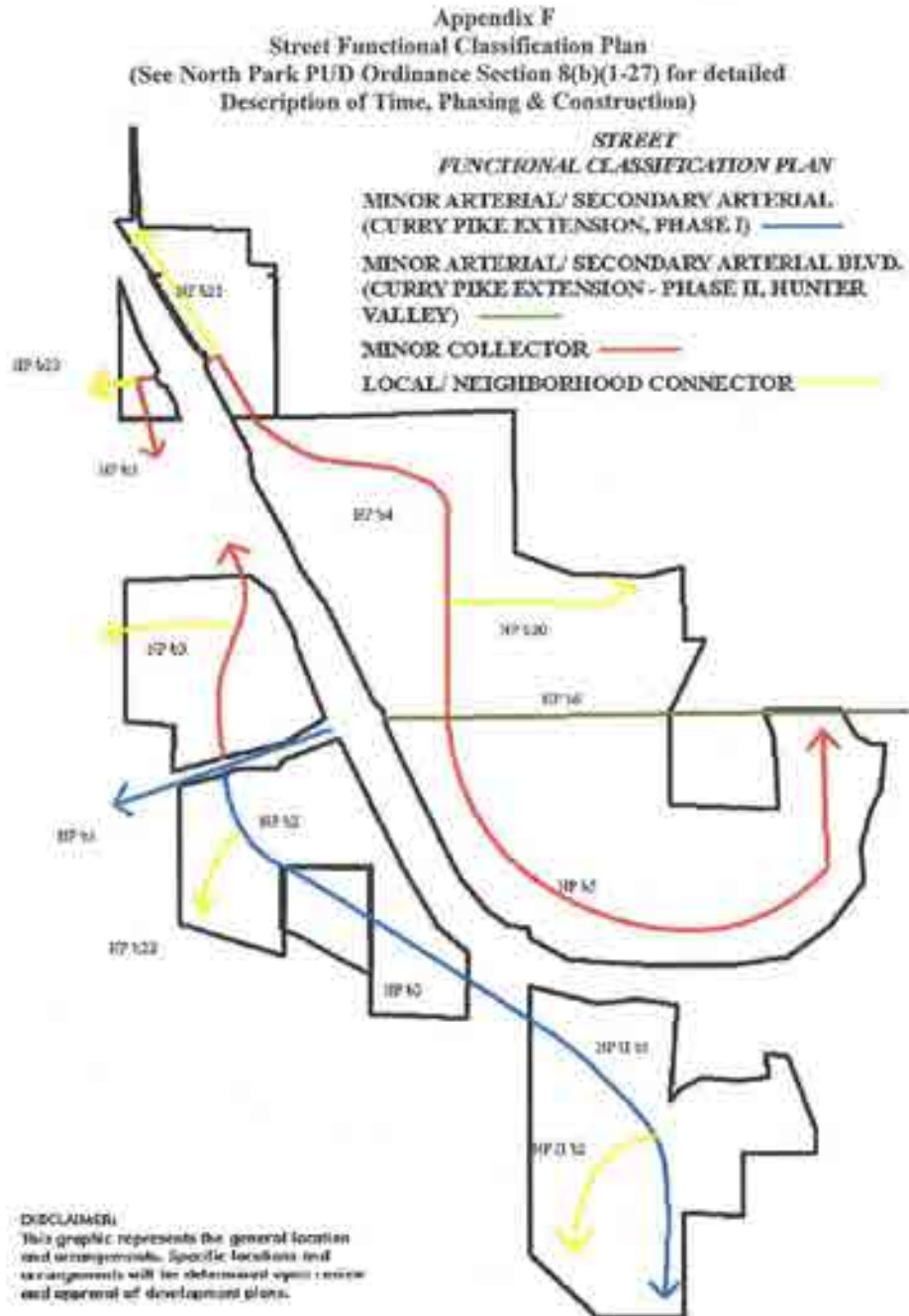


EXHIBIT 7: 2004 Memo from Bill Williams Regarding Road Connectivity

INTEROFFICE MEMORANDUM

TO: ROBERT COWELL, MONROE COUNTY PLANNING DIRECTOR
FROM: BILL WILLIAMS, MONROE COUNTY HIGHWAY DIRECTOR / ENGINEER
SUBJECT: NORTH PARK, NORTH PARK II AND APPLE PROPERTY.
DATE: AUGUST 8, 2004
CC: PLAN COMMISSION; TODD STEVENSON

Per our discussions regarding the timing of the installation of the improvements to arterials and collectors in and serving the North Park development, please find listed below comments on this issue. The traffic study, submitted by AECON on behalf of the developer, was reviewed and its recommendations taken into consideration.

KEY INTERSECTIONS / TIMING OF IMPROVEMENTS

General Assumptions - The improvements listed below were derived using an analysis of the increases in peak hour traffic flows as listed in the traffic study. The study stated that the existing lane configurations at the five year will maintain a Level of Service D or better. Given this information, the five year horizon was used as a base year. As mentioned below, a detailed traffic study, analyzing the specific use of a given site, should be conducted as the entire site develops.

1) State Road 46 / Curry Pike Extension – Assumption of travel lanes are as follows; Curry Pike one exclusive through lane, a combined through / right turn lane, and an exclusive left turn lane for both northeast and southwest bound traffic. A traffic signal will be constructed at this intersection as part of the County's project, to be completed in 2005. The recommendations are as follows;

- a) As specific land uses are proposed that impact this intersection, which will be all sections (A through D), the traffic study shall be updated, detailing the specific nature of the proposed use and its recommended improvements applied. This review will be conducted by Monroe County and INDOT officials.
- b) Recommended improvements, per the traffic study, are;
 - 1) any development on the north and east sides of State Road 46 shall construct Curry Pike with travel lanes as mentioned in 1a) above.
 - 2) Added right turn lane on northeast bound Curry Pike, to southeast bound State Road 46, with an increase in right turn movements of 279 vehicles per hour.
 - 3) Added second left turn lane on northwest State Road 46, to southwest bound Curry Pike, with an increase in left turn movements of 204 vehicles per hour.
 - 4) Added second left turn lane on southwest bound Curry Pike, to southeast bound State Road 46, with an increase in left turn movements of 262 vehicles per hour.

- 5) Added third lane on southeast bound State Road 46 with an increase in through movements of 202 vehicles per hour.
- 6) Added third right turn lane on northeast bound Curry Pike, to southeast bound State Road 46, with an increase in right turn movements of 735 vehicles per hour.
- 7) Added third lane on northwest bound State Road 46 with an increase in through movements of 163 vehicles per hour.
- 8) Added third left turn lane on southwest bound Curry Pike, to southeast bound State Road 46, with an increase in left turn movements of 834 vehicles per hour.
- 9) Modifications to the traffic signal heads and supports, controllers and its appurtenances shall be improved as required with the lane modifications mentioned above. This will include, but not limit this improvement to, the installation of additional signal heads, pavement loops or cameras, signal support relocation, and other incidental items associated with this type of work.

2) State Road 46 / Northwest Intersection - Assumption of travel lanes are as follows; both approaches to State Road 46 are three lanes, one lane from State Road 46 and two lanes from the proposed development, which can be converted to a combined through / right turn lane, and an exclusive left turn lane for both northeast and southwest bound traffic. The recommendations are as follows;

- a) As specific land uses are proposed that impact this intersection, which will be mostly from section D, the traffic study shall be updated, detailing the specific nature of the proposed land use and its recommended improvements applied. This review will be conducted by Monroe County and INDOT officials.
- b) The traffic study states that the intersection as constructed will provide adequate access via this intersection from this development. The internal roadway network of the development will provide several options for access, thus, not decreasing the Level of Service at this intersection to an unacceptable stage. If adjacent areas develop and are directed to this intersection, a signal may be warranted at that time with the increased traffic from all developments.
- c) The installation of a fully actuated traffic signal with an increase in traffic movements that satisfy any one of the eight warrants in Part 4 of the Manual on Uniform Traffic Control Devices as published by the USDOT, FHWA, will be required. This includes, but is not limited to, vehicular, pedestrian, and school bus movements, along with crash history occurrences.
- d) It is required that the roadway be extended to Arlington Road and to Smith Pike from this intersection. This development shall construct the road to the appropriate property lines to accommodate this alignment.

3) Curry Pike / South Frontage Road - Assumption of travel lanes are as follows; both approaches to Curry Pike will be three lanes, constructed with the current project, one lane from Curry Pike and two lanes from the proposed development, which can be converted to a combined through / right turn lane, and an exclusive left turn lane for both northeast and southwest bound traffic. The recommendations are as follows;

- a) As specific land uses are proposed that impact this intersection, which will be sections B and D, the traffic study shall be updated, detailing the specific nature of the proposed use and its recommended improvements applied. This review will be conducted by Monroe County.
 - b) Recommended improvements, per the traffic study, are;
 - 1) The installation of a fully actuated traffic signal with an increase in traffic movements that satisfy any one of the eight warrants in Part 4 of the Manual on Uniform Traffic Control Devices as published by the USDOT, FHWA. This includes, but is not limited to, vehicular, pedestrian, and school bus movements, along with crash history occurrences.
 - c) It is recommended that a roadway be constructed, identical in cross-section, not indicated in the traffic study, that services area B and D, in the northwest corner of the intersection. This will serve as a frontage road along the west side of State Road 46 that should be constructed through both parts of area D and through the Shaw property between both area D parcels.
- 4) Curry Pike / Frontage Road / Loop Road - Assumption of travel lanes are as follows; Curry Pike will be four lanes, two in each direction, plus left turn lanes in each direction at this intersection, both approaches to Curry Pike will be three lanes, two approach lanes and one through traffic lane. The recommendations are as follows;
- a) As specific land uses are proposed that impact this intersection, which will be sections A, C, and D, the traffic study shall be updated, detailing the specific nature of the proposed use and its recommended improvements applied. This review will be conducted by Monroe County.
 - b) Recommended improvements, per the traffic study, are;
 - 1) The installation of a fully actuated traffic signal with an increase in traffic movements that satisfy any one of the eight warrants in Part 4 of the Manual on Uniform Traffic Control Devices as published by the USDOT, FHWA. This includes, but is not limited to, vehicular, pedestrian, and school bus movements, along with crash history occurrences.
- 5) Curry Pike / Arlington Road - Assumption of travel lanes are as follows; Curry Pike will be four lanes, two in each direction, plus left turn lanes in each direction at this intersection, both approaches of Arlington Road to Curry Pike will be three lanes, two approach lanes and one through traffic lane. The recommendations are as follows;
- a) As specific land uses are proposed that impact this intersection, which will be sections A and D, the traffic study shall be updated, detailing the specific nature of the proposed use and its recommended improvements applied. This review will be conducted by Monroe County.
 - b) Recommended improvements, per the traffic study, are;
 - 1) There are no recommended improvements per the traffic study. This office concurs with this recommendation, however, the County should monitor the impacts on this intersection as the area develops and implement any improvements recommended with future studies of this intersection.
 - c) The installation of a fully actuated traffic signal with an increase in traffic

movements that satisfy any one of the eight warrants in Part 4 of the Manual on Uniform Traffic Control Devices as published by the USDOT, FHWA, will be required. This includes, but is not limited to, vehicular, pedestrian, and school bus movements, along with crash history occurrences.

6) Woodyard Road / Internal Road - Assumption of travel lanes are as follows; construction of two lane roadways with left turn lanes and warranted intersections. The recommendations are as follows;

a) As specific land uses are proposed that impact this intersection, which will be sections A and D, the traffic study shall be updated, detailing the specific nature of the proposed use and its recommended improvements applied. This review will be conducted by Monroe County.

b) Recommended improvements, per the traffic study, are;

1) There are no recommended improvements per the traffic study. This office concurs with this recommendation, however, the County should monitor the impacts on this intersection as the area develops and implement any improvements recommended with future studies of this intersection.

c) This office recommends that the main traffic flow of the roadway be aligned to parallel State Road 46 along the west and south sides and stub to the adjacent property in accordance with the Thoroughfare Plan. Long term, this road will serve as a frontage road to State Road 37 and 46, eventually linking to Packinghouse Road, Industrial Drive and, with the construction of a bridge over the railroad tracks, to Gates Drive. The connection to Woodyard Road should still be made.

7) State Road 37 / State Road 46 Interchange - Assumption of travel lanes are as follows; the existing alignment as constructed in 2003. The recommendations are as follows;

a) As specific land uses are proposed that impact this intersection, which will be all sections, A through D, the traffic study shall be updated, detailing the specific nature of the proposed use and its recommended improvements applied. This review will be conducted by Monroe County and INDOT officials.

b) Recommended improvements, per the traffic study, are;

1) Added second through lane on southeast bound State Road 46, from Curry Pike to State Road 37 southbound ramp, with an increase in through movements of 633 vehicles per hour.

Other transportation elements of the development that shall be addressed are;

CONNECTIVITY

General - Monroe County's Subdivision Control Ordinance, the Thoroughfare Plan and the Bloomington Township Tax Increment Financing District Study shall be adhered to with respect to the general alignments of all roadways.

Stoneybrook Subdivision - A local roadway shall be constructed to Stoneybrook Drive in a manner that does not promote "cut through" traffic into the development. The only

conflict between the two plans is the connection through Stoneybrook Subdivision, which the Thoroughfare Plan provides for Curry Pike, a four lane road, to be extended through the subdivision and the TIF Study recommends using Hunter Valley Road, which is the recommended the alignment of Curry Pike.

Shaw Property – A new road shall be constructed to connect Curry Pike and the State Road 46 Northwest access through this property. This will require this development to construct a road to the property lines in Area D.

Apple Property – A new road shall be constructed to connect Curry Pike and Packinghouse Road through this property. This will require this development to construct a road to the property lines in Area B.

Woodyard Road – A new road shall be constructed to connect the frontage road, described above in the Apple Property, to Woodyard Road.

Hunter Valley Road – Curry Pike shall be extended across the Hunter Valley Road alignment to Arlington Road.

Arlington Road – Connections shall be made with Arlington Road and the intersections of Curry Pike / Hunter Valley Road and the State Road 46 Northwest / Northeast access.

Stoutens Creek Road – No connection shall be made to this road due to the existing inadequate pavement cross-section.

State Road 46 Northeast access – A road shall be constructed through Area D to promote traffic to flow from SR 46 to Arlington Road. This will require additional Right-of-Way along the existing 30 foot wide parcel. Also, a

State Road 46 Northwest – A road shall be constructed through Area D to promote traffic to flow from this intersection to Smith Pike.

ROAD ALIGNMENTS

- 1) All road alignments shall be located in areas and constructed in a manner that will allow for the extension of said roads in accordance with the Thoroughfare Plan and TIF Study.
- 2) All alignments shall comply with design standards as outlined in the Subdivision Control Ordinance.

ROAD CROSS-SECTIONS & GENERAL CONSTRUCTION

- 1) All road cross-sections shall comply with the recommended widths as described above. This is inclusive, but not limited to, pavement widths, number of lanes, pavement depths and accommodations for other modes of transportation such as bike lanes and sidewalks.
- 2) Parking requirements as outlined in the Subdivision Control Ordinance shall be adhered to in all phases and areas of the development. On-street parking will not be allowed unless provisions are made to accommodate this, such as adequate pavement widths in an area proposed for on-street parking.
- 3) Construction plans shall be submitted for review and approval. A performance surety will be required at final plat approval.

DRAINAGE COMMENTS

Drainage Board approval is necessary and each phase of the development must be submitted for review. A conceptual, preliminary storm water drainage report for this development (dated April 7, 2004) was submitted and reviewed. The report states there will be several crossings of Stout Creek that will require DNR permits, shows proposed pond locations, and indicates that some existing quarry pits may remain. Pond locations are depicted outside of streams because it is not known whether IDEM will grant 401 permits for detention within the streams.

General Considerations for Design Submittals to the Drainage Board

- 1) The tributary that runs along the north side of the property borders Stoneybrook Subdivision. The house at 2101 Blue Bell Court is built with a walk-out lower level that is only a few feet higher than the creek bank. Stoneybrook Boulevard used to cross this tributary, but the culvert was removed after water came close to the house following heavy rains. When this crossing is reinstated, it will have to be sized adequately so that it does not induce any surcharge. Also, the flood prone areas on both sides of this tributary appear to be wooded. I would recommend that these trees be preserved.
- 2) The north tributary is one of three major tributaries to Stout Creek that run through the site. I would recommend that a landscaping plan be developed for the flood prone areas along these creeks to provide shading and for storm water quality buffers.
- 3) It is believed that regional detention on larger tributaries will result in fewer adverse environmental impacts than smaller ponds constructed on hillsides (which is where they are shown on the conceptual plan). As noted previously, this issue will have to be resolved with IDEM. The water level in smaller ponds could not be sustained well because of the small watershed areas. I would strongly recommend that a landscaping plan be required for all of the ponds. Wet ponds provide better water quality benefits if aeration is provided and if shade is present along the shoreline. Allowing tall vegetation along shorelines discourages geese. Trees can be used in dry ponds to prevent warming of the detained water. All of these issues should be addressed in the storm water quality management plan.
- 4) Permanent sediment-inducing practices should be scattered throughout the development to reduce sediment loading to the streams. A plan needs to be developed to collect particulates from roads, and a mechanism for maintenance needs to be established.
- 5) Netting, erosion control blanket, sod, or some other acceptable method should be employed to promote quick stabilization of disturbed areas, especially on slopes. Erosion control will be especially critical as individual homes and businesses are constructed.

WEW/me



Monroe County Board of Commissioners Agenda Request Form

Date to be heard Formal ☐ Work session ☒ Department

Title to appear on Agenda:

Vendor #

Executive Summary:

The health department is proposing a discussion on amendments to the Chapter 341 code based upon amendments to the proposed Chapter 310 Fee Code revision.

In order to have the Multi-Market Food Service Establishment renew annually, the health department foods division is requesting this license to have an effective date of March 1, 2024. This will allow the Multi-Market Establishments to be annually licensed with all Retail Food Establishments and match our licensing term below:

341-A-C-"The license for a retail food establishment shall be for a term of one (1) year, beginning March 1st and expiring on the last day of February of the calendar year and shall be renewed annually"

The foods division is also proposing an amendment that will encompass all seasonal operations that do not operate at a Farmers' Market as defined below:

"Seasonal Food Service Establishment" means: a Retail Food Establishment, other than a Mobile Retail Food Establishment, that operates within Monroe County for not more than 9 months in a licensing period. Food service operations take place at one fixed location"

Lastly, the foods division is proposing a Seasonal Food Service Establishment license fee of \$85.00. Currently the 5-9 month fee is \$100.

Fund Name(s):

Fund Number(s):

Amount(s)

Presenter:

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed:

CHAPTER 341

FOOD SERVICE ESTABLISHMENTS

341-1. Purpose

This chapter was promulgated to promote good public health and to establish sanitary regulations for retail food establishments, mobile retail food establishments and temporary retail food establishments in Monroe County.

341-2. Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

"Adulterated" has the meaning set forth in IC 16-42-1 through 16-42-4.

"Closed" means fitted together snugly, leaving no openings large enough to permit the entrance of vermin.

"Commissary" means a registered catering establishment, restaurant or any other retail food establishment in which food, containers or supplies are kept, handled, prepared or stored.

"Corrosion-Resistant Materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions and other conditions of use.

"Critical Item" means a violation of the 410IAC 7-24 Retail Food Establishment Sanitation Requirements that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation. Critical items will be denoted as such on the inspection form.

"Easily Cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means the permit/license holder, an individual having supervisory or management duties, person on the payroll, family member, volunteer person performing work under contractual agreement or any other person working in a retail food establishment.

"Equipment" means items other than utensils used in the storage, preparation, display and transportation of food such as stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers and similar items used in the operation of a retail food establishment. This item does not include fork lift trucks or dollies.

"Food" means any raw, cooked or processed edible substance, ice, beverage or ingredient used, or intended for use, or for sale in whole, or in part, for human consumption.

"Food-Contact Surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food or other contaminants may drain, drip or splash back onto surfaces normally in contact with food.

"Foodborne Disease Outbreak" means an incident, in which:

- (A) two or more persons experience a similar illness after ingestion of a common food;
- (B) epidemiological analysis implicates the food as the source of the illness; or
- (C) a single case of illness from botulism or chemical poisoning.

"Food Processing Establishment" means a commercial establishment in which food is processed or otherwise prepared, packaged or manufactured for human consumption.

"HACCP Plan" means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. The HACCP Plan for a food establishment must be on file with the Health Department.

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

"Health Department" means the Monroe County Health Department, which is the full-time County Health Department established in Chapter 301 and includes the Monroe County Board of Health, the Monroe County Health Officer and authorized representatives of the Health Officer.

"Health Officer" means the County Health Officer or his/her duly authorized representative.

"Hermetically Sealed Container" means a container designed and intended to be contents after processing.

"Imminent Health Hazard" means a significant threat or danger to health that is considered to exist when there is evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation included but not limited to; power outage, fire, water shut off, sewage back up, rodent infestation or cessation to prevent illness based on:

- A) The number of potentially ill persons; and
- B) The nature, severity, and duration of the anticipated illness.

"410 IAC 7-24" refers to the Indiana State Department of Health Retail Food Establishment Sanitation Requirements which is the state regulation governing retail food establishments.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" means all applicable state and local statutes, ordinances, rules and regulations.

"License" means the document issued by the Health Department which authorizes a person to operate a retail food establishment, mobile retail food establishment, or a temporary retail food establishment.

"mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

"Misbranded" has the meaning provided in the Uniform Indiana Food, Drug and Cosmetic Act as amended.

"Mobile Retail Food Establishment" means any retail food establishment without a fixed location which is capable of being readily moved intact from location to location that is wheeled, on skids, mounted on a vehicle, a marine vessel, pushcart or trailer.

"Multi Market Food Service Establishment" means: a Retail Food Establishment, other than a Mobile Retail Food Establishment, that is operates at local farmers' markets in Monroe County. Food service operations may only take place at preapproved and applied locations.

"New Retail Food Establishment" means an establishment which has not been previously issued a license; or a licensed retail food establishment which has ceased operation for six (6) or more consecutive months or has changed ownership.

"Non-potential Hazardous Foods" means those foods with a water activity (Aw) value of 0.85 or less, a food with a hydrogen ion concentration (pH) level of 4.6 or below when measured at 75 degrees F., or foods for which laboratory evidence exists that demonstrates that rapid or progressive growth of infectious and toxigenic microorganisms or slower growth of Clostridium botulinum cannot occur. Some examples include candies, cookies, commercial pastries, fresh uncut fruits and vegetables, and commercially prepared unopened hermetically sealed containers which do not require refrigeration.

"Packaged" means bottled, canned, cartoned, bagged or securely wrapped.

"Person" means any individual, partnership, corporation, association or other legal entity.

"Person In Charge" means the individual present in a retail food establishment who is the supervisor of the retail food establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially Hazardous Food" means any food that is natural or synthetic and is in a form capable of supporting:

- (A) the rapid and progressive growth of infectious or toxigenic microorganisms; or
- (B) the growth and toxin production of C. botulinum.

Potentially hazardous foods include foods that are of animal origin that are raw or heat-treated; foods of plant origin that are heat treated or consist of raw seed sprouts; cut melons; and garlic and oil mixtures. The term includes foods with a water activity (Aw) value above 0.85 and foods with a pH level above 4.6 when measured at 75 degrees F.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Regulatory Authority" means the state and/or local enforcement authority having jurisdiction over the retail food establishment.

"Restricted Use Pesticide" means a pesticide product that contains the active ingredients specified in the US Code 40 CFR (Code of Federal Regulations) 152.175; that are classified for restricted use; and that are limited to use by, or under direct supervision of, a certified applicator.

"Retail food establishment" means an operation as follows that:

- (1) Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as the following:
 - (A) A restaurant.
 - (B) A satellite or catered feeding location.
 - (C) A catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people.
 - (D) A market.
 - (E) A grocery store.
 - (F) A convenience store.
 - (G) A vending location.
 - (H) A conveyance used to transport people.
 - (I) An institution.
 - (J) A food bank.
 - (K) A commissary.
 - (L) A cottage industry
 - (M) A hospice facility as defined in IC 16-25-11.
 - (N) A health care facility as defined in IC 16-21-2.
 - (O) A health facility as defined in 16-18-2.
 - (P) A child care facility as defined in IC 12-13-5, such as the following:
 - (Q) Licensed child care centers licensed under 470 IAC 3-4.7.
 - (i) Licensed child care institutions licensed under 470 IAC 3-11, 470 IAC 3-12, and 470 IAC 3-13.
 - (ii) Registered child care ministries registered under 470 IAC 3-4.5.
 - (R) An assisted living facility as defined in IC 12-10-5.
- (2) Relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
 - a. The term includes the following:
 - (1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.
 - (2) An operation that is conducted in a:
 - (A) mobile;

- (B) stationary;
- (C) temporary; or
- (D) permanent; facility or location, where consumption is on or off the premises and regardless of whether there is a charge for the food.

b. The term does not include the following:

- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
- (2) A produce stand that offers only whole, uncut fresh fruits and vegetables.
- (3) A food processing plant operated under IC 16-42-5.
- (4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4.
- (5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
- (6) A bed and breakfast establishment as defined and regulated under IC 16-41-37 and 410 IAC 7-15.5.
- (7) A private home that receives catered or home-delivered food.
- (8) A private home.

"Safe Materials" means:

- a. articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;
- b. a food additive or color additive as defined in Section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act and which are used as specified in Section 409 or 706 of the Act; or
- c. other materials which are not food additives or color additives as defined in Section 201 (s) or (t) of the Federal Food Drug and Cosmetic Act and which are used in conformity with applicable regulations of the Food and Drug Administration; and
- d. articles used in conformity with requirements of the Indiana Food, Drug and Cosmetic Act (IC 16-42-2-1 and IC 16-42-2-4). Other materials are safe only if they are used in conformity with all applicable laws and rules of the Indiana State Board of Health.
- e. applied to potentially hazardous foods, means food temperatures of forty-one degrees (41°) Fahrenheit or below or one hundred thirty-five degrees (135°) Fahrenheit or above.

"Sanitize" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals on a clean surface that, when evaluated for efficacy, yields a reduction of five logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

"Seasonal Food Service Establishment" means: a Retail Food Service Establishment, other than a Mobile Retail Food Service Establishment that operates within Monroe County for not more than 9 months in a licensing period. Food service operations take

place at one fixed location.

"Sewage" means the water-carried waste derived from ordinary living processes, including, but not limited to, human excreta and waste water derived from water closets, urinals, laundries, sinks, utensil-washing machines, bathing facilities or similar facilities or appliances.

"Single-Service Articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded. The term does not include "single use" articles such as Number 10 cans, aluminum pie pans, bread wrappers, and similar articles into which food has been packaged by the manufacturer.

"Tableware" means multi-use eating and drinking utensils, including flatware (knives, forks and spoons).

"Temporary Retail Food Establishment" means a retail food establishment that operates at a fixed location for a period of time not more than fourteen (14) consecutive days in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition or similar transitory gathering.

"Utensil" means any food-contact implement used in the storage, preparation, transportation or dispensing of food.

"Wholesome" means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

341-3. Submission and Approval of Plans for Construction or Alteration of a Retail Food Establishment or Mobile Retail Food Establishment and Pre-Operational Inspection

- (A) Before a retail food establishment, or portion thereof, except for a temporary retail food establishment or vending machine location, is constructed, altered, or remodeled or before an existing structure is converted to the use as a retail food establishment, the owner, operator, or designated agent shall submit plans and specifications for the retail food establishment to the local Health Department for review and approval. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. A transmittal letter shall be submitted with the plans and specifications. This letter shall identify and summarize the plans or projects and shall indicate the owner, operator or designated agent. The Health Department shall approve the plans and specifications if they meet the requirements of this chapter. No retail food establishment or mobile retail food establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the Health Department.
- (B) When plans and specifications required by section 341-3(A) of this chapter are to be submitted to the Health Department, the Health Department shall inspect the retail food establishment or mobile retail food establishment prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this chapter.
- (C) A fee for the review of such plans shall be assessed as specified in Chapter

341-4.

License: Requirements, Procedure for Issuance, Fees and Exemptions

- (A) It shall be unlawful for any person to operate a retail food establishment, mobile retail food establishment or temporary retail food establishment in Monroe County if the person does not possess a valid license from the Health Department. A separate license shall be required for each retail food establishment, mobile retail food establishment or temporary retail food establishment operated by any person. When separate areas for food service or preparation are located in one building and are operated by one owner, the establishment shall be considered as one establishment and only one license shall be required.
- (B) Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain such a license. A license shall be issued to any person upon application and only after inspection of the retail food establishment, mobile retail food establishment or temporary retail food establishment and upon approval by the Health Department. No license, or renewal thereof, shall be denied or revoked on arbitrary or capricious grounds.
- (C) The license for a retail food establishment shall be for a term of one (1) year, beginning March 1st and expiring on the last day of February of the calendar year and shall be renewed annually. Failure to pay the fee for the renewal of a license by the last day of February of the current calendar year shall result in the assessment of a delinquent fee against the retail food establishment in the amount specified in Chapter 310-4. The delinquent fee shall be in addition to the annual fee.
- (D) The license for a mobile retail food establishment shall be for a term beginning the date of application to, and approval by, the Health Department and expiring on the last day of February of the following calendar year. The fee for the license, as specified in Chapter 310-4, shall be due and payable at the time of application to, and approval by, the Health Department. Each mobile unit shall be licensed and charged a fee.
- (E) The license for a temporary retail food establishment shall be for a term beginning the date of application to, and approval by, the Health Department and expire no later than fourteen (14) consecutive days after the date the establishment begins operating. The fee for the license, as specified in Chapter 310-4 shall be due and payable at the time of application to and approval by the Health Department.
- (F) Any license issued by the Health Department shall contain the name of the person to whom the license is granted, the address of the premises for which the license is issued, and any such pertinent data as may be required by the Health Department. The license shall be posted in a conspicuous place in the retail food establishment, mobile retail food establishment or temporary retail food establishment.
- (G) A license is not transferable to another location or to another person. In the event of a change of ownership by conveyance, sale contract, lease or other means, the current license shall become void and a new license shall be required. A license shall not be issued to a retail food establishment under new ownership until it is in full compliance with all applicable State and local

laws.

In the event the Health Department is not notified of a change of ownership of a retail food establishment, a license for the next year shall not be issued until:

- (1) the retail food establishment is in full compliance with all applicable State and local laws; and
 - (2) the past year's license is paid for in full, including delinquent fees in accordance with subsection (C).
- (H) No license shall be required and no license fee shall be paid for any retail food establishment, mobile retail food establishment or temporary retail food establishment operated by any religious, educational, charitable or other non-profit organization exempted under the Indiana Gross Income Tax Law.

341-5. Sanitation and Education Requirements

- (A) All retail food establishments, mobile retail food establishments, and temporary retail food establishments shall comply with the sanitation requirements specified by the Indiana State Board of Health as now provided in its Rule 410 IAC 7-24 or as the same may be changed or amended. This Rule and any changes or amendments to it that may be adopted or promulgated are incorporated by reference and made part of this section. Two (2) copies of this Rule are on file, in the office of the Auditor and in the Health Department for public inspection.

341-6. Sale, Examination and Condemnation of Unwholesome, Adulterated and Misbranded Food

- (A) It shall be unlawful for any person to sell, through a retail food establishment, mobile retail food establishment or temporary retail food establishment, any food that is unwholesome, adulterated, or misbranded.

(B) Samples of food may be taken and examined by the Health Department as often as may be necessary to determine freedom from contamination, adulteration or misbranding. The Health Department may, on written notice to the owner or operator, impound and forbid the sale of any food that is unwholesome, adulterated or misbranded, or that it has probable cause to believe is unfit for human consumption, unwholesome, adulterated or misbranded. However, in the case of misbranding that can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the Health Department. The Health Department may also cause to be removed or destroyed any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit or other perishable article that in its opinion is unsound, contains any filthy, decomposed or putrid substance, or may be poisonous or deleterious to health or otherwise unsafe.

341-7. Disease Control

- (A) No employee, while infected with a disease in a communicable form that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a retail food establishment, mobile retail

food establishment or temporary retail food establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. If the person in charge of any retail food establishment, mobile retail food establishment or temporary retail food establishment has reason to believe that any employee has contracted any disease which can be transmitted by food, he/she shall notify the Health Department immediately.

(B) When the Health Department has reason to believe there exists a possibility of transmission of infection from any retail food establishment employee, mobile retail food establishment employee or temporary retail food establishment employee, the Health Department is authorized to require any or all of the following measures:

- (1)** the immediate exclusion of the employee from all retail food establishments, mobile retail food establishments and temporary retail food establishments;
- (2)** the immediate closing of the retail food establishment, mobile retail food establishment or temporary retail food establishment concerned until no further danger of disease outbreak exists in the opinion of the Health Department; and/or
- (3)** adequate medical examination of the employee and of his/her associates with such laboratory examinations as may be indicated.

341-8.

Retail Food Establishment and Mobile Retail Food Establishment: Inspection, Correction of Violations and Revocation of License

- (A)** Each retail Food establishment will receive unannounced compliance inspections at a frequency determined by the Health Department using a risk-based analysis of the establishment. Each mobile retail food establishment shall be inspected by the Health Department at least once a year.
- (B)** The person operating the retail food establishment, or mobile retail food establishment shall, upon the request of the Health Department, permit the Health Department access to all parts of such retail food establishment, or mobile retail food establishment and shall permit the Health Department to collect evidence and exhibits and to copy any or all records relative to the enforcement of this chapter.
- (C)** If during the inspection of any retail food establishment or mobile retail food establishment the Health Department discovers the violation of any of the requirements in the provisions of this chapter, it shall issue a written order listing such violations to the owner or to the person in charge and shall fix a time within which the owner or the person in charge of such retail food establishment or mobile retail food establishment shall abate and remedy such violations. A copy of the written order shall be filed with the records of the Health Department.
- (D)** If upon a second and final inspection the Health Department finds that such

retail food establishment or mobile retail food establishment, person, or employee is violating any of the provisions of this chapter that were in violation on the previous inspection and concerning which a written order was issued:

- (1) the Health Department may promptly issue a written order to the owner or to the person in charge of such retail food establishment or mobile retail food establishment to appear for an administrative hearing at a certain time and place, no later than ten (10) days from the date of final inspection, to show cause why a license issued under provisions of this chapter should not be revoked; or
 - (2) the Health Department shall furnish evidence of the violation(s) to the Monroe County Attorney, and he/she shall prosecute all persons violating the provisions of this chapter.
- (E) If at the administrative hearing the owner or person in charge should fail to show cause as to why his/her license should not be suspended or revoked, the Health Department shall suspend or revoke the license of such retail food establishment or mobile retail food establishment and shall promptly give written notice of such action to the owner or person in charge. The Health Department shall maintain a permanent record of its proceedings which shall be filed in the office of the Health Department.
- (F) Those establishments having their license suspended or revoked by the Health Department shall be placarded by the Health Department with an official notice to the effect that the establishment is closed by order of the Health Department. It shall be illegal to remove, damage or deface such notice prior to the establishment being allowed to resume operation by the Health Department.
- (G) All critical violations shall be corrected within the period of time specified by the Health Department, but in any event, not to exceed ten (10) days following an inspection. Within fifteen (15) days after the inspection the owner or person in charge of the retail food establishment or mobile retail food establishment may be required to submit a written report to the Health Department stating the action taken to correct the critical items. Purchase orders or work contracts with a work completion date satisfactory to the Health Department may be accepted as interim corrective action.

341-9. Temporary Food Service Establishment: Inspection, Correction of Violations, Revocation of License and Penalty

- (A) The Health Department may inspect temporary retail food establishment for which a license is required under the provisions of this chapter.
- (B) If during the inspection of any temporary retail food establishment the Health Department discovers the violations of any of the requirements in the provisions of this chapter, it shall order the immediate correction of the violation(s).
- (C) The person operating the temporary retail food establishment shall, upon the request of the Health Department, permit the Health Department access to all parts of the temporary retail food establishment and shall permit the collecting of evidence and exhibits and the copying of any or all records relative to the

enforcement of this chapter.

- (D) Upon failure of any person maintaining or operating a temporary retail food establishment to comply with any order of the Health Department, it shall be the duty of the Health Department to immediately revoke or suspend the license of such person and establishment and to forbid the further sale or serving of food therein. Any person continuing to sell or serve food in such temporary retail food establishment whose license has been revoked or suspended shall be subject to the penalties specified in Section 341-11.
- (E) Those establishments having their license suspended or revoked by the Health Department shall be placarded by the Health Department with an official notice to the effect that the establishment is closed by order of the Health Department. It shall be illegal to remove, damage or deface such notice prior to the establishment being allowed to resume operation by the Health Department.

341-10. Temporary Suspension of License

- (A) Any license issued under this chapter may be temporarily suspended by the Health Department without notice or hearing for a period not to exceed thirty (30) days for any of the following reasons:
 - (1) an imminent health hazard such as lack of refrigeration, sewage backup into the retail food establishment, loss of hot water supply, major rodent or insect infestation, or an extended power outage. The retail food establishment shall immediately cease retail food operations. Operations shall not be resumed until authorized by the Health Department;
 - (2) unsanitary or other conditions that in the Health Department's opinion endangers the public's health;
 - (3) interference with the Health Department in the performance of its duties; and/or
 - (4) undue harassment of Health Department inspectors in the performance of their duties.

Upon written application from the owner or from the person in charge, served upon the Health Department within fifteen (15) days after such suspension, the Health Department shall conduct a hearing upon the matter, after giving at least five (5) days written notice of the time, place and purpose thereof to the suspended owner or person in charge. Any such suspension order shall be issued by the Health Department, in writing, and served upon the owner or person in charge by leaving a copy at his/her usual place of business, or by delivery of registered or certified mail to such address.

- (B) Any person whose license has been suspended may at any time make application to the Health Department for the reinstatement of his/her license.

341-11. Penalties for Violations

- (A) A person who violates any of the provisions of this chapter commits an ordinance violation which:

- (1) for the first violation is a Class C Ordinance Violation; and
 - (2) for the second or any subsequent violation is a Class B Ordinance Violation.
- (B) Each day of operation of a retail food establishment, mobile retail food establishment or temporary retail food establishment in violation of the provisions of this chapter, or after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the Health Department, shall constitute a distinct and separate violation.
- (C) In addition to the penalties prescribed above, the department may seek injunctive relief and all the remedies available in a court of equity.
- (D) In addition to the penalties prescribed above, any person who violates any provision of this chapter shall be liable for the costs of litigation including, but not limited to, attorney fees, deposition fees, the costs of expert witnesses, lab testing expenses and court costs.

341-12. Enforcement

This chapter shall be enforced by the Health Department, with the assistance of the Monroe County Attorney, or his/her appointed deputies, and, in appropriate cases, by the Monroe County Prosecuting Attorney.

[end of chapter]

Amended 12/12/2014



Monroe County Board of Commissioners Agenda Request Form

Date to be heard

04/05/23

Formal ☐

Work session ☒

Department

Parks

Title to appear on Agenda:

MCCSC project and relocation of
Karst Farm Greenway

Vendor #

Executive Summary:

MCPR supports the MCCSC project (see BRCJ diagram).

MCCSC wants to make safety improvements for child drop off/pick up and install a track at Highland Park Elementary. In order not to delay the design/project, MCCSC is wanting the BOC to approve the moving of a small section of the Karst Farm Greenway to accommodate this project with the caveat that MCCSC pay 100% for the re-location of KFG and the preparation of a new easement.

County Legal also recommended to gain approval from the County Council.

Fund Name(s):

Fund Number(s):

Amount(s)

Presenter:

Kelli Witmer

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

Kelli Witmer

812-320-0963

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed:

Molly Turner-King



GENERAL NOTES

IMPROVEMENT NOTES ①

LEGEND

- LIMITS OF ASPHALT MILL AND RESURFACE
- LIMITS OF NEW 4" THICK CONCRETE PAVING

BRCJ
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1351 West Tapp Road
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www.brcjcivil.com
BLOOMINGTON BEDFORD PAOLI



**HIGHLAND PARK
ELEMENTARY SCHOOL -
STUDENT PICKUP IMPROVEMENTS**
900 S Park Square Dr, Bloomington, IN 47403

BRCJ Project No: 11187

ALTERNATIVE G



10-26-2022 CONCEPTUAL DESIGN

REVISION SCHEDULE

Rev #1 Rev Description: Wood Drive

Drawn By: DLN
Designed By: DLN
Checked By: WSR

C100



Monroe County Board of Commissioners Agenda Request Form

Date to be heard

Formal ☐

Work session ☒

Department

Title to appear on Agenda:

Vendor #

Executive Summary:

Chief Deputy Phil Parker is attending Work Session to go over points with County Commissioners.

Fund Name(s):

Fund Number(s):

Amount(s)

Presenter:

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed: