

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



**Monday, July 10, 2023
5:30 pm**

Hybrid Meeting

In-person

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

Virtual

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

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

Agenda
Plan Commission Administrative Meeting
5:30 p.m. – 7:00 p.m.
Monday, July 10, 2023
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold a **hybrid** Administrative (Work Session) meeting on Monday, **July 10, 2023 at 5:30 PM** in the Monroe County Government Center 501 N Morton Street, Bloomington, Indiana Room 100B or via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>).

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

ADMINISTRATIVE BUSINESS: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- | | | |
|--------------------|--|----------------|
| 1. PUO-23-1 | Whaley PUD Outline Plan Amendment 2
Preliminary Hearing. Waiver of Final Hearing Requested.
Two (2) 12.34 +/- acre parcels in Van Buren Township, Section 14 at 4810 W State Road 45, Parcel # 53-09-14-102-001.000-015.
Owner: K & S Rolloff Holdings LLC
Zoned PUD. Contact: shawnsmith@co.monroe.in.us | PAGE 3 |
| 2. REZ-23-2 | Shake Rezone from AG/RR to MR and AG/RR to LB
Preliminary Hearing. Waiver of Final Hearing Requested.
One 5.04 +/- acre parcel in Richland Township, Section 24 at 3130 N Smith PIKE, Parcel 53-04-24-101-016.000-011.
Owner: Casey Shake DVM LLC.
Zoned AG/RR. Contact: drbrown@co.monroe.in.us | PAGE 49 |

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

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

The meeting will be open to the public.

CASE NUMBER	PUO-23-1
PLANNER	Shawn Smith
PETITIONER	K & S Rolloff c/o Daniel Butler, Bynum Fanyo & Assoc.
REQUEST	Planned Unit Development Outline Plan Amendment 2 to Whaley PUD Waiver of Final Hearing Requested
ADDRESS	4810 W State Road 45, Parcel #: 53-09-14-102-001.000-015
ACRES	12.34 +/-
ZONE	PUD Whaley
TOWNSHIP	Van Buren
SECTION	14
PLATS	Platted
COMP PLAN DESIGNATION	MCUA Phase 1: Mixed Use MCUA Phase 2: Mixed Use

EXHIBITS

1. Petitioner Outline Plan Statement
2. Site Plan (Conceptual)
3. 1998 Whaley PUD Ordinance
4. Whaley Permitted Uses
5. Hydrogeology Report
6. IDEM Report
7. Enforcement Letter

RECOMMENDATION

Recommendation to the Plan Commission:

- Staff recommends forwarding a “positive recommendation” to the Plan Commission based on the petition’s compatibility with the Monroe County Comprehensive Plan.

The following conditions are recommended by Planning Staff based on plan review, and the MS4 comments as a result of the Drainage Board review:

1. Bioretention design criteria for the site should include release rates aligned with the critical watershed levels.
2. Use amended soils and deep-rooted vegetation with limited maintenance requirements for bioretention infrastructure.
3. Petitioner creates a definition which includes boat and RV storage.

PUBLIC HEARING TIMELINE**PLAN REVIEW COMMITTEE – JUNE 8, 2023**

No recommendation was forwarded by PRC. Primary questions for Staff are included below:

1. Who filed for Outline Amendment One?
 - a. What was the specific change?
2. What is the stability of the sinkholes?
3. Can they keep filling sinkholes?
4. How much storage is being proposed?

Staff sent comments to petitioner – currently **pending** a response. See below:

1. No more fill in the Sinkhole Conservancy Areas – maybe consider making this a written commitment. We directly talked with Kelsey Thetonia about this after the PRC meeting.
2. Provide a definition for Boat and RV Storage and provide any conditions associated with that use. Monroe County does not have a definition for RV Storage, but there is one for Boat Storage (located in the report).

3. Do you plan to use the sinkholes for any of the permitted uses? MS4 Coordinator would require sufficient Stormwater management for anything of concern. You might want to consider making this off limits for storage.
4. Do you know where Boat and RV Storage will occur on the property? There are concerns that fluids make leak from boats and RVs into the sinkholes untreated.

PLAN COMMISSION Regular – July 18, 2023 (Preliminary Hearing)

Waiver of Final Hearing requested.

PLAN COMMISSION Regular – August 15, 2023 (Final Hearing)

SUMMARY

The petition site is located at 4810 W State Road 45, in Section 14 in Van Buren Township. The site contains 12.34 +/- acres and is developed. The petitioner is requesting a Planned Unit Development Outline Plan Amendment to allow for the filling of all sinkholes on the Western portion of the property for the after-the-fact filling of two Sinkhole Conservancy Areas (SCA) and to add one new use to the permitted use list:

1. Boat and RV Storage

The petitioner is no longer requesting development of the site for an already permitted use of Convenience Storage.

Response to Plan Review Committee Questions:

PRC members asked who filed for Outline Amendment One in 1998. Staff confirmed this was Donald Whaley, the property owner at the time and who the PUD is named after. This is according to the letter submitted to Staff in 1998 on behalf of Donald Whaley by Michael Carmin (refer to **Exhibit 3** of this report). Whaley requested clarification of the Plan Commission's conditions of approval and/or an amendment to the conditions of approval. The specific change was an amendment to the original conditions. The original condition of approval from 1997 included the following:

- That no additional disturbance of the site occur within a 25-foot buffer of the compound sinkhole located on the west portion of the site. This areas is currently defined by the 820-foot contour according to the USGS maps on the County's GIS, but may be modified if further site analysis determines the exact location of the contour.

This language was replaced with the current conditions under the 1998 amendment:

1. That the petitioner submit drainage information required for Drainage Board to the Planning Department as part of the development plan petition file; and
2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the outline plan amendment process.

The sinkholes, according to IDEM and the MS4 Coordinator, remain stable, assuming no more disturbance. No more fill is to be permitted, and the MS4 Coordinator indicated she would like this to be a condition of approval. Stormwater division would not want to give approval for storing vehicles on a sinkhole due to possible leakage and the continued disturbance of the sinkhole itself.

Staff needs to see a location and a definition for Boat and RV Storage so the MS4 Coordinator can review plans.

BACKGROUND

Timeline:

1997 – Property rezoned to PUD 9712-PIO-02
1998 – PUD amended to change a condition 9804-PIO-01 (amendment requested by Donald Whaley)
2014 -- K& S Purchased property and received development plan approval and Land Use Certificate
2022 – May 18th: Use Determination USE-22-27 submitted to inquire about convenience storage (no longer being pursued)
2022 – June 8th: Enforcement Case AC-22-21 opened due to fill in sinkhole
2022 – August 24th: Grading Permit IG-22-24 submitted (still active)
2023 – January 20th: Outline Plan Submitted PUO-23-1
2023 – April 5th: Drainage Board Reviewed and provided comments

The area was rezoned to Whaley PUD in 1997 from Light Industrial. The 1997 PUD rezone closely relates to the Light Industrial uses, with the inclusion of “Cut Stone and Stone Products” to accommodate the use at the time (3D Stone Company). In 1998, the PUD was amended to change one of the conditions on the petition. The outline plan included language specifically prohibiting development within 25 feet of the Sinkhole Conservancy Areas. At the May 19, 1998 Regular Session, the Plan Commission requested the following language be included at the time of approval:

- 1. That the petitioner submit drainage information required for the Drainage Board to the Planning Department as part of the development plan file; and*
- 2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the outline plan amendment process.*

The latest development plan was approved in 2014 (Figure 1). Since the approval of the development plan and the issuance of the Land Use Certificate, the property has expanded and filled in two areas (circled in red) of the property that were noted as “Sinkhole A” and “Sinkhole B”. According to our records, there were no grading permits issued for this. Therefore, the filling in of the two sinkholes is a violation of the PUD. A separate letter has been mailed to the owner on 6/8/2022 under AC-22-21 (Exhibit 7).

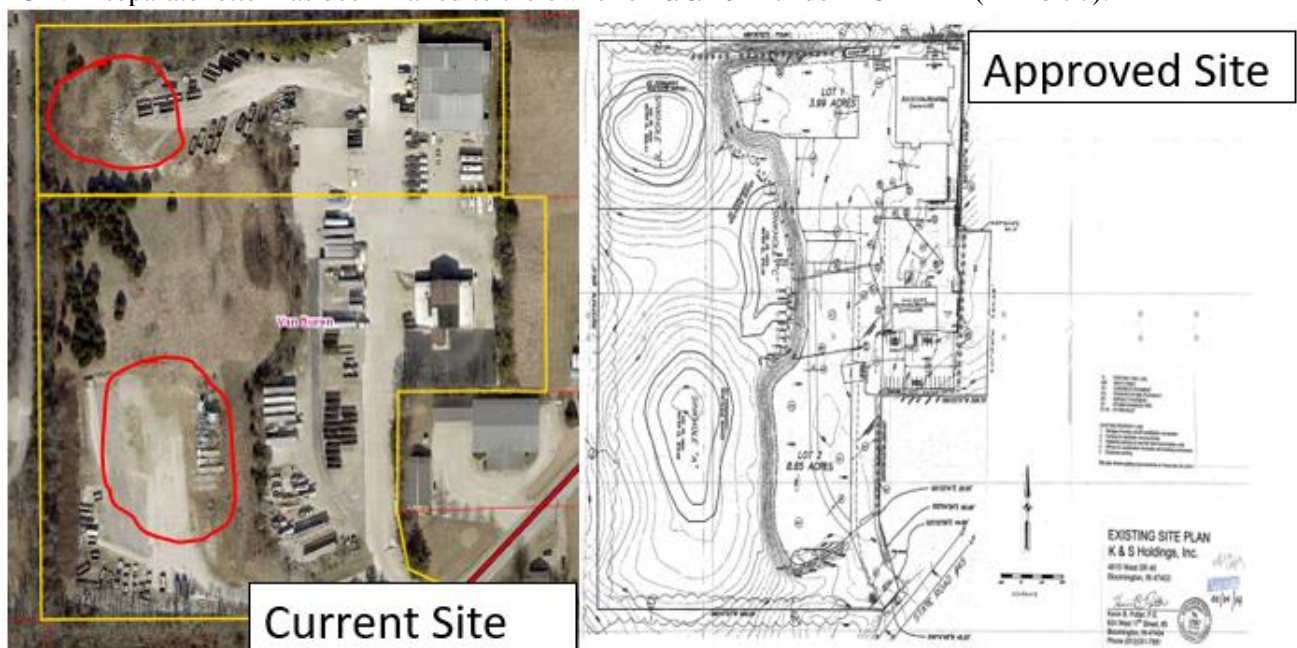


Figure 1. Current Site and Approved Site

Sinkhole Conservancy Area Review


According to a report provided by Hydrogeology Inc., they identified sinkhole 1 (Sinkhole A) to show no obvious impacts from the existing lay-down area for parking (Exhibit 5). They identified sinkhole 2 (Sinkhole B) to have been partially filled with pulverized concrete. No obvious impacts were observed during the field study, however, they did mention that due to the elevation of the fill site being higher than the surrounding properties, those properties could be impacted via surface run-off. Any new fill must be 809 ft to prevent surface run-off.

According to the Indiana Department of Environmental Management, much of the site contained unpainted concrete dumped on the west and north banks of the lot, some of which had black plastic sticking out, which was noted as likely being the linear material in the bed of the roll off. Because no loose black plastic material had been observed and concrete material was not identified to be within a sinkhole, their investigation was closed out with no violations having been observed (Exhibit 6).

The Drainage Board reviewed this petition on April 5, 2023.

Petitioner currently has a grading permit on file (IG-22-42) pending the completion of the PUO.

MS4 Coordinator Comments:

**Shawn Smith**Remove Note • Jun 1, 2023 at 1:54 pm

[@Kelsey Thetonia](#) -


I'm including the following language in the PRC report:

The site is not located in a critical watershed. SCAs have been disturbed due to concrete fill.


Comments from the April 5, 2023 Drainage Board:

- **Bioretention design criteria for the site should include release rates aligned with the critical watershed levels.**
- **Recommendation of looking into amended soils and deep-rooted vegetation with limited maintenance requirements.**

Is there anything else or other comments you would like to see added to this report?

**Kelsey Thetonia**Remove Note • Jun 1, 2023 at 2:50 pm

Hi [@Shawn Smith](#) - this area is in a sinking stream watershed (Bunger Branch), which will be on the list for more stringent design standards in our new stormwater ordinance. That's why I asked the Drainage Board to apply the critical watershed release rates to the bioretention design. For amended soils and vegetation, we already require this in our ordinance for bioretention but I will look at the species in the landscaping plan more closely.

**Shawn Smith**Remove Note • Jun 1, 2023 at 3:02 pm

[@Kelsey Thetonia](#) - Thanks for the update. The watershed is new info to me.

Property is subject to INDOT Driveway requirements.

Use Review

The 1998 PUD Outline Plan (Exhibit 3) currently allows the following uses on the petition site:

Agricultural Uses
Agricultural Uses (22)
Feed Mill (6, 25)
Stockyard (24)
Public, Semipublic, and Office Facilities
Day Care Facility (30)
Office
Office Showroom
Telecommunications Tower (32)
Telephone and Telegraph Services (32)
Utility Service Facility (31)
Wastewater Treatment Facility (15)
Water Treatment Facility
Business and Personal Services
Air Cargo and Package Service (6)
Aircraft Charter Service
Appliance Repair (6)
Auction House
Convenience Storage (4, 6, 21)
Dry Cleaning and Laundry Service
Electrical Repair (6)
Exterminating Service
Gunsmith
Industrial Equipment Repair (7, 16)
Locksmith
Office Equipment Repair (6)
Parking Facility (31)
Real Estate Sales Office (9)
Remote Garbage/Rubbish Removal Facility (34)
Small Engine and Motor Repair (6, 21)
Taxidermist (6)
Upholstery Service
Veterinary Service (10)
Retail and Wholesale Trade
Bakery (Wholesale) (7, 15)
Building Materials (7, 31)
Cabinet Sales
Fertilizer Sales (Packaged) (7, 21)
Florist (Wholesale)
Garden Center
Heavy Machinery Sales (7)
Industrial Supplies
Automotive and Transportation Services Automotive Paint Shop
Automotive/Boat Repair Shop (6)

Automotive Tire Repair (7, 21)
Cold Storage Plant
Transfer or Storage Terminal (7)
Wrecker Service (7)
Manufacturing, Mining, Construction, and Industrial Uses
Apparel (7, 16)
Appliance Assembly (7, 16)
Beverage Products (7, 16)
Bottling Machinery (7, 16)
Commercial Printing (6)
Construction Trailer (17)
Cut Stone and Stone Products (15)
Electronic Devices and Instruments (7, 16)
Engineering and Scientific Instruments (7, 16)
Food Products (15)
Furniture (15)
General Contractor (15)
Jewelry Products (7, 16)
Laboratories (16, 17) ·
Leather Goods (7, 16)
Machine Assembly (15)
Machine Shop (15)
Metal Fabrication (15)
Metalworking Machinery (15)
Musical Instruments (7, 16)
Office and Computer Equipment (7, 16)
Optical Instruments and Lenses (7, 16)
Paper Products (15)
Plastic Products Assembly (7, 16)
Plating and Polishing (15)
Sign and Advertising Displays (7, 15)
Warehousing and Distribution Activities (7, 16)
Watches and Clocks (7, 16)
Welding (7, 15)
Wood Products (7, 15)

The proposed use ‘RV and Boat Storage’ somewhat aligns with the convenience storage already on the list of permitted uses. Staff would need the petitioner to submit a definition and any proposed conditions that might be related to the proposed use. RV Storage currently is not a permitted use in the ordinance and does not have a definition. The current definition for Boat Storage is as follows:

Boat Storage. A storage facility utilizing enclosed buildings and/or unenclosed outdoor areas for the seasonal or year-round storage of four or more boats. This is subject to the following:

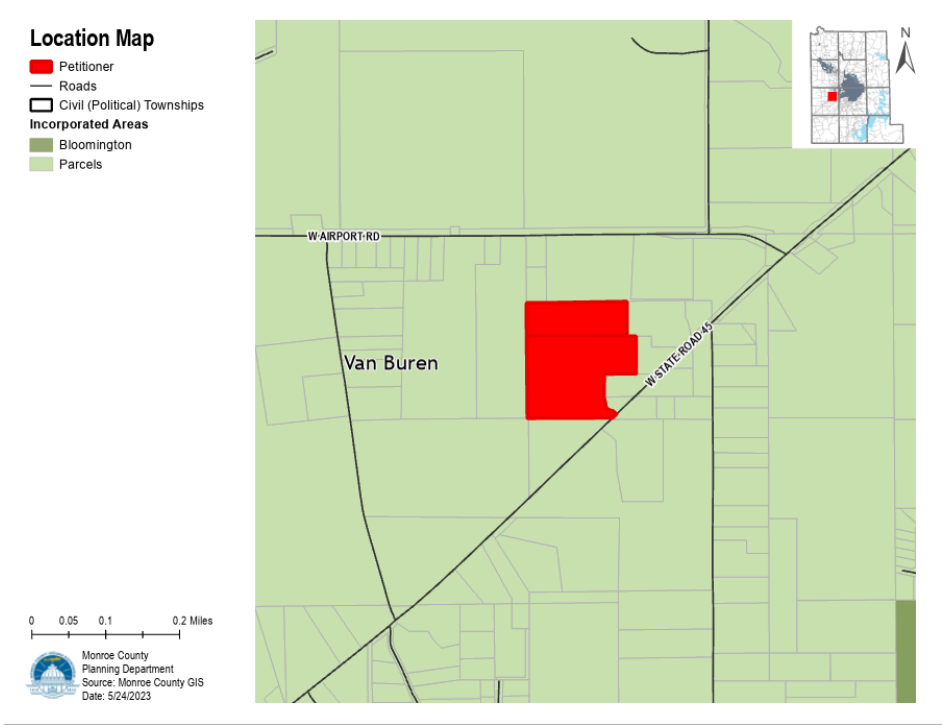
41. Boat Storage facilities shall be permitted subject to the following conditions:
 - A. the required building setbacks shall be applied to all boats stored outside
 - B. all boats stored outside of enclosed buildings shall be screened from adjoining properties by a double staggered row of evergreen trees, installed in conformance with Chapter 830, or a 6 ft. high opaque fence or wall.
 - C. boat repair services and accompanying sales of repair merchandise is allowed only as

- an accessory use
- D. compliance with all applicable local, State and Federal regulations for the disposal of hazardous materials.

Current uses of the property include Remote Garbage/Rubbish Removal Facility and Offices. To date, the petitioner has stated that they do not plan to develop the site for convenience storage due to the remediation efforts using current resources.

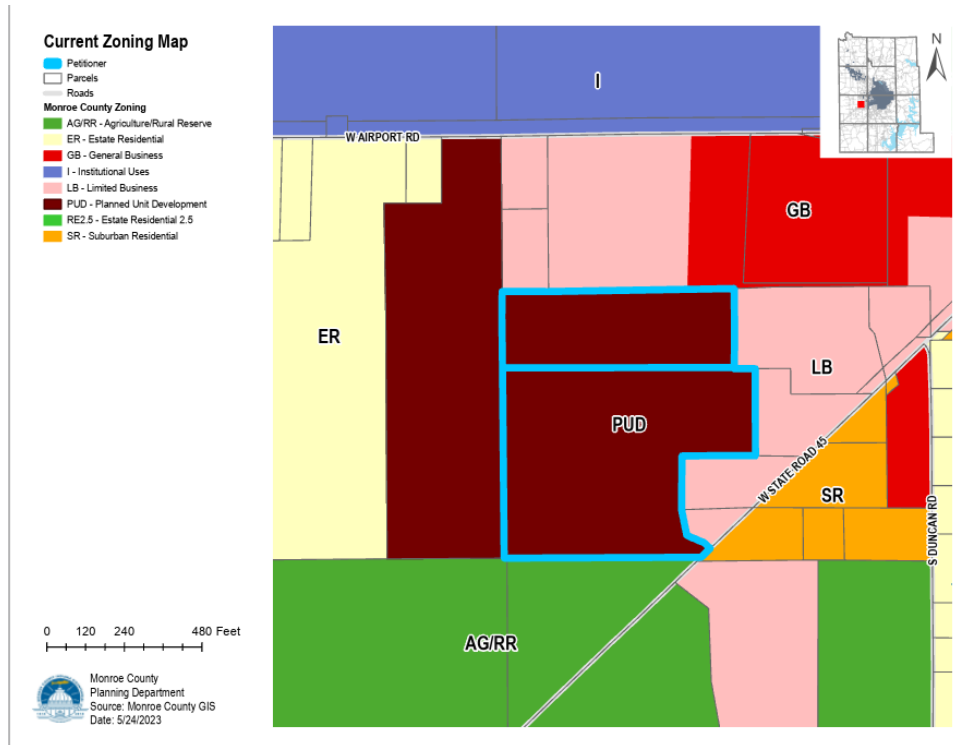
LOCATION MAP

The petition site is located west of the City of Bloomington, with frontage along West State Road 45 in Section 14 of Van Buren Township. The site 12.34 +/- acres and is currently the site of K & S Rolloff Holdings LLC, Parcel #53-09-14-102-001.000-015.



ZONING AND ADJACENT USES

The petition site is zoned PUD. All surrounding properties are in County jurisdiction. The adjacent properties are zoned PUD, Limited Business (LB), General Business (GB), Agricultural Rural Reserve (AG/RR) and Suburban Residential (SR).



SITE CONDITIONS

The site is a flagpole shape and has frontage along W State Road 45 (major arterial) at approximately 75' and does not have sidewalks. The site utilizes CBU water, not sewer. The property has three Sinkhole Conservancy Areas (SCAs) – at least two of these have been disturbed. The petition site is located within the Sinking Creek watershed.

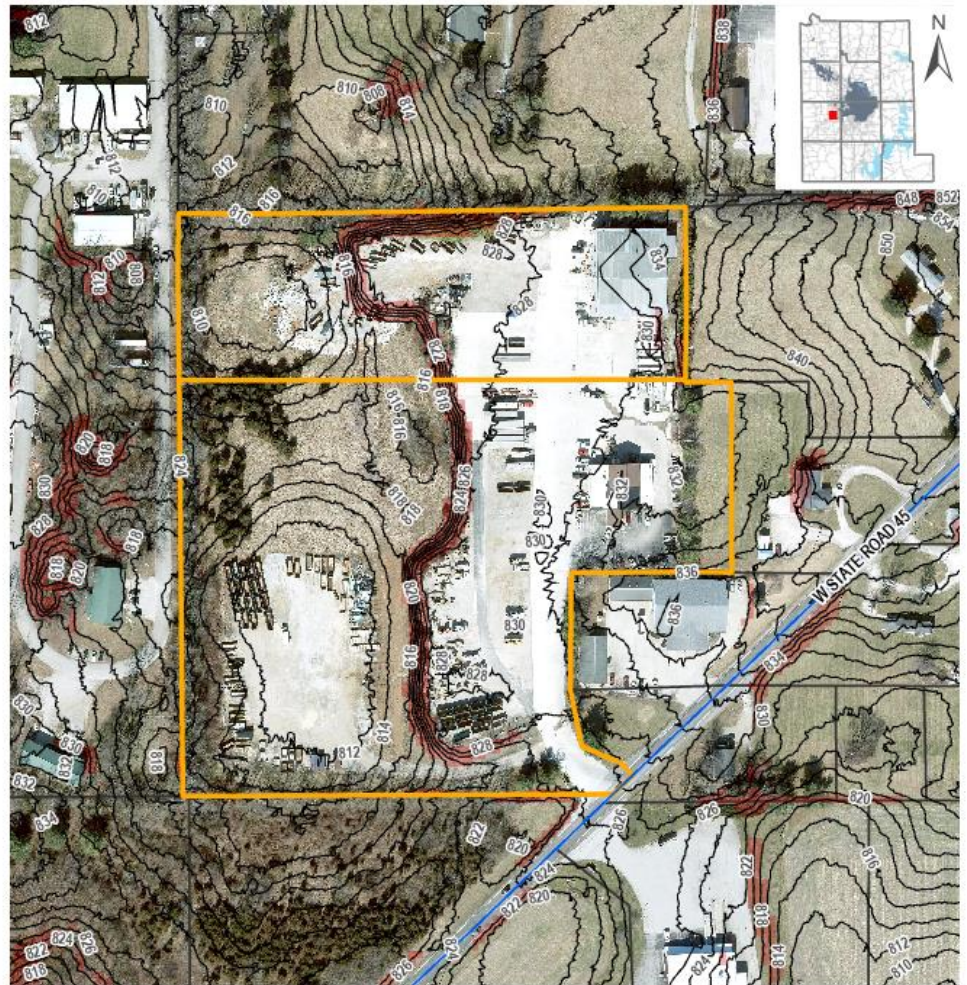
Site Conditions Map

- Major Arterial [150']
- ▭ Petitioner
- 2-Foot Contours
- 15% Slope (County/ECO2)
- 0 - 15
- > 15
- Local Roads [50']
- ▭ Parcels

0 80 160 320 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 5/24/2023



SCAs have been disturbed due to concrete fill. Comments from the April 5, 2023, Drainage Board:

1. Bioretention design criteria for the site should include release rates aligned with the critical watershed levels
2. Recommendation of looking into amended soils and deep-rooted vegetation with limited maintenance requirements.

SITE PICTURES



Photo 1. Pictometry from Feb-Mar 2022, facing north.



Photo 2. Pictometry from March 2022, Facing East.



Photo 3. Site of Sinkhole 'A' (Northwest)



Photo 4. Site of Sinkhole 'A' (North)



Photo 5. Site of Sinkhole 'B' (West)



Photo 5. Site of Sinkhole 'B' (East)



Photo 6. Concrete washout debris used to fill Sinkhole 'B'

COMPREHENSIVE PLAN DISCUSSION – PHASE I

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

Mixed-Use districts are the densest, most pedestrian oriented development types in the Urbanizing Area. **This land use type will vary in terms of form, scale, character, and the specific mix of uses, depending on location, access considerations and existing development context.** Uses may be integrated vertically within buildings, such as residential or office over ground-floor retail, or horizontally among single-use buildings that are closely coordinated with one another. Mixed-Use areas may take the form of linear corridors along major roadways, large districts that serve as regional destinations for commerce, dining and entertainment, or small nodes at crossroads that serve nearby residential neighborhoods or employment areas. **Mixed-Use areas offer the greatest flexibility in terms of land use.** Individual parcels of land within a larger Mixed-Use area may be developed with a single use, so long as the site is designed in a way to integrate with surrounding sites to create a whole that is greater than the sum of parts. Most areas designated as mixed-Use on the land Use map are in locations with existing suburban-style development. These locations offer opportunities for reinvestment, infill, redevelopment, and transformation into more walkable centers of activity within the Urbanizing Area. Examples include the Third Street corridor, the Tapp Road/SR-45/Curry Pike Area, and key intersections along the South Walnut Street corridor.

A. Transportation

Streets: Developments should be designed to create a system of interconnected streets and blocks. ideally, new streets should be platted as public rights-of way through the subdivision process; however, private streets may also be acceptable, provided that they are designed and maintained to public street standards and are made publicly accessible through dedicated easements.

Bike, Pedestrian, and Transit modes: **mixed-use streets should incorporate the full suite of complete street and “green” street design techniques.** Streets should safely accommodate pedestrian and bicycle travel, as appropriate to the larger context of the transportation system and the surrounding scale and character of development. Wider sidewalks or an enhanced buffer along the street will provide a safer environment for pedestrians while allowing greater access to businesses in mixed-use areas. Streets should not be designed with a “one-size fits all” approach. Local streets may accommodate cyclists through an overall design that discourages high travel speeds by motorists, such as the use of narrower travel lanes (10 to 11 feet), on-street parking, and smaller curb radii at intersections (15 to 25 feet). These streets may simply require pavement markings or signage indicating that cyclists may use the travel lane. on the other hand, multi-

lane roads should provide enhanced bicycle infrastructure, such as on-street bicycle lanes, cycletrack facilities, or off-street shared use paths, with special attention to transitions between different facility types. As the most likely to support transit service in the future, mixed-use streets should be designed to accommodate potential transit expansion.

B. Utilities

Sewer and water: Most areas designated for mixed-use development in the land Use Plan are already served by sewer and water infrastructure. All new developments should conduct water and sewer capacity analyses and contribute to system upgrades if necessary. Major sewer line extensions or upgrades, should be coordinated with other roadway or streetscape improvements where possible to minimize traffic disruption and improve cost efficiency of capital improvements. A major advantage to mixed-use development is that it reduces the peak usage in the area due to the diversity of building uses.

Power: Overhead utility lines should be buried in mixed-use areas to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

Communications: Communications needs will vary within mixed-use developments, but upgrades to infrastructure should be a key consideration for future development sites. The county should create a standard for development of communications corridors to supplement and complement University research and development and the existing information technology sector.

C. Open space

Park Types: Small-scale parks and open spaces should be integrated into new developments and streetscapes. mixed-use districts may have a variety of park types, from small plazas and pocket parks along public sidewalks, to moderately-sized greens, squares, and neighborhood parks. Greenway connections should be provided wherever possible.

Urban Agriculture: Encourage the creation of community gardens and small scale urban agricultural systems, integrated with parks and open spaces. These may serve and be operated by residents, employees and businesses within a mixed use neighborhood. examples include restaurants with on-site gardens, or apartments and office buildings with common garden space. Attention should be paid to location and maintenance to ensure garden spaces remain well-kempt and attractive throughout the year.

D. Public Realm Enhancements

Lighting: Lighting needs will vary by street type and width but safety, visibility and security are important. Two-lane streets should provide lamp posts at a pedestrian scale (16 to 18 feet in height). Wider streets will require taller fixtures (up to 30 feet).

Street/Site Furnishings: Successful mixed-use streets require a vibrant, pedestrian-oriented public realm with an emphasis on amenities and aesthetics. Streets should have planters, benches, information kiosks, and public bicycle parking racks. These elements may occur within the public right-of-way, or on private development sites, if located at the front of the lot between the building and right-of-way, oriented toward the sidewalk, and available for public use.

E. Development guidelines

Open Space: The amount and type of open space appropriate for mixed-use areas will vary by the location and scale of individual developments. Large consolidated developments should include prominent open spaces with public street frontage. For residential uses, open space should generally be provided with a target of 200 square feet per dwelling unit. Commercial uses over 25,000 square feet of gross floor area should provide small pocket parks or plazas.

Parking ratios: Parking requirements will vary depending on the scale and mixture of uses within individual mixed-use areas. Shared parking arrangements should be encouraged to minimize the size of surface parking lots. On-street parking should be permitted to contribute to required parking maximums

as a means to reduce surface parking and enliven mixed-use streets with foot traffic.

Site Design: Front setbacks should range from zero to 15 feet, with streetscape plazas and landscape treatments between the sidewalk and building face. buildings should frame the street, with a high amount of building frontage. Parking should be located to the rear or side of buildings, but not between the building and street. Side-oriented parking should be screened with landscaping and/ or a low street wall. vehicular curb cuts should be used sparingly, and avoided on major thoroughfares. Access should instead be provided from the side or rear of the site. mixed-use districts should be designed with compatible mixtures of buildings, but with architectural variety as well.

Building form: The scale, form and character of buildings will vary depending on the specific location and surrounding context of existing development and infrastructure. mixed-use areas are appropriate locations for more urban-style buildings with flat roof designs, but pitched roofs may also be used. buildings may range from one to four stories in height, depending on location. Ground floors of mixed-use buildings should have taller floor to ceiling heights (14 to 18 feet) to accommodate retail and dining uses, with high amounts of window transparency (60 to 70 % of the front facade). building facades should be designed with a clear base, middle, and top. buildings and tenant spaces should have prominent main entrances on the front facade, accessible from the public sidewalk.

LAND USE PLAN & POLICIES

The Land Use Plan is to be used when making public and private decisions about development, redevelopment, and related infrastructure investments. The Land Use Plan provides a framework to create a more organized pattern of development within the Urbanizing Area. Based on the preferred development scenario the Land Use Plan is illustrated and provides descriptions of each land use category, with specific policies related to transportation, infrastructure, open space, and development standards.

- MIXED-USE**
Mixed-use Districts are the densest, most pedestrian-oriented development types in the Urbanizing Area.
- MIXED-RESIDENTIAL**
Mixed residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity.
- SUBURBAN RESIDENTIAL**
Suburban residential includes existing low-density single-family subdivisions and isolated multi-family apartment complexes.
- CONSERVATION RESIDENTIAL**
Conservation communities are master planned developments designed to preserve significant amounts of open space as a community amenity.
- EMPLOYMENT**
Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses.
- INSTITUTIONAL**
Civic and institutional uses include educational and religious facilities and other types of public and private facilities intended for public assembly and gathering.
- QUARRY LANDSCAPES**
Quarry landscapes are found throughout the Urbanizing Area, primarily in the south and west portions of the area. These include both actively mined and abandoned quarries, a number of which are either listed or eligible for inclusion on the National Register of Historic Places Landscape District Registry.
- RURAL TRANSITION**
Portions of the Urbanizing Area, primarily to the east and south, are not suitable for intensive development due to access, infrastructure and environmental constraints.
- PARKS AND OPEN SPACE**
Protected open space includes public parks and privately-owned lands dedicated for active or passive recreation or environmental preservation.

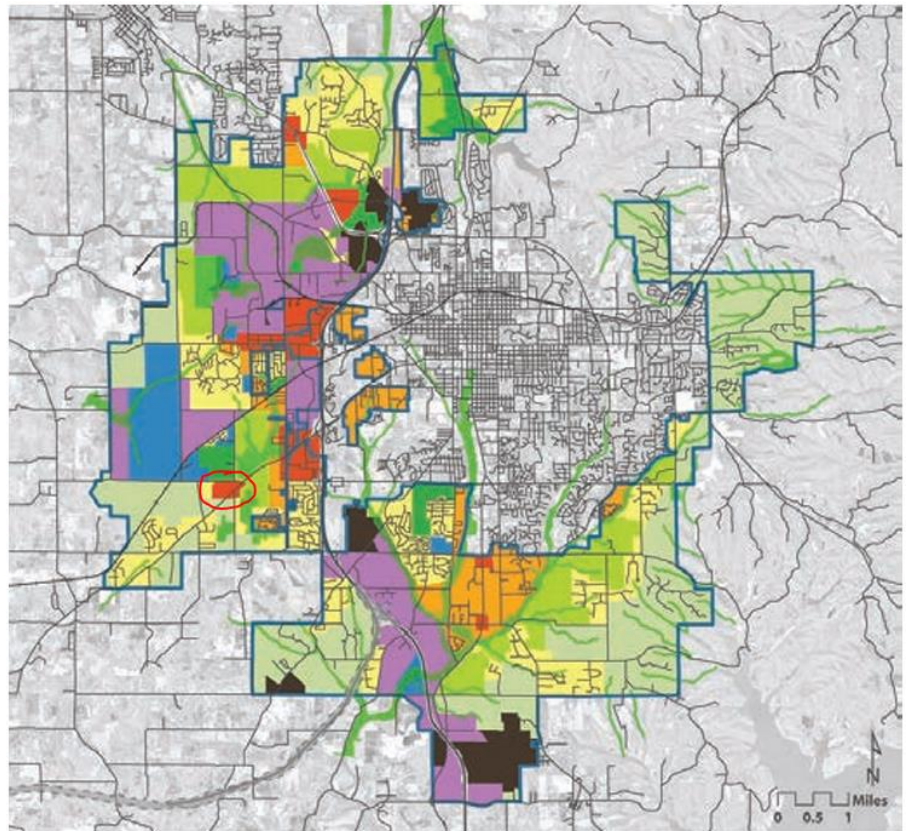


Figure 2. Comprehensive Plan Map (Area circled in red)

COMPREHENSIVE PLAN DISCUSSION – PHASE II

Gateway West

This district includes properties with frontage along major roadway corridors on the west side of the Urbanizing Area, in locations that serve as important areas of transition between the Urbanizing Area and adjacent jurisdictions, most notably the City of Bloomington as well as the Town of Ellettsville. This district is primarily intended to implement the vision for new mixed-use development and redevelopment in the Third Street Corridor and North Park focus areas of the Urbanizing Area Plan, as well as other mixed use nodes identified in the land use plan.

Existing Planned Unit Developments

In general, it is the intent of this zoning framework to eliminate the need to establish new Planned Unit Developments by creating an expedited, consistent and predictable set of zoning requirements and approval procedures. However, existing planned developments represent a significant investment by property owners in establishing specific development plans and standards for their properties in conformance with pre-existing development approval procedures. All planned developments in effect prior to the creation of new zoning districts and standards should continue to be considered in effect, similar to an overlay zone. Opportunities to eliminate the planned unit development overlay will also be accommodated and should be encouraged. PUDs with expired outline plans or without development plans may be reviewed and rezoned entirely, subject to recommendations of this zoning framework.

Proposed County Development Ordinance

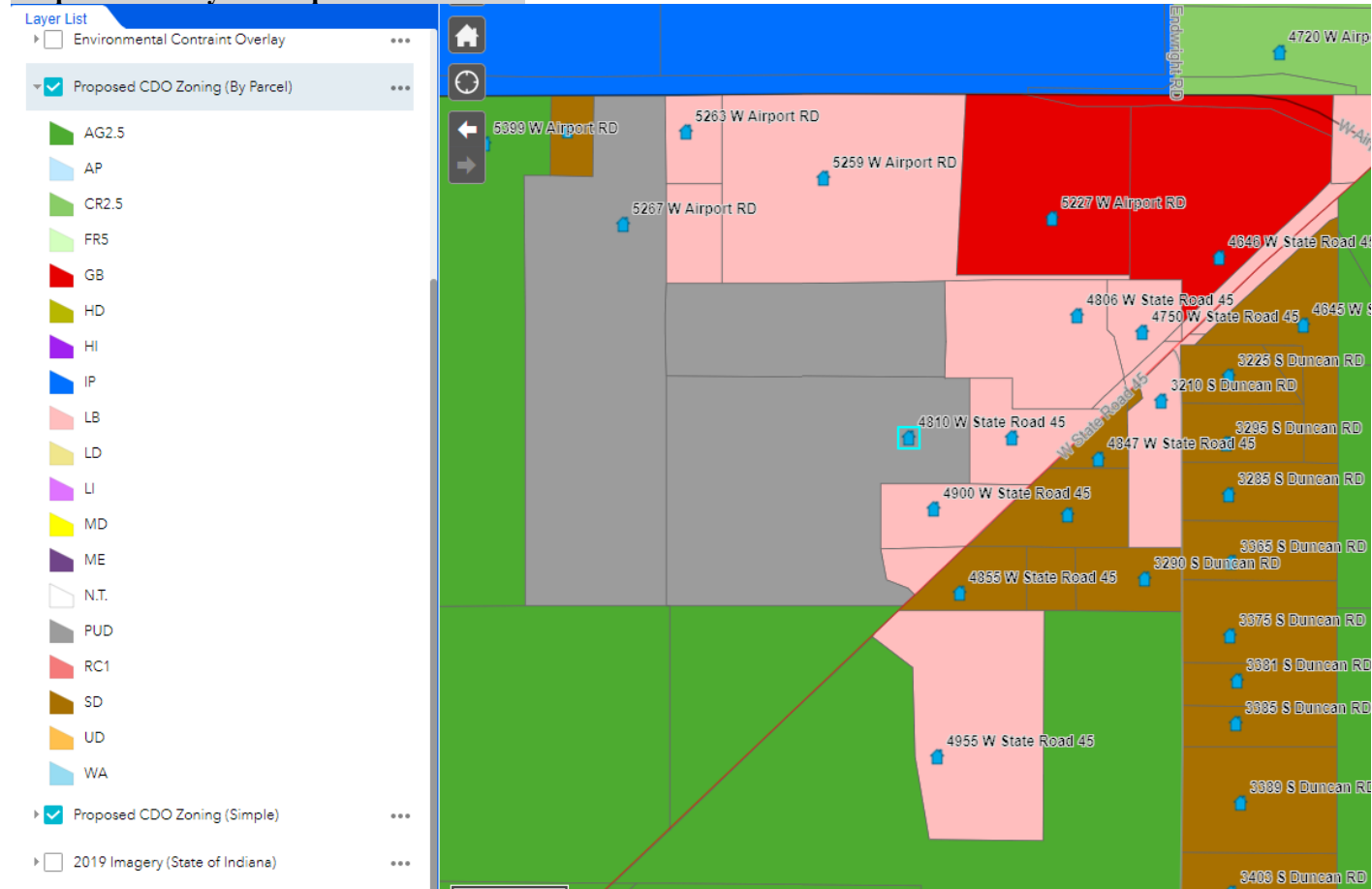


Figure 3. CDO Draft Zoning Map

PUD REVIEW CONSIDERATIONS

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

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

Findings:

- The existing and proposed development appears to be consistent with the Comprehensive Plan per the Employment zone;
- The current use and potential expansion of the site would support Employment uses;
 - The MCUA Phase I plan designates the petition site as “Mixed-Use”;
 - Mixed-Use districts are the densest, most pedestrian-oriented development types in the Urbanizing Area;
 - The MCUA Phase II plan designates that site as “Gateway West”;
 - This district includes properties with frontage along major roadway corridors on the west side of the Urbanizing Area, in locations that serve as important areas of transition between the Urbanizing Area and adjacent jurisdictions, most notably the City of Bloomington as well as the Town of Ellettsville. This district is primarily intended to implement the vision for new mixed-use development and redevelopment in the Third Street Corridor and North Park focus areas of the Urbanizing Area Plan, as well as other mixed-use nodes identified in the land use plan;
- The current zoning is Whaley PUD created in 1997; The Comprehensive Plan designates the property as MCUA Mixed-Use;
- The current approved uses for the petition parcel have been determined to be Chapter 802 uses, including ‘Agriculture Uses’, ‘Public, Semipublic, and Office Facilities’, ‘Business and Personal Services’, ‘Retail and Wholesale Trade’, ‘Automotive and Transportation Services Automotive Paint Shop’, ‘Manufacturing, Mining, Construction, and Industrial Uses’;
- The petition parcel has remained active since that time;
- The petitioner requests to add one (1) Business and Personal Services Use “Boat Storage”;

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

Findings:

- The proposed plan will need use definitions to be defined;
- One design standard (25-foot buffer of the compound sinkhole located on the west portion of the site) was found specifically listed in the PUD documentation;
- The site does not currently meet the requirements of the PUD ordinance due to the disturbance of at least two (2) of the three sinkholes on the property;
- The petitioner has not indicated that any other deviation from the Zoning Ordinance would be sought at this time related to density, dimension, bulk, use, required improvements, and construction and design standards;
- Site plan improvements including bioretention requirements will be addressed at the development plan stage;
- See Findings under section A, regarding use;

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

Findings:

- See Findings under section A;

- One of the purposes of the PUD, under Chapter 811, is to encourage a harmonious and appropriate mixture of uses;
- (4) **The proposal will not be injurious to the public health, safety, and general welfare.**
Findings:
- See Findings (1), (2) and (8);
- (5) **The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.**
Findings:
- The property is an as-built - no change in current use of the site;
 - Parking already exists on site;
 - Much of the property already consists of open space due to the three SCAs.
- (6) **The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.**
Findings:
- See Findings (a), (b) & (d);
 - Other immediately surrounding uses include Dillman Farm to the south, Specialty CNC to the East, an auto repair shop and furniture restoration shop to the west, and Westside Community Church to the northeast.;
 - Much of the surrounding area is zoned Planned Unit Development, Limited Business, and General Business, Suburban Residential, and Agriculture Rural Reserve;
 - Development plan requirements including bioretention requirements will be addressed at the development plan stage.
- (7) **The desirability of the proposal to the County's physical development, tax base, and economic well-being.**
Findings:
- See Findings under Section 1;
- (8) **The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.**
Findings:
- Access is derived from W State Road 45 which is designated as a Major Arterial in the Thoroughfare Plan;
 - All utilities except for sewer are available to the petition site;
 - See findings under (d);
- (9) **The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.**
Findings:
- There are at least 3 sinkhole conservancy areas on the property;
 - Drainage will be reviewed under a PUD Development Plan if the this petition is adopted;
 - The area was originally listed as a 'light industrial' prior to rezoning to PUD.

EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

May 5, 2023

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

SUBJECT: Donald Wiley PUD Outline Plan
Two (2) PUD Amendments

Monroe County Plan Commission or To Whom It May Concern:

On behalf of K&S Rolloff, Bynum Fanyo & Associates, Inc. would like to request approval of two PUD amendments to the SUBJECT PUD ordinance due to an existing site plan and new improvements being proposed in the PUD area. The property is located at 1,700' southwest of the intersection of W Airport Rd and SR 45 in Monroe County, Indiana. The approval request would make a way for current operations to stay on-site for trash/rubble removal and add some boat storage and RV storage area as well. This PUD ordinance was originally approved by Monroe County in 1998. This property currently contains 12.70 acres and is currently 2 lots. This is the NW quarter of the NW quarter of section 14, T8N, R2W, Van Buren township.

The proposed existing and proposed plan would require two (2) amendments to the ordinance approved in 1998 as follows:

- 1) Zones Permitted: Add 'Boat Storage' and 'RV storage' uses to the property that will accompany current use of the trash rolloff service
- 2) Disturbed Area: Fill would be allowed in all sinkholes to the west of the property subject to IDEM, Monroe County Highway and Drainage, Geotechnical, and Monroe County Solid Waste reports and approvals

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

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

Sincerely, Bynum Fanyo & Associates, Inc.

Daniel Butler, PE, Project Engineer

COPY: BFA File #402207

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

EXHIBIT 2: Site Plan (Conceptual)

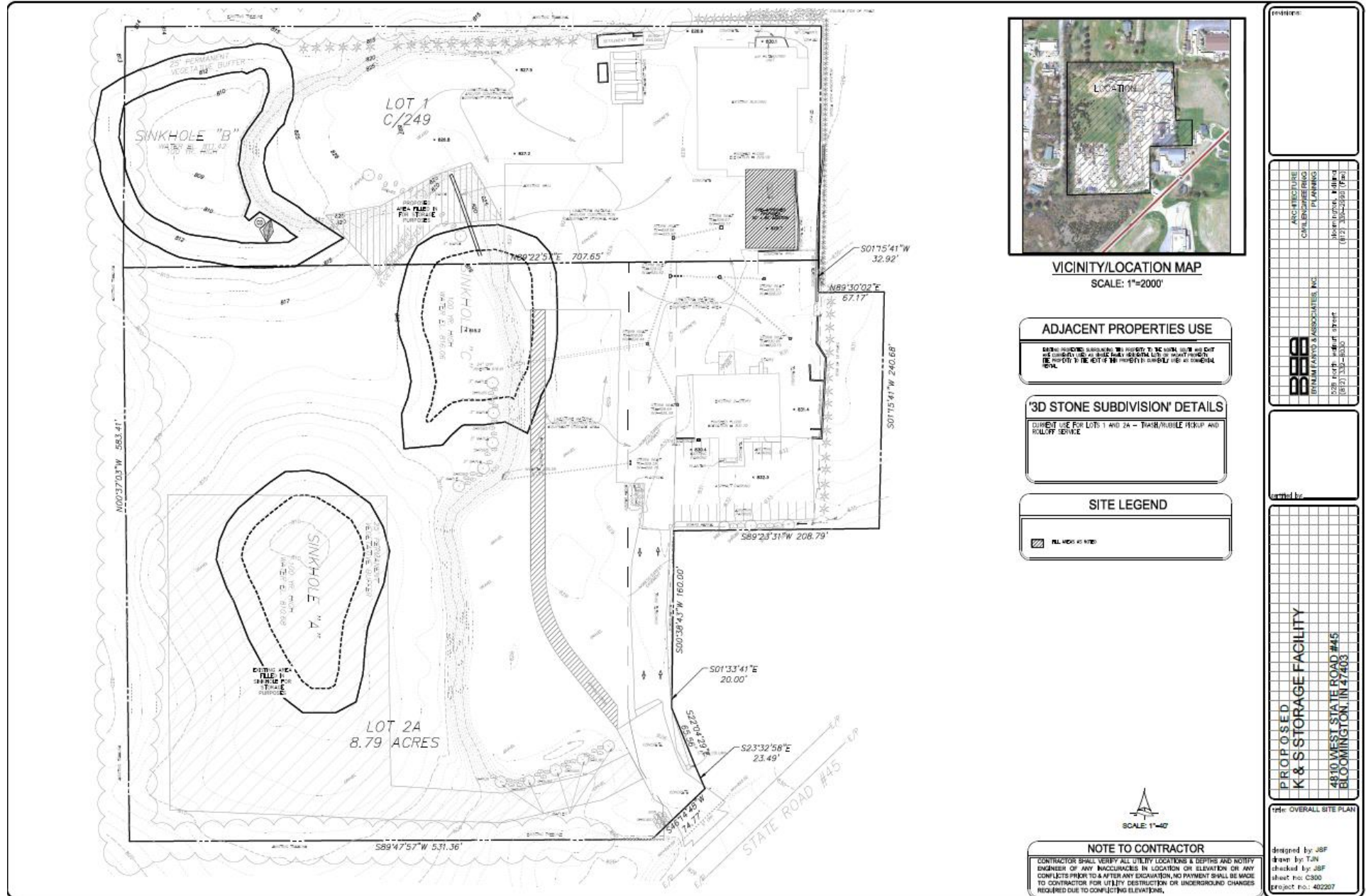


EXHIBIT 3: 1998 Whaley PUD Ordinance

PLAN COMMISSION ORDINANCE # 98-13

For: Donald Whaley PUD - Amendment 1 (David Whaley)

An ordinance to amend the Outline Plan for the Donald Whaley PUD (Plan Commission Ordinance 98-05, approved February 13, 1998).

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 Outline Plan for the Donald Whaley PUD shall be amended to strike Condition 2 from the original set of conditions, subject to the following additional conditions:

1. That the petitioner submit drainage information required for Drainage Board to the Planning Department as part of the development plan file; and
2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the Outline Plan amendment process.

SECTION II.


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 19th day of June, 1998.

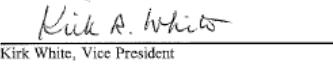
BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes

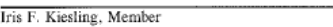
"No" Votes


Norman S. Anderson, President

Norman S. Anderson, President


Kirk White, Vice President

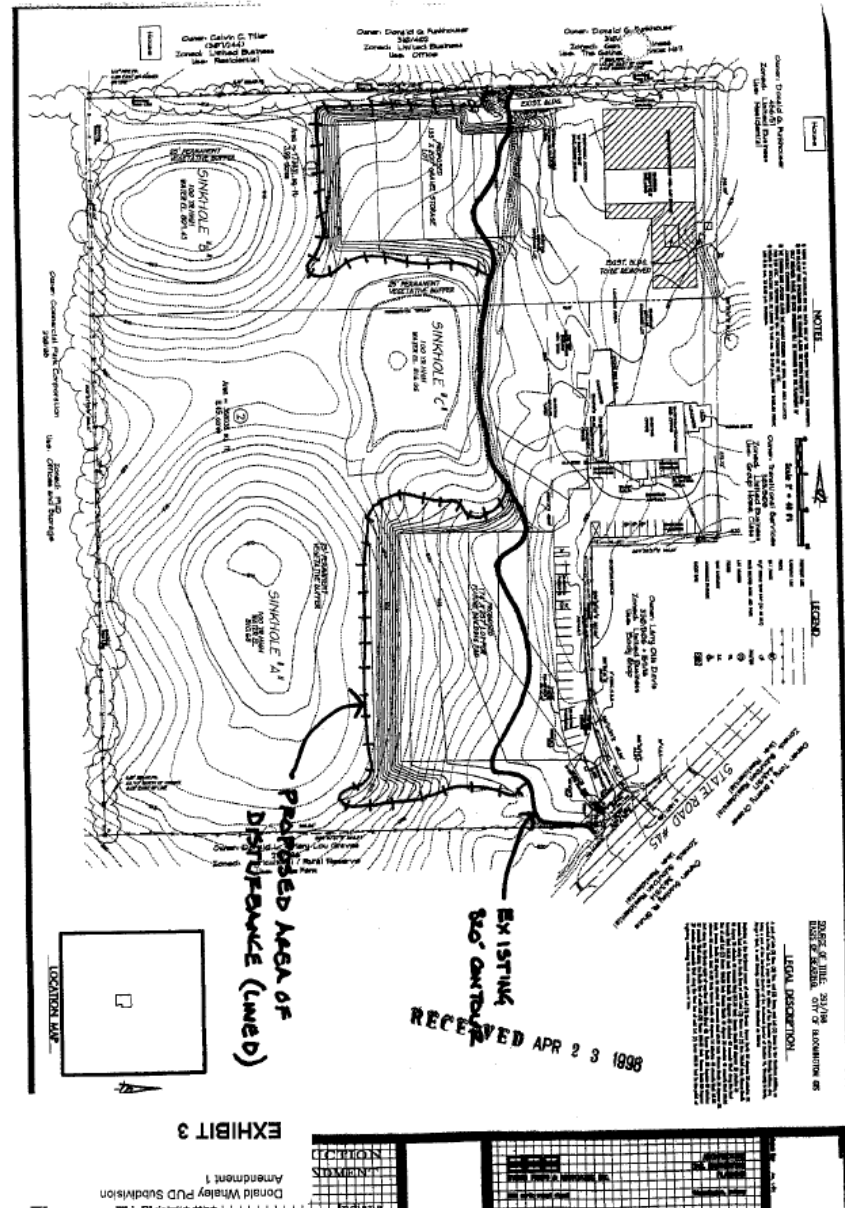
Kirk White, Vice President


Iris F. Kiesling, Member

Iris F. Kiesling, Member

Attest:


Barbara M. Clark, Monroe County Auditor



9804-PIO-01 **Donald Whaley PUD Subdivision, Amendment 1, outline plan**, 3 lots on 12.44 acres, 4810 West SR 45, Van Buren Twp., Section 14, Goodman Plat Lots 1C, 3A, and 7A, zoned PUD, Tape 1, 2160.

MCPC ACTION: Landis read the petition.

Heath read the staff report and recommended motions to approve the PUD outline plan amendment, based on the findings, with the following conditions: that the petitioner submit drainage information required for Drainage Board to the Planning Department as part of the development plan petition file; and that no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the outline plan amendment process. (a part of the file)

Williams stated a right-of-way dedication of 50 feet from the center of State Road 45, classified as a Minor Arterial, is required in accordance with the Thoroughfare Plan. Drainage issues are; the minimum floor elevations shall be 2 feet above the 100 year flood elevation; the floodplain should be delineated with a drainage easement, and; detention is necessary because a portion of the site drains to a waterway where residences experience flooding problems.

Sherman Bynum represented the petition, he is requesting an amendment to the conditions of approval or the PUD Outline Plan, in order to enable further development of the area west of the 820-foot contour line as shown on the USGS map. This is due to a result of a conflicting interpretation between staff and petitioner as to the intent of Condition #2 of the original outline plan approval.

Landis asked if there were any remonstrators.

There were no remonstrators.

Landis asked Stevenson if the filling would cause drainage problems.

Stevenson stated the filling doesn't have final approval because it does involve a sinkhole. The petitioner has submitted some calculations, but the project appears not to be flooding any properties.

Landis stated before completion of the project the drainage plans will have to be submitted and approved by staff.

Ellington state that floodplain maps are not always accurate.

Enright stated that the calculations of 13,000 square feet are incorrect. Enright calculates 69,000 square feet will be filled, going by measurements in the plan

Sherman Bynum stated the difference is the fill below the 829 contour line; the 13,000 square feet is within the sinkhole rim.

Hayes asked Bynum if he was building on a sinkhole within 100 year floodplain..

Bynum stated no.

Hayes asked if he had been filling before he had approval to build up the sinkhole.

Bynum stated no.

Ingle asked what the slope of the graded area would be.

Bynum stated 3:1.

Enright stated he had concerns with removing the previous condition of approval and that he was uncomfortable with amendments.

Ellington moved, Anderson seconded, to approve 9804-PIO-04 based on the findings.

The vote was seven ayes to 1 nay (Enright). Motion carried.

Staff Report
MCPC - 05/19/98

9804-PIO-01 Donald Whaley PUD Subdivision, Amendment 1, outline plan, 3 lots on 12.44 acres, 4810 West SR 45, Van Buren Twp., Section 14, Goodman Plat Lots 1C, 3A, and 7A, zoned PUD.

EXHIBITS:

1. Location/Topographic Map, 05/19/98.
2. Petitioner's Letter, 05/04/98.
3. Outline Plan Map, Revised Version, 04/23/98.

RECOMMENDED MOTION: Approve the PUD outline plan amendment, based on the findings, with the following conditions:

1. That the petitioner submit drainage information required for Drainage Board to the Planning Department as part of the development plan petition file; and
2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the outline plan amendment process.

SUMMARY

The petitioner is requesting amendment of the conditions of approval for the PUD Outline Plan, in order to enable further development of the area west of the 820-foot contour line as shown on the USGS map. This petition is a result of a conflicting interpretation between staff and the petitioner as to the intent of Condition #2 of the original outline plan approval. Staff's interpretation indicates little room for discretion, whereas the petitioner's stance is to treat this condition as subject to the specifications of Chapter 829 of the County Zoning Ordinance. Staff does not see any major impact on the environmental conditions of the region by approving this amendment, assuming all other requirements of the Zoning Ordinance are followed, especially those for erosion control.

PUD OUTLINE PLAN

Findings: The criteria for assessment of outline plans, from Section 811-5 of the County Zoning Ordinance, do not apply to this petition. The essential item for discussion with this petition is the requirement of the original outline plan approval, condition #2, which states

"That no additional disturbance of the site occur within a 25-foot buffer of the compound sinkhole located on the west portion of the site. This area is currently defined by the 820-foot contour according to the USGS maps on the County's GIS, but may be modified if further site analysis determines the exact location of the contour."

The petitioner states in his request (see Exhibit 2) that this line would be subject to adjustment given the development standards of Chapter 829 of the County Zoning Ordinance. The Drainage Engineer indicated that the development of this area is not an issue from the standpoint of County Drainage Code. Given the existing flood characteristics on-site, staff does not believe this amendment would result in negative impacts on the regional karst environment. Staff believes, however, that close monitoring is in order, and that the Plan Commission should stress due diligence on the part of the petitioner and on the petitioner's representatives to see the requested development through to completion.





**Andrews
Harrell
Mann
Chapman
&
Coyne
P.C.**

William H. Andrews*
Harold A. Harrell*
Robert D. Mann*
Ronald L. Chapman
Michael L. Carmin
Susan H. Nelson*
Angela F. Parker
Stacey E. Evans
R. Kent Warren
Kimberleigh Lowman

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*Certified Civil Mediator
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Web Site
ahmcc@ahmcc.com
E-mail

Donald Whaley PUD Subdivision
Amendment 1

EXHIBIT 2

RECEIVED

MAY 06 1998

MONROE COUNTY PLANNING

May 4, 1998

Heath Eddy
Monroe County Planning Department
Courthouse
Bloomington, IN 47404

Re: Petition 9802-PUD-01 - Don Whaley
Our File No.: 7255-3

Dear Heath:

This letter is submitted on behalf of Donald Whaley pertaining to the request for amendment to condition of approval number 2 for the planned unit development. This letter should serve as petitioner's statement in support of the requested amendment.

Petitioner seeks clarification of a condition for approval or, in the alternative, an amendment to the condition of approval. The condition restricted additional disturbance of the site within the 25-foot buffer of the compound sinkhole and determined that the compound sinkhole rim would be defined by the 820-foot contour line according to the USGS map. The condition of approval also indicated that the 820-foot contour line as shown on the USGS map could be modified if specific site analysis determined the exact location of the 820-foot line in an area other than as shown on the USGS map.

Petitioner does not propose land disturbance activities within the 25-foot buffer of the 820-foot contour line. Petitioner does propose to establish the 820-foot contour line by fill activities in accordance with Chapter 829 of the Zoning Ordinance, pertaining to karst and sinkhole development standards. It is petitioner's contention that the original condition of approval allowed for modification of the contour line and that the standards imposed by Chapter 829 are the appropriate standards to use for this purpose. However, if the interpretation of the Plan Commission action, as ultimately approved by the Monroe County Commissioners, was that the existing 820-foot contour line, wherever it might be located, is the controlling factor, then petitioner is requesting an amendment to that condition to permit the reestablishment of the 820-foot contour line in accordance with the plan that has

Monroe County Planning Department
May 4, 1998
Page 2

been submitted with this petition.

Petitioner proposes that fill activity conducted in accordance with Chapter 829 would establish the 820-foot contour line. The hydrology report previously submitted has determined that the water holding capacity of the compound sinkhole is far in excess of the drainage requirements for a hundred year flood. Protection of the specific discharge points for the three sinkholes located within the rim of the compound sinkhole will be adequately provided for by vegetative cover and, until stabilization of any fill activity, with appropriate erosion control systems, including silt screening. The specific details of the erosion control measures and protection of the sinkhole discharge points would be encompassed in the details of a development plan to be submitted to the Plan Commission following final action on this petition.

If you have any questions or if you require additional information, please feel free to contact me or Sherman Bynum at Bynum Fanyo & Associates, Inc. Please include this letter with the packet submitted to the Plan Commission members as the petitioner's statement.

Very truly yours,

Michael L. Carmin
Michael L. Carmin

MLC/mjk
cc: David Whaley
Sherman Bynum

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

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

I, David Hall, hereby certify that during its meeting on May 19, 1998, the Monroe County Plan Commission considered petition #9804-PIO-01 for an amendment to the Donald Whaley PUD Outline Plan (Plan Commission Ordinance #98-05) and made a recommendation to approve thereon with conditions, based on the findings, with a vote of 7-1.

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



David Hall
Interim Planning Director

6/4/98

Date

EXHIBIT 4: Whaley PUD Permitted Uses

Donald Whaley PUD List of Permitted Uses

Agricultural Uses

Agricultural Uses (22)
Feed Mill (6, 25)
Stockyard (24)

Public, Semipublic, and Office Facilities

Day Care Facility (30)
Office
Office Showroom
Telecommunications Tower (32)
Telephone and Telegraph Services (32)
Utility Service Facility (31)
Wastewater Treatment Facility (15)
Water Treatment Facility

Business and Personal Services

Air Cargo and Package Service (6)
Aircraft Charter Service
Appliance Repair (6)
Auction House
Convenience Storage (4, 6, 21)
Dry Cleaning and Laundry Service
Electrical Repair (6)
Exterminating Service
Gunsmith
Industrial Equipment Repair (7, 16)
Locksmith
Office Equipment Repair (6)
Parking Facility (31)
Real Estate Sales Office (9)
Remote Garbage/Rubbish Removal Facility (34)
Small Engine and Motor Repair (6, 21)
Taxidermist (6)
Upholstery Service
Veterinary Service (10)

Retail and Wholesale Trade

Bakery (Wholesale) (7, 15)
Building Materials (7, 31)
Cabinet Sales
Fertilizer Sales (Packaged) (7, 21)
Florist (Wholesale)
Garden Center
Heavy Machinery Sales (7)
Industrial Supplies

Automotive and Transportation Services

Automotive Paint Shop
Automotive/Boat Repair Shop (6)
Automotive Tire Repair (7, 21)
Cold Storage Plant
Transfer or Storage Terminal (7)
Wrecker Service (7)

Manufacturing, Mining, Construction, and Industrial Uses

Apparel (7, 16)
Appliance Assembly (7, 16)
Beverage Products (7, 16)
Bottling Machinery (7, 16)
Commercial Printing (6)
Construction Trailer (17)
Cut Stone and Stone Products (15)
Electronic Devices and Instruments (7, 16)
Engineering and Scientific Instruments (7, 16)
Food Products (15)
Furniture (15)
General Contractor (15)
Jewelry Products (7, 16)
Laboratories (16, 17)
Leather Goods (7, 16)
Machine Assembly (15)
Machine Shop (15)
Metal Fabrication (15)
Metalworking Machinery (15)
Musical Instruments (7, 16)
Office and Computer Equipment (7, 16)
Optical Instruments and Lenses (7, 16)
Paper Products (15)
Plastic Products Assembly (7, 16)
Plating and Polishing (15)
Sign and Advertising Displays (7, 15)
Warehousing and Distribution Activities (7, 16)
Watches and Clocks (7, 16)
Welding (7, 15)
Wood Products (7, 15)

9712-PIO-02
Donald Whaley

Exhibit 7

List of Permitted Uses

EXHIBIT 5: Hydrogeology inc. Report

hydrogeology inc.

1211 S Walnut St
Bloomington, IN 47401

DRAFT

K&S Rolloff Inc.
4810 IN-45
Bloomington, IN 47403

Date: November 1, 2022

Contact:
Jason Krothe

Phone:
812-219-0210

Email: jkrothe@hydrogeologyinc.com

Subject:
**4810 IN-45 – Karst Survey
Bloomington, IN
]**

K&S Rolloff Inc.:

Hydrogeology Inc. (Hydrogeology) respectfully submits this summary report for the karst survey conducted at 4810 IN-45 Bloomington, IN 47403 (the Site, Figure 1).

1 – Overview

The Site is located at 4810 IN-45 in Bloomington, Indiana and is approximately 13-acres (Figure 2). The purpose of this survey was to inspect two sinkholes at the Site and make recommendations for current and proposed land use within the sinkholes.

2 - Geology / Physiography

The Site is in the Mitchell Plateau physiographic region, which is one of the primary karst forming areas in Indiana. The bedrock at the Site is the St. Louis Limestone (Hasenmueller, Estell, Keith, and Thompson, 2008). The St. Louis is composed primarily of limestone but includes small amounts of shale, dolostone, sandstone, and chert (Carr, Leininger, and Golde, 1978). It is typically between 104 and 150 feet thick in the Bloomington area (Hasenmueller, Estell, Keith, and Thompson, 2008). The St. Louis Limestone is one of the major karst forming bedrock units in Indiana.

3 – Sinkholes & Springs

Sinkholes are surface depressions that form in a variety of ways in karst areas (Figure 3). Sinkholes will often time have a swallow hole, which is an opening in the ground where water infiltrates. Groundwater flow in karst areas is predominantly fracture flow, meaning the bedrock itself has low permeability while the fractures in the bedrock are open conduits that allow water, soil, and other materials to travel quickly through the subsurface. Water that drains into a sinkhole can eventually discharge at a karst spring (Figure 4). Two previous groundwater dye traces have been conducted in the vicinity of the Site. Both dye traces showed groundwater flow direction was to the southeast,

discharging at Leonard Springs (Figure 5). Water infiltrating at the Site likely eventually flows to Leonard Springs.

4 – Karst Desktop Review

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

5 – Karst Field Survey

Hydrogeology conducted a field review of the Site on October 4, 2022. Sinkhole locations can be seen on Figure 6. Photographs of each sinkhole can be found in Appendix A.

SH-01 – SH-01 is 485 feet long, 320 ft wide, and approximately 5 feet deep, with an area of 2.14 acres. The dimensions for the sinkhole are based on the last closed topographic contour for the sinkhole on 1-foot LIDAR data. A portion of the sinkhole is located outside of the property boundary. Approximately 1.47 acres of sinkhole has been graveled and is currently being used as a lay-down area and for parking. No areas of standing water or signs of standing water were observed within the sinkhole. No soil piping or areas of subsidence were observed.

Mitigation Measures: SH-01 shows no signs of impacts such as standing water or subsidence from the existing uses as a lay-down area and parking. Currently there are no obvious signs that the existing land use within the sinkhole is adversely impacting the sinkhole or groundwater recharge.

SH-02 – SH-02 is 200 feet long, 160 ft wide, and approximately 5 feet deep, with an area of 0.6 acres. The dimensions for the sinkhole are based on the last closed topographic contour for the sinkhole on 1-foot LIDAR data. Approximately 0.2 acres of the sinkhole has been filled with pulverized concrete. The top of the concrete fill is approximately 826 ft in elevation. No areas of standing water or signs of standing water were observed within the sinkhole. No soil piping or areas of subsidence were observed.

Mitigation Measures: SH-02 shows no signs of impacts such as standing water or subsidence from the existing concrete fill. Currently, there are no obvious signs that the existing land use within the sinkhole is adversely impacting the sinkhole or groundwater recharge. However, the top of the fill has an elevation of approximately 826 ft, which is higher than adjacent properties. Continuing to fill at this elevation will eventually cause

hydrogeology inc.

1231 S Walnut St
Bloomington, IN 47401

surface water run-off to adjacent properties that are lower in elevation. To prevent run-off to adjacent properties, any new fill should have a maximum elevation of 809 ft.

6 – Study Limitations

The identification of karst features at the Site was limited to surface inspection. No subsurface investigations were conducted. Undocumented karst features are possible in the subsurface.

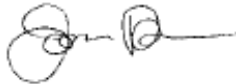
7 – Summary

Two sinkholes were investigated at the Site. SH-01 is currently being used a lay-down area and for parking. No obvious impacts from the existing land use were observed during the field survey. If any signs of subsidence or soil piping are observed in the future, the sinkhole should be reevaluated by a karst expert. SH-02 has been partially filled with pulverized concrete. No obvious impacts from the existing land use were observed during the field survey. However, the top of the fill area is at an elevation higher than surrounding properties, which could result in surface run-off to those properties. To prevent run-off to adjacent properties, any new fill should have a maximum elevation of 809 ft. If any signs of subsidence or soil piping are observed in the future, the sinkhole should be reevaluated by a karst expert. The karst field survey was limited to surface inspection with no subsurface investigation. Unknown karst features are possibly present in the subsurface at the Site.

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

Sincerely,

Hydrogeology Inc.



Jason N. Krothe, LPG IN-2511
President

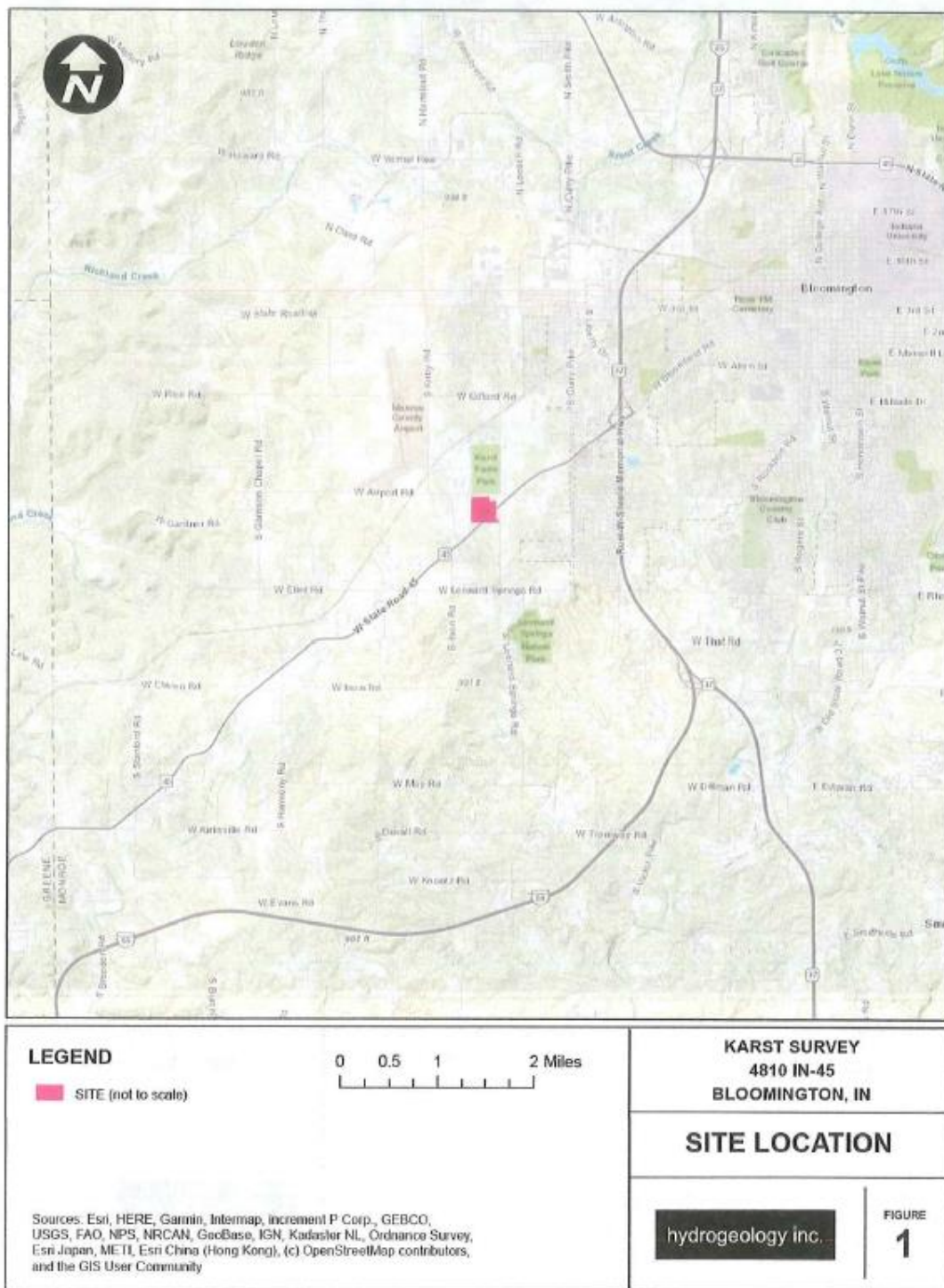
hydrogeology inc.

1211 S Walnut St
Bloomington, IN 47401

References

Carr, D. D., Leininger, R. K., and Golde, M. V., 1978, Crushed stone resources of the Blue River Group (Mississippian) of Indiana: Indiana Geological Survey Bulletin 52, 225 p.

Hasenmueller, W. A., Estell, C. M., Keith, B., and Thompson, T. A., 2009, Bedrock geologic map of Monroe County, Indiana: Indiana Geological Survey Miscellaneous Map 73, scale 1:48,000.





LEGEND

SITE

0 50 100 200 Feet

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

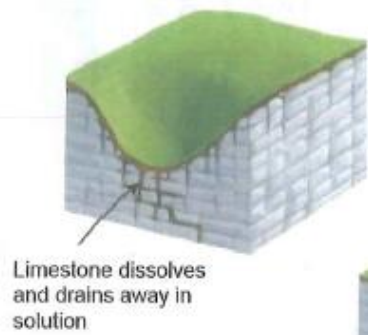
KARST SURVEY
4810 IN-45
BLOOMINGTON, IN

SITE

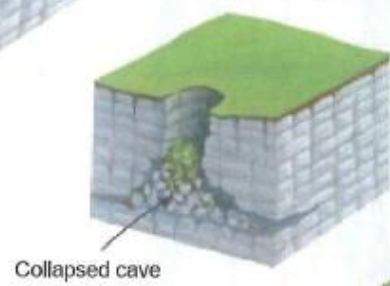
hydrogeology inc.

FIGURE
2

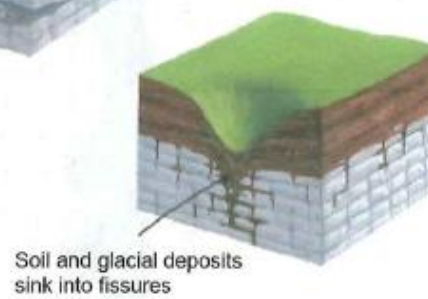
Solution Sinkhole



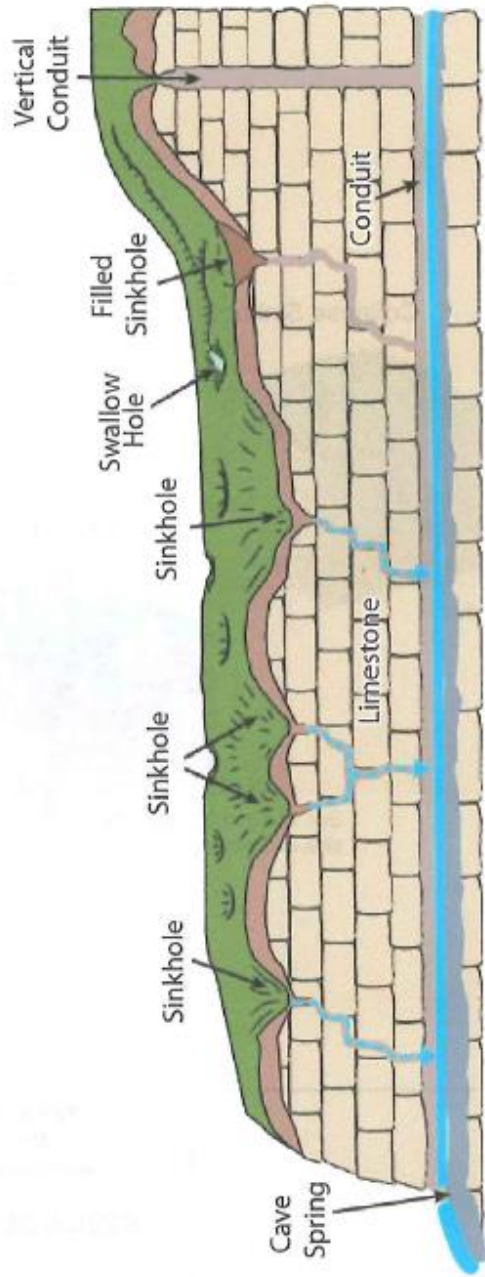
Collapse Sinkhole



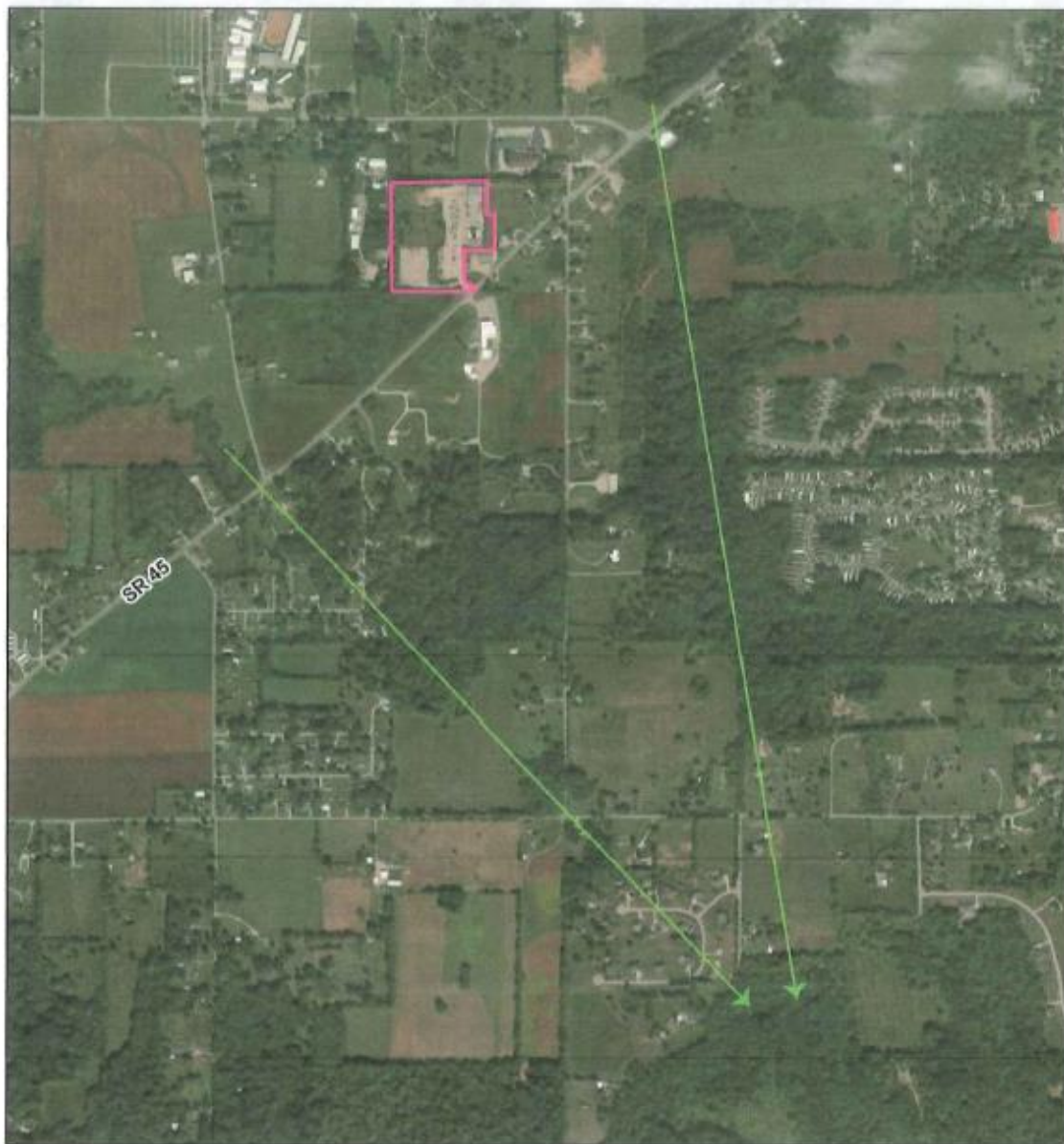
Subsidence Sinkhole



	KARST SURVEY 4810 IN-45 BLOOMINGTON, IN	
	SINKHOLE TYPES	
	hydrogeology inc.	FIGURE 3



<p>KARST SURVEY 4810 IN-45 BLOOMINGTON, IN</p>	
<p>CONCEPTUAL KARST CROSS SECTION</p>	
<p>hydrogeology inc.</p>	<p>FIGURE 4</p>



LEGEND

SITE

↓ DYE TRACE FLOW-PATH

0 500 1,000 Feet

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

**KARST SURVEY
 4810 IN-45
 BLOOMINGTON, IN**

DYE TRACES

hydrogeology inc.

FIGURE
5



LEGEND

- SITE
- SINKHOLE

0 50 100 200 Feet

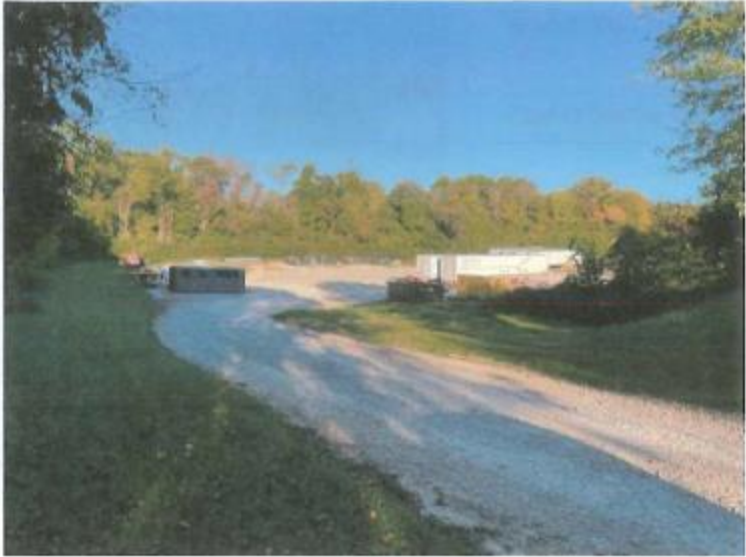
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community


KARST SURVEY
4810 IN-45
BLOOMINGTON, IN


SINKHOLES

hydrogeology inc.


FIGURE
6

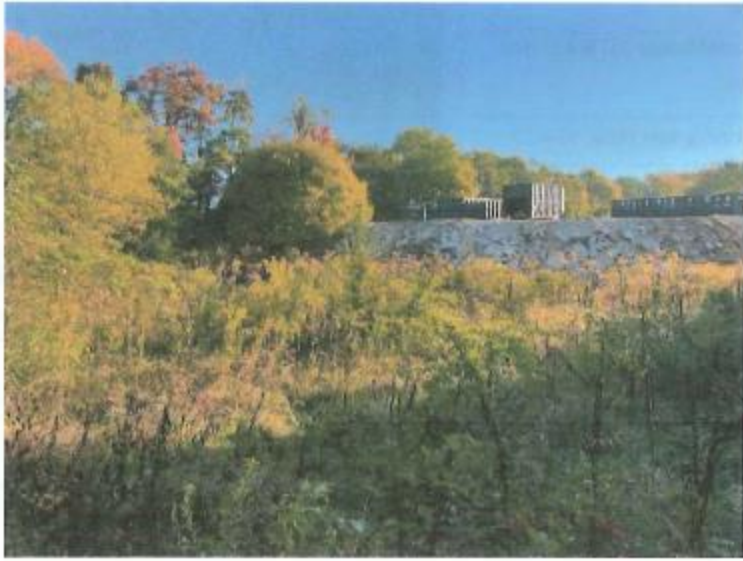
Photograph Number: 1	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	


Photograph Number: 2	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	

Photograph Number: 3	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	

Photograph Number: 4	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	

Photograph Number: 5	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	

Photograph Number: 6	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-02.	
Recommended treatment: NA	

Photograph Number: 7	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-02.	
Recommended treatment: NA	


Photograph Number: 8	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-02.	
Recommended treatment: NA	

EXHIBIT 6: IDEM Letter



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-8027 • (317) 232-8803 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

November 21, 2022

VIA E-MAIL

Keith Kline
K & S Rolloffs, LLC
4810 West State Road 45
Bloomington, Indiana 47403
kshaulingkeith@yahoo.com

Dear Mr. Kline:

Re: **Inspection Summary Letter**
K & S Rolloffs, LLC
4810 West State Road 45
Bloomington, Monroe County

On November 17, 2022, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of the above-referenced property, located at 4810 West State Road 45, Bloomington, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: Complaint Incident # 104334

Results of Inspection: No violations were observed (see attached inspection report).

Please direct any questions regarding this letter to Mr. Tim Hotz, (317) 407-0082 or thotz@idem.in.gov.


Sincerely,

Kelly B. Hall, Section Chief
Solid Waste Compliance
Office of Land Quality

Enclosure

cc: Monroe County Health Department
Monroe County Solid Waste Management District



	REPORT OF OPEN DUMP INSPECTION State Form 42033 (r/2-00)	Inspector Name: Tim Hotz Inspector Phone: 317-407-0082
	Indiana Department of Environmental Management Solid Waste Compliance Section Office of Land Quality 100 North Senate Avenue, Room N-1101 Indianapolis, Indiana 46204-2251	Inspection Date: 11/17/2022 Time In: 10:00 am Time Out: 10:45 am

GENERAL INFORMATION		
Name of registration or Tempo (RM): K&S Rolloffs #104334	Location: 4810 W SR 45, Bloomington	County: Monroe
INX #: 00068224	Parcel ID #: 53-09-14-102-001.000-015	Parcel Acreage: 13.34
PROPERTY OWNER(S)		
Name(s) of property owner(s) and/or Company: K&S Rolloff Holdings, LLC Keith Kline, Vice-President		
Address (number, city, state, and zip code): 4810 W SR 45, Bloomington, IN 46184		
Email Address: kshaulingkeith@yahoo.com		Telephone #: (812) 333-0400
RESPONSIBLE PARTY(IES)		
Name(s) of property owner(s) and/or Company: Click here to enter text.		
Address (number, city, state, and zip code): Click here to enter text.		
Email Address: Click here to enter text.		Telephone #: Click here to enter text.

ACREAGE								
<input type="checkbox"/>	020	Less Than ¼ Acre	<input checked="" type="checkbox"/>	021	Between ¼ Acre & 1 Acre	<input type="checkbox"/>	022	Greater than 1 Acre
SOLID WASTE OBSERVED								
<input type="checkbox"/>	001	Tires	<input type="checkbox"/>	002	PCB's	<input type="checkbox"/>	003	Household Waste
<input type="checkbox"/>	004	Asbestos	<input type="checkbox"/>	006	Construction/Demolition Waste	<input type="checkbox"/>	007	Bulky Waste
<input type="checkbox"/>	008	Other Waste						
ACTIVE CONDITIONS								
<input type="checkbox"/>	015	Strong Odor	<input type="checkbox"/>	016	Waste Paper Dated Post Last Inspection	<input type="checkbox"/>	017	Vectors
<input type="checkbox"/>	018	Putrescible Waste	<input type="checkbox"/>	019	Other Evidence of Recent Dumping			
PARAMETERS OBSERVED								
<input type="checkbox"/>	009	Evidence of Burning	<input type="checkbox"/>	010	Waste in Water/Wetland	<input type="checkbox"/>	011	Waste in Suspected Floodway
<input type="checkbox"/>	012	Residence within 600 feet of Waste	<input type="checkbox"/>	013	Access Unrestricted	<input type="checkbox"/>	014	Permission Given to Dump
GENERAL INFORMATION								
<input checked="" type="checkbox"/>	023	Pictures Taken	<input checked="" type="checkbox"/>	038	Initial Inspection	<input type="checkbox"/>	039	Follow-Up Inspection
REFERRALS								
<input type="checkbox"/>	027	Air Management	<input type="checkbox"/>	028	Emergency Response	<input type="checkbox"/>	029	Water management
<input type="checkbox"/>	030	Enforcement	<input type="checkbox"/>	031	Hazardous Waste	<input type="checkbox"/>	032	Dept. of Natural Resources
<input type="checkbox"/>	034	Co. Health Dept./Solid Waste Mgmt District						
COMPLIANCE ACTION NEEDED								
<input type="checkbox"/>	024	Remove waste to approved solid waste management facility	<input type="checkbox"/>	025	As specified below	<input checked="" type="checkbox"/>	026	No Action Needed (In Compliance)

Comments: An anonymous complaint (TEMPO # 104334) was received that K&S Rolloffs was depositing concrete material with plastic liners attached from concrete washout dumpsters. This concrete/plastic material was being pushed into a sinkhole on the property.

On 11/17/22, Solid Waste Inspector, Tim Hotz, met with Mary Beth King, Compliance Officer with the Monroe Co. Solid Waste District at the site. We found the area where a large number of rolloffs are being stored at the north end of the property. It appears as if this part of the property has been expanded over time by filling with clean fill materials. Observed today was lots of unpainted concrete, of various sizes, dumped on the west and north banks of the lot. Some of the larger pieces of concrete did have remnants of black plastic sticking out of it, probably what was used as liner material in the bed of the rolloff. In a discussion with the Vice President, Keith Kline, he stated that K&S Rolloff employees use a jackhammer to break up the large pieces of concrete and dispose of any black plastic that is released. There was no loose black plastic material observed. This area where the concrete was observed does not appear to be in a sinkhole.

Due to a de minimis amount of plastic observed embedded in the concrete, this complaint is being closed out, with no violations observed.

Confidential Information

In accordance with 329 IAC 6.1 (<http://www.in.gov/legislative/iac/T03290/A00061.PDF>) a person submitting information to the department for which confidential treatment is requested shall make a written claim of confidentiality at the time of submittal of the information. A person may request confidential treatment of information at the time the information is acquired through the actions of the department, such as inspections. The written claim for confidential treatment may be broad, but must be sufficiently clear to allow for accurate identification of the information claimed to be confidential. In accordance with 329 IAC 6.1-4-1(d), supporting information must be submitted to the commissioner within five (5) working days from the time the information claimed as confidential is acquired by the department. A person submitting a claim of confidentiality shall designate and segregate the information and the supporting information to which the claim applies in a manner that is sufficiently clear to allow the department to identify all confidential claim materials. Confidential information may include (but is not limited to) written or printed material, maps, charts, photographs, or samples (see definition of information at 329 IAC 6.1-2-8). The undersigned Owner/Representative has alleged information acquired during this inspection ☐ does ☒ does not (check one) contain confidential information. A check in the "does" box is not a written claim for confidential treatment of information acquired during this inspection.

Notice of Oral Report

In accordance with IC 13-14-5 an oral report of the inspection was provided to the undersigned Owner/Agent at the conclusion of the inspection. The oral report includes any specific matters discovered during the inspection that the IDEM representative believes may be a violation of a law or of a permit issued by the department. The report does not include matters not evident to the IDEM representative or any fact that indicates an intentional, a knowing, or a reckless violation.

Received by: Keith Kline	E-mail Address: kshaulingkeith@yahoo.com
Date Emailed by Inspector: Click here to enter a date.	<input checked="" type="checkbox"/> Needs Mailed



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

Back side of rolloff lot. Large pieces of concrete, some embedded with pieces of plastic.



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

Back side of rolloff lot. Large pieces of concrete, some embedded with pieces of plastic.



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

Back side of rolloff lot. Large pieces of concrete, some embedded with pieces of plastic.

EXHIBIT 7: Enforcement Letter AC-22-21

MONROE COUNTY PLAN COMMISSION
and office of the
MONROE COUNTY BOARD OF ZONING APPEALS
501 N. Morton Street, Suite 224
Bloomington, IN 47404
Telephone: (812) 349-2560 / Fax: (812) 349-2967
<https://www.co.monroe.in.us/departments/structureid=13>



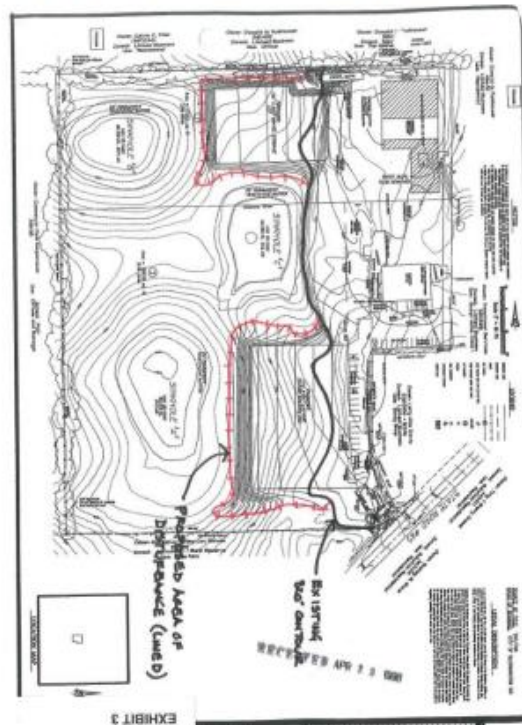
June 8, 2022

K & S Rolloff Holdings LLC
4810 W State Road 45
Bloomington, IN 47403

Enforcement Letter AC-22-21

The property at 4810 W State Road 45 is considered all one property and is 12.34 acres total. The property at 4810 W State Road 45 was rezoned to a PUD in 1997 (9712-PIO-02) after a failed attempt to rezone the property Heavy Industrial. The uses approved under the 1997 PUD rezone closely relate to the Light Industrial (LI) uses, with the inclusion of "Cut Stone and Stone Products" to accommodate the use at that time (3D Stone Company). In 1998, the PUD was amended to change one of the conditions on the petition. The final conditions of approval are:

1. That the petitioner submit drainage information required for the Drainage Board to the Planning Department as part of the development plan file; and
2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3 (see below), be enabled except through the Outline Plan amendment process.



The latest site plan was approved in 2014. Since the approval of the site plan and the issuance of the Land Use Certificate, the property has expanded and filled in two areas of the property that were noted as "Sinkhole A" and "Sinkhole B" under Exhibit 3. According to our records, there were no grading permits issued. Therefore, the filling in of the two sinkholes is a violation of the PUD. As such, you are receiving an enforcement letter that requires compliance. **The required enforcement action includes:**

1. **Submission of a grading permit application that complies with Chapter 829-4 (including a geotechnical report and all other information requested by the MS4 Coordinator) by 6/30/2022.**
2. **Cease all fill activities in any sinkhole areas immediately.**

Please note that failure to comply with the required actions and deadlines in this letter may lead to a civil action being filed against you in the Monroe Circuit Court. Every day a property is not in compliance with an ordinance provision constitutes a separate violation of that provision for which a civil penalty judgment may be entered.

Sincerely,

Jackie Nester Jelen, Director

Cc: Rachel Henry, Zoning Inspector

Tammy Behrman, Assistant Director

David Schilling, Attorney

PLANNER	Daniel Brown
CASE NUMBER	REZ-23-2
PETITIONER	Casey Shake c/o Deckard Land Surveying
ADDRESS	3130 N Smith PIKE, parcel # 53-04-24-101-016.000-011
REQUEST	Rezone Request from AG/RR to MR and LB Waiver of Final Hearing Requested
ACRES	5.04 +/- acres
ZONE	AG/RR
TOWNSHIP	Richland Township
SECTION	24
PLATS	King and Stanger Baby Farms Subdivision Final Plat Amd 2, Lot 22
COMP PLAN DESIGNATION	MCUA Mixed Residential

EXHIBITS

1. Petitioner Letter
2. Original Petitioner Proposed Lot Configuration
3. Updated Petitioner Proposed Lot Configuration
4. Petitioner Proposed Lot Configuration Comparison
5. "AG/RR" Permitted and Conditional Use List
6. "Medium Density Residential" Permitted and Conditional Use List
7. "Limited Business" Permitted and Conditional Use List
8. Chapter 804 Design Standards Comparison

RECOMMENDATION

Recommendation to the Plan Review Committee:

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

Recommended condition:

1. Submit appropriate subdivision application(s) to demonstrate the 1.05-acre portions rezoned LB and MR as a separate lot of record.

Plan Review Committee – June 8, 2023

- Given a positive recommendation to the Plan Commission. An amendment to the proposed rezone was made by the petitioner after the meeting that involved rezoning a sliver of the subject parcel to Limited Business (LB) to be transferred to the adjacent property already zoned LB.

Plan Commission Regular Meeting – July 18, 2023 (Preliminary Hearing)**Plan Commission Regular Meeting – August 15, 2023 (Final Hearing)****SUMMARY**

The petitioner was originally proposing to amend the Zoning Map so that a 1.05-acre portion of the property is rezoned from Agricultural Rural Reserve (AG/RR) to Medium Density Residential (MR).

After the Plan Review Committee meeting, the petitioner made an addition to the proposal requesting that a sliver of the subject parcel, measuring at an estimated 0.09 acres, also be rezoned as Limited Business, so that it may be added to the LB property directly to the north. The newly proposed 0.96-acre MR lot would still satisfy all lot and building requirements listed in Chapter 804 for MR zoning. The remaining 0.09-acre sliver will be transferred to adjacent property to the north through a subdivision process.

The petition site contains a wooded structure, a single-family home constructed in 1899 according to GIS Elevate, along with a 720 sq ft car shed that has a demolition permit on file, R-23-40. The remaining part of the lot is used for agriculture practices. If the request is approved by the County Commissioners, the petitioner intends to file a Final Plat Amendment so that there will be a lot line shift between the remaining AG/RR portion and the AG/RR property to the north (see Exhibit 2). If the rezone request is denied the zoning will remain AG/RR, a zoning district where primarily agricultural and residential uses are permitted.

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

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.

Medium Density Residential (MR) District. The character of the Medium Density Residential (MR) District is defined as that which is primarily intended for residential development in areas in urban service areas, where public sewer service is available. Its purposes are: to encourage the development of moderately-sized residential lots in areas where public services exist to service them efficiently; to discourage the development of nonresidential uses; to protect the environmentally sensitive areas, including floodplain, watersheds, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the MR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.

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

LOCATION MAP

The petition site is one lot of record, parcel number 53-04-24-101-016.000-011. The site is located at 3130 N Smith PIKE in Section 24 of Richland Township.

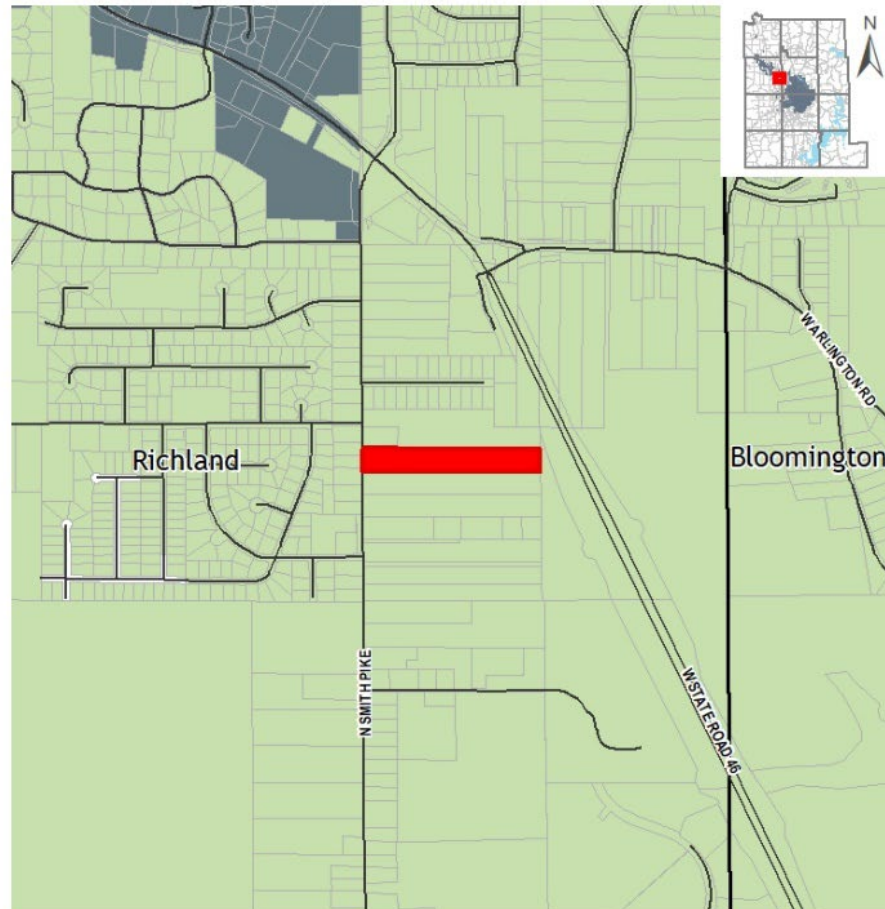
Location Map

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

0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 5/19/2023



ZONING

The zoning for the petition site is Agricultural Rural Reserve (AG/RR). Adjacent zoning is Agricultural/Rural Reserve, Planned Unit Development, Medium Density Residential, Limited Business. The petition site is a currently developed with a Single Family Residence.

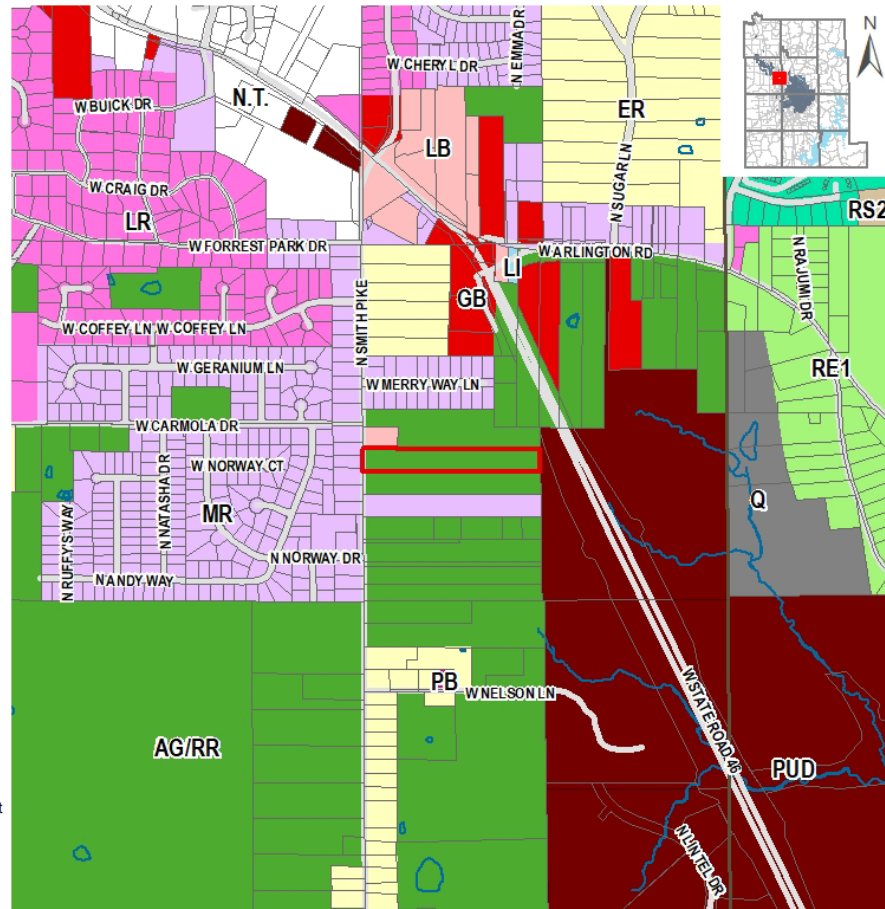
Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
- AG/RR - Agriculture/Rural Reserve
- ER - Estate Residential
- GB - General Business
- LB - Limited Business
- LI - Light Industrial
- LR - Low Density Residential
- MR - Medium Density Residential
- N.T. - No Tag (Outside Juris.)
- PB - Pre-Existing Business
- PUD - Planned Unit Development
- Q - Quarries
- RE1 - Estate Residential 1
- RS2 - Single Dwelling Res. 2
- RS3.5 - Single Dwelling Res. 3.5
- Town of Ellettsville

0 435 870 1,740 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 5/19/2023



COMPREHENSIVE PLAN

The Comprehensive Plan for the petition site is MCUA Mixed Residential. Adjacent Comprehensive Plan zoning is Designated Communities, MCUA Mixed Use, MCUA Suburban Residential.

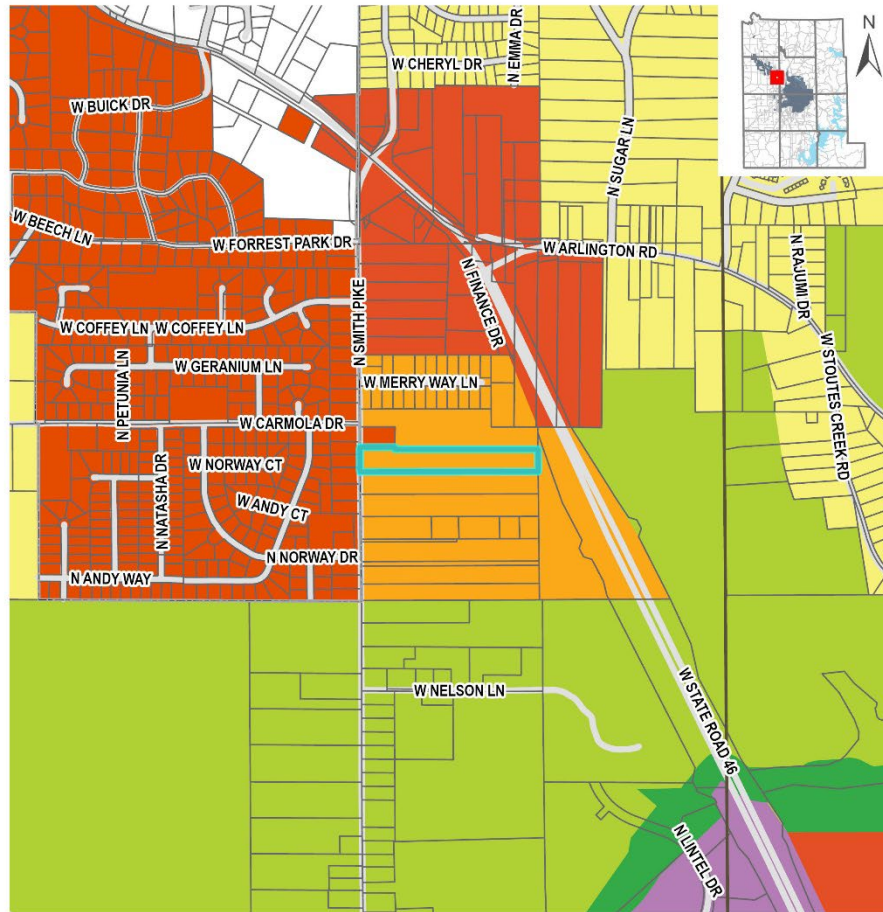
Comprehensive Plan

-  Petitioner
-  Townships
-  Monroe Co. Urbanizing Area (MCUA)
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
 -  Designated Communities
 -  MCUA Conservation Residential
 -  MCUA Employment
 -  MCUA Mixed Residential
 -  MCUA Mixed Use
 -  MCUA Open Space
 -  MCUA Suburban Residential
 -  Town of Ellettsville

0 0.07 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/2/2023



SITE CONDITIONS & INFRASTRUCTURE

The site has frontage along N Smith PIKE, a Major Collector per the 2016 Thoroughfare Plan. There are no known karst features. The property is somewhat narrow at 170' approximately in width.

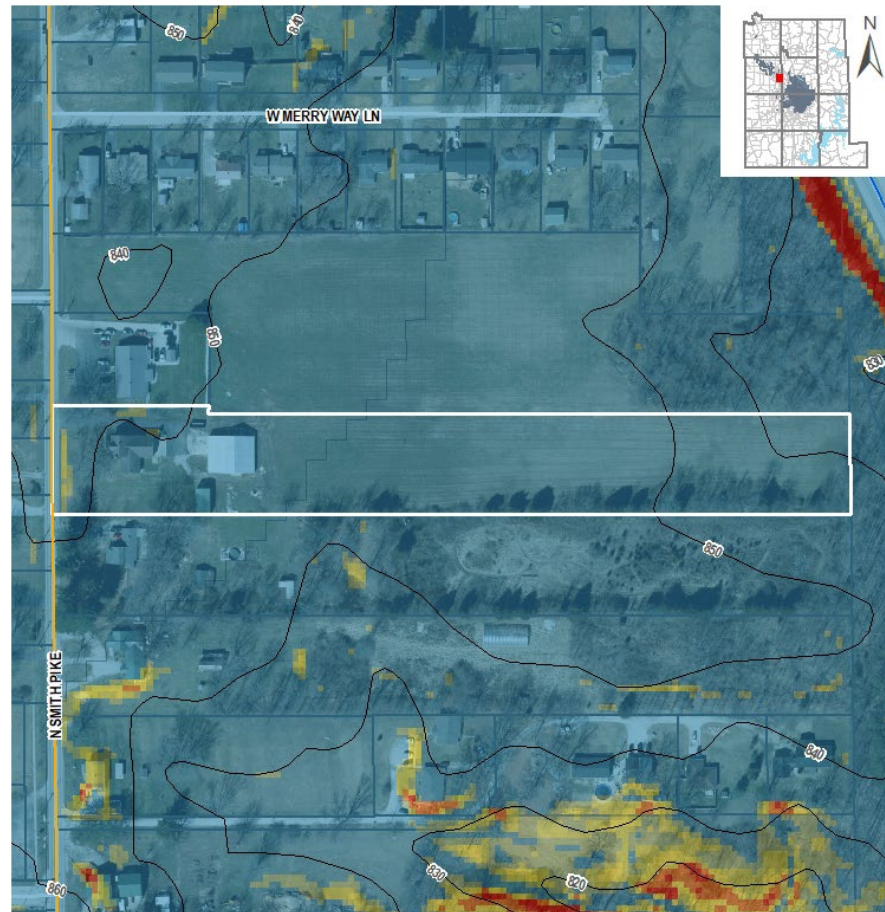
Site Conditions Map

- Major Collector [70']
- Major Arterial [150']
- Petitioner
- 10-Foot Contours
- Percent Slopes**
 - 0 - 12%
 - 13 - 15%
 - 16 - 18%
 - 19 - 21%
 - 22 - 24%
 - > 25%
- Local Roads [50']
- ▭ Parcels
- Critical Watersheds**
 - ▭ Jack's Defeat Creek

0 62.5 125 250 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 5/19/2023



SITE PICTURES



Photo 1. Pictometry photo looking north-northeast.



Photo 2. The residential structure on the property.



Photo 3. The front yard of the property.



Photo 4: The field on the property.



Photo 5: A carport on the property.



Photo 6: The rear of the residential structure on the property.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **MCUA Mixed Residential** designation of the Monroe County Comprehensive Plan. Points that align with the proposed rezone are highlighted in **green**. Points that differ are highlighted in **grey**. The plan states the following for this designation:

Mixed Residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity. These neighborhoods are intended to serve growing market demand for new housing choices among the full spectrum of demographic groups. Residential buildings should be compatible in height and overall scale, but with varied architectural character. These neighborhoods are often located immediately adjacent to Mixed-Use Districts, providing a residential base to support nearby commercial activity within a walkable or transit-accessible distance.

A. TRANSPORTATION

Streets. Streets in Mixed Residential Neighborhoods should be designed at a pedestrian scale. Like Mixed-Use Districts, the street system should be interconnected to form a block pattern, although it is not necessary to be an exact grid. An emphasis on multiple interconnected streets which also includes alley access for services and parking, will minimize the need for collector streets, which are common in more conventional Suburban Residential neighborhoods. Cul-de-sacs and dead-ends are not appropriate for this development type. Unlike typical Suburban Residential subdivisions, mixed residential development is intended to be designed as walkable neighborhoods. Most residents will likely own cars, but neighborhood design should de-emphasize the automobile.

Bike, Pedestrian, and Transit Modes. Streets should have sidewalks on both sides, with **tree lawns of sufficient width to support large shade trees**. Arterial streets leading to or through these neighborhoods may be lined with multi-use paths. Neighborhood streets should be designed in a manner that allows for safe and comfortable bicycle travel without the need for separate on-street bicycle facilities such as bike lanes. As with Mixed-Use Districts, primary streets in Mixed Residential neighborhoods should be designed to accommodate transit.

B. UTILITIES

Sewer and Water. **The majority of Mixed Residential areas designated in the Land Use Plan are located within existing sewer service areas.** Preliminary analysis indicates that most of these areas have sufficient capacity for additional development. Detailed capacity analyses will be necessary with individual development proposals to ensure existing infrastructure can accommodate new residential units and that agreements for extension for residential growth are in place.

Power. Overhead utility lines should be buried to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

Communications. Communications needs will vary within mixed residential neighborhoods, but upgrades to infrastructure should be considered for future development sites. Creating a standard for development of communications corridors should be considered to maintain uniform and adequate capacity.

C. OPEN SPACE

Park Types. Pocket parks, greens, squares, commons, neighborhood parks and greenways are all appropriate for Mixed Residential neighborhoods. Parks should be provided within a walkable distance (one-eighth to one-quarter mile) of all residential units, and should serve as an organizing element around which the neighborhood is designed.

Urban Agriculture. Community gardens should be encouraged within Mixed Residential neighborhoods. These may be designed as significant focal points and gathering spaces within larger neighborhood parks, or as **dedicated plots of land solely used for community food production**.

D. PUBLIC REALM ENHANCEMENTS

Lighting. Lighting needs will vary by street type and width but safety, visibility and security are important. Lighting for neighborhood streets should be of a pedestrian scale (16 to 18 feet in height).

Street/Site Furnishings. Public benches and seating areas are most appropriately located within neighborhood parks and open spaces, but may be also be located along sidewalks. Bicycle parking racks may be provided within the tree lawn/landscape zone at periodic intervals.

E. DEVELOPMENT GUIDELINES

Open Space. Approximately 200 square feet of publicly accessible open space per dwelling unit. Emphasis should be placed on creating well-designed and appropriately proportioned open spaces that encourage regular use and activity by area residents.

Parking Ratios. Single-family lots will typically provide 1 to 2 spaces in a garage and/or driveway. Parking for multi-family buildings should be provided generally at 1 to 1.75 spaces per unit, depending on unit type/number of beds. On-street parking should be permitted to contribute to required parking minimums as a means to reduce surface parking and calm traffic on residential streets.

Site Design. Front setbacks should range from 10 to 20 feet, with porches, lawns or landscape gardens between the sidewalk and building face. Buildings should frame the street, with modest side setbacks (5 to 8 feet), creating a relatively continuous building edge. Garages and parking areas should be located to the rear of buildings, accessed from a rear lane or alley. If garages are front-loaded, they should be set back from the building face. Neighborhoods should be designed with compatible mixtures of buildings and unit types, rather than individual subareas catering to individual market segments.

Building Form. Neighborhoods should be designed with architectural diversity in terms of building scale, form, and style. Particular architectural themes or vernaculars may be appropriate, but themes should not be overly emphasized to the point of creating monotonous or contrived streetscapes. Well-designed neighborhoods should feel as though they have evolved organically over time.

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

Private Signs. Mixed Residential neighborhoods should not feel like a typical tract subdivision. It may be appropriate for neighborhoods to include gateway features and signs, but these should be used sparingly and in strategic locations, rather than for individually platted subareas.

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 MCLA Mixed Residential;
- “includes rural property, environmentally sensitive areas,”;
- The intention of the petitioner if the rezone is approved is to allow for the existing home to exist on a smaller lot;

(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 a portion of these 5.04 +/- acres from Agricultural/Rural Reserve (AG/RR) to Medium Density Residential (MR) and Limited Business (LB);
- The current use of the petition parcel is residential and is developed – it has one residential structure and one residential accessory structure on-site;
- Adjacent uses are residential or commercial and adjacent zoning is AG/RR, PUD, MR, and LB;

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

Findings:

- See Findings under Section A and Section B;
- The site consists almost entirely of buildable area (slopes 15% and under);
- There are no known karst features;

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

Findings:

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

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- Access is off of N Smith Pike;
- According to the Monroe County Thoroughfare Plan, N Smith Pike is classified as a Major Collector road;

EXHIBIT 1: Petitioner Letter



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235
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June 8th, 2022

To: Monroe County Planning

RE: Casey Shake 3140 N. Smith Pike, Bloomington, In. 47404 (Rezone)

I have been asked personally by Casey Shake to respectfully request to be placed on the next available Plan Commission agenda. My client wishes to rezone approximately .96 acre of Lot 22 of King & Stanger Baby Farm, a parcel of land that is currently Zoned AG/RR to MR (Medium Density Residential), also rezone a 15 foot wide strip being a part of said Lot 22 lying adjacent to lot 21A currently zoned AG/RR to LB. This would allow the King & Stanger Baby Farm plat to be amended and to place the existing house on a smaller lot being 0.96 acres with an appropriate zoning for the area, adjust the lot line for the veterinarian clinic by 15 feet making the lot 0.96 acres, and place the remaining 10.89 acres agriculture field onto its own separate larger lot with the existing Agriculture zone. The acreage amount will vary slightly with an accurate detailed survey

If there are any questions, please contact this office at (812)961-0235

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric L. Deckard".

Eric L. Deckard L.S.

EXHIBIT 2: Petitioner Proposed Lot Configuration - OLD



EXHIBIT 3: Updated Petitioner Proposed Lot Configuration – includes sliver of LB zoning for anticipated Lot line shift.



EXHIBIT 4: Petitioner Proposed Lot Configuration Comparison

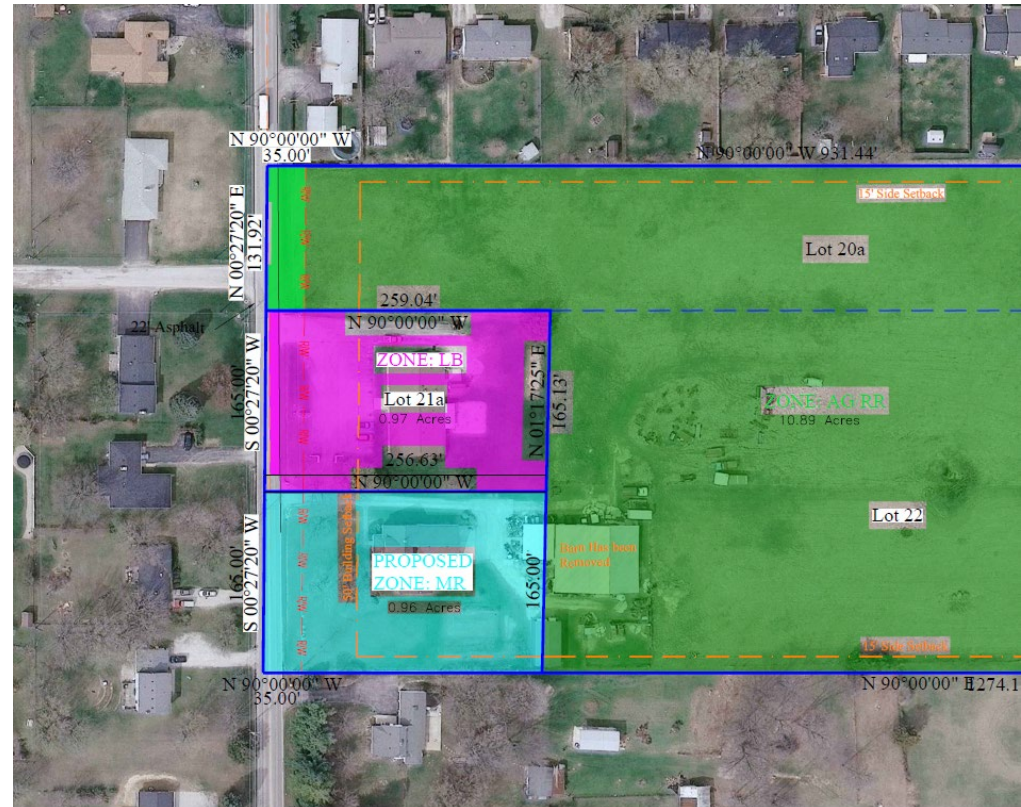


EXHIBIT 5: “AG/RR” Permitted and Conditional Use List

Agricultural Uses	(i)	AG	(C)
Accessory Use		P	53
Accessory Structures for Ag. Use	L	P	
Agriculture	H	P	53
Ag. Event Center, Small	H	C	
Ag. Event Center, Medium	H	C	
Ag. Event Center, High	H	C	
Ag.-Related Industry	H	P	53
Ag. Uses-Land Animal	H	P	22; 53
Ag. Uses-Non Animal	H	P	22; 53
Agritourism / Agritainment	H	P	53
Aquaculture	M	P	22; 53
Christmas Tree Farm	H	P	53
Comm. facilities for the sale, repair, and service of Ag. equip., vehicles, feed, or suppl.	H	C	53
Comm. Non-Farm Animals	M	P	53
Confined Feeding Operations	H	C	24;44
Equestrian Center	H	C	53
Equine Services	L	P	
Feed Lot	H	P	24
Feed Mill	L	P	6;25
Historic Adaptive Reuse		P	15; 44
Horse Farm	L	P	53
Nursery/greenhouse	H	P	53
Orchard	H	P	53
Pick-your-own operation	H	P	53
Roadside farm stand, Permanent	M	P	52
Roadside farm stand, Temporary	L	P	51
Stockyard	H	P	24
Winery	H	P	53

Residential Uses	(i)	AG	(C)
Accessory Apartments	L	P	26
Accessory Dwelling Units	L	P	53; 55
Accessory Livestock	L	P	43
Accessory Use		P	5
Guest House	L	P	
Historic Adaptive Reuse		P	15; 44
Home Based Business	L	P	16
Home Occupation	L	P	16
Residential Storage Structure	L	P	15
Single Family Dwelling	n/a	P	1
Temporary Dwelling	L	P	3; 53
Two Family Dwelling	n/a	P	2
Public & Semipublic	(i)	AG	(C)
Accessory Use		P	13
Cemetery	H	P	
Governmental Facility	H	P	7;40
Historic Adaptive Reuse		P	15; 44
Religious Facilities	H	P	22
Remote Garbage/Rubbish Removal	H	C	34
Solar Farm	L	C	
Telephone and Telegraph Services	L	P	32
Utility Service Facility	M	P	31
Wastewater Treatment Facility	H	C	15
Water Treatment Facility	H	C	
Wired Communication Services	M	P	32

Business & Personal Services	(i)	AG	(C)
Accessory Use		P	13
Artisan Crafts	M	C	15, 22, 44
Bed and Breakfast	L	P	8
Composting Operation	H	P	31; 53
Greenfill	M	P	7;15;22;47
Historic Adaptive Reuse		P	15; 44
Kennel, comm. animal breeding ops.	H	C	10;15; 53
Real Estate Sales office Or Model	L	P	9
Taxidermist	L	P	6
Temporary Seasonal Activity	M	P	46; 54
Tourist Home or Cabin	L	P	48
Veterinary Service (Indoor)	H	C	15
Veterinary Service (Outdoor)	M	C	10; 15
Retail & Wholesale Trade	(i)	AG	(C)
Accessory Use		P	13
Agricultural Sale Barn	H	P	35
Fruit Market	L	P	
Garden Center	H	C	53
Historic Adaptive Reuse		P	15; 44
Automotive & Transportation	(i)	AG	(C)
Automobile Repair Services, Minor	H	C	50; 53
Historic Adaptive Reuse		P	15; 44
Amusement and Recreational	(i)	AG	(C)
Accessory Use		P	13
Camping Facility	H	P	27; 53
Historic Adaptive Reuse		P	15; 44
Park and Recreational Services	H	C	14;20
Private Recreational Facility	H	C	20

Recreational Vehicle (RV) Park	H	C	53
Manufacturing, Mining	(i)	AG	(C)
Accessory Use		P	13
General Contractor	M	C	15
Historic Adaptive Reuse		P	15; 44
Sawmill	H	C	15;22
Wood Products	M	C	7;15

**EXHIBIT 6: “Medium Density Residential”
Permitted and Conditional Use List**

ORDER	USES	INTENSITY		CONDITIONS
1	Agricultural Uses	i	MR	Condition
31	Accessory Apartments	L	P	26
34	Accessory Use		P	5
38	Historic Adaptive Reuse		C	15; 44
40	Home Occupation	L	P	16
41	Manufactured Home Park	M	P	22.39
44	Single Family Dwelling	n/a	P	1
45	Temporary Dwelling	L	P	3; 53
46	Two Family Dwelling	n/a	P	2
47	Public and Semipublic	i	MR	Condition
48	Accessory Use		P	13
50	Cemetery	H	P	
57	Governmental Facility	H	P	7;40
58	Group Home Class I	L	P	
60	Historic Adaptive Reuse		C	15; 44
65	Religious Facilities	H	P	22
70	Telephone and Telegraph Services	L	P	32
72	Utility Service Facility	M	P	31
74	Water Treatment Facility	H	P	
76	Wireless Communications Facilities		C	32
77	Business and Personal Services	i	MR	Condition
86	Bed and Breakfast	L	P	8
103	Historic Adaptive Reuse		P	15; 44
120	Real Estate Sales office Or Model	L	P	9
127	Tourist Home or Cabin	L	C	48
132	Retail and Wholesale Trade	i	MR	Condition
165	Historic Adaptive Reuse		C	15; 44
186	Automotive and Transportation	i	MR	Condition
201	Historic Adaptive Reuse		C	15; 44
213	Historic Adaptive Reuse		C	15; 44
224	Manufacturing, Mining Construction and Industrial	i	MR	Condition
233	Construction Trailer	L	P	17
245	Historic Adaptive Reuse		C	15; 44
283	Multi-Use	i	MR	Condition

EXHIBIT 7: “Limited Business” Permitted and Conditional Use List

1	Agricultural Uses	(i)	LB	(C)
21	Historic Adaptive Reuse		P	15; 44
30	Residential Uses	(i)	LB	(C)
35	Boarding House	L	P	
38	Historic Adaptive Reuse		P	15; 44
47	Public & Semipublic	(i)	LB	(C)
48	Accessory Use		P	13
53	Community Center	L	P	28
55	Daycare Facility	M	P	22;30;42
57	Governmental Facility	H	P	7;40
58	Group Home Class I	L	P	
59	Group Home Class II	L	P	
60	Historic Adaptive Reuse		P	15; 44
62	Medical Clinic	L	P	
65	Religious Facilities	H	P	22
66	Remote Garbage/Rubbish Removal	H	C	34
67	Retirement Center	L	P	
70	Telephone and Telegraph Services	L	P	32
72	Utility Service Facility	M	P	31
74	Water Treatment Facility	H	P	
77	Business & Personal Services	(i)	LB	(C)
78	Accessory Use		P	13
82	Appliance Repair	L	P	6
84	Barber Service	L	P	
85	Beauty Service	L	P	
86	Bed and Breakfast	L	P	8
87	Boat Storage	M	P	41
88	Caterer	L	P	
89	Coin Operated Cleaning/Laundry	L	P	
91	Convenience Storage	M	P	4;6;21
92	Copy Service	L	P	
93	Dry Cleaning and Laundry Pickup	L	P	
95	Electrical Repair	L	P	6
96	Employment Agency	M	P	
97	Equipment Rental	M	P	7;21
98	Estate Services	L	P	
100	Financial Service	M	P	
103	Historic Adaptive Reuse		P	15; 44
106	Insurance Agency	L	P	
107	Interior Decorating	L	P	
109	Legal Service	L	P	
110	Locksmith	L	P	
111	Massage Studio	M	P	
113	Office	L	P	
115	Parking Facility	H	P	31
117	Photographic Services	L	P	
118	Real Estate Agency	L	P	
119	Real Estate Sales office Or Model	L	P	9
120	Shoe Repair	L	P	
121	Small Engine and Motor Repair	L	P	6;21
122	Tailoring	L	P	
124	Temporary Seasonal Activity	M	P	46; 54
126	Travel Agency	L	P	
128	Veterinary Service (Indoor)	H	P	15
130	Retail & Wholesale Trade	(i)	LB	(C)
131	Accessory Use		P	13
134	Apparel Shop	L	P	
137	Bakery (Retail)	L	P	
139	Bookstore	L	P	
143	Camera and Photographic Supply	L	P	
144	Confectionery	L	P	
145	Convenience Store	H	P	
148	Drugstore	M	P	

151	Florist (Retail)	L	P	
153	Fruit Market	L	P	
157	Gift Shop	L	P	
159	Gunshop	M	CU	
160	Handicrafts	L	P	
161	Hardware	M	P	6
163	Historic Adaptive Reuse		P	15; 44
167	Liquor Store	M	P	
170	Meat Market	L	P	
177	Restaurant	M	P	
179	Sporting Goods	L	P	
184	Automotive & Transportation	(i)	LB	(C)
185	Accessory Use		P	13
199	Historic Adaptive Reuse		P	15; 44
206	Amusement and Recreational	(i)	LB	(C)
207	Accessory Use		P	13
211	Historic Adaptive Reuse		P	15; 44
215	Park and Recreational Services	H	P	14;20
222	Manufacturing, Mining	(i)	LB	(C)
225	Accessory Use		P	13
232	Construction Trailer	L	P	17
244	Historic Adaptive Reuse		P	15; 44
280	Adult Oriented Business	(i)	LB	(C)
281	Adult Oriented Businesses	L/M	P	49
282	Multi-Use	(i)	LB	(C)

EXHIBIT 8: Chapter 804 Design Standards Comparison

Requirement	AG	MR	LB
Gross Density	0.40 (J)	4.8	---
Minimum Lot Area (acres)	2.5 (I)	0.21	---
Minimum Lot Width at Building Line	200	60	50
Minimum Required Setbacks (feet)			
Yard Fronting on any Street			
Local	25 (H)	25	25
Minor Collector	35 (H)	35	25
Major Collector	35 (H)	35	35
Minor Arterial	50 (H)	50	50
Principal Arterial	60 (H)	50	50
Side Yards	50 (A)	5 (K)	6
Rear Yard	50 (B)	10	0
Maximum Lot Coverage (AG/RR, CR, FR- Sq. Ft.)	15,000 Square Feet (G)	40	15
Minimum Open Space Area (All Other Zones - percent)			
Maximum Height (feet)	40 Principal Use Structures	35	35
	30 Accessory Use Structures		
Maximum Floor Area Ratio	---	---	0.25

Legend:

(A) 15 foot setback for residential structures and residential accessory structures.

(B) 35 foot setback for residential structures and residential accessory structures.

(C) 75 percent does not apply to agricultural uses.

(D) No setback required when adjoining a rail spur.

(E) Refer to the Environmental Constraints/Lake Watershed Overlay Zone Chapter for further information.

Area 1 requires a five (5) acre minimum lot size and Area 4 allows a density of up to three (3) units per acre.

(F) If all other development standards are met, no variance is required for a lot of record with an area less than one (1) acre.]

(G) Excluding agricultural buildings, buildings and structures that contain less than 120 square feet of

floor area and that are not built on permanent foundations.

(H) Measured from Right of Way Line of a Public Road in the Current Thoroughfare Plan, or 50' if no direct frontage on a road

(I) All lots created after October 2, 2015 shall include a minimum of 1 acre of buildable area.

(J) Maximum gross density for residential subdivision in AG/RR with the BI Overlay is 0.20 dwelling units/acre.

(K) 0 foot side setback on one lot line if designated on a subdivision plat.

Setbacks are measured from the road right-of-way line, not the centerline of the road