

# **MONROE COUNTY PLAN REVIEW COMMITTEE**



**July 12, 2018  
6:00 pm**

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



**MONROE COUNTY PLAN REVIEW COMMITTEE****July 12, 2018**

**PLANNER** Jackie Nester  
**CASE NUMBER** 1806-REZ-01, Monroe County Plan Commission PB Rezone  
**PETITIONER** Monroe County Plan Commission  
**ADDRESS** 9817 W State Road 43  
**REQUEST** Rezone from Agriculture/Rural Reserve (AG/RR) to Pre-Existing Business (PB)  
**ACRES** 1.81 acres +/-  
**ZONE** Agriculture/Rural Reserve (AG/RR)  
**TOWNSHIP** Richland  
**SECTION** 31  
**COMP. PLAN**  
**DESIGNATION:** Farm and Forest

**EXHIBITS**

1. Site Plan
2. Letter from INDOT regarding the driveways

**RECOMMENDATION**

Staff recommends **approval** based on the Findings of Fact subject to the County Highway and Drainage Engineer reports and subject to the following conditions:

1. Site plan approval with all required improvements must be made within two years of approval
2. For the purposes of this rezone, the site may only be used as a convenience store.

**PLAN REVIEW COMMITTEE**

TBD

**SUMMARY**

The petition site is one parcel totaling 1.81 +/- acres located in Richland Township. The current zoning of the site is Agriculture/Rural Reserve (AG/RR). The rezone request is to change the zone for the petition site to Pre-Existing Business (PB). The petitioner in the request is the Monroe County Plan Commission. The property owners are Shivam Investments LLC, in which Kalpesh Patel is the registered agent.

The petition site contains a grocery store and gas station. The accessory building north of the grocery store will be removed following site plan approval. The current business is known as R&J Grocery Store and Gas Station (Convenience Store) and is a high-intensity use. The property owners, Shivam Investments LLC, recently purchased the property in May 2018 and came to the Planning Department to ask about expansion. The gas station portion of the property is not in operation and has not been in operation for a few months (approximately 6). The proposed expansion includes new gas pumps and a canopy, as well as an expansion to the R&J grocery store to add a bathroom (18' x 50' expansion).

The business has been in existence since before 1996 and could have qualified for Pre-Existing Business (PB) zoning at the time of the Monroe County Zoning Ordinance adoption. The R&J Grocery Store and Gas Station (Convenience Store) use is non-conforming to the AG/RR district. The rezone will permit the current business use of R&J Grocery Store and Gas Station (Convenience Store) to persist as a permitted use. If approved, the proposed conditions require site plan approval and a requirement that the use remain a convenience store. The definition of a convenience store in Chapter 802 is as follows:

***Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, gasoline sales, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. The maximum size for a convenience*

store is 3,500 square feet.

## **BACKGROUND**

The petition is the result of the petitioners coming in to the Planning Department to ask about expansion. Prior to coming into the Planning office, the property owners had believed the business was in Owen County. Once it was brought to their attention that the property was in Monroe County, they came in to check with the Monroe County Building and Planning Department. The owners are proposing an expansion to the business and interior remodel. The interior remodel does not require Building or Planning approval, but the expansion requires a rezone and commercial site plan approval. The business R & J Groceries is still operating as a pre-existing non-conforming to the AG/RR district.

The PB district is defined as follows:

***Pre-Existing Business (PB) District.*** *The Pre-Existing Business (PB) District is defined as that which is primarily intended to accommodate commercial and business service uses that were in operation prior to the adoption of this zoning ordinance. The intent of the PB District is to identify locations of commercial activity that are not supported by the Comprehensive Land Use Plan, but where commercial and service operations continue to exist. This District is identified for the purposes of maintaining commercial activities with business zoning, while at the same time not allowing for the expansion of new business activity proximate to the location of the PB District. Expansion of the business is permitted within the lot of record. The type of business may change to one of equal or lower intensity as identified on Table 2-1 Permitted Land Uses.*

The petitioner is going to be constrained on this site due to environmental features such as FEMA floodplain and the septic location when it comes to the extent of the expansion. No expansion will take place before commercial site plan approval.

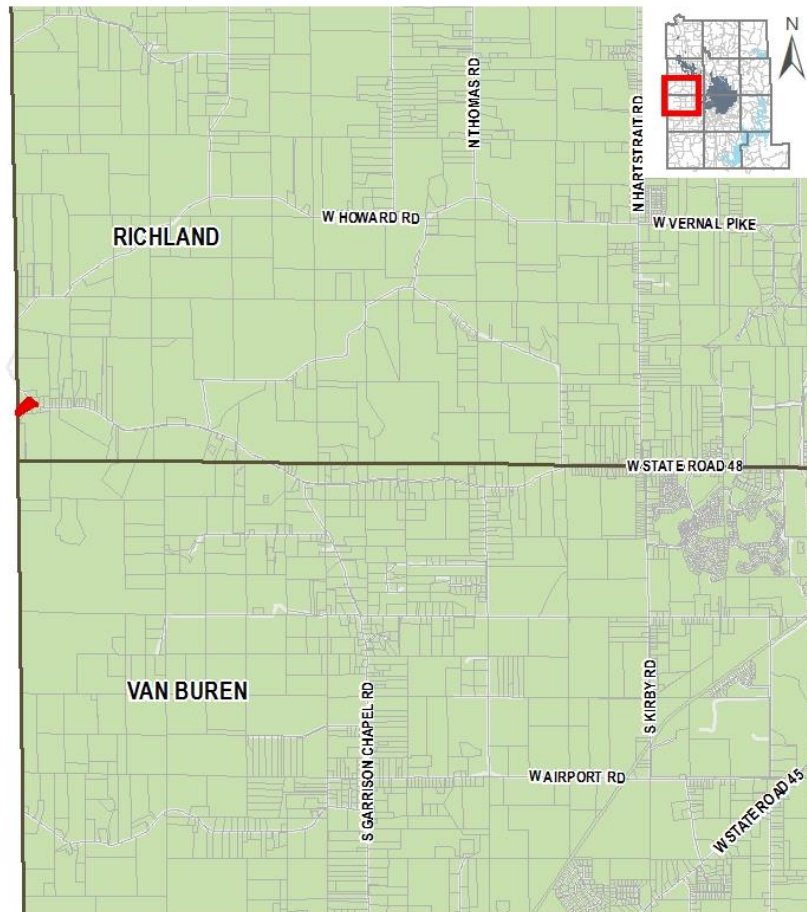
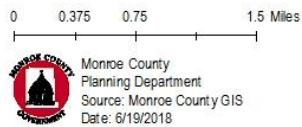
At the Executive Meeting of the Plan Commission on June 19, the committee agreed that a suitable course of action may be for the Plan Commission to pursue a rezone of the petition site to the PB district. The County Commissioners have previously approved seven prior rezones to PB, where the Plan Commission acted as petitioner, with the last one occurring in 2017.

## LOCATION MAP

The petition site is located at 9817 W State Road 43 in Section 31 of Richland Township.

### Location Map

- Petitioner
- Townships
- Roads
- Parcels
- Incorporated Areas**
- Bloomington



## ZONING

The petition site is zoned Agriculture/Rural Reserve (AG/RR). The neighboring zones on all sides are zoned Agriculture/Rural Reserve (AG/RR). The parcel is on the border of Monroe and Owen County. Surrounding uses are primarily agricultural and residential.

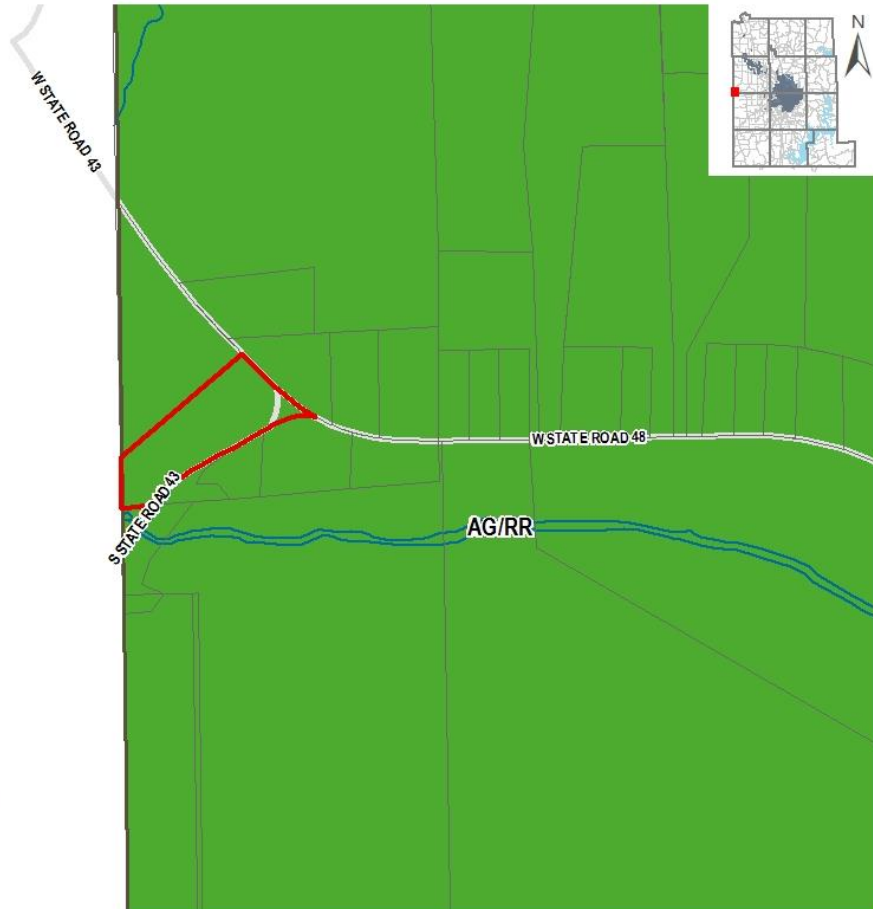
### Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural

0 0.0375 0.075 0.15 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 6/19/2018



## SITE CONDITIONS

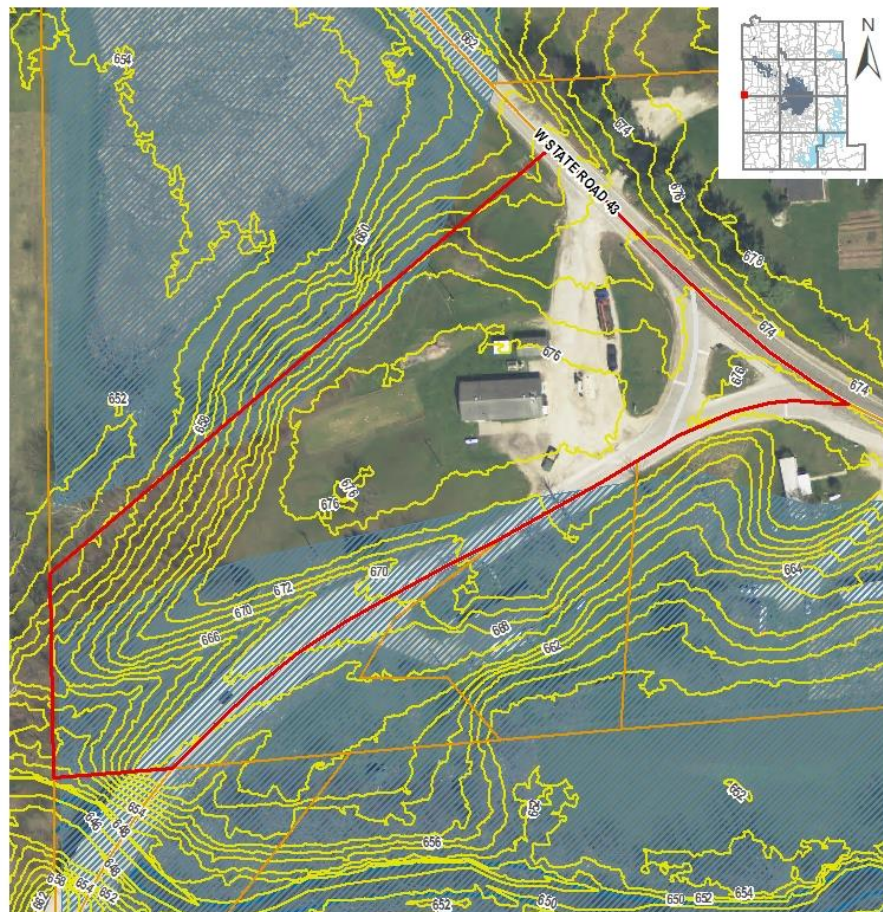
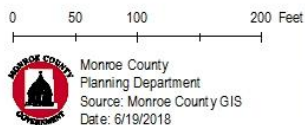
The petition site is a 1.81 +/- acre parcel. It maintains frontage along W State Road 43, which is classified as a Major Collector. Driveway access is directly onto the state road to the north and south. W State Road 48 is also close by. Improvements to the wide driveway area may be required during site plan review with input from INDOT.

The parcel contains three structures: one-story commercial structure (R&J Grocery), an accessory building for storage, and gas pumps. The accessory building would be removed once the site plan is approved. A full commercial site plan will be required.








The site is less than 15% slope (see Slope Map). The parcel is also located in FEMA Floodplain. There are no known Karst areas.

### Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads
-  FEMA Floodplain
-  Hydrologic Features



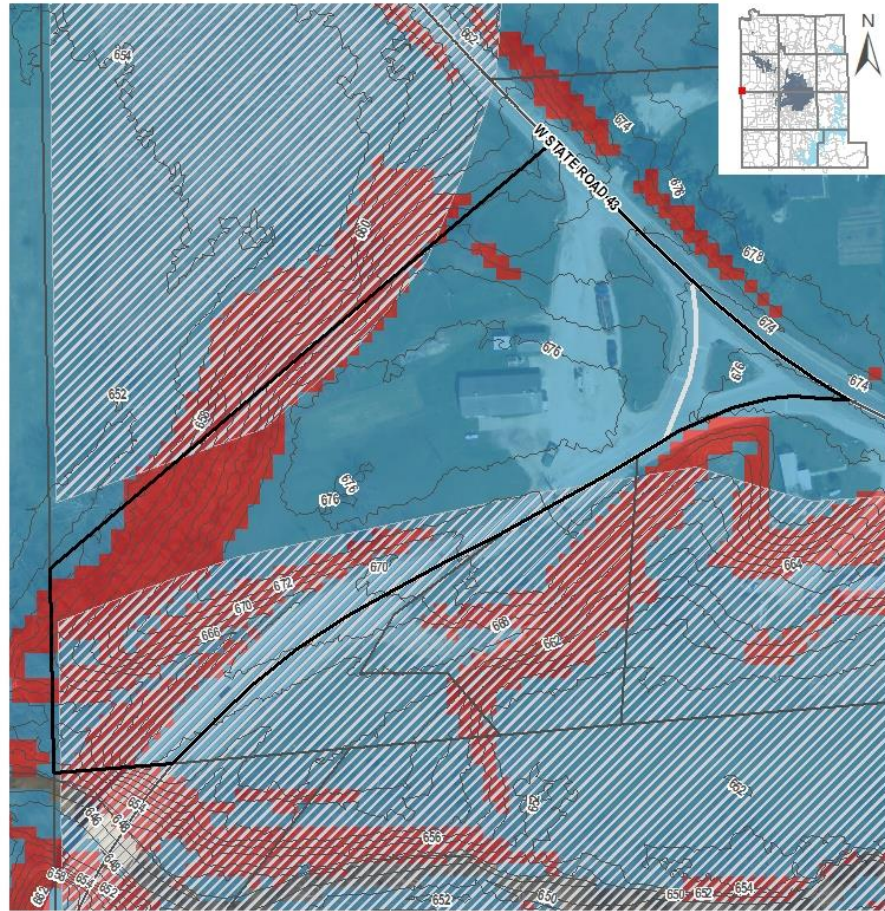
# Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads
-  FEMA Floodplain
- Percent Slope (2010)**
-  0 - 15
-  > 15

0 25 50 100 150 200 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 6/19/2018



## SITE PHOTOS



Photo 1. View of the R& J Grocery store to be expanded by 18' x 50'



Photo 2. View of the accessory building to be removed



Photo 3. View of the concrete pad 20.5' x 52' added without a permit showing where expansion would go



Photo 4. View of the pumps and junction of SR 43 and SR 48



Photo 5. View behind the R&J Grocery Store facing south



Photo 6. Facing west showing bufferyard to be preserved and floodplain area



Photo 7. View of the building facing northeast



Photo 8. Image of gas tanks to be replaced and canopy to be added



Photo 9. View of where the future sign would be located, SR 48 and 43 junction



Photo 10. Neighbor to the south



Photo 11. Neighbor to the north



Photo 12. Other neighbor to the east



Photo 13. Birdseye view, facing N.

## **COMPREHENSIVE PLAN DISCUSSION**

The petition site is located within the Farm and Forest designation area of the Comprehensive Plan:

The Comprehensive Plan states the following for the designation:

### **Farm and Forest Residential**

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

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

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

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

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

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

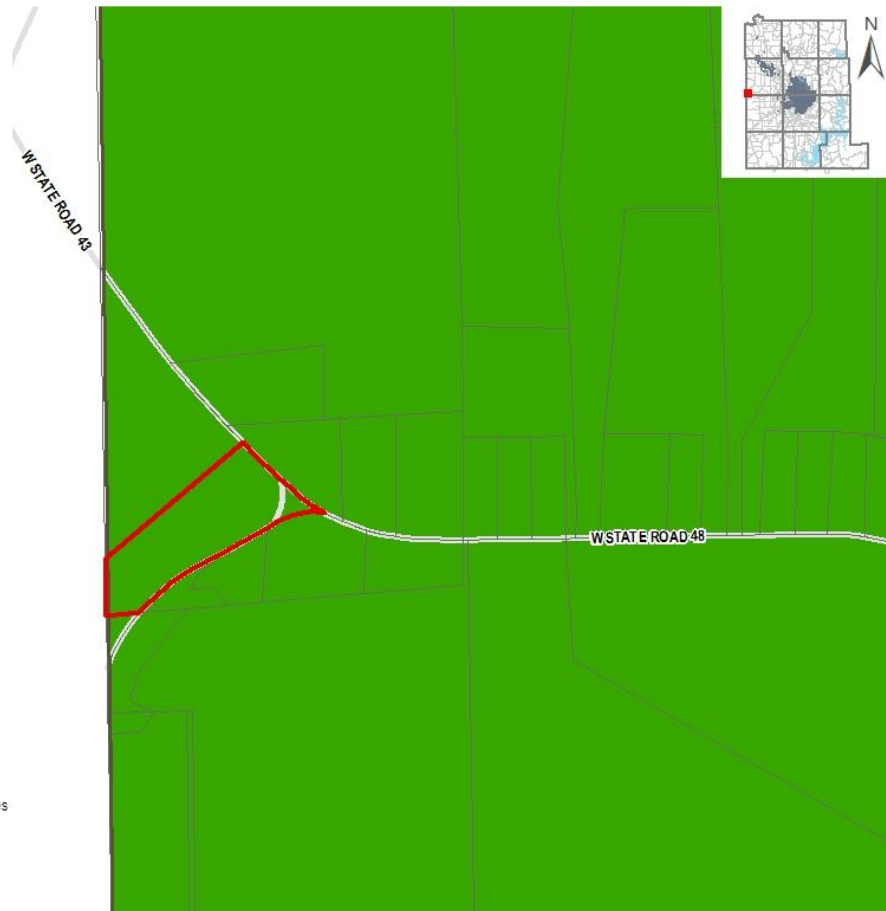
# Comprehensive Plan

- Petitioner
- Townships
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)
- Farm and Forest

0 0.035 0.07 0.14 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 6/19/2018



## **FINDINGS OF FACT - REZONE**

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

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

#### **Findings:**

- The Comprehensive Plan designates the petition site as Farm and Forest;
- In the Farm and Forest areas, public services or improvements are not expected within the horizon of the Comprehensive Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist;
- The rezone request is to change the zone for the petition site from Agriculture/Rural Reserve (AG/RR) to Pre-Existing Business (PB);
- The current use of the site is R&J Grocery Store (Convenience Store);
- The current intensity of the use of the site is High;
- The PB district permits the type of business to change to one of equal or lower intensity as identified on Table 2-1 Permitted Land Uses;
- If approved, a condition is recommended so that the property may only be a convenience store. Any other proposed use would require a rezone;
- The adjoining and surrounding uses are primarily residential or agricultural in nature;
- The petition site contains three structures: one-story commercial structure (R & J Groceries), an accessory building (to be removed), and gas pumps;
- The petitioner wants to replace the gas pumps, add a canopy, expand the grocery store structure by 18' x 50' (900 sq ft) to the north and remove the accessory building;

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

#### **Findings:**

- See Findings under Section A;
- The petition site is an unplatted 1.81 +/- acre parcel;
- The rezone request is to change the zoning for the entirety of the site to the Pre-Existing Business (PB) District which is described by the County's Zoning Ordinance, Chapter 802, as follows:

*The Pre-Existing Business (PB) District is defined as that which is primarily intended to accommodate commercial and business service uses that were in operation prior to the adoption of this zoning ordinance. The intent of the PB District is to identify locations of commercial activity that are not supported by the Comprehensive Land Use Plan, but where commercial and service operations continue to exist. This District is identified for the purposes of maintaining commercial activities with business zoning, while at the same time not allowing for the expansion of new business activity proximate to the location of the PB District. Expansion of the business is permitted within the lot of record. The type of business may change to one of equal or lower intensity as identified on Table 2-1 Permitted Land Uses;*
- The petition site is zoned Agriculture/Rural Reserve and has been in operation as a grocery store and gas station since before 1996;
- The gas station portion of the business has not been in operation in a few years;
- The petition site maintains frontage along W State Road 43, which is classified as a Major Collector;

- Improvements to the wide driveway area may be required during site plan review with input from INDOT;
- INDOT has stated that the right-of-way from SR 43 is 20' from the centerline;
- The site is less than 15% slope (see Slope Map);
- The petition site is located in FEMA Floodplain;
- There are no known karst areas;

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

**Findings:**

- See Findings under Section A and Section B;
- The surrounding parcels on all sides are zoned Agriculture/Rural Reserve (AG/RR);

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

**Findings:**

- Property value tends to be subjective;
- The PB zoning designation would be consistent with existing activity on the property and does not seem to indicate a negative impact on property values in the area;
- 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;
- According to the Monroe County Thoroughfare Plan, W State Road 46 is classified as a Major Collector;
- Driveway access is directly onto the state road;
- There is a septic on site that is out of the FEMA floodplain and has been inspected.

## EXHIBIT ONE: Site Plan

### Slope Map

- Parcels
- 2-Foot Contours
- Roads
- FEMA Floodplain

Proposed building expansion

0 10 20 40 60 80 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 6/29/2018



## EXHIBIT TWO: Letter from INDOT

**Jacqueline Nester**

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**From:** Gray, Sean <sgray@indot.IN.gov>  
**Sent:** Wednesday, June 27, 2018 3:57 PM  
**To:** Jacqueline Nester  
**Subject:** RE: 9817 W SR 43 - ROW Question

Jaqueline,

I talked with Randy from Vincennes, and he asked me to just take care of the driveway permits. If you talk with the owners you can tell them that they're going to need a professional set of plans/drawings using INDOT standards.

Thanks,

*Sean Gray*

Regulatory Investigator  
INDOT Permits  
Bloomington Sub-District  
PHN: 812-332-1411 ext. 225  
FAX: 812-332-3368

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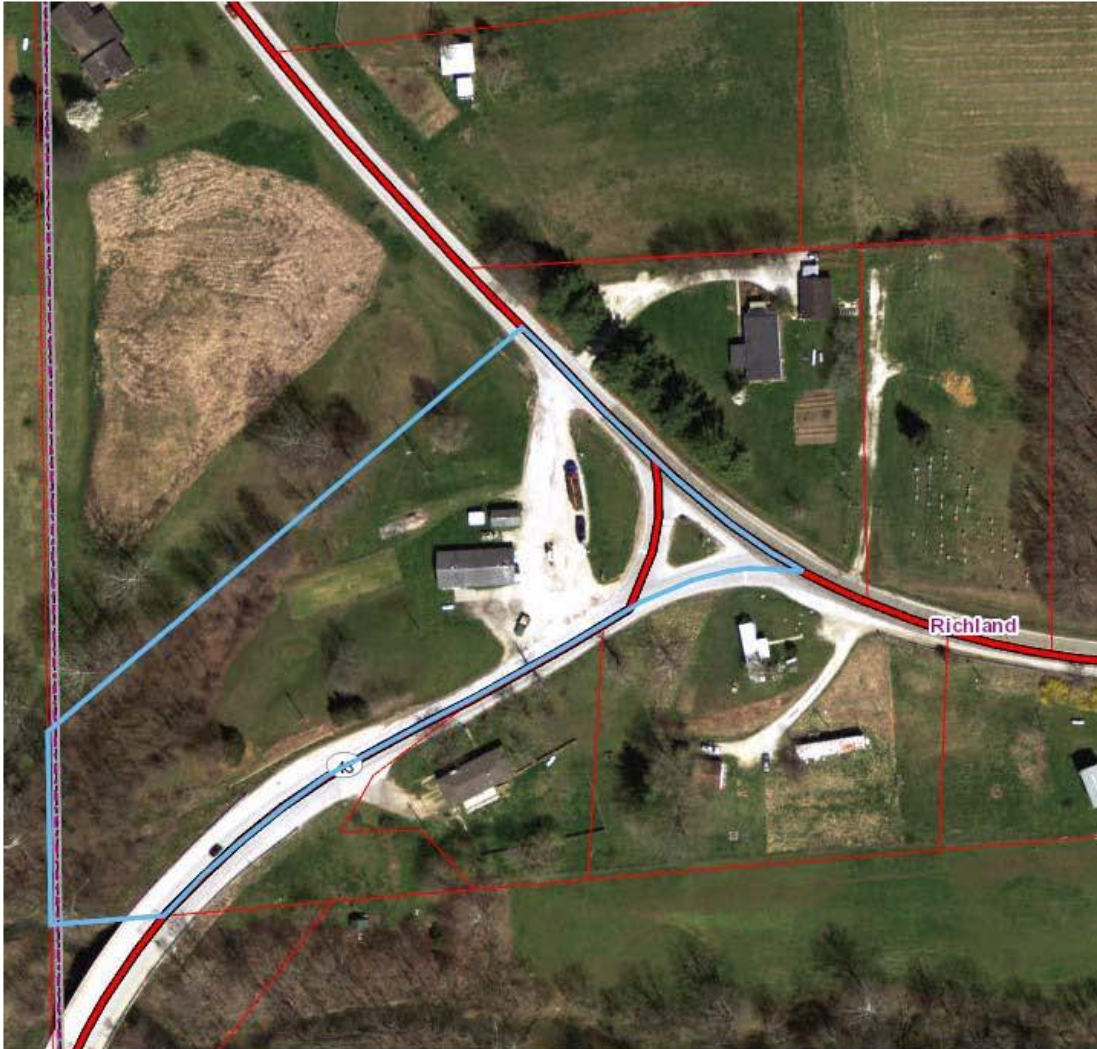
**From:** Jacqueline Nester [mailto:jnester@co.monroe.in.us]  
**Sent:** Wednesday, June 27, 2018 10:04 AM  
**To:** Gray, Sean <sgray@indot.IN.gov>  
**Subject:** 9817 W SR 43 - ROW Question

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

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Hi Sean –

I have a petitioner that is seeking a rezone in order to expand the business at 9817 W SR 43 (see below). Can you tell me the exact Right-of-way along SR 43 to the South and North?



Thanks!

**Jackie Nester**

Planner I - Monroe County Planning Department

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Bloomington, IN 47404

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