

MONROE COUNTY PLAT COMMITTEE



**July 19, 2018
4:00 pm**

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

A G E N D A
MONROE COUNTY PLAT COMMITTEE

North Showers Building, 501 N. Morton Street, Suite 224, Bloomington, IN

July 19, 2018

4:00 pm

REGULAR MEETING

OLD BUSINESS: **NONE.**

NEW BUSINESS:

1. 1803-SPP-01 Highlands Subdivision Parcel ‘E’ Major Preliminary Plat.

2. 1803-PUD-02 Highlands Subdivision Parcel ‘E’ Development Plan.

Plat Committee Recommendation.

One (1) 12.67 acre +/- parcel in Perry Township, Section 17 at S Rockport Rd.

Zoned PUD.

*****CONTINUED BY STAFF**

3. 1806-SPP-02 Emerald Trace Subdivision Major Preliminary Plat Amendment. PAGE 3

Request to Remove Condition of Shared Driveway.

Sidewalk Waiver Requested.

Plat Committee Recommendation.

Request to remove shared driveway between 2982 & 2998 E Kylie CT and request to waive sidewalk along properties listed as 2982 & 2998 E Kylie CT, and 4225 S Amber DR on 20 +/- acres in Section 22 of Perry Township. **Zoned RE1.**

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

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

The meeting will be open to the public.

MONROE COUNTY PLAT COMMITTEE**July 19, 2018**

PLANNER Jackie Nester
CASE NUMBER **1806-SPP-02**
Emerald Trace Subdivision Preliminary Plat Amendment with Sidewalk Waiver along Lots 1, 2 & 3 and
Request to Remove Condition of Shared Driveway between Lots 1 & 2
PETITIONER Dan Moore in care of Smith Brehob and Associates
ADDRESS Emerald Trace - 2982, 2998, E Kylie CT and 4225 S Amber DR (Parcel #s: 53-08-22-400-031.003-008; 53-08-22-400-031.001-008; 53-08-22-400-031.002-008).
REQUEST Major Subdivision Preliminary Plat Amendment to request a sidewalk Waiver and Request for separate driveway between lots 1 & 2
ZONE Estate Residential 1 (RE1)
ACRES 20 acres +/-
TOWNSHIP Van Buren
SECTION 22
COMP. PLAN
DESIGNATION MCUA Suburban Residential, MCUA Phase II – Open Space (OS)

EXHIBITS

1. Petitioner Letter to Plan Commission including Findings of Fact
2. Letters of Consent
3. Required Conditions of Approval dated January 19, 2006
4. Drainage Board Requirements
5. Minutes from Plan Commission Approval, dated January 17, 2006
6. Proposed Preliminary Plat
7. Approved Preliminary Plat, Dated 6/27/07
8. Amber Ridge Phase I Final Plat

RECOMMENDATION

Staff gives a recommendation of **denial** of the Major Subdivision Preliminary Plat, Sidewalk Waiver and Request for a separate driveway based on the findings of fact and subject to the Monroe County Highway Department and Drainage Engineer reports.

PLAT COMMITTEE

TBD

BACKGROUND

The petition site is the Emerald Trace subdivision, on 20 +/- acres located in Section 22 of Van Buren Township. The subdivision originally received preliminary plat approval in 2006, with the final plat recorded in 2007. The site is within the Estate Residential 1 (RE1) zoning district for Emerald Trace. The subdivision includes 16 lots and 1 common area. This preliminary plat amendment applies to lots 1, 2 & 3.

The preliminary plat amendment request is to request a sidewalk waiver for Lots 1 & 2 along E Kylie Ct and Lot 3 along E Kylie CT and S Amber Drive. Lots 1 & 2 are vacant, but lot 3 is already built. The total amount of sidewalk requested to be waived is approximately 749 feet. The subdivision to the south, Amber Ridge Phase I, has a platted pedestrian easement on the east side of S Amber Drive (See Exhibit 8). A sidewalk could be continued down to the Amber Ridge Subdivision along the east side of S Amber Drive in the future providing connectivity between the

two developments if the sidewalk waiver is denied.

The second request is to remove a condition of approval for separate driveways for Lots 1 & 2. There is already a shared driveway built between lots 1 & 2. The petitioner is requesting to take out the shared driveway and install two new driveways.

The subdivision to date has a bond on file for \$90,000 for street trees, sidewalks, and asphalt surfacing. The letter of credit was renewed April 3, 2018, and the new expiration date of the bond is April 3, 2019. To date, the following improvements **have not** been made:

Sidewalks: Requires additional approximately 1502 feet of sidewalk; 749 feet of the required sidewalk is requested to be waived.

Street Trees: 71 required, 69 still requiring installation

Final Asphalt Surfacing: For the entire subdivision

WAIVER FROM SIDEWALK DESIGN STANDARD

The Subdivision Control Ordinance, Chapter 856-40(A) Sidewalks, requires sidewalks in the Emerald Trace subdivision because the subdivision:

- (1) The proposed subdivision has road frontage or the streets will connect with an existing or proposed subdivision or business development that has sidewalks, or;
- (3) The proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;
- (5) A proposed subdivision is within 1 mile radius of destinations such as schools, recreational facilities, etc., or;
- (6) A proposed subdivision will result in the creation of at least five lots where any of the lots in the proposed subdivision are less than 2.5 acres in size.

Thirteen lots in Emerald Trace are built and sold. The only lots that are vacant, besides the common area, include lots 1, 2, and 15. The basis for the sidewalk waiver request is that the drainage easement and wooded areas along Lots 1-3 would have to be graded in order to install the required sidewalks.

The Planning and Public Works Departments do not see an issue with the petitioner installing the sidewalks as required on the original preliminary plat approved in 2006. The current construction plans show a 4 foot concrete sidewalk to be installed along the right of way line. The location of the sidewalk would be approximately 5 feet from the curb along the roadways. The area where the sidewalk would go along E Kylie CT is not obstructed by wooded areas (see photos below). In addition, the condition that ¼ acre of trees along lots 1-3 be preserved will still be in effect.

The purpose of the condition to share a driveway between lots 1 & 2 was in order to protect the riparian conservancy area located on the properties. The riparian conservancy area was adjusted to accommodate the shared driveway location and S Amber Drive. By taking out the existing driveway and putting in two new driveways there would be grading work occurring near the riparian buffer.



Superimposed sidewalk location and its impact on the wooded areas along E Kylie CT



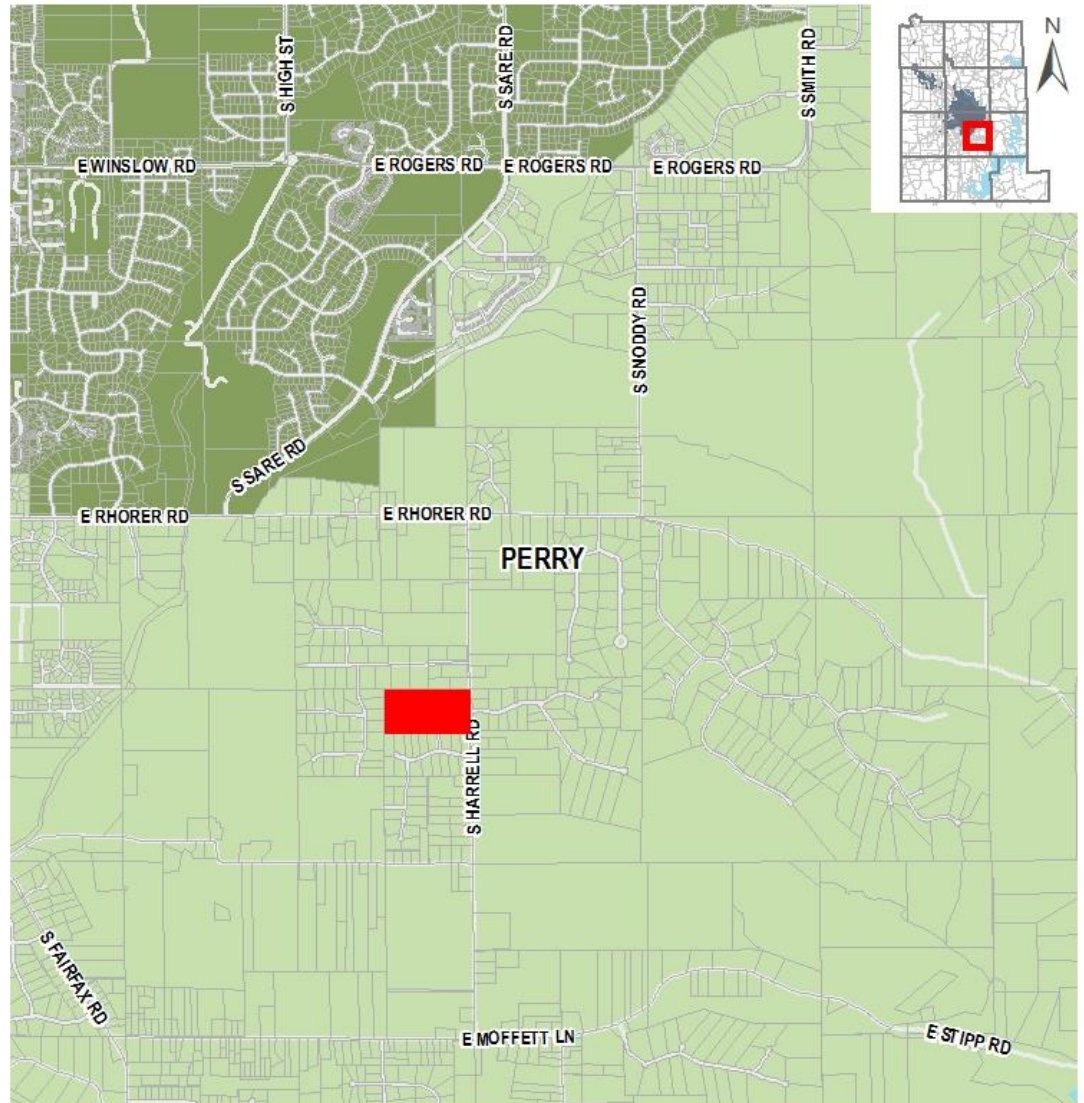
Superimposed sidewalks along S Amber Drive

LOCATION MAP

The petition site is the platted Emerald Trace Subdivision Lots 1-3, located in Section 22 of Perry Township.

Location Map

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



0 0.2 0.4 0.8 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/26/2018

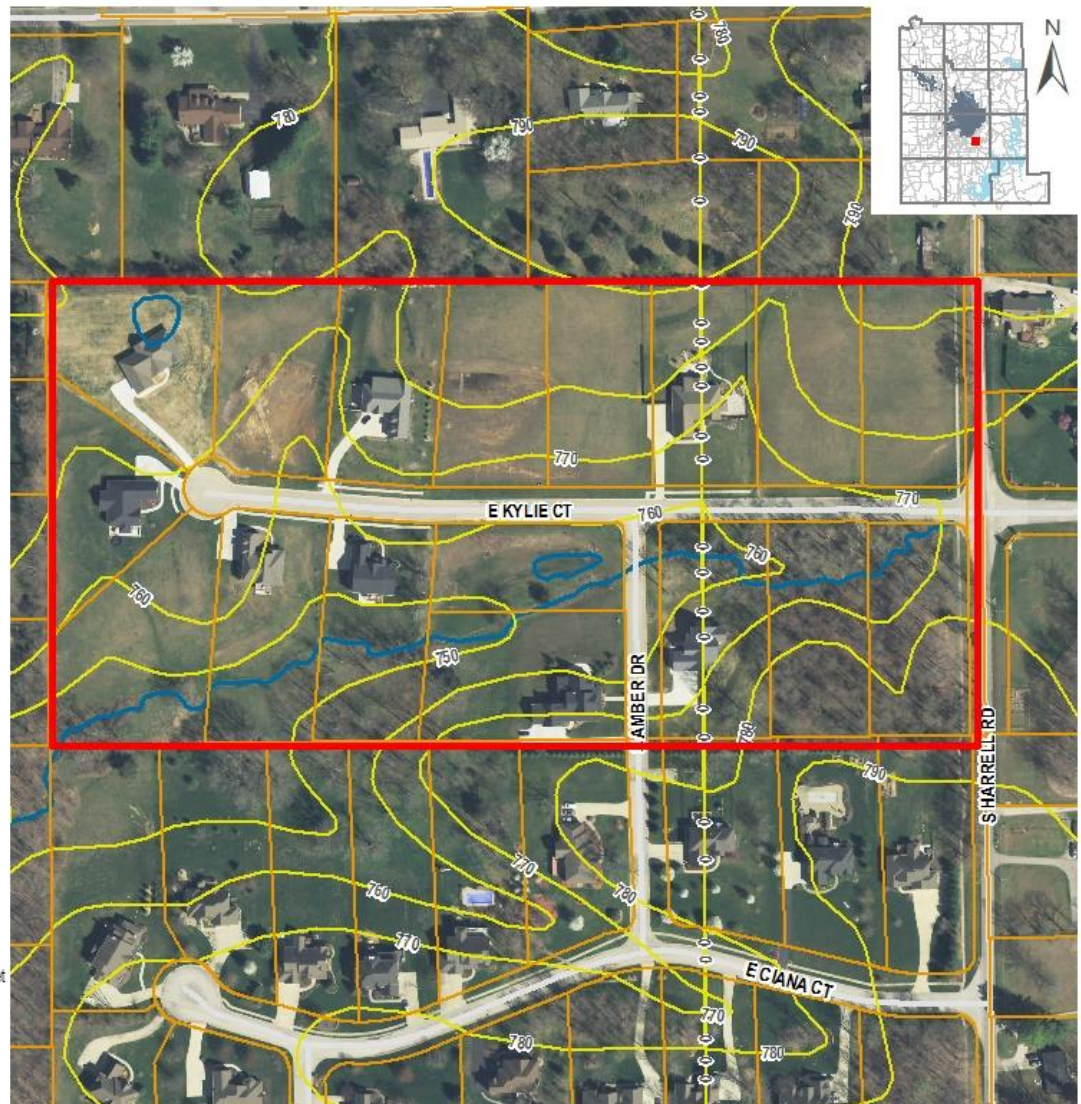
SITE CONDITIONS

The site is Emerald Trace Subdivision. This petition amends the sidewalks along Lots 1-3 and the driveway requirement between lots 1 & 2. Lots 1 & 2 are owned by Emerald Trace Inc., while lot 3 is privately owned. Lots 1-3 have a large drainage easement running across the land.

There is no FEMA Floodplain on the property. There is a platted common area owned by the developer on the southeast side of E Kylie Ct and Amber Dr. that maintains the drainage for the subdivision. Below is a slope map for Lots 1-3.

Site Conditions Map

-  Parcels
-  10-Foot Contours
-  Roads
-  Hydrologic Features










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Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/26/2018

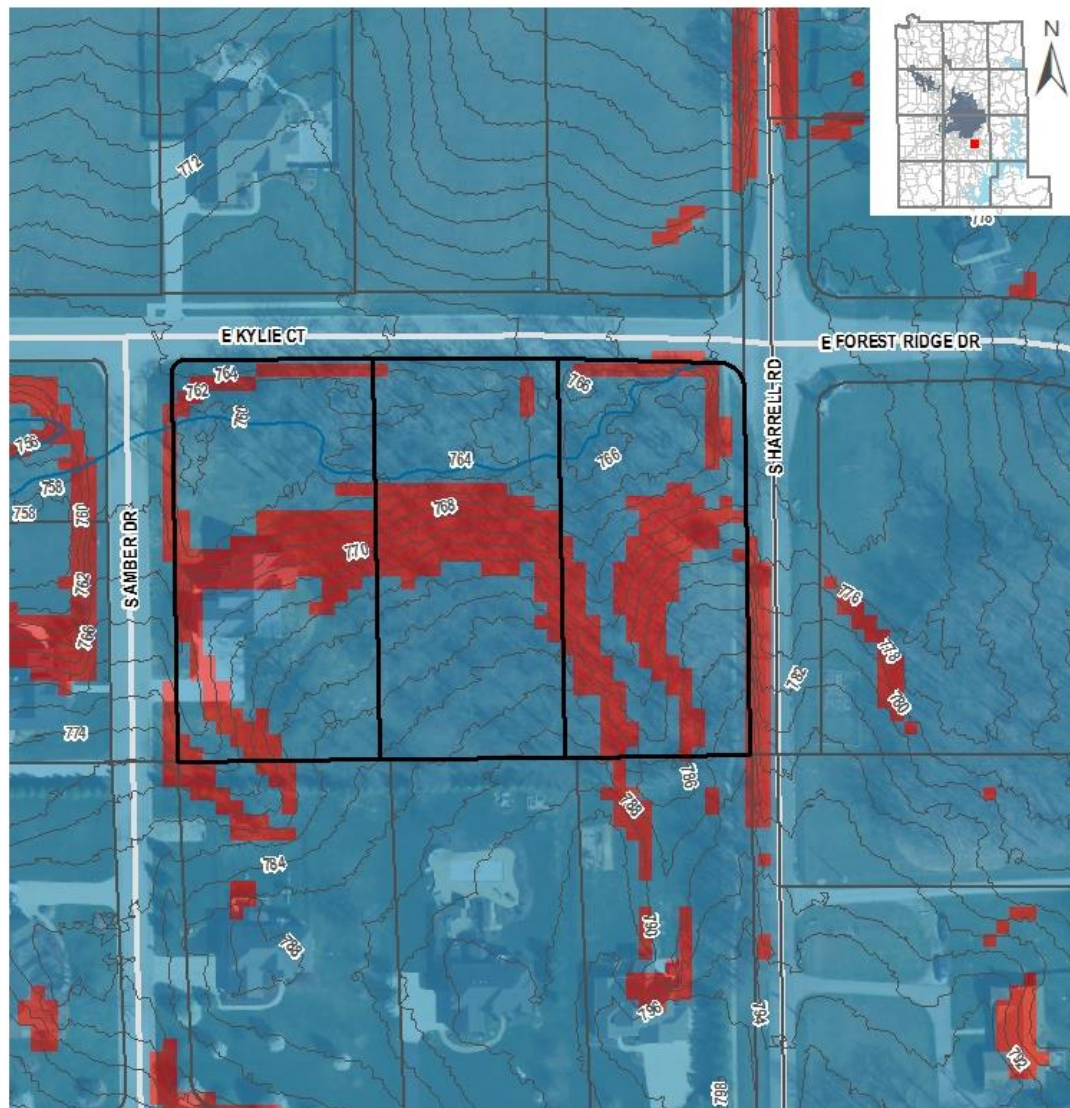
Slope Map

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

0 25 50 100 150 200 Feet




Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/26/2018



SITE PICTURES



Figure 1. Facing southwest looking at the pre-existing shared driveway between lots 1 & 2. The two stakes represent the centerline of the two new proposed driveway configuration.



Figure 2. Facing south showing potential buildable area on lots 1 & 2.



Figure 3. Facing east along E Kylie CT where sidewalk waiver is being requested along lots 1 - 3.



Figure 4. Facing south on the east side of Amber Ridge DR where a sidewalk waiver is being requested along lot 3.



Photo 5. Sidewalk along the cul-de-sac on E Kylie CT that requires replacement along Lots 9 & 10.



Photo 6. Sidewalk currently missing along north side of E Kylie CT along Lot 15 to be installed.



Photo 7. Sidewalk currently missing in front of the common area to be installed.



Photo 8. Detention area in the common area facing east.

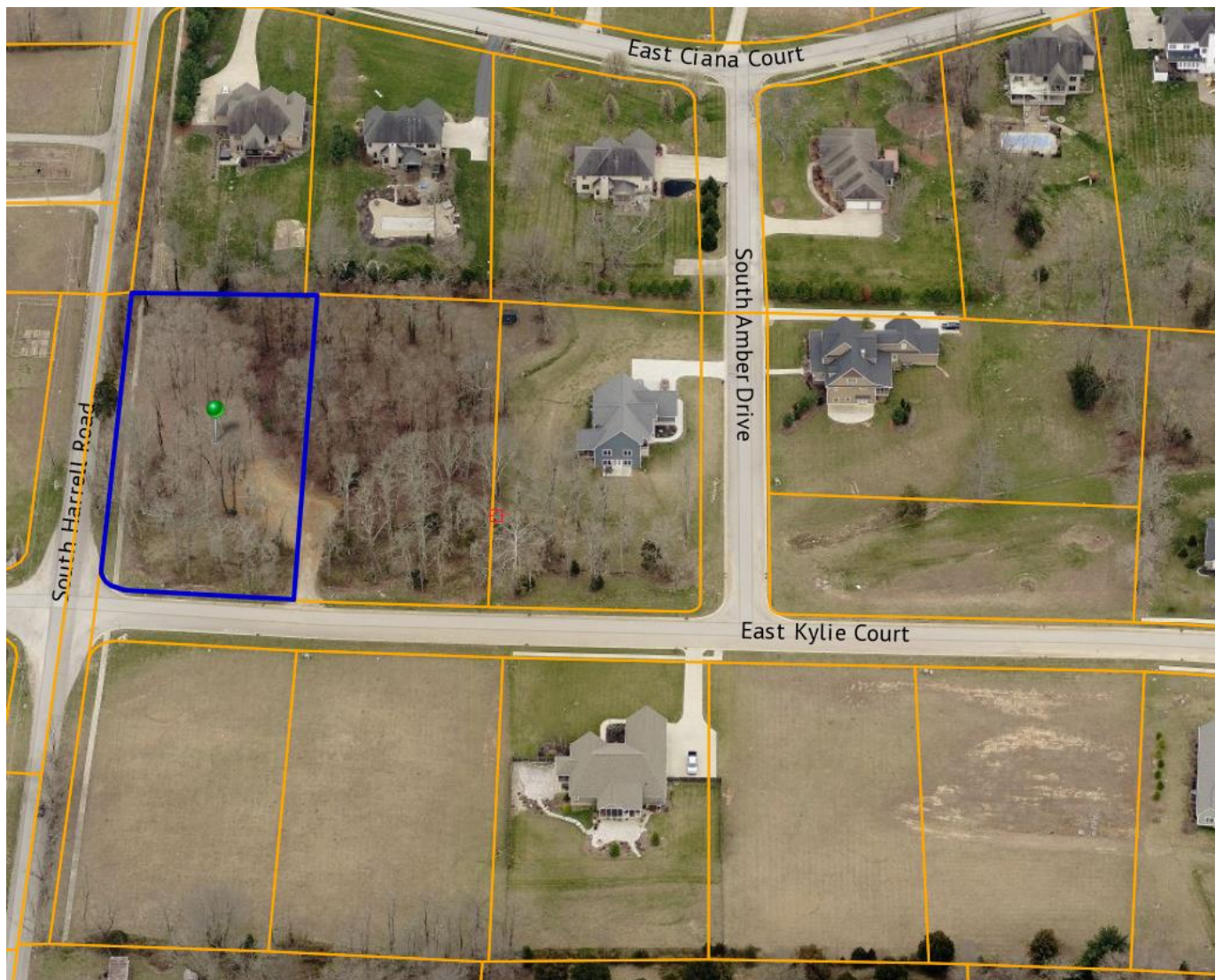


Photo 9. Bird's Eye View of Emerald Trace Subdivision, viewing south

Required Improvements

-  Lots 1-3
-  Parcels
-  Roads
-  Sidewalk Missing
-  Street Trees Missing (69)
-  Street Trees Planted to Date (2)
-  Sidewalk Waiver Request

0 50 100 200 300 400 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 7/9/2018

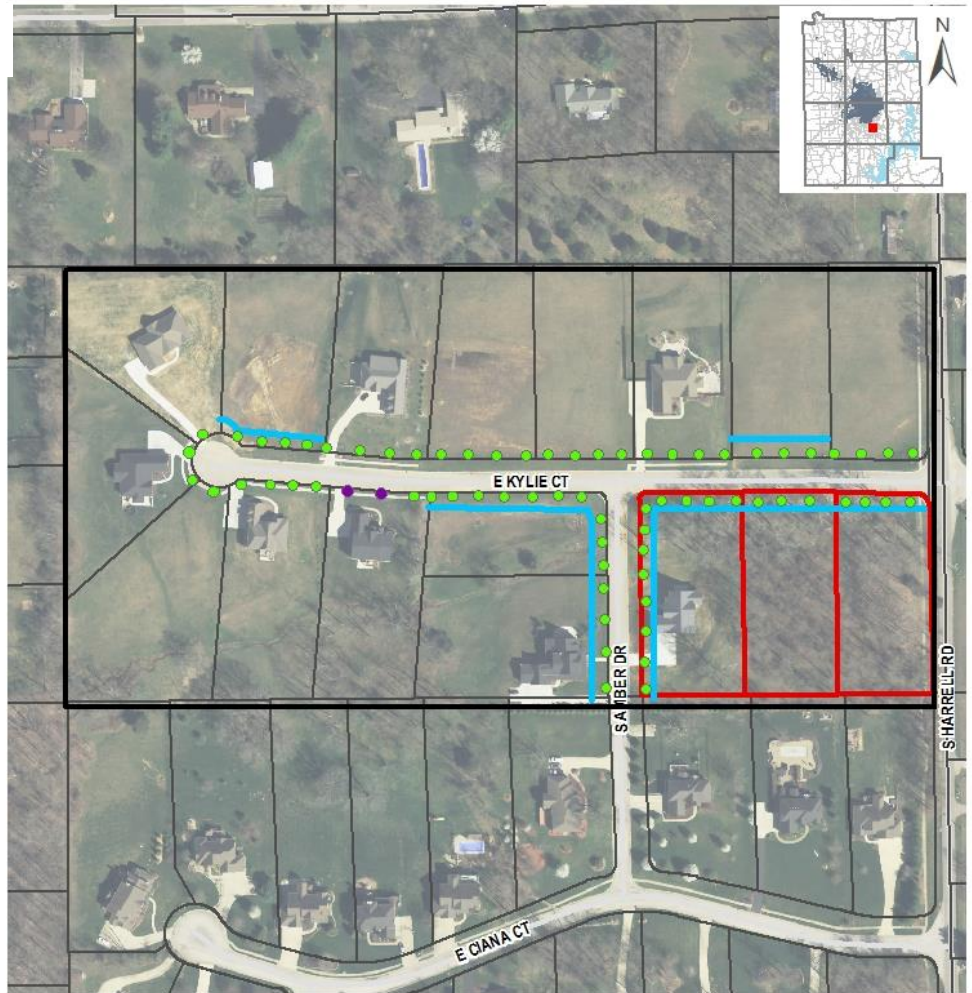










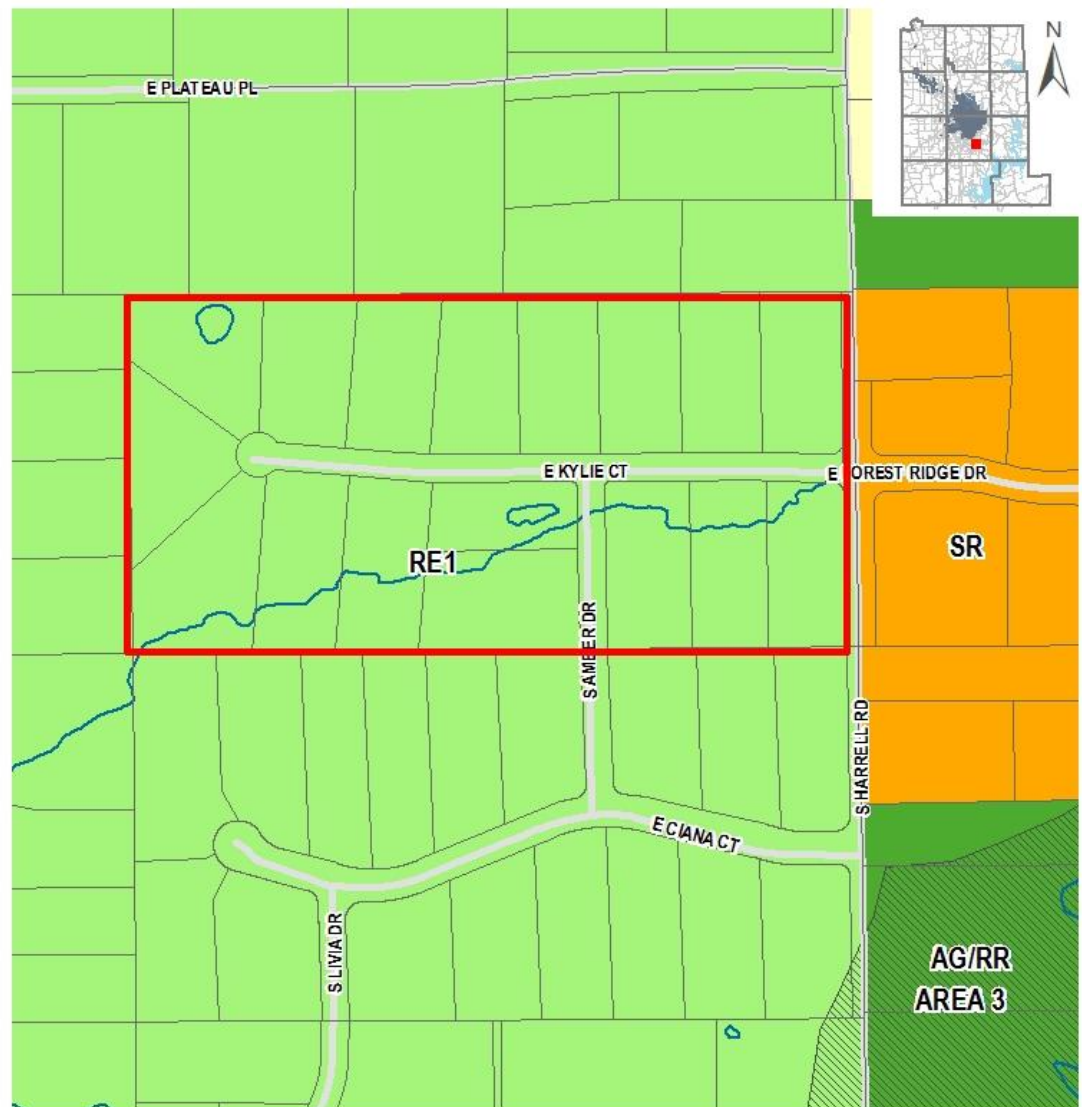
Photo 10. Image showing where sidewalks and street trees are currently missing. Lots 1-3 are outlined in red to show that a sidewalk waiver is being requested.

ADJACENT USES / ZONING

The site is zoned Estate Residential 1 (RE1). Neighboring properties are zoned RE1, Suburban Residential (SR), and Agriculture/Rural Reserve (AG/RR).

Current Zoning Map

-  Parcels
-  Roads
-  Hydrologic Features
- ECO Areas**
-  Area 3
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ER - Estate Residential
-  RE1 - Estate Residential 1
-  SR - Suburban Residential



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/26/2018

COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the **Suburban Residential** district in Monroe County Urbanizing Area of the Monroe County Comprehensive Plan.

5.1.2 Suburban Residential

Suburban residential includes existing low- density single-family subdivisions and isolated multi-family apartment complexes. Different housing types are typically segregated, with multiple buildings having a similar or identical appearance. This development type is not recommended for extensive application beyond existing or currently planned developments.

In some locations, it may be appropriate to extend this development pattern if it is directly adjacent to existing Suburban residential subdivisions as an appropriate way to coordinate with those neighborhoods. However, the conservation community land use category offers a more appropriate alternative to the conventional suburban subdivision that balances the desire for non-urban living while also preserving rural character. The following guidelines should be considered if new suburban-style developments are approved; they also provide considerations for potential retrofitting of public infrastructure within existing neighborhoods.

A. Transportation

Streets

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

Bike, pedestrian, and Transit modes

Sidewalks and/or shared use paths should be provided on all streets, with connections to larger pedestrian and bicycle systems. Sidewalk retrofits in existing subdivisions should be considered after thorough consultation with and support from existing residents.

Given their remote location and low-density development pattern, opportunities to serve Suburban residential neighborhoods with public transportation are limited. Expansion opportunities for rural Transit routes should be explored, with pick-up locations considered near entries to subdivisions.

B. Utilities

Sewer

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

Power

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

Communications

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

C. Open space

Park Types

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

Urban Agriculture

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

D. Public Realm Enhancements

Lighting

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

Street/Site furnishings

Suburban residential neighborhoods typically have few street furnishings beyond street lamps.

E. Development Guidelines

Open Space

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

Parking Ratios

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

Site Design

Reverse frontage lots should be avoided. Homes should not back onto arterial or collector streets.

Building form

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

Materials

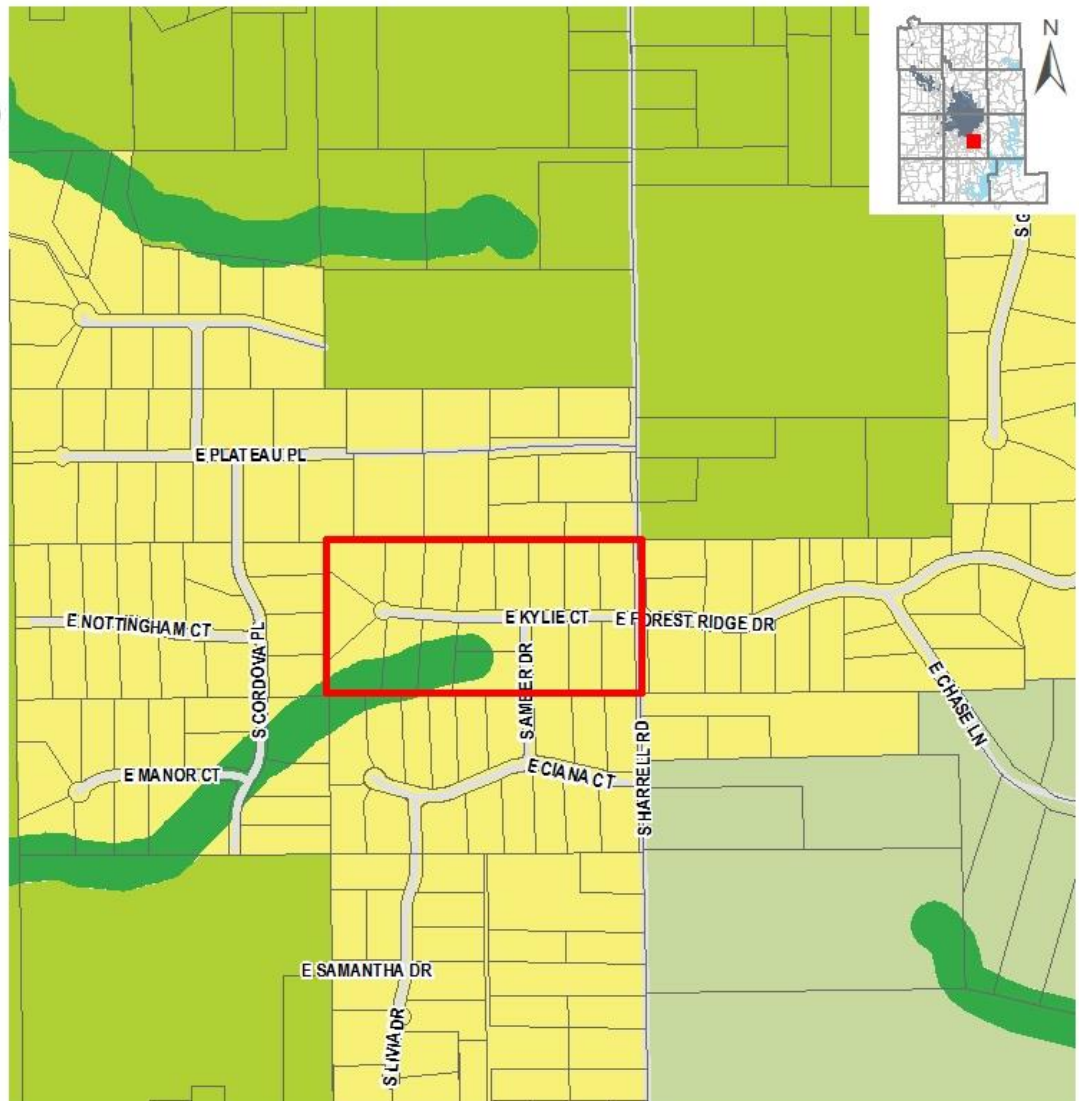
High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Vinyl and exterior insulated finishing Systems (eifS) may be appropriate as secondary materials, particularly to maintain affordability, but special attention should be paid to material specifications and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

Private Signs

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

Comprehensive Plan

-  Townships
-  Monroe Co. Urbanizing Area (MCUA)
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
 -  MCUA Conservation Residential
 -  MCUA Open Space
 -  MCUA Rural Transition
 -  MCUA Suburban Residential



Monroe County Urbanizing Area Plan Phase II: Special Districts

Special Districts accommodate unique uses and development conditions throughout the Urbanizing Area.

Conservation Development (N3)

This district includes land intended to develop in a pattern consistent with the Conservation Residential land use type designated in the Urbanizing Area Plan. It is intended to preserve existing neighborhoods and allow for complementary infill development, while preserving environmentally sensitive areas.

Open Space (OS)

This district is intended to apply to permanently preserved lands and parks, and protecting environmentally sensitive areas, as described in the Open Space land use type of the Urbanizing Area Plan.

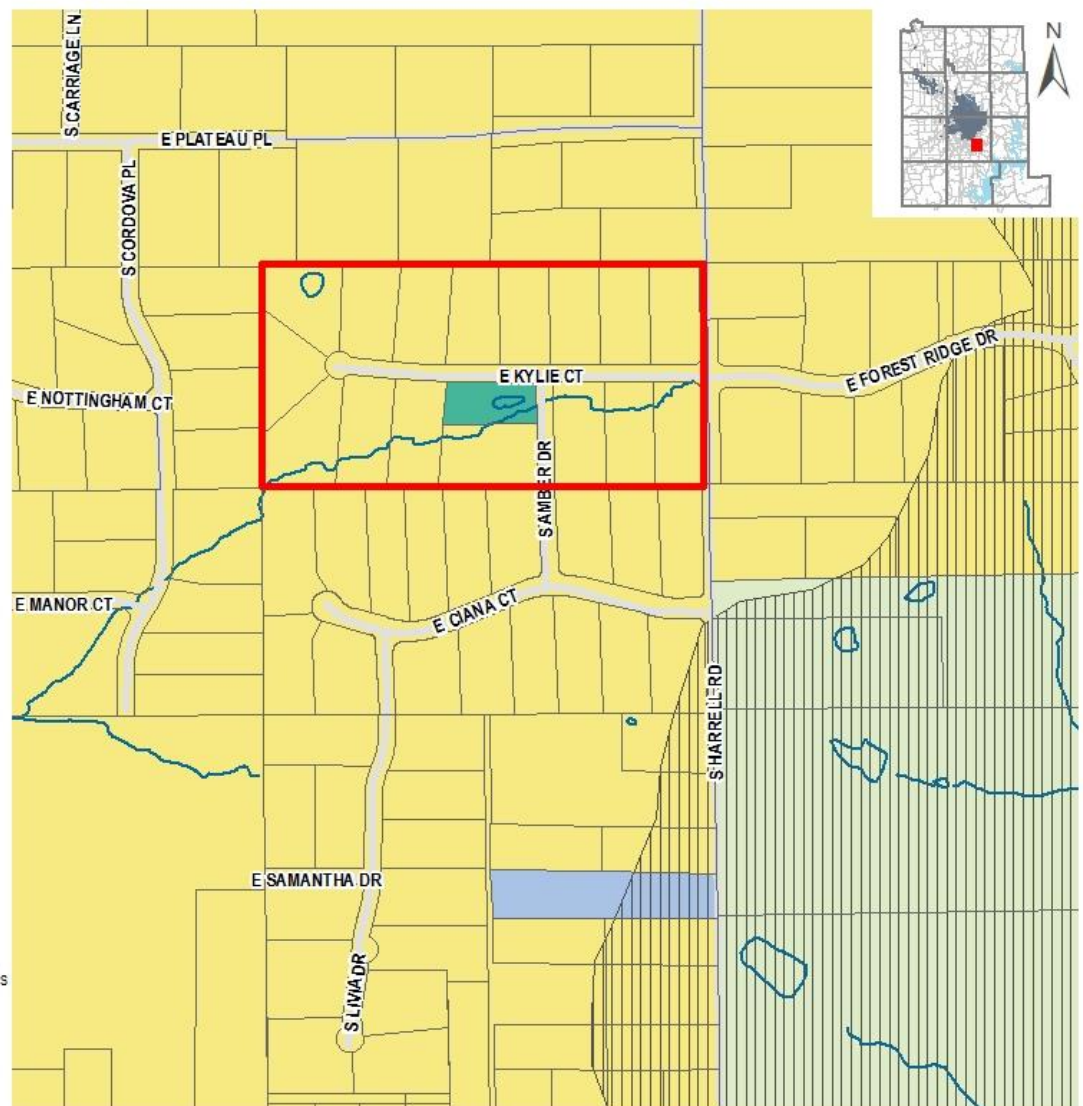
Proposed Zoning Map (2016)

-  Parcels
-  Roads
- Proposed ECO Areas**
-  Area 2
-  Hydrologic Features
- Proposed Zoning**
-  N3 - Conservation Development
-  N4 - Rural Transition
-  OS - Open Space
-  CV - Civic

0 0.0425 0.085 0.17 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/26/2018



FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- The petition site is the Emerald Trace Subdivision, on 20 +/- acres;
- The site is zoned Estate Residential 1 (RE1);
- The preliminary plat amendment request is for a sidewalk waiver for Lots 1, 2, & 3 from Chapter 856-40 of the Monroe County Subdivision Control, and to remove a condition of approval to have separate driveways for Lots 1 & 2;
- The petitioner has a \$90,000 bond on file for street trees, sidewalks, and final asphalt surfacing;
- If granted, the petitioner would still be required to install sidewalks along the common area, Lots 4, 9, 10, & 15 for approximately 753 feet of sidewalk;
- The petitioner is asking to waive sidewalks along Lots 1, 2 & 3 for a total of 749 feet of sidewalk requested to be waived. The sidewalk along S Harrell RD on Lot 1 has been installed.
- The petitioner will still be required to plant the remaining street trees (69) and final asphalt layer if approved;
- Sidewalks are a requirement of a major subdivision and exist to help protect the public by providing safe pedestrian access.

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

Findings

- The Comprehensive Plan designates the site as a Suburban Residential district in the Monroe County Urbanizing Area Plan;
- According to the Transportation Alternatives Plan adopted in 2018, the benefits of rural/suburban sidewalks includes that it “Provides pedestrian connectivity between destinations.” In addition, the plan identifies Harrell Road as a moderate priority for road improvements that could provide future connectivity to other destinations;
- Monroe County Urbanizing Area Plan Phase II proposed zoning for the site as Conservation Development (N3) and Open Space (OS) and encourages walkability;
- The Subdivision Control Ordinance requires sidewalks within the dedicated, unpaved portions of the rights-of-way on both sides of all streets;
- See findings under Section A;

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

Findings

- The petitioner’s representative has submitted an Operations and Maintenance Manual for the common area;
- The subdivision has a riparian conservancy buffer and a detention pond. The detention pond and other drainage infrastructure will be maintained under the O&M manual;
- The use of the subdivision is single-family residential;
- Surrounding uses area also single-family residential;
- The purpose of the condition to share a driveway between lots 1 & 2 was in order to protect the riparian conservancy area located on these properties;
- See findings under Section A;

- (D) To protect the compatibility, character, economic stability and orderliness of all development

through reasonable design standards.

Findings

- The site is zoned Estate Residential 1 (RE1);
- Neighboring properties are zoned RE1, Suburban Residential (SR), and Agriculture/Rural Reserve (AG/RR).
- The petitioner is requesting to waive sidewalk requirements along Lots 1-3 facing E Kylie CT and Amber Ridge Drive for a total request to waive approximately 749 feet of required sidewalk;
- The petitioner also seeks to have separate driveways between lots 1 & 2. A shared driveway between lots 1 & 2 was a condition of approval (See Exhibit 3);
- The subdivision to the south, Amber Ridge Phase I, has sidewalks along most interior streets, and has a pedestrian easement along the east side of S Amber Drive. There is an opportunity for future connectivity between the two subdivisions by building out a sidewalk along S Amber Drive;
- See findings under Sections A & C;

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

Findings

- The sidewalks were constructed at the time of homes being built, with the exception of Lots 4 & 3. A portion of the sidewalk along Lots 9 & 10 will need to be removed and replaced to meet Public Works standards / ADA standards;
- The shared drive requirement is meant to protect the riparian conservancy area along lots 1 & 2;
- See findings under Sections A & C;

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

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

Findings:

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

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

Findings:

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site. County Surveyor has also reviewed the plat for survey accuracy;

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

Findings

- The land boundary records are found at the Monroe County Recorder's Office and, if approved, a final plat will not be required to be recorded as the result of the proposed preliminary plat amendment because street trees were not illustrated on the final plats for Stonechase;

FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT

The petitioner has requested a waiver from the Sidewalks requirement, outlined in 856-40 (A) which reads:

(A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way on both sides of all streets when any of the following are applicable:

(1) The proposed subdivision has road frontage or the streets will connect with an existing or proposed subdivision or business development that has sidewalks, or;

(2) A proposed major subdivision will be located within an area that is subject to the Business and Industrial Overlay as defined in Chapter 802 of the Zoning Ordinance, or;

(3) The proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;

(4) The proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or;

(5) The proposed subdivision has frontage on a street that provides direct access to destinations such as schools, recreational facilities, etc.

OR

A proposed subdivision is within 1 mile radius of destinations such as schools, recreational facilities, etc., or;

(6) A proposed subdivision will result in the creation of at least five lots where any of the lots in the proposed subdivision are less than 2.5 acres in size.

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

(Also see EXHIBIT 1 – Petitioner Findings of Fact)

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner is requesting to waive sidewalks along Lots 1, 2 & 3 for a total of approximately 749 feet as to not disturb the drainage easement running along these lots;
- The petitioner will still have to put in street trees (69), a final surfacing layer of asphalt, and install approximately 753 feet of sidewalk
- The vast majority of lots in Emerald Trace are built and sold;
- Lots 1 & 2 are not currently sold and are owned by the developer;

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

Findings:

- Installation of sidewalks within the dedicated, unpaved portions of the rights-of-way on both sides of all streets is a requirement for this subdivision according to Chapter 856-40;
- The petitioner is not requesting a sidewalk waiver for any other lots;

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

Findings:

- Utilities are already installed in this subdivision;
- Sidewalks are a requirement of a major subdivision and exist to help protect the public by providing safe pedestrian access.
- The sidewalk waiver would be detrimental to public safety, health, and welfare;

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

Findings:

- The rest of the subdivision would have sidewalks on all sides of the streets;
- The developer is still required to install street trees along all of the lots;
- The subdivision to the south, Amber Ridge, has been completed and does not have sidewalks along Amber Ridge Drive;
- Sidewalks will still have to be installed along the west side of Amber Ridge Drive, however there will not be connectivity on the other side of Amber Ridge Drive;

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

Findings:

- There are not practical difficulties in installing sidewalks along Lots 1, 2 & 3 as the area where sidewalks will be located does not interfere with the drainage easement nor is this area primarily wooded;

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

Findings:

- The purpose of the Sidewalks requirement is so that a subdivision can facilitate pedestrian access. This subdivision triggers 4 of the 6 applicable scenarios for when sidewalks are required. Only 1 of the 6 applicable scenarios must be triggered to require sidewalks;
- According to the Transportation Alternatives Plan adopted in 2018, the benefits of rural/suburban sidewalks includes that it “Provides pedestrian connectivity between destinations.” In addition, the plan identifies Harrell Road as a moderate priority for road improvements that could provide future connectivity to other destinations;

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

Findings:

- The amount of sidewalk requested to be waived is almost equal to the amount of sidewalk remaining to be installed;
- The sidewalks can be installed based on the original preliminary plat approval granted in 2006;

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

Findings:

- Practical difficulties have not been identified;

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

Findings:

- See findings under Section 1;

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

FINDINGS OF FACT – REQUEST TO REMOVE CONDITION OF SUBDIVISION APPROVAL FOR SEPARATE DRIVEWAYS FOR LOTS 1 & 2**1. Practical difficulties have been demonstrated:****Findings:**

- The petitioner is requesting to remove a shared driveway requirement between lots 1 & 2, which was a condition of approval of the subdivision;
- Lots 1 & 2 are not currently sold and are owned by the developer;

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

- The driveways do cross over the drainage easement and were required to be shared to minimize the impacts to the riparian zone;
- The condition of approval states that “8. A 25 foot from the creek center line (50 foot total) riparian buffer (no disturb zone) and drainage easements must be provided on the southern portion of the lot from the east to west side except where S Amber Drive and one shared driveway for lots 1 and 2 cross the stream;”
- The shared driveway requirement is only for Lots 1 & 2;

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

- Utilities are already installed in this subdivision;
- A removal of the condition to share a driveway for Lots 1 & 2 would not be detrimental to public safety, health, or welfare and would not adversely affect the delivery of governmental services;

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

- All of the other lots have individual driveways;
- Removing the requirement to share a driveway would not substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;

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

- There are not practical difficulties in removing the condition for a shared driveway between

Lots 1 & 2;

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

Findings:

- The purpose of condition of a shared driveway was to protect the drainage easement crossing the two lots;
- It would contravene the purpose of the condition;

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

Findings:

- There is an existing shared driveway present. The petitioner is requesting to remove the shared driveway and install two separate driveways;

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

Findings:

- Practical difficulties have not been identified;

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

Findings:

- See findings under Section 1;

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

EXHIBIT 1: Petitioner Letter to Plan Commission including Findings of Fact (1 of 4)

Smith Brehob & Associates, Inc.



Providing professional land planning, design, surveying and approval processing for a sustainable environment.

Stephen L. Smith P.E., P.L.S.
Steven A. Brehob, B.S.Cr.T.
Todd M. Borgman, P.L.S.
Don J. Kocarek, R.L.A.
Katherine E. Stein, P.E.

June 6, 2018

Monroe County Plan Commission
c/o Jackie Nester, Planner
Monroe County Planning Department
Showers Building
Bloomington, Indiana

Re; Emerald Trace Subdivision Plat Amendment
Revised application

Dear Jackie and Plan Commissioners,

The Owners at Emerald Trace are seeking to amend the preliminary plat approval of the subdivision that was granted by the Plan Commission in January 2006. The amendments include;

1. Waiver of the sidewalk requirement along a section of street to avoid disturbance of the existing wooded drainage area that was sought to be protected in the original approval.
2. If the sidewalk waiver (#1 above) is not granted and the channel is allowed to be disturbed, then amend the original approval to allow separate driveways on lot #1 and lot #2. A combined driveway to minimize disturbance to the wooded channel was condition #8 in the 2006 approval.

Sidewalk Waiver. The south side of Kylie Court and a portion of the east side of Amber Drive is low laying wooded drainage area. Construction of a sidewalk along those sections of road would disturb the wooded drainage area. There are sidewalks on the other side of both streets. The section of sidewalk sought to be deleted does not connect to another sidewalk in the subdivision to the south.. This section of sidewalk can be deleted and still have an effective pedestrian circulation plan and also protect the wooded drainage area.

Findings for the criteria in section 850-12 (A) in the County Code are being submitted with this application.

Separate Driveways on lots 1 and 2. Prospective home owners have indicated a strong dislike of a shared driveway on otherwise pretty typical lots as illustrated by these two lots being the last ones not sold by the developer. If the Plan Commission does not grant the sidewalk waiver and thereby indicating a willingness to allow encroachment into the

Smith Brehob & Associates, Inc.



wooded drainage area, then the owner would like to amend the 2006 approval to allow individual drives on these two lots. The driveway configuration is shown on the drawing included with this application.

The following items are being submitted with this application.

- Application fee of \$1150 and sign fee of \$8.50
- Findings for sidewalk waiver
- Owners authorization
- Existing deeds
- Auditors plat
- Drawings illustrating sidewalks to be deleted and possible drive configuration
- Copy of driveway permit applications

Very truly yours,



Stephen L. Smith
Smith Brehob and Associates, Inc.
Engineer for the Petitioner

EXHIBIT 1: Petitioner Letter to Plan Commission including Findings of Fact (3 of 4)

Smith Brehob & Associates, Inc.



Monroe County Code Section 850-12 (A) Criteria (*and findings*) for evaluation of waiver for deletion of selected sidewalks in Emerald Trace Subdivision;

- 1) Practical difficulties have been demonstrated
 - a. *Construction of the sidewalk will require regrading a portion of the wooded drainage channel that was sought to be protected during the original platting process.*
- 2) The requested modifications would not, in any way, contravene the provisions of the zoning ordinance, the comprehensive plan or the official map of the county.
 - a. *There will still be sidewalks on the other side of the street and on both sides of the street in most of the subdivision.*
 - b. *There is no sidewalk to connect to at either end of the section to be deleted*
- 3) Granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.)
 - a. *There will still be sidewalks on the other side of the street and on both sides of the street in most of the subdivision.*
 - b. *There is no sidewalk to connect to at either end of the section to be deleted*
- 4) Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties
 - a. *There will still be sidewalks on the other side of the street and on both sides of the street in most of the subdivision.*
 - b. *There is no sidewalk to connect to at either end of the section to be deleted*
 - c. *Deleting the sidewalks will allow retaining more of the wooded drainage area in its natural condition*
- 5) The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties
 - a. *The natural wooded drainage channel is adjacent to the road. The road was placed so that it aligned with Forest Ridge Drive on the east side of Harrell Road*
- 6) Granting the requested modifications would not contravene the policies and purposes of these regulations
 - a. *There will still be sidewalks on the other side of the street and on both sides of the street in most of the subdivision.*
 - b. *There is no sidewalk to connect to at either end of the section to be deleted*
- 7) The requested modifications are necessary to ensure that substantial justice is done and represent the minimum modifications necessary to ensure that substantial justice is done

EXHIBIT 1: Petitioner Letter to Plan Commission including Findings of Fact (4 of 4)

Smith Brehob & Associates, Inc.

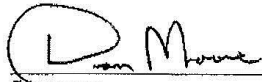


- a. Construction the sidewalk would cause damage to the natural wooded drainage area that is an asset to the neighborhood. Leaving the sidewalk out is the best solution.*
- 8) The practical difficulties were not created by the developer, owner, subdivider or applicant
 - a. Kylie Court was placed to align with Forest Ridge Drive that already existed on the east side of Harrell Road. That placed Kylie Court adjacent to the wooded drainage area such that a sidewalk would encroach into that area.*
- 9) The practical difficulties cannot be overcome through reasonable design alternatives.
 - a. Sidewalks on the other side of the street are the reasonable design solution and is consistent with nearby neighborhoods.*

EXHIBIT 2: Letters of Consent (1 of 3)

CONSENT FORM

I, Dan Moore as owner of property located at Emerald Trace Lot 1
grant to Smith Brehob & Associates, Inc., permission to petition the Monroe County Plan
Commission for Preliminary Plat Amendment and partial sidewalk Waiver, for the above
described property.



Signature

Dan Moore

Printed Name


5/30/18

Date

EXHIBIT 2: Letters of Consent (2 of 3)

CONSENT FORM

I, Dan Moore as owner of property located at Emerald Trce Lot 2
grant to Smith Brehob & Associates, Inc., permission to petition the Monroe County Plan
Commission for Preliminary Plat Amendment and partial sidewalk Waiver, for the above
described property.


Signature

Dan Moore
Printed Name

5/30/18
Date

EXHIBIT 2: Letters of Consent (3 of 3)

*
CONSENT FORM

Suzanne Mayercak as owner of property located at 4225 S. Amber Drive
grant to Smith Brehob & Associates, Inc., permission to petition the Monroe County Plan
Commission for Preliminary Plat Amendment and partial sidewalk Waiver, for the above
described property.

Suzanne Mayercak
Signature

Suzanne Mayercak
Printed Name

June 6, 2018
Date

C:\Users\dkennelly\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\X3LVREPM\Consent letter
feetn.doc

EXHIBIT 3: Required Conditions of Approval dated January 19, 2006

MONROE COUNTY PLANNING DEPARTMENT

and the offices of

MONROE COUNTY PLANNING COMMISSION MONROE COUNTY BOARD OF ZONING APPEALS

Courthouse - Room 306

Bloomington, IN 47404

Telephone: (812)-349-2560 / Fax: (812)-349-2967

<http://www.co.monroe.in.us/planningdept.html>

January 19, 2006

Smith Neubecker & Associates, Inc.
453 S. Clarizz Blvd.
Bloomington, IN 47401

RE: Approval of the Emerald Trace Subdivision, Preliminary Plat

To Whom It May Concern:

The petition you submitted for Preliminary Plat approval was **approved** by the Monroe County Plan Commission on January 17, 2006. The petition was approved with the following conditions:

1. The petitioner shall provide proof of IDEM Rule 5/401 Permit approval prior to grading or land disturbance activities; unless it is determined that these do not apply.
2. A grading permit must be obtained from the Planning Department prior to commencement of any earthwork on site.
3. A 30-foot right-of-way dedication to the County along Harrell Road and a 25-foot right-of-way dedication to the County along all proposed Local roads.
4. Street trees are also required for this site along Harrell Road and the proposed local roads per Chapter 856-43 of the Subdivision Control Ordinance. The location of trees to be planted or preserved must be identified on the proposed preliminary plat.
5. Where possible, runoff shall sheet flow from the road.
6. The interior roads are to be constructed in accordance with public road standards as outlined in the Subdivision Control Ordinance. Construction plans shall be submitted for review and approval. A performance surety will be required at final plat approval.
7. Continue the sidewalk around the cul-de-sac.
8. A 25 foot from the creek center line (50 foot total) riparian buffer (no disturb zone) and drainage easements must be provided on the southern portion of the lot from the east to west side except where Amber Drive and one shared driveway for lots 1 and 2 cross the stream.
9. Access to lot 3 shall be provided from Amber Drive.
10. Detention basin needs to be designed as temporary sediment basin during construction and design needs to be submitted to staff prior to disturbing the land.
11. Limit encroachment of the final detention pond into riparian buffer to maximum extent possible.
12. Identification and protection of the Northeast section corner during and after construction.

If you have any questions or need additional information, please feel free to contact me at the number listed above.

Sincerely,

Jason Eakin, Senior Planner

Cc: Petition File

EXHIBIT 4: Drainage Board Requirements

Emerald Trace, Preliminary Plat: The drainage plan was approved at the December Drainage Board meeting with the following conditions:

1. The bottom of the detention pond shall be designed so that it drains completely, and a minimum of six inches of topsoil shall be placed on the bottom and sides.
2. Ditches shall be stabilized with mulch held in place with netting, with erosion control blanket, or another approved method.
3. A detail is needed of the typical ditch section showing the 4:1 side slopes, 18 inch minimum depth, and 6 inch depth of topsoil.
4. Detention shall be provided for all runoff from the road drainage system.
5. Minimum first floor elevations are required for all lots that contain natural channels with riparian buffer zones. The minimum first floor elevation must be specified on building plans for all houses to receive Improvement Location Permit approval.
6. Benchmarks shall be provided on all lots for which a minimum building elevation is specified.
7. As-built plans for all houses built on lots with specified minimum first floor elevations must have certified first floor elevations prior to issuance of occupancy permits.
8. Drainage easements are needed for the natural waterway across lots 1 – 7 and for the ditches proposed for lots 10 – 16.
9. A Maintenance Covenant between the owner and the County for the perpetual maintenance of the common areas is required. Use of native vegetation in the common areas is preferred.
10. Temporary construction fencing is needed to delineate areas such as riparian buffer zones and tree preservation areas that are not to be disturbed.
11. Details of the drainage design are to be worked out with the Drainage Engineer.

The petitioner also made a commitment to preserve $\frac{1}{4}$ acre of existing trees on lots 1, 2, and 3. The determination of the exact locations of these conservation areas will be made at the time of Improvement Location Permit application.

EXHIBIT 5: Minutes from Plan Commission Approval, dated January 17, 2006 (page 1 of 7)

said you still have the same surface area.

Martin said they have run into this problem before, just up the road. They came up with an adequate solution, so he knows it can be done, but it is not as straightforward as they would like it to be.

Cowell clarified the roll call was on the waiver request.

Motion carried with a vote of 8 ayes and 1 abstention (Thompson).

Meeting was recessed for five minutes.

0511-SPP-20 Emerald Trace, Preliminary Plat for 16 lots on 20 acres, Perry Township, Section 22, 4500 block of S. Harrell Road

BOARD ACTION: Pittsford read the Petition.

STAFF ACTION: **Eakin said Staff recommends approval based on the following conditions:**

1. The petitioner shall provide proof of IDEM Rule 5/401 Permit approval prior to grading or land disturbance activities; unless it is determined that these do not apply.
2. A grading permit must be obtained from the Planning Department prior to commencement of any earthwork on site.
3. A 30-foot right-of-way dedication to the County along Harrell Road and a 25-foot right-of-way dedication to the County along all proposed Local roads.
4. Street trees are also required for this site along Harrell Road and the proposed local roads per Chapter 856-43 of the Subdivision Control Ordinance. The location of trees to be planted or preserved must be identified on the proposed preliminary plat.
6. Where possible, runoff shall sheet flow from the road.
7. The interior roads are to be constructed in accordance with public road standards as outlined in the Subdivision Control Ordinance. Construction plans shall be submitted for review and approval. A performance surety will be required at final plat approval.
8. Continue the sidewalk around the cul-de-sac.
9. A 25 foot from the creek center line (50 foot total) riparian buffer (no disturb zone) and drainage easements must be provided on the southern portion of the lot from the east to west side except where Amber Drive and one shared driveway for lots 1 and 2 cross the stream.
10. Access to lot 3 shall be provided from Amber Drive.
11. Detention basin needs to be designed as temporary sediment basin during construction and design needs to be submitted to staff prior to disturbing the land

FINDINGS OF FACT - Major Subdivision

850-3 PURPOSE OF REGULATIONS

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

Findings:

January 17, 2006 Monroe County Plan Commission Regular Meeting Minutes

EXHIBIT 5: Minutes from Plan Commission Approval, dated January 17, 2006 (page 2 of 7)

- The petition site is 20.00 acres with proposed lot sizes ranging from 1.00 to 1.28 acres. All lots satisfy the height/bulk standards (e.g., minimum lot size) of Chapter 804.
 - The petition site is zoned Estate Residential (RE1, Former Fringe), as are the properties to the north, south and west of the site. Forest Ridge Subdivision lies east of the petition site across Harrell Road and is zoned Suburban Residential (SR).
 - The Monroe County Health Department has issued preliminary conditional in-ground septic permits for all 16 lots.
 - The RHS Water Corporation has determined that they have the capacity to provide water service.
- (B) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives and implementation programs.

Findings:

- The Recommended Land Use under the Growth Policies Plan for the petition site is identified as Rural Residential which states: *These are remote areas with inadequate or nonexisting public facilities and services. These areas are intended primarily as large lot residential areas with average densities of one (1) acre per dwelling unit. Environmental conditions may, in some cases, further limit prevailing development densities. Where development is to occur on septic systems, septic suitability must be judged on a site specific basis. In order to maximize consistency with Monroe County development policies, adequate land coverage should be required to support two (2) independent septic fields. Current septic systems built in Monroe County have a useful life of twenty to twenty-five years (20-25). A single septic system will probably fail prior to the life expectancy of the residential structure. In most cases, the provision of two septic fields will not unduly restrict development. Areas designated Rural Residential also signify areas which are not planned for major new public investments in roadways or public utilities.*
 - The site has received conditional approvals for 16 mound septic systems and has received approval for water service.
- (C) To provide for the safety, comfort, and soundness of the built environment and related open spaces.

Findings:

- All lots are between 1.00 to 1.28 acres in size. All lots are equal to or greater than 100' at one location.
 - All lots presently satisfy the height/bulk standards (e.g., minimum lot size) of Chapter 833.
 - The lots will have to comply with other standards (e.g., maximum coverage, setbacks) when house construction begins.
 - The petitioner proposes building an interior road with sidewalks on both sides, except around the cul-de-sac.
 - Tree preservation and stream buffer areas have not been provided for.
 - Detention has been provided within a common lot in the center of the site which will be maintained by the homeowners.
- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

EXHIBIT 5: Minutes from Plan Commission Approval, dated January 17, 2006 (page 3 of 7)

Findings:

- The petition site bears the Estate Residential (RE1, Former Fringe) zoning district designation.
- The zoning is consistent with the recommended land use policies of the Growth Policies Plan, which designates the area as Rural Residential with minimum lot size recommendations of 1.00 acre/d.u.
- All adjacent areas are zoned RE1.
- Existing area land uses include large lot residential, agriculture, and rural residential. The property is bordered to the west by Bristol Manor which is a 17 lot subdivision with lots approximately 1 acre in size. To the south is the Amber Ridge subdivision, another 17 lot subdivision with lots ranging from 1 – 1.3 acres in size. Plateau Place subdivision is located north of the site and consists of lots approximately 2.00 acres in size.
- The site is bordered on its east side by Harrell Road. Forest Ridge subdivision is located on the east side of Harrell Road and is zoned Suburban Residential with lots approximately 1 acre in size.
- The character of the area is primarily large lot residential and rural residential. Immediately adjoining the petition site to the south, west and north are estate residential (1 acre average lots).
- The petition site would result in the addition of 16 single-family home sites with 15 mound septic systems.
- The petition site will be served by Harrell Road (Minor Collector). The additional traffic generated by 16 new home sites would not appear to cause further degradation of the roadway at this time.

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

Findings:

- A driveway permit application has been submitted to the Monroe County Highway Engineer for access from Harrell Road onto a new interior local road. Alternate access will be provided by extending the existing road stub on Amber Drive (Local Road), which will connect to the new interior local road. Both roads have provided 50' of overall right of way to be dedicated to the County.
- The site is zoned Estate Residential (RE1, Former Fringe) which designates the area as: *"The intent of this district is to accommodate large lot, estate type residential uses in a rural environment along with limited compatible agricultural uses. It is meant specifically to:*
 - *Accommodate those persons who desire estate type living.*
 - *Maintain a pattern of growth that is consistent with the cost-efficient provision of urban services to promoted compactness in the city structure.*
 - *Provide for development in a rural setting not necessarily requiring urban utilities.*
 - *Provide for limited compatible agricultural uses."*
- The site is primarily wooded and pasture area with a mix of young trees with moderate to gently rolling slopes and an intermittent stream running through the site from east to west.

- The Subdivision Control Ordinance states that preservation of natural features shall be encouraged and preservation areas have not been identified along the stream and southern and eastern property lines.
- The site is not located in a karst area, FEMA floodplain, or the Environmental Constraints Overlay area.
- A partial sidewalk waiver has been requested around the proposed cul-de-sac road.

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

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

Findings:

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

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

Findings:

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

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

Findings:

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

The Subdivision Control Ordinance shall be interpreted, administered and enforced in a manner that is consistent with the foregoing purposes.

PETITIONER: Kristin Taylor said they have read the Staff report and are in agreement with all of the Staff recommendations and conditions of approval. She said she would like to mention one item to do with number nine; that is the item that states that a **riparian** buffer stream is required on the stream that crosses the site. She said that does not appear to be a problem in most of the locations. They mentioned they would have Amber Drive and the driveway crossing that stream. They do have a detention area that they are providing as part of the project that would be within the 25 foot to the north along the stream. She pointed this out to the Commissioners on the overhead and her comments at that time were inaudible. She said that in order to keep the drive in connection straight across Harrell Road from Forest Ridge Drive, there is a section there that the roadway construction would be within the 25 foot **riparian** zone. She wanted to point that the two areas would be within that zone, but they don't see a problem with the rest.

Kilmer asked about the span of the bridge.

Taylor asked if he was speaking of the bridge just south of Forest Ridge.

EXHIBIT 5: Minutes from Plan Commission Approval, dated January 17, 2006 (page 5 of 7)

Kilmer said yes.

Taylor said she believed that would have to be extended because they have an acceleration lane shown.

Kilmer asked if it was going to be a box culvert or a pipe culvert or a bridge and what the standard is.

Taylor said she didn't think it was a bridge. It is a culvert of some type and she isn't sure if it is a box or a pipe culvert. It will need to be extended for the construction of the acceleration lane on Harrell Road. She believes it is within that area.

Kilmer asked if it would be a culvert on the road to the south.

Taylor said she wasn't sure which one he was speaking of.

Kilmer said they are going to have to do additional work up by Harrell Road on the creek, and expand what they have and bridging there, and then there will be a bridge or a culvert or something on the road to the south that comes off of the subdivision and goes south. He asked if there would be a culvert there.

Taylor said there is a culvert there.

Martin said there is a circle in the northwest corner. He asked if that was a sinkhole conservancy.

Taylor said that is an existing pond.

Martin asked if it would be retained.

Taylor said it is going to be retained. She said she believed it is not a part of the area of that lot and there is a part in the Ordinance that says it can't count as a part of the one acre lot.

Martin said that it is a pond they are planning on retaining.

Taylor said yes.

Martin said the plat they have presented to the Commission shows eight of their septic fields encroaching on their setbacks. He asked if they have any requirements regarding setbacks and the use of septic.

Cowell said not unless it is covered with the Health Department. As far as their Ordinance, the answer is no. He added two things. He wanted to make sure that, if they choose to approve the subdivision with Staff's recommended condition number 8, that it be amended to include the requirement for sidewalks along Harrell Road. They are required by Ordinance but he wanted to

January 17, 2006 Monroe County Plan Commission Regular Meeting Minutes

EXHIBIT 5: Minutes from Plan Commission Approval, dated January 17, 2006 (page 6 of 7)

make sure it was spelled out. The other item is a matter of making sure the condition dealing with the detention pond is clear. The detention pond is mentioned as being in the riparian buffer. They understand that it is in the riparian buffer, but don't necessarily want to see it in the riparian buffer. One of the things they would want to avoid, and one of the reasons why they are looking for the buffer, is the removal of trees in order to facilitate a detention pond in a certain location. It seems to be counter productive to remove trees along a stream so that you could put in a detention basin. His question would be is there a way to alter the design of the detention pond to try to encroach less on the riparian buffer. If there is not, and the Commission is comfortable with it, then they just need to add that as one of the exclusions from the encroachment on that buffer. He wants to make sure that is clear so that they don't run into problems as they get along in the construction plans and someone says that is not an encroachment that is allowed. He believes that is condition number nine.

Pittsford asked if they could just ask the Petitioner if they understand that the same way they do and consider that as part of the record or if they have to have that written into the conditions.

Cowell said he would like to find out from the Petitioner if they believe there is a way to adjust the detention pond to not encroach in that buffer and if there is not, they need to make that explicit in the conditions if that is the direction the Commission wants to go.

Taylor said they would want to go back and look at the conditions of approval from the Drainage Board and see if they could comply with those and still do what Bob is talking about.

Pittsford asked if this could be covered under item 11 in the Drainage Engineers report that says details of the drainage design are to be worked out with the Drainage Engineer.

Cowell said yes, and what he would do is say including the extent of the encroachment in the riparian buffer. If they wanted to add that, that would cover it and they could work through it in the construction plan.

Pittsford said Martin says he has a motion that includes that. Their record of tonight's meeting, the Drainage Engineer's report and whatever Richard adds, will provide enough coverage that they should sleep like babies.

Martin asked if it was a possibility to take a sliver of lot number four, on the north side of the creek, and add it to the common area. He asked if they had enough room in lot number four without the sliver.

Taylor asked which sliver he was speaking of.

Martin said it is just below the detention pond. It is the east-west line and it crosses the creek. There is an area that is bounded on the south by the creek, on the north by the lot four now, and on the west by lot five. He asked if that could be added to the common area without decreasing the lot

area of lot four to an unacceptable level.

Taylor said it looks like that would be possible.

Martin moved and Kilmer seconded in case 0511-SPP-20 to approve the preliminary plat based on the findings of fact and subject to the requirements of the Monroe County Highway and Drainage Engineers reports and with the 11 conditions contained in the Staff report with a modification of condition number eight to read "continue the sidewalk around the cul-de-sac and along Harrell Road" and a modification of number nine to add the exclusion of the detention area and at the necessary infrastructure at Harrell Road and Amber Drive and a possible minor lot line adjustment that would allow condition number 11 to be negotiated successfully with the Drainage Engineer and the Petitioner.

Enright moved to amend the motion to include the section corner at northeast corner of the subdivision on the final plat.

Martin said that would make number 12 and said he was waiting on a second. Kilmer seconded.

Motion carried with a vote of 8 ayes and 1 abstention (Thompson).

COMMITTEE AND BOARD APPOINTMENTS

Cowell said they each should have received a memo that included the current Committee assignments. He also included a description of the Committees as they exist in the Rules of Procedure. Because there is a new Committee, the Rural Community Advisory Committee, he also included the pages of the people who participated in the development of those plans to give them an idea. It doesn't mean they have to come from that list, but they do have to come from that rural community. He reminded the Commission the Committees they have. One is the Executive Committee, which is made up of three Commissioners. This Committee assists Bob and Staff in dealing with administrative issues, such as budgeting and personnel issues. The Plan Review Committee consists of four Commissioners, including automatically the Board of Commissioners representative, and three residents. The Plat Committee consists of two to four Commissioners and one to two residents for a total of three to five members. The Rural Community Advisory Committee consists of one Commissioner and one member residing in each of the rural community areas of Harrodsburg, Ellettsville, Smithville, Sanders and Stinesville for a total of five members. No one that served on the previous Committees has indicated to him that they are not interested in serving again. He said he has also been contacted by Julie Thomas, Vic Kelson, Cheryl Munson, and Fred Reisinger who have all expressed interest in serving on any Committees should the Commission feel it appropriate. He said Phil Tapp and Charles Newmann have both indicated their willingness to serve on Committees through their application to serve on the Plan Commission.

EXECUTIVE COMMITTEE:

January 17, 2006 Monroe County Plan Commission Regular Meeting Minutes

EXHIBIT 6: Proposed Preliminary Plat

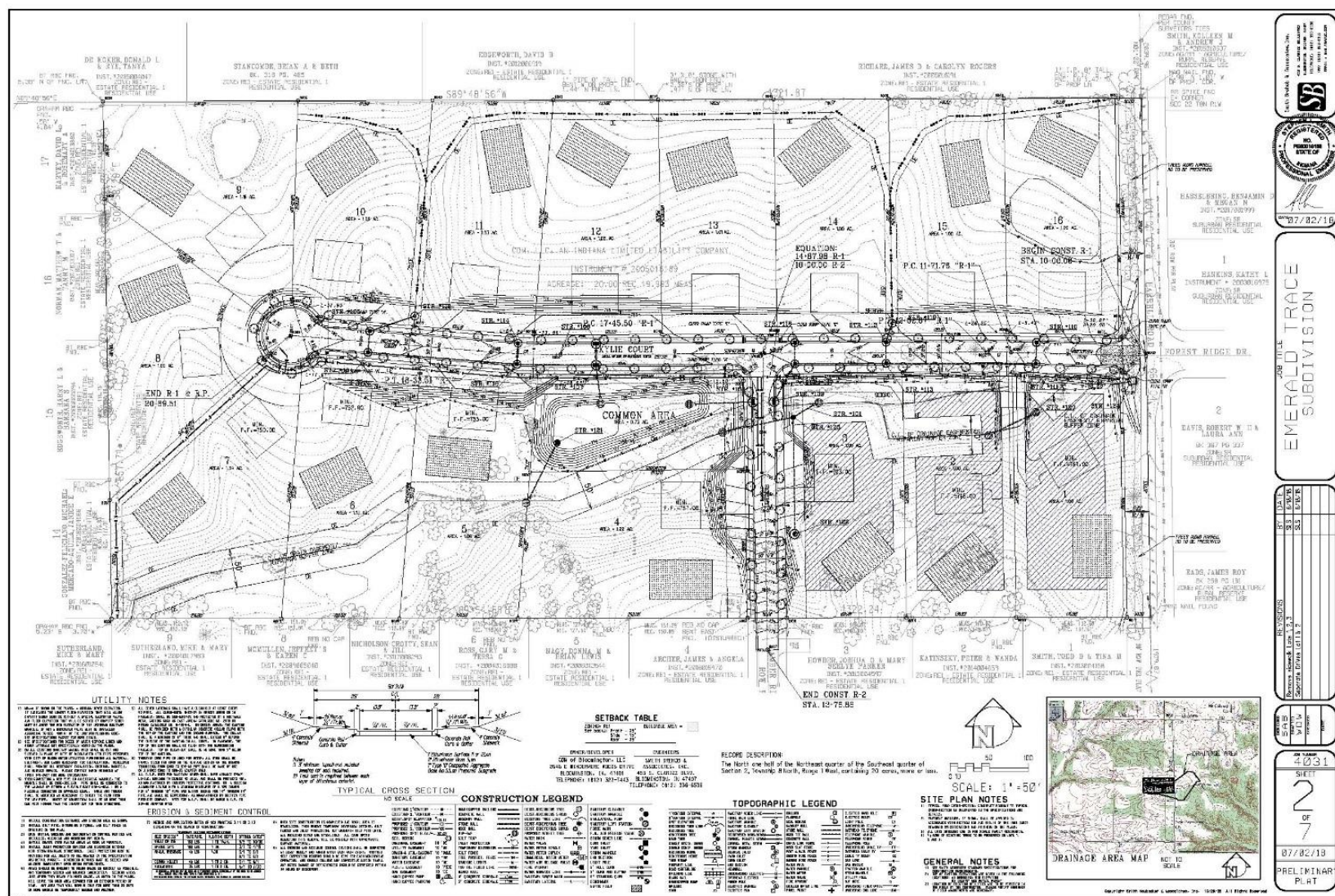


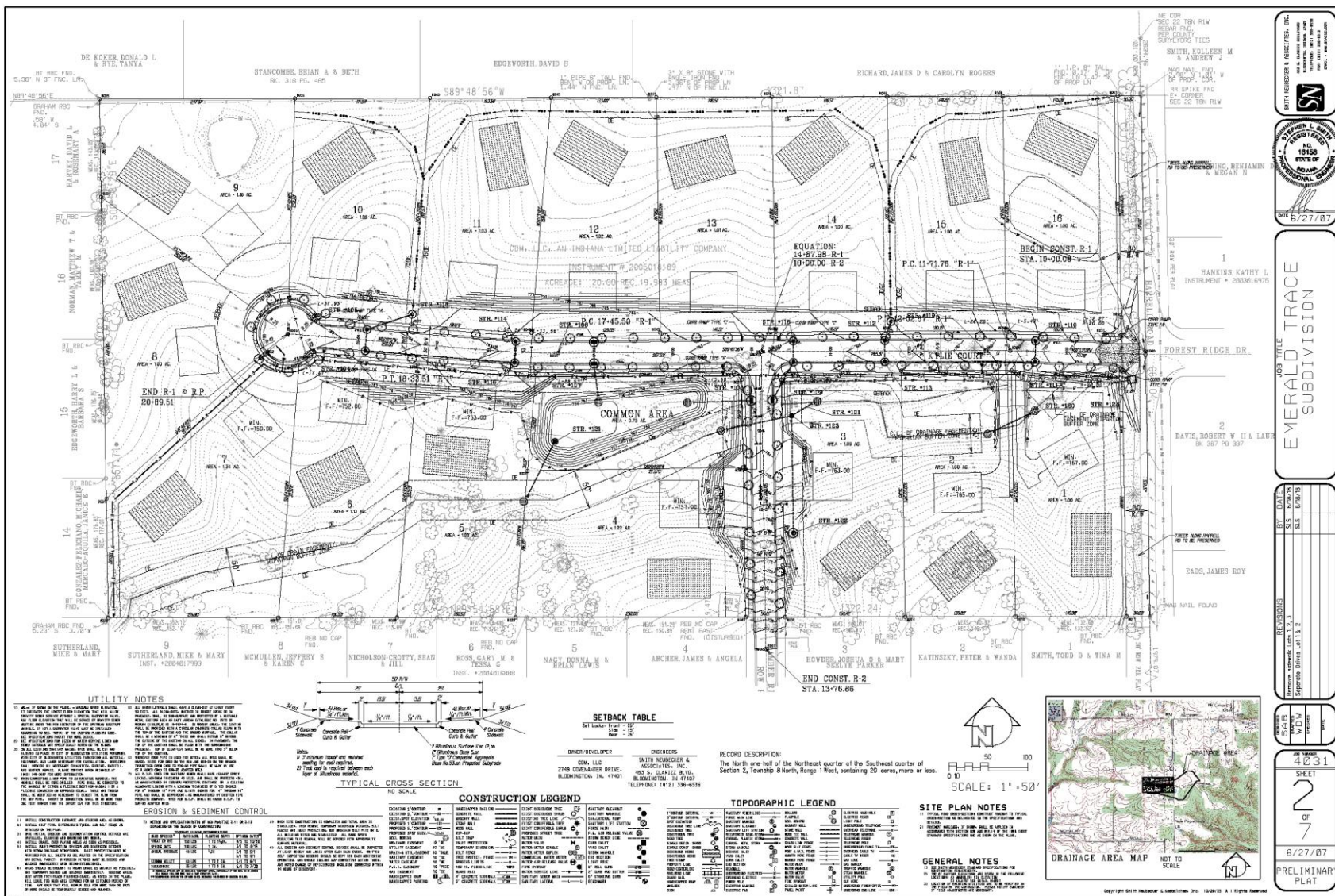
EXHIBIT 7: Original Preliminary Plat dated 6/27/07

EXHIBIT 8: Amber Ridge Phase I Final Plat

The final plat shows a pedestrian easement (P.E.) along the east side of S Amber Ridge Drive.

