

# **MONROE COUNTY PLAN COMMISSION MEETING**



**April 16, 2019  
5:30 pm**

**Judge Nat U. Hill III Meeting Room  
100 W. Kirkwood Avenue  
Bloomington, Indiana**

**MONROE COUNTY PLAN COMMISSION  
AGENDA**

The Monroe County Plan Commission will hold a public hearing on Tuesday, April 16, 2019 at 5:30 PM, in the in the Judge Nat U. Hill III Meeting Room, 100 West Kirkwood Avenue, Bloomington, Indiana, to consider the following agenda items and requests regarding the following described properties in Monroe County, Ind.:

**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES –**

**March 19, 2019**

**UNFINISHED BUSINESS:**

- 1. 1901-SSS-02                      Robertson Sliding Scale Subdivision Preliminary Plat.                      PAGE 4**  
**Cohen-Robertson Type ‘E’ Administrative Subdivision Plat Vacation and**  
**Sidewalk Waiver Requested.**  
**Final Hearing.**  
Three (3) parcels on 47.83 acres +/- in Clear Creek Township, Section 10 at 8070  
S Strain Ridge RD.  
**Zoned AG/RR.**

**NEW BUSINESS:**

- 1. 1901-SSS-01                      Martin Family Sliding Scale Subdivision Preliminary Plat.                      PAGE 38**  
**Utility Waiver and Road Width Waiver Requested.**  
**Preliminary Hearing. Waiver of Final Hearing Requested.**  
Three (3) Parcels on 223.50 acres +/- in Bean Blossom Township, Sections 4 & 33  
at 7618 & 7700 W Sand College RD.  
**Zoned AG/RR.**
- 2. 1901-PUO-01                      Mirwec Outline Plan Amendment Three.                      PAGE 60**  
**Preliminary Hearing. Waiver of Final Hearing Requested.**  
One (1) parcel on 5.4 +/- acres in Section 1 of Van Buren Township at 700 S Liberty  
DR in Mirwec Subdivision, Lot A.  
**Zoned PUD.**
- 3. 1902-SSS-04                      Mullis-Ryan Sliding Scale Subdivision Preliminary Plat.                      PAGE 84**  
**Road Width Waiver Request.**  
**Preliminary Hearing. Waiver of Final Hearing Requested.**  
Two (2) Parcels on 22.09 acres +/- in Benton North Township, Sections 20 at  
7080 N Miller DR.  
**Zoned FR.**

**REPORTS:**

1. Planning: Larry Wilson
2. County Attorney: David Schilling

Said hearing will be held in accordance with the provisions of: IC 36-7-4-100 et seq.; & the County Code,

Zoning Ordinance, and the Rules of the Plan Commission of Monroe County, Ind. All persons affected by said proposals may be heard at this time, and the hearing may be continued as necessary.

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](mailto:apurdie@co.monroe.in.us), as soon as possible but no later than forty-eight (48) hours before the scheduled event.

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

The meeting will be open to the public.

**MONROE COUNTY PLAN COMMISSION MEETING****April 16, 2019**

**PLANNER:** Jackie Nester, AICP  
**CASE NUMBER:** 1901-SSS-02 Robertson Sliding Scale Subdivision  
**PETITIONER:** Patricia Robertson c/o Eric Deckard  
**ADDRESS:** 8070 S Strain Ridge Road  
**REQUEST:** Sliding Scale Preliminary Plat to Subdivide One Parcel into Three Lots, Partial Plat Vacation, and a Waiver Request for Sidewalk.  
**ZONING:** Agriculture/Rural Reserve (AG/RR)  
**ACRES:** 47.83 +/-  
**TOWNSHIP:** Clear Creek  
**SECTION(S):** 10  
**PLAT(S):** Cohen-Robertson Type "E" Administrative Subdivision, Tract 2  
**COMP PLAN**  
**DESIGNATION:** Designated Communities

**EXHIBITS:**

- 1) Preliminary Plat
- 2) Cohen-Robertson Type "E" Administrative Subdivision
- 3) Petitioner Submitted Findings of Fact – Sidewalk Waiver Request
- 4) Brookshire Crossing Subdivision Final Plat
- 5) Transportation Alternatives Map
- 6) Written Commitment
- 7) House Bill 1115 – Greenway Trail and Liability

**RECOMMENDATION**

Staff recommends **Approval** of the Sliding Scale Subdivision Preliminary Plat and Plat Vacation, based on the findings of fact and subject to the Monroe County Highway Department Reports and Subject to the following condition:

1. Septic permits must be submitted prior to final platting.

Staff recommends **Approval** of the sidewalk waiver request subject to the following condition:

1. Add a pedestrian and utility easement along the abandoned railroad corridor per the written commitment to be recorded with the approved final plat.

**PLAN COMMISSION ADMINISTRATIVE COMMITTEE**

The Plan Commission heard this petition at their regularly scheduled meeting on March 5, 2019, and discussed the possibility of the Monroe County Highway Department building a turnaround required for this proposal in return for a pedestrian and utility easement across the petition site along the abandoned railroad.

**PLAT COMMITTEE**

The Plat Committee heard this petition at their regularly scheduled meeting on February 21, 2019, and gave no recommendation.

**BACKGROUND**

The petition site is one parcel totaling 47.83 +/- acres. The parcel is Tract 2 of the Cohen-Robertson Type "E" Administrative Subdivision (see Exhibit 2). The petitioner is proposing to vacate the 47.83 +/- acre parcel and further subdivide into three lots via the Sliding Scale Subdivision procedure. The proposed lot dimensions are as follows (see Exhibit 1):

- Lot 1: 39.40 +/- acres with 9.74 acres of buildable area



- Lot 2: 4.03 +/- acres with 2.16 acres of buildable area
- Lot 3: 3.96 +/- acres with 1.86 acres of buildable area

Proposed Lot 1 will be designated as the Parent Parcel Remainder and shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance.

There are several sinkhole conservancy areas (SCAs) that have been designated on the submitted preliminary plat. The petitioner is not able to put a private drive through any of the SCAs per Chapter 829. According to the plat, the petitioner is able to place a 50' ingress/egress easement through the property without coming in contact with any of the SCAs on the site. All future septic sites must be located 25' from the nearest SCA, which can also be met according to the submitted preliminary plat.

In the original Type 'E', the petitioner dedicated right-of-way for future extension of the County road, Whitherbee Drive, a Local Road. The site does have access to Whitherbee Drive from the south through the Brookshire Crossing Subdivision, approved in 1996. To access the proposed lots from Whitherbee Drive, a cul-de-sac is required within the previously dedicated right-of-way. Since this petition site is located in the designated community area, the subdivision request triggers the need for sidewalk around the proposed cul-de-sac. The petitioner has requested a waiver from the Subdivision Control Ordinance's Sidewalk Requirement. Street trees will be preserved in the dedicated right-of-way area outside of the area to be built as a cul-de-sac. The closest school to this petition site is Lakeview, which is 1.67 miles away and the closest potential for sidewalks is located in the Bellevista Subdivision, which is 0.31 miles from the petition site; the Bellevista subdivision has no sidewalks built but does have pedestrian easements platted along both sides of all of the internal streets.

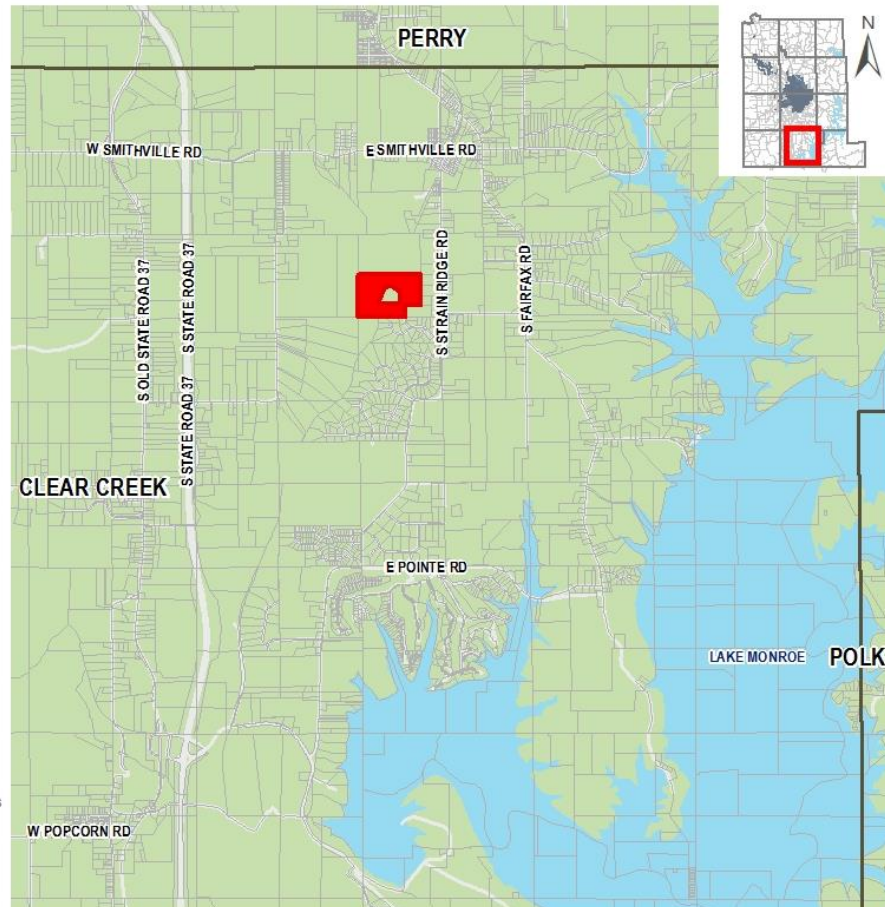
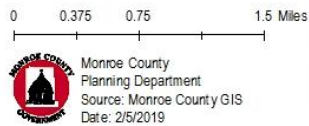
There is an abandoned railroad area that cuts through this property. Staff has recommended that in lieu of the sidewalk around the proposed cul-de-sac, that an easement be platted for pedestrian and utility access for future plans of a high priority greenway corridor (See Exhibit 5). The easement would allow for the County to build out a future greenway trail through the petitioner's property, which would extend over 7 miles and would be known as the Sanders-Smithville Greenway.

## LOCATION MAP

The petition site is located in Clear Creek Township. The property maintains frontage on S Whitherbee Drive, which is classified as a Local Road.

### Location Map

- Petitioner
- Townships
- Roads
- Parcels
- Lakes

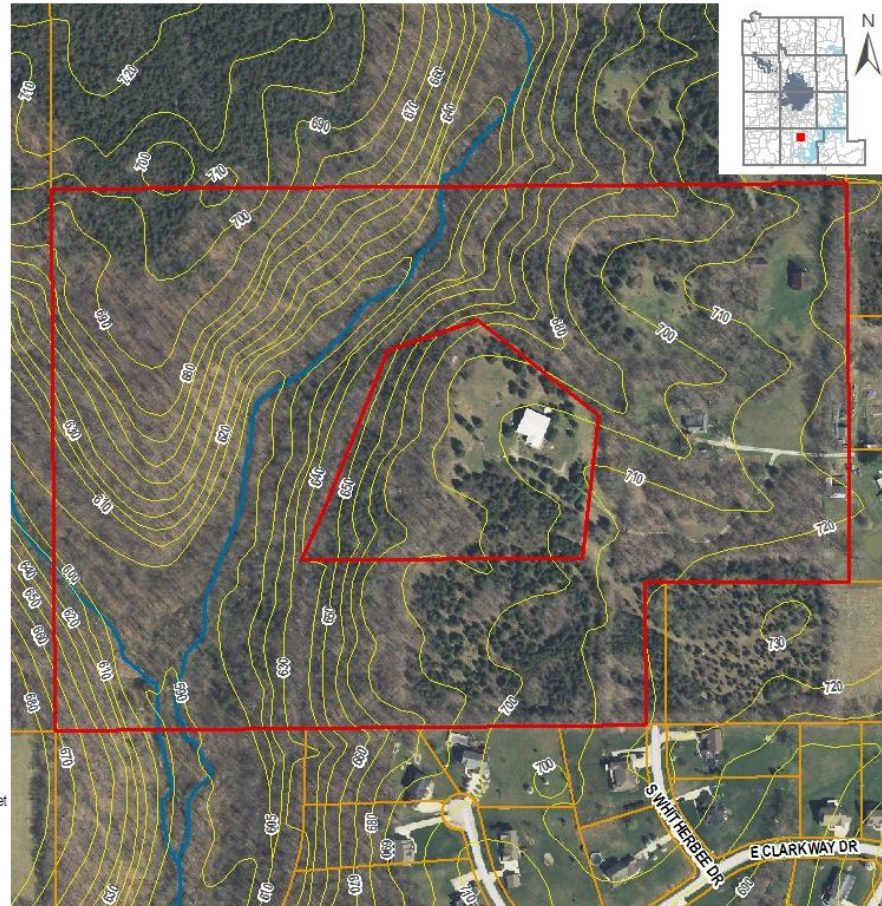
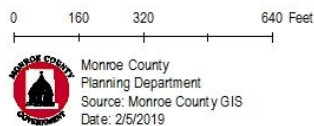


## SITE CONDITIONS

The petition site is currently a platted tract with a residence and accessory structures. There is a stream running through the middle of the parcel, which will be placed in a drainage easement. There is no known FEMA floodplain on the site. The petitioner's representative have illustrated sinkhole features. The slope depiction is on the following page.

### Site Conditions Map

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







# Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads

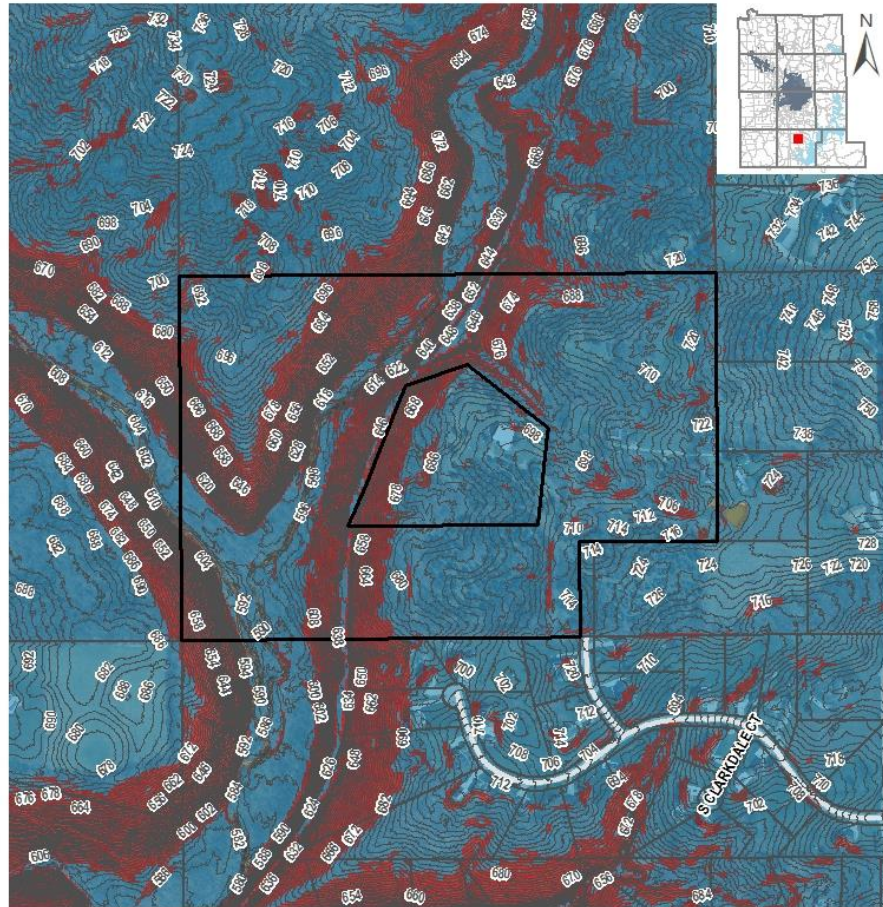
## Percent Slope (2010)

-  0 - 15
-  > 15

0 115 230 460 690 920 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/5/2019



## **SITE PICTURES**



Photo 1. View of the property off of S Whitherbee Drive



Photo 2. View of existing driveway that will become a turnaround to access proposed Lots 2 & 3





Photo 3. Facing south towards Whiterbee



Photo 4. View of the property

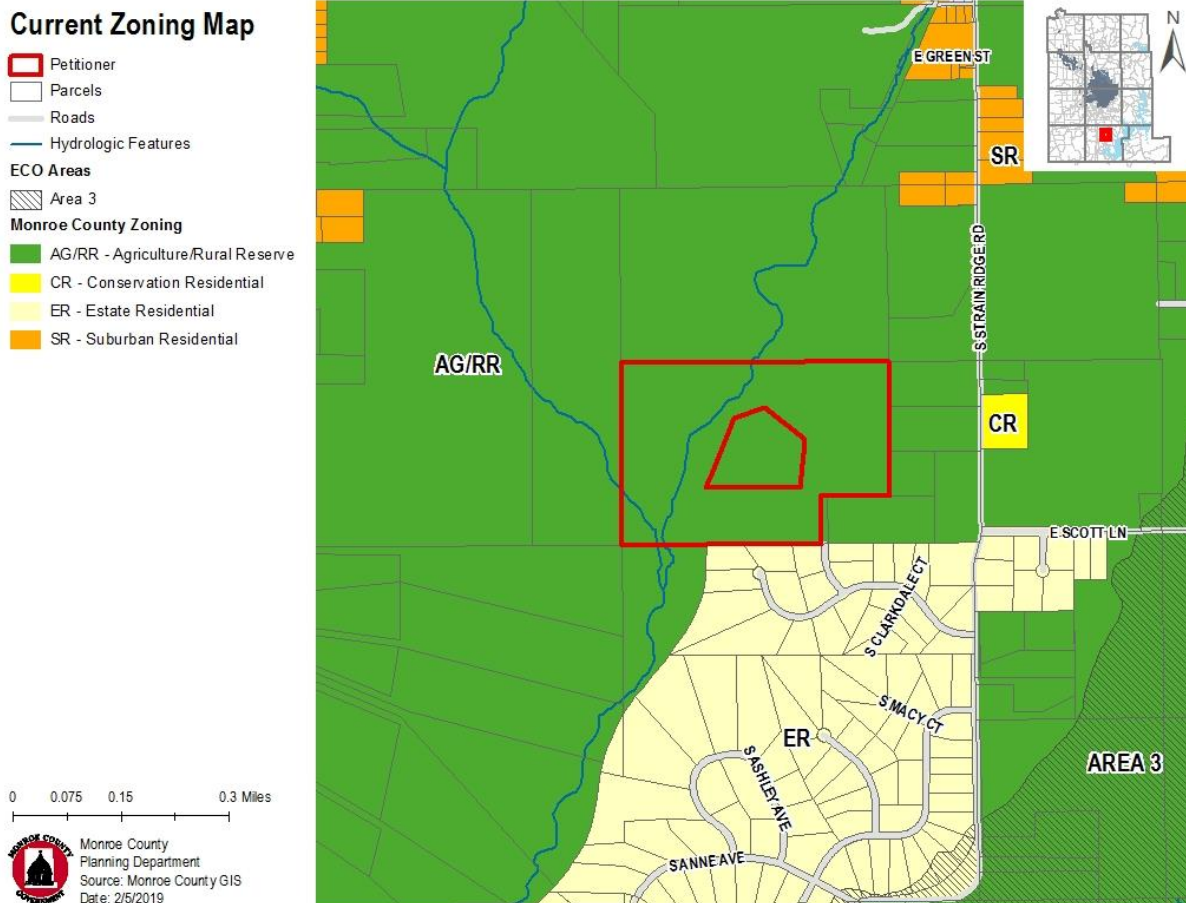




Photo 5. Bird's eye view of the property

## ADJACENT USES / ZONING

The site is zoned Agriculture/Rural Reserve (AG/RR) and is currently contains a residence and accessory structures. The surrounding parcels are zoned Agriculture/Rural Reserve (AG/RR) and Estate Residential (ER) and primarily contain agricultural and residential type uses.



## INFRASTRUCTURE/ACCESS

The current home and accessory structure gain access through a 25' easement from S Strain Ridge Road. The new proposed Lots 2 & 3 requested access through S Whitherbee Drive. During the Type E Administrative Subdivision, right-of-way was dedicated to continue Whitherbee Drive. This petition request triggers the need for an extension of Whitherbee as a County road, as well as sidewalks around the cul-de-sac. The extension of the road and turnaround will be approximately 90 feet into the property to be subdivided, which will not utilize the entire dedicated right-of-way area. A driveway off of S Whitherbee Drive does already exist for the parcel that adjoins this parcel and was included as Tract 1 in the Cohen-Robertson Type "E" Administrative Subdivision. The cul-de-sac construction will replace the driveway access directly from Whitherbee and continue to the property from the cul-de-sac. Construction plans will be submitted prior to the cul-de-sac construction to ensure that the proposal meets the Public Works Department's requirements.



## COMPREHENSIVE PLAN

The petition site is located within the Designated Communities designation of the Comprehensive Plan, which is described below.

### Designated community plans

The Board of County Commissioners adopted the previous Monroe County Comprehensive Land Use Plan on February 2, 1996, establishing a blueprint for the future growth and development of the unincorporated portions of Monroe County. A central element of this plan was the development of a number of focused rural community plans. Each of the plans takes the vision, goals, and preferred development patterns in the prior 1996 comprehensive plan and applies them in a more detailed manner within each of the county's existing rural communities.

As stated in the 1996 Comprehensive Plan, "Growth will primarily occur within the City of Bloomington, guided by the city's Growth Policies Plan; in appropriate areas in the Bloomington fringe, guided by the County's Comprehensive Plan; within the Town of Ellettsville, guided by the town's Comprehensive Plan and within the existing small rural communities located throughout the county, each guided by its own rural community plan. The remaining portions of the county will remain rural with very low residential densities, active agricultural lands, mineral extraction operations, and logging activities, as well as substantial areas of open space. The comprehensive plan proposes this development pattern for a number of reasons, including wise management of limited fiscal resources, protection of the natural and manmade environment, and capitalizing on existing public and private investments."

These rural plans are now incorporated as part of the updated 2010 Monroe County Comprehensive Plan.

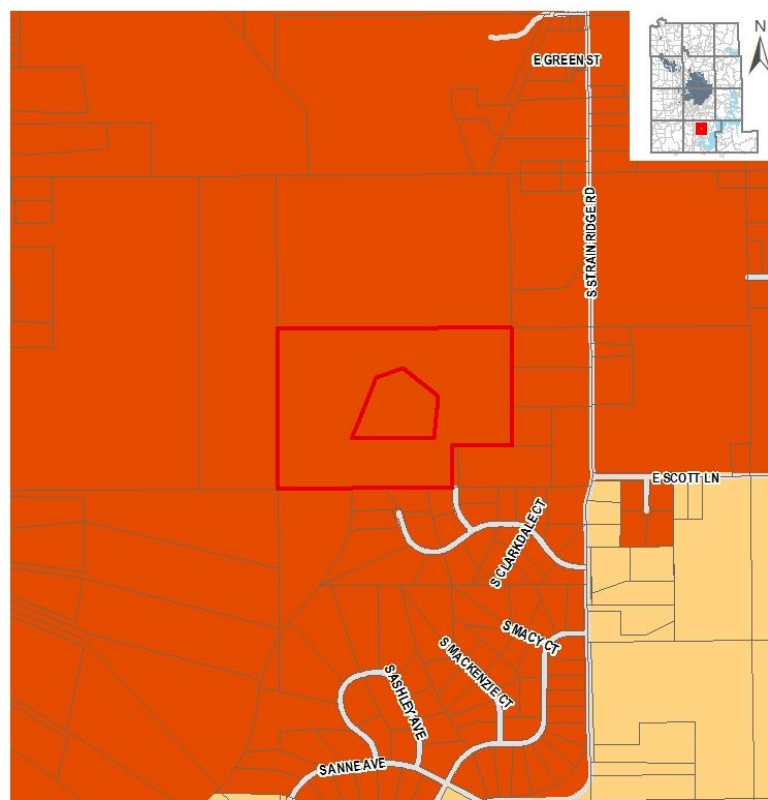
### Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
-  Designated Communities
-  Rural Residential

0 0.075 0.15 0.3 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/5/2019



**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 zoned Agriculture/Rural Reserve (AG/RR);
- Minimum lot size in AG/RR is 2.5 acres;
- The existing parcel meets minimum lot size and width development standards for the AG/RR zone;
- There is an existing residence and accessory structure on the petition site;
- The intended use is single family residential, which is permitted in the Agriculture/Rural Reserve (AG/RR) Zoning District;
- Approval of the subdivision would create three (3) lots that meet or exceed development standards for the zoning designation;
- Two additional development sites are being created with the subdivision;
- Septic permit applications have been submitted;
- Driveway permit applications have been submitted. Permits will be released once the cul-de-sac for Whitherbee Drive is built.
- The site does have access to Whitherbee Drive from the south through the Brookshire Crossing Subdivision, approved in 1996;
- There is no FEMA Floodplain on the property;
- The site does contain sinkholes that have been designated as Sinkhole Conservancy Areas on the plat. New access drives will not be going through the sinkhole conservancy areas;
- The site does contain an abandoned railroad bed that has been identified in the County's Transportation Alternatives Plan for a high priority future greenway corridor;
- Sidewalks and street tree requirements are being triggered with this subdivision. The petitioner is requesting a waiver for sidewalks, and will preserve street trees in the right-of-way;

**(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:**

- See findings under (A);
- The recommended Comprehensive Plan Land Use for the site is Designated Community. The proposed subdivision's character is consistent with the Designated Community designation;
- The proposed subdivision is located off of S Whitherbee Drive, a Local Road;

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

**Findings:**

- See findings under (A) and (B).

**(D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.**

**Findings:**

- See findings under (A),(B), and (C);

- The adjacent properties appear to be mostly used for residential and agricultural purposes;

- (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:**

- See findings under (A), (B), (C), and (D).

- (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.

- (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 be recorded.

## **FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT**

The petitioner has requested a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-40 (A) (Sidewalks), which reads:

(A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way 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:

### **1. Practical difficulties have been demonstrated:**

#### **Findings:**

- The site gains access from S Whitherbee Drive, a designated Local Road;
- The sidewalk improvements are due to the petition site being in the designated community area for Smithville;
- The closest school to this petition site is Lakeview, which is 1.67 miles away;
- Sidewalks are not currently constructed in the right-of-way on S Whitherbee Drive;
- There is no sidewalk in close proximity to this subdivision. The subdivision to the south, Brookshire Crossing, did not require sidewalks at the time of approval in 1996;
- There are currently no sidewalks in the subdivision south of Brookshire Crossing, which is known as Bellevista Subdivision. However, there are dedicated pedestrian easements where sidewalks could be located along both sides of all of the internal streets. This subdivision is approximately 0.31 miles from the petition site;
- The requirement is for sidewalks to be included within the dedicated, unpaved portions of the rights-of-way on both sides of all streets, unless the waiver is granted, which would be about 160 feet of sidewalk;
- The survey submitted by the petitioner shows there are no karst areas within the dedicated right-of-way near the turnaround, but that there are sinkhole conservancy areas along the eastern portions of Lots 2 & 3;
- The road and sidewalk construction would not disturb sinkhole conservancy areas according to the preliminary plat;
- The total length of required sidewalk for which the waiver is requested is approximately 160 +/- linear feet around the cul-de-sac to be built;
- There are no existing sidewalks along S Whitherbee Drive;

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 Comprehensive Plan calls for an alternative transportation system throughout the county;
- The sidewalk improvement is required due to the petition site's location in a designated community;
- According to the Transportation Alternatives Plan, the abandoned railroad corridor through this property is listed as a high priority Greenway Corridor;

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:**

- The sidewalk around Whitherbee would not connect to any existing sidewalk;
- An easement along the abandoned railroad bed could lead to connectivity for a future 7.07 +/- mile greenway trail in the County;
- Sidewalks along S Whitherbee Drive are required unless a waiver is granted;

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 Monroe County Transportation Alternatives Plan has this site as a high priority greenway corridor;
- The proposed use for Lots 1-3 is residential;

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

**Findings:**

- See findings under #1 above;

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

**Findings:**

- See findings under #1, #2 and #3 above;

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

**Findings:**

- See findings under #1, #2 and #3 above;

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

**Findings:**

- See findings under #1 and #7 above;

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

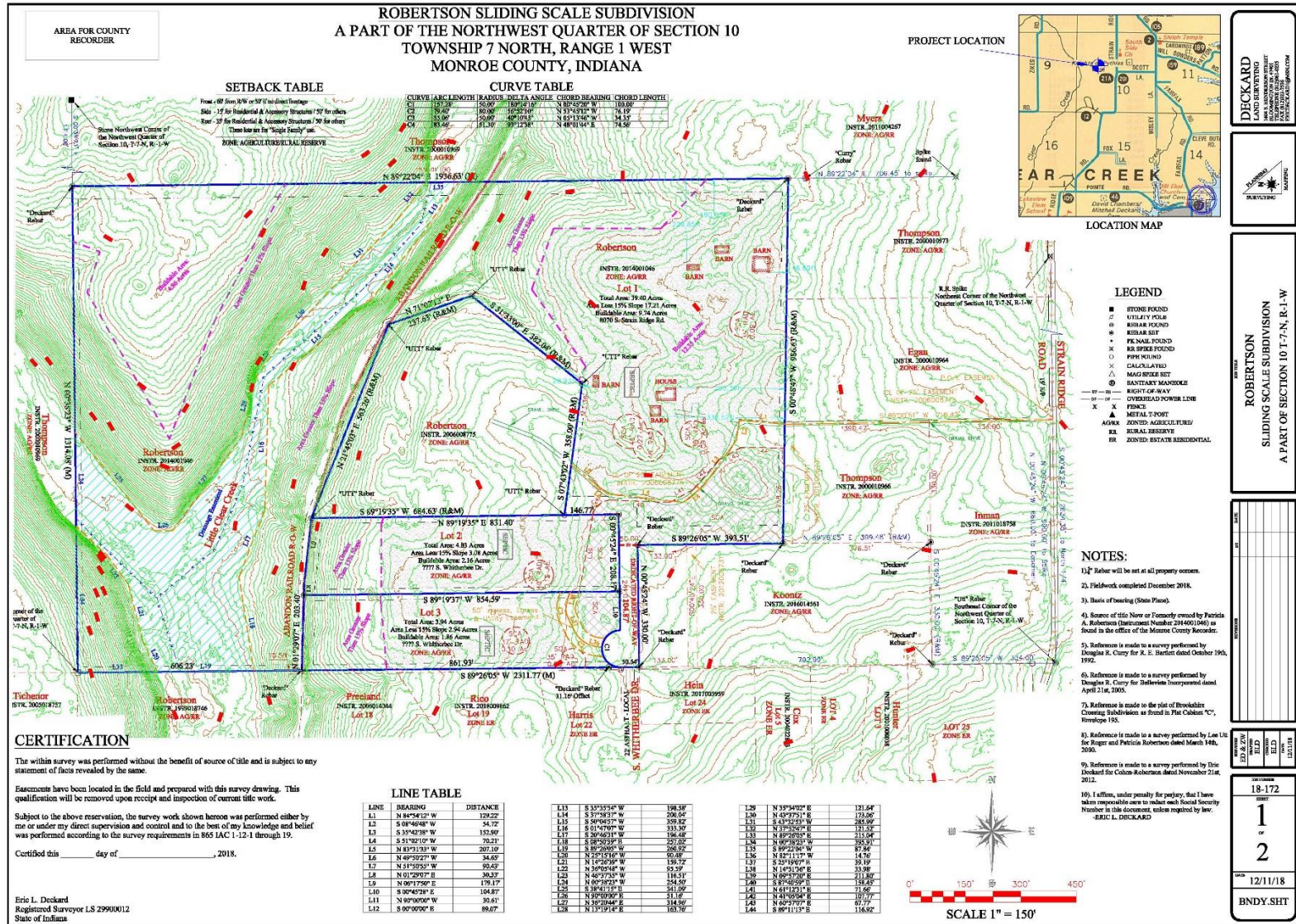
**Findings:**

- See findings under #1 and #4 above;

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



# EXHIBIT 1: Preliminary Plat



Plat Cab D Env 131





### EXHIBIT 3: Petitioner Submitted Findings of Fact – Sidewalk Waiver Request



L. Deckard, LS

Eric

1604 S. Henderson St.  
Bloomington, IN 47401  
Ph. 812.961-0235

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January 31, 2019

To Members of the Monroe County Planning Commission

RE: Robertson Sliding Scale Subdivision 8070 Strain Ridge Road

I have been asked personally by Patty Robertson to request a sidewalk waiver.

#### FINDINGS OF FACT - WAIVER for Sidewalk requirement

The petitioner has requested a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-40-(A) (General design considerations for Sliding Scale Option), which reads:

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

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

1. Practical difficulties have been demonstrated:

#### Findings:

- The site gains access from S Strain Ridge Road, a designated Major Collector; & S. Whitherbee Dr, a designated Local Road;
- S. Strain Ridge Road is measured by surveyor as 19 feet wide, and no sidewalks;
- S. Whitherbee Road is a dead end road which terminates into the subject real estate;
- S. Whitherbee Road measured by surveyor 22 feet wide, and no sidewalks;

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:

- Minimum lot size and setbacks can be met for the AG/RR zone;

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:

- Result of subdivision would be two additional lots, adding minimal vehicle trips thru an existing paved street to the south of the subject property (Whitherbee Drive).

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



L. Deckard, LS

Eric

1604 S. Henderson St.  
Bloomington, IN 47401  
Ph. 812.961-0235

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Findings:

- No existing sidewalks in this area exist and by add a small sidewalk to the north end of a proposed turn around would not offer any public safety nor benefit.
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:

- Everyone on Stain Ridge Road or Whitherbee Drive will or would face the same practical difficulty in seeking to subdivide as a sliding scale subdivision;
6. Granting the requested modifications would not contravene the policies and purposes of these regulations;

Findings:

- See findings under Section 1, 2 & 3;
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 Sliding Scale subdivision option, which requires the sidewalk, is the only method by which this property can be possibly subdivided to created new lots;
  - See findings under Section 1;
8. The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant;  
and,

Findings:

- This is a public road in its current condition maintained by the County;
  - The road was not constructed by the petitioner but as part of a prior subdivision or development;
  - See findings under Section 1;
  -
9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

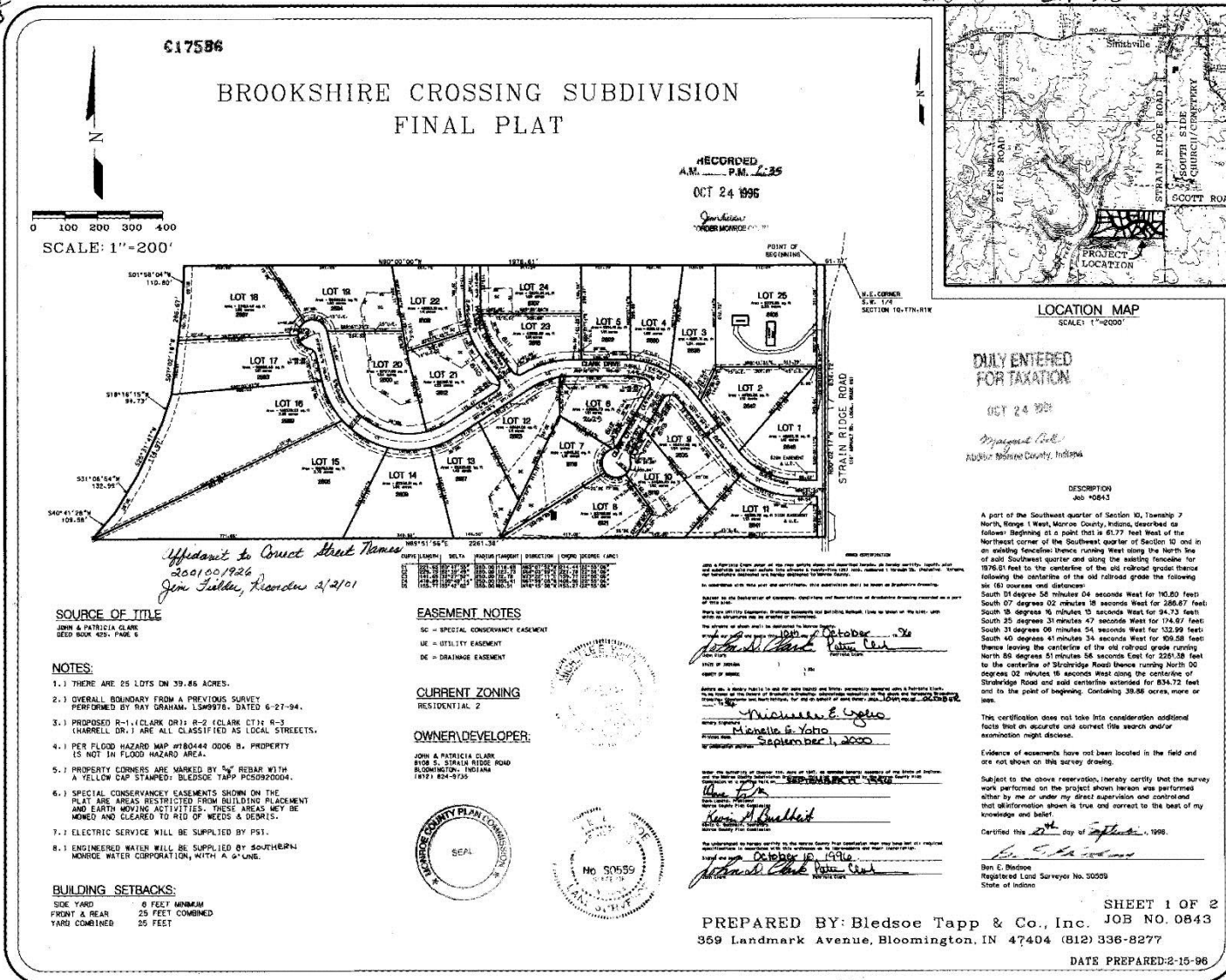
- See findings under Section 1;

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

Sincerely,

# EXHIBIT 4: Brookshire Crossing Subdivision Final Plat

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23



## BROOKSHIRE CROSSING SUBDIVISION FINAL PLAT

### PHASES AND RESTRICTIONS

In addition to the Real Estate, the undersigned hereby subdivides or plots other real estate not herein described as additional phases or sections and shall be as set forth in any plan or plans of said other real estate or documents related thereto. Restrictions set forth herein shall not be construed to be applicable to any other real estate now or hereafter owned by the undersigned either adjacent to or in the immediate vicinity of the Real Estate in the absence of the express written opinion of said restrictions by the undersigned.

### SETBACK LINES

Front and side yard setback lines as shown on the plat or as established herein are hereby established. Between these setback lines and the boundary lines of lots, easements and public ways, no building or other structure shall be erected or maintained, but said areas can be used for utility purposes.

### EASEMENTS

The strips of ground that are shown on the plat and marked "Easement and Utility Easement" and "Utility Easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities and other restriction facilities for the installation and maintenance of water and sewer lines, storm sewers, drainage facilities, utility easement lines, wire and equipment related thereto. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their title subject to the rights of the public utilities and to the rights of the owners of the other lots in this subdivision.

### CONDITIONS, RESTRICTIONS, RESERVATIONS AND COVENANTS

1. Use. Each lot shall be used for residential purposes only.
2. Size of Dwelling. The main dwelling area of any house must contain at least 2,000 square feet of finished area. There must be 1,000 square feet of living area on the first level, if more than one story. Split-level and bi-level homes shall be considered more than one story. Ranch style homes may have a minimum of 1,500 square feet on the main level only if a basement about to at least 50% of the main level is included with adequate finished area to meet the 2,000 minimum finished square feet requirement.
3. Temporary Structures. No structure of a temporary character, such as trailers, basements, tents, sheds, garages, barns or other outbuildings shall be used on said lots as a residence, either temporarily or permanently, nor shall a resident be occupied prior to completion, and there shall be no temporary living quarters constructed on the Real Estate. No dwelling units having wooden foundations shall be constructed upon the Real Estate.

4. Prohibited Activities. No manufacturing of materials, illegal activities or offensive activities shall be carried on upon the Real Estate, nor shall anything be in any way become an annoyance or a nuisance to the neighborhood in general.

5. Trash Removal. All trash shall be kept in sanitary containers and out of sight and under cover except on days of trash collection. All equipment and containers for the storage or disposal of such material shall be kept in a clean, sanitary and functional condition. No trash shall be burned on the premises, except for construction debris, fallen trees and trees felled due to construction. No part of the property for the disposal and burning of trash is permitted.

6. Pets. No animals, livestock or poultry of any kind shall be bred, raised or kept on said lands, except that dogs, cats or other normally recognized household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose and do not constitute a nuisance or interfere with the use by other owners of their lots.

7. Subdivision of a Lot Prohibited. There shall be no subdivision of any lot or lots, nor any sale thereof in parcels, except a portion of a lot may be sold to an adjoining lot owner, if no new lot is created. For the purpose of these Conditions and Restrictions, all adjoining lots or parts thereof owned and used as a single building shall be considered one lot, and the boundaries as established by such common ownership shall be considered the only lot lines for the purpose of these Conditions and Restrictions.

8. Garages and Driveways Required. Every dwelling unit shall have an attached garage for the off-street parking of a minimum of two vehicles, and every dwelling unit shall have a driveway. All driveways shall be paved and a minimum of twelve (12) feet wide.

9. Parking and Vehicles. No trucks larger than a one-ton pickup may be parked on any lot. No campers, motor homes, or boats shall be stored in front of any residence. No disabled or inoperable vehicle shall be kept on said land for more than three (3) working days with arrangements are being made to have it repaired. Except for service vehicles, no parking of automobiles or trucks is permitted in the street or private roads.

10. Fences. The owner of each lot agrees not to erect fences of wood, wire, or chain-link fences which are electrically charged or those made of steel, aluminum, or wood chain-link. Fences shall not be higher than six (6) feet within sixty feet of any roadway, with the exception of existing pool enclosures. No fence may be constructed on the property lines parallel to any roadway, nor may side lot line fences extend beyond the front of any house except decorative wood fences not more than 48 inches high, approved by the undersigned or the successors or assigns, or the designated representative.

11. Disasters Required. All dwellings erected on said Real Estate shall be equipped with a mechanical device for the greisting and disposal of food wastes. Such device shall be located in the kitchen and connected to the sewer.

12. Landscaping. Within thirty (30) days after completion of the dwelling (weather permitting), the owner(s) agree to have the front yard, extending from the front of the house to the road, sown with grass seed and to have sufficient trees or plants installed to cover the foundation on the front of the dwelling facing the street and, therefore, to maintain privacy and the lot.

13. Tents. The installation or maintenance of tents or tents on the Real Estate shall be prohibited in front of any residence. Tents shall be enclosed with decorative wood fences.

14. Maintenance of Ditches, Culverts and Bases. Lot owners shall maintain the ditches and bases along property lines adjacent to any street or private road and maintain the culvert pipe under the driveway clear of dirt and debris so as not to impede the flow of water. The size of such culvert pipes shall be adequate to allow the passage of water without flooding the drainage ditch or causing water to back up or stand. Lot owners shall not impede or interfere with drainage.

15. Siding. Lot owners shall use only wood, aluminum, vinyl, weatherboarding, stone, stucco or brick for the exterior siding of all dwelling units and auxiliary structures, and shall conform with the existing residence on the lot.

16. Underground Utilities. All electrical, telephone and cable television or similar connections from the utilities' lines shall be underground from the street unless deemed impractical. In writing, by the utility company providing the service. As soon as underground installation becomes practical, then such connections shall be placed underground.

17. Easements on Plat. All lots are subject to any and all easements, including, but not limited to, utility, drainage and drainage easements, as shown on the plat.

18. Approval of Building Plans. No construction shall begin for a building or structure to be erected, placed, altered or enlarged upon any lot until the building plans, specifications, including materials and plot plan showing the location of such building or structure have been approved. In writing as to the conformity of size, design and location of the building with respect to topography and finished ground elevation by the undersigned or the successors or assigns, or the designated representative.

19. Above-ground & Below-ground Swelling Posts. Above ground and below-ground swelling posts shall be permitted on the Real Estate. Solid posts shall be enclosed with a decorative fence approved by the undersigned.

20. General. The foregoing Covenants, Restrictions and Reservations are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2015, or such time as the Covenants or Restrictions shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building lots covered by these Covenants or Restrictions, it is agreed to amend such Covenants or Restrictions in whole or in part.

Invalidation of any one of the foregoing Covenants or Restrictions by judgment or court order shall in no way affect any of the other Covenants or Restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

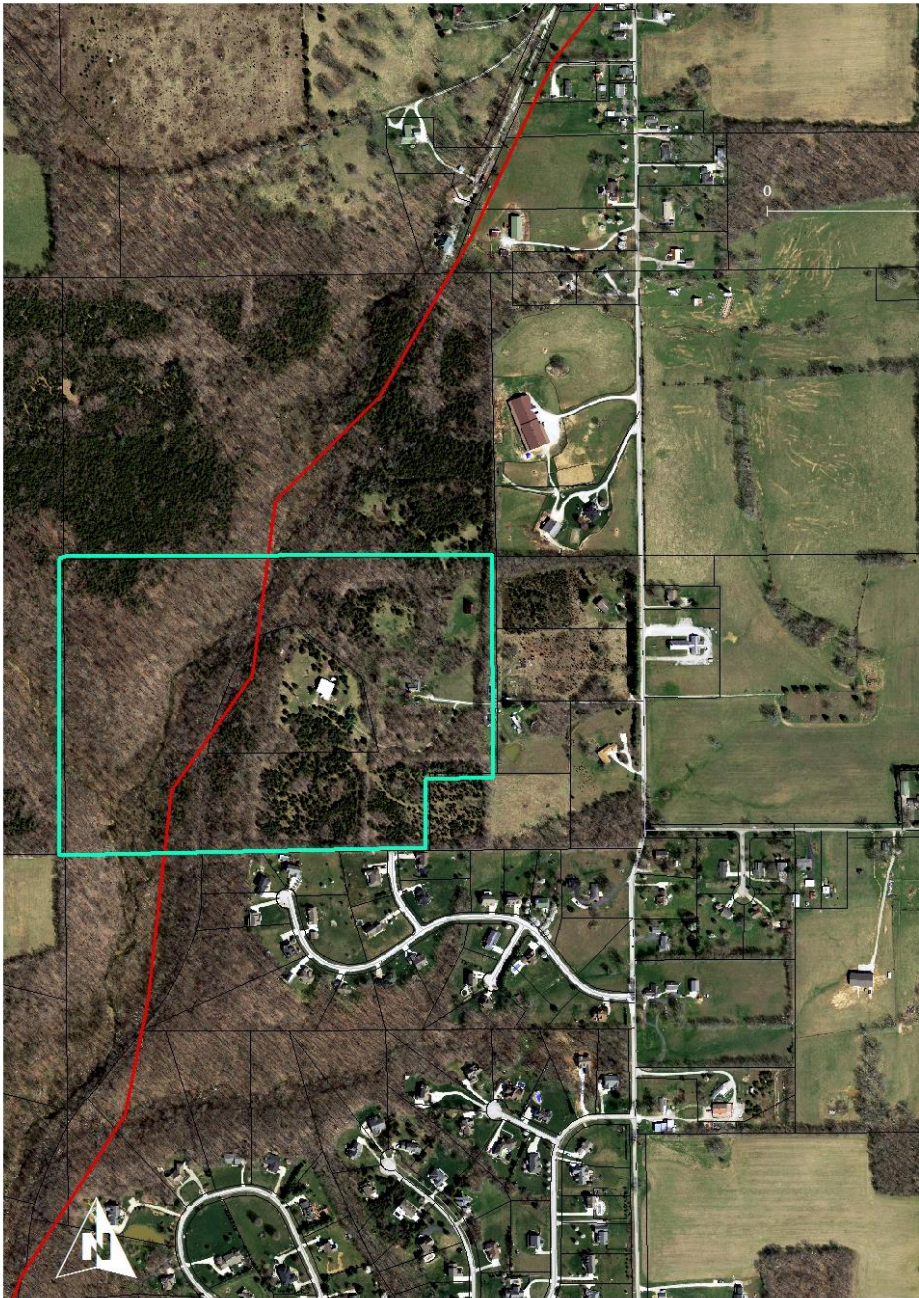
The right-of-way as shown is hereby dedicated to Monroe County.

SHEET 2 OF 2  
JOB NO. 0843

PREPARED BY: Bledsoe Tapp & Co., Inc.  
359 Landmark Avenue, Bloomington, IN 47404 (812) 336-8277



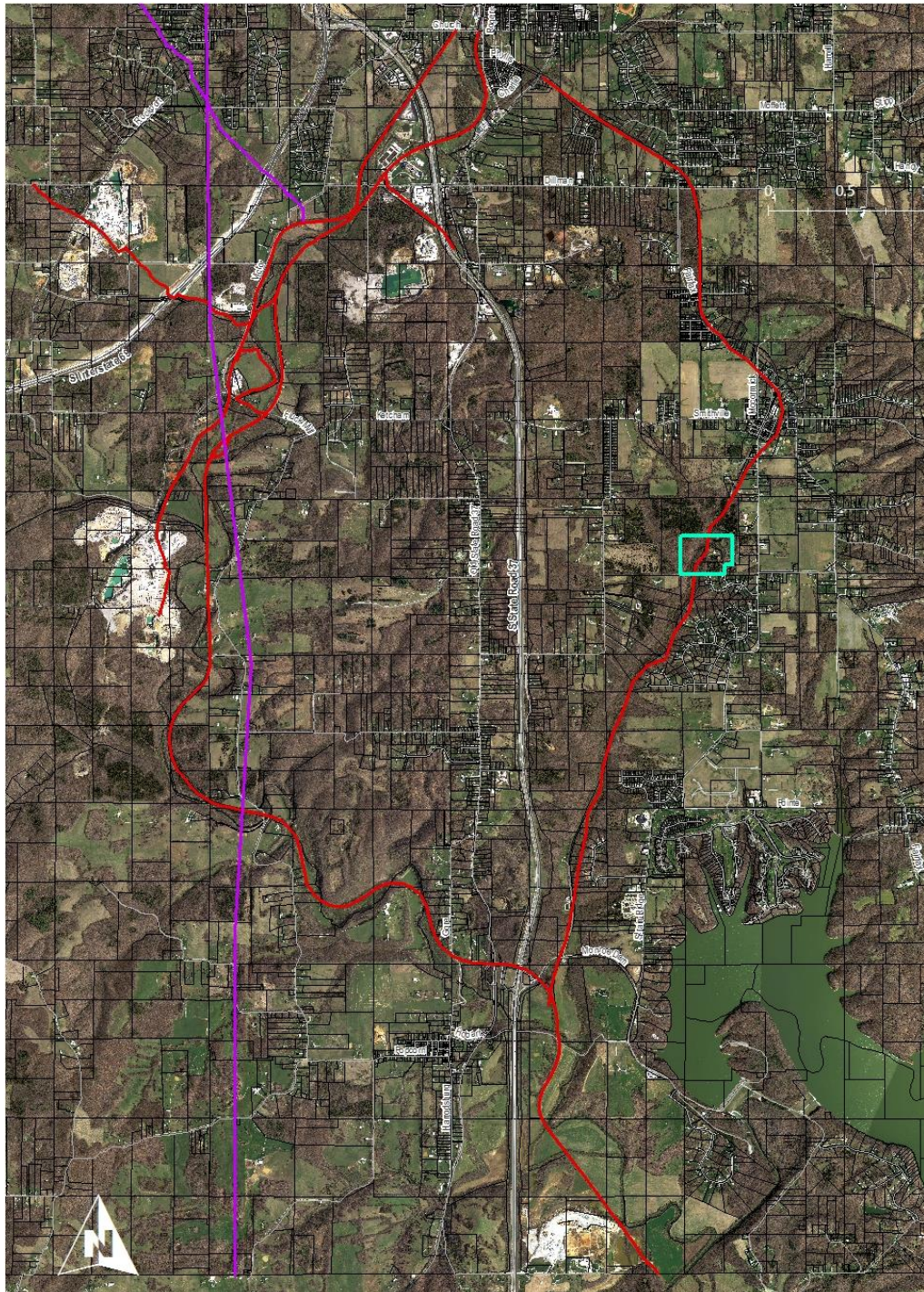
## Exhibit 5: Transportation Alternatives Map



### GREENWAY OPPORTUNITIES MAP

- High Priority Greenway Corridor —
- Moderate Priority Greenway Corridor —
- Incorporated Areas —





High Priority Greenway Corridor —

Moderate Priority Greenway Corridor —

Incorporated Areas 

## **Exhibit 6: Written Commitment**

### **WRITTEN COMMITMENTS**

#### **Commitments concerning the use or development of real estate made in connection with a Sliding Scale Subdivision Preliminary Plat approval**

In accordance with I.C. 36-7-4-1015 and Monroe County Code 800-10, Patricia Robertson, as the owner of the real estate ("Property") located in Monroe County, Indiana, which is described in "Exhibit A" attached hereto and made a part hereof, makes the following written commitments ("Commitments") concerning the use and development of the Property:

- A. Description of Property: See warranty deed copy attached hereto as "Exhibit A."
- B. Statement of Commitments: Patricia Robertson, as the owner of the Property, will record a 50 foot pedestrian and utility easement along the abandoned railroad that spans the property to give to the County for the purposes of a future Greenway trail in lieu of providing sidewalk around the proposed cul-de-sac off of Whitherbee Drive. Patricia Robertson will also be responsible for payment of the surveyor, Eric Deckard, to lay out the Whitherbee Drive cul-de-sac and provide offset stakes (10 ft.) and grade stakes (final surface elevation). In addition, the petitioner will be responsible for payment for submitting construction plans to the Highway Department for review and approval. In return, the County Highway Department will be responsible for constructing the required cul-de-sac, a requirement for the Sliding Scale Subdivision. The County Highways Department will also be required to maintain the cul-de-sac and accept it as a County Road prior to issuance of building permits to Patricia Robertson.
- C. Vacation or amendment. These Commitments may be vacated or modified by the County, acting in accordance with the regulations and procedures governing zoning amendments (e.g., notice to interested parties and Monroe County Plan Commission hearing).
- D. Enforcement of Commitments. These Commitments may be enforced jointly or severally by:
  - 1. The County
  - 2. The Plan Commission;
  - 3. Interested parties (see definition of interested parties set forth in the Monroe County Zoning Ordinance); and/or
  - 4. Any person who is specially injured by a violation of the Commitments.

In the enforcement of these Commitments, the prevailing party may be awarded any costs, expenses and damages authorized by law.

E. Recording. Patricia Robertson hereby authorizes the Monroe County Planning Director to record these Commitments in the Office of the Recorder of Monroe County, Indiana, upon final approval of Preliminary Plat Case #1901-SSS-02 by the County.

F. Time is of the essence. Patricia Robertson, as owner of the Property, acknowledge that time is of the essence to these Commitments and that the failure to timely comply with these Commitments shall be a violation of the Commitments.



G. Voluntary action. Patricia Robertson, as owners of the Property, make these Commitments of their own free will and acknowledge that they have read and that they fully understand the Commitments.

H. Approval Conditions. Patricia Robertson, as owners of the Property, acknowledge that the County's approval of Preliminary Plat Case #1901-SSS-02 may be conditioned upon the making and recording of these Commitments and upon any other conditions or agreements set forth in the County's and the Plan Commission's records on Preliminary Plat Case #1901-SSS-02, which records are incorporated into these Commitments by reference.

I. Binding on successors and assigns. These Commitments shall be binding on Patricia Rober, on subsequent owners of the Property, and on any persons acquiring an interest in the Property.

J. Effective date. These Commitments shall be effective upon the approval of Case Number 1901-SSS-02 by the County and shall continue until vacated or amended in accordance with law or the terms of these Commitments.

IN WITNESS WHEREOF, Patricia Robertson has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

By: \_\_\_\_\_  
Patricia Robertson, owner

STATE OF INDIANA        )  
                                      ) SS:  
COUNTY OF MONROE    )

Before me, a Notary Public in and for said County and State, personally appeared Patricia Robertson, who acknowledged the execution of the foregoing instrument and who, being first duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Printed Name of Notary Public: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My County of Residence: \_\_\_\_\_

This instrument was prepared by David B. Schilling, Monroe County Attorney, Courthouse, Room 220, Bloomington, Indiana 47404; (812) 349-2525, who affirms, under penalties for perjury, that he has taken reasonable care to redact each social security number in the document unless required by law.

\_\_\_\_\_  
David B. Schilling



**EXHIBIT A**  
Instrument #2014001046

DULY ENTERED  
FOR TAXATION

JAN 30 2014

*Steve Sauter*  
Auditor Monroe County, Indiana

2014001046 QC \$20.00  
01/30/2014 11:38:13A 4 PGS  
Jim Fielder  
Monroe County Recorder IN  
Recorded as Presented

### QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, That:

**Patricia A. Robertson, surviving spouse of Roger W. Robertson, deceased,**  
(Grantors), of Monroe County, in the State of **Indiana**, CONVEYS AND QUIT CLAIMS to

**Patricia A. Robertson, of legal age,**

( Grantees ), of Monroe County, in the State of **Indiana**, for the sum of \$1.00 and other valuable consideration, the following described real estate in Monroe County, **Indiana**:

**Tract 2: Cohen-Robertson Type "E" Administrative Subdivision and a 25 foot Ingress and Egress Easement**

See Exhibit A & B

Tax ID: 53-11-10-300-001,000-006

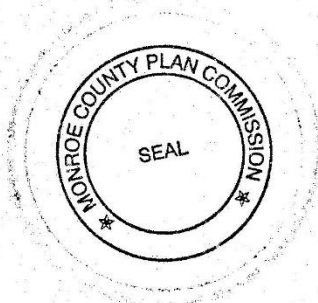
004-17850-04

The address of the real estate described herein is S. Whitherbee Drive, Bloomington, IN 47401.

Grantor represents that Roger W. Robertson and Patricia A. Robertson held title to the above real estate as husband and wife until the date of Roger W. Robertson's death on January 17, 2013, on which date Grantor became sole owner as survivor tenant by the entirety.

IN WITNESS WHEREOF, Grantors have executed this Deed this 15<sup>th</sup> day of January, 2014.

*Patricia A. Robertson*  
Patricia A. Robertson



Monroe County Plan Commission  
In accordance with the Subdivision Control Ordinance, this parcel was created  
by Administrative Subdivision, TYPE E on January 21, 2014

STATE OF \_\_\_\_\_ INDIANA )  
 )SS  
COUNTY OF \_\_\_\_\_ MONROE )

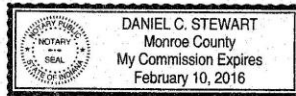
Before me, the undersigned, a Notary Public in and for said County and State,  
personally appeared **Patricia A. Robertson, surviving spouse of Roger W. Robertson, deceased**, who  
executed the foregoing Quit Claim Deed, and who, having been duly sworn, stated that any representations  
therein contained are true.

Witness my Notarial Hand and Seal this 15<sup>th</sup> day of January, 2014.

Daniel C. Stewart  
Notary Public

My commission expires:

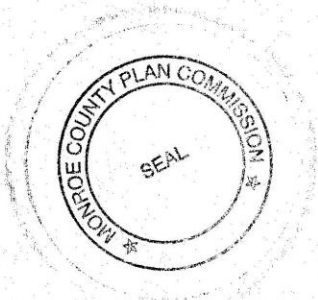
Resident of



This instrument was prepared by: Vincent S. Taylor, Attorney at Law  
I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless  
required by law. Name: John Bethell

Send Tax Statements to: 8070 Strain Ridge Road  
Bloomington, IN 47401

MO-35348



DECKARD LAND SURVEYING  
1604 S. Henderson St.  
Bloomington IN. 47401  
(812) 961-0235

**SURVEY DESCRIPTION  
COHEN-ROBERTSON  
TRACT 2  
JOB NO. 12-98**

A part of the Northwest quarter of Section 10, Township 7 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

COMMENCING at a rebar stamped "UTT" found marking the Southeast corner of the Northwest quarter of said Section 10; thence South 89 degrees 26 minutes 05 seconds West along the south line of said Northwest quarter for a distance of 1126.99 feet to a rebar stamped "Deckard" marking the point of beginning; thence continuing along said south line South 89 degrees 26 minutes 05 seconds West for a distance of 1518.78 feet to a wood post marking the southwest corner of said Northwest quarter; thence North 00 degrees 38 minutes 23 seconds West for a distance of 1314.08 feet to a rebar stamped "Deckard"; thence North 89 degrees 22 minutes 04 seconds East for a distance of 1936.63 feet to a rebar stamped "Deckard"; thence South 00 degrees 48 minutes 47 seconds West for a distance of 986.63 feet to a rebar stamped "Deckard"; thence South 89 degrees 26 minutes 05 seconds West for a distance of 393.51 feet to a rebar stamped "Deckard"; thence South 00 degrees 45 minutes 24 seconds West for a distance of 330.00 feet to the point of beginning, containing in all 55.02 acres more or less.

Excepting there from:

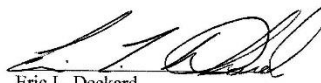
A part of the Northwest quarter of Section 10, Township 7 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

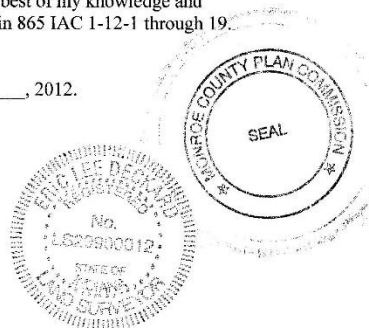
COMMENCING at a rebar stamped "UTT" found marking the Southeast corner of the Northwest quarter of said Section 10; thence South 89 degrees 26 minutes 05 seconds West along the south line of said Northwest quarter for a distance of 1325.14 feet; thence North 00 degrees 33 minutes 55 seconds West for a distance of 412.76 feet to a rebar stamped "UTT" marking the point of beginning; thence South 89 degrees 19 minutes 35 seconds West for a distance of 684.63 feet to a rebar stamped "UTT"; thence North 21 degrees 45 minutes 03 seconds East for a distance of 563.26 feet to a rebar stamped "UTT"; thence North 71 degrees 02 minutes 13 seconds East for a distance of 237.63 feet to a rebar stamped "UTT"; thence South 51 degrees 33 minutes 00 seconds East for a distance of 382.04 feet to a rebar stamped "UTT"; thence South 07 degrees 43 minutes 02 seconds West for a distance of 358.00 feet to the point of beginning, containing in 7.19 acres more or less, and 47.83 acres more or less after said exception.

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

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

Certified this 21 day of November, 2012.

  
Eric L. Deckard  
Registered Land Surveyor LS29900012  
State of Indiana



DECKARD LAND SURVEYING  
1604 S. Henderson St.  
Bloomington IN, 47401  
(812) 961-0235

**SURVEY DESCRIPTION  
COHEN-ROBERTSON  
25' EASEMENT  
JOB NO. 12-98**

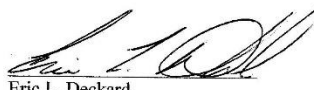
A part of the Northwest quarter of Section 10, Township 7 North, Range 1 West, Monroe County, Indiana, the centerline of a 25 foot ingress and egress easement being more particularly described as follows:

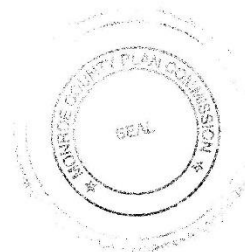
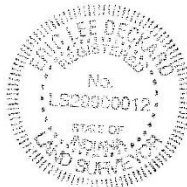
COMMENCING at a rebar stamped "UTT found marking the Southeast corner of the Northwest quarter of said Section 10; thence North 00 degrees 45 minutes 24 seconds West for a distance of 660.00 feet to the point of Beginning; thence South 89 degrees 00 minutes 51 seconds West for a distance of 718.42 feet; thence North 84 degrees 54 minutes 12 seconds West for a distance of 129.22 feet; thence South 08 degrees 46 minutes 48 seconds West for a distance of 54.72 feet; thence South 35 degrees 42 minutes 38 seconds West for a distance of 152.90 feet; thence South 51 degrees 02 minutes 10 seconds West for a distance of 70.21 feet; thence North 83 degrees 31 minutes 33 seconds West for a distance of 207.10 feet; thence North 49 degrees 50 minutes 27 seconds West for a distance of 34.65 feet; thence North 51 degrees 50 minutes 55 seconds West for a distance of 90.43 feet to the east line of the land of Robertson as described in (Instrument 2006008775) found in the office of the Monroe County Recorder, and to the terminus.

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

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

Certified this 21 day of November, 2012.

  
Eric L. Deckard  
Registered Land Surveyor LS29900012  
State of Indiana



## Exhibit 7: House Bill 1115

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

### HOUSE ENROLLED ACT No. 1115

---

AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 14-22-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) As used in this section and section 2.5 of this chapter, "governmental entity" means any of the following:

- (1) The government of the United States of America.
- (2) The state. ~~of Indiana.~~
- (3) A county.
- (4) A city.
- (5) A town.
- (6) A township.
- (7) The following, if created by the Constitution of the United States, the Constitution of the State of Indiana, a statute, an ordinance, a rule, or an order:
  - (A) An agency.
  - (B) A board.
  - (C) A commission.
  - (D) A committee.
  - (E) A council.
  - (F) A department.
  - (G) A district.
  - (H) A public body corporate and politic.

HEA 1115



(b) As used in this section and section 2.5 of this chapter, "monetary consideration" means a fee or other charge for permission to go upon a tract of land. The term does not include:

- (1) the gratuitous sharing of game, fish, or other products of the recreational use of the land;
- (2) services rendered for the purpose of wildlife management; or
- (3) contributions in kind made for the purpose of wildlife management.

(c) As used in this section and section 2.5 of this chapter, "owner" means a governmental entity or another person that:

- (1) has a fee interest in;
- (2) is a tenant, a lessee, or an occupant of; or
- (3) is in control of;

a tract of land.

(d) A person who goes upon or through the premises, including caves, of another:

- (1) with or without permission; and
- (2) either:
  - (A) without the payment of monetary consideration; or
  - (B) with the payment of monetary consideration directly or indirectly on the person's behalf by an agency of the state or federal government;

for the purpose of swimming, camping, hiking, sightseeing, **or accessing a trail, a greenway, or another similar area**, or for any other purpose (other than the purposes described in section 2.5 of this chapter) does not have an assurance that the premises are safe for the purpose.

(e) The owner of the premises does not:

- (1) assume responsibility; or
- (2) incur liability;

for an injury to a person or property caused by an act or failure to act of other persons using the premises.

(f) This section does not affect the following:

- (1) Existing Indiana case law on the liability of owners or possessors of premises with respect to the following:
  - (A) Business invitees in commercial establishments.
  - (B) Invited guests.
- (2) The attractive nuisance doctrine.

(g) This section does not excuse the owner or occupant of premises from liability for injury to a person or property caused by a malicious or an illegal act of the owner or occupant.

SECTION 2. IC 34-30-2-56.1 IS ADDED TO THE INDIANA

HEA 1115



CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2018]: **Sec. 56.1. IC 14-22-10-2.5 (Concerning  
owners of premises used by persons for hunting, fishing, or  
trapping).**



**HEA 1115**



\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_



**HEA 1115**

**MONROE COUNTY PLAN COMMISSION****April 16, 2019**

**PLANNER** Tammy Behrman  
**CASE NUMBER** 1901-SSS-01 Martin Family Sliding Scale Subdivision Preliminary Plat  
**PETITIONER** John & Norma Martin Family Trust; David Martin c/o BRCJ Inc.  
**ADDRESS** 7618 & 7700 W Sand College RD  
**REQUEST** Preliminary Plat to Subdivide (2) Two Lots into (3) Three Lots  
Utility Waiver and Road Width Waiver requests  
**ZONE** Agriculture/Rural Reserve (AG/RR)  
**ACRES** 222.42 acres +/-  
**TOWNSHIP** Bean Blossom  
**SECTION** 4 & 33  
**COMP PLAN**  
**DESIGNATION** Farm and Forest

**EXHIBITS**

1. Preliminary Plat
2. Petitioner Road Width Findings
3. Road Width Comments from the Department of Public Works

**RECOMMENDATION**

Staff recommends **Approval** the Martin Family Sliding Scale Subdivision Preliminary Plat, based on the findings of fact, subject to the Monroe County Public Works Department Reports.

1. Show the 60' front setback for Lots 1 and 3.
2. Place the two ponds in a Riparian Conservancy Area (RCA).
3. Submit letters of capacity for electric and water service.

Staff gives a recommendation of **Approval** for the Road Width and Utility Waiver requests, based on the findings of fact and subject to the Monroe County Public Works Department Reports.

**PLAT COMMITTEE RECOMMENDATION**

The petition 1901-SSS-01 was heard at the March 21<sup>st</sup>, 2019 Plat Committee. Three members gave a positive recommendation for approval for the preliminary plat, utility waiver and the road width waiver with the three (3) staff conditions.

**BACKGROUND/DISCUSSION**

The petition site is two lots of record totaling 222.42 +/- acres and is located in Bean Blossom Township. The site is currently zoned Agriculture/Rural Reserve (AG/RR). The petitioner is proposing to subdivide two (2) lots with existing homes into three (3) lots. Each proposed lot meets all design standards within the Monroe County Zoning Ordinance for the Agriculture/Rural Reserve (AG/RR) Zoning District. The proposed acreage for the each lot is as follows:

- Lot 1 (20.61 acres)
- Lot 2 (6.00 acres)
- Lot 3 (195.81 acres) = Parent Parcel

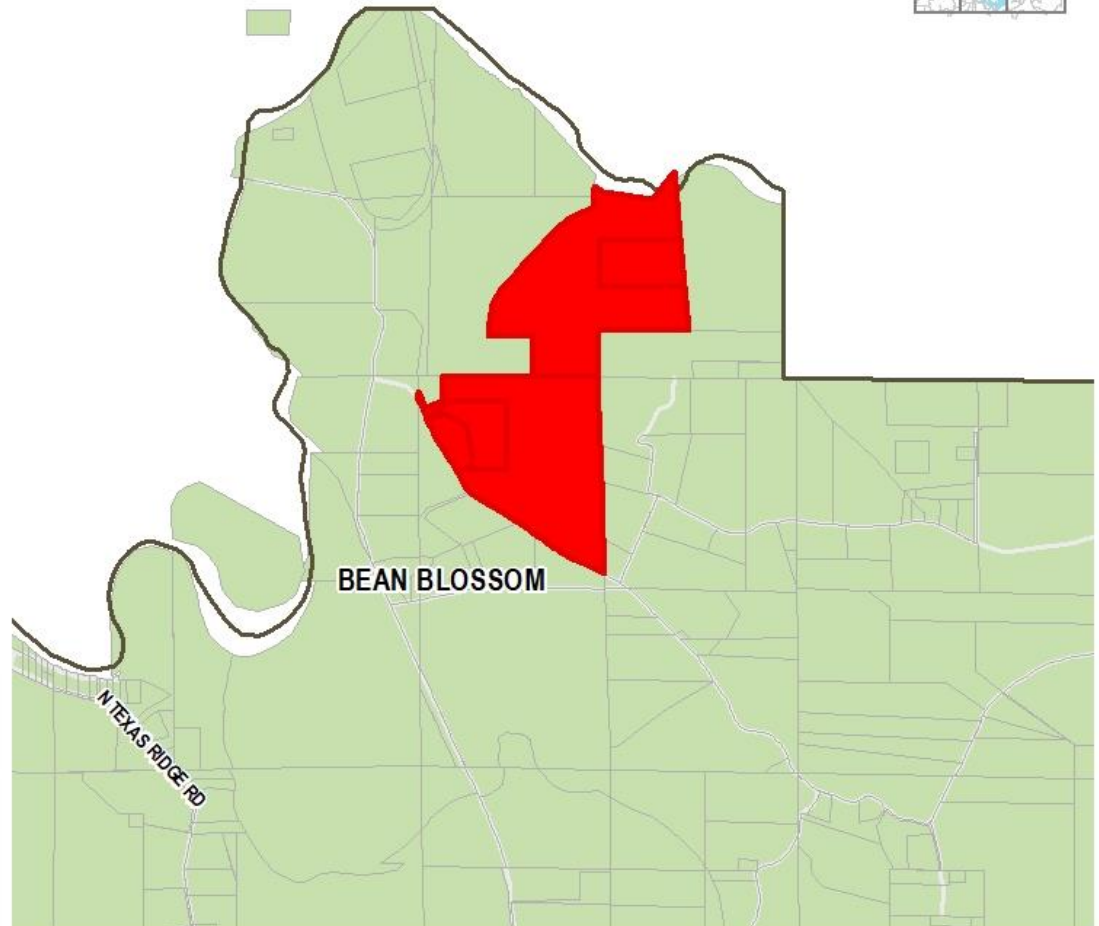
The proposed lots can be served by private septic systems. The lots will be accessed per submitted driveway permit applications pending Public Works Department specifications. A waiver has been requested for the 18' road width requirement for the 13' wide existing W Sand College Road. A waiver has been requested to leave approximately a 125' linear segment of overhead powerline unburied.

## LOCATION MAP

The site is located off 7618 & 7700 W Sand College RD in Sections 4 & 33 of Bean Blossom Township. The property maintains frontage along W Sand College Road, which is classified as “Local Road” per the Monroe County Thoroughfare Plan. The White River borders the northern part of the petition site.

### Location Map

- Petitioner
- Townships
- Roads
- Parcels



0 0.2 0.4 0.8 Miles



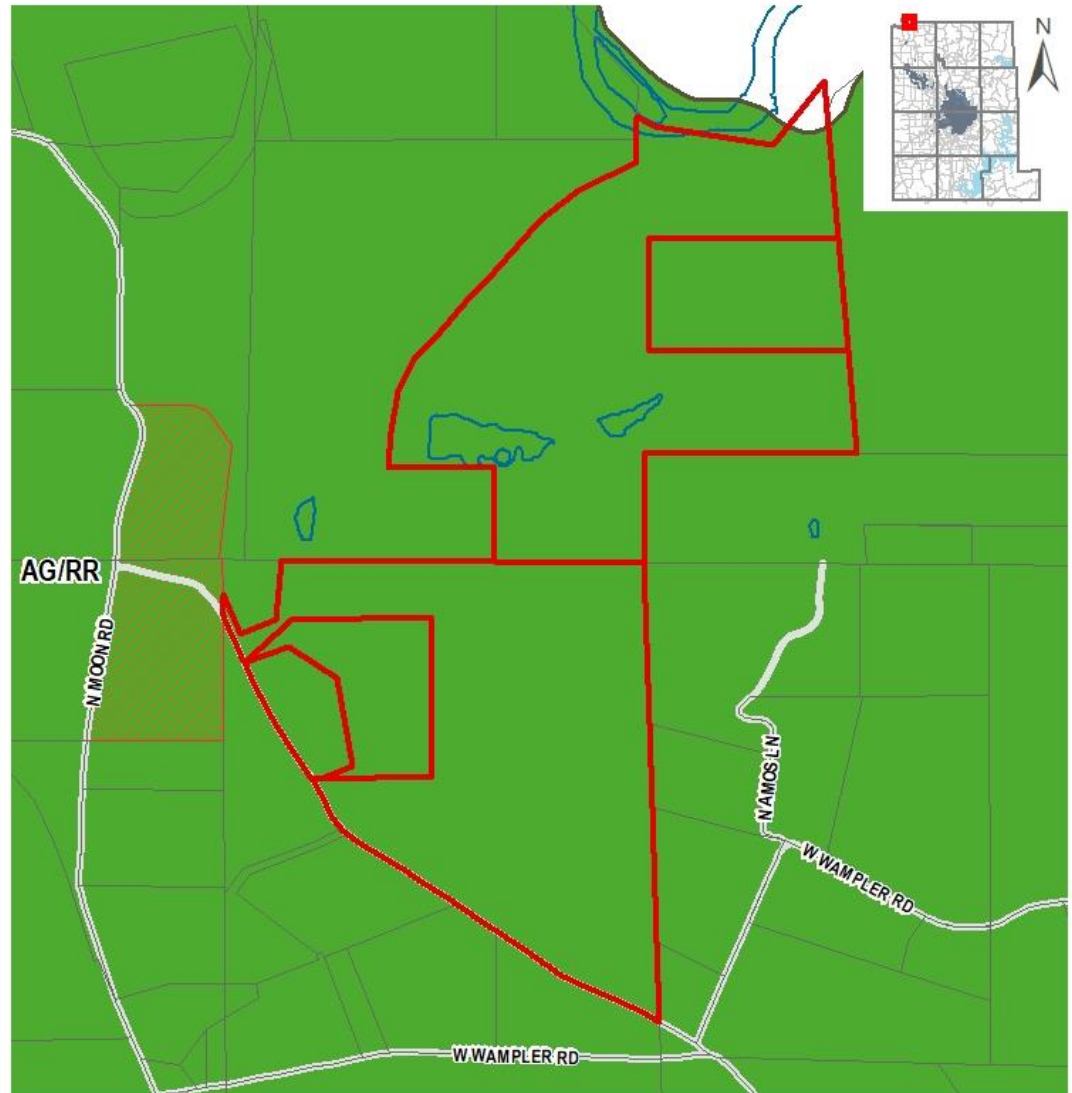
Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/11/2019

## ZONING

The site is zoned Agriculture/Rural Reserve (AG/RR) along with all the other adjacent parcels. Nearby uses are primarily residential and agricultural.

### Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
-  Historic Preservation Overlay
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve



0 0.075 0.15 0.3 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/11/2019

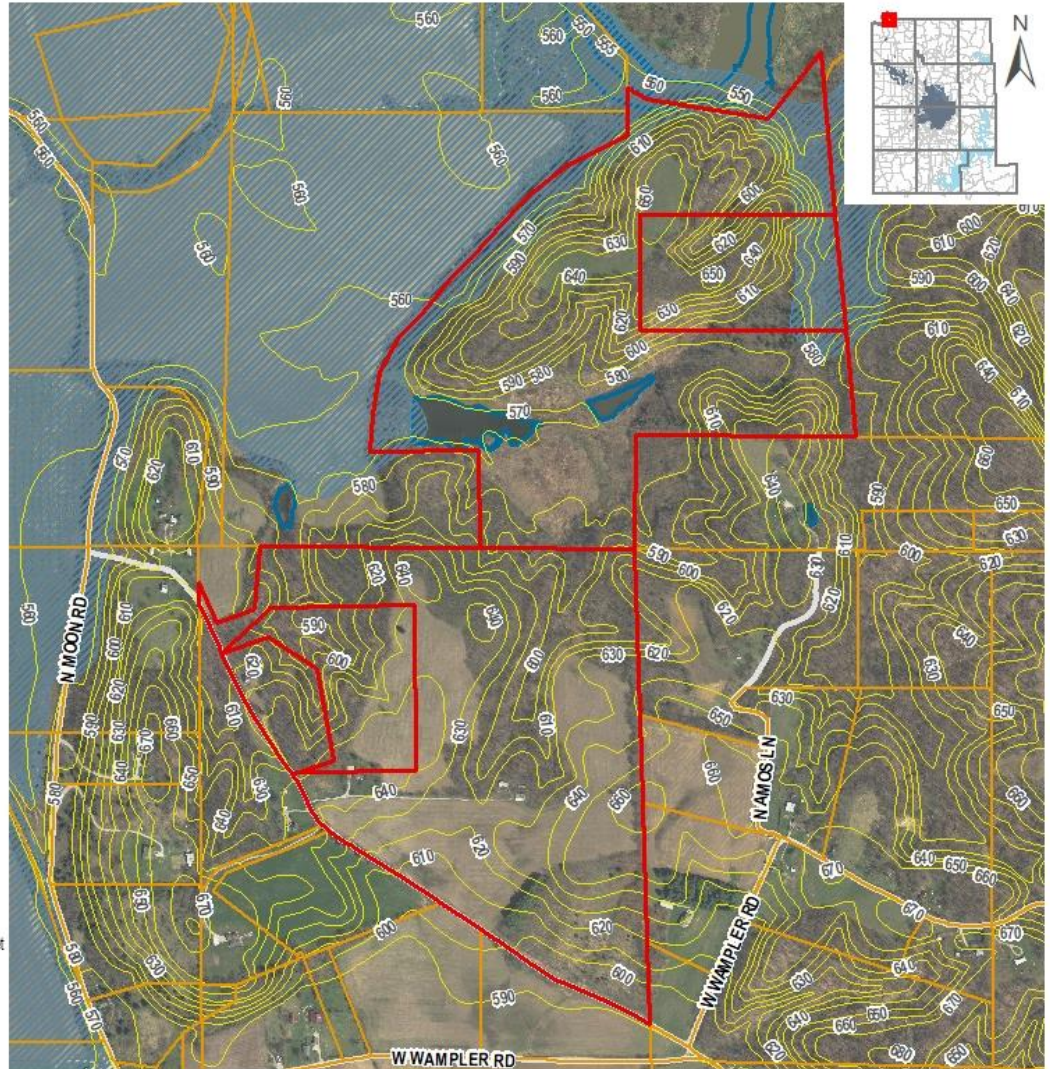
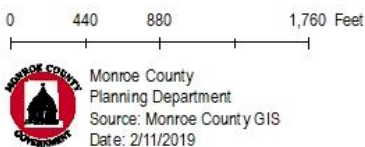


## SITE CONDITIONS

The site has two home sites and a cluster of agriculture structures. There are many acres of agriculture fields and a forested ravines. The property has a substantial amount of Buildable Area. There is FEMA floodplain along the northwest associated with the White River. There are restored wetlands (two ponds) on the site as well as a restored forested area containing 5000 trees planted 20+years ago for restoration purposes. The site is currently accesses by two driveways that serve the homes and one 33' access easement to the north.







### Site Conditions Map

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





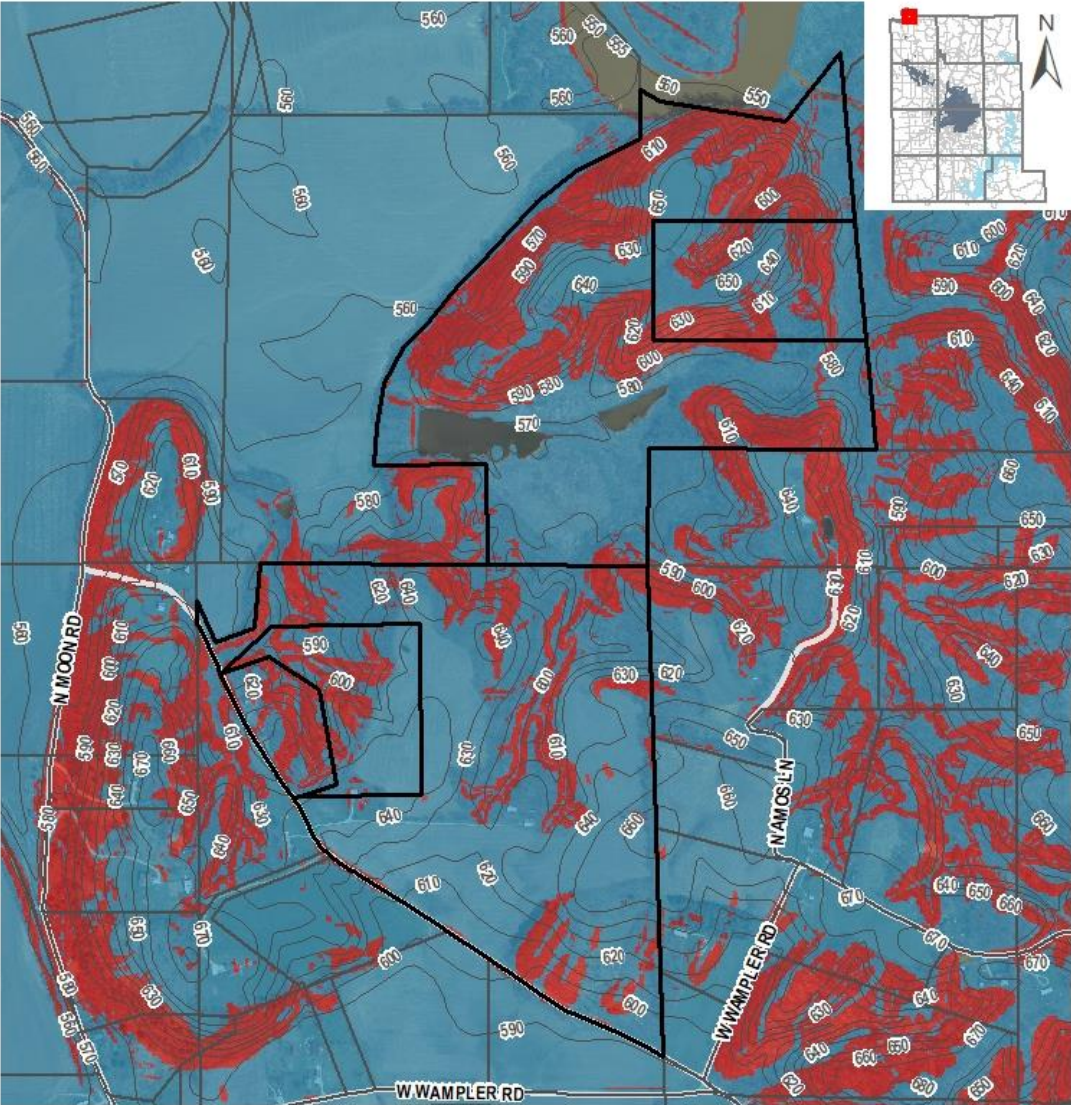
**Slope Map**

-  Petitioner
-  Parcels
-  10-Foot Contours
-  Roads
- Percent Slope (2010)**
  -  0 - 15
  -  > 15

0 220 440 880 1,320 1,760 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/11/2019





## SITE PHOTOS



Figure 1. Facing northwest: view of W Sand College RD and approved driveway area for Lot 2.



Figure 2. Facing north: view of agriculture structures on proposed Lot 3.





Figure 3. Facing north:  
view of the residence on  
Lot 2.



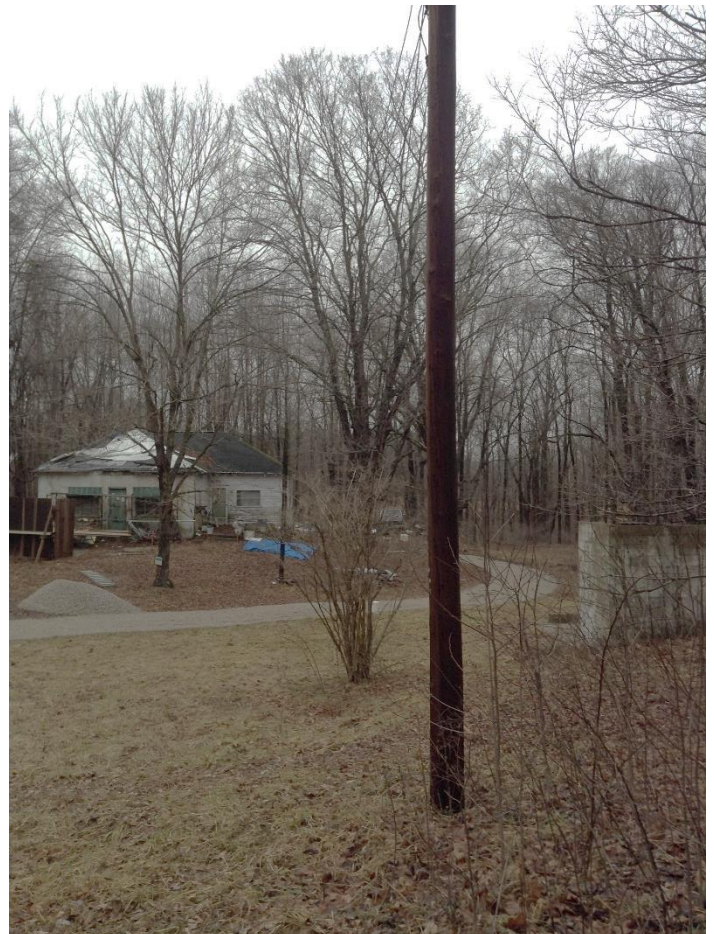
Figure 4. Facing west:  
view of approved  
driveway cut. Lot 2  
driveway turnaround is  
in the foreground that  
aligns with the home.





Figure 5. Facing south: view of utility pole that serves the proposed Lot 1.

Figure 6. Facing north: view of utility line that serves the proposed Lot 1 that contains the residence in the background. A utility waiver has been requested to leave this utility line as it is and to not bury it.







Pictometry view from 2017 of area showing both parcels.



Pictometry from 2018: View of two existing homes, agriculture buildings and a portion of the restored wetlands.

## **INFRASTRUCTURE AND ACCESS**

The parcel maintains frontage along W Sand College RD, which is classified as “Local Road” per the Monroe County Thoroughfare Plan. Sand College Road connects to Moon Road which previously was bridged over the White River to connect to the town of Gosport but the bridge no longer remains. Right of way to be dedicated is 25’ from the centerline. The road is only 13’ wide and requires a road width waiver as it does not meet the 18’ width requirement for a Sliding Scale Subdivision.

Each proposed lot in the subdivision can be served by private septic systems. Driveway permits have been submitted and are pending approval per the Public Works Department.

No sidewalks are required, there is a preservation area for the 90 required street trees. A utility waiver has been requested to allow the existing utility line that serves the proposed Lot 1 dwelling to remain above ground. Proposed Lots 2 has utilities underground already. A discussion regarding the Lot 3 utilities should take place at the meeting as the petitioner has not specifically requested the waiver to apply to Lot 3.

## **COMPREHENSIVE PLAN DISCUSSION**

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

### **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.

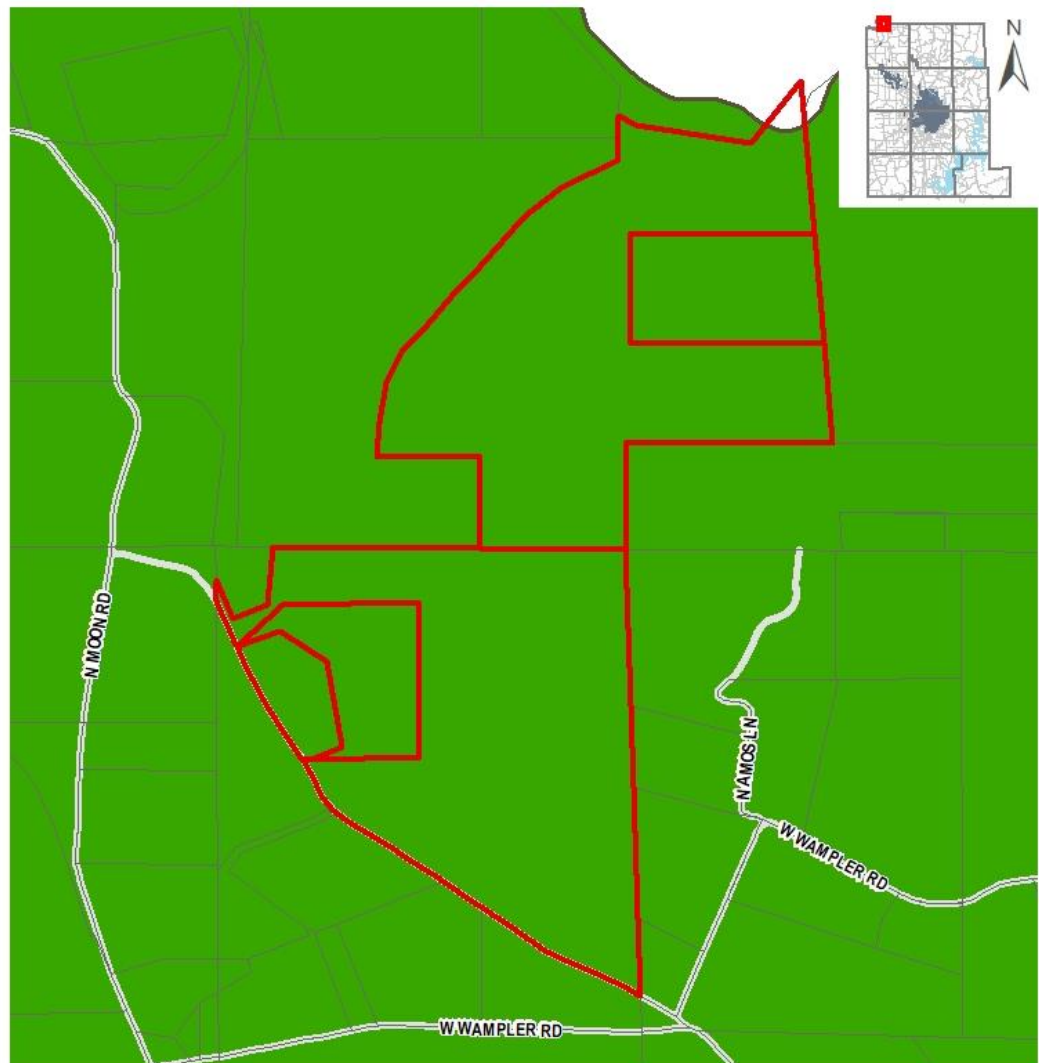
### Comprehensive Plan

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

0 0.075 0.15 0.3 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/11/2019





## **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 site is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would result in (3) lots that exceed the minimum lot size requirement for the Agriculture/Rural Reserve (AG/RR) Zoning Designation;
- Approval of the subdivision would result in Lot 1 = 20.61 acres, Lot 2 = 6.00 acres, and Lot 3 = 195.81 acres (parent parcel);
- The proposed use in the subdivision is residential and agricultural;
- Each lot can be served by a private septic system;

- (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**

- See findings under Section (A);
- The Comprehensive Plan designates the site as Farm and Forest, which is described in this report;

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

#### **Findings**

- See findings under Section (A);
- The surrounding uses are primarily agricultural and residential in nature;
- The property maintains frontage along W Sand College Road;
- The proposed subdivision is meeting the Monroe County Zoning Ordinance's Buildable Area requirement;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

#### **Findings**

- See findings under Section (A);
- The adjoining properties are zoned Agriculture/Rural Reserve (AG/RR);
- W Sand College Road is classified as a "Local Road" per the Monroe County Thoroughfare Plan;

- (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**

- See findings under Sections (A), (C), and (D);
- A Utility Waiver and a Road Width Waiver have been requested with this petition;
- There are no visible karst features on the property;
- There is floodplain on the property to the north near the White River;
- There are wetlands on the petition site;

- Drainage easements have been placed on the plat per recommendation from the MS4 Coordinator;

(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 the parcel. 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 be recorded;

# **FINDINGS OF FACT – WAIVER OF ROAD WIDTH REQUIREMENT**

The petitioner has requested a waiver from the *Improvement, Reservation and Design Standards* outlined in in 862-4 (A) (General design considerations for Sliding Scale Option), which reads:

(5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

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

## **1. Practical difficulties have been demonstrated:**

**Findings:**

- Note Exhibit 1 for Petitioner Submitted Finding;
- The site gains access from W Sand College RD, a designated Local Road;
- W Sand College RD is measured by surveyor as 13 feet wide;
- The petition site has approximately 3500' of frontage along W Sand College RD;
- The existing road serves properties to the north and south of the petition site, as well as the proposed petition site;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Public Works Department to meet safety standards;
- W Sand College RD connects to N Moon Rd which formerly connected to the Town of Gosport across the White River, however, that bridge is no longer in service.

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

**Findings:**

- See findings under Section 1;
- Net density of 3 dwelling units per approximately 222 acres is consistent with the Comprehensive

Plan's Farm and Forest designation and the Agriculture/Rural Reserve (AG/RR) Zoning District;

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

**Findings:**

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- The Monroe County Department of Public Works provided comments for the Road Width Waiver (Exhibit 3) that indicate support for the waiver request;
- See the findings submitted by the petitioner (Exhibit 2);

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

**Findings:**

- See findings under Section 1;

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

**Findings:**

- See findings under Section 1;
- All property owners on W Sand College RD would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;

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

**Findings:**

- See findings under Section 1, 2, and 3;

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

**Findings:**

- See findings under Section 1;

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

**Findings:**

- See findings under Section 1;
- W Sand College RD is a public road in its current condition maintained by the County;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

- 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 – OVERHEAD UTILITY WAIVER**

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-41 (Utilities), which reads:

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. for Subdivisions of more than 4 Lots by the Plan Commission
2. for Subdivisions of 4 Lots or Less by the Plat Committee

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots that are to be retained in single ownership and that are to be developed for the same primary use.

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

**1. Practical difficulties have been demonstrated:**

**Findings:**

- The petitioner has requested an overhead utility waiver for the existing overhead utility line that requires undergrounding, an approximately 35’ run of electric line on proposed Lot 1;
- Utilities for Lot 2 already meet the underground requirement;
- Findings for the utility waiver request were not submitted by the petitioner;
- The above ground electric line requires undergrounding, as per 856-41;
- The cost of burying the utilities may exceed the value of the structures it will serve.

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

**Findings:**

- See findings under Section 1;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all



- subdivisions, except on public roads and rights-of-way or in easements serving other property;
- Utilities are already underground for the proposed Lot 2 and are in a 15' easement on the plat that runs across proposed Lot 3;
- It is unclear if the petitioner would want the utility waiver to extend to Lot 3;
- The Subdivision Control Ordinance provides the following definitions related to easements and right of way:

## **852-2. Definitions**

### **Easement.**

A right of use over designated portions of the property of another for a clearly specified purpose.

### **Right-of-way.**

A strip of land (other than an easement) occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, drainage swale or for another special use. The usage of the term "right-of-way" for land platting and zoning purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the Subdivider on whose plat such right-of-way is established.

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

### **Findings:**

- See findings under Section 1;
- Occupants of the petition site served by the overhead utility will continue to be serviced regardless of the location of the lines above or below ground;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards;

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

### **Findings:**

- See findings under Section 1;
- Waiver approval would permit existing conditions to persist;
- Approval of the waiver would not substantially alter the essential character of the neighborhood;

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

### **Findings:**

- Not Applicable per 856-41;

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

**Findings:**

- See findings under Sections 2 and 3;

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

**Findings:**

- See findings under Sections 1 and 3;
- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions – existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision;
- Existing utility lines servicing residential structures shall be removed and placed underground unless waived for existing and future structures;
- Occupants of the petition site served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;

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

**Findings:**

- Not Applicable per 856-41;

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

**Findings:**

- Not Applicable per 856-41;

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

## PLAT CABINET "D", ENVELOPE







**EXHIBIT 2: Petitioner Road Width Findings (Page 1 of 2)**

Petitioner:  
Timothy Martin  
7A Russell Road  
Mashpee, MA 02640  
for John & Norma Martin Family Trust

Monroe County Planning  
Re: 1901-SSS-01

6 February 2019

Findings pertaining to requested road width variance:

Please refer to attached aerial image from Monroe County Elevate website.

The "County Address Points" layer has been turned on to reveal county addresses in the area. The addresses contained in the subdivision request are 7700 W Sand College Road and 7618 Sand College Road. Note that Sand College Road terminates at its North end at N Moon Road. From there Moon Road is a dead end to the North. On October 28, 1955 a bridge over White River at the North end of Moon Road was burned by vandals, it had been blocked off from use by traffic prior to that. Ever since that date the roads north of W Wampler Road have become a single dead-end loop. This section of W Sand College Road serves as access to a total of five residential dwellings:

8000 W Sand College Road – 1 occupant (currently in the hospital)  
7700 W Sand College Road – 1 occupant (David M Martin)  
7618 W Sand College Road - 1 occupant (Sarah Martin)  
7611 W Sand College Road – 2 occupants (Ray Stiles, Beth)  
7613 W Sand College Road – 2 adults 3 kids (Trevor Powell)  
7607 W Sand College Road – No structure built here

The remaining homes in the loop are on Moon Road and are accessed by Moon Road as it is the shortest path. The standing joke at 7618 W Sand College Road is that when we see a car, they are "either lost or up to no good." There is very little traffic. We suggest that the county would be easily convinced that the traffic is very light if they were to install a traffic counter for a modest length of time along the subject property. This would be a simple method of gaining assurance that the traffic is indeed very light. This measured assessment of road use would be more cost effective than widening the road.

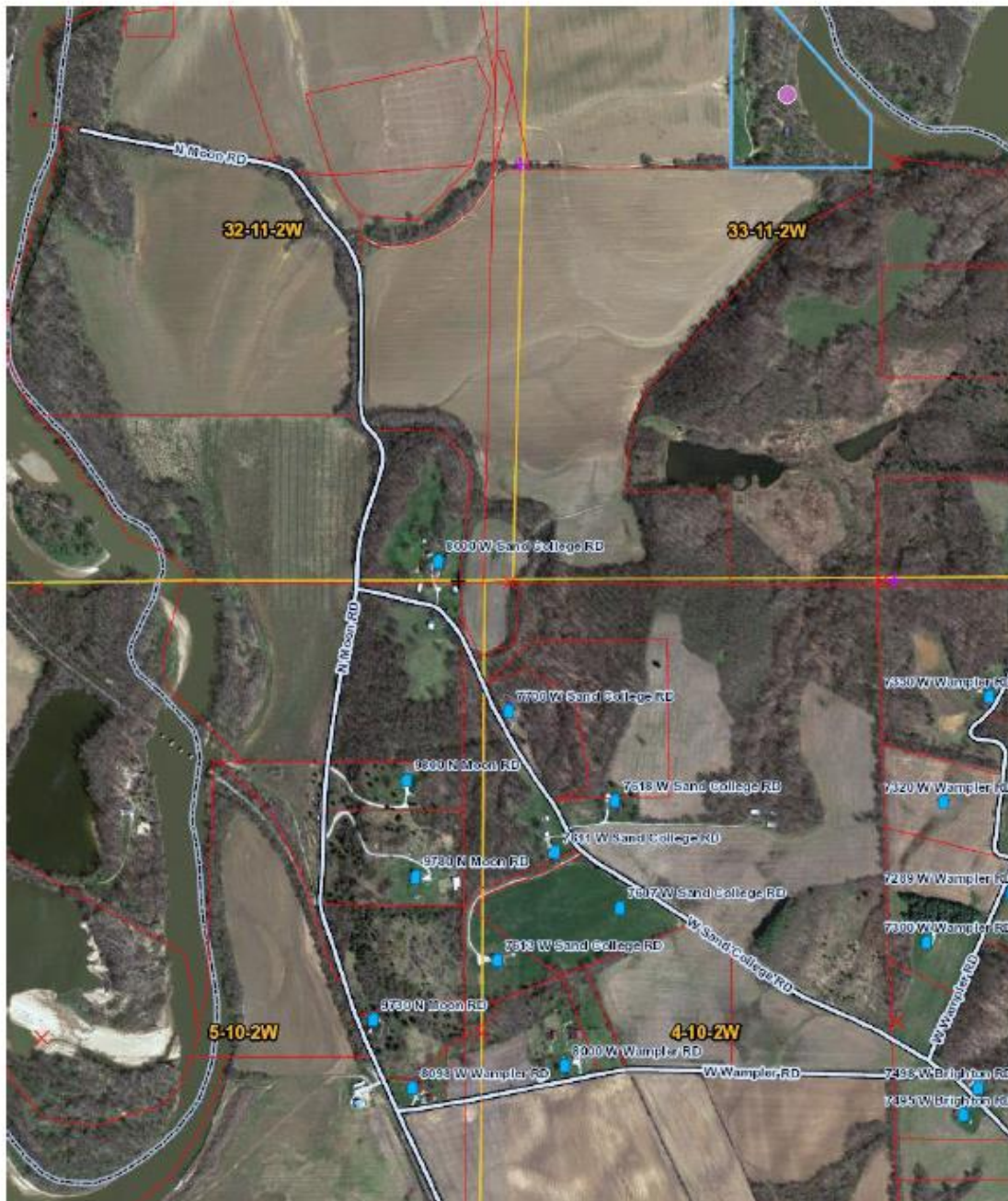
If the county does not see fit to widen the entire road, it would be ill advised to build a wider section of road for a limited distance as the discontinuity in road width may itself introduce a hazard.

Thank You,

Tim Martin  
for the John & Norma Martin Family Trust



Petitioner Road Width Findings (Page 2 of 2)



1901-SSS-01  
Dead End Loop

### **EXHIBIT 3: Road Width Comments from the Department of Public Works**

**Tammy Behrman**

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**From:** Paul Satterly  
**Sent:** Tuesday, February 12, 2019 9:20 AM  
**To:** Tammy Behrman  
**Cc:** Ben Ayers; Lisa Ridgely  
**Subject:** RE: Road Width Waiver

Tammy,

Sand College Road is a low traffic volume roadway. Roadway width is approximately 13 ft. The addition of two lots will add approximately 20 vehicles per day to the roadway. The roadway width of 13 ft. should be sufficient to handle this increase in traffic. The Public Works Department therefore approves granting a road width waiver for this petition.

Please call me if you have any questions.

Thanks,

Paul

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

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

**PLANNER** Tammy Behrman  
**CASE NUMBER** 1902-PUO-01, Mirwec Outline Plan Amendment Two  
**PETITIONER** Autovest LLC c/o Bynum Fanyo & Associates, Inc.  
**ADDRESS** 700 S Liberty DR  
 Parcel #: 53-09-01-101-003.000-015  
**REQUEST** Outline Plan Amendment to add a specific multi-use comprised of five (5) uses to the list of permitted uses for Lot A of the Mirwec PUD  
**ZONE** PUD  
**ACRES** 2.11 acres +/-  
**TOWNSHIP** Van Buren  
**SECTION** 1  
**PLAT:** Mirwec Plat Subdivision; Lot A  
**COMP PLAN**  
**DESIGNATION** MCUA Employment

### EXHIBITS

1. Petitioner Outline Plan Statement
2. Proposed Uses from 1979
3. Use Letter from 2013
4. Interior Remodel Plans from 2018 Application
5. Petitioner Correspondence providing additional use details after PRC meeting.
6. Building Commissioner's Statement regarding Building Code
7. Assessor's Office Fact Sheet regarding Assessed Value

### RECOMMENDATION

Staff recommendation is **Approval** to the Plan Commission based on the findings of fact and subject to the Monroe County Highway Department & Drainage Engineer reports, and with the following nine (9) conditions:

1. The multi-use proposed in this petition shall not change out one of the five uses shown below with any other permitted use without an outline plan amendment to the Mirwec PUD;
  - a. Automotive Display including classic and exotic cars – low volume, mostly online sales
  - b. Automotive Sales for classic and exotic cars primarily.
  - c. On-site residence (within the existing building – 2 bed flat, not a rental but for the owner)
  - d. Furniture sales with the option to be year-round rather than limited to 32 days per year
  - e. Warehousing for furniture
2. The multi-use proposed in this petition only applies to Lot A of the Mirwec Plat Subdivision located at 700 S Liberty DR;
3. The implementation of the multi-use would require a Building Permit review and implementation and change of use site plan approval and implementation;
4. The anticipated hours for car display and sales will be no greater than 9am-7pm (Mon.-Sat., closed Sundays). Most of these transactions/sales are either on-line or by appointment. No car shows will happen at this location. Test drives are allowed anytime the facility is open as a customer convenience. This is intended to be a low volume situation, especially during weekday, 9am-5pm hours.
5. There should be no more than 16 cars for display at any time. No new parking stalls (or any other site improvements) for customer parking are being proposed with this petition.
6. The hours of operation for the furniture gallery and sales would not exceed 9am - 7pm (Mon.-Sun.) This is intended for a low volume sales situation, especially during weekday, 9am- 5pm hours. Competition and customers will dictate when to open during these allowable hours. The business plan calls for there to be a 3 to 4 weekend only sales events annually, as is becoming popular around the country. However, if the weekend sales concept doesn't prove financially successful, the option to have more traditional daily furniture sales within the allowable hours

shall be permitted.

7. The upstairs is currently being used as an inspiration model for 'ETC for the home' furniture sales use. Currently, design and decoration were provided in the approved plan that was classified as a 'B' type occupancy, not a residential space. This outline plan amendment would allow a conversion of this space to an inhabitable residential space on the second level that shall meet residential occupancy Building Department codes.
8. The residential living space, would be used for a dual purpose - model and personal guest suite. The private residence shall be for the owner of this property only. It will not be rented for profit or income in any manner now or in the future.
9. There intends to be some car storage (with the furniture) in the warehouse portion of the building. There will be only furniture in the indoor show room with no indoor car display. Only outdoor car display.

### **SUMMARY**

The petitioner would like to add a specific multi-use to the property located at 70 S Liberty DR comprised of five uses to be utilized concurrently on Lot A of the Mirwec Plat Subdivision. The uses the petitioner would like to add in a multiuse context are:

1. Automotive Display including classic and exotic cars – low volume, mostly online sales
2. Automotive Sales for classic and exotic cars primarily.
3. On-site residence (within the existing building – 2 bed flat, not a rental but for the owner)
4. Furniture sales with the option to be year-round rather than limited to 32 days per year
5. Warehousing for furniture

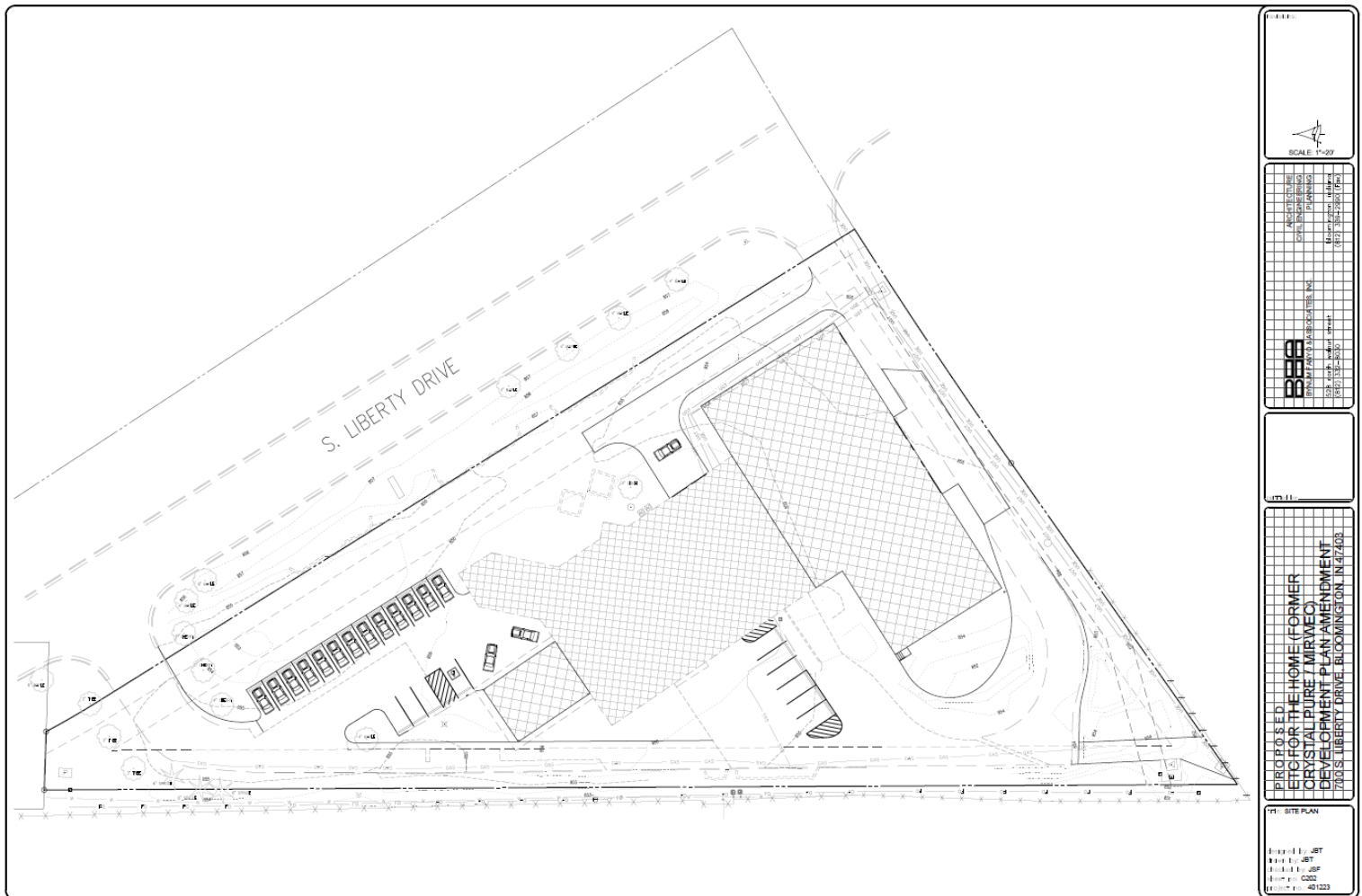
Details of the uses are explained in Exhibits 1 & 5. The site currently has a Land Use Certificate and Certificate of Occupancy for Commercial. Both of these documents and the permits specifically state that the remodel was not for residential purposes. Conversations with the Building Commissioner show code deficiencies for residential use including but not limited to fire protection (Exhibit 6). The Land Use Certificate that Planning issued does demonstrate that open space, landscaping and current parking requirements all meet the PUD standards. The addition of the multi-use requires further administrative review within the Building Department and Planning Department to meet current code standards.

### **PLAN COMMISSION ADMINISTRATIVE MEETING**

Discussion mainly focused on parking logistics at the April 2, 2019 meeting with all nine members attending. A newly submitted exhibit shown below demonstrates where the proposed 16 classic / exotic cars are to be parked. The two residential parking spaces are said to be inside the building. This leaves ten parking spaces for employees and customers (one space is ADA compliant). The following statement was supplied by the petitioner:

1. Attached is the exhibit that I believe you were looking for show how the 16 exotic/classic cars would be displayed. We believe there would only be 3-4 customers at most on-site at any time and 3-4 employees at most for this mixed use. This would allow enough parking for everything if display vehicles were set like this exhibit.

- Also, Autovest, LLC has indicated that they'd like to keep their current sign (not increase size or different lighting) in place along Liberty but just have a new decal for it that advertises ETC and classic/exotic cars. No digital or interchangeable copy, either.



### PLAN REVIEW COMMITTEE

The Plan Review Committee in which three members attended met March 14, 2019 to discuss the petition. Several questions were raised regarding multiuse, building code and tax assessment. There was a request to have the petitioner provide more information on the five requested uses specifically time allotment for sales, volume of sales for classic cars and the residential use extent / clarification. The petitioner has responded with more details in Exhibit 5. A statement from the Building Commissioner regarding building code requirements is in Exhibit 6 and the Assessor's Office provided information on tax re-assessment of the property if a portion of the commercial building were to be converted to residential (Exhibit 7). The Plan Review Committee made a favorable recommendations to approve the additional warehouse and retail use for both furniture and classic cars and made a favorable recommendations that the residential use be conditional and have further oversight from the Board of Zoning Appeals.

### HISTORY

The site is located in the Former Fringe area surrounding the city of Bloomington, and in the Mirvec PUD. The site was originally planned while the city of Bloomington had planning jurisdiction over the area. While the original files for the PUD were not found, some documentation was provided by the city of Bloomington Planning Department. The Mirvec PUD appears to have been planned originally as part of a request for phased development of an 82-acre tract owned by Whitehall Associates in 1979. The



Mirwec area is described as 'light industrial'. The list of the requested uses is attached as Exhibit 2. This is the best information that staff has been able to locate regarding approved uses on the site, and this information is what staff has used to determine approved uses on the site.

This property (formerly Crystal Pure - water distribution) was purchased at a Sheriff's auction in 2012. Staff issued a zoning verification letter in 2013 (Exhibit 3) defining the current use as furniture storage warehouse with "temporary warehouse liquidation sales are a reasonable accessory use to the warehouse storage use". The condition of the accessory use has a limit of the temporary sales to 4 times each calendar year on no more than two consecutive weekends, and three to four days on each of those weekends – to a maximum of 32 days per calendar year. The petitioner filed a change of use site plan in 2014 and a site plan amendment in 2016 to add additional warehouse space. Land Use Certificates were issued for these projects and all planning requirements were installed according to the approved site plans. Additional permit applications were submitted in 2017 and in 2018 for interior remodeling of the existing commercial structure. Planning staff very clearly indicated that the remodeling was for Commercial Use only despite the fact that the design looked very residential in nature on the waivers that were issued (Exhibit 4). The Building Department issued Certificates of Occupancy for these remodel projects and those documents very clearly state they are 'Commercial Remodel'.

### **CURRENT PERMITTED USES**

The 1979 Mirwec PUD use document on file (Exhibit 2) lists the following use specifications.

#### **Light Industrial**

Assembly Operation for pre-manufactured parts

Repair and/or manufacturing of light industrial component parts or products

Manufacture of soft drink beverages and its bottling

manufacture of office machinery, electrical and mechanical

Manufacture of light, portable household appliances and/or related electrical tools and components

Manufacture of jewelry and leather products

Manufacture of pharmaceutical, biological, medical & Cosmetic goods

Manufacture of optical good, recording instruments, phonograph records and/or

Distribution of operations with warehousing facilities

#### **Specifically Excludes**

Heavy Industrial

Housing

Commercial Development

### **TAX ASSESSMENT DISCUSSION**

The commercial structure is 24,857 sf according to the property report card. Previous building permit applications show that the portion of the building proposed to be converted into living space is 2,948 sf. The tax rate does not change but the portion converted to residential would be reclassified to from the non-residential Cap 3 (3%) to the residential Cap 2 (2%). The circuit breaker cap "ensures that a property owner does not pay more than a fixed percent of the property's gross assessed value in taxes, but the caps do not change the local tax rate" (Exhibit 7).

### **PARKING DISCUSSION**

The petition before staff is for multiuse comprising of five (5) separate uses. Each of these types of uses has a minimum parking requirement found in Chapter 807. A Planned Unit Development does not necessarily have to follow the same parking standards and the 1979 Mirwec PUD Ordinance does not mention parking minimums to the limited documents we have on file. Below is a table depicting the uses

and the required parking minimum.

Proposed Use	Minimum Parking Requirement	Provided Spaces (24 total)
Automotive Sales	2/1000 GFA enclosed sales area + 1/2500 GFA open sales area + 2/service bay + 1/employee (minimum 5 spaces required)	5 spaces
Single Family Dwelling	2 spaces/unit	2 spaces
Furniture Sales	1.5/1000 GFA	13 spaces
Warehouse and Distribution	1/employee on largest shift + 1/vehicle used in operation of industry	4 spaces

The petitioner provided some details with regards to the parking concerns and reduced an earlier request to have 25 classic cars on site down to 16 cars:

*“The total gross floor area of the entire building currently is 25,932 sq. ft. It appears from the last plan that was approved in 2017 (attached) that we went by the gross floor area of the addition only for parking which was 13,022 sq. ft. This would equate to 20 parking spaces by the equation below for furniture sales only.*

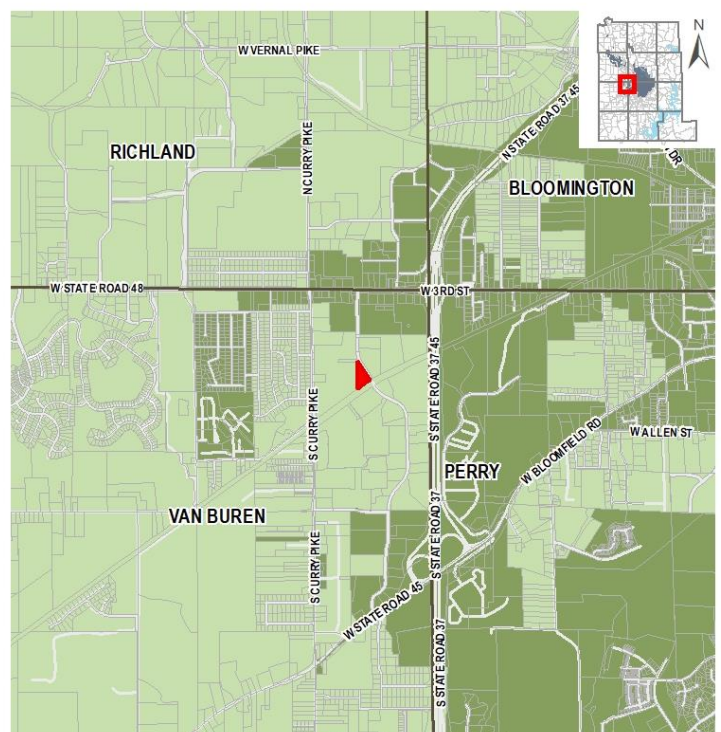
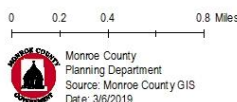
*However, the proposed actual sq. ft. of furniture display is 8,470, 15,070 for warehousing, and 2,392 for offices. He thinks there would ever only be 4 employees on the largest shift for the combined furniture and auto sales. This would equate to 5 parking spaces for the automotive sales, 13 for the furniture sales, and 4 for the employees. The proposed residential side has a 2 car garage on the east side of the building. There are 24 parking spaces currently on-site and per the attached approved plan with 22 required by my calculations from the table below. We also brought down the max. number of display vehicles to 16 in the attached revised letter.”*

## LOCATION MAP

The petition site is located west of the City of Bloomington, with frontage along South Liberty Drive in Van Buren Township in Section 1 of Van Buren Township.

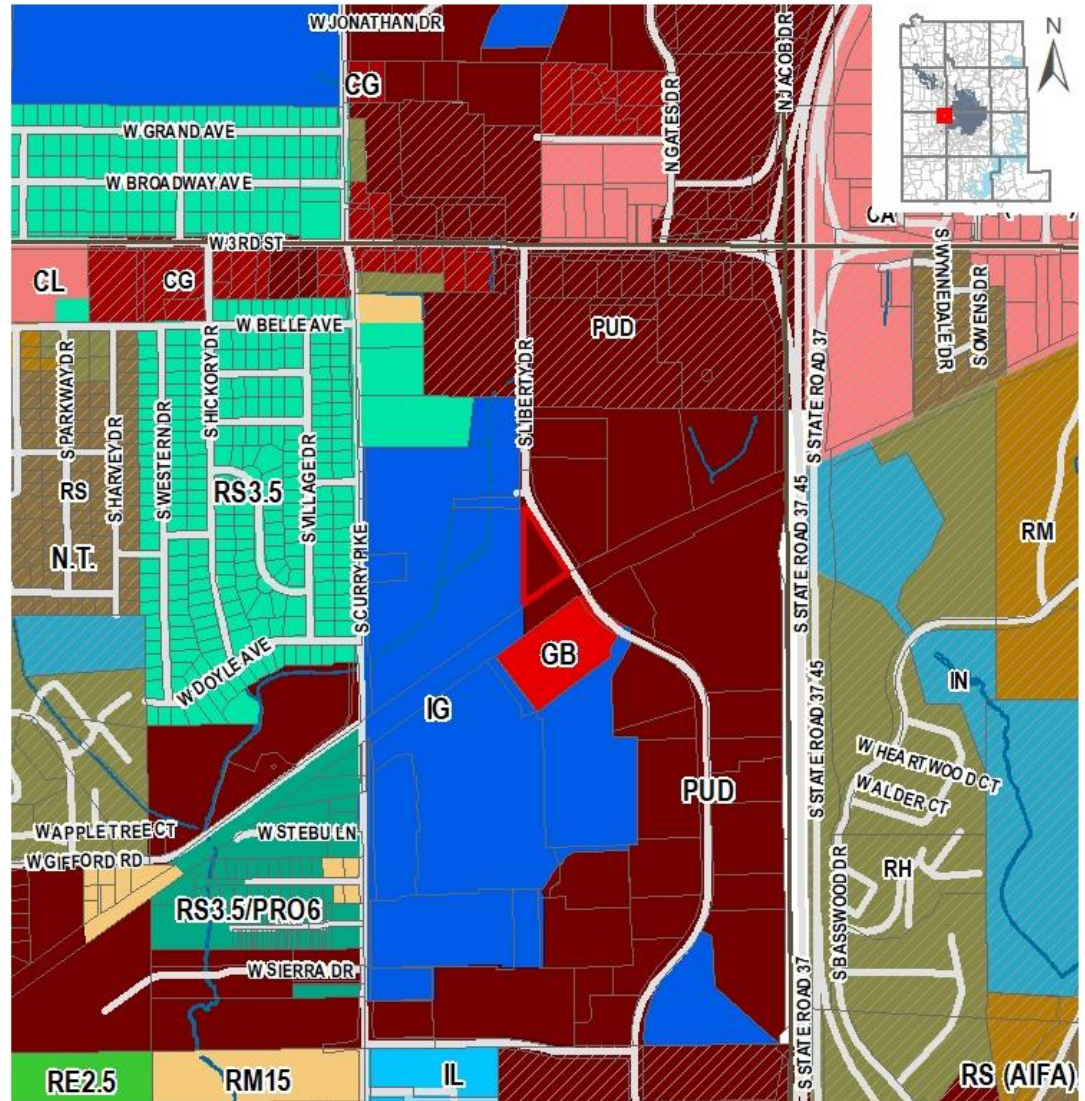
### Location Map

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



The petition site is zoned Planned Unit Development (PUD). It is part of the Mirwec Planned Unit Development. All immediately adjoining parcels are also zoned PUD. There are General Industrial (IG) zoning and Arterial Commercial (CA) zones in the immediate vicinity. The City jurisdiction is located to the north.

## Current Zoning Map



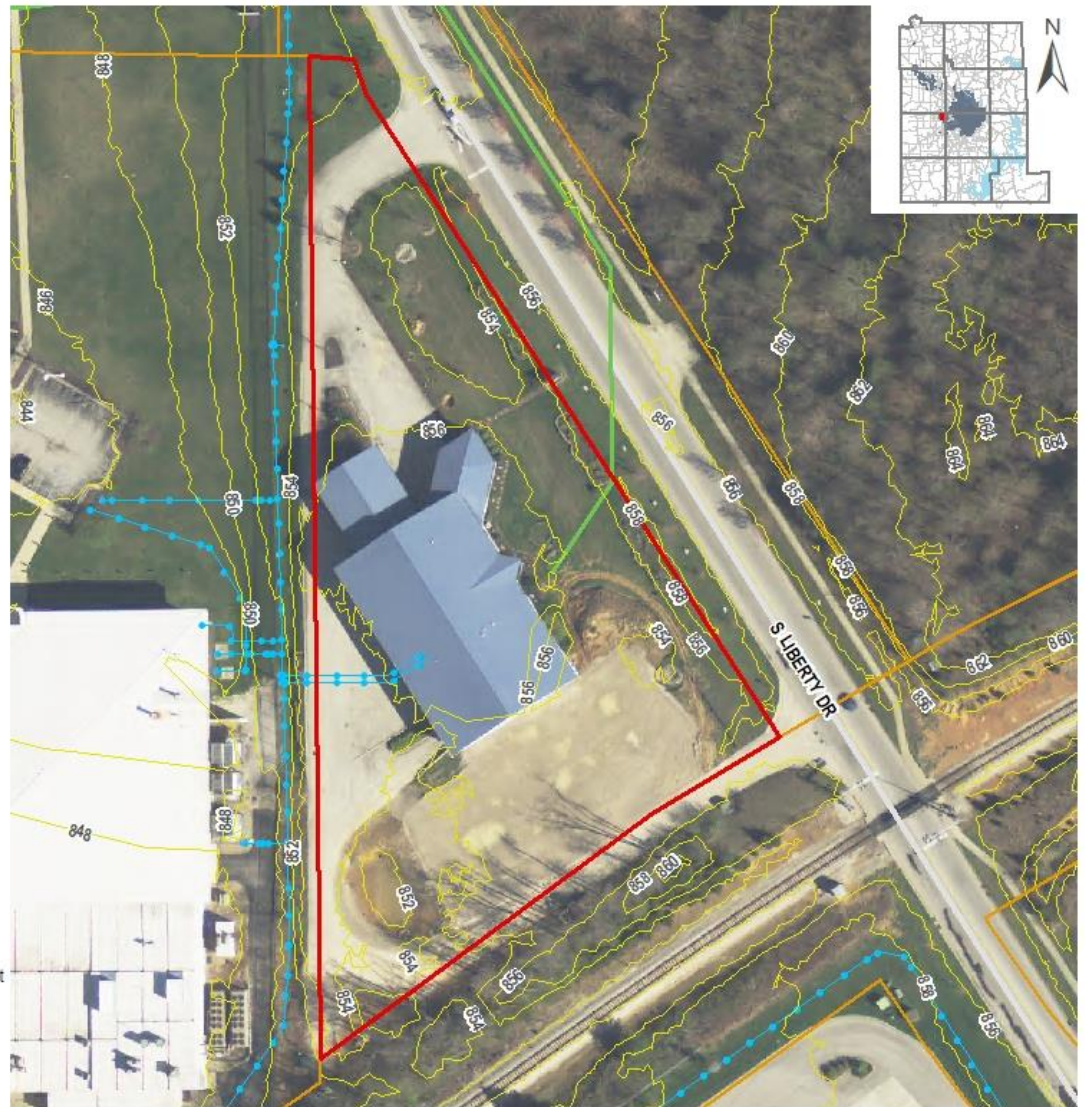


## SITE CONDITIONS


The parcel contains a commercial warehouse with office space. The structure is 24,850 sf with a paved parking lot of 19,000 sf. Bioretention for stormwater runoff is on site and the lot meets the landscaping requirements for Monroe County. Frontage and ingress/egress is on South Liberty Drive, a local road. The parcel is bordered along the south by an old rail bed. The property is within one mile of a school. There are no known karst on the property. The property has connections to sewer and water lines. FEMA Floodplain is located offsite to the west.

### Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Sanitary Pipe
-  Water Pipe
-  Roads



0 45 90 180 Feet



 Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 3/6/2019



# Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads

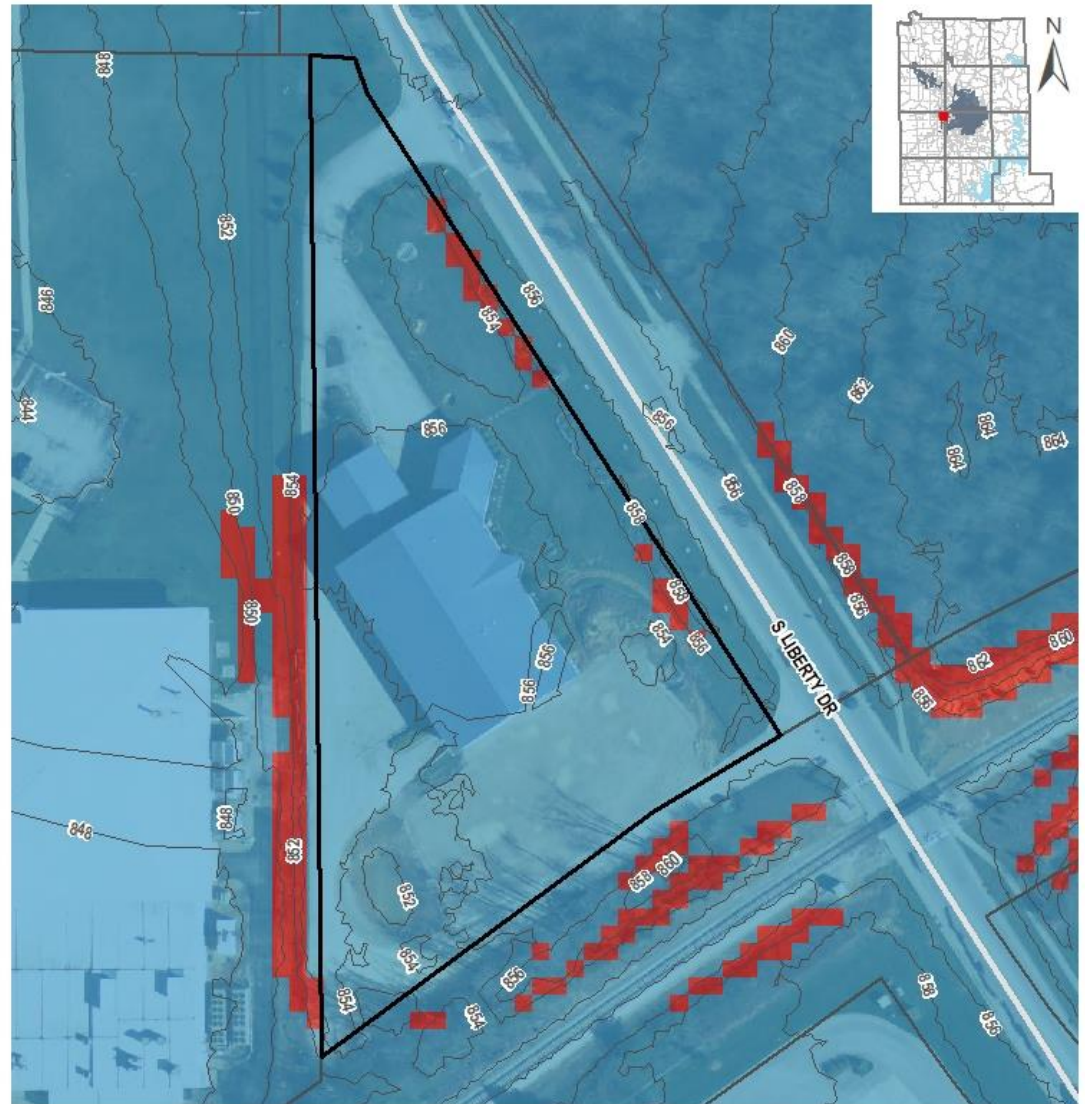
## Percent Slope (2010)

-  0 - 15
-  > 15

0 20 40 80 120 160 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 3/6/2019



## **SITE PICTURES**



Figure 1. Facing south; view of existing commercial structure and parking lot.



Figure 2. Facing northwest; view of petitioner's commercial building. S Liberty Dr is in the foreground.





Figure 3. Facing southwest; view of petitioner's commercial building. S Liberty Dr is in the foreground and driveway entrance is shown on the right.



Figure 4. Facing south; aerial view from 3/27/2017.

## **INFRASTRUCTURE AND ACCESS**

The site utilizes CBU water and sewer. Sidewalks run along the opposite side of S Liberty Drive and street trees are already in place. The property has both Land Use Certificates and Certificates of Occupancy in place for the existing warehouse use issued in 2017 and again in 2019 for an interior remodel. There are two permitted driveway that connect to S Liberty DR, a local road.

## **COMPREHENSIVE PLAN DISCUSSION**

The petition site is located in the **Employment** district in the Monroe County Urbanizing Area Plan portion of the Monroe County Comprehensive Plan. The immediate surroundings are also Employment or Conservation Residential.

### **The Comprehensive Plan describes Employment as follows:**

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 that may not be easily integrated into a mixed-use environment.

These uses may require large, isolated sites for large-format facilities, or multiple facilities may be organized into coordinated campus-style or industrial park settings. This land use category is intended to accommodate the expansion and changing operations of a wide variety of companies and to foster a well-rounded and diverse economy as part of the Greater Bloomington area.

Special attention should be paid to vehicular access management, buffering and landscape aesthetics, building and parking orientation, and basic architectural design standards. Business support services are encouraged to be integrated into larger employment areas.

### **A. Transportation**

#### **Streets**

Employment areas require special considerations in roadway design. These areas are typically accessed through arterial connections from the freeway and require accommodations for heavy truck traffic.

Arterial connections may

Include mixed-use corridors, and special attention must be paid to balance the needs of all travel modes while also facilitating industrial deliveries and commuter traffic flow. Arterial streets, such as Third Street, should not exceed five lanes in width (four travel lanes with center turn lane). local and collector streets will typically be two or three-lanes (two travel lanes with center turn lane). Street connections are encouraged to help distribute traffic, but should be balanced with access management plans to maximize safety. Center medians for select arterial roadways should be considered to improve access management and corridor aesthetics.

#### **Freight**

Appropriate routes for truck traffic to and from i-69 should be designated with thoroughfares designed accordingly. Major highway access points to employment areas west of i-69 will include Sr-46, Third Street/Sr-48, 2nd Street/Sr-45 and Tapp road. Fullerton Pike will provide access to potential employment areas to the east of I-69. A new roadway connection between That road and South Walnut Street (old Sr-37) should be considered to open land between the highway and clear creek for employment uses.

#### **Bike, Pedestrian, and Transit modes**

Commuting by automobile will likely remain the primary form of transportation to work in the larger employment centers within the Urbanizing Area. However, opportunities to expand transportation options should be provided wherever possible. Streets within employment areas should include sidewalks and/or shared-use sidepaths and encourage connections to karst farm Greenway and clear creek Trail.

Opportunities to expand City of Bloomington and rural Transit service to employment areas should also be explored.



## B. Utilities

### Sewer and water

Employment-generating uses provide a fiscal benefit to the community that may warrant additional investments in and possible geographic expansion of sewer systems. Some areas designated for employment uses in the land Use Plan are located outside of current sewer service areas, most notably the area between Clear Creek and State Road 37. Additional studies should be undertaken to determine the potential for sewer expansion and necessary capital improvements to serve these areas. Additional studies and surveys may be required to determine the geographic restrictions within developable areas.

### Power

Where possible, overhead utility lines should be buried to minimize disruption during major weather events. Care should be taken to locate underground utilities in a manner that does not interfere with site development or business expansion. Opportunities to create redundant power systems with new electrical substations should be explored.

### Communications

State of the art communications systems should be prioritized in employment areas. Street infrastructure improvements should reserve space for burial of fiber-optic systems and/or other forms of high-speed internet and communications networks.

## C. Open space

### Park Types

Employment areas should provide open spaces primarily through the preservation of sensitive lands and creation of landscape buffers. Where opportunities exist, shared use path connections to the broader greenway network should be incorporated, providing a recreational amenity and alternative transportation option for employees, as well as linkages to the broader Bloomington/Monroe county system.

### Urban Agriculture

Community gardens and urban agricultural systems should be encouraged in near employment areas as a recreational and wellness opportunity for employees. However, soil suitability in existing industrial areas should be verified.

## D. Public Realm Enhancements

### Wayfinding

regularly-located route signage for truck traffic to and from i-69 should be provided. business and industrial parks may incorporate multi-business panel signs at gateway locations to improve wayfinding, and should use high- quality materials, be aesthetically coordinated with surrounding architecture, and include attractive landscape features.

### Lighting

Roadways should be lighted for safety and will typically require taller poles ( $\pm 30$  feet).

### Street/Site furnishings

Street furnishings will be limited in employment districts, but may include bus stops/shelters and benches.

## E. Development guidelines

### Open Space

Open space in employment areas should be provided on-site (with the exception of significant environmental preservation areas) and determined through maximum lot coverage requirements, with 15 to 20% of a site reserved for landscaping, buffering, stormwater management and outdoor amenities for employees.

### Parking ratios

Parking needs will vary by business. In campus and business park settings, shared parking arrangements should be encouraged, although most businesses will require some amount of dedicated parking. Large industrial facilities, warehouses, and flex/r&d space will often have relatively low parking needs (e.g. 1 space per 2,000 square feet). Parking requirements should be based on the needs of individual businesses as opposed to mandatory minimum requirements.

### Site Design

Buildings should be oriented toward the front of the lot to create a street presence, but will typically be set back from the front property line by 30 to 50 feet. Parking in front of the building should be avoided, and limited to small visitor-oriented parking lots with close access to the main entrance. Employee parking should be located to the rear or side of the building. Sufficient maneuvering aisles and loading spaces will be necessary for freight delivery. Loading docks and bays should be oriented away from public streets or screened with landscaping or architecturally integrated walls extending from the building.

### Building form

Industrial, flex and warehouse buildings should balance economic construction with basic aesthetics. Office components and main visitor entrances should be located on the front facade, be designed as distinct elements from the rest of the building, and incorporate high amounts of window transparency. Facilities may require light-controlled environments, but where possible, high windows above eye level should be incorporated, particularly along street-facing facades. Buildings will have simple forms and flat roofs. Parapets should be used to screen rooftop mechanical units.






### Materials

Acceptable primary building materials include brick, stone (natural or cultured), pre-cast concrete panels, concrete masonry units, architectural metal panels, fiber-cement siding and EIFS (exterior insulated finishing Systems). Smooth-faced and textured-faced metal panels are preferred, but corrugated or ribbed panels are also acceptable. Split-faced block may be acceptable if combined with other primary materials. Careful attention should be paid to how materials are installed, joined, and detailed, particularly at edges, corners and material transitions. Shadow lines, expression lines and variations in color and texture are encouraged to break up monolithic facades. Trees, shrubs and other vertical landscape elements should be incorporated along large, blank facades.

### Private Signs

Sign designs should be coordinated with the character of the building, and may be building-mounted or ground-mounted monument signs. Pole signs should be prohibited. Monument signs should be located in landscape beds and may include exterior ground lighting. Digital and changeable copy signs are not appropriate. Sites will typically require directional signage for visitors, employees and freight delivery.

## Comprehensive Plan

-  Petitioner
-  Townships
-  Monroe Co. Urbanizing Area (MCUA)
-  Parcels
-  Roads

### Comp. Plan Land Use (Updated 2015)

-  MCUA Conservation Residential
-  MCUA Employment
-  MCUA Institutional
-  MCUA Mixed Residential
-  MCUA Mixed Use
-  MCUA Open Space
-  MCUA Suburban Residential

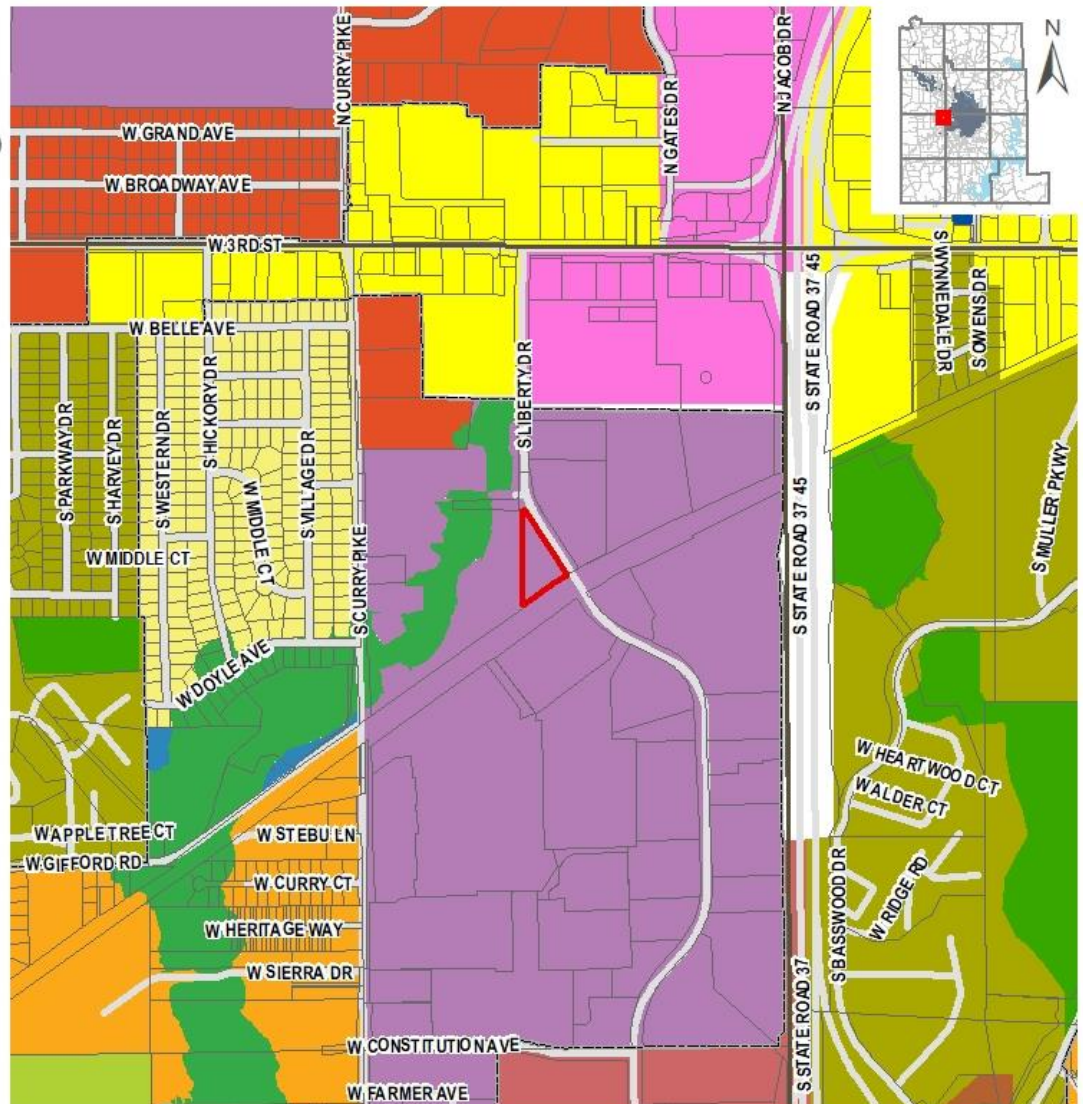
### Bloomington Growth Policies Plan

-  Community Activity Center
-  Employment Center
-  Neighborhood Activity Center
-  Parks/Open Space
-  Public/ Semi-Public/ Institutional
-  Regional Activity Center
-  Urban Residential

0 0.075 0.15 0.3 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 3/6/2019



## DRAFT ZONING MAP

←
E1

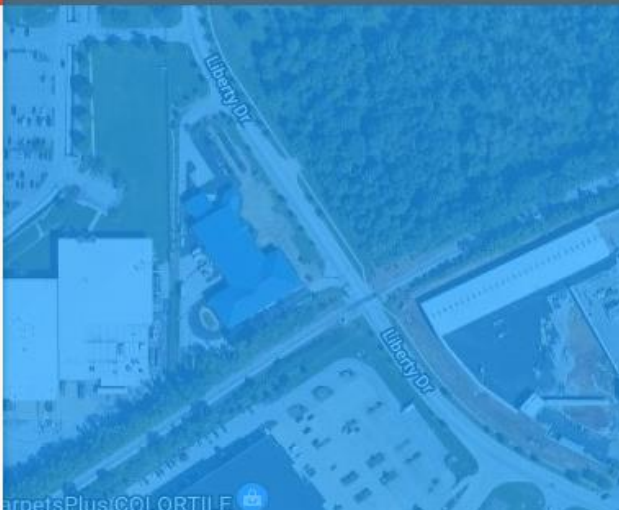
name

E1

description

West Side Employment

Districts ★



## **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:

- (a) 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 Comprehensive Plan designates the property as MCUA Employment;
  - The property is currently zoned PUD of the Mirwec PUD;
  - The Mirwec PUD area was originally listed as a ‘light industrial’ part of the Whitehall Business Park PUD request to the city of Bloomington in 1979;
  - The petition parcel was first developed in 2004;
  - The current approved uses for the petition parcel have been determined to be the ‘light industrial’ uses listed in the petitioner letter from the 1979 city of Bloomington PUD filing;
  - Specific uses excluded from the 1979 PUD are heavy industrial, commercial and residential;
  - The surrounding area which includes some of this PUD have commercial use and there is a hotel in the in the nearby area;
  - The character of the area and economy of 1979 has changed in the last 40 years and has shifted away from light industrial uses;
- (b) The extent to which the proposal departs from zoning and subdivision regulations such as density, dimension, bulk, use, required improvements, and construction and design standards.

### **Findings:**

- See Findings (a);
  - No design standards were found specifically listed in the PUD documentation;
  - The petitioner is requesting specific minimum parking standards for the proposed multi-use;
  - There are 24 parking spaces on the lot of which 16 will be utilized for display of classic / exotic cars and the remainder being utilized for staff and customers;
  - 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;
- (c) The extent to which the PUD meets the purposes of this Zoning Ordinance, the Comprehensive Plan, and other planning objectives. Specific benefits shall be enumerate.

### **Findings:**

- See Findings (a) and (b)
  - Four of the five uses proposed in the multi-use will be employment type uses and the residential use will be for the owner of the property only;
- (d) 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:**

- There are two existing approved driveway cut from the petition property onto Liberty Drive;
- The proposed parcel will be adjacent to an existing traffic signal used by Baxter Pharmaceutical employees;
- The parcel shape was determined when a portion of the PUD was dedicated to the County for



- Liberty Drive;
  - The site will meet the design standards of the underlying zone, General Manufacturing (MG);
  - There are no proposed changes to the site with the implementation of the multi-use and the site already has a Land Use Certificate on file demonstrating compliance for Planning and Zoning requirements;
- (e) 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);
  - The petition parcel is bordered to the south by a rail bed;
  - Other immediate surrounding uses include Menards to the southeast, and Baxter Pharmaceutical directly west, and vacant land to the east;
  - Much of the surrounding area is zoned Planned Unit Development, General Industrial, and General Business;
- (f) The desirability of the proposal to the County's physical development, tax base, and economic well-being.

**Findings:**

- See Findings under Section (e);
  - Only the portion of the structure being converted in to residential will be reclassified from a Cap 3 non-residential to a Cap 2 residential tax base;
- (g) The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.

**Findings:**

- See Findings under Section (d) & (e);
  - The parcel shape was determined when a portion of the PUD was dedicated to the County for Liberty Drive;
  - The petitioner claims this will be a low volume sales facility with more focus on hours outside of the busier 9am to 5pm time frame;
- (h) The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.

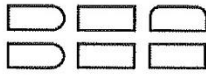
**Findings:**

- The lot is currently meets the PUD open space requirements;
  - No karst or floodplain is found on the petition parcel;
  - The Mirwec PUD area was originally listed as a 'light industrial' part of the Whitehall Business Park PUD request to the city of Bloomington in 1979.
- (i) The proposed development is an effective and unified treatment of the development possibilities on the site.

**Findings:**

- See Findings (a) & (b)

## EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

February 1, 2019

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

SUBJECT: Mirwec PUD Outline Plan Amendment  
700 South Liberty Drive in Bloomington, Indiana

Monroe County Plan Commission or To Whom It May Concern:

On behalf of Autovest, LLC, Bynum Fanyo & Associates, Inc. would like to request approval of an amendment to the 'Mirwec Outline Plan.' This amendment would only affect the lot addressed as 700 South Liberty Drive in Bloomington, Indiana located just to the south of the intersection of South Liberty Drive and the entrance to the Baxter Pharmaceutical property. This lot contains 2.11 acres and is in the NE quarter of section 1, T8N, R2W, Van Buren township.

The amendment to the PUD Plan that is being sought is to incorporate the following uses as permitted uses (to create a multi-use site) on the lot addressed as 700 South Liberty Drive in Bloomington, Indiana:

1. Automotive display including classic and exotic cars – low volume, mostly on-line sales
2. Automotive Sales for classic and exotic cars primarily
3. Furniture sales (~~weekend only concept but sales all days~~)
4. Furniture warehousing – inside showroom already
5. On-site residence (within the existing building – 2 bed flat, not a rental but for the owner) (currently on 2<sup>nd</sup> floor of building)

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

Let us know if you have any questions or concerns for these proposed uses on this parcel of land.

Sincerely,  
Bynum Fanyo & Associates, Inc.

Daniel Butler, PE, Project Engineer  
Copy: BFA File #401856

RECEIVED

FEB 01 2019

MONROE COUNTY PLANNING

528 NORTH WALNUT STREET  
812-332-8030

BLOOMINGTON, INDIANA 47404  
FAX 812-339-2990

## EXHIBIT 2: Proposed Uses from 1979 PUD

Mr. Tim Mueller

December 27, 1979  
Page Three

5) Phase 3D will consist of three free-standing pad site developments none of which to be undertaken until commencement of Phase III C. All pad sites will have access off the parking lot constructed in connection with Phase III C and upon their development would carry the proposed sidewalk for Phase I in a complete easterly direction to the point of connection with Phases III A and III B. Phase III A will also have a sidewalk located on its southern boundary line and will be connected with a sidewalk to be constructed through the parking lot on Phase II. No additional improvements to S.R. 48 will be constructed as the lot of this 3D development. Anticipated uses in the 3D will likely be free-standing restaurants, financial institutions, and other commercial and business uses. All buildings constructed on S.R. 48 will be fully improved with four sides of brick or stone and will have totally contained trash pick-up areas.

6) Phase IV is currently an unplanned phase of the overall development, however, it is the intention of the developer to develop recreational or commercial uses comparable to those contained in Phase III C of the shopping center or entertainment functions consisting of possible bowling alley, handball court, movie theater, or other comparable uses. No additional roadway improvements would be required during this phase due to the fact that Drive "C" will be extended as part of the development of Phase III C. All drainage in Phase IV shall be carried in a generally southerly direction to retention/detention basin to be located on the far southwest corner of the overall 82-acre tract.

7) Phase V, or the balance of the 82 acres, will be developed into a light industrial area consisting of high quality industrial buildings and will specifically exclude heavy industrial buildings or other commercial development. Proposed uses for the light industrial area would include assembly operations for pre-manufactured parts or assemblies of components or its components. Such uses might also include assembly, repair and/or manufacture of light component parts or products; manufacture of soft drink beverages and its bottling; manufacture of office machinery, electrical and mechanical; manufacture of light, portable household appliances and/or related electrical tools and components; manufacturing of jewelry and leather products; manufacturing of pharmaceutical, biological, medical and cosmetic goods; manufacturing of optical goods, recording instruments,

December 27, 1979  
Page Four

photograph records and/or distribution of operations with warehousing facilities. In connection with the development of the light industrial park, the roadway extended as part of Phase III C shall be completed with a connection to Curry Pike. Construction of the Curry Pike connection shall include a passing blister on the west side of Curry Pike. All drainage for the light industrial area shall in large be contained in a storm drainage basin located at the southwest corner of the 82 acre property with approximately 25% of the light industrial area, namely that area located immediately south of Phase III C being drained to the catch basin constructed as part of Phase II and located at the southeast portion of the 82 acre tract.

The attached tracing and site plan is the latest and most complete drawing of all intended development for the property owned by Kitehall Associates. Should you have any questions concerning this development or the explanations herein contained, kindly contact the undersigned.

Sincerely,

John B. Urbahn  
Attorney-at-Law

/csf  
Encl.

### EXHIBIT 3: Zoning Verification Letter from 2013

MONROE COUNTY PLAN COMMISSION  
and office of the  
MONROE COUNTY BOARD OF ZONING APPEALS  
Monroe County Government Center, 501 N. Morton St., Suite 224  
Bloomington, IN 47404  
Telephone: (812) 349-2560 / Fax: (812) 349-2967  
<http://www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment.aspx>



December 2, 2013

Tom Martin  
AutoVest LLC  
2200 S Walnut Street  
Bloomington, IN 47401

Re: Parcel # 53-09-01-101-003.000-015 located at 700 S Liberty Drive, Bloomington, IN 47403

Dear Mr. Martin:

The property, located at 700 S Liberty Drive in Monroe County, IN is in the Former Fringe area surrounding the City of Bloomington, and in the Mirwec Planned Unit Development (PUD). The property was originally planned while the City of Bloomington had planning jurisdiction over the area. While original files for the PUD have not been found, documentation has been provided by the City of Bloomington Planning Department. The Mirwec PUD appears to have been planned originally as part of a request for phased development of an 82-acre tract owned by Whitehall Associates in 1979. The Mirwec area is described as "light industrial". The list of requested uses is attached to this letter. In 1988 a development plan was approved for Mirwec, Inc. and "light industrial" uses were again mentioned at this time.

In the letter received from your attorney Geoffery Grodner, dated November 26, 2013, it states that in July 2012 Mr. Grodner, "spoke with Jason Eakin [Assistant Director, Monroe County Planning Department] who advised that "furniture sales would be permitted". Mr. Eakin unequivocally rejects that he made a determination to the permitted uses on the site via a telephone conversation.

As we discussed in our meeting on Monday, November 18, you are currently using the property as a furniture storage warehouse, which we determine as a permitted use in the PUD. You also wish to conduct furniture liquidation sales – according to Mr. Grodner's letter, "no more than 4 times each calendar year. Each sale would be over one or no more than two consecutive weekends, and three to four days of those weekends. Other than these few short duration sales, the Property will only be used as a warehouse."

The Monroe County Planning Department is issuing this letter as a determination that *the temporary warehouse liquidation sales are a reasonable accessory use to the warehouse storage use*. The condition of the accessory use is the limitation of the temporary sales to 4 times each calendar year on no more than two consecutive weekends, and three to four days on each of those weekends – to a maximum of 32 days per calendar year. More frequent sales or sales of longer duration would require an amendment to the PUD ordinance

Should you have any questions or need additional information, please feel free to contact me at the number above or by email at [cpetersen@co.monroe.in.us](mailto:cpetersen@co.monroe.in.us).

Sincerely,

Carly Petersen, AICP  
Planner  
Monroe County Plan Commission

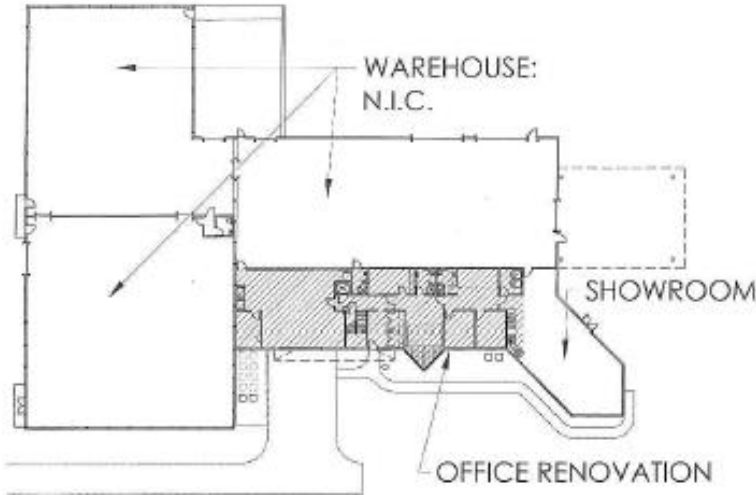
cc. Geoffrey M. Grodner, Attorney  
cc. Jason Eakin, Assistant Director, Planning  
cc. Larry Wilson, Director, Planning



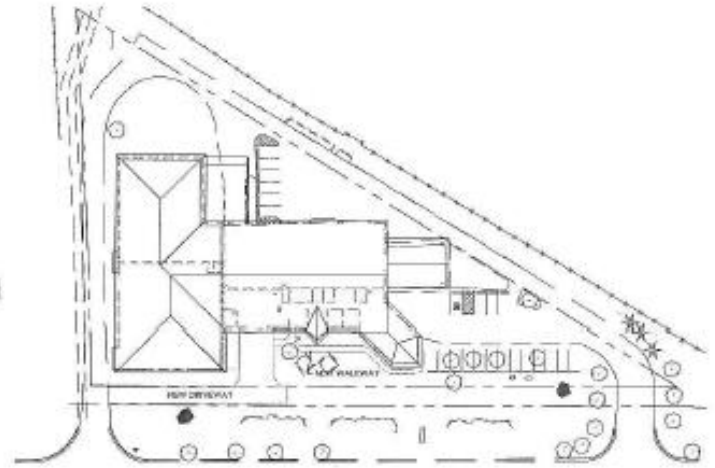
#### EXHIBIT 4: Interior Remodel Plans submitted in 2018

Waiver 18-WAV-11 was issued by Carly Petersen with the specific comment:

PUD (Mirvec). Current permitted use: Warehousing and Distribution (with temporary warehouse liquidation sales as accessory use, as per terms of 1311-ZVL-07). No residential use permitted.



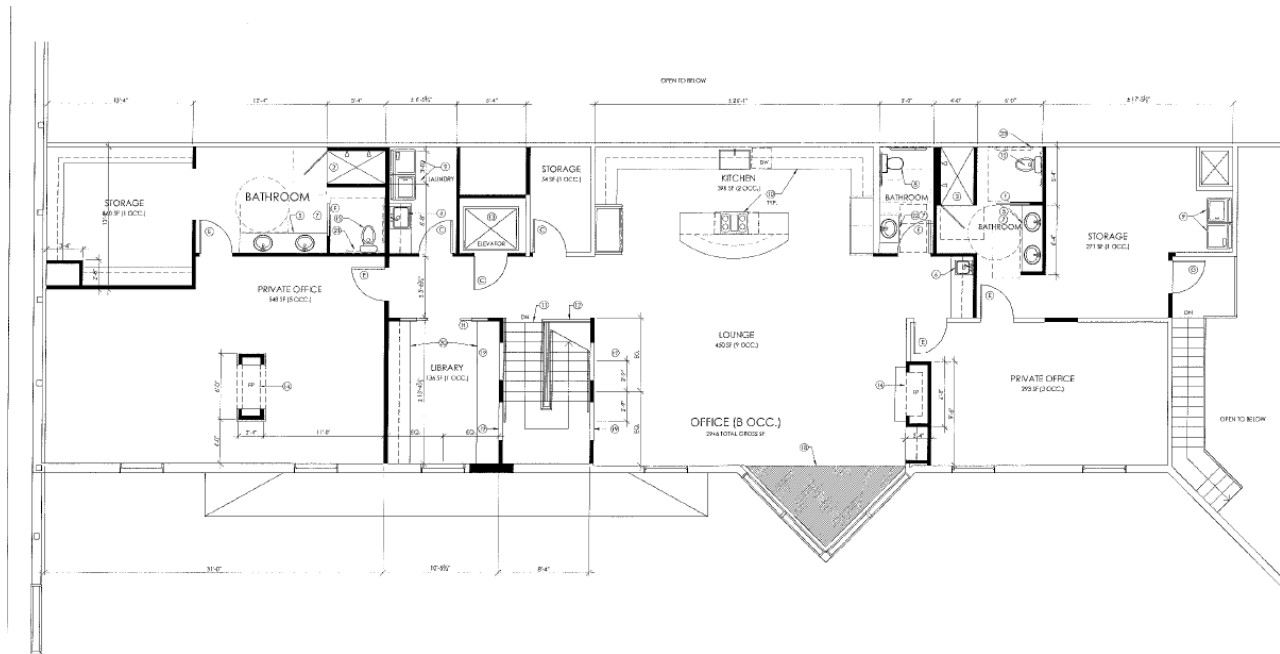
04 OVERALL KEY PLAN  
A1.0 SCALE: 1" = 30'-0"



03 SITE PLAN  
A1.0 SCALE: 1" = 60'-0"

- ① KITCHEN CABINETS AND APPLIANCES, COORDINATE W/ OWNER
- ② NEW 3/4" x 12" x 12" HARD OAK
- ③ NEW BATHING
- ④ REPAIR ELEVATOR, COORDINATE W/ ELEVATOR MAINT COMPANY
- ⑤ NEW GAS RANGE
- ⑥ NEW WATER CLOSET, MINIMUM 6" CLEARANCE
- ⑦ NEW DOOR HINGES, SEE ELEVATION
- ⑧ EXISTING CLOSET TO REMAIN
- ⑨ EXISTING BOUNDARY STRUCTURE CUT TO EXISTING EXTERIOR WALL
- ⑩ NEW DOOR/CLIMATE WINDOW
- ⑪ CHANGES COORDINATE W/ OWNER
- ⑫ NEW 1/2" x 12" x 12" HARD OAK FLOORING TO SUPPORT BUCKLE-FLOOR LAYOUT
- ⑬ NEW 1/2" x 12" x 12" HARD OAK FLOORING TO SUPPORT BUCKLE-FLOOR LAYOUT
- ⑭ NEW 1/2" x 12" x 12" HARD OAK FLOORING TO SUPPORT BUCKLE-FLOOR LAYOUT
- ⑮ BLOCKING FOR FUTURE CHAIRS

- WALL LEGEND:
- EXISTING WALL TO REMAIN
  - INTERIOR PARTITION WALL, 1/2" x 12" x 12" HARD OAK FLOORING TO SUPPORT BUCKLE-FLOOR LAYOUT



01 SECOND FLOOR PLAN  
A2.1 SCALE: 1/4" = 1'-0"



CRYSTAL PURE OFFICE RENOV  
700 S. LIBERTY DRIVE BLOOMINGTON, IN



DATE 2.20.18  
ISSUE PERMIT  
JOB NO. 17-16  
CHECKED BY AIDE

A2.1  
SECOND FLOOR PLAN

**EXHIBIT 5: Petitioner Correspondence providing additional use details after PRC meeting**



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

March 25, 2019

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

SUBJECT: Mirvec PUD Outline Plan Amendment Clarification Letter  
700 South Liberty Drive in Bloomington, Indiana

Monroe County Plan Commission or To Whom It May Concern:

This letter serves as a clarification letter from questions and comments that arose during the review of the subject project by the 'Monroe County Plan Review Committee' on March 14, 2019. On behalf of Autovest, LLC, Bynum Fanyo & Associates, Inc. has the following responses and clarifications for this subject project:

1. The anticipated hours for car display and sales will be no greater than 9am-7pm (Mon.-Sat., closed Sundays) However, most of these transactions/sales are either on-line or by appointment. No car shows will happen at this location. Test drives are allowed anytime we are open as a customer convenience. Again, we stress, this is a low volume situation, especially during weekday, 9am-5pm hours.
2. As a practical matter, there should be no more than 16 cars for display at any time. No new parking stalls (or any other site improvements) for customer parking are being proposed with this petition.
3. The hours of operation for the furniture gallery and sales would not exceed 9am - 7pm (Mon.-Sun.) Again, we stress, this is a low volume situation as well, especially during weekday, 9am-5pm hours. Competition and customers will dictate when to open during these allowable hours. The business plan calls for this to be a 3 or 4 day long weekend only concept, as is becoming popular around the country. However, if it doesn't prove financially successful, we would like to have the option to be more traditional with allowable hours proposed.
4. The above proposed hours of operation would be different than the staff approved 32 days a year allowable currently.
5. The upstairs is currently being used as an inspiration model for 'ETC for the home'. Currently, design and decoration were provided in the approved plan that was classified as a 'B' type occupancy, not a residential space. If the Plan Commission were to approve an inhabitable residential space on the 2<sup>nd</sup> level then improvements would need to happen and approved, next, through the Monroe County Building Department.

528 NORTH WALNUT STREET  
812-332-8030

BLOOMINGTON, INDIANA 47404  
FAX 812-339-2990

6. Also, regarding the upstairs potential inhabitable residential living space, as sometimes happens, the final product can be different than envisioned. This has turned out to be a very nice space, which we would like to use for a dual purpose - model and personal guest suite. Potentially, a private residence for the owner of this property only. It will not be rented for profit or income in any manner now or in the future. We are willing to make this a condition of approval if needed.
7. Last, there will be some car storage (with the furniture) in the warehouse portion of the building. There will be only furniture in the indoor show room with no indoor car display. Only outdoor car display.

Again, also on behalf of Autovest, LLC, Bynum Fanyo & Associates, Inc. would like to request the Plan Commission waive the need for a 2<sup>nd</sup> hearing and make a determination for a recommendation to the Monroe County Commissioners after the 1<sup>st</sup> hearing.

Let us know if you have any additional questions or concerns with these proposed uses on this parcel of land.

Sincerely,  
Bynum Fanyo & Associates, Inc.

A handwritten signature in black ink, appearing to read 'Daniel Butler', is written over a horizontal line.

Daniel Butler, PE, Project Engineer

Copy: BFA File #401856

**EXHIBIT 6: Building Commissioner's Statement regarding Building Code**



**Monroe County Building Department**  
**Monroe County Government Center**  
**501 North Morton Street, Suite 220**  
**Bloomington, IN 47404**  
**(812) 349-2580 Fax (812) 349-2967**

March 19, 2019

Re: 700 South Liberty Drive, Bloomington, IN

To whom it concerns:

This is a response to a request for information regarding potential code required modifications to the structure as it relates to separation of commercial and residential space within a building.

Should the project move forward, the Monroe County Building Department would require a remodeling permit, a review of the plan, and inspections to be performed to verify compliance with current building and fire regulations. Code concerns would focus upon, but not be limited to, the requirement for separation of the commercial and residential space with rated construction elements, and possible modification / installation of a sprinkler system to comply with the residential use and/or increases fire loading based on combustible storage.

Should you require additional information, please feel free to contact myself, or this office at your convenience.


Respectfully,

A handwritten signature in blue ink, which appears to read "Jim Gerstbauer". The signature is fluid and cursive.

Jim Gerstbauer, CBO  
Monroe County / City of Bloomington  
Building Commissioner



## EXHIBIT 7: Assessor's Office Fact Sheet regarding Assessed Value

Department of Local Government Finance	
	August 2014
<b>Circuit Breaker Caps FACT SHEET</b>	
Beginning with 2010 tax bills, property owners have been entitled to a circuit breaker cap on the amount of property taxes over:	
1% of homestead properties; <i>OF Total AV</i> 2% of residential properties; 2% of agricultural land; 2% of long-term care facilities; 3% of nonresidential properties; and 3% of personal property.	
(In 2009, the circuit breaker caps were 1.5%, 2.5% and 3.5%.)	
It is important to understand that local budgets determine property tax rates in your area. Tax levies are collected by local governments, including counties, townships, cities and towns, school corporations, library districts, and other special districts to provide services. Property tax rate increases or decreases are a direct result of local spending. The caps ensure that a property owner does not pay more than a fixed percent of the property's gross assessed value in taxes, but the caps do not change the local tax rate.	
Independent of the circuit breaker caps, a property's assessed value must still reflect the market value-in-use of that property. Assessed values are annually adjusted—increased or decreased—to reflect market value-in-use.	
If the total tax liability for the property exceeds the circuit breaker cap, the county auditor will provide a tax credit for the amount that exceeds the cap. For example, a homestead property is valued at \$100,000. Under the 1% circuit breaker cap, the maximum tax liability that may be imposed on this property is \$1,000. Assume the tax liability on this property after the application of all other deductions and credits is \$2,100. Since this tax liability exceeds the maximum allowed under the caps, the county auditor will apply a circuit breaker credit of \$1,100 to reduce the tax liability to \$1,000.	
For more information on the circuit breaker caps, contact your county auditor. A complete listing of auditor contact information can be found online at <a href="http://www.in.gov/dlgf/2440.htm">http://www.in.gov/dlgf/2440.htm</a> .	
Additional information regarding the circuit breaker caps can be obtained online at <a href="http://www.in.gov/dlgf/8225.htm">http://www.in.gov/dlgf/8225.htm</a> . Information regarding the calculation of property tax bills is available online at <a href="http://www.in.gov/dlgf/8527.htm">http://www.in.gov/dlgf/8527.htm</a> .	
<b>Definitions</b>	
A Homestead is an individual's principal place of residence consisting of a dwelling and up to one acre of immediately surrounding real estate. Structures such as decks, patios, and gazebos that are attached to the dwelling are considered a part of the homestead. Swimming pools and those structures not attached to the dwelling are not considered a part of the homestead. A property must be receiving a Homestead Standard Deduction in order to receive the 1% cap.	
<b>Real property</b> is physical real estate and improvements.	
<b>Residential</b> property consists of any of the following:	
(1) A single family dwelling that is not a part of a homestead and the land, not exceeding one acre, on which the dwelling is located.	
(2) Real property that consists of:	
(A) a building that includes two or more dwelling units;	
(B) any common areas shared by the dwelling units; and	
(C) the land on which the building is located.	
(3) Land rented or leased for the placement of a mobile/manufactured home, including any common areas shared by the homes.	
The term includes a single family dwelling that is under construction and the land, not exceeding one (1) acre, on which the dwelling will be located. The term does not include real property that consists of a commercial hotel, motel, inn, tourist camp, or tourist cabin.	
<b>Nonresidential</b> real property is:	
(1) Real property that:	
(A) is not a homestead or residential property; and	
(B) consists of:	
(i) a building or other land improvement; and	
(ii) the land, not exceeding the area of the building or improvement footprint, on which the building or improvement is located.	
(2) Undeveloped land in the amount of	

**MONROE COUNTY PLAN COMMISSION****April 16, 2019**

<b>PLANNER</b>	Tammy Behrman
<b>CASE NUMBER</b>	1902-SSS-04 Mullis-Ryan Sliding Scale Subdivision Preliminary Plat
<b>PETITIONER</b>	Mullis, Kenneth M; Jacobs, Kendra; Mullis, Steven L & Mullis-Ryan, Penny c/o Deckard Land Survey
<b>ADDRESS</b>	7080 N Miller RD
<b>REQUEST</b>	Preliminary Plat to Subdivide (1) Parcels into (2) Lots; Road Width Waiver
<b>ZONE</b>	Forest Reserve (FR)
<b>ACRES</b>	22.09 acres +/-
<b>TOWNSHIP</b>	Benton North
<b>SECTION</b>	30
<b>PLAT</b>	n/a
<b>COMP PLAN</b>	
<b>DESIGNATION</b>	Farm and Forest

**EXHIBITS**

1. Preliminary Plat
2. Road Width Comments from Department of Public Works

**RECOMMENDATION**

**Approve** the Minor Subdivision Preliminary Plat, based on the findings of fact, subject to the Monroe County Public Works Department Reports.

**PLAT COMMITTEE RECOMMENDATION**

The petition 1902-SSS-04 was heard at the March 21<sup>st</sup>, 2019 Plat Committee. A positive recommendation for approval was given for both the preliminary plat and the road width waiver.

**BACKGROUND/DISCUSSION**

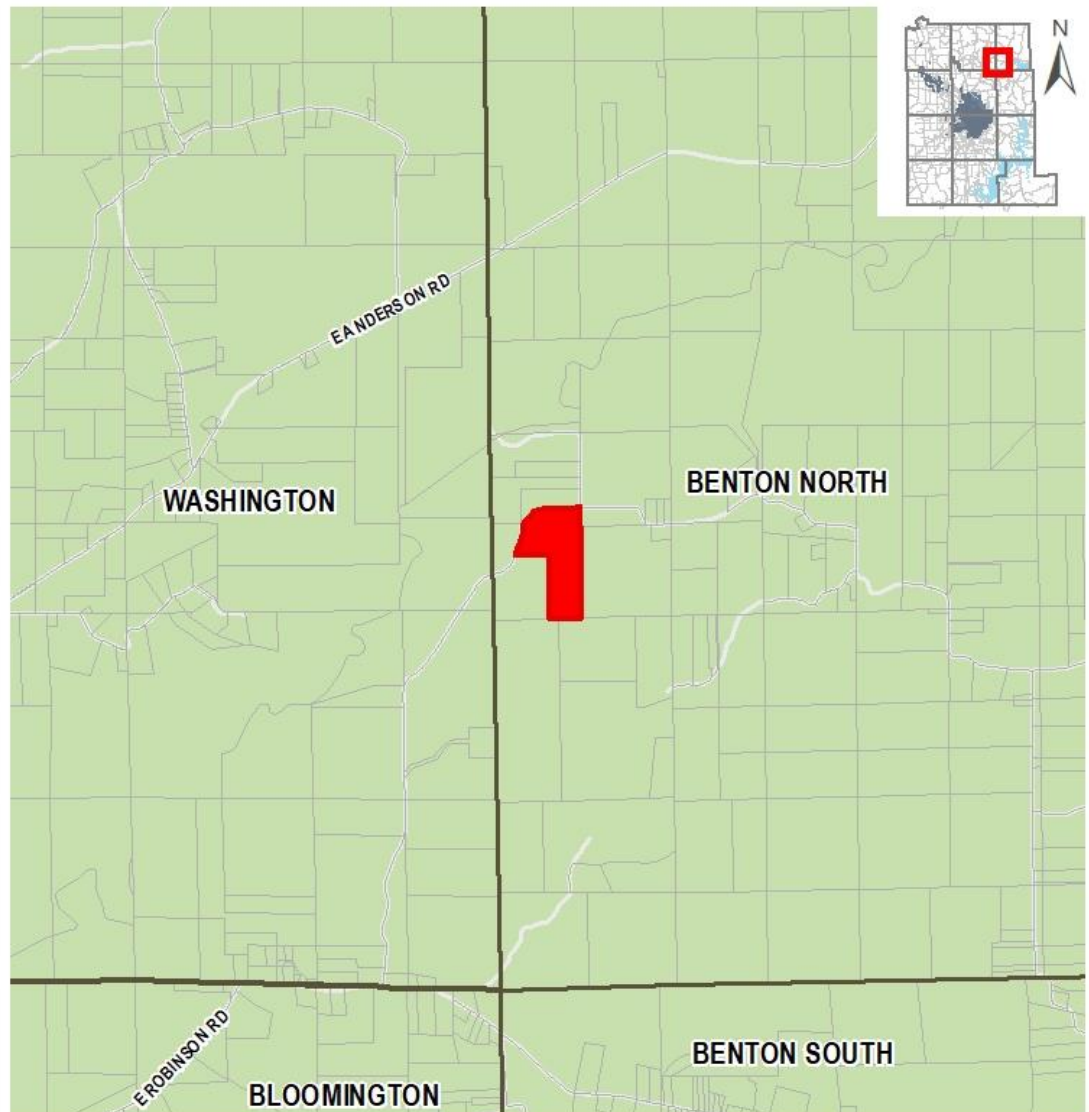
The petition site totals 22.09 +/- acres. The petitioner is proposing to create one 5.51 acre (Lot 1) for the existing residence and the remaining 16.37 acres (Lot 2, Parent Parcel) to be used for recreation purposes only and there is a plat restriction prohibiting residential use. There is one waiver request for road width requirements with this petition. Each proposed lot meets all design standards within the Monroe County Zoning Ordinance for the Forest Reserve (FR) Zoning District.

## LOCATION MAP

The site is located at 7080 N Miller DR in Section 30 of Benton North Township.

### Location Map

-  Petitioner
-  Townships
-  Roads
-  Parcels



0 0.2 0.4 0.8 Miles










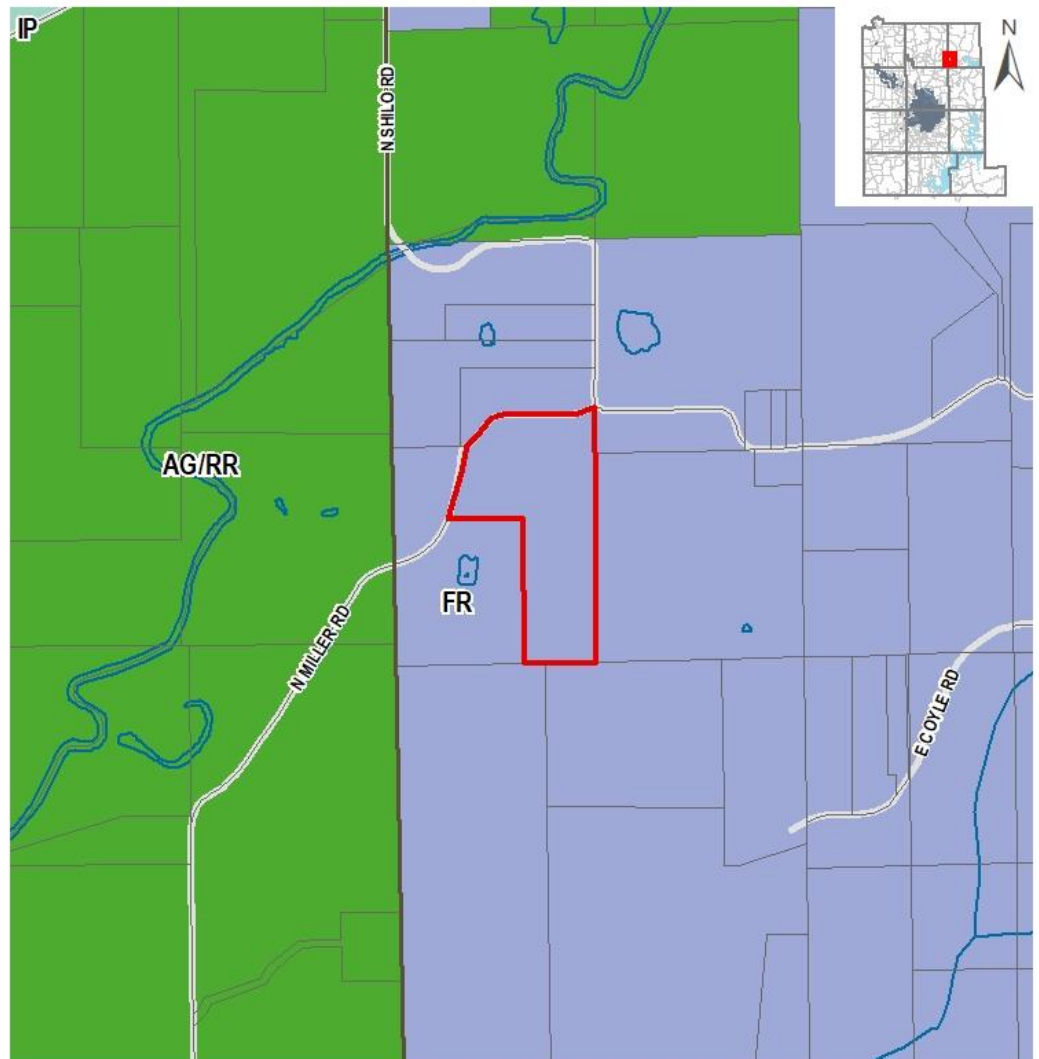
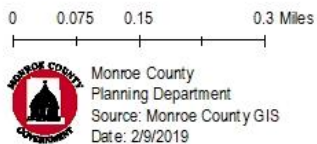
Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/9/2019

## ADJACENT USES / ZONING

The property is zoned Forest Reserve (FR). Adjoining properties are zoned Forest Reserve (FR) with some properties to the north and west zoned Agriculture/Rural Reserve (AG/RR). Nearby uses are primarily residential and agricultural.

### Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural
-  FR - Forest Reserve
-  IP - Institutional/Public



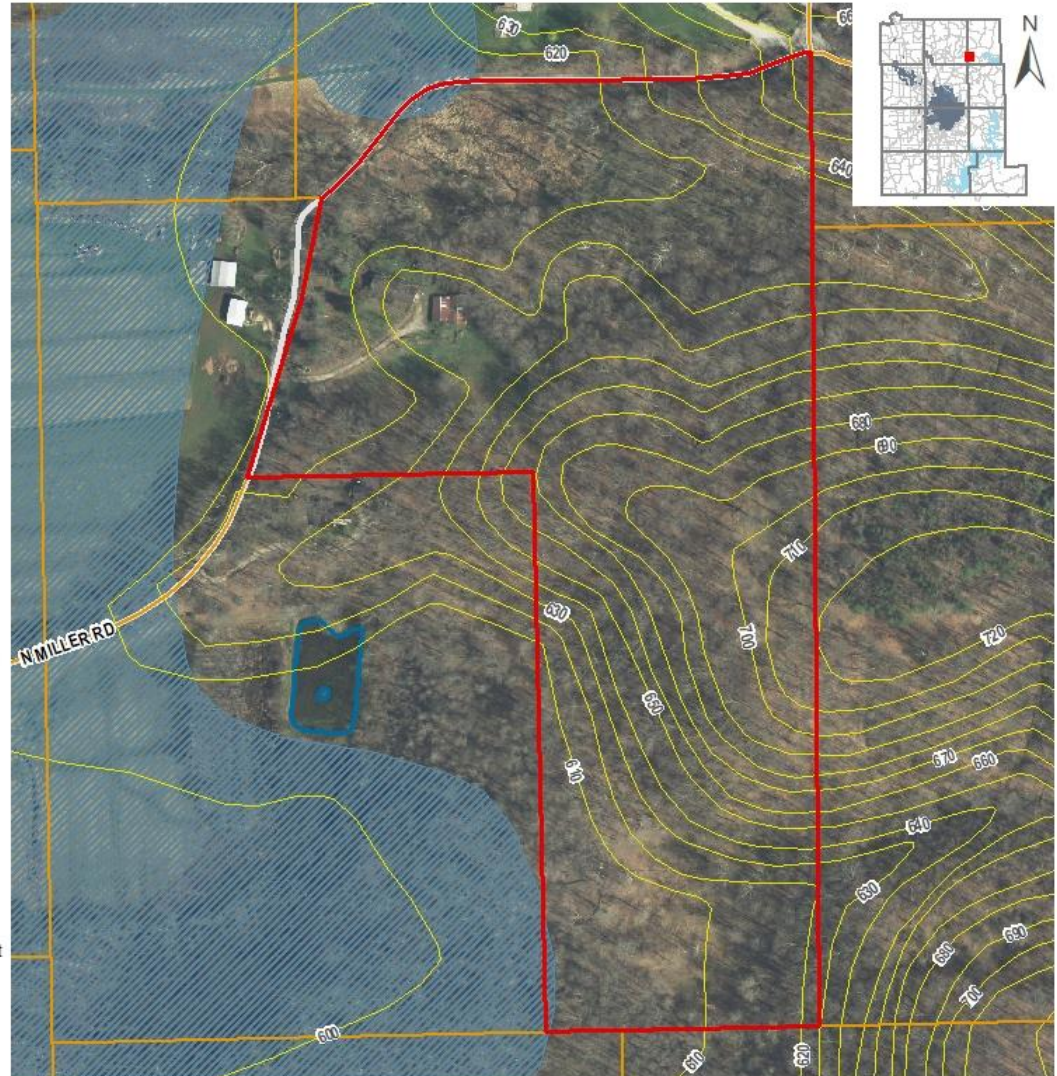


## SITE CONDITIONS


The site has one primary residence (1981) with a detached garage and two small sheds. The majority of the site is forested land. The property has areas of slopes less than 15 percent classifying it as Buildable Area (see Exhibit 1). There are no visible karst features on the property. There is FEMA floodplain in one small portion of the petition site and Bean Blossom Creek is located to the west.

### Site Conditions Map

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








0 125 250 500 Feet

 Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/9/2019



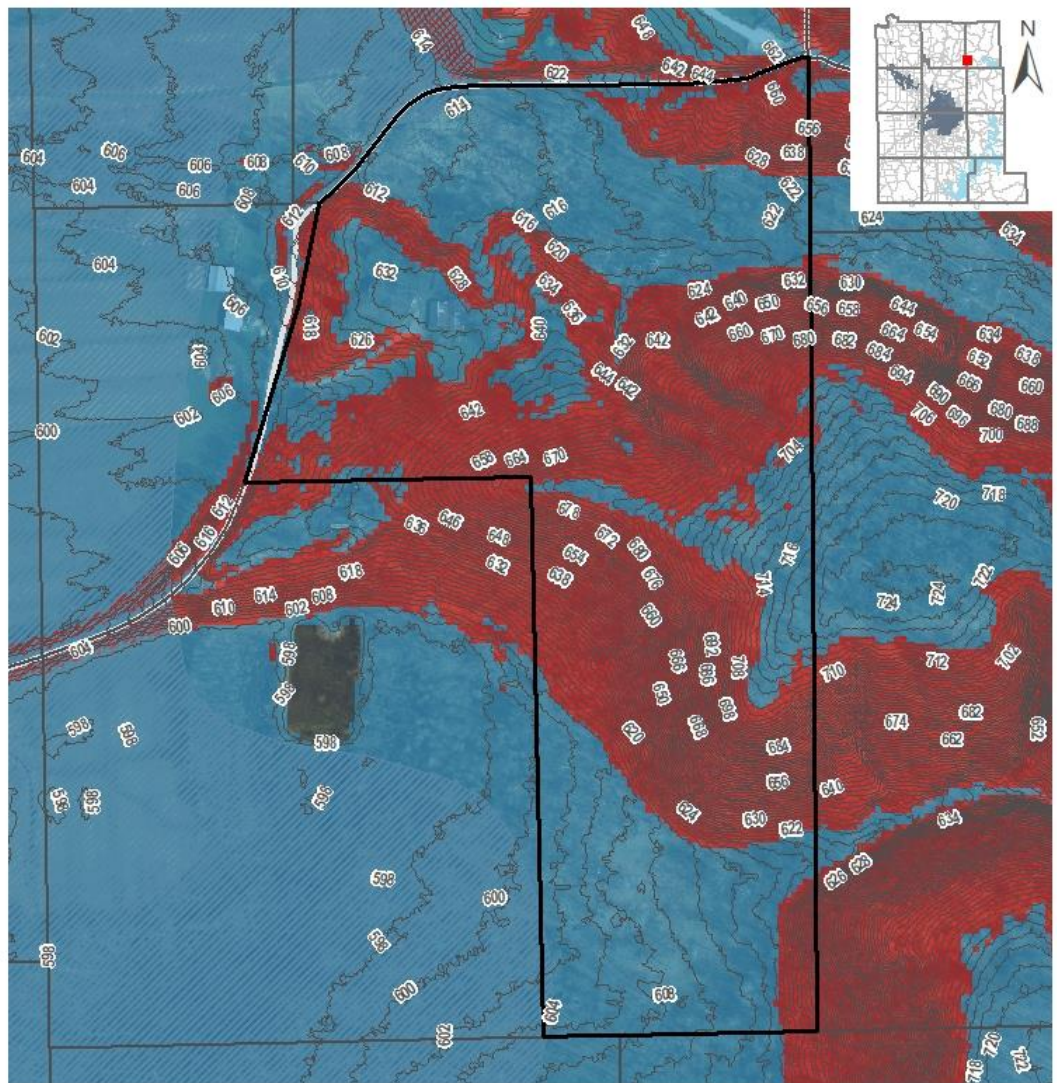
## Slope Map

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

0 62.5 125 250 375 500 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/9/2019



## INFRASTRUCTURE

Lot 1 has an existing septic permit on file that was recently inspected. Lot 2 will not require a septic permit at this time since the use is to be for “recreation” and makes reference in Note 5 on the plat regarding labeling the lot as “no residential dwelling permitted”. Driveway permits have been submitted and are pending approval per the Public Works Department. Lot 1 and 2 will share an existing driveway entrance to the west and there is a farm entrance on the north side of Lot 1. Lot 1 already has utilities and Lot 2 does not require any.

Sidewalks were not required. There is a note on the plat to bury all utilities as required under 856-41. There is a tree preservation area on the southern-most portion of the petition site for the street tree requirement.

The right of way dedication will be 25’ due to the Local Road status provided by the Monroe County Thoroughfare Plan. The road width for N Miller DR along the petition site measures 16’ and does not meet the 18’ road width requirement. A road width waiver has been requested with this petition. See the findings.



## SITE PHOTOS



Figure 1. Facing north: view of the existing driveway for the residence. Utility box is shown in the right side of photo.



Figure 2. Facing west: view of the farm entrance on the north side of the property. Utility lines are visible that serve adjacent properties.





Figure 3. Facing north: Pictometry view of the existing home and accessory structures. April 2017

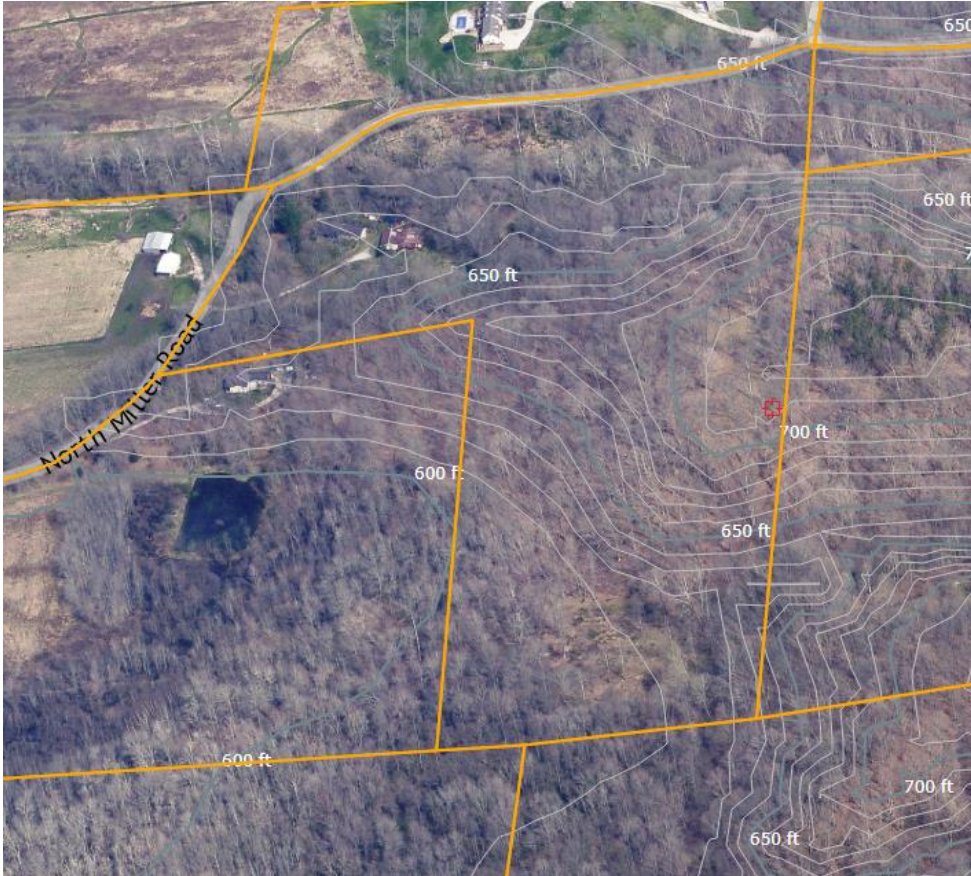


Figure 4. Pictometry view facing north; April 2017.



## COMPREHENSIVE PLAN DISCUSSION

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

### Farm and Forest Residential

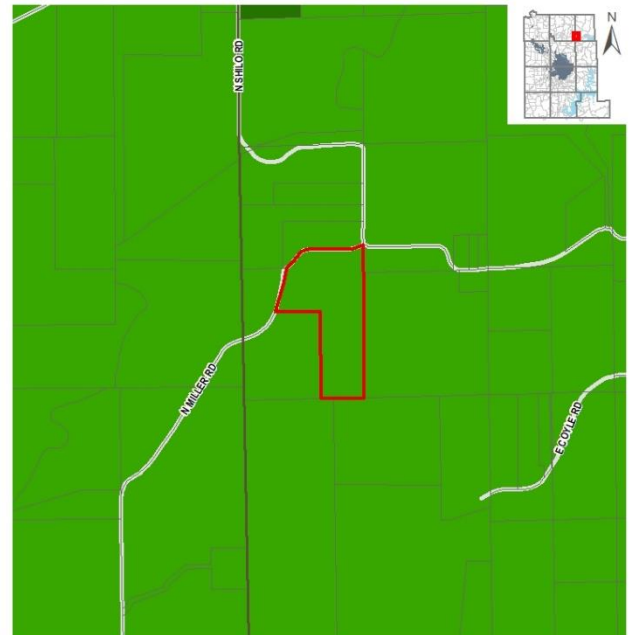
Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed 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.

**Comprehensive Plan**

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

0 0.075 0.15 0.3 Miles

Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/9/2019



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 requirements.

## **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 site is currently zoned Forest Reserve (FR);
- Approval of the subdivision would create one residential lot and one lot for recreational use;
- Approval of the subdivision would result in Lot 1 = 5.51 acres and Lot 2 = 16.37 acres;
- The proposed use in the subdivision is residential for Lot 1 and Lot 2 specifically notes “ no residential dwelling permitted” and will be used for recreation only;
- Lot 1 has an existing septic and Lot 2 does not require one due to the use;
- A shared driveway entrance will be used for both lots on the western side of the property and comments are on file with the Department of Public Works;
- A Road Width Waiver has been requested with this petition;
- Staff reviewed road elevations within the FEMA map and confirmed that the road is not a flood prone road and will not interfere with 856-34(B) “Any new subdivision proposing sole access subject to flooding for substantial periods of time that impede the ability of emergency and public services to adequately serve created lots is prohibited, and this requirement shall not be waived.”

- (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**

- See findings under Section (A);
- The Comprehensive Plan designates the site as Farm and Forest, which is described in this report;

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

#### **Findings**

- See findings under Section (A);
- The surrounding uses are primarily agricultural and residential in nature;
- The property has a tree preservation are on the plat to meet the street tree requirements;
- Drainage easements have been placed on the plat and buildable area has been delineated for each lot;
- The proposed subdivision is meeting the Monroe County Zoning Ordinance’s Buildable Area requirement;

- (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.

**Findings**

- See findings under Section (A) and (B);
- The two lots exceed the minimum lot size requirement and other design standards for the Forest Reserve (FR) Zoning Designation;

- (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**

- See findings under Sections (A), (C), and (D);
- Buildable area has been delineated on the plat;

- (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 the parcel. 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 be recorded;

**FINDINGS OF FACT – WAIVER OF ROAD WIDTH REQUIREMENT**

The petitioner has requested a waiver from the *Improvement, Reservation and Design Standards* outlined in 862-4 (A) (General design considerations for Sliding Scale Option), which reads:

(5) Subdivisions on roads less than 18 feet in width shall be prohibited, unless waived pursuant to Chapter 850-12.

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

**1. Practical difficulties have been demonstrated:**

**Findings:**

- The site gains access from N Miller DR, a designated Local Road;
- N Miller DR is measured by surveyor as 16 feet wide;
- The petition site has approximately 1370' of frontage along N Miller DR;
- The existing road serves properties to the west and south of the petition site, as well as the proposed petition site;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Public Works Department to meet safety standards;
- N Miller DR connects to N Shilo RD, a Local Road and E Robinson RD, a Minor Collector;

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

**Findings:**

- See findings under Section 1;
- Net density of 1 dwelling units per approximately 22.09 acres is consistent with the Comprehensive Plan's Farm and Forest designation and the Forest Reserve (FR) Zoning District;

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

**Findings:**

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- Only one of the two proposed lots will be for residential use and the other will be undeveloped and used for recreation purposes;
- Lot 1 and Lot 2 will use a shared driveway;

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

**Findings:**

- See findings under Section 1;

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

**Findings:**

- See findings under Section 1;
- All property owners on N Miller DR would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;

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

**Findings:**

- See findings under Section 1, 2, and 3;

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



**Findings:**

- See findings under Section 1;

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

**Findings:**

- See findings under Section 1;
- N Miller DR is a public road in its current condition maintained by the county;
- The road was not constructed by the petitioner or as part of a prior subdivision or development;

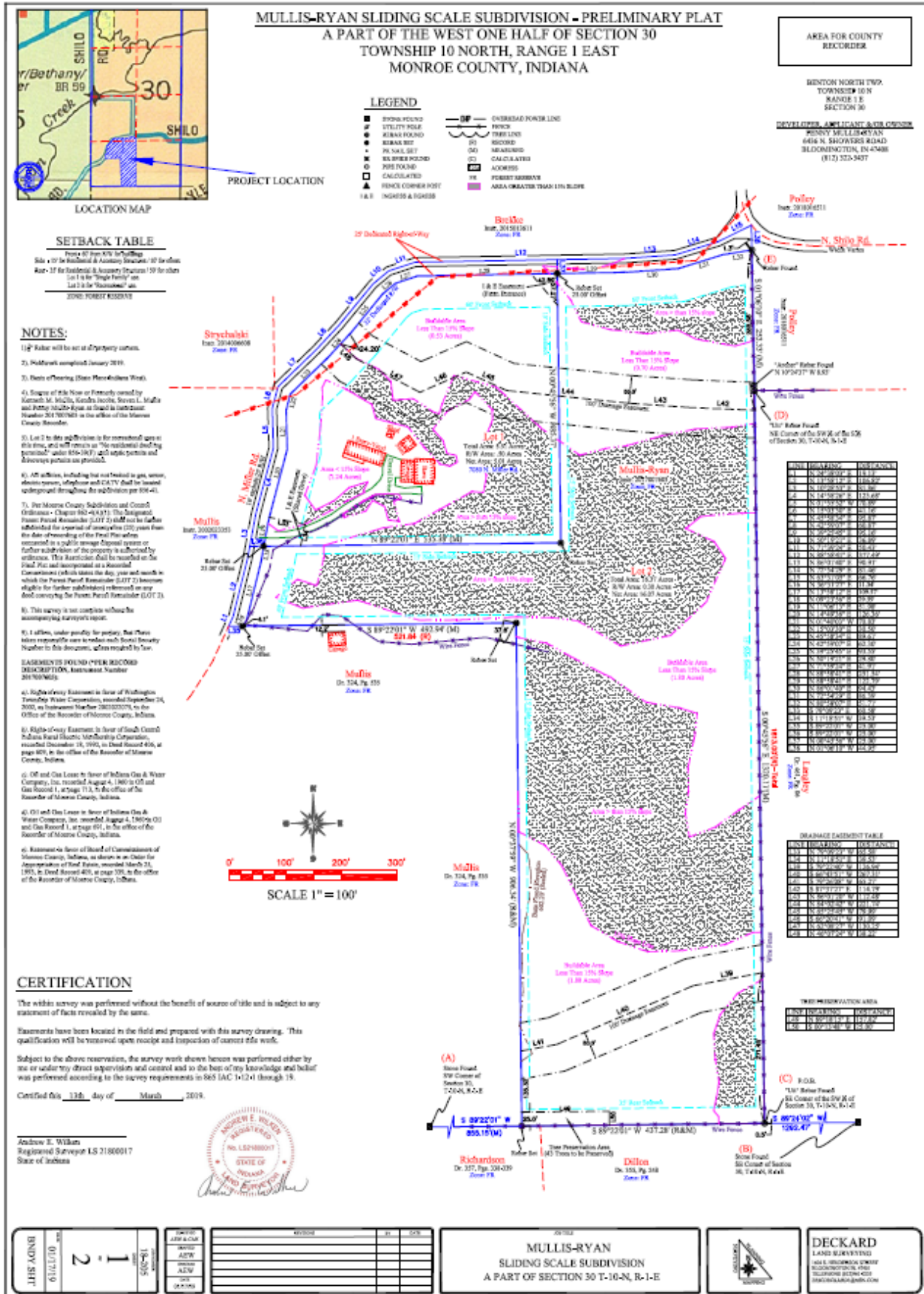
**9. The practical difficulties cannot be overcome through reasonable design alternatives;**

**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: Preliminary Plat (page 1 of 2)



# Preliminary Plat (page 2 of 2)

AREA FOR COUNTY  
RECORDER

## SURVEY DESCRIPTION

A part of the West half of Section 30, Township 10 North, Range 1 East, Monroe County, Indiana, being more particularly described as follows:

Beginning at a rebar stamped "U1" marking the Southeast corner of the Southwest quarter of said Section 30; thence South 89 degrees 22 minutes 01 seconds West along the south line thereof for a distance of 437.28 feet to a rebar stamped "Deckard"; thence leaving said South line North 00 degrees 37 minutes 59 seconds West for a distance of 906.34 feet to a rebar stamped "Deckard"; thence South 89 degrees 22 minutes 01 seconds West for a distance of 517.94 feet to the centerline of N. Miller Road passing through a rebar stamped "Deckard" at 492.94 feet; thence with the centerline of said road the following fifteen (15) courses:

- 1) North 24 degrees 38 minutes 03 seconds East for a distance of 19.13 feet;
- 2) North 13 degrees 58 minutes 12 seconds East for a distance of 106.82 feet;
- 3) North 10 degrees 28 minutes 53 seconds East for a distance of 81.86 feet;
- 4) North 14 degrees 58 minutes 26 seconds East for a distance of 123.68 feet;
- 5) North 01 degrees 55 minutes 52 seconds West for a distance of 70.89 feet;
- 6) North 13 degrees 03 minutes 30 seconds East for a distance of 41.16 feet;
- 7) North 45 degrees 58 minutes 34 seconds East for a distance of 95.87 feet;
- 8) North 42 degrees 59 minutes 07 seconds East for a distance of 60.87 feet;
- 9) North 39 degrees 25 minutes 45 seconds East for a distance of 95.16 feet;
- 10) North 50 degrees 19 minutes 21 seconds East for a distance of 36.89 feet;
- 11) North 71 degrees 39 minutes 24 seconds East for a distance of 58.43 feet;
- 12) North 88 degrees 58 minutes 41 seconds East for a distance of 377.49 feet;
- 13) North 86 degrees 01 minutes 40 seconds East for a distance of 90.91 feet;
- 14) North 72 degrees 54 minutes 29 seconds East for a distance of 81.46 feet;
- 15) North 63 degrees 31 minutes 05 seconds East for a distance of 66.76 feet;

thence leaving said centerline along the East line of said West half South 01 degrees 06 minutes 10 seconds East for a distance of 298.24 feet to a rebar with "U1" cap marking the Northeast corner of the Southwest quarter of the South half of said Section 30, passing through a rebar at 48.91 feet; thence continuing on said East line South 00 degrees 45 minutes 56 seconds East for a distance of 1320.11 feet to the Point of Beginning, containing 21.88 acres, more or less.

Subject to the right-of-way of N. Miller Road and all legal encumbrances of record. Acreage less the dedicated Right-of-way is 21.88 acres, more or less.

## CERTIFICATION

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

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

Subject to the above reservation, the survey work shown herein was performed either by me or under my direct supervision and control and to the best of my knowledge and belief

was performed according to the survey requirements in 865 IAC (12-1) through 19.

Certified this 13th day of March, 2019.

Andrew E. Wilken  
Registered Surveyor LS 21800017  
State of Indiana



## MULLIS-RYAN SLIDING SCALE SUBDIVISION - PRELIMINARY PLAT A PART OF THE WEST ONE HALF OF SECTION 30 TOWNSHIP 10 NORTH, RANGE 1 EAST MONROE COUNTY, INDIANA

### SURVEYOR'S REPORT

In accordance with Title 865, IAC, 1-12 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

- (Variations) in the reference monuments
- (Discrepancies) in the record description and plan
- (Inconsistencies) in lines of occupation and;
- (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban class survey (0.17 plus 100 PPM) as defined I.A.C. Title 865 ("relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.)

### SUBJECT PROPERTY:

A Sliding Scale Subdivision was performed on the property now or formerly owned by Kenneth M. Mullis, Kendra Jacobs, Steven L. Mullis, and Penny Mullis-Ryan. (Instrument Number 3019007603) as found in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property and to separate into two lots as located in Section 30, Township 10 North, Range 1 East, Monroe County, Indiana.

### REFERENCED SURVEYS:

- 1) Reference is made to a survey performed by Raymond Graham for Opal Polley dated April 11th, 1995 as found in Survey Book 3, Pages 449-451 in the Office of the Monroe County Recorder.
- 2) Reference is made to a survey performed by Lee Utz for Penny Mullis dated June 1st, 1992 in Section 30, Township 10 North, Range 1 East, Monroe County, Indiana.
- 3) Reference is made to a survey performed by Kevin R. Potter for Thomas Fife dated December 20th, 1988 as found in Deed Book 355, Page 250 in the Office of the Monroe County Recorder.
- 4) Reference is made to a survey performed by Steven W. Archer for Alberta Ratt dated October 11th, 1999 in Section 30, Township 10 North, Range 1 East and Section 25, Township 10 North, Range 1 West, Monroe County, Indiana.
- 5) Reference is made to a survey performed by James W. Spencer for Edward Jackson and Benjamin Polley dated February 7th, 1854 in Section 30, Township 10 North, Range 1 East, Monroe County, Indiana as found in Survey Book 1, Page 262 in the Monroe County Survey Records.

### REFERENCE MONUMENTS:

- A 8 inch by 4 inch pyramidal shaped stone was found 6 inches above grade broken in half marking the Southwest corner of Section 30, Township 10 North, Range 1 East, Monroe County, Indiana. This monument was found to be referenced as said corner in several surveys mentioned above and was also found to be of record in the Office of the Monroe County Surveyor as Corner I.D. "A-21". This stone was found to agree with other monuments in the area and was accepted and held as said corner.
- A 4" x 6" stone with "+" was found 2 inches above grade marking the Southeast corner of Section 30, Township 10 North, Range 1 East. This stone was found to be referenced in a survey performed by James W. Spencer (Monroe County Surveyor) dated March 3rd, 1859 found in Survey Book 2, pages 241. This monument was also found to be of record in the Office of the Monroe County Surveyor as Corner I.D. "C-21" and was accepted and held as said corner.

C) A 1/2 inch rebar with "U1" cap was found 3 inches above grade marking the Southeast corner of the Southwest quarter of Section 30, Township 10 North, Range 1 East. This rebar is believed to have been set in survey #2 at an equal distance split between the monuments described in lines "A" and "B" and was accepted and held as said corner.

D) A 1/2 inch rebar with "U1" cap was found 2 inches below grade marking the Northeast corner of the Southwest quarter of the South Half of Section 30, Township 10 North, Range 1 East. This rebar is believed to have been set in survey #2 and was accepted and held as said corner. An "Archer" rebar was found flush with grade at the base of an 8 inch wooden post North 10° 24' 37" W 8.93 feet of this corner and was set in survey #4 and associated surveys. This rebar was not accepted or held.

E) A 5/8 inch rebar was found 4 inches above grade marking a 44.01 foot offset to the Northeast corner of the subject property. This rebar was found to agree with evidence found in the area and is believed to have been set in survey #4 and associated surveys and was accepted and held as said offset.

### LINE OF OCCUPATION:

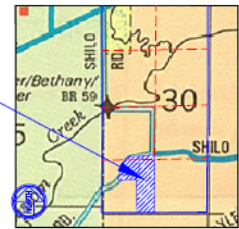
The lines of occupation, which affect this survey, are detailed as follows:

- 1) The suball centerline of N. Miller Road was called for in the record description and was accepted and held as the North and West lines of the subject property.
- 2) A barbed-wire fence was found running north and south along the East line of the subject property (Lot 2). This fence members from 1.3 feet west of line at the North end to 0.0 feet west of line at the South end of the fence.
- 3) A barbed-wire fence was found running east and west along the South line of the subject property (Lot 2). This fence members from 0.5 feet North of line at the east end to 0.0 feet North of line at the West end.
- 4) A wire fence was found running east and west along the North line of the land now or formerly owned by Mullis (De. 324, Pg. 535). This fence members from 2.8 feet North of line at the West end to 37.6 feet South of line at the East end of said line.

### RECORD DESCRIPTIONS:

- 1) No discrepancies were found in the record descriptions.

PROJECT LOCATION



LOCATION MAP

### DEDICATION OF PUBLIC RIGHTS-OF-WAY:

Kenneth Mullis, Kendra Jacobs, Steven Mullis and Penny Mullis-Ryan, owners of the real estate shown and described herein do hereby certify, lay off and plat Lot numbered One (1) and Two (2) to be known as Mullis-Ryan Sliding Scale Subdivision. Right-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as Mullis-Ryan Sliding Scale Subdivision.

The right-of-way to be dedicated for N. Miller Road shall measure 25 feet perpendicular to and parallel with the existing centerline of N. Miller Road. Any interest that said parties have within said right-of-way is hereby dedicated to Monroe County, Indiana.

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

Witness our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Penny Mullis-Ryan  
6435 N. Stevens Road  
Bloomington, Indiana 47408  
(812) 322-6437

Kenneth Mullis  
5995 E. Coyle Road  
Unionville, Indiana 47468  
(812) 361-6285

Steven Mullis  
7070 N. Miller Road  
Bloomington, Indiana 47408  
(812) 325-4104

Kendra Jacobs  
3650 E. Dora Road  
Bloomington, Indiana 47408  
(812) 334-2720

STATE OF INDIANA )  
COUNTY OF MONROE ) SS:

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Kenneth Mullis, Kendra Jacobs, Steven Mullis and Penny Mullis-Ryan, Owners, each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public: \_\_\_\_\_

County of Residence: \_\_\_\_\_ (Seal)

My Commission Expires: \_\_\_\_\_

### STORM & SURFACE DRAINAGE:

This is to certify that a portion of the subject property appears to be located in zone "A", a special flood hazard area, according to FEMA Flood Number 18165C0075D dated December 17th, 2010.

### COMMISSION CERTIFICATE:

Under the authority of Chapter 174, Act of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Sliding Scale Subdivision procedure and approved by the Monroe County Plan Commission on:

Monroe County Plan Commission:

Stacie Johnson President: \_\_\_\_\_

Larry Wilson Secretary: \_\_\_\_\_

DECKARD  
JACKSON  
MULLIS-RYAN  
SLIDING SCALE SUBDIVISION  
A PART OF SECTION 30 T-10-N, R-1-E



MULLIS-RYAN  
SLIDING SCALE SUBDIVISION  
A PART OF SECTION 30 T-10-N, R-1-E

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
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18-205  
2  
2  
01/17/19  
BNDY-SHT

## **EXHIBIT 2: Road Width Comments from Department of Public Works**

**Tammy Behrman**

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**From:** Ben Ayers  
**Sent:** Wednesday, March 13, 2019 6:58 AM  
**To:** Tammy Behrman; Paul Satterly  
**Subject:** RE: Mullis/Ryan Sliding Scale PDF N. Miller Road

Tammy,

Miller Road is a low traffic volume roadway. Roadway width is approximately 16 ft. The addition of two lots will add approximately 20 vehicles per day to the roadway. The roadway width of 16 ft. should be sufficient to handle this increase in traffic. The Highway Department therefore approves granting a road width waiver for this petition.

Thank you,

Ben