

DRAFT

**MONROE COUNTY PLAN COMMISSION  
Regular Meeting Minutes  
August 21, 2018 6:00 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

July 17, 2018

**CALL TO ORDER:** Susie Johnson, President called the meeting to order at 6:01 PM.

**ROLL CALL:** Trohn Enright-Randolph, Jim Stainbrook, Susie Johnson, Margaret Clements, Bernie Guerrettaz, Amy Thompson, Nick Kappas, City of Bloomington Plan Commission Representative

**ABSENT:** *Todd Carpenter, Julie Thomas, Lee Jones*

**STAFF PRESENT:** Larry Wilson, Director, Jackie Nester, Planner I

**OTHERS PRESENT:** David Schilling, Legal, Terry Quillman, MS4 Coordinator, Lisa Ridge, Public Works Director, Paul Satterly, Highway Engineer

**INTRODUCTION OF EVIDENCE:**

**Larry Wilson introduced the following items into evidence:**

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

The Monroe County Subdivision Control Ordinance (as adopted and amended)

The Monroe County Plan Commission Rules of Procedure (as adopted and amended)

The case(s) that were legally advertised and scheduled for hearing on tonight's agenda

**The motion to approve the introduction of evidence carried unanimously.**

**APPROVAL OF AGENDA**

**Motion to approve the agenda, carried unanimously.**

**APPROVAL OF MINUTES**

**Motion to approve minutes from July 17, 2018, carried unanimously.**

DRAFT

**UNFINISHED BUSINESS:**

**None.**

**NEW BUSINESS:**

- 1. 1803-SPP-01**      **Highlands Subdivision Parcel ‘E’ Major Preliminary Plat. Road Width Waiver Requested.**
- 2. 1803-PUD-02**      **Highlands Subdivision Parcel ‘E’ Development Plan. Preliminary Hearing. Waiver of Final Hearing Requested.**  
One (1) 12.67 acre +/- parcel in Perry Township, Section 17 at S Rockport Rd. **Zoned PUD. \*\*CONTINUED BY STAFF\*\***
- 3. 1805-PUO-01**      **Kingsbury Properties LLC Outline Plan to Rezone from Estate Residential (ER) to Planned Unit Development (PUD) - Mobile Home Park. Preliminary Hearing. Waiver of Final Hearing Requested.**  
One (1) 6.32 acre +/- parcel in Van Buren Township, Section 15 at 6000 W State Road 45. **Zoned ER. \*\*CONTINUED BY PETITIONER\*\***
- 4. 1806-SPP-02**      **Emerald Trace Major Subdivision Preliminary Plat Amendment One. Request to Remove Condition of Shared Driveway. Sidewalk Waiver Requested. Preliminary Hearing. Waiver of Final Hearing Requested.**  
Three (3) parcels totaling 20 +/- acres in Perry Township, Section 22 at 2982 & 2998 E Kylie Ct and 4225 S Amber Dr. **Zoned RE1.**
- 5. 1806-REZ-01**      **Monroe County Plan Commission Rezone from Agriculture/Rural Reserve (AG/RR) to Pre-Existing Business (PB). Preliminary Hearing. Waiver of Final Hearing Requested.**  
One (1) 1.81 +/- acre parcel in Richland Township, Section 31 at 9817 W State Road 43. **Zoned AG/RR.**

**REPORTS:**

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

DRAFT

**NEW BUSINESS**

- 1. 1803-SPP-01**      **Highlands Subdivision Parcel ‘E’ Major Preliminary Plat.  
Road Width Waiver Requested.**
- 2. 1803-PUD-02**      **Highlands Subdivision Parcel ‘E’ Development Plan.  
Preliminary Hearing. Waiver of Final Hearing Requested.**  
One (1) 12.67 acre +/- parcel in Perry Township, Section 17 at S Rockport  
Rd. **Zoned PUD. \*\*CONTINUED BY STAFF\*\***

**BOARD ACTION:** Johnson introduced petition.

**STAFF ACTION:** Petition has been continued by staff.

DRAFT

**NEW BUSINESS**

**3. 1805-PUO-01 Kingsbury Properties LLC Outline Plan to Rezone from Estate Residential (ER) to Planned Unit Development (PUD) - Mobile Home Park. Preliminary Hearing. Waiver of Final Hearing Requested.**  
One (1) 6.32 acre +/- parcel in Van Buren Township, Section 15 at 6000 W State Road 45. **Zoned ER. \*\*CONTINUED BY PETITIONER\*\***

**BOARD ACTION:** Johnson introduced petition.

**STAFF ACTION:** Petition has been continued by staff.

**NEW BUSINESS**

**4. 1806-SPP-02 Emerald Trace Major Subdivision Preliminary Plat Amendment One. Request to Remove Condition of Shared Driveway. Sidewalk Waiver Requested. Preliminary Hearing. Waiver of Final Hearing Requested.**

Three (3) parcels totaling 20 +/- acres in Perry Township, Section 22 at 2982 & 2998 E Kylie Ct and 4225 S Amber Dr. **Zoned RE1.**

**BOARD ACTION:** Johnson introduced petition.

**STAFF ACTION:**

Nester: Thank you Susie. Before I get started, I did add one extra remonstrance letter that I received after the packet had gone out, so that is in front of you. This petition is requesting a Sidewalk Waiver along Lots 1, 2, and 3, which are the southside of East Kylie Court and the eastside of Amber Ridge Drive. The property in question is zoned Estate Residential 1, RE1, and they have already sold the majority of the 16 lots. They have already been built upon. The 2 lots, Lots 1 and 2 that are currently vacant, do have a shared driveway between them. The petitioner would like to take out the shared driveway and put in 2 separate drives and then request to not put in the sidewalks on Lots 1, 2 and 3, along Kylie and Amber Ridge. This subdivision was originally approved in 2007. To date they still have a bond on file for \$90,000 and that includes a bond for Sidewalks, Street Trees and Final Asphalt Surfacing. They require an additional 1,502 feet of sidewalk either to be corrected or be put in and 749 feet of that is requested to be waived. They are required to put in 71 street trees and I think they have put in 2 street trees to date, so they still require 69, which they are not requesting a waiver from and then final asphalt surfacing throughout the entire subdivision will be required before the county takes in the road. There is a drainage easement that runs across Lots 1, 2 and 3. Terry Quillman, our MS4 Coordinator, is also here to answer any questions from the Administrative Meetings, questions regarding the size of the culvert pipe and the request for 2 separate driveways. I will let him speak on that in a minute. The petitioner's request is so that they do not disturb the drainage easement that is why they are asking for the Sidewalk Waiver. They are also asking for the separate driveways for Lot 1 and 2. I am sorry that you do not have any visuals in front of you but do you have any questions for me that I can address directly?

**RECOMMENDATION**

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

**FINDINGS OF FACT - Subdivisions**

**850-3 PURPOSE OF REGULATIONS**

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

**Findings**

- The petition site is the Emerald Trace Subdivision, on 20 +/- acres;

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

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

**Findings**

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

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

**Findings**

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

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

**Findings**

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

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

**Findings**

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

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

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

**Findings:**

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

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

**Findings:**

- The petitioner submitted a survey with correct references, to township, section, and

range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site. County Surveyor has also reviewed the plat for survey accuracy;

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

**Findings**

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

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

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

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

- (1) The proposed subdivision has road frontage or the streets will connect with an existing or proposed subdivision or business development that has sidewalks, or;
- (2) A proposed major subdivision will be located within an area that is subject to the Business and Industrial Overlay as defined in Chapter 802 of the Zoning Ordinance, or;
- (3) The proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;

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

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

OR

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

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

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

**(Also see EXHIBIT 1 – Petitioner Findings of Fact)**

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



**Findings:**

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

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

**Findings:**

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

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

**Findings:**

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

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

**Findings:**

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

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

**Findings:**

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

**6. Granting the requested modifications would not contravene the policies and purposes**

**of these regulations;**

**Findings:**

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

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

**Findings:**

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

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

**Findings:**

- Practical difficulties have not been identified;

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

**Findings:**

- See findings under Section 1;

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

**FINDINGS OF FACT – REQUEST TO REMOVE CONDITION OF SUBDIVISION APPROVAL FOR SEPARATE DRIVEWAYS FOR LOTS 1 & 2**

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

**Findings:**

- The petitioner is requesting to remove a shared driveway requirement between lots 1 & 2, which was a condition of approval of the subdivision;

- Lots 1 & 2 are not currently sold and are owned by the developer;
2. **The requested modifications would not, in any way, contravene the provisions of the Zoning Ordinance, the Comprehensive Plan or the Official Map of the County;**

**Findings:**

- The driveways do cross over the drainage easement and were required to be shared to minimize the impacts to the riparian zone;
  - The condition of approval states that “8. A 25 foot from the creek center line (50 foot total) riparian buffer (no disturb zone) and drainage easements must be provided on the southern portion of the lot from the east to west side except where S Amber Drive and one shared driveway for lots 1 and 2 cross the stream;”
  - The shared driveway requirement is only for Lots 1 & 2;
3. **Granting the modifications waiver would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g. water, sewer, fire protection, etc.):**

**Findings:**

- Utilities are already installed in this subdivision;
  - A removal of the condition to share a driveway for Lots 1 & 2 would not be detrimental to public safety, health, or welfare and would not adversely affect the delivery of governmental services;
4. **Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;**

**Findings:**

- All of the other lots have individual driveways;
  - Removing the requirement to share a driveway would not substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;
5. **The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;**

**Findings:**

- There are not practical difficulties in removing the condition for a shared driveway between Lots 1 & 2;
6. **Granting the requested modifications would not contravene the policies and purposes of these regulations;**

**Findings:**

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

DRAFT

- By removing the existing shared driveway and installing two new driveways, additional vegetation and tree removal would be required;
- It would contravene the purpose of the condition;

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

**Findings:**

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

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

**Findings:**

- Practical difficulties have not been identified;

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

**Findings:**

- See findings under Section 1;

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

**QUESTIONS FOR STAFF – 1806-SPP-02 – Emerald Trace**

Johnson: Do we have any questions for staff regarding this petition?

Guerrettaz: The subdivision to the south, what is the name of that, Jackie?

Nester: It is Amber Ridge.

Guerrettaz: And that was done just a few years before this one was. Was it through Planning or?

Nester: That one has been approved and the county road has been taken in, the sidewalks...

Guerrettaz: I am looking at the aerial and there is a sidewalk on the one side.

Nester: Yes, so you are correct and I have added as Exhibit 8 of the packet that Amber Ridge Subdivision does not have sidewalks on Amber Drive but they do have a platted pedestrian easement along eastside of Amber Ridge Drive, or Amber Drive. If there was a potential to put sidewalks it would be on the eastside of Amber Drive which is the same side that the petitioner is requesting a waiver from the sidewalk, along Lot 3, in Emerald Trace.

DRAFT

Johnson: Do we have any more questions for staff or would we like to have Terry come up and talk about, yeah, Terry would you mind coming up and talking to us about the questions that arose at the Administrative Meeting regarding around the culvert and the width of the driveway?

Quillman: Good evening. My name is Terry Quillman, I am the MS4 Coordinator. Give me just a minute here.

Johnson: Let the record reflect that Amy Thompson has joined us.

Quillman: I think the questions that came out at the committee meeting was the adequacy of the existing culvert and I went out and looked at it per Julie's request. I can see that the existing bank, the embankment that they created for the common drive, the culvert terminate is really tight on either side of it. It is relatively short on either side of it. If they go in and split the drives, assuming that they put in 12 foot drives, maybe 6 feet between them and say 4 foot shoulder before they break down, it looks like the culvert is going to need to be in range of 70 to 75 feet and I am just estimating. The briars were too thick to do any measurement but having said that, it tells me that the existing pipe is too short and it would need to be extended or replaced depending on the alignment that they choose. This is something that I would expect to see when they come in with a plot plan for each of the home and I don't see it as a major issue. The one thing that did come up when I was looking at it is that draw that goes down through there has an easement for it, a drainage easement, but that easement terminates on either side of the driveway, or the opening that is allocated for the drive now. It would be nice if I could get that easement extended through that gap, so that we have the ability to go in and do maintenance on that culvert. Other than that....

Johnson: Do we have any questions for Terry? Great, thank you.

Enright-Randolph: It is more to clarify, I guess. What I am gathering is if we did allow 2 driveway cuts and then granted the easement that you just requested to get in there, it is not going to have any significant impacts in that area.

Quillman: No, I think not. It is more of a question of the engineer for the petitioner just determining the right length of pipe.

Enright-Randolph: So, if it was moved forward, where would we, I guess this is to staff, where would we want to put these conditions at for basis of approval, and how would we want to state that?

Nester: I think it would just be a condition of approval should you choose to approve one of the waivers. So, you would approve the Preliminary Plat Amendment if you were approving to either give 2 driveways or give the Sidewalk Waiver.

Enright-Randolph: Ok.

Johnson: Do we have any more questions for Terry?

DRAFT

Quillman: I might point out one more thing. I didn't check the diameter of the pipe. But whatever they replace I would assume that they would replace it with an in like diameter.

Johnson: Thank you. Any more questions for the staff? Would the petitioner like to share with us your position?

### **PETITIONER/PETITIONER'S REPRESENTATIVE – 1806-SPP-02**

Smith: Good evening, I am Steve Smith. I am here with Dan Moore, the owner of the property and when this was approved in about 2006 there was concern about this low lying area. It was wooded, brushing, some drainage going through it and I have got a couple of pictures that I was going to put on the overhead. This first picture, this is Kylie Court and this is the area that we are talking about. I will just pass this around. There was enough concern that the Plan Commission had put a condition that the driveway that went through there would be a single driveway instead of a double driveway. But there wasn't much, there wasn't any discussion about the sidewalk, what turns out the sidewalk also somewhat encroaches into that area and when I started I thought we would have a 5 foot sidewalk with a 5 foot tree plot. But at the Plat Committee we learned we could have a 4 foot sidewalk with a 2 foot tree plot, so I have got another drawing here that shows where that sidewalk would be along that area and the first black line shows that the Highway pointed out that we can move it over and we can encroach a little bit less. It still encroaches a little bit in that area but not as much. So discussion at the Plat Committee it kind of switched a little bit, well, maybe we can get the sidewalk in there if we scoot it up close to the road and then the discussion went over to the driveway. In fact, there was 50 feet of pipe put in there and the grading is already done per the plan. That 50 feet is enough to give us 2 driveways, as long as the driveways are relatively narrow, so again, thinking about the impact on the drainage and the trees, the idea was to put 2 driveways parallel to each other. On this exhibit, which I will pass along, the property line down the center in this green space, a driveway on each side and then the 50 foot pipe. We assume that the 50 foot pipe would work but we didn't have any shoulders as soon as you get off the edge of the driveway you go down, so if we put a little shoulder out there we might have to lengthen the pipe. As long as we came to the edge of the driveway and just came down to the culvert we would not have to change the culvert. Let me pass this around also. I have got one more photo and it is on Kylie Court taken a little farther to the west and it also shows the original black lines where I thought the sidewalk would be and the red lines where it can be. I am glad that I stuck those in the file because this didn't do much good tonight. Anyway, the discussion was about protecting the drainage area back in 2006 and it is still about protecting the drainage area. The dialogue at the Plat Committee was kind of like well, it looks like we can squeeze that sidewalk in and not have much impact on that drainage area and it also looks like we could separate the driveway and not have much if any impact on the drainage area. So what we are asking for tonight is separating the driveway is more important to us than not putting a sidewalk in. We are really not opposed to putting the sidewalk in. Again, in that location it is a little closer to the road. Again, that was kind of the discussion that took place at the Plat Committee and there were a couple of members here that were there. There were not enough to take an official action but that is kind of the direction that it went and Dan and I thought it made a lot of sense. So, I guess what we are asking for tonight is to separate the driveway and **don't approve the sidewalk**. Is that fair to say? We would like to have the sidewalk but we can appreciate that we could probably squeeze it in.

DRAFT

Johnson: Does anybody have any questions for Mr. Smith? I do. Mr. Smith, if we were to adjust the sidewalk to closer to the edge of curb as you suggested would we need to then make up, I am assuming that there was a plan for street trees in this tree plot. So, we then be able to make up the street trees in another location?

Smith: The county prefers the street trees behind the sidewalk, so I assume that wouldn't be an issue putting them behind. But in that case we might count some that are there, I think that they count if they are existing trees, so we would have to put them in where they would fit, I guess. But they could be behind the sidewalk, per current county standard.

Johnson: And you said that the culvert that is there would accommodate the 2 driveways but we would come off the driveways pretty quickly without any shoulder. Are you suggesting some kind of headwall to hold that back or?

Smith: No, if we go down like a 3 to 1 slope which is 3 over, 1 down, it is not too bad. It is mowable and again it is only a few feet down so it's not like it is dangerous, so it would go down at a slope. But there is, that would slope out to the slope of the pipe and it would be fine for a driveway. Not uncommon.

Johnson: Thank you. Do we have any more questions for Mr. Smith?

Guerrettaz: So, what you are saying, Steve, is you put in the 2 driveways, separate them, whatever culvert length you need to extend to accommodate that, be it 70, 60, 80, that will be put in per ...

Smith: If we need to. We think we can probably get in within the 50 that is already there. There is 50 feet of 24 inch pipe. I didn't look at the pipe but there is supposed to be end sections on it, end sections, so that helps that slope. So, if that in fact is the case then we shouldn't have to extend it. If it's not then we would extend it as necessary.

Guerrettaz: Let me just ask the question. So, you will just accommodate Terry's needs?

Smith: Yes, absolutely.

Guerrettaz: Ok, that is all that I am asking. Then if you put in the sidewalk with your red numbers, the 2 feet, does that give the proper separation between the back of the curb and the face of the walk?

Smith: That was the minimum that Paul indicated, yes.

Guerrettaz: Ok.

Smith: If we go to, it is interesting, if you put the sidewalk on the curb, but if you put it on the curb then the standard is 6 feet. So, you end up losing your 2 foot of grass. So, we put 2 foot of grass and then 4 feet. I assume that is because car doors swing open and stuff.

Johnson: Yes?

DRAFT

Stainbrook: Madam Chairman, President Susie. I have a concern, Mr. Smith. This thing that Bernie has mentioned about the sidewalk. I would leave the engineering, of course, to the professionals and to the engineer but it seems to me that 2 feet separation from the street at the intersection, theoretically, could pose a concern or present a concern. You are going to be awfully close to the street if a child comes along, if its slick, and again it is at the intersection. So I do have a concern about the 2 foot separation.

Smith: It is a 31 foot street. It is pretty wide with parking on it. It is not a narrow little street. It is one of the old style subdivision wide, parking on the side. So, it's not like you are next to the travel lane.

Stainbrook: Thank you.

Johnson: Do we have any more questions for Mr. Smith? Seeing none. Thank you so much. Alright, is there anyone from the public who wishes to speak in favor or in opposition to this petition? Seeing none. We are back to the Commission for any final questions for the staff.

**SUPPORTERS – 1806-SPP-02 – Emerald Trace: None**

**FURTHER SUPPORTERS - 1806-SPP-02 – Emerald Trace: None**

**REMONSTRATORS – 1806-SPP-02 – Emerald Trace: None**

**ADDITIONAL QUESTIONS FOR STAFF – 1806-SPP-02 – Emerald Trace**

Clements: I would like to know with the revised changes how Terry, what you believe would be the impact with the revised changes and what your recommendations would be for the county?

Quillman: I am back. It would be relatively easy for the engineer to just go out and run a cross section of that where the culvert is and run those slopes and determine exactly how long those pipes need to be. When they come in for a Grading Permit, I would just ask for that. It is not a big chore and they can show me exactly what they want to do. So that would determine if it is 50 feet or 70 or whatever.

Clements: So, then you would recommend or would consider approval of this provided that the builder and the developer would make grading consultation with the county. Is that correct?

Quillman: If they come back showing me that detail and I would review, yes, I would recommend approval.

Clements: Ok.

Quillman: I like the idea that Steve said they had end sections on them that would be beneficial if their section included those end sections.

Clements: Ok, that is very helpful. Thank you.



DRAFT

Stainbrook: Susie, pardon me. I do have a question, a final question I think. The staff still recommends the, given here on the study, what I am reading is a deny?

Nester: Staff is recommending denial for both, mainly because the conditions of the original plat approval haven't changed.

Johnson: Trohn?

Enright-Randolph: I guess there is a few different things, one is that we are kind of looking at a case that has already come to the Plan Commission that had a determination made and they felt like it was the best route to take. Now we are looking at it and I guess maybe some practical difficulties came in or they are just going to see if we are going to amend it on the fly, not to certain. I see the difficulty of not wanting to encroach in a drainage way, the connectivity with the sidewalks out there, I think it is critical to put this component in there. I think we are getting the cart in front of the horse just a little bit, right. I think that that study that Terry would like should be first. I think if we are going to approve something and then ask staff if they would recommend it after they are recommending denial. Because it is built in with both of them. It doesn't give them enough time to evaluate it and maybe change their recommendation, maybe not. I would like to see a lot of this technical data and criteria surface before we actually make a vote on this and I personally, would not feel too comfortable casting a vote and would like to continue it. But that is my comment. No questions really tied into that.

Johnson: Does anyone have any more questions?

Stainbrook: Well, I said I wouldn't have any more questions but I do have an observation. One of the reasons I asked was having staff and the Senior Planner or the Planner hear the same things that we are hearing and retain the same recommendation. I am certainly ready to vote. We have had considerable discussion on this but, of course, that is up to the President and the other one, two, three, four, whatever, to the panel. I personally, Trohn, I would prefer that we would vote.

Enright-Randolph: I guess, I am not against voting. I guess we do have 6 so you don't need all in favor to get a vote. I would just want to make sure that whatever we move forward with that they are the right conditions to meet what the needs are for the county and I think that is getting real tricky to put something together. But I would be willing to listen and retain.

Johnson: Jackie, is there any information that could be presented in your mind that would change the conditions that we are considering this evening?

Wilson: Let me hop in here. I think when we looked at this petition originally we always give a great deal of deference to what conditions the Plan Commission placed upon a plat at the time they approved it. I think from a staff's standpoint, our primary concern was that we not waive sidewalks. That that was very important and was important to neighborhood connectivity and also important for the individuals buying houses in that subdivision. In regard to the Driveway Permit, I think that was something that was conditioned placed primarily on recommendations from the Highway Department and Stormwater at that time and I think we always give deference on those kinds of issues to Stormwater and Highway, err, Public Works now, rather it is more their technical issue

DRAFT

than it is a Planning issue. Generally, all lots have a separate driveway anyway. But in this case the requirement to have a shared driveway was placed upon the plat for reasons at that time and I think we would give some leeway to a recommendation of our technical experts which is Paul and Terry. If that makes sense.

Johnson: It sure does.

Enright-Randolph: That is what I wanted to hear.

Johnson: Lisa, is there anything that you think we need to consider in terms of your staff's opinion on the driveway?

Ridge: No, I don't think there would be any issue with working with the owner of the development and their engineering staff. They work well with Terry and Paul and I know Terry and Paul would make sure everything that is agreed upon here and recommended, I don't think they would have any issues working with them and getting it all done on cases that it's voted on.

Johnson: Can I ask you a follow-up question? Mr. Stainbrook makes a good point. This Commission, not these particular folks, but this Commission considered this not that long ago in the grand scheme of things and we decided at that point to have a shared driveway. Do we think a little bit differently about that now? Do we know a little bit more about how the stormwater can be properly managed so that we, can you give us some comfort in changing our mind?

Ridge: Well, back in, I think in 2006, I think was when this was approved, we didn't have a Stormwater Department. It might have gone to the Drainage Board. None of us were involved in that Drainage Board at the time but you get different engineers, you get different opinions. Typically, I am not very familiar in the years that I have been here that there are very many subdivisions that have a shared driveway for their lots and when this came about I was really surprised that that was a condition for it. At the time, I can't speak for why it was asked for at that time. But looking at today's conditions and everything we don't see a reason why each lot couldn't have their own driveway.

Johnson: So, maybe the sheer fact of having a Stormwater Operator that can go out and do a different kind of assessment than the Drainage Board might have been able to do, gives us some more information.

Ridge: Right and we have, you know not saying anything against previous people in the department or anything, Paul is a Certified Engineer, and he has taken a look at it. Terry has been in the drainage world for, you know, I don't know how many years, a lot. But I have completely confidence that they are making the right decisions for what the conditions are out there.

Clements: I have one follow on question because it is in reviewing the documents it became unclear to me about the requirement of the tree-lined parkway and the absence of the trees. So, I wonder how does the absence of the trees that are proposed in the division proposal, how does that affect the stormwater and is there a proposed remedy? Are the trees ever going to be planted or is your assessment based on the planting of those trees? Ok, sorry.

DRAFT

Smith: All of the street trees in subdivision will be planted they have just been put off till the end along with some of the sidewalks. So now we are wrapping this up so it's time to put that in. You usually wait till after the houses are in because construction kind of tears them up. Now is the time we will be putting all of them in. In this location we will just be making decisions with the county exactly where they go. But they all go in as per plan.

Clements: Ok, that was just a question.

Ridge: We keep, you know, until the roads are accepted, we keep bonds on the subdivisions to make sure those kinds of things are addressed and then I think we keep them for 2 years after that point, so to make sure the trees and the sidewalks and everything is up to county standards.

Clements: Ok, that is helpful. Thank you.

Smith: It is interesting even though this was platted about 10 or 12 years ago the recession hit right then so it really got off to a slow start. Well, it's a long time ago, well, it got off to a slow start. Now we are finally seeing it kind of close out and those bonds are in place so the sidewalks and street trees and that is what brought this all up as we try to close this out. So, it is all still active, the bonds, like I said are still in place, the trees will be put in and again, along this area they will be put in where they fit, not necessarily in that little tree plot.

Johnson: Ok, thank you. Paul? Excuse me, if you would, Mr. Stainbrook has made a good point that this Commission did, well, I say recently because it seems like time gets away, this Board voted to approve a shared driveway. Can you explain to us why at this point splitting the driveways is ok and doesn't pose a hazard?

Satterly: The driveways being as close as they are is not too uncommon, especially in subdivisions where you have got homes that are different layouts and things. You may have 2 garages that are side by side so it is not unusual to see driveways next to each other. But as Lisa mentioned it is somewhat uncommon to have shared driveways nowadays in subdivisions. I don't have a problem this being a low volume road and we don't have a separation requirement in platted subdivisions, so this would be allowable under our current guidelines.

Johnson: Thank you so much.

Satterly: Sure.

Johnson: Does anyone else have questions for the staff?

Stainbrook: Well, Susie, pardon me again. This is the second time I have violated my promise. If you had 2 driveways, if there were 2 driveways, again that close to the intersection, it would seem to me that if it happened by chance that 2 vehicles that were exiting that the site to the left, or to the right as someone came around the corner or coming the other direction, in other words, Paul, I think I am trying to say that wouldn't it be, no matter how farfetched, difficult if you had 2 cars at the same time exiting, it would be like I thinks sometimes one encounters on the street if one person at a driveway pulls up too far into the street, you can't see to the right, or maybe this sites,

DRAFT

well....

Satterly: Well, they will both, 2 vehicles they will be probably facing the street coming out. I doubt they will be able to back out. I mean, some people could but most people would turn around before they head out. But I would imagine they would be able to see each other as they came out even at the same time. I don't anticipate that that would be a problem.

Stainbrook: I do.

Johnson: Trohn, go ahead.

Enright-Randolph: Just from the comments from Larry, Lisa and now Paul and Terry saying the stormwater looks good, I agree that over 12 years things can change and I am inclined to support the split with the driveway now.

Johnson: Do we have any more questions for the staff? Bernie, do you have any questions?

Guerrettaz: No, I personally like the idea of separating the driveway in between so each owner has their own driveway. I mean, I don't see that staff, Planning Staff's recommendation of denial initially is at odds with our technical staff at the Highway Department and our Drainage Engineer. Their recommendation once they have had a chance to absorb the drawing and see what can be done and have a dialogue between the petitioner and the Highway Department to understand what can be done. It is just a matter of understanding what may come in front of us as we put the driveways in and I think we have got a pretty good handle on that.

Johnson: Any more questions? Is there anybody else in the public that would like to address this petition? Seeing none. I would entertain a motion.

#### **FURTHER QUESTIONS FOR STAFF – 1806-SPP-02 – Emerald Trace**

Guerrettaz: **In the matter of 1806-SPP-02, Emerald Trace Major Subdivision Preliminary Plat Amendment One, I move that we allow the request to remove the Condition of a Shared Driveway from the 2 lots, which are 1 and 2, is that correct? I also move that we give them a Waiver of the Final Hearing subject to staff's recommendation.** They haven't asked for the Sidewalk Waiver, so hold that off.

Johnson: They are **withdrawing the Sidewalk Request.**

Guerrettaz: I understood the petitioner to say that so, **as long as the conditions being that they work with Terry, they work with Paul, and the departments in order to fulfill the obligations at the Building Permit stage to show the technical drawing that they need show to show that the driveways are going to work.**

Enright-Randolph: To legal, is there withdraw from the waiver?

Johnson: Mr. Schilling?

DRAFT

Enright-Randolph: Is their withdraw from the waiver of the sidewalk, is that legal or do we need to write that into the motion that we deny the waiver of the sidewalk?

Schilling: We can accept their withdrawal.

Johnson: **We accepted their withdrawal.**

Enright-Randolph: Ok, I just wanted to make sure that was all. I will **second** that.

Johnson: It has been moved and seconded that we grant the waiver for the shared driveway and we acknowledge that the petitioner has withdrawn their request for the waiver for the sidewalk. It has been moved and seconded. Mr. Wilson, will you call the roll?

Wilson: Ok. The vote is on petition 1806-SPP-02, Emerald Trace Major Subdivision Preliminary Plat Amendment One. The vote is on the request to remove the requirement for a shared driveway in the plat approval for lots 1 and 2. **The request to waive sidewalks having been withdrawn.** A vote in favor is a vote to grant the amendment to remove the requirements for a shared driveway for lots 1 and 2. Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: All that ties into Bernie's technical, meets all technical requirements per the MS4 Coordinator and the Highway Engineer?

Nester: Yes, per Terry's comments which included the engineered calculations and the O&M Manual in his.

Enright-Randolph: Then I vote in favor.

Clements: Terry has...

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Clements: Sorry, Terry had....

Wilson: Susie Johnson?

Johnson: Yes.

Wilson: Jim Stainbrook?

Stainbrook: No.

DRAFT

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: The motion carries 5 to 1.

**The motion in case 1806-SPP-02, Emerald Trace Major Subdivision Preliminary Plat Amendment One, Request to Remove Condition of Shared Driveway, Sidewalk Waiver Requested, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of approving the Request for the Removal of the Shared Driveway, with the Request for Sidewalk Waiver being *withdrawn by the petitioner*, carried (5-1).**

Johnson: Terry, is there anything that you think we need to know or is this something that you think you can work out with the petitioner?

Quillman: I did mention this when I was up and it apparently didn't have much of an impact, there is a gap the drainage easement on either side where the driveway is. I would like the petitioner to add that easement in there to complete that gap. It is not a big deal.

Johnson: Do we have a gentleman's agreement that we will do that?

Quillman: I figured that they would.

Clements: Perfect. Thank you.

**NEW BUSINESS**

**5. 1806-REZ-01 Monroe County Plan Commission Rezone from Agriculture/Rural Reserve (AG/RR) to Pre-Existing Business (PB).**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

One (1) 1.81 +/- acre parcel in Richland Township, Section 31 at 9817 W State Road 43. **Zoned AG/RR.**

**BOARD ACTION:** Johnson introduced petition.

**STAFF ACTION:**

Nester: So this rezone is being taken by the Monroe County Plan Commission to rezone the property to Pre-Existing Business. That zoning designation is one that we used when the code went into place in 1997, so it would allow the business to continue to operate as a grandfathered use and permit it to expand. In summary, what they are doing here is they are expanding by 18 feet by 50 feet to the grocery store portion. We are asking that they receive approval to rezone to Pre-Existing Business given that they get a site plan for the approval of all required improvements within 2 years of this approval and then also that the site only be used as a convenience store which allows gas sales. The property is currently undergoing a remodel and so with that they would like to be able to expand and submit a site plan, etcetera. The property is 9817 West State Road 43. They are in the western portion of the county, in Richland Township. There is floodplain on the site but it is on the western portion of the site and they will not be close to that in this addition. They are also going to be removing one of the accessory structures there and in the Administrative Meeting Julie Thomas had asked that I look up to see if that one is in the historic designation database, it is not. It is ok to be removed with a Demolition Permit, which will be issued. Just some of the site features. They had already put down the concrete pad before they realized that they needed to come through us, so they have stopped the external additions until they receive the proper approvals. But they thought that they were in Greene County, but they are in Monroe. Also as part of the site plan approval we will be working with INDOT to make sure that the driveways meet their requirements and I included an email from Sean Gray, so we will be working with him to tighten up those driveways for safety. The site will be required to have paving, lighting, and signage for the expansion. They will need a DNR permit to put in new gas tanks, so they will need the whole thing: setbacks, etcetera. Does anyone have any questions? We have recommended approval.

**RECOMMENDATION**

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

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

**FINDINGS OF FACT - REZONE**

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

**(A) The Comprehensive Plan;**

**Findings:**

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

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

**Findings:**

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

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



Major Collector;

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

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

**Findings:**

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

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

**Findings:**

- Property value tends to be subjective;
- The PB zoning designation would be consistent with existing activity on the property and does not seem to indicate a negative impact on property values in the area;
- The effect of the approval of the rezone on property values is difficult to determine;

**(E) Responsible development and growth.**

**Findings:**

- See Findings under Section A, Section B, and Section C;
- According to the Monroe County Thoroughfare Plan, W State Road 46 is classified as a Major Collector;
- Driveway access is directly onto the state road;
- There is a septic on site that is out of the FEMA floodplain and has been inspected.

**QUESTIONS FOR STAFF – 1806-REZ-01 – MCPC Rezone**

Johnson: Jackie, can you talk to us a bit about the septic that is there? Is it pre-existing? Will they need to upgrade it? What is the condition of the septic?

Nester: Yes, they do have a septic tank on site and as part of the site plan approval we will be checking that and asking for a real estate inspection. At this point they haven't submitted any information in writing from the Health Department but we will require that especially with the floodplain on the site that we get that inspected and make sure it is in good order before we move forward.

Johnson: There may be some reason to believe that that needs some extra attention.

Nester: Ok.

DRAFT

Johnson: Does anybody else have any questions for staff?

Clement: I have one question that has to do with the lighting. Because this is in an Agricultural/Rural Reserve area and I just wondered if the lighting is stipulated and if we can protect kind of the night sky in that area.

Nester: Yes, so part of our Performance Standards we do have a requirement for downward shielding lights. So any lighting that they propose on the site they will actually have to submit plans showing that it doesn't exceed 1 foot candle at the property line, so basically downward shielding, not shining onto their neighbors and also not upward to the night sky.

Clements: There are national standards for night sky compliance. Is what you described night sky compliant or do we know?

Nester: The dark, night sky, I believe it is.

Wilson: I think, believe they are if that is the standard that we adopted in our lighting ordinance. Basically, the lights have to face downwards and they cannot omit light going up or to the sides and by using the one candle foot....

Nester: One foot candle.

Wilson: One foot candle at the boundary line, that's a Performance Standard where we can go out and measure with a light meter to make sure they are meeting that.

Clements: Is this 24 hours a day that they would be open?

Wilson: Yes.

Clements: I mean the store being open, the convenience store, because before we change the zoning from Agricultural/Rural Reserve to Pre-Existing Business, is there anything we can do to protect like the surrounding area from hours of operation? Because if a 711 went in there for instance, that would be quite brash.

Nester: Yes, that is a good idea. I think you could condition hours of operation. Larry, is that possible? Yeah, you could condition hours of operation. I am not sure what their hours are. They have not been doing gasoline sales for some time. But their convenience store, I believe is still up and running and its grandfathered, so I am not aware of what their official hours would be after the remodel.

Clements: Ok, those are the questions that I have. Thank you.

Johnson: Does anyone else have questions for the staff? Seeing none. Is there anybody here that would like to speak to this petition, either pro or con? Seeing....

Clements: I think they want to speak.

DRAFT

Johnson: If you will come up and state your name for the record and also sign in for us, please.

**SUPPORTERS – 1806-REZ-01 – MCPC Rezone: None**

**FURTHER SUPPORTERS - 1806-REZ-01 – MCPC Rezone: None**

**REMONSTRATORS – 1806-REZ-01 – MCPC Rezone**

Marsh: My name is Sharon Marsh. I guess I would just like to add to your comments and being a direct neighbor of this site, we really like our rural area out there. We are at the edge of the county and things have moved out west, like you know, like nobody's business. We really appreciate the quiet and peacefulness that is out there. In taking into effect the septic, the lights, the hours of operation, just to protect the noise and light pollution that could come from this. The previous owners of the business have all been neighbors so they have really taken into consideration everybody that has been out there. Somebody that we don't know coming in, taking over that business, I don't know if they would have those same considerations and I think that is a concern for all of us out there. Like you said, once you change the zoning we are not sure what you opened the door for as far as, you know, for it to stay a convenience store, but what type and, you know, how much bigger can it grow in that little area that is there. So, I just appreciate what you guys have brought up and it is just concerns that I think the area neighbors would like to address. Thank you.

Clements: It is difficult for us as a Plan Commission to foresee and stipulate in our zoning all eventualities. Could you give us an idea as to what you think would be ideal for hours of operations so that we can figure out how best to incorporate that into any recommendations that we might make?

Marsh: I have lived out there almost 40 years, they closed in the early evenings, 6 to 7 pm.

Clements: I see.

Marsh: Usually, never open on Sunday. Quiet weekend. It has just been a small operation so it's been pretty local. Another thing is, you know, being able to sell a liquor license, I don't know if that is going to be passed on to this next convenience store.

Clements: I see. So, yes, you are concerned about not only, do they currently have a liquor license?

Marsh: Yes.

Johnson: A liquor license or beer and wine?

Marsh: You know I am not sure, it might just be beer. I know that they sold beer.

Clements: Packaged liquor.

Marsh: So, I don't know if that is something that they would have.

DRAFT

Clements: So, then what I see is anticipatory for the types of businesses that could be offensive without saying names are kinds of national chain, convenience stores with huge lighting and also packaged alcohol sales that would be open 24 hours a day.

Marsh: Exactly, late night, you know, a lot of traffic coming through there. I think it is something that you were saying that the roads need to be looked at, the entrances coming off of the way this store is situated off of 43 here.

Clements: And the owner of this convenience store is not here.

Nester: No, they could not make it.

Clements: I see.

Marsh: I guess there is a lot of questions up in the air because we don't know what is happening up there and we don't know exactly what, you know, what they are thinking about doing up there. So, it would be really helpful if we all kind of understood what the project plan was, where they are going with it and kind of help our concerns.

Johnson: For sure, thank you so much.

Marsh: Thank you.

#### **ADDITIONAL QUESTIONS FOR STAFF – 1806-REZ-01 – MCPC Rezone**

Johnson: Does anyone else have questions?

Enright-Randolph: Yes. So, we have limited the uses on properties before. Is there any consideration of limiting the uses or was this just approached....

Wilson: Our recommendation is to limit it for use as a convenience store, which under our definition includes gasoline sales. They wouldn't be able to put a restaurant or a liquor store or anything like that into the building. The situation was it is a pre-existing nonconforming use, what we call a grandfathered use that was carried forward and when the ordinance was revised in the late 90's, they had this zone called Pre-Existing Business to pick up this isolated, rural businesses and yet not zone a whole area for business. But allow somebody to continue and actually be able to sell their business to another similar intensity in regard. In this case they could continue to operate in the existing footprint. The problem is that they want to expand and upgrade the business to put in new gasoline tanks with canopies, make it a nicer facility and they are precluded from doing that unless it is rezoned to a business zone. That is really the issue. I think one of the things we were just talking about here internally is that if there are questions and conditions are being proposed, this is a request for a waiver of second hearing before the Plan Commission, maybe it makes sense to move this on to the September meeting, have them present to get some answers and review possible conditions with them. I will state that my understanding is the crazy entrances will be cut down as a part of the site. The State Highway, I think, will want to limit the size of those entrances as a part of the Driveway Permit that they do.

DRAFT

Johnson: Is staff recommending then that we continue to the September meeting?

Nester: When they can be present, yeah.

Wilson: I think that makes sense.

Johnson: I would agree. Would someone...

### **FURTHER QUESTIONS FOR STAFF – 1806-REZ-01 – MCPC Rezone**

**Enright-Randolph: I will make a motion on 1806-REZ-01, Monroe County Plan Commission PB Rezone request, that we move it to our next meeting for discussion in hopes that we can get the property owner here or the representative to discuss these matters on their behalf.**

Johnson: Do we have a second?

Clements: I **second** the motion.

Johnson: It has been moved and seconded. I would have one comment, that if the petitioner, if the owner of the property, I would very much like it if they could take an opportunity to meet with some of the neighbors prior to our hearing, so that the neighbors can have a really good understanding of the business plan and know exactly what they are getting. So, with that, please call the roll.

Clements: Yeah.

Wilson: Ok. The vote is on petition 1806-REZ-01, Monroe County Plan Commission rezone of the property, what is the address on that?

Nester: It is 9817 West State Road 43.

Wilson: 9817 East State Road...

Nester: West State Road...

Wilson: West State Road 43, I am sorry, it is confusing out there. The highway just seems to come together. This will move this to the September 18<sup>th</sup> Plan Commission Meeting and that will be a second or final reading, final hearing on the petition in regard to amending the zoning map. A vote in favor is a vote to move it to the September meeting. Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

DRAFT

Wilson: Susie Johnson?

Johnson: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: It carries 6 to 0.

**The motion in case 1806-REZ-01, Monroe County Plan Commission Rezone from Agriculture/Rural Reserve (AG/RR) to Pre-Existing Business (PB), Preliminary Hearing, Waiver of Final Hearing Requested, in favor of continuing this petition to the September 18<sup>th</sup> Plan Commission Meeting, carried unanimously (6-0).**

DRAFT

**REPORTS:**

**Planning/Wilson:** I will, in case you didn't know it, Carly Petersen's last day was Friday.

Clements: Oh, no. I didn't know.

Wilson: She is taking a job for a consulting firm in Chicago at an international consulting firm. We knew that our ability to hold her was somewhat limited over time. Her husband was completing his PhD program and she had this opportunity, which is a really good opportunity for her and so her last day was Friday. So we are very sad. We have posted on national planning job sites already today the job is posted. We are hoping to hear from some good candidates who want to come to Bloomington.

Johnson: We can only hope that we can find someone as good as Carly. Carly, we wish you the best.

Clements: Yes, Carly.

Wilson: We have been lucky recently. We are also in the process of interviewing SPEA fellows. We have 2 public service fellows that are always in the office and so we have had 5 candidates, I think. Is that right? 5 total candidates and they have been visiting the office and doing interviews. It is sort of a dance between where they want to go and our choice, so in the next week or so we should have those 2 finalized. Which will be great, they will be doing typically special projects that we don't have the time to do and it gives them the ability to have something to show. As you have probably seen in our earlier reports where we have done some things on solar, for example solar suitability, that is one example of a study that was done, where you can actually go on a website, our county website and look and see if your lot is a good place for a solar panel or not, depending on the slope and the sunlight availability at that point. Other than that, we are working on the comprehensive update of the zoning ordinance. That is going to take a lot of time and I think our goal is to have sort of the written version done by December and ready to be reviewed.

Johnson: Thank you. Margaret?

Clements: No, after David's.

Johnson: Mr. Schilling, do you have a report?

Schilling: I have no report today.

Johnson: Thank you. Margaret?

Clements: Well, I just have a kind of a report and it was eluded to by the community members that came to speak to us about the effect and impact of growth and Bloomington's growth on their personal lives and their enjoyment of their lives in our county. I have said it before and I will say it again, that this kind of unchecked growth of the university is elbowing us in the county and the numbers remain unclear as to exactly how large the enrollment is. The newspaper frequently does

DRAFT

not get it right. So, for instance in last years, actually in the fall 2016, which is the most recent data that we can get off the internet, the undergraduate enrollment rate was 39,164 undergraduate students and the Herald Times report that as 32,659. They went on to say that this was a record year with an additional 200 undergraduate students, so by my calculations with 39,184 undergraduate students in 2015 plus the additional 200 undergraduates that have enrolled at Indiana University's campus, plus the graduate students, which they back at that time were 6,097, doctoral research students were 3,552 and doctoral practice students were up above 50,000 students on IU's campus. I have said it before and I really think that we need to get to the bottom of this because we don't have figures for post-ox's or visiting scholars in Bloomington and their partners, children, etcetera. We need to know the full impact of the student population on our community before we continue to eat up our agricultural land and our wooded preserves. I have contacted the university, I have requested the information for post-ox and visiting scholars and updated figures and I have not received an answer yet. I would like to know what are the plans for the university? They plan to add an engineering school. They plan to add a medical school and what their growth without coordination with our city and our county is eating up land that we have values for other purposes and I would like us to be able to get a handle on this. I know that we are in some ways tied to the city in either their leadership or their failure to lead on this issue. But we need to have a real conversation before we go much further on our zoning changes. Because as I see it, that is our only control before we take one more acre of agricultural land and turn it into a planned urban develop, or planned unit development, we need to know exactly what is the student count, the visiting scholar count, the graduate student count, the post-ox count, however many categories of counts that we can have, exactly what is the impact in our community. That is all that I have to say.

Johnson: Thank you very much. I think that that information will really help to guide us. Do we have any more reports from the Commission? Seeing none.

Stainbrook: Susie, pardon me.

Johnson: Yes?

Stainbrook: I would just like to very briefly say I appreciate Margaret's observations and would agree and as we look forward with a vision and stick to the vision that we have for the county and not do too many things, piece mail as it were, until we are sure ourselves and ensure that it addresses some of the concern that Margaret has addressed. Thank you.

Clements: Thank you.

Johnson: Thank you so much.

Kappas: I actually have something. I am Nick Kappas from the City Plan Commission representative on the County Plan Commission. I just want to let everyone know that right now module 2 of our comprehensive, our UDO, I should say, sorry, is now with the city and should be going out to the public probably next month for review and then there will be one more module after that and then we will be adopting our UDO, where we will be tackling student housing and other forms of housing in the city boundaries. But it shouldn't preclude the county and the city



DRAFT

working together in these matters of housing or our permanent and our transient citizens. So, I think that we need to work together on that.

Clements: I would like to observe that you failed to include the university. You said that you would like the city and the county to work together, but nobody is talking about including the university in this conversation and they are critical. Because they can continue to enroll without restraint unless everyone comes to the same table.

Kappas: I recognize your passion for that and that is why I entered the transient aspect, those students or anyone that is passing through. Because it is more than just the university. We are a transient town at times and we need to encompass all. But, yes, the university is very much a part of the conversation.

Clements: And I would like to observe and to assert that university growth is not the same thing as economic development and that a city that plans on and responds only to growth doesn't have a vision. So, it's a lazy city's view of what could be in Bloomington and I believe that strongly that we need to come up with a vision and go for that, rather than just be in a response mode. So, thank you.

Johnson: Thank you so much.

**Legal/Schilling: No report.**

**The meeting adjourned at 7:08 pm.**

Sign:

Attest:

---

Susie Johnson, President

---

Larry J. Wilson, Secretary

DRAFT

DRAFT