

MONROE COUNTY PLAN REVIEW COMMITTEE



**August 8, 2019
5:30 pm**

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

A G E N D A
MONROE COUNTY PLAN REVIEW COMMITTEE

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

August 8, 2019

5:30 p.m.

OLD BUSINESS: None.

NEW BUSINESS:

- | | | |
|-----------------------|--|----------------|
| 1. 1907-REZ-06 | Blais Rezone from Preexisting Business (PB)
To Light Industrial (LI).
Preliminary Hearing. Waiver of Final Hearing Requested.
One (1) parcel on 3.26 +/- acres in Section 29 of Perry Township at 1255 W Old Capitol Pike (Parcel #: 53-08-29-201-002.000-008). Zoned PB | PAGE 3 |
| 2. 1907-REZ-07 | Roby Rezone from Pre-existing Business (PB)
To Light Industrial (LI).
Preliminary Hearing. Waiver of Final Hearing Requested.
Two (2) parcels on 7.48 +/- acres in Section 29 of Perry Township at 1269-1295 W Old Capitol Pike (53-08-29-200-002.000-008; 53-08-29-200-004.000-008). Zoned PB. | PAGE 38 |

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

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

The meeting will be open to the public.

PLANNER Drew Myers
CASE NUMBER 1907-REZ-06, Blais Rezone
PETITIONER Scott & Natalie Blais
ADDRESS 1255 W Old Capitol Pike
(53-08-29-201-002.000-008)
REQUEST Rezone from Pre-Existing Business (PB) to Light Industrial (LI)
ACRES 3.26 acres +/-
ZONE Pre-Existing Business (PB)
TOWNSHIP Perry
SECTION 29
COMP. PLAN DESIGNATION: MCUA Employment (Phase I) and South Side Employment (Phase II)

EXHIBITS

1. Petitioner letter
2. Planning Director Determination & Correspondences
3. Site Plan
4. Marshall Place Plat
5. Chapter 802 Use Table for Light Industrial
6. Chapter 802 List of Low-Intensity Uses

RECOMMENDATION

Staff recommends **approval** based on the Findings of Fact and approval of the Highway Department regarding ingress/egress.

PLAN REVIEW COMMITTEE

TBD.

SUMMARY

The petition site is one parcel totaling 3.26 +/- acres located in Perry Township. The current zoning of the site is Pre-Existing Business (PB). The rezone request is to Light Industrial (LI) for the purposes of expanding the permitted uses and to ultimately sell the property.

Any new property owner would be required to meet all appropriate design standards pertaining to the LI zoning district, as well as commercial site plan standards for any purposed business that may operate at this site.

The petition site currently contains a single family residence measuring approximately 4,800 square feet. The home can be used as a single family residence or a single-family residence with a home based business under the current PB zoning. Currently, the structure is utilized as a single family residence with no home-based business. The use as a home in the PB zone is classified as pre-existing nonconforming and therefore the home cannot be expanded without a rezone. If the petitioner were to remove or convert the home, the property would retain the ability to develop a land use under the low-intensity classification available in the PB zoning district.

If the rezone is approved, the residential use would continue to be pre-existing nonconforming and could not be expanded. If the owner requests to demolish the home or convert the structure to a commercial use, a commercial site plan would be required at that time.

BACKGROUND

The petition is currently zoned as Pre-Existing Business. The petitioner would like to rezone the property to allow for expanded permitted uses and to ultimately sell the property. Chapter 802 defines Pre-Existing Business as the following:

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

Chapter 802 defines Light Industrial as the following:

Light Industrial (LI) District. The character of the Light Industrial (LI) District is defined as that which is primarily intended for industrial uses that have minimal exterior movement of vehicles and goods. Its purposes are: to establish areas for the exclusive development of light industries; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Uses shall be restricted to activities that are not a nuisance because of dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding uses. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with adjacent non-industrial uses. The LI District shall provide open space, landscaping and buffering in order to achieve desirable site development.

Chapter 802 defines Limited Business as the following:

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

Chapter 802 defines General Business as the following:

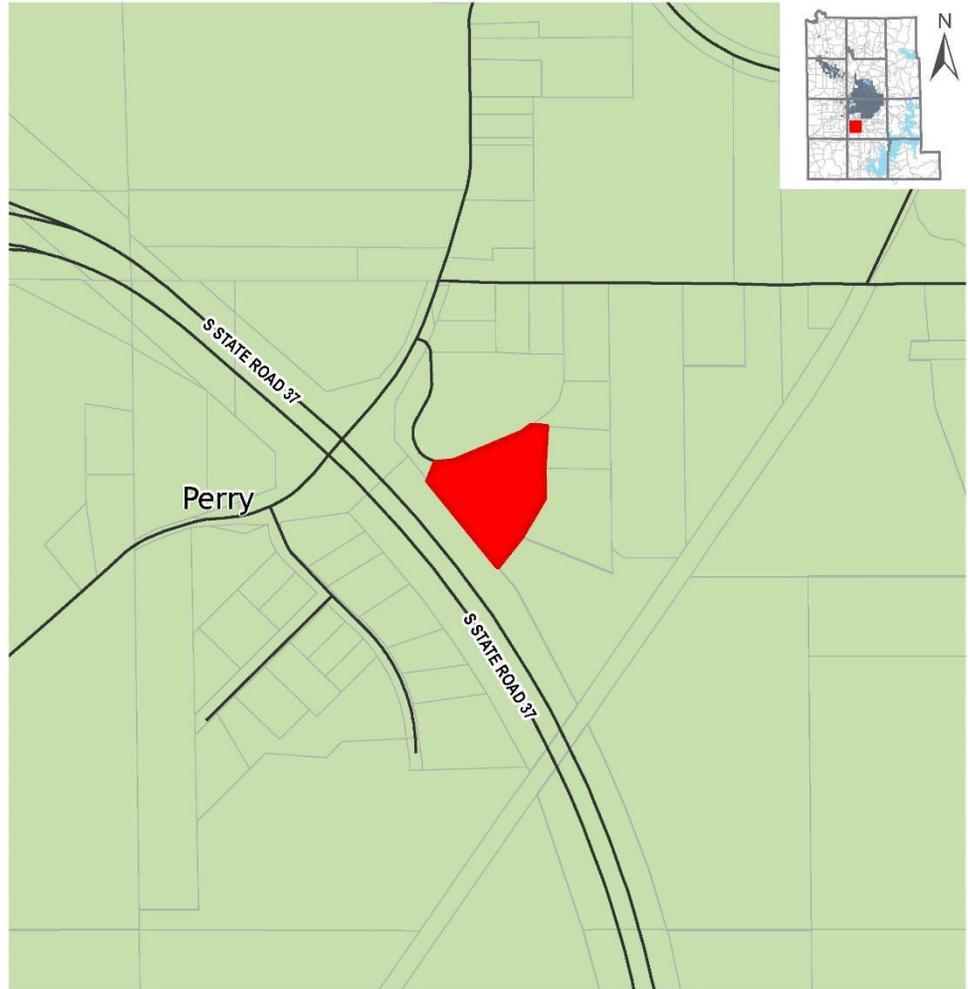
General Business (GB) District. The character of the General Business (GB) District is defined as that which is primarily intended to meet the needs for heavy retail business uses. General business uses should be placed into cohesive groupings rather than on individual properties along highways in order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

LOCATION MAP

The petition site is located in Section 29 of Perry Township at 1255 W Old Capitol PIKE (Parcel #: 53-08-29-201-002.000-008). Please note that the address appears incorrectly as 1250 W Old Capitol PIKE when searching in Elevate GIS. The address was changed in December 2018 from 1250 (even) to 1255 (odd) in order to match the road range appropriately; however, Elevate GIS does not return any results when searching for the new address number yet.

Location Map

-  Petitioner
-  Roads
-  Civil (Political) Townships
-  Parcels



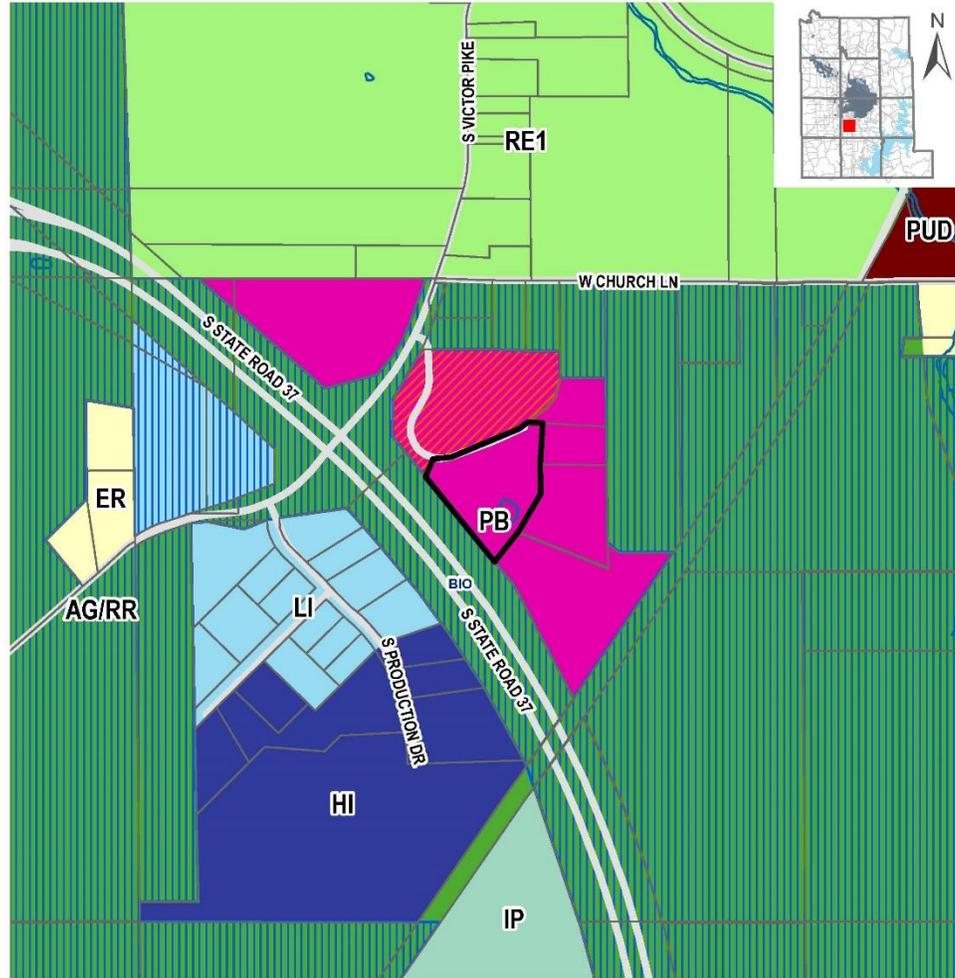
0 0.05 0.1 0.2 Miles
Monroe County
Planning Department
Source: Monroe County GIS
Date: 7/30/2019

ZONING/ADJACENT USES

The petition site is zoned Pre-Existing Business (PB). The adjacent zones are Pre-Existing Business (PB), Agricultural Rural Reserve (AG/RR), Light Industrial (LI), and High Industrial (HI). The property immediately adjacent to the North, with the address 5075 S Victor PIKE, is designated as an historic property via the Historic Preservation Overlay. The remaining parcels adjacent to the Northeast, East, and Southeast of the petition site are also zoned pre-existing business and operate as various commercial business (e.g. Bloomington Seal Coating, Bloomington Professional Carpet Cleaners, and other now vacant warehouse structures). The remaining nearby parcels zoned Agriculture/Rural Reserve are designated by the Business Industrial Overlay.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
-  Business Industrial Overlay
-  Historic Preservation Overlay
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ER - Estate Residential
-  HI - Heavy Industrial
-  IP - Institutional/Public
-  LI - Light Industrial
-  PB - Pre-Existing Business
-  PUD - Planned Unit Development
-  RE1 - Estate Residential 1

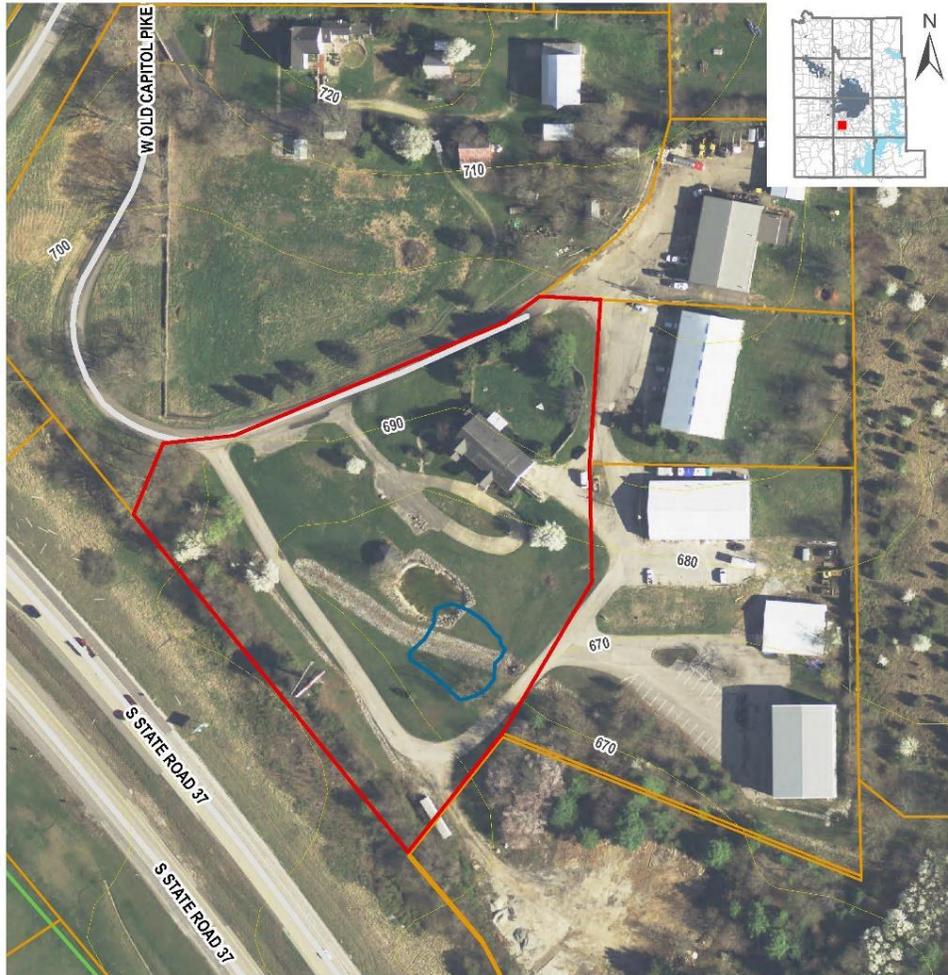


SITE CONDITIONS

The petition site is one parcel totaling 3.26 +/- acres. The lot maintains frontage along W Old Capitol PIKE (a non-exclusive easement for ingress and egress) and S State Road 37 (a freeway). The site proves relatively flat with a minor amount of 15% or greater slopes, which are located almost exclusively along the southwestern property line. The site exhibits a 60 square foot bioretention pond, as well as a drainage ditch layered with rip-rap, which drains offsite to the southeast.

Site Conditions Map

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

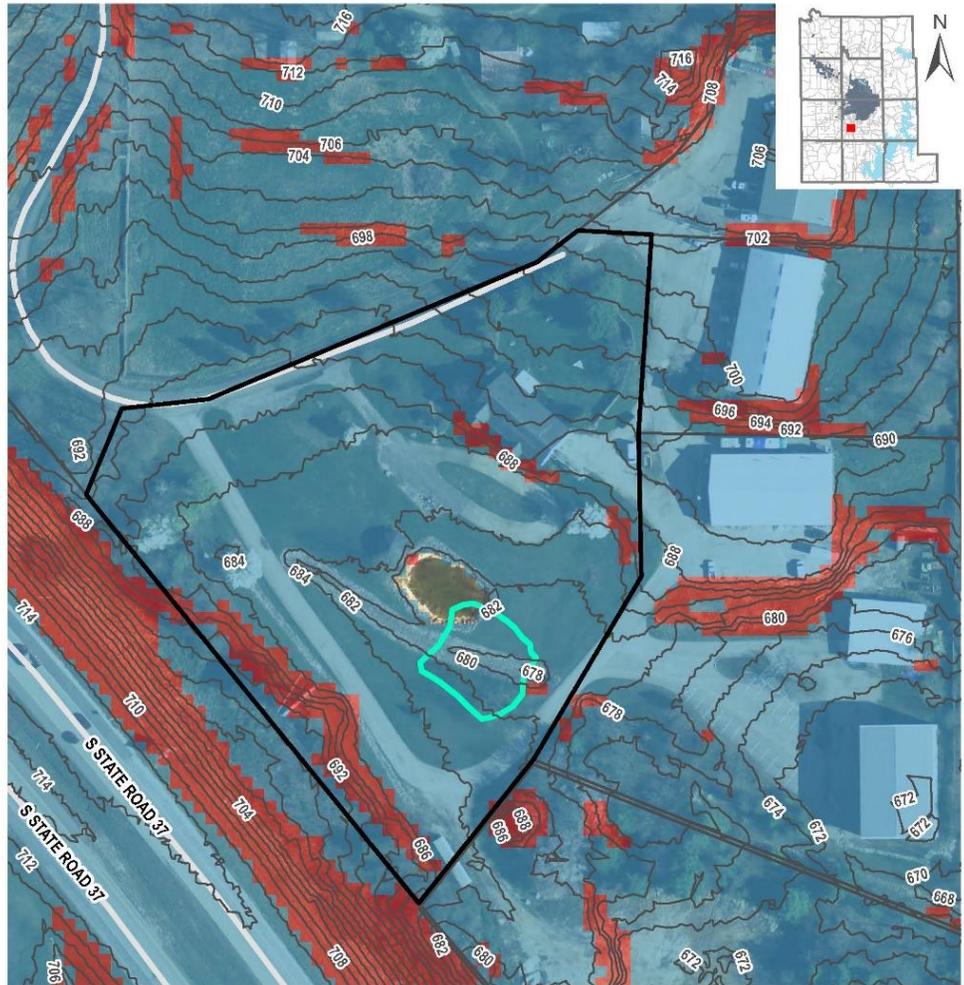


0 70 140 280 Feet

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 7/30/2019

Slope Map

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



0 30 60 120 180 240 Feet

Monroe County
Planning Department
Source: Monroe County GIS
Date: 7/30/2019

SITE PHOTOS



Photo 1. Pictometry photo of six of the adjacent Pre-Existing Business zoned properties at W Old Capitol Pike (staff approximation of property lines). One PB-zoned lot is found to the north of S Victor Pike (not shown).



Photo 2. Standing in the Northwest corner of the property looking southeast.



Photo 3. Standing in the Northwest corner of the property looking east.



Photo 4. Standing at the start of the driveway access to the property looking southeast.



Photo 5. Standing in the Northeast corner of the property looking northeast.



Photo 6. Standing at the Northeast corner of the property looking west.



Photo 7. Standing at the Northeast corner of the property looking southwest.



Photo 8. Standing at the Northeast corner of the property looking south.



Photo 9. Standing along the eastern property line looking west.



Photo 10. Standing along the eastern property line looking south.



Photo 11. Standing along the eastern property line looking northwest.



Photo 12. Standing along the eastern property line looking northeast at a different parcel.



Photo 13. Standing along the eastern property line looking southeast at a different parcel.



Photo 14. Standing along the southeastern property line looking southeast.



Photo 15. Standing along the southeastern property line looking northwest.



Photo 16. Standing along the southeastern property line looking north.



Photo 17. Standing along the southeastern property line looking northeast.



Photo 18. Standing at the southern corner of the property looking northeast.



Photo 19. Standing at the southern corner of the driveway looking northwest.



Photo 20. Standing along the southwestern driveway looking southeast.



Photo 21. Looking northwest; view of the drainage ditch, gazebo and single family residence.



Photo 22. Looking northwest; view of the single family residence.



Photo 23. Looking north; view of the single family residence.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Employment designation area of the Comprehensive Plan:

5.1.4 Employment

Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses 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 Sr 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 (± 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

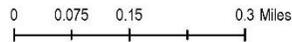
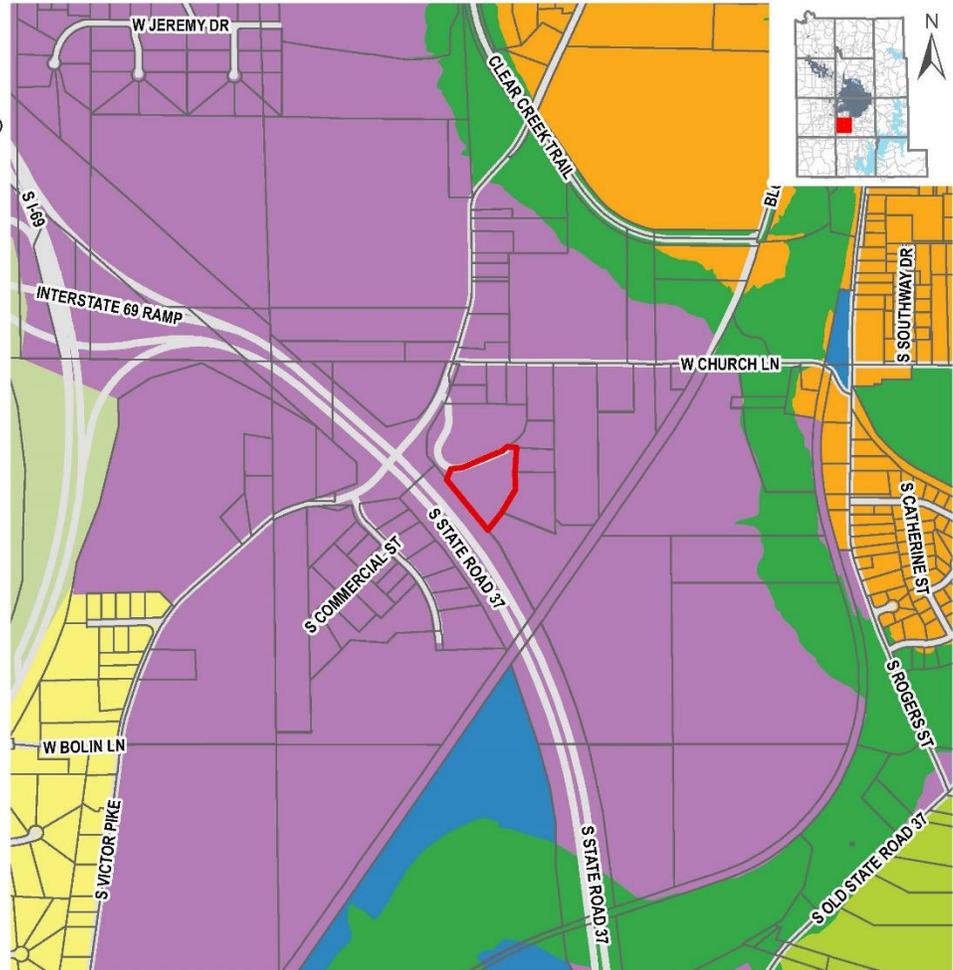
Acceptable primary building materials include brick, stone (natural or cultured), pre-cast concrete panels, concrete masonry units, architectural metal panels, fiber-cement siding and eifS (exterior insulated finishing Systems). Smooth-faced and textured-faced metal panels are preferred, but corrugated 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

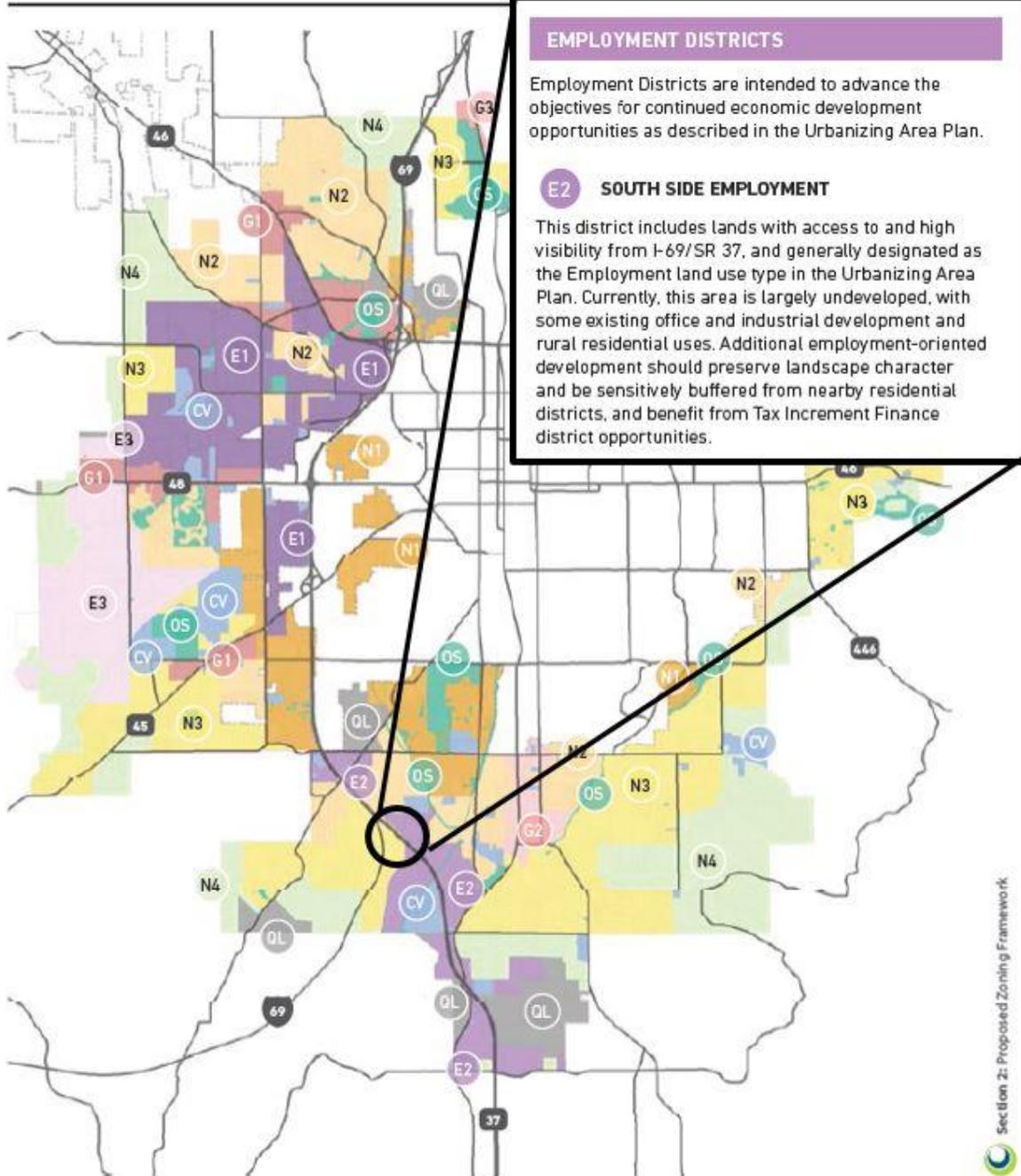
- Petitioner
- Townships
- Monroe Co. Urbanizing Area (MCUA)
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)**
- MCUA Conservation Residential
- MCUA Employment
- MCUA Institutional
- MCUA Mixed Residential
- MCUA Open Space
- MCUA Rural Transition
- MCUA Suburban Residential




 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 7/30/2019

Monroe County Urbanizing Area Plan Phase II: South Side Employment

Conceptual Zoning Map

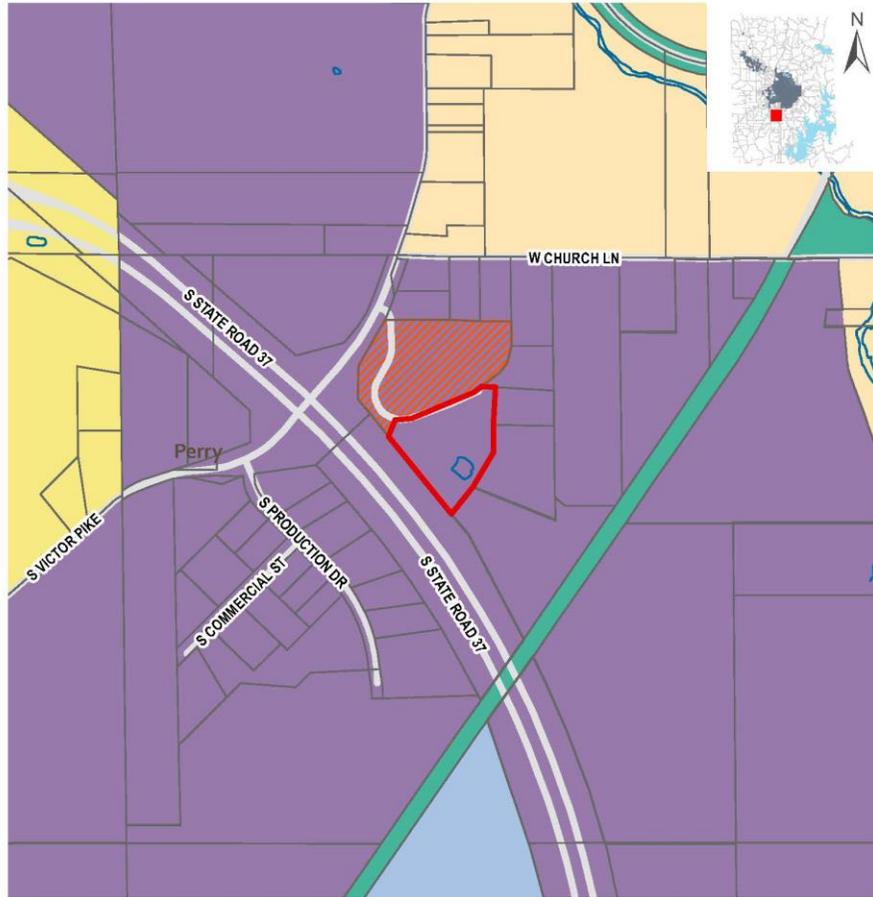


Section 2: Proposed Zoning Framework



Proposed Zoning Map (2016)

- Petitioner
 - Parcels
 - Roads
 - Historic Preservation Overlay
 - Hydrologic Features
- Proposed Zoning**
- E2 - South Side Employment
 - N2 - Neighborhood Development
 - N3 - Conservation Development
 - OS - Open Space
 - CV - Civic



0 0.05 0.1 0.2 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/1/2019

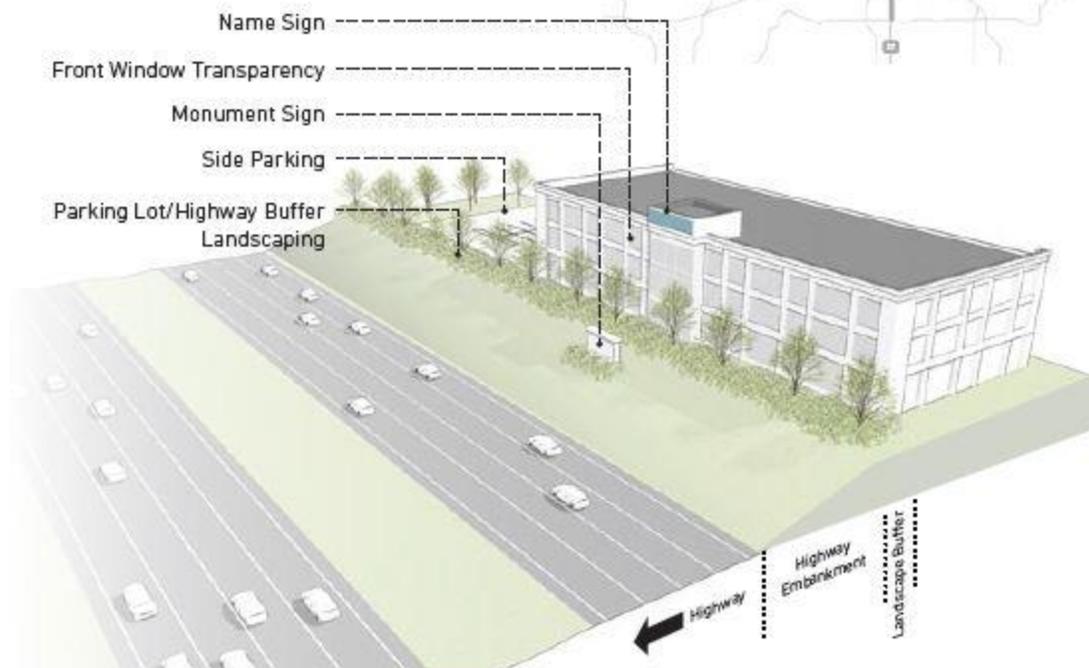
Frontage Type Locations - Primary Roads



Note: Secondary Roads are not mapped on this map.

Highway Frontage

This frontage type applies to I-69, SR 37, and portions of SR 46. Where possible, architecture should be oriented to maximize visual presence from the highway, with an aesthetic landscape edge.



Building Type Locations

	GATEWAY DISTRICTS			EMPLOYMENT DISTRICTS			NEIGHBORHOOD DISTRICTS				SPECIAL DISTRICTS		
	GATEWAY WEST G1	GATEWAY SOUTH G2	GATEWAY NORTH G3	WEST SIDE EMPLOYMENT E1	SOUTH SIDE EMPLOYMENT E2	AIRPORT E3	URBAN INFILL NEIGHBORHOOD N1	NEIGHBORHOOD DEVELOPMENT N2	CONSERVATION DEVELOPMENT N3	RURAL TRANSITION N4	QUARRY LANDSCAPE Q1	OPEN SPACE OS	CIVIC CV
Single Family - Small Lot (Rear-Loaded)		+					+	+	+				
Single Family - Small Lot (Front-Loaded)		+					+	+	+				
Single Family - Contemporary							+	+					
Single Family - Mid-Century							+	+					
Single Family - Rural Residential									+	+			
Attached Townhome	+	+		+			+	+					
Attached Courtyard		+		+				+					
Two-Family Home (Duplex)		+					+	+	+	+			
Multi-Family	+	+		+			+	+					
Commercial	+	+	+	+	+		+	+					
Commercial Outlot	+	+	+	+	+								
Neighborhood Mixed-Use	+	+					+	+					
Mixed-Use	+	+		+			+	+					
Office Building	+	+	+	+	+		+	+					
Civic/Institutional Building	+	+	+				+	+					+
Flex Building - Option A	+	+	+	+	+	+							
Flex Building - Option B				+	+	+							
Large-Format Flex Industrial				+	+	+							
Re-Use/Retrofit	+	+	+	+	+	+	+	+	+	+	+	+	+

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 Urbanizing Area Plan designates the petition site as Employment;
- According to the Urbanizing Area Plan, Employment area “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.”
- The rezone request is to change the zone for the petition site from Pre-Existing Business (PB) to Limited Industrial (LI);
- The current use of the petition site is a single family residence, which is pre-existing nonconforming according to the PB zoning district;
- The PB district does not allow for any land use that is measured greater than the low-intensity classification that was attributed to the home based business that once resided on this property (See Exhibit 6);
- If denied or approved, the residential use would continue to be pre-existing nonconforming and could not be expanded.
- If approved and the owner requests to demolish the home or convert the structure to a commercial use, a commercial site plan would be required at that time.

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

Findings:

- See Findings under Section A;
- The rezone request is to change the zoning for the entirety of the site to the Light Industrial (LI) District which is described by the County’s Zoning Ordinance, Chapter 802, as follows:

Light Industrial (LI) District. The character of the Light Industrial (LI) District is defined as that which is primarily intended for industrial uses that have minimal exterior movement of vehicles and goods. Its purposes are: to establish areas for the exclusive development of light industries; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Uses shall be restricted to activities that are not a nuisance because of dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding uses. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with adjacent non-industrial uses. The LI District shall provide open space, landscaping and buffering in order to achieve desirable site development.

- The petition site was previously zoned Pre-Existing Business (PB);
- A driveway permit from INDOT and County Highway will need to be sought for the purposes of site plan approval;
- The majority of the site is less than 15% slope (see Slope Map);
- The petition site is not located in FEMA Floodplain;
- There are no known karst areas on the petition site;

(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 to the north, east, and south are currently zoned Pre-Existing Business (PB), where the adjacent parcels to the east and south are also petitioning for a rezone to from PB to Limited Industrial (LI);
- The surrounding parcels to the west across State Road 37 are currently zoned Light Industrial

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

Findings:

- Access for all six (6) properties (Site Photo 1) are derived through a private road, W Old Capitol Pike, that is located within an ingress/egress easement that crosses the Stipp-Bender Historic Farm owned by Erika and Geoff Morris;
- The Stipp-Bender Farm is zoned Pre-Existing Business (PB) and Historic Preservation Overlay (HP), approved in 2017, and has a residential-use;
- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- According to the Monroe County Thoroughfare Plan, S State Road 37 is a Freeway, S Victor PIKE is a Local Road (50' of R/W), and W Old Capitol PIKE is an easement;
- The petitioner is proposing to use the existing driveway access off of W Old Capitol PIKE, which has access off of S Victor PIKE.
- There is no access to sewer on this property for future use;

EXHIBIT ONE: Petitioner Letter

Scott & Natalie Blais
1250 W Old Capitol Pike
Bloomington, IN 47403
812.327.4686

July 3, 2019

Monroe County Plan Commission

RE: Property located at 1250 W Old Capitol Pike, Bloomington, IN 47403

We respectfully ask for our property to be rezoned from Pre-Existing Business to Light Industrial. Noting the attached emails dated 7/2/19 and 6/5/19, we are only able to sell the property at its equal or lower intensity. As a home, with only ever a home-business located within, that intensity is low, leaving us with virtually no options to sell as-is.

Surrounded on two sides by high-intensity Pre-Existing Businesses, a farm and a Light Industrial park across Highway 37, we request to be zoned Light Industrial like the park, so that a more suitable business could be moved onto the property. Additionally, under Monroe County's Consolidated Development Ordinance Draft dated 2/19/19 and the Section 800 draft dated 2/15/19 our property is situated in what would become Zone E2. We believe that 'LI' is very much in alignment with the future 'E2' and understand that our rezone request would only be in effect until the County's full rezoning plan is implemented.

Personally, we purchased land for a new home in an adjacent county in January 2018 with the proceeds from the sale of the two adjacent lots to our home, which are again up for sale. It is our hope that with a rezone, the three lots would be more enticing to prospective buyers. Regardless, until we can sell our acreage on Old Capitol Pike, we cannot move forward.

We appreciate your assistance,



Scott & Natalie Blais

EXHIBIT TWO: Planning Director Determination & Correspondences

From: Drew Myers
To: ["autumn.mccoy@homefinder.org"](mailto:autumn.mccoy@homefinder.org)
Cc: [Larry Wilson](#)
Subject: Monroe County Planning - 1246 & 1250 W Old Capitol PIKE
Date: Wednesday, June 5, 2019 5:36:00 PM
Attachments: [Rezone Checklist.pdf](#)
[802_revised_01242018.pdf](#)
[Marshall Place Subdivision Plat.pdf](#)

Hi Autumn –

As we discussed today, any property owner is allowed to petition for a rezone. The site plan portion of the Rezone checklist (see attached) does not have to be specific to a new proposed use or activity of the property. In this case, it can be a site plan of the current use and present structures of the property.

Additionally, the Planning Director forwarded me an email that was sent to you in October 2018 regarding the topic of the property at 1250 W Old Capitol Pike. His email response was as follows:

“As we discussed yesterday, the proposed use for Lot 4 in the Marshall Place Subdivision would be classified as a Business or Industrial Center which is defined in the zoning ordinance as follows:

Business or Industrial Center. A site developed and operated under single or common ownership to include of a mix of industrial and/or commercial uses where the majority of uses are permitted under the Business and Personal Services, Retail and Wholesale Trade and Manufacturing, Mining, Construction and Industrial use categories, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

In order to utilize Lot 4 in the Marshall Place Subdivision for a mixed-use Business Center, it would be necessary to rezone the property to either Heavy Industrial (HI), Light Industrial (LI), or General Business (GB). Given the existing uses within the Subdivision and the lack of sewers and other infrastructure, Light Industrial (LI) would be the zone most likely to receive support from the Plan Commission. I have attached a copy of Chapter 802 from the Zoning Ordinance which lists the uses allowed in the Light Industrial Zone. Kennel and General Contractor are both permitted uses.

The Rezone Request should include the 4 lots in Marshall Place Subdivision as well as the 5.3 acre tract located at 1246 W Old Capitol Pike which is owned by WR Bloomington Properties LLC. Consent from all of the owners is required.”

...

The next filing deadline is July 3rd, which would place the hearing on the rezone before the Plan Commission on September 17, 2019. Given the requirements for filing, we always recommend seeking the services of an engineer or surveyor for assistance in preparing the application.

Please let me know if you have any questions.

Best,

From: Drew Myers
To: ["jennerblais@gmail.com"](mailto:jennerblais@gmail.com)
Subject: Monroe County Planning - 1250 W Old Capitol PIKE
Date: Tuesday, July 2, 2019 4:44:00 PM

Hi Natalie –

After discussing with the Planning Director about the most recent Use Determination From you submitted for the property at 1250 W Old Capitol Pike, the following determination was made:

Lot No. 4, Marshall Place Subdivision is zoned Pre-Existing Business, which is defined in the Monroe County Zoning Ordinance as follows:

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

Chapter 802/Page 5

A single-family residence has been located on the site since 1998. The single-family residence is a legal pre-existing use and may continue to be used for residential use. It does not appear that Lot 4 has ever had a business use, so we do not believe the provisions of the Pre-Existing Business District apply to this lot.

Amending the zoning map to Light Industrial (LI) would allow many of the uses which have been proposed in the past for this and other sites in the subdivision. I believe the Department would support a rezone of this area to LI with some conditions on the type of businesses allowed due to the limited access and lack of infrastructure. **NOTE: A rezone to Light Industrial (LI) would make the residence on the site a non-conforming use which could not be expanded.**

Let me know if you have questions.

Best,

Drew Arthur Myers
Planner/GIS Specialist
Monroe County Planning Department
501 N. Morton St., Suite 224
Bloomington, IN 47404
dmyers@co.monroe.in.us
(812) 349-2560

EXHIBIT THREE: Site Plan

CURRENT SITE PLAN: 1250 W OLD CAPITOL PIKE

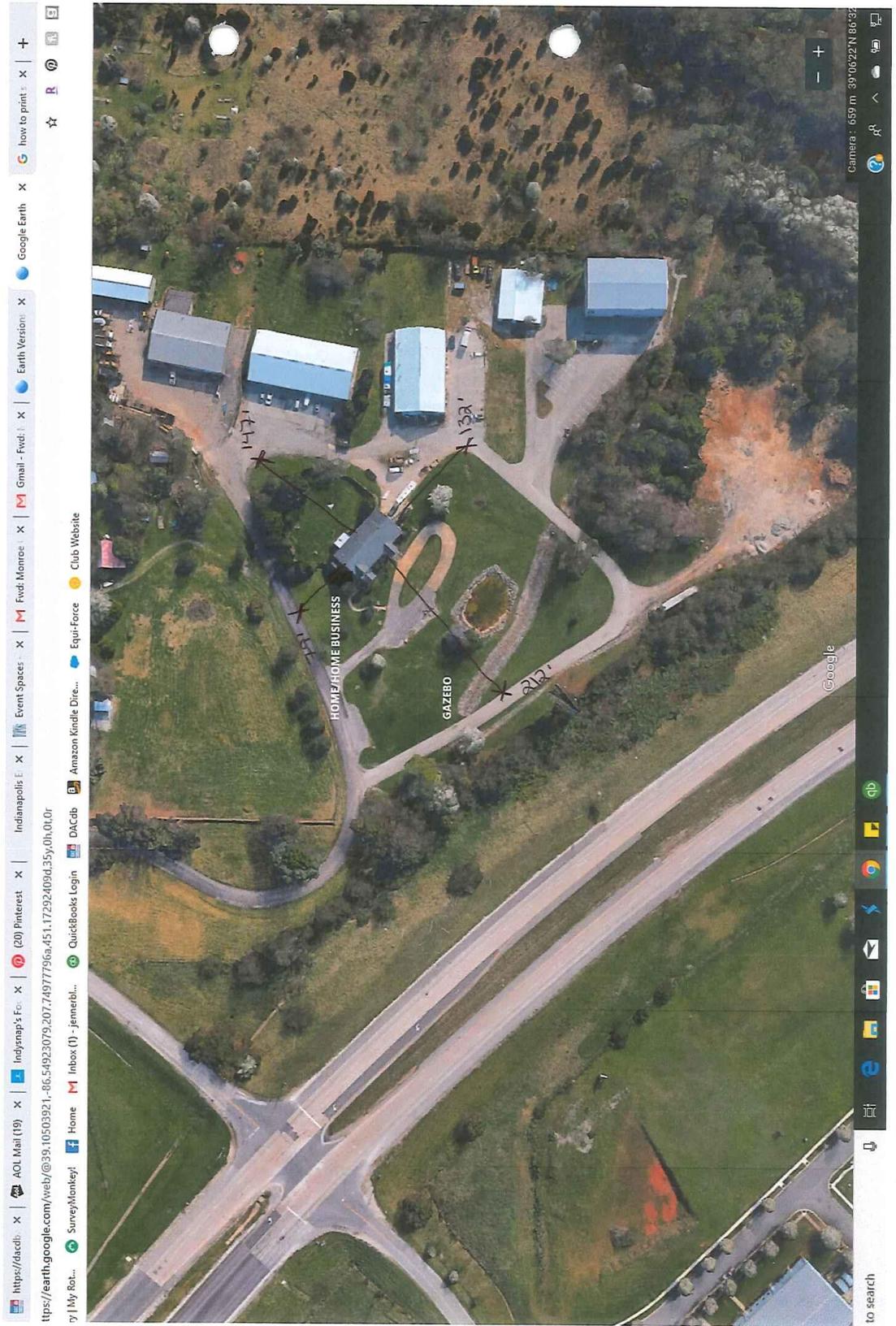
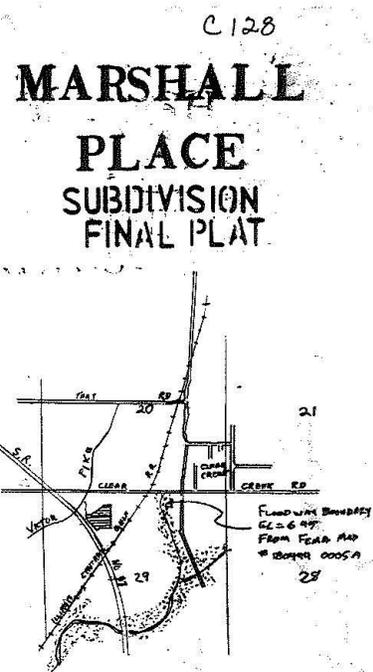
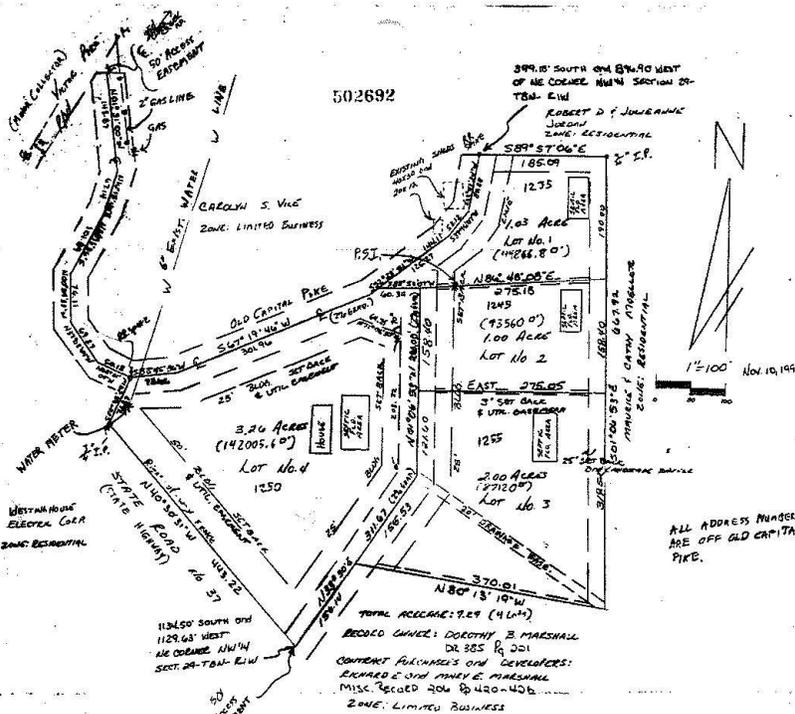


EXHIBIT FOUR: Marshall Place Plat



DESCRIPTION:
A part of the Northwest quarter of Section 29, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:
Beginning at a point that is 1134.50 feet South and 1129.43 feet West of the Northeast corner of the Northwest quarter of said Section 29 and on the westerly right of way of State Road No. 37; thence running North 40 degrees 30 minutes 31 seconds West along the said right of way for 443.22 feet; thence leaving said right of way running North 22 degrees 25 minutes 25 seconds East for 71.27 feet; thence running North 83 degrees 45 minutes 36 seconds East for 73.62 feet; thence North 75 degrees 19 minutes 46 seconds West for 301.96 feet; thence North 52 degrees 23 minutes 51 seconds East for 144.11 feet; thence North 39 degrees 16 minutes 07 seconds East for 53.12 feet; thence North 09 degrees 47 minutes 24 seconds East for 80.25 feet; thence North 89 degrees 57 minutes 06 seconds East for 185.09 feet; thence South 01 degree 06 minutes 53 seconds East for 667.92 feet; thence North 80 degrees 13 minutes 19 seconds West for 370.01 feet; thence South 33 degrees 30 minutes West for 156.14 feet and to the point of beginning. Containing 7.29 acres, more or less.

Subject to and together with use of the following described ingress-egress easements:
A 50.00 foot ingress-egress easement, being 25.00 feet on each side of the following described centerline:
Beginning at a point that is 1134.50 feet South and 1129.43 feet West of the Northeast corner of the Northwest quarter of Section 29, Township 8 North, Range 1 West, Monroe County, Indiana; thence running North 33 degrees 30 minutes East for 311.67 feet; thence North 01 degree 06 minutes 53 seconds West for 280.00 feet; thence South 88 degrees 53 minutes 07 seconds West for 60.37 feet; and to a point which intersects the following described easement:
Beginning at a point that is 399.10 feet South and 874.90 feet West of the Northeast corner of the Northwest quarter of said Section 29; thence running South 09 degrees 47 minutes 24 seconds West for 80.25 feet; thence South 39 degrees 16 minutes 07 seconds East for 53.12 feet; thence South 52 degrees 23 minutes 51 seconds West for 144.11 feet; thence South 07 degrees 19 minutes 46 seconds West for 301.96 feet; thence South 83 degrees 45 minutes 36 seconds West for 73.62 feet; thence running North 75 degrees 19 minutes 46 seconds West for 50.18 feet; thence North 37 degrees 03 minutes 44 seconds West for 69.27 feet; thence North 00 degrees 59 minutes 33 seconds West for 76.11 feet; thence North 28 degrees 13 minutes 36 seconds East for 101.89 feet; thence North 16 degrees 15 minutes 44 seconds East for 67.14 feet; thence North 01 degree 31 minutes 00 seconds West for 143.87 feet and to the end of said easement centerline.

SET BACK TABLE

FRONT: 50' FROM S.R. 37
25' FROM VICTORIA PIKE ON ACRES BY EASEMENTS
SIDE: 12' RESIDENTIAL, 3' MANUFACTURE
REAR: 25' WITH LANDSCAPE BUFFER

RECORD OWNER: DOROTHY B. MARSHALL
1329 HILLCREST
BEDFORD, IN 47421

DEVELOPER AND RECORD CONTACT: RICHARD E. AND MARY E. MARSHALL
100 BOX 1200
BEDFORD, IN 47421
(317) 274-3804

DEED OF DEDICATION
We, the owners of the real estate described below, certify that we have subdivided and according to this plat. This subdivision is called Marshall Place Subdivision, an addition to Section 29, Township 8 North, Range 1 West, Monroe County, Indiana. The streets and alleys as shown, as far as they have not already been so dedicated, are dedicated to the public.
Front and side yard setback lines are established as shown on the plat. Between them and the property lines of the adjacent streets no building or other structure shall be erected or maintained.
The strips of ground 20 feet wide that are shown on the plat and marked "Easement" are owned by the owners of the lots that they respect affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines and wires. Buildings or structures shall not be erected or maintained on these strips. All easements and restrictions are up to developer's discretion.
These restrictions run with the land and bind all persons until January 1, 2020. At that time, and at the close of each succeeding ten year period, each currently defective restriction is extended for the succeeding ten year period, unless before the close of the current period a majority of the current owners vote to change it. Invalidation of a restriction by a court does not affect other restrictions not otherwise invalidated.
These restrictions shall be enforced by injunction, including action by the process of law to remove all or part of any offending structure, brought by the owner of any lot in the subdivision.

Signed and Sealed March 7, 1995

Robert F. Marshall
Dorothy B. Marshall
Richard E. Marshall

DULY ENTERED FOR TAXATION

RECORDED
A.M. P.M. 3:24
MAR 07 1995
MAR - 7 1995

CERTIFICATE OF IMPROVEMENT BY OWNER
The undersigned do hereby certify to the Monroe County Plan Commission that they have met all required specifications in accordance with this ordinance as to improvements and their installation.
Signed and Sealed March 7, 1995.

Robert F. Marshall
Dorothy B. Marshall
Richard E. Marshall

Inspected and Approved by: _____
Subscribed and sworn to before me, a Notary Public, this 7th day of March, 1995.

Jan C. Sullivan
Notary Public
MAR 23 1995
By Commission Expires

I certify that I am a registered professional engineer licensed under the laws of Indiana; that this plat accurately represents a survey made by me on March 7, 1995; that the monuments shown on it exist; and that their locations, sizes, types and materials are accurately shown.

COMMISSION CERTIFICATE
Under the authority of Chapter 174, Acts of 1947, as amended, General Assembly of the State of Indiana, and the Monroe County Subdivision Ordinance, this Plat was approved by the Monroe County Plan Commission at a meeting held
January 17, 1995.

MONROE COUNTY PLAN COMMISSION

James J. Filton
President

Norm A. Swellard
Secretary



Raymond Graham
Raymond Graham
2515 W. Smith Pike, Bloomington, IN
(317) 336-3509

EXHIBIT FIVE: Chapter 802 Use Table for Light Industrial

Use Table for the Light Industrial (LI) Zoning District

	LI	Condition		LI	Condition
Agricultural Uses			Automotive & Transportation		
Accessory Use	P	53	Accessory Use	P	13
Agricultural Uses-Land Animal	P	22; 53	Automotive Paint Shop	P	
Agricultural Uses-Non Animal	P	22; 53	Automotive/Boat Repair Shop	P	6
Feed Mill	P	6; 25	Automotive Tire Repair	P	7; 21
Historic Adaptive Reuse	C	15; 44	Cold Storage Plant	P	
Stockyard	P	24	Gasoline Services Station	P	7
Residential Uses			Historic Adaptive Reuse	C	15; 44
Historic Adaptive Reuse	C	15; 44	Transfer or Storage Terminal	P	7
Public & Semipublic			Trucking Terminal	C	31
Accessory Use	P	13	Wrecker Service	P	7
Daycare Facility	P	22; 30; 42	Amusement & Recreational		
Historic Adaptive Reuse	C	15; 44	Accessory Use	P	13
Remote Garbage/Rubbish Removal	C	34	Historic Adaptive Reuse	C	15; 44
Solar Farm	C		Park and Recreational Services	P	14; 20
Telephone and Telegraph Services	P	32	Manufacturing, Mining, Construction, & Industrial		
Utility Service Facility	P	31	Accessory Use	P	13
Wastewater Treatment Facility	P	15	Apparel	P	7; 16
Water Treatment Facility	P		Appliance Assembly	P	7; 16
Wireless Communications Facilities	C	32	Beverage Products	P	7; 16
Business & Personal Services			Bottling Machinery	P	7; 16
Accessory Use	P	13	Commercial Printing	P	6
Air Cargo and Package Service	P	6	Construction Trailer	P	17
Air Craft Charter Service	P		Electronic Devices	P	7; 16
Appliance Repair	P	6	Engineering and Scientific	P	7; 16
Convenience Storage	P	4; 6; 21	Food Products	P	15
Electrical Repair	P	6	Furniture	P	15
Exterminating Service	P		General Contractor	P	15
Gunsmith	P		Historic Adaptive Reuse	C	15; 44
Historic Adaptive Reuse	C	15; 44	Jewelry Products	P	7; 16
Industrial Equipment Repair	P	7; 16	Laboratories	P	17; 16
Kennel, including commercial animal	P	10; 15; 53	Leather Goods	P	7; 16
Locksmith	P		Machine Assembly	P	15
Office	P		Machine Shop	P	15
Office Repair	P	6	Metal Fabrication	P	15
Parking Facility	P	31	Metalworking Machinery	P	15
Physical Therapy Facility	P		Musical Instruments	P	7; 16
Rehabilitation Therapy Facility	P		Office and Computer Equipment	P	7; 16
Small Engine and Motor Repair	P	6; 21	Optical Instruments and Lenses	P	7; 16
Taxidermist	P	6	Paper Products	P	15
Upholstery Service	P		Plastic Products Assembly	P	7; 16
Veterinary Service (Indoor)	P	15	Plating and Polishing	P	15
Veterinary Service (Outdoor)	P	10; 15	Sign and Advertising Displays	P	7; 15
Retail & Wholesale Trade			Warehousing and Distribution	P	7; 16
Accessory Use	P	13	Watches and Clocks	P	7; 16
Auction House	P		Welding	P	7; 15
Bakery (Wholesale)	P	7; 15	Wood Products	P	7; 15
Building Materials	P	7; 31	Multi-Use		
Fertilizer Sales (Packaged)	P	7; 21	Business or Industrial Center	P	22
Florist (Wholesale)	P		Commercial / Industrial Adaptive	P	22; 56
Garden Center	P	53			
Gunshop	CU				
Heavy Machine Sales	P	7			
Historic Adaptive Reuse	C	15; 44			
Industrial Supplies	P				
Office Showroom	P				

EXHIBIT SIX: List of Low-Intensity Uses

Uses	INTENSITY			Uses - continued	INTENSITY		
	i	LB	GB		i	LB	GB
Boarding House	L	P	P	Small Engine and Motor Repair	L	P	P
Charitable, Fraternal, or Social	L		P	Tailoring	L	P	P
Community Center	L	P	P	Taxidermist	L		P
Group Home Class I	L	P	P	Travel Agency	L	P	P
Group Home Class II	L	P	P	Upholstery Service	L		P
Medical Clinic	L	P	P	Apparel Shop	L	P	P
Nursing Home	L		P	Appliance Sales	L		P
Retirement Center	L	P	P	Bakery (Retail)	L	P	P
Telephone and Telegraph Services	L	P	P	Bookstore	L	P	P
Temporary Care Facility	L		P	Cabinet Sales	L		P
Air Craft Charter Service	L		P	Camera and Photographic Supply	L	P	P
Appliance Repair	L	P	P	Confectionery	L	P	P
Barber Service	L	P	P	Drapery Sales	L		P
Beauty Service	L	P	P	Florist (Retail)	L	P	P
Caterer	L	P	P	Fruit Market	L	P	P
Coin Operated Cleaning/Laundry	L	P	P	Furniture Sales	L		P
Copy Service	L	P	P	General Flooring Sales	L		P
Dry Cleaning and Laundry Pickup	L	P	P	Gift Shop	L	P	P
Dry Cleaning and Laundry Service	L		P	Handicrafts	L	P	P
Electrical Repair	L	P	P	Jewelry	L		P
Estate Services	L	P	P	Marine Supply	L		P
Exterminating Service	L		P	Meat Market	L	P	P
Gunsmith	L		P	Music Store	L		P
Insurance Agency	L	P	P	Optical Goods	L		P
Interior Decorating	L	P	P	Pet shop	L		P
Legal Service	L	P	P	Sporting Goods	L	P	P
Locksmith	L	P	P	Tavern	L		P
Office	L	P	P	Used Merchandise (Antiques)	L		P
Office Equipment Repair	L		P	Used Merchandise (General)	L		P
Pet Services	L		P	Car Wash	L		P
Photographic Services	L	P	P	Motorcycle Sales	L		P
Real Estate Agency	L	P	P	Club or Lodge	L		P
Real Estate Sales office Or Model	L	P	P	Construction Trailer	L	P	P
Shoe Repair	L	P	P	Adult Oriented Businesses	L/M	P	P

PLANNER Anne Crecelius
CASE NUMBER 1907-REZ-07, Roby Rezone
PETITIONER Mike Roby, Wr Bloomington Properties, LLC
ADDRESS 1269, 1271, 1285, 1291, 1295 W Old Capitol Pike
(53-08-29-200-002.000-008; 53-08-29-201-004.000-008)
REQUEST Rezone from Pre-Existing Business (PB) to Light Industrial (LI)
ACRES 7.48 acres +/- (2 legal lots of record: 2.35 acres/5.13 acres)
ZONE Pre-Existing Business (PB)
TOWNSHIP Perry
SECTION 29
COMP. PLAN
DESIGNATION: Phase I: MCUA Employment
Phase II: MCUA Southside Employment

EXHIBITS

1. Petitioner letter
2. County Legal & Planning Director Determination Correspondence
3. Site Plan
4. LI, GB, LB Zones Permitted and Conditional Uses
5. Marshall Place Subdivision Plat

RECOMMENDATION

Staff recommends **approval** based on the Findings of Fact.

PLAN REVIEW COMMITTEE

TBD.

SUMMARY

The petition site is made up of two parcels totaling 7.48 +/- acres located in Perry Township. The current zoning of the site is Pre-Existing Business (PB). The northern parcel is 2.35 +/- acres, is developed with three (3) structures which are currently unoccupied, and is addressed as 1269-1291 W Old Capitol Pike. The northern parcel is platted within the Marshall Place Subdivision (see [Exhibit 5](#)). The southern parcel is 5.13 +/- acres and is undeveloped. The rezone request is to Light Industrial (LI) for the purposes of expanding the permitted uses and staff recommendation. If the rezone is approved, the property owner(s) would be required to meet commercial site plan standards when the parcels are occupied or developed.

BACKGROUND

The petition parcels are currently zoned as Pre-Existing Business; the northern parcel has a use intensity of “high”, and the southern, “low”. The petitioner purchased the parcels in January of 2018 and would like to rezone both to expand permitted uses and on the recommendation of the Planning Director. The southern parcel is undeveloped, and the northern parcel is currently unoccupied and pending sale to Quality Tool and Supply for “Warehousing and Distribution” use, a “high” intensity use. This use has been approved by the County Attorney and Planning Director, Larry Wilson (see [Exhibit 2](#)). It was recommended that they rezone these parcels based on ambiguity within the PB definition and uses. Chapter 802 defines Pre-Existing Business as:

Pre-Existing Business (PB) District. The Pre-Existing Business (PB) District is defined as that which is primarily intended to accommodate commercial and business service uses that were in operation prior to the adoption of this zoning ordinance. The intent of the PB District is to identify locations of commercial activity that are not supported by the Comprehensive Land Use

Plan, but where commercial and service operations continue to exist. This District is identified for the purposes of maintaining commercial activities with business zoning, while at the same time not allowing for the expansion of new business activity proximate to the location of the PB District. Expansion of the business is permitted within the lot of record. The type of business may change to one of equal or lower intensity as identified on Table 2-1 Permitted Land Uses.

A list of uses permitted within the Pre-Existing Business (PB) zone can be found in [Exhibit 4](#). The petitioner states difficulty in finding tenants or potential buyers based on the limited uses and maximum use intensity of the Pre-Existing Business zoning. Additionally, because of the ambiguity of the definition and the applicable uses, the Planning Department and owner have had difficulty in narrowing the list of permitted uses for this property. Rezoning was recommended to the petitioner during a Predesign meeting in January 2018 but was not pursued. Chapter 802 defines Light Industrial as:

Light Industrial (LI) District. The character of the Light Industrial (LI) District is defined as that which is primarily intended for industrial uses that have minimal exterior movement of vehicles and goods. Its purposes are: to establish areas for the exclusive development of light industries; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Uses shall be restricted to activities that are not a nuisance because of dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding uses. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with adjacent non-industrial uses. The LI District shall provide open space, landscaping and buffering in order to achieve desirable site development.

A list of uses permitted within the Light Industrial (LI) zone can be found in [Exhibit 4](#).

If this rezone request from Pre-Existing Business to Light Industrial is approved, the northern parcels' pre-approved ([Exhibit 2](#)) use of "Warehousing and Distribution" is permitted within the LI zone. Additionally, both parcels would be subject to complying with Commercial Site Plan standards of the zoning ordinance upon occupation or development.

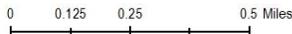
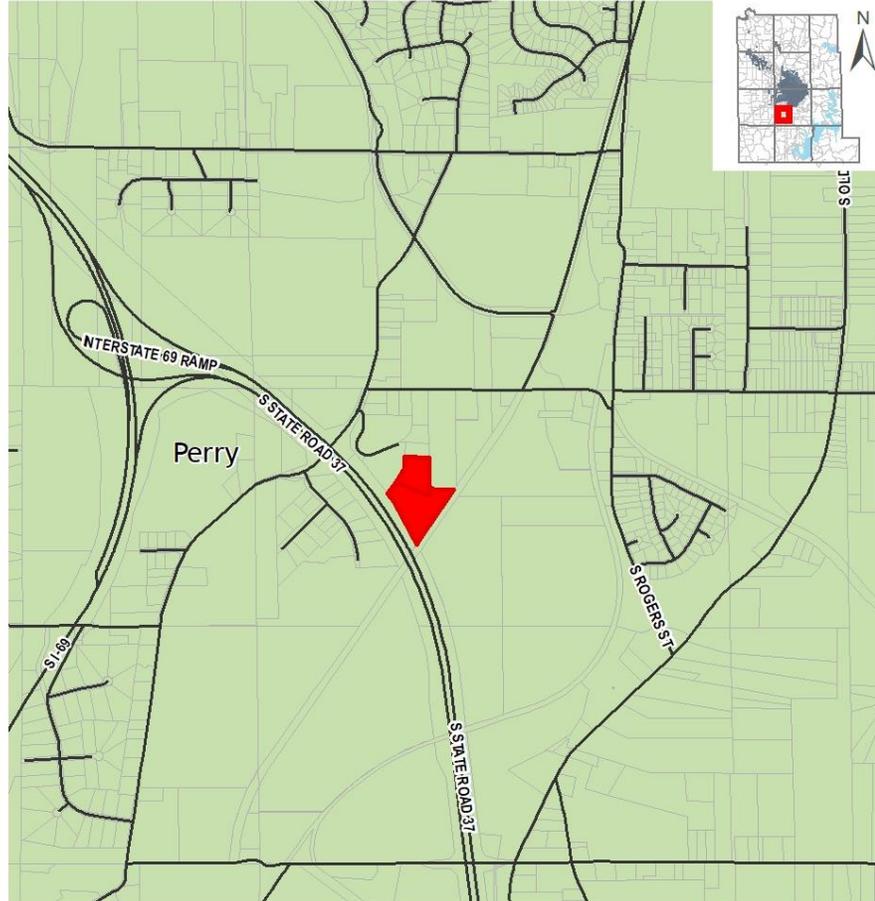
If this rezone request is denied, both parcels will remain zoned PB but the northern parcels' pre-approved use of "Business or Industrial Center" ([Exhibit 2](#)) would remain intact. Both parcels would be subject to complying with Commercial Site Plan standards of the zoning ordinance upon occupation or development of uses permitted within the PB zone.

LOCATION MAP

The petition parcels (53-08-29-200-002.000-008; 53-08-29-201-004.000-008) are located in Section 29 of Perry Township. The northern parcel has three (3) structures which are currently unoccupied, and is addressed as 1269, 1271, 1285, 1291 W Old Capitol Pike. The southern parcel is undeveloped, and addressed as 1295 W Old Capitol Pike. Please note that the addresses appear incorrectly when searching on Elevate GIS but are correctly identified under the “County Addresses” layer.

Location Map

-  Petitioner
-  Roads
-  Civil (Political) Townships
-  Parcels



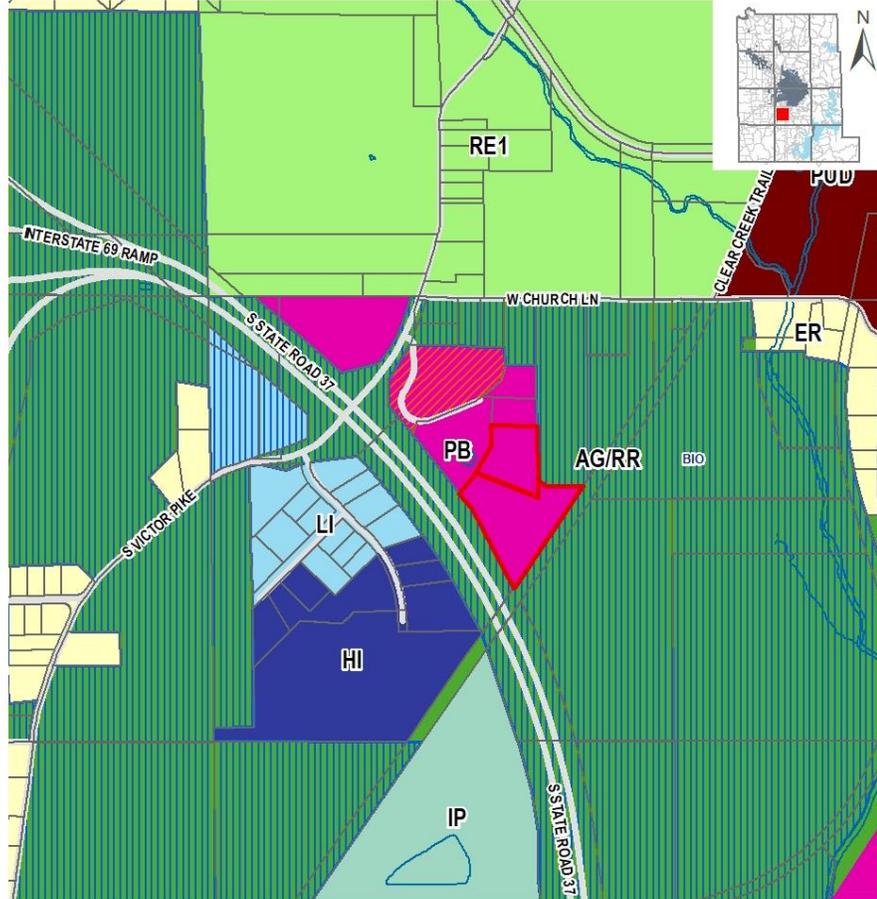
 Monroe County
Planning Department
Source: Monroe County GIS
Date: 8/1/2019

ZONING

The petition site is zoned Pre-Existing Business (PB). Adjacent parcels are zoned Agricultural Rural Reserve (AG/RR) with the Business Industrial Overlay (BIO), Estate Residential 1 (RE1) to the north, Light Industrial (LI) and High Industrial (HI) to the south across IN-37 (see [Findings \(C\)](#)).

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
-  Business Industrial Overlay
-  Historic Preservation Overlay
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ER - Estate Residential
-  HI - Heavy Industrial
-  IP - Institutional/Public
-  LI - Light Industrial
-  PB - Pre-Existing Business
-  PUD - Planned Unit Development
-  RE1 - Estate Residential 1
-  RS3.5/PRO6 - Single Dwell. Res. 3.5/PRO6



0 0.05 0.1 0.2 Miles

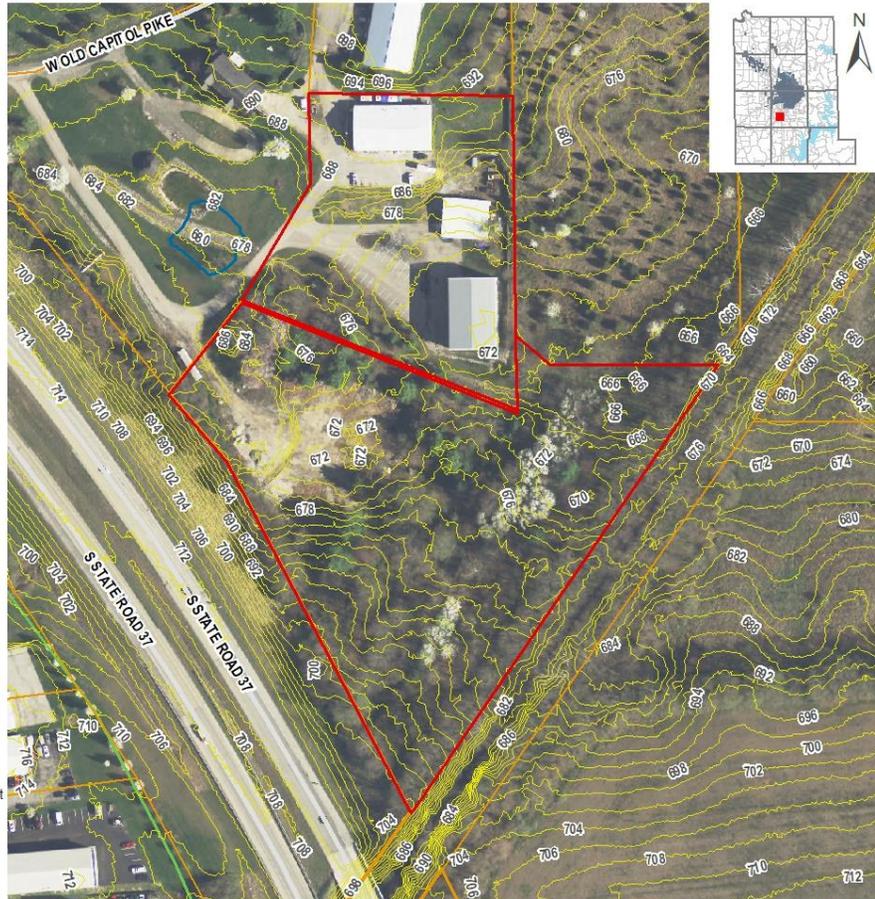
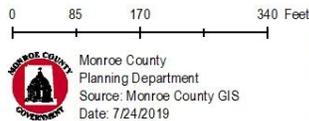
 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 7/24/2019

SITE CONDITIONS

The petition parcels total 7.48 +/- acres. The parcels do not contain any road frontage. The parcels can be accessed by West Old Capitol Pike, a private road, created as a 50' ingress/egress easement (see [Exhibit 5](#)) that connects to S Victor Pike through an adjacent PB-zoned property (owner: Morris, see [Site Photo 1](#)) (see [Findings](#) (C), (D), and (E)).

Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Sanitary Pipe
-  Roads
-  Hydrologic Features



SLOPE MAP

The petition parcels total 7.48 +/- acres and consist of mainly buildable area with small sections of slope greater than 15%.

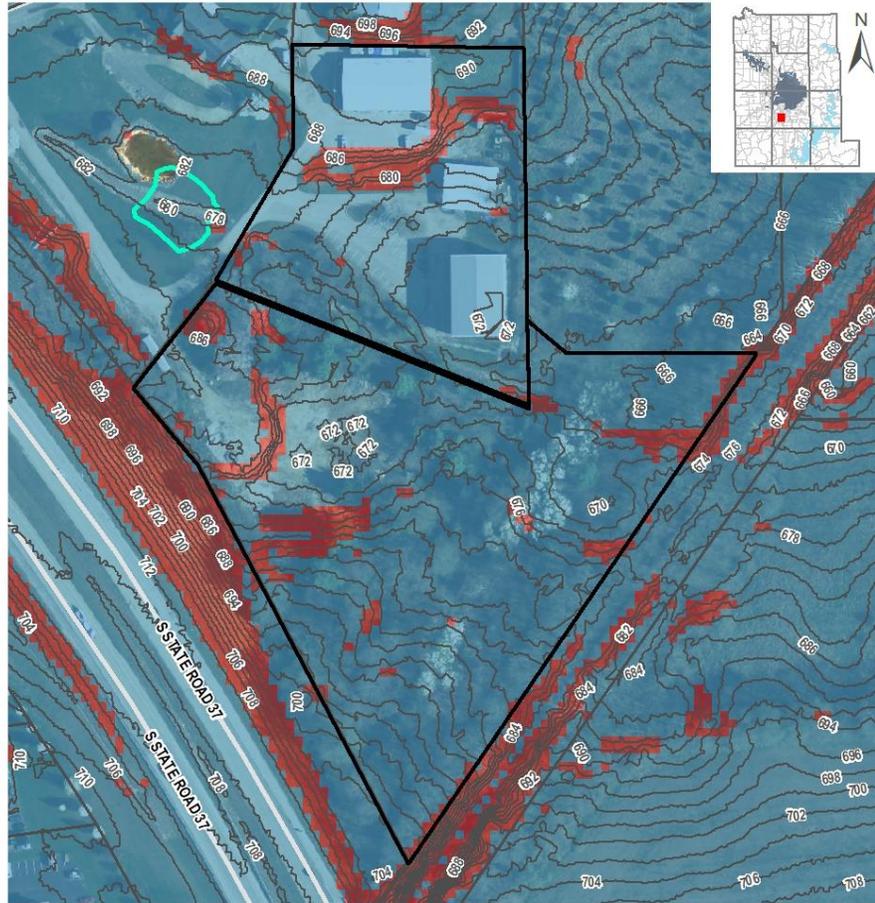
Slope Map

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

0 37.5 75 150 225 300 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 7/24/2019



SITE PHOTOS

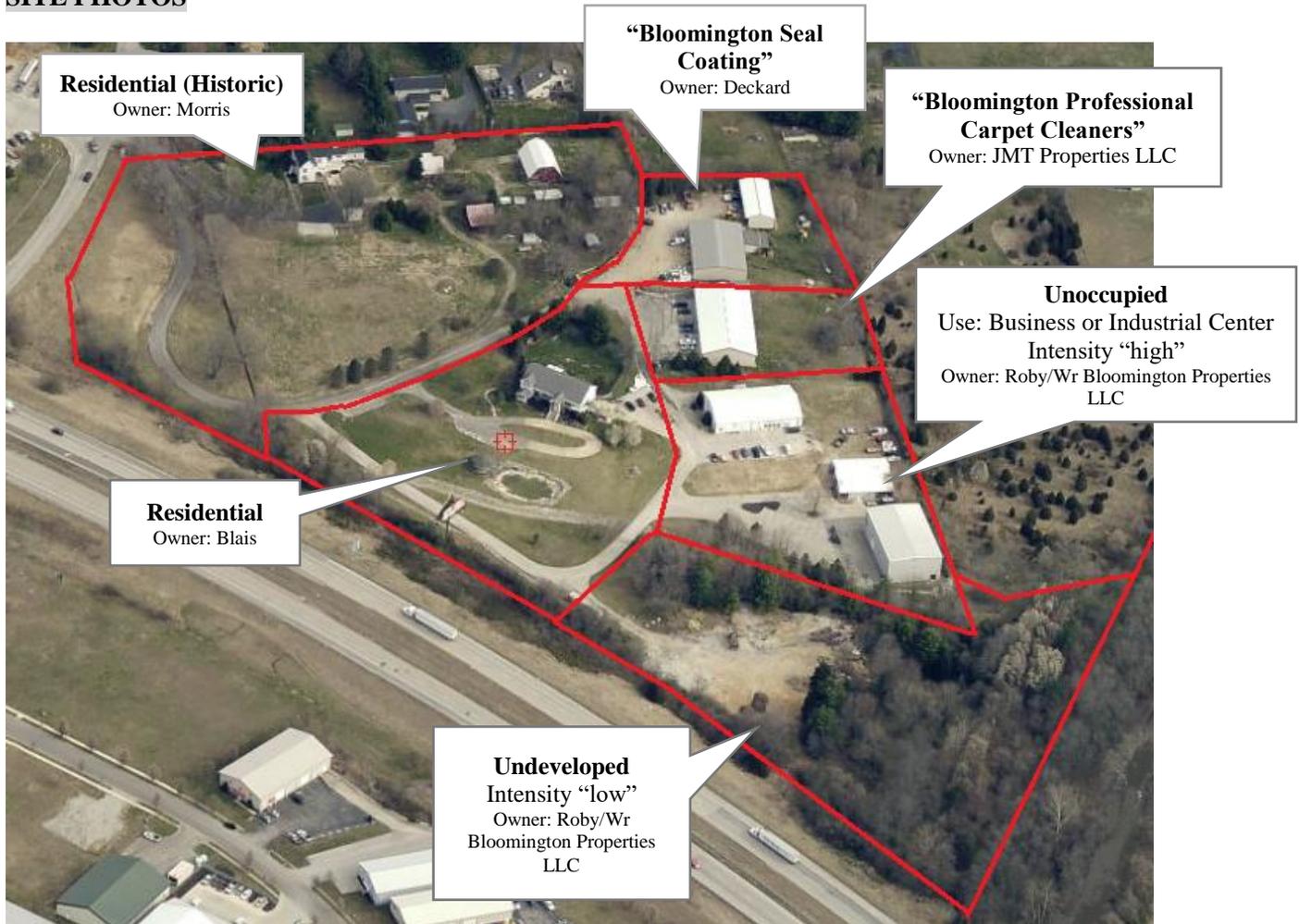


Photo 1. Pictometry photo of six of the adjacent Pre-Existing Business zoned properties at W Old Capitol Pike (staff approximation of property lines). One PB-zoned lot is found to the north of S Victor Pike (not shown).



Photo 2. Site Plan inspection photo, taken June 2018.



Photo 3. Site Plan inspection photo, taken June 2018.



Photo 4. Site Plan inspection photo, taken June 2018.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Employment designation area of the Comprehensive Plan:

MCUA Phase I: 5.1.4 Employment

Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses 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, 3rd 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 IN-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 (± 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

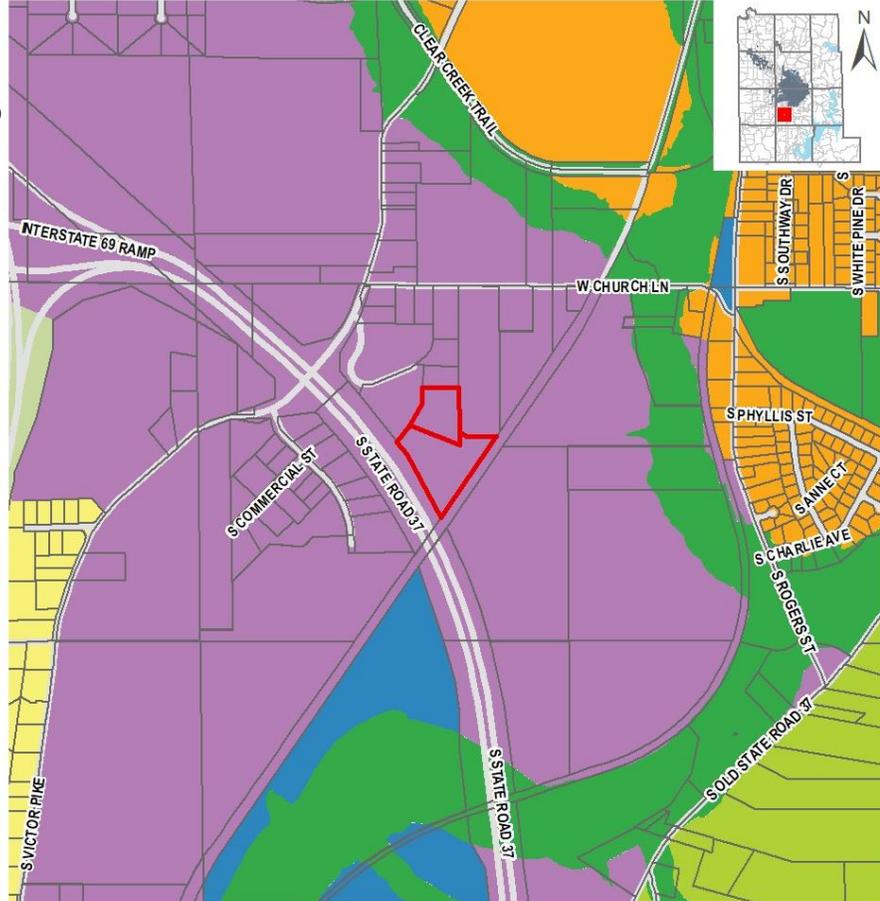
ground-mounted monument signs. Pole signs should be prohibited. Monument signs should be located in landscape beds and may include exterior ground lighting. Digital and changeable copy signs are not appropriate. Sites will typically require directional signage for visitors, employees and freight delivery.

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 Open Space
-  MCUA Rural Transition
-  MCUA Suburban Residential

0 0.075 0.15 0.3 Miles

 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 7/24/2019



Building Type Locations

	GATEWAY DISTRICTS			EMPLOYMENT DISTRICTS			NEIGHBORHOOD DISTRICTS				SPECIAL DISTRICTS		
	GATEWAY WEST G1	GATEWAY SOUTH G2	GATEWAY NORTH G3	WEST SIDE EMPLOYMENT E1	SOUTH SIDE EMPLOYMENT E2	AIRPORT E3	URBAN INFILL NEIGHBORHOOD N1	NEIGHBORHOOD DEVELOPMENT N2	CONSERVATION DEVELOPMENT N3	RURAL TRANSITION N4	QUARRY LANDSCAPE QL	OPEN SPACE OS	CIVIC CV
Single Family - Small Lot (Rear-Loaded)		+					+	+	+				
Single Family - Small Lot (Front-Loaded)		+					+	+	+				
Single Family - Contemporary							+	+					
Single Family - Mid-Century							+	+					
Single Family - Rural Residential									+	+			
Attached Townhome	+	+		+			+	+					
Attached Courtyard		+		+				+					
Two-Family Home (Duplex)		+					+	+	+	+			
Multi-Family	+	+		+			+	+					
Commercial	+	+	+	+	+		+	+					
Commercial Outlot	+	+	+	+	+								
Neighborhood Mixed-Use	+	+					+	+					
Mixed-Use	+	+		+			+	+					
Office Building	+	+	+	+	+		+	+					
Civic/Institutional Building	+	+	+				+	+					+
Flex Building - Option A	+	+	+	+	+	+							
Flex Building - Option B				+	+	+							
Large-Format Flex Industrial				+	+	+							
Re-Use/Retrofit	+	+	+	+	+	+	+	+	+	+	+	+	+



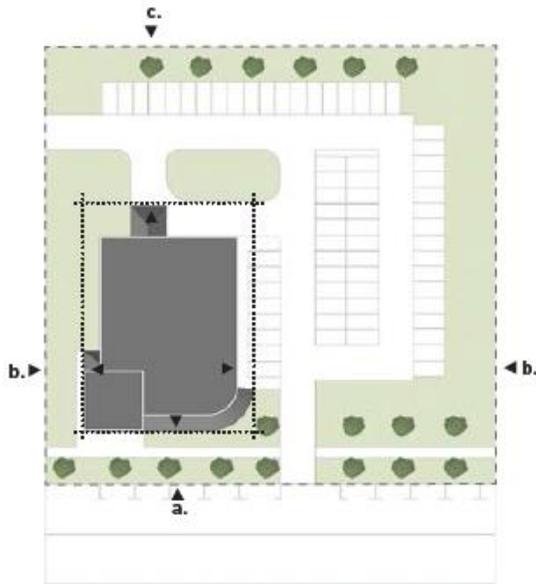
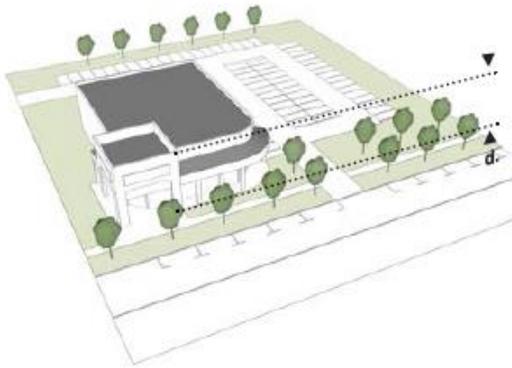
Building Typologies

Commercial

COMMERCIAL BUILDING DESCRIPTION

An individual building designed to accommodate a single commercial tenant. Parking is located to the side or rear.

TYPICAL LOT CONFIGURATION



MONROE COUNTY Urbanizing Area Plan | Phase II

BENCHMARK EXAMPLES



	E1, E2		
	MIN.	MAX.	MIN.
Lot Width:	30'	Context Dependent	30'
Lot Coverage:	no min	60%	no min
Street Yard (a):	5'	25'	5'
Side Yard (b):	5'	no max	5'
Rear Yard (c):	15'	no max	15'
Stories:	1		1
Height (d):	no min	35'	no min
Sign Types	Wall, monument, blade, awning		
Parking Types	Side or Rear		
Development Type	AB		

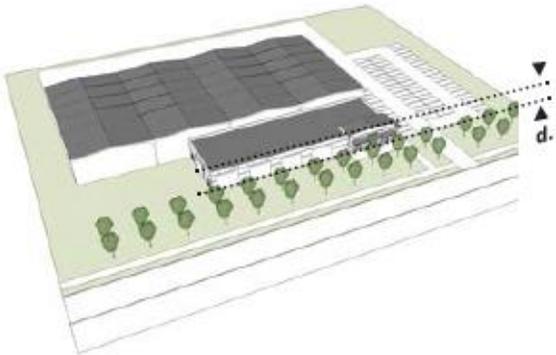
Building Typologies

Large-Format Flex Industrial

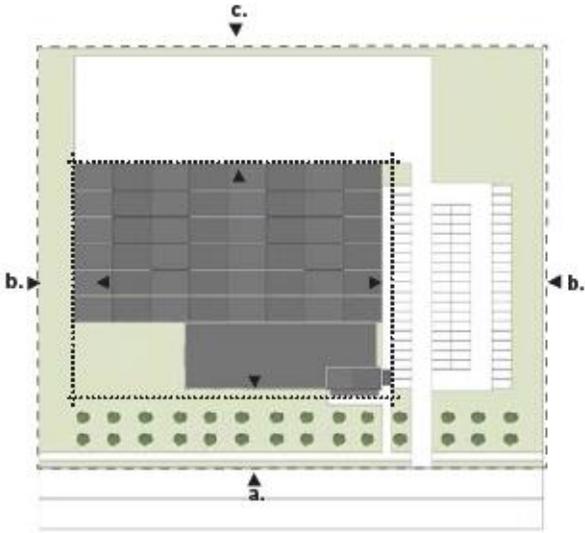
LARGE-FORMAT FLEX INDUSTRIAL BUILDING DESCRIPTION

This building type may take a variety of sizes and configurations, but typically includes

TYPICAL LOT CONFIGURATION



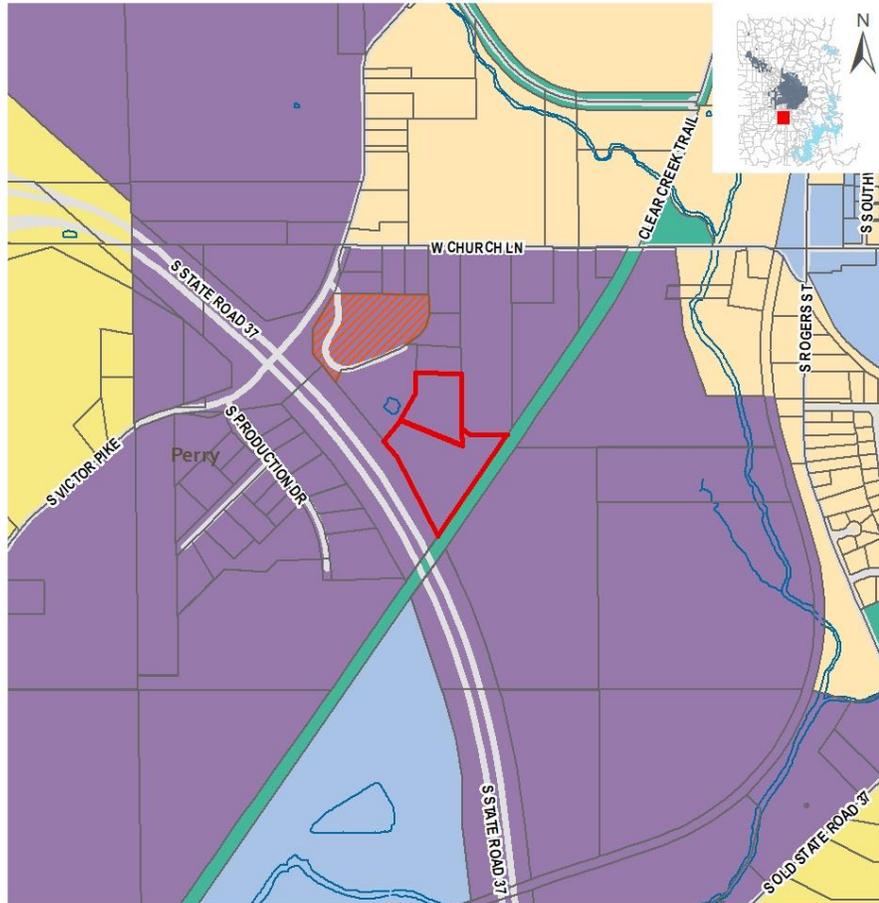
BENCHMARK EXAMPLES



	E1, E2, E3	
	MIN.	MAX.
Lot Width:	N/A	N/A
Lot Coverage:	no min	60%
Street Yard (a):	10'	N/A
Side Yard (b):	5'	no max
Rear Yard (c):	15'	no max
Stories:	1	2
Height (d)*:	no min	50'
Sign Types	Wall or Monument	
Parking Types	Side or Rear	
Development Type	AB	

Proposed Zoning Map (2016)

-  Petitioner
 -  Parcels
 -  Roads
 -  Historic Preservation Overlay
 -  Hydrologic Features
- Proposed Zoning**
-  E2 - South Side Employment
 -  N2 - Neighborhood Development
 -  N3 - Conservation Development
 -  OS - Open Space
 -  CV - Civic



0 0.05 0.1 0.2 Miles

 Monroe County
 Planning Department
 Source: Monroe County GIS
 Date: 8/1/2019

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 Urbanizing Area Plan designates the petition site as Employment;
- According to the Urbanizing Area Plan, Employment area “uses may require large, isolated sites for large-format facilities, or multiple facilities may be organized into coordinated campus-style or industrial park setting”;
- Employment areas also “require special considerations in roadway design. These areas are typically accessed through arterial connections from the freeway and require accommodations for heavy truck traffic”;
- The rezone request is to change the zoning for the entirety of the two parcels from Pre-Existing Business (PB) to Light Industrial (LI);
- The Pre-Existing Business zone is intended to allow businesses that existed pre-1997 ordinance adoption to continue without further expansion;
- The PB zone has a use intensity maximum based on the previous use, the northern parcels’ intensity is “high” and the southern parcels’ is “low”;
- The petition parcels are currently unoccupied: the northern parcel is developed with three structures and is a “Business or Industrial Center” multi-use of “high” intensity under Chapter 802, the southern parcel is undeveloped with a “low” use intensity;
- The Pre-Existing Business zone uses have been determined vague and is a candidate for an ordinance text amendment and the Planning Director has recommended rezoning to LI;

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

Findings:

- See Findings under Section A;
- Access is through W Old Capitol Pike, a private road created from a network of 50’ ingress/egress easements (See [Exhibit 5](#));
- The parcels contain a majority of buildable area with small patches of slopes greater than 15% slope (see [Slope Map](#));
- The petitioner purchased the properties from Blais in January 2018;
- The northern parcel is developed with 3 structures, currently vacant, with a 2015 dated site plan that was approved in 2018;
- If approved, the petitioner or property owner(s) would be required to meet commercial site plan requirements upon parcel occupancy or development;
- The petition site is not located in FEMA Floodplain or within a known environmentally-sensitive area;
- There are no known karst areas;

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

Findings:

- See Findings (A) and (B);
- Adjacent parcels are zoned Agricultural Rural Reserve (AG/RR) with the Business Industrial Overlay (BIO), Estate Residential 1 (RE1) to the north, Light Industrial (LI) and High Industrial (HI) to the south across IN-37 (see [Current Zoning Map](#));

- Seven (7) parcels are zoned PB in this area, six (6) of which can be seen in [Site Photo 1](#), with the seventh parcel on the north side of S Victor Pike;
- The six (6) adjacent PB-zoned parcels have the following uses: 3 commercial use (Deckard, JMT Properties, Roby), 1 undeveloped (Roby), and 2 residential (Morris, Blais);
- The adjoining property to the northwest of the petition parcels is owned by Scott and Natalie Blais, who have filed for a rezone from PB to L, case number 1907-REZ-06 (Blais);

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

Findings:

- Access for all six (6) properties ([Site Photo 1](#)) are derived through a private road, W Old Capitol Pike, that is located within an ingress/egress easement that crosses the Stipp-Bender Historic Farm owned by Erika and Geoff Morris;
- The Stipp-Bender Farm is zoned Pre-Existing Business (PB) and Historic Preservation Overlay (HP), approved in 2017, and has a residential-use;
- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;

(E) Responsible development and growth.

Findings:

- See Findings (A), (B), (C), and (D);
- Access to I-69 is within a .10 of mile from S Victor Pike to northbound IN-37;
- According to the Monroe County Thoroughfare Plan, S Victor Pike is a Local Road (50'), and IN-37 is a Freeway;
- The sewer access/location of septic has yet to be confirmed with Planning;

EXHIBIT ONE: Petitioner Letter

July 19, 2019
Monroe County Plan Commission,

I am requesting a rezone of my properties located at 1285 W Old Capitol Pike and 1291 W Old Capitol Pike (2.35 acres), and 1295 W Old Capitol Pike (5.13 acres) (Parcel #s: 53-08-29-200-002.000-008; 53-08-29-201-004.000-008). I would like to rezone from Pre-Existing Business (PB) to Light Industrial (LI).

In the past, it has been difficult to find appropriate tenants that fall under the interpreted uses of the property as currently described in the existing zoning ordinance. I have been requested by staff to request this rezone in order for future uses of the property to be clearly outlined by the current zoning ordinance. I fully support this request and believe it will make future uses of the property clear.

Thank You
Michael Roby
WR Bloomington Properties

EXHIBIT TWO: County Legal & Planning Director Determination Correspondence

Anne Crecelius

From: Larry Wilson
Sent: Wednesday, July 24, 2019 4:43 PM
To: robymike110564@gmail.com
Cc: Anne Crecelius; Drew Myers; Tammy Behrman; Jacqueline Nester
Subject: RE: 1285-1291 West Old Capitol Pike (Parcel Number 53-08-29-201-004.000-00)

RE: 1285-1291 West Old Capitol Pike (Parcel Number 53-08-29-201-004.000-00)

The submitted use determination request for Quality Tool and Supply’s proposed use for 1285-1291 West Old Capitol Pike describes a “warehousing and distribution use” with no retail sales. I have attached the link to Quality Tool and Supply’s website: <https://www.qualitysupplyandtool.com/>.

This use is only permitted in the Light Industrial (LI) and Heavy Industrial (HI) zones. However, the parcel at 1285-1291 West Old Capitol Pike (Parcel Number 53-08-29-201-004.000-00) has been approved for a Business/Industrial Center which would allow the warehouse and distribution use under the following definition:

(10) MULTI-USE

***Business or Industrial Center.** A site developed and operated under single or common ownership to include of a mix of industrial and/or commercial uses where the majority of uses are permitted under the Business and Personal Services, Retail and Wholesale Trade and Manufacturing, Mining, Construction and Industrial use categories, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.*

In summary, “warehousing and distribution” is permitted at 1285-1291 West Old Capitol Pike (Parcel Number 53-08-29-201-004.000-00) as a part of an approved Business Center. We still recommend amending the zoning map to Light Industrial (LI) which would allow this use as well as many of the other uses which have been proposed in the past for this and other sites in the subdivision.

Let me know if you have questions.

Larry

Larry J. Wilson, AICP
Director, Monroe County Planning Department
Monroe County Government Center
501 N. Morton St., Suite 224,
Bloomington, IN 47404
(812) 349-2561

EXHIBIT THREE: Site Plan

DECKARD LAND SURVEYING
 1604 S. Henderson St.
 Bloomington IN, 47401
 (812) 961-0235
 Fax 323-7536

Eric L. Deckard L.S.

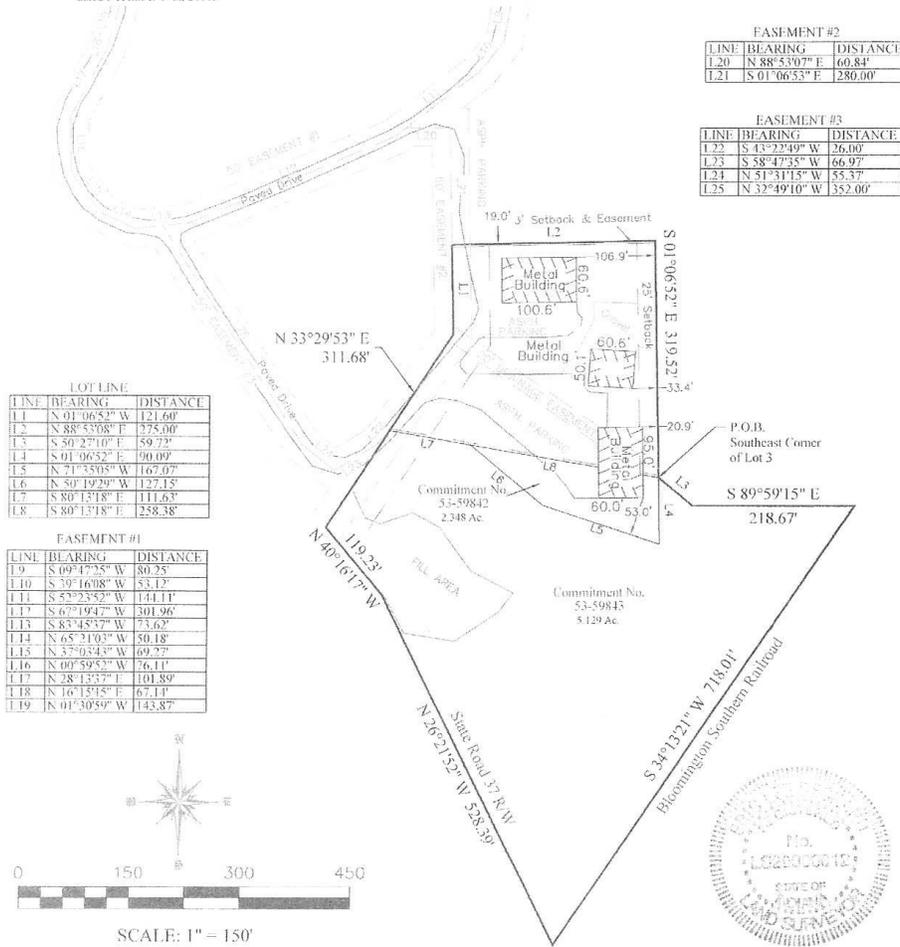
SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS: 1246 & 1250 W. OLD CAPITOL PIKE, BLOOMINGTON, IN 47403

PROPERTY DESCRIPTION: See Attached Title Commitment Number 53-59842 Revision Two dated December 18, 2017 and Commitment Number 53-59843 Revision Two dated December 18, 2017.

The subject real estate does not appear to lie within the flood hazard area according to the F.E.M.A., flood hazard map Community Number 18105C0231D dated December 17th, 2010.



I HEREBY CERTIFY TO THE PARTIES NAMED BELOW THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

Job #	Revision	Title Company	Lender	Owner	Date	Signature
SLR 18-01		John Bethell Title Co.	Crane Credit Union	WR Bloomington Properties, L.L.C.	1/04/18	



EXHIBIT FOUR: LI, GB, LB Zones Permitted and Conditional Uses

USES - Light Industrial (LI)

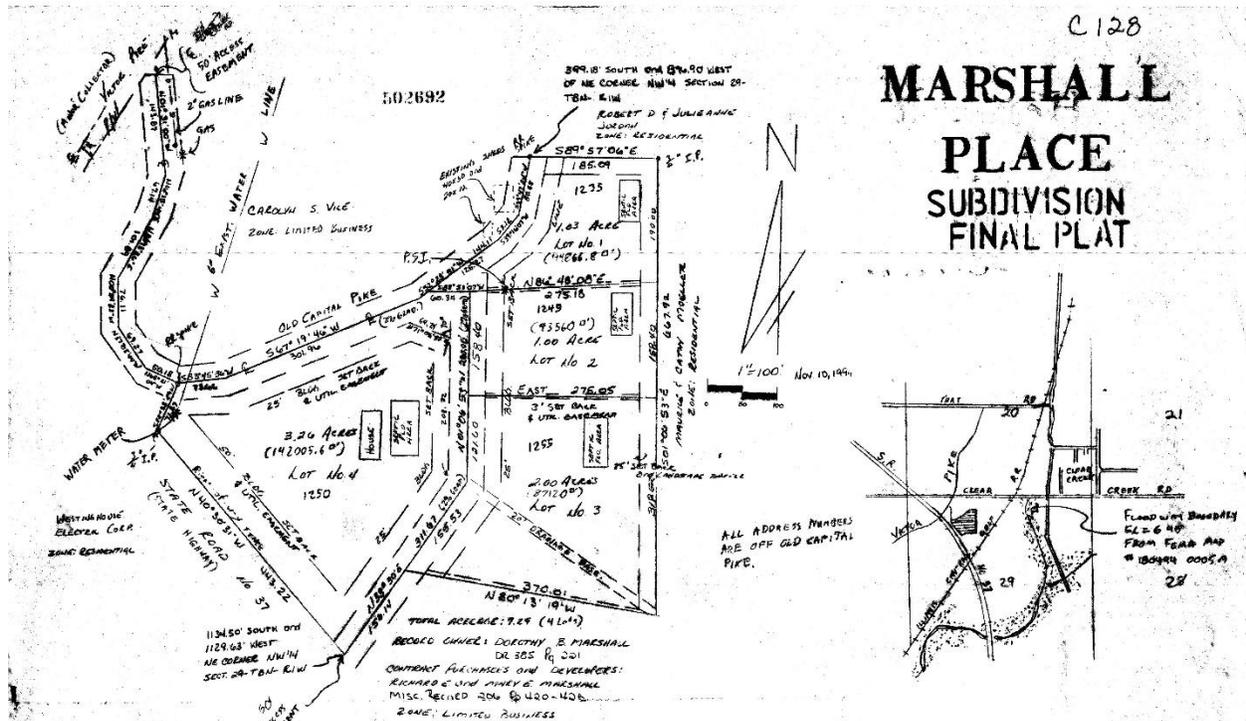
Agricultural Uses	Intensity (i)	LI	Manufacturing, Mining	i	LI
Accessory Use		P	Accessory Use		P
Agricultural Uses-Land Animal	H	P	Apparel	H	P
Agricultural Uses-Non Animal	H	P	Appliance Assembly	H	P
Feed Mill	L	P	Beverage Products	H	P
Historic Adaptive Reuse		P	Bottling Machinery	L	P
Stockyard	H	P	Commercial Printing	H	P
Historic Adaptive Reuse		P	Construction Trailer	L	P
Public and Semipublic	i	LI	Electronic Devises and	L	P
Accessory Use		P	Engineering and Scientific	L	P
Daycare Facility	M	P	Food Products	M	P
Historic Adaptive Reuse		P	Furniture	H	P
Remote Garbage/Rubbish Removal	H	P	General Contractor	M	P
Solar Farm	L	C	Historic Adaptive Reuse		P
Telephone and Telegraph Services	L	P	Jewelry Products	L	P
Utility Service Facility	M	P	Laboratories	M	P
Wastewater Treatment Facility	H	P	Leather Goods	L	P
Water Treatment Facility	H	P	Machine Assembly	M	P
Business and Personal Services	i	LI	Machine Shop	H	P
Accessory Use		P	Metal Fabrication	H	P
Air Cargo and Package Service	H	P	Metalworking Machinery	M	P
Air Craft Charter Service	L	P	Musical Instruments	L	P
Appliance Repair	L	P	Office and Computer Equipment	H	P
Convenience Storage	M	P	Optical Instruments and Lenses	L	P
Electrical Repair	L	P	Paper Products	M	P
Exterminating Service	L	P	Plastic Products Assembly	H	P
Gunsmith	L	P	Plating and Polishing	L	P
Historic Adaptive Reuse		P	Sign and Advertising Displays	L	P
Industrial Equipment Repair	L	P	Warehousing and Distribution	H	P
Kennel, including commercial...	H	P	Watches and Clocks	L	P
Locksmith	L	P	Welding	L	P
Office	L	P	Wood Products	M	P
Office Equipment Repair	L	P	Multi-Use	i	LI
Parking Facility	H	P	Business or Industrial Center	H	P
Small Engine and Motor Repair	L	P	Commerical/Industrial Adaptive Reuse		P
Taxidermist	L	P			
Upholstery Service	L	P			
Veterinary Service (Indoor)	H	P			
Veterinary Service (Outdoor)	M	P			
Retail and Wholesale Trade	i	LI			
Accessory Use		P			
Auction House	H	P			
Bakery (Wholesale)	L	P			
Building Materials	H	P			
Fertilizer Sales (Packaged)	M	P			
Florist (Wholesale)	N	P			
Garden Center	H	P			
Gunshop	M	CU			
Heavy Machinery Sales	M	P			
Historic Adaptive Reuse		P			
Industrial Supplies	L	P			
Office Showroom	M	P			
Automotive and Transportation	i	LI			
Accessory Use		P			
Automotive Paint Shop	L	P			
Automotive/Boat Repair Shop	H	P			
Automotive Tire Repair	M	P			
Cold Storage Plant	L	P			
Gasoline Services Station	H	P			
Historic Adaptive Reuse		P			
Transfer or Storage Terminal	H	P			
Wrecker Service	M	P			
Accessory Use		P			
Historic Adaptive Reuse		P			
Park and Recreational Services	H	P			

USES - Light Business (LB) & General Business (GB)

Agricultural Uses	Intensity (i)	LB	GB
Historic Adaptive Reuse		P	P
Boarding House	L	P	P
Historic Adaptive Reuse		P	P
Public and Semipublic	i	LB	GB
Accessory Use		P	P
Charitable, Fraternal, or Social	L	P	P
Community Center	L	P	P
Group Home Class I	L	P	P
Group Home Class II	L	P	P
Historic Adaptive Reuse		P	P
Hospital	H		P
Medical Clinic	L	P	P
Nursing Home	L		P
Religious Facilities	H	P	P
Remote Garbage/Rubbish Removal	H	P	P
Retirement Center	L	P	P
Telephone and Telegraph Services	L	P	P
Temporary Care Facility	L		P
Water Treatment Facility	H	P	P
Business and Personal Services	i	LB	GB
Accessory Use		P	P
Air Cargo and Package Service	H		P
Air Craft Charter Service	L		P
Appliance Repair	L	P	P
Barber Service	L	P	P
Beauty Service	L	P	P
Caterer	L	P	P
Coin Operated Cleaning/Laundry	L	P	P
Copy Service	L	P	P
Dry Cleaning and Laundry Pickup	L	P	P
Dry Cleaning and Laundry Service	L		P
Electrical Repair	L	P	P
Estate Services	L	P	P
Exterminating Service	L		P
Gunsmith	L		P
Historic Adaptive Reuse		P	P
Insurance Agency	L	P	P
Interior Decorating	L	P	P
Legal Service	L	P	P
Locksmith	L	P	P
Office	L	P	P
Office Equipment Repair	L		P
Parking Facility	H	P	P
Pet Services	L		P
Photographic Services	L	P	P
Real Estate Agency	L	P	P
Real Estate Sales office Or Model	L	P	P
Shoe Repair	L	P	P
Small Engine and Motor Repair	L	P	P
Tailoring	L	P	P
Taxidermist	L		P
Travel Agency	L	P	P
Upholstery Service	L		P
Veterinary Service (Indoor)	H	P	P
Retail and Wholesale Trade	i	LB	GB
Accessory Use		P	P
Agricultural Supply	H		P
Apparel Shop	L	P	P
Appliance Sales	L		P
Auction House	H		P
Bakery (Retail)	L	P	P
Bookstore	L	P	P
Building Materials	H		P
Cabinet Sales	L		P
Camera and Photographic Supply	L	P	P
Confectionery	L	P	P
Convenience Store	H	P	P
Drapery Sales	L		P
Florist (Retail)	L	P	P
Fruit Market	L	P	P
Furniture Sales	L		P
Garden Center	H		P
General Flooring Sales	L		P
Gift Shop	L	P	P

Retail and Wholesale Trade cont...	i	LB	GB
Handicrafts	L	P	P
Historic Adaptive Reuse		P	P
Home Improvement Center	H		P
Jewelry	L		P
Marine Supply	L		P
Meat Market	L	P	P
Music Store	L		P
Optical Goods	L		P
Pet shop	L		P
Restaurant (Drive-in)	H		P
Sporting Goods	L	P	P
Tavern	L		P
Used Merchandise (Antiques)	L		P
Used Merchandise (Flea Market)	H		P
Used Merchandise (General)	L		P
Automotive and Transportation	i	LB	GB
Accessory Use		P	P
Automotive/Boat Repair Shop	H		P
Automotive Sales	H		P
Bus Terminal	H		P
Car Wash	L		P
Gasoline Services Station	H		P
Historic Adaptive Reuse		P	P
Motorcycle Sales	L		P
Accessory Use		P	P
Club or Lodge	L		P
Historic Adaptive Reuse		P	P
Outdoor Drive-In Theater	H		P
Park and Recreational Services	H	P	P
Private Recreational Facility	H		P
Rodeo	H		P
Manufacturing, Mining	i	LB	GB
Accessory Use		P	P
Commercial Printing	H		P
Construction Trailer	L	P	P
Historic Adaptive Reuse		P	P
Adult Oriented Businesses	L/M	P	P
Multi-Use	i	LB	GB
Business or Industrial Center	H		P
Commercial/Industrial Adaptive Reuse			P
Shopping Center			P

EXHIBIT FIVE: Marshall Place Subdivision Plat



C 128
MARSHALL PLACE SUBDIVISION FINAL PLAT

DESCRIPTION:
A part of the Northwest quarter of Section 29, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:
Beginning at a point that is 1134.50 feet South and 1129.63 feet West of the Northeast corner of the Northwest quarter of said Section 29 and on the Northernly right of way of State Road No. 37; thence running North 40 degrees 30 minutes 31 seconds West along the said right of way for 443.22 feet; thence leaving said right of way running North 22 degrees 35 minutes 25 seconds East for 71.27 feet; thence running North 83 degrees 45 minutes 36 seconds East for 73.62 feet; thence North 67 degrees 19 minutes 46 seconds West for 301.96 feet; thence North 52 degrees 23 minutes 51 seconds East for 144.11 feet; thence South 39 degrees 16 minutes 07 seconds East for 53.12 feet; thence North 09 degrees 47 minutes 24 seconds East for 80.25 feet; thence North 89 degrees 57 minutes 06 seconds East for 185.09 feet; thence South 01 degree 06 minutes 53 seconds East for 667.32 feet; thence North 80 degrees 13 minutes 19 seconds West for 370.01 feet; thence South 33 degrees 30 minutes West for 156.14 feet and to the point of beginning. Containing 7.29 acres, more or less.

Subject to and together with use of the following described ingress-egress easements:
A 50.00 foot ingress-egress easement, being 25.00 feet on each side of the following described centerline:
Beginning at a point that is 1134.50 feet South and 1129.63 feet West of the Northeast corner of the Northwest quarter of Section 29, Township 8 North, Range 1 West, Monroe County, Indiana; thence running North 23 degrees 30 minutes East for 311.67 feet; thence North 01 degree 06 minutes 53 seconds West for 280.00 feet; thence South 08 degrees 53 minutes 07 seconds West for 60.37 feet and to a point which intersects the following described easement:
Beginning at a point that is 399.18 feet South and 876.90 feet West of the Northeast corner of the Northwest quarter of said Section 29; thence running South 09 degrees 47 minutes 24 seconds West for 80.25 feet; thence South 39 degrees 16 minutes 07 seconds West for 53.12 feet; thence South 52 degrees 23 minutes 51 seconds West for 144.11 feet; thence South 67 degrees 19 minutes 46 seconds West for 301.96 feet; thence North 52 degrees 23 minutes 51 seconds East for 73.62 feet; thence running North 67 degrees 19 minutes 46 seconds West for 50.18 feet; thence North 37 degrees 03 minutes 44 seconds West for 68.27 feet; thence North 08 degrees 59 minutes 33 seconds East for 76.11 feet; thence North 28 degrees 13 minutes 36 seconds East for 181.89 feet; thence North 16 degrees 15 minutes 41 seconds East for 67.14 feet; thence North 01 degree 31 minutes 00 seconds West for 143.87 feet and to the end of said easement centerline.

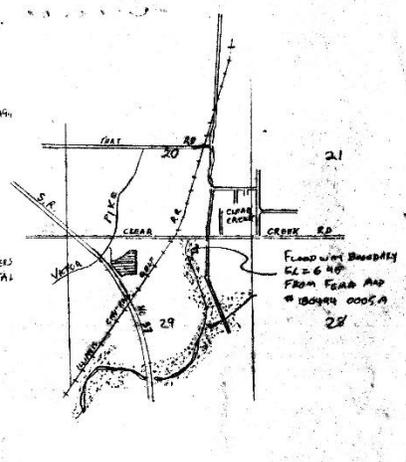
DEED OF RESTRICTION
We, the owners of the real estate described below, certify that we have subdivided and according to this plat. This subdivision is called Marshall Place Subdivision, an addition to Section 29, Township 8 North, Range 1 West, Monroe County, Indiana. The streets and alleys as shown, as far as they have not already been so dedicated, are dedicated to the public.
Front and side yard setback lines are established as shown on the plat. Between them and the property lines of the adjacent streets no building or other structure shall be erected or maintained.
The strips of ground 20 feet wide that are shown on the plat and marked "Easement" are owned by the owners of the lots that they respect affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines and wires. Buildings or structures shall not be erected or maintained on these strips. All covenants and restrictions are up to developer's discretion.
These restrictions run with the land and bind all persons until January 1, 2020. At that time, and at the close of each succeeding ten year period, each currently defective restriction is extended for the succeeding ten year period, unless before the close of the current period a majority of the current owners vote to change it. Invalidation of a restriction by a court does not affect other restrictions not otherwise invalidated.
These restrictions shall be enforced by injunction, including action by the process of law to remove all or part of any offending structure, brought by the owner of any lot in the subdivision.

Signed and Sealed March 7, 1995.
Dolothy B. Marshall
Richard E. and Mary E. Marshall

DULY ENTERED FOR TAXATION
RECORDED
A.M. P.M. 3:24
MAR 07 1995
MAR - 7 1995
Raymond C. Cook
Recorder Monroe County, Indiana

COMMISSION CERTIFICATE
Under the authority of Chapter 174, Acts of 1947, as amended, General Assembly of the State of Indiana, and the Monroe County Subdivision Ordinance, this Plat was approved by the Monroe County Plan Commission at a meeting held
January 17, 1995.

MONROE COUNTY PLAN COMMISSION
President: *Jim Gillette*
Secretary: *Tom A. Swellard*



SET BACK TABLE

FRONT: 50' FROM S.R. 37
25' FROM VERTICAL PILES AND ACCESS EASEMENTS
SIDE: 12' RESIDENTIAL; 3' NEARROADWAY
REAR: 25' WITH LANDSCAPE BUFFER

RECORD OWNER: DOLOTHY B. MARSHALL
1275 WILCOX
BEDFORD, IN 47421

DEVELOPER OR RECORD OWNER: RICHARD E. AND MARY E. MARSHALL
RECORD CONTACT: 101 MARSHALL DR.
PO BOX 1208
BEDFORD, IN 47421
(317) 274-8994

CERTIFICATE OF IMPROVEMENT BY OWNER
The undersigned do hereby certify to the Monroe County Plan Commission that they have met all required specifications in accordance with this ordinance as to improvements and their installation.
Signed and Sealed March 7, 1995.

Dolothy B. Marshall
Richard E. and Mary E. Marshall

Subscribed and Sworn to before me, a Notary, this 7th day of March, 1995.

ENGINEER'S CERTIFICATE
I certify that I am a registered professional engineer licensed under the laws of Indiana; that this plat accurately represents a survey made by me on March 7, 1995; that the monuments shown on it exist; and that their locations, sizes, types and materials are accurately shown.

Raymond C. Cook
Raymond C. Cook
18 E.S. 9910 R.P.E. 8409
3215 N. Smith Pike, Bloomington, IN
(812) 336-3509



