

MONROE COUNTY PLAN REVIEW COMMITTEE



**December 10, 2020
5:30 pm**

Monroe County Planning Department Teleconference

Link: [https://monroecounty-
in.zoom.us/j/81947218756?
pwd=NmFoWk1BTTNsakREUFBxdUNpYXNxQT09](https://monroecounty-in.zoom.us/j/81947218756?pwd=NmFoWk1BTTNsakREUFBxdUNpYXNxQT09)

Meeting ID: 819-4721-8756

Password: 977192

A G E N D A
MONROE COUNTY PLAN REVIEW COMMITTEE

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in.zoom.us/j/81947218](https://monroecounty-in.zoom.us/j/81947218)

Meeting ID: 819-4721-8756

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December 10, 2020

5:30 p.m.

OLD BUSINESS:

- 1. 2010-PUO-03 Joseph Greene Outline Plan Amendment 2 (Clear Creek Urban)**
One (1) 4.12 +/- acre parcel in Section 20 of Perry Township at
4831ogers ST & 4833 S Rogers ST. **PAGE 3**
Zoned RE1, RS3.5/PRO6, MR, and PUD.

NEW BUSINESS:

- 1. 2011-REZ-08 Frazo Rezone PAGE 45**
Two (2) 61 +/- acre parcels in Section 15 of Benton South Township at
4828 & 4848 N Brummetts Creek Rd.
Planner: acrecelius@co.monroe.in.us
Zoned AG/RR, ER, ECO3.

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

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

The meeting will be open to the public.

MONROE COUNTY PLAN REVIEW COMMITTEE**December 10, 2020**

CASE NUMBER 2010-PUO-03
PLANNER Drew Myers
PETITIONER Blind Squirrels, LLC
c/o Kendall Knoke, Smith Design Group, Inc.
REQUEST Joseph Greene (Clear Creek Urban) - Planned Unit Development Outline Plan Amendment 2
ADDRESS 4831 S Rogers ST & 4833 S Rogers ST
ACRES 4.12 +/-
ZONE RE1, RS3.5/PRO6, MR, and PUD
TOWNSHIP Perry
SECTION 20
PLATS Unplatted
COMP PLAN MCUA Mixed Residential
DESIGNATION

EXHIBITS

1. Written Statement & Outline Plan – **updated**
2. Conceptual Site Plan – **updated**
3. Technical Site Plan – **updated**

PUBLIC MEETING OUTLINE (subject to change):

1. Plan Review Committee – November 12, 2020 – **continued**
2. Plan Review Committee – December 10, 2020
3. Plan Commission Administrative – January 5, 2021
4. Preliminary Hearing - Plan Commission Regular Session – January 19, 2021
5. Final Hearing - Plan Commission Regular Session – February 16, 2021
6. Final Decision - County Commissioners - TBD

RECOMMENDATION

Staff recommends **denial** to the Plan Commission based on the findings of fact and subject to the Monroe County Highway Department & Drainage Engineer reports.

SUMMARY

The petition site is comprised of a 4.12 +/- acre property located in Section 20 of Perry Township at 4831 & 4833 S Rogers ST. Currently the petition site is made up of 3 parcels; two of the three parcels are to be transferred in accordance with an administrative plat that is on hold in the Planning Office for an issue with Right-of-way dedication. As part of this PUD petition, the petitioners are requesting to amend the required right-of-way dedication for That Road in order to subsequently record the administrative plat and make the property all one legal lot of record.

The petitioner is requesting to amend the zoning map from Estate Residential 1 (RE1), Single Dwelling Residential 3.5 (RS3.5/PRO6), Medium Density Residential (MR), and Planned Unit Development (PUD) to a new Planned Unit Development called “Clear Creek Urban”. The PUD outline is proposing a mixed use development that would include attached townhomes, multi-family residences, and commercial space. The petitioner states in their written statement (Exhibit 1) that the development is designed to provide additional housing options for working individuals and families within the county and act as a “neighborhood center” for the Clear Creek Community. The development would include multiple road connections and alternative transportation connections. The petitioner states that the development will be built in three phases over three years. Approval of this outline plan amendment will amend the zoning map and allow for multi-family and mixed use commercial development. In addition, the petitioners have submitted for your reference a future major subdivision. If this petition for a Planned Unit Development Outline Plan Amendment is approved, they would concurrently file for a development plan and a major subdivision.

BACKGROUND

The petitioner has worked collaboratively to provide an easement through their property to the project adjoining to the east, Southern Meadows. In return for the easement, the owners of the Southern Meadows project committed to transferring two parcels that are part of the PUD petition.

The petition site is currently under enforcement by the Building Department. In May of 2020, the petitioners applied for a demolition permit for the structures located at 4831 and 4833 S Rogers St. As part of the Improvement Location Permit and the work covered by the Building Department, they were only permitted to completely remove the structure. To date, the petitioner split the building in two and made modifications that were not covered under an ILP or building permit. Since the petitioner intended on submitting for an outline plan amendment, we discussed the possibility of first getting into compliance and removing the building, or applying under enforcement. Per the petitioner's representative, they decided to proceed under enforcement, and hope to receive approval for the outline plan to ultimately resolve the issue in the future.

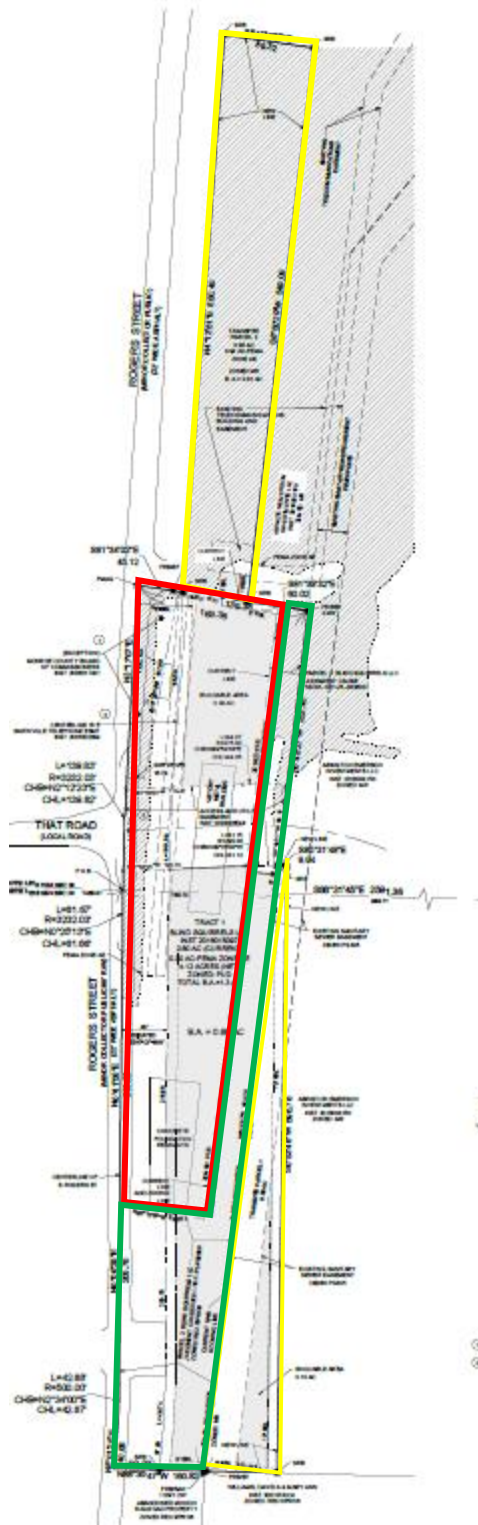
Part of the property included in the PUD has a current list of permitted uses for the 1.5 acre site. Fewer than half of the uses below are being requested to be retained in the new PUD amendment.

Approved Uses
Appliance Repair
Electrical Repair
Industrial Equipment Repair
Locksmith
Office Equipment Repair
Photographic Services
Small Engine and Motor Repair
Accessory Office
Warehousing and Distribution
Welding
Plastic Products Assembly
Optical Instruments and Lenses
Electrical Devices
Engineering and Scientific
Glass and Glassware
Office and Computer Equipment
Transfer or Storage Terminal

The area requesting a rezone can be split into 3 categories, as shown below:

- **Yellow** = transfer areas from the Southern Meadows petition, yet to be recorded and added to the petition site.
- **Red** = portion of the site currently zoned PUD (i.e. Joseph Greene PUD); the permitted uses within this existing PUD will be altered.
- **Green** = the portion of the property recently added by way of quiet title action from an abandoned railroad corridor.

MONROE COUNTY, INDIANA

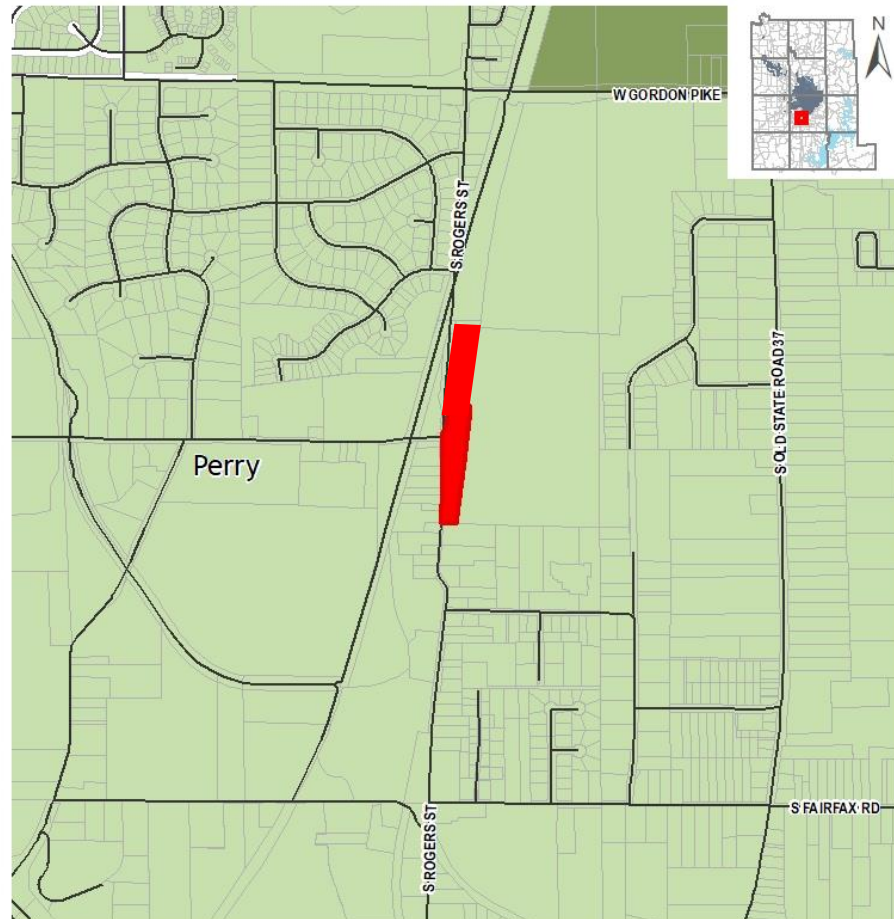
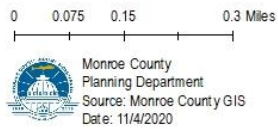


LOCATION MAP

The petition site is located in Perry Township, Section 20, addressed as 4831 & 4833 S Rogers ST (parcel number: 53-08-20-400-085.000-008). The petition site includes three parcels.

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Incorporated Areas**
- Bloomington
- Parcels



ADJACENT USES / ZONING

The petition site includes areas zoned Estate Residential 1 (RE1), Single Dwelling Residential 3.5 (RS3.5/PRO6), Medium Density Residential, and Planned Unit Development (PUD). The petition site is currently used for light industrial service industries as provided for by the current PUD zoning.

The majority of the site is zoned PUD – Joseph Greene with a large portion to the north zoned MR and only small portions to the east and south that are zoned RE1 and RS3.5/PRO6. Chapter 802 defines MR as:

Medium Density Residential (MR) District. This district is defined as that which is primarily intended for residential development in areas in urban service areas, where public sewer service is available. Its purposes are: to encourage the development of moderately-sized residential lots in areas where public services exist to service them efficiently; to discourage the development of nonresidential uses; to protect the environmentally sensitive areas, including floodplain, watersheds, karst and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the MR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.

Chapter 833 defines the remaining zoning districts as:

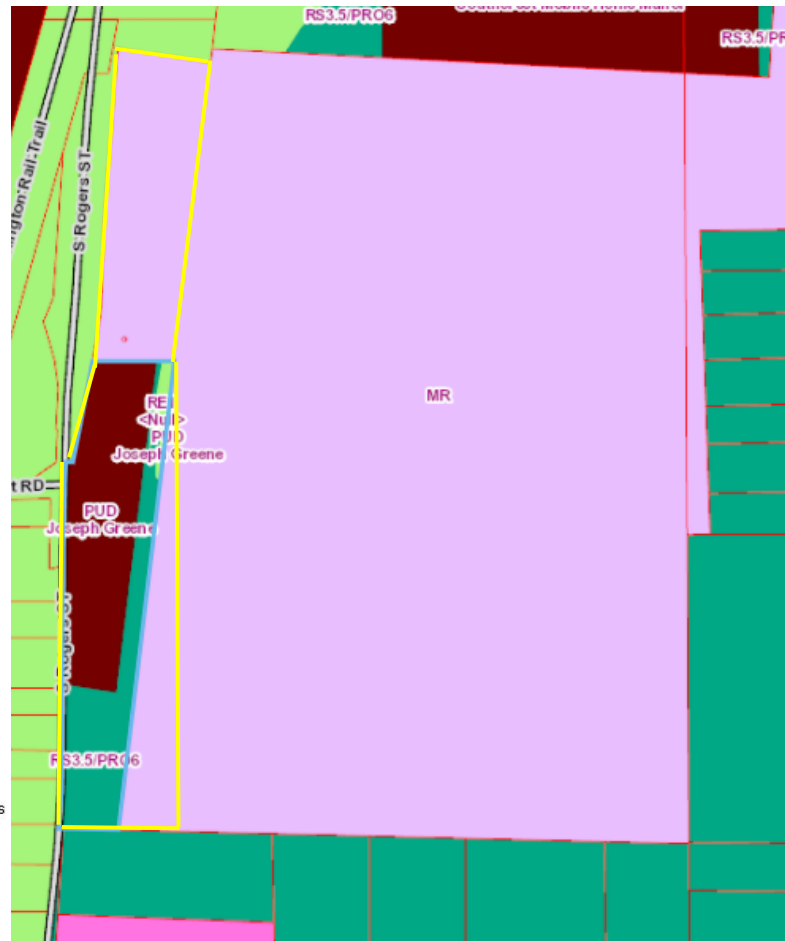
Estate Residential 1 (RE1) District. The intent of this district is to accommodate large lot (1 acre lot sizes), estate type residential uses in a rural environment along with limited compatible agricultural uses. It is meant specifically to:

- A. Accommodate those persons who desire estate type living.
- B. Maintain a pattern of growth that is consistent with the cost-efficient provision of urban services to promoted compactness in the city structure.
- C. Provide for development in a rural setting not necessarily requiring urban utilities.
- D. Provide for limited compatible agricultural uses.

Single Dwelling Residential 3.5 (RS3.5/PRO6) District. The intent of this district is to serve the traditional single family dwelling needs of the City. This district is one of three Single Dwelling Residential districts that differ based on density. These three Single Dwelling Residential districts provide a flexible density structure whereby developments of varying densities are permitted subject to appropriate review. The intent of these districts is specifically to:

- A. Provide for the development of single family neighborhoods.
- B. Assure the protection of existing residential environments.
- C. Promote compatibility with the existing pattern of development.

Current Zoning Map



Adjacent property zoning and uses are:

- **North:** Estate Residential (RE1), **Use(s):** Privately owned – vacant.
- **Northeast:** Estate Residential (RE1) & Planned Unit Development (PUD), **Use(s):** Southcrest Mobile Home Park.
- **East:** Medium Density Residential (MR), **Use(s):** Southern Meadows Subdivision (SFR). The average lot size is 0.22 acres.
- **South:** Single Dwelling Residential 3.5 (RS3.5/PRO6), **Use(s):** Privately owned – SFR
- **Southeast:** Single Dwelling Residential 3.5 (RS3.5/PRO6), **Use(s):** Privately owned – SFRs and Clear Creek Elementary School.
- **West:** Estate Residential (RE1), **Use(s):** Privately owned – SFRs.
- **Northwest:** Planned Unit Development (PUD) **Use(s):** Clear Creek Estates Subdivision (SFR).

USE COMPARISON

The petitioners state (EXHIBIT 2) that the proposed use for the development are:

Five buildings in total are proposed. Building 1 (north of the W That Rd extension) will contain street level commercial spaces that are convertible to residential. In addition to the commercial spaces, garages are provided on the first floor with apartments on the second, third, and penthouse floors. Apartments are not readily available in the area, and these additional units will add to the affordability of the housing stock in the area.

To the south of the W That Rd extension, a series of townhomes will be housed in three buildings (Buildings 2-4) whose architecture will evoke the famous saw tooth structure of the historic Showers Furniture factory that now houses City and County government offices. The hope is that this architectural style will become an immediate landmark for the area, adding to the character and culture of the Clear Creek community. The final building to the south (Building 5) will contain commercial space on the lower level and an apartment on the upper level. To the south of this final building, a parking lot will provide parking for the US Post Office across the street. A new marked crosswalk across S Rogers St will greatly improve road safety for both cars and pedestrians. The new saw tooth structures will have prime display along South Rogers Street.

The proposed land uses for the entire PUD are as follows:

	RE1	RS3.5	MR	Existing PUD	Proposed PUD
Agricultural Supply					P
Air Cargo and Package Service					P
Apparel Shop					P
Artisan Crafts					P
Bakery (retail)					P
Barber Service					P
Beauty Service					P
Bookstore					P
Cabinet Sales					P
Camera & Photographic Supply					P
Caterer					P
Charitable, Fraternal, or Social					P
Confectionary					P
Convenience Storage					P
Convenience Store					P
Copy Service					P
Drive-Through Facilities					P
Drug Store					P
Dry Cleaning & Laundry Pickup					P
Electrical Repair				P	P
Employment Agency					P
Estate Services					P
Financial Service					P
Fire Station	C	C			P
Florist Retail					P
Fruit Market					P
Gift Shop					P
Grocery Store					P
Handicrafts					P
Hardware					P
Home Occupation	C	C	P		P

Insurance Agency					P
Interior Decoration					P
Jewelry					P
Legal Service					P
Liquor Store					P
Locksmith				P	P
Massage Studio					P
Meat Market					P
Medical Clinic					P
Multifamily Dwelling					P
Music Store					P
Office				P	P
Office Equipment Repair				P	P
Office Showroom					P
Office Supplies				P	P
Optical Goods					P
Optical Instruments and Lenses				P	P
Perfumes, Cosmetics and Toiletries					P
Pet Services					P
Pet Shop					P
Photographic Services				P	P
Physical Therapy Facility					P
Real Estate Agency					P
Real Estate Sales Office			P		P
Recreation Center					P
Restaurant					P
Restaurant (Drive-in)					P
Shoe Repair					P
Single Family Dwelling	P	P	P		P
Sporting Goods					P
Tailoring					P
Tavern					P
Taxidermist					P
Temporary/Seasonal Activity					P
Tourist Home or Cabin			C		P
Travel Agency					P
Upholstery Service					P
Used Merchandise (General)					P
Veterinary Service (Indoor)					P
Wired Communications Services	C	C	C		P
Alternative Transportation Sales*					P
Package Delivery/Mail Service*					P
Service Chiropractor*					P
Service Tutoring*					P

*Land use classifications that do not specifically exist in Ch. 802 or Ch. 833.

DESIGN STANDARDS COMPARISON

Staff reviewed both existing design standards associated with the petition site and the proposed design standards. Staff has requested clarification of setbacks from the petitioners. The petition site will be subdivided, therefore Lot Area Requirements will be applicable. Note that this is a way to compare to other surrounding density, but does not mean that the development will utilize the entire acreage of each area since there is a requirement that 25% of the acreage be set aside as open space.

ENTIRE PUD – Height, Bulk Area, and Density

- *Maximum Gross Density: 14 units/acre*
- *Minimum Lot Area: **0.03 acres***
- *Minimum Lot Width at Building Line: No Minimum*
- *Decorative Veneer Walls/"False" Walls that connect individual buildings, for decorative purposes with a height of up to the maximum permissible building height, porches (covered and uncovered), awnings, canopies, and steps may be placed within the building setbacks.*
- *Minimum Open Space Area: 25% of the total PUD site area*
- *Slopes 15% or greater that were created by human activity shall be included in the Buildable Area*
- *Public Right of Way:*
 - *S Rogers ST shall require a 45' wide dedicated ½ right of way*
 - *W That RD shall require an 80' wide dedicated right of way*

	Ch. 833 RE1	Ch. 833 RS3.5	Ch. 804 MR	LOTS 1-2	LOTS 3-18	LOTS 19-20
Lot Area Requirements						
Gross Density	N/A	N/A	4.80/ac.	14/ac.	14/ac.	14/ac.
Min. Lot Area (square feet)	43,560	9,600	9,147.6	1,306.8	1,306.8	1,306.8
First Dwelling Unit	43,560	9,600	N/A	N/A	N/A	N/A
Min. Lot Width (feet)	100	70	60	No Min.	No Min.	No Min.
Max. Height (feet)	45	40	35	50	34	34
Yard and Open Space Requirements						
Min. Side Yard (Structures)	20	8	5	10	0	10
Min. Rear Yard (Structures)	50	25	10	4	0	10
Add. Side Yard for each add. story	4	4	N/A	N/A	N/A	N/A
Max. Building Coverage (percent)	20	10	60	75	75	75
Setbacks from Centerline (25)						
Minor Collector (S Rogers ST)	55	55	35	0	10	10
Local Road (W That RD)	25	25	25	5	10	N/A

LANDSCAPING

The petitioner lists the following regarding proposed landscaping requirements:

- *No landscape buffer yards are required*
- ~~*Landscaped islands of at least 162 square feet of area shall be provided in parking rows every 20 spaces.*~~
- *Street trees are permitted within the public right-of-way between the sidewalk/multi-use path and curb.*

These proposed landscaping requirements do not meet all of the requirements as listed in Chapter 830.

- According to Ch. 830, varying degrees of buffer type are required to physically separate and visually screen adjacent land uses that are not fully compatible. Proposed land uses on the petition site range from high to low intensity commercial type use and also residential type uses. Therefore, Ch. 830 cannot support a “no landscape buffer yards required” request. The most restrictive requirement would be a 20’ wide buffer yard with dense plantings. The largest setback requested under the PUO is 10 feet at most.
- ~~Ch. 830 requires landscaped islands of at least 162 square feet of area to be provided every 10 spaces or less, not 20; petitioner will now follow county standard for landscaped islands every 10 spaces or less.~~
- Ch. 830 does not provide permission to place street trees within public right-of-way: only adjacent to or alongside of dedicated right-of-way.

PARKING

The petitioner lists the following with respect to parking standards of the proposed PUD:

Off-Street Parking and Loading:

- *Minimum Front (from right of way line), Side, & Rear Parking Setback: 0 feet*
- *Location of Off-Street Parking: Off-Street Parking spaces for residential and commercial uses within this PUD are not required to be located on the same lot of record*
- *Use of Off-Street Parking: Off-Street Parking spaces are permitted to be used for any purpose including but not limited to: shared parking, parking for nearby commercial/residential uses (not part of this PUD), guest parking for residential uses, employee/customer parking for commercial uses, farmer’s markets, public events, concerts, etc.*
- ~~Driveways are permitted where shown in this PUD Outline Plan.~~
- *There is no minimum off-street parking requirement for any use in this PUD.*
- ~~No stacking spaces are required for drive through facilities.~~

These proposed parking requirements do not meet all of the requirements as listed in Chapter 806.

- Ch. 806-4(A)(4), “off-street parking areas, except those servicing single-family detached dwelling units, shall be set back from all public rights-of-way lines a minimum of ten (10) feet.”
- Ch. 806-4(A)(1), “off-street parking spaces for all residential uses shall be located on the same lot as the residential structure or on a lot adjacent to the lot on which the residential structure is located.”
- Minimum off-street parking requirements are determined by the classification of land use for each respective lot by referencing Table 6-1.
- ~~Some drive thru facilities require a minimum of 120 feet (6 off street stacking spaces) from the ordering station and are designed so as not to conflict with pedestrian or vehicular circulation on the site or on abutting streets.~~
- ~~Driveways are only permitted per the Highway Department’s requirements—this is not a Zoning Requirement and therefore cannot be requested under this PUO~~

SITE CONDITIONS

The parcel currently contains two remainders of an original 4,460 sf commercial structure. Staff does not know the current square footage of the structure as it is under enforcement and should be removed per the demolition permit issued in May. The northern portion of the petition site (proposed lot 1) is located entirely in the floodplain will affect the proposed site design with respect to minimum open space and common area requirements. The petitioners propose stormwater management to be managed underground on **proposed lot 2 and on proposed lot 20** on the south end of the site. No other bioretention areas are proposed.

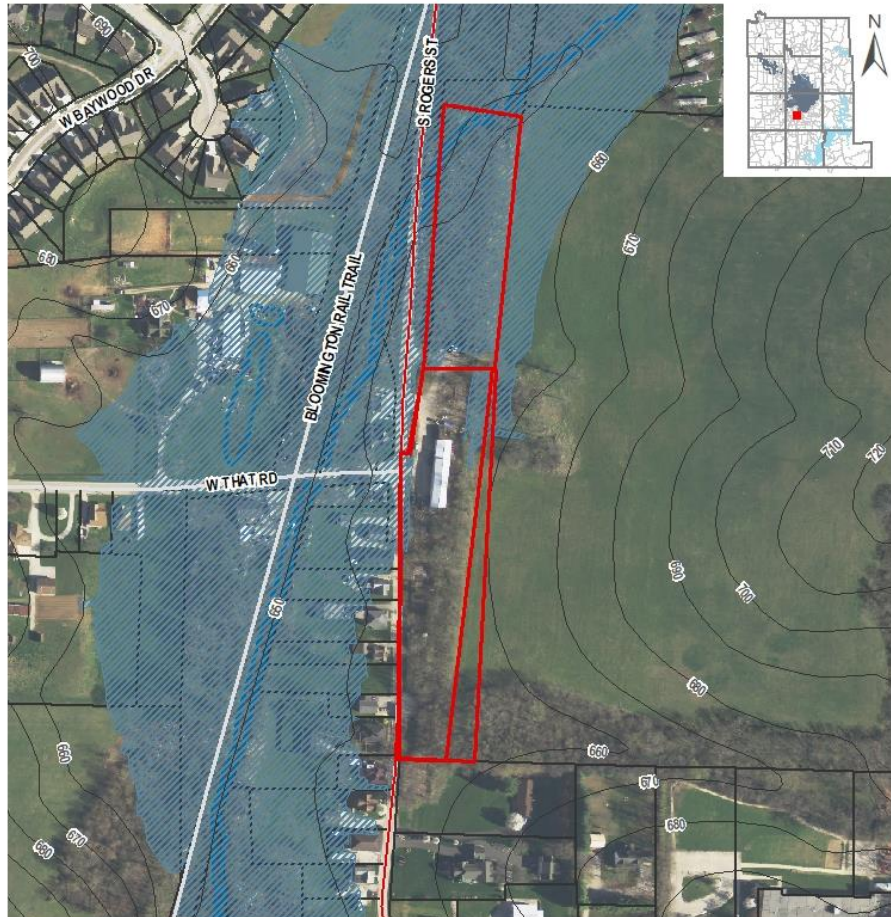
Site Conditions Map

- Minor Collector [90']
- ▭ Petitioner
- 10-Foot Contours
- Local Roads [50']
- ▨ FEMA Floodplain
- Hydrologic Features
- ▭ Parcels

0 0.010.02 0.04 0.06 0.08 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/2/2020



INFRASTRUCTURE AND ACCESS

The petitioners **have submitted a will-serve letter the City of Bloomington for sanitary sewer and water service.** No new street lighting is proposed on the petition site. Public gas, electric, and communications utilities are all currently available on the petition site, according to the petitioners.

This site has two frontages: S Rogers ST, (minor collector) and W That RD (local) according to the Monroe County Thoroughfare Plan. A two-way private driveway from S Rogers ST is proposed on the southern end of the petition site to provide access to a parking lot that will partially service the US Post Office across S Rogers ST along with the needs of proposed Building 5. This two-way private drive continues along the eastern side of the petition site providing access to townhome garages until it intersects with the W That RD extension (EXHIBIT 2). A two-way private driveway from W That RD is proposed to continue north to provide access and parking for proposed Building 1, **which then turns into a one-way private drive exit to S Rogers ST. The petitioners are also proposing a drive thru type design on this portion of the petition site to provide drive thru facility capability for proposed Building 1 (EXHIBIT 2).** The petitioners are also proposing the petition site offer a multi-use path connection to the proposed multi-use trail in the Southern Meadows Subdivision development. This multi-use path will run north-south along the western side of the petition site providing sidewalk-type access to the petition site and other pedestrian needs.

Highway/Stormwater Comments are as follows:



Wed 10/21/2020 10:55 AM

Paul Satterly

RE: FOR REVIEW - Joseph Greene PUD Outline Plan Amendment 2

To Drew Myers

Cc Ben Ayers

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Drew,

The drive through exit driveway onto Rogers Street will not likely meet intersection sight distance requirements due to the sight line restrictions created by the bridge railing and guardrail on the approach to the Clear Creek bridge.

When a property fronts two roadways, the Highway Department requirement is to have access come off the minor roadway and in this case that would be That Road.

Please call me if you have any questions.

Thanks,

Paul

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

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

Review Comments

Project Name: 2010 -PUO-03 Joseph Greene Outline Plan Amendment
 Project Description: Outline Plan
 Project Location: South Rogers and That Road
 Reference:

By Terry Quillman (TQ), 26Oct2020

No.	Document / Drawing Reference	Reviewed By	Comment	Disposition	Comment Response	Verification
			Document Reviewed:			
			TQ initial review 26 Oct 2020,			
			Outline Plan review			
1	Plans generally	TQ	Show Floodplain			
2	Plans generally	TQ	Determine presence of wetlands / waters of the US and note on plan.			
3	Plans generally	TQ	The site is in the Clear Creek Critical Watershed - allowable discharge rates should meet the approved rates.			
4	Plans generally	TQ	Stormwater will be reviewing stormwater drainage facilities for S. Rogers and That Rd.			
5	Plans generally	TQ	The site design will have to meet stormwater quality requirements			

SITE PICTURES

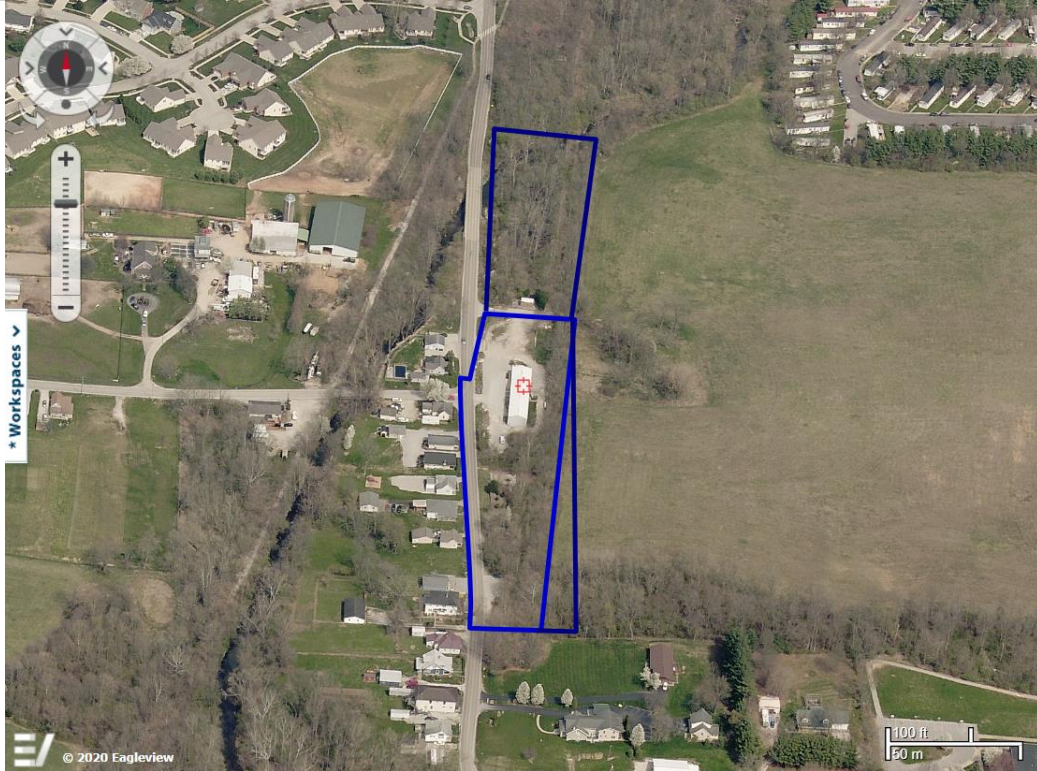


Photo 1. Facing north; aerial pictometry April 2020



Photo 2. Facing south; aerial pictometry April 2020



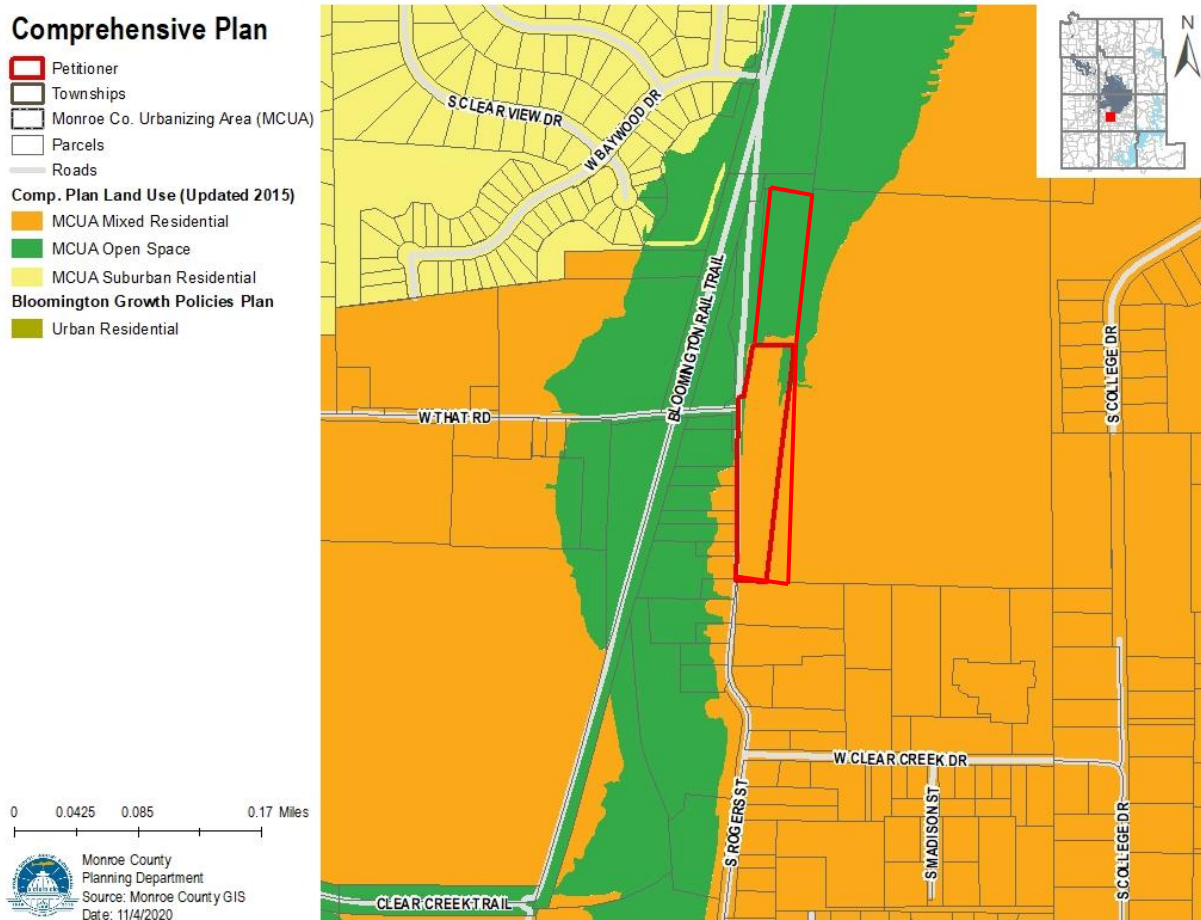
Photo 3. View of the building that was altered without permits August 2020. Photo by the Building Department.



Photo 4. View of the buildings with the area in between no longer present August 2020. Photo by the Building Department.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the **Mixed Residential** district and the **Open Space** district on the Monroe County Urbanizing Area Plan portion of the Monroe County Comprehensive Plan. The immediate surroundings are also Mixed Residential and Open Space.



The proposed use of mixed use multi-family and commercial is not entirely consistent with the MCUA mixed residential district. Nearly the entire buildable portion of the petition site is zoned as MCUA Mixed Residential which specifically supports new housing types adjacent to other mixed-use or commercial areas. Listed below are the design standards for the MCUA Mixed Residential district. Points that align with the proposed PUD outline plan are highlighted in **green**. Points that differ from the MCUA districts are highlighted in **grey**.

Monroe County Urbanizing Area: Mixed Residential

*Mixed residential neighborhoods accommodate a wide array of both **single-family and attached housing types**, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity.*

These neighborhoods are intended to serve growing market demand for **new housing choices** among the full spectrum of demographic groups. Residential buildings should be **compatible in height** and overall scale, but with **varied architectural character**. These neighborhoods are often located immediately adjacent to mixed-Use districts, providing a residential base to support nearby commercial activity within a **walkable or transit-accessible distance**.

A Transportation

- *Streets*

Streets in mixed residential neighborhoods should be designed at a pedestrian scale. Like mixed-Use districts, the street system should be interconnected to form a block pattern, although it is not necessary to be an exact grid. An emphasis on multiple interconnected streets which also includes alley access for services and parking, will minimize the need for collector streets, which are common in more conventional Suburban residential neighborhoods. Cul-de-sacs and dead-ends are not appropriate for this development type. Unlike typical Suburban residential subdivisions, mixed residential development is intended to be designed as walkable neighborhoods. Most residents will likely own cars, but neighborhood design should de-emphasize the automobile.

- *Bike, pedestrian, and Transit modes*

Streets should have sidewalks on both sides, with tree lawns of sufficient width to support large shade trees. Arterial streets leading to or through these neighborhoods may be lined with multi-use paths. Neighborhood streets should be designed in a manner that allows for safe and comfortable bicycle travel without the need for separate on-street bicycle facilities such as bike lanes. As with mixed-Use districts, primary streets in mixed residential neighborhoods should be designed to accommodate transit.

B Utilities

- *Sewer and water*

The majority of mixed residential areas designated in the land Use Plan are located within existing sewer service areas. Preliminary analysis indicates that most of these areas have sufficient capacity for additional development. Detailed capacity analyses will be necessary with individual development proposals to ensure existing infrastructure can accommodate new residential units and that agreements for extension for residential growth are in place.

- *Power*

Overhead utility lines should be buried to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

- *Communications*

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

C Open space

- *Park Types*

Pocket parks, greens, squares, commons, neighborhood parks and greenways are all appropriate for mixed residential neighborhoods. Parks should be provided within a walkable distance (one-eighth to one-quarter mile) of all residential units, and should serve as an organizing element around which the neighborhood is designed.

- *Urban Agriculture*

Community gardens should be encouraged within mixed residential neighborhoods. These may be designed as significant focal points and gathering spaces within larger neighborhood parks, or as dedicated plots of land solely used for community food production.

D Public Realm Enhancements

- *Lighting*

Lighting needs will vary by street type and width but safety, visibility and security are important. Lighting for neighborhood streets should be of a pedestrian scale (16 to 18 feet in height).

- *Street/Site furnishings*

Public benches and seating areas are most appropriately located within neighborhood parks and open spaces, but may be also be located along sidewalks. Bicycle parking racks may be provided within the tree lawn/ landscape zone at periodic intervals.

E Development Guidelines

- *Open Space*

Approximately 200 square feet of publicly accessible open space per dwelling unit. Emphasis should be placed on creating well-designed and appropriately proportioned open spaces that encourage regular use and activity by area residents.

- *Parking Ratios*

Single-family lots will typically provide 1 to 2 spaces in a garage and/or driveway. Parking for multi-family buildings should be provided generally at 1 to 1.75 spaces per unit, depending on unit type/number of beds. On-street parking should be permitted to contribute to required parking minimums as a means to reduce surface parking and calm traffic on residential streets.

- *Site design*

Front setbacks should range from 10 to 20 feet, with porches, lawns or landscape gardens between the sidewalk and building face. Buildings should frame the street, with modest side setbacks (5 to 8 feet), creating a relatively continuous building edge. Garages and parking areas should be located to the rear of buildings, accessed from a rear lane or alley. If garages are front-loaded, they should be set back from the building face. Neighborhoods should be designed with compatible mixtures of buildings and unit types, rather than individual subareas catering to individual market segments.

- *Building form*

Neighborhoods should be designed with architectural diversity in terms of building scale, form, and style. Particular architectural themes or vernaculars may be appropriate, but themes should not be overly emphasized to the point of creating monotonous or contrived streetscapes. Well-designed neighborhoods should feel as though they have evolved organically over time.

- *Materials*

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

- *Private Signs*

Mixed residential neighborhoods should not feel like a typical tract subdivision. It may be appropriate for neighborhoods to include gateway features and signs, but these should be used sparingly and in strategic locations, rather than for individually platted subareas.

PUD REVIEW CONSIDERATIONS

Section 811-6 (A) of the Monroe County Zoning Ordinance states: “The Plan Commission shall consider as many of the following as may be relevant to the specific proposal:

- (a) *The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County.*

Findings:

- The Comprehensive Plan designates the property as MCUA Mixed-Residential and MCUA Open Space;
- The property is currently zoned RE1, RS3.5/PRO6, MR, and PUD;
- The petition site contains an existing PUD permitting light industrial type uses, and contains a 4,460 sf commercial structure;
- The primary current permitted uses of the site are a blend of permitted uses from the existing Joseph Greene PUD, RE1, RS3.5 and MR zoning districts;
- Adjacent properties are zoned Estate Residential 1 (RE1), Single Dwelling Residential 3.5 (RS3.5/PRO6), and Medium Density Residential (MR);
- The petitioner is proposing more than 25% open space, however a majority is floodplain and therefore unusable. Chapter 811 states: “Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.”

- (b) *The extent to which the proposal departs from zoning and subdivision regulations such as density, dimension, bulk, use, required improvements, and construction and design standards.*

Findings:

- See Findings (a);
- Multi-family and/or mixed-use is not currently permitted within the RE1, RS3.5/PRO6, MR, or existing PUD zoning districts;
- **The site has a minimum lot area requirement of 0.03 acres**
- The site has a maximum gross density of 14 units/acre;
- The site has no minimum lot width at building line requirements;
- The median building heights provided are compatible with the current zoning districts;
- The site has a minimum open space requirement of 25%, which is less than the current zoning districts. Some of the lots will have 0% open space as they will be covered with a building;
- ~~Staff has requested clarification on specific proposed setbacks from the petitioners;~~
- The proposed landscaping requirements of the petition site do not meet all of the requirements as listed in Chapter 830;
- The proposed parking requirements of the petition site do not meet all of the requirements as listed in Chapter 806;
- The site proposes the addition of approx. **55** new permitted uses that are otherwise not permitted in the RE1, RS3.5/PRO6, MR, or existing PUD zoning districts;
- ~~The proposed drive-thru design will likely not meet intersection sight distance requirements due to sight line restrictions created by the bridge railing and guardrail on the approach to Clear Creek bridge;~~

- (c) *The extent to which the PUD meets the purposes of this Zoning Ordinance, the Comprehensive Plan, and other planning objectives. Specific benefits shall be enumerate.*

Findings:

- See Findings (a) and (b);

- The petitioners are working with staff to comply with Chapter 811 standards;
 - The Comprehensive Plan supports a variety of housing types for the MCUA Mixed-Residential designation;
 - Adjacent districts to the petition site are a mixture of low, medium, and high density Single Family Residential;
 - The Comprehensive Plan does not support the inclusion of a Mixed-Use type development in this area designated as MCUA Mixed-Residential;
- (d) *The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.*

Findings:

- County Highway has reviewed the petition site and did not request a traffic study, however the Highway Engineer had the following comments specific to driveways and drive-thru facilities:
~~*The drive-through exit driveway onto Rogers Street will not likely meet intersection sight distance requirements due to the sight line restrictions created by the bridge railing and guardrail on the approach to the Clear Creek bridge.*~~

When a property fronts two roadways, the Highway Department requirement is to have access come off the minor roadway and in this case that would be W That Road.
 - Staff will be reviewing a development plan if approved. ~~*In addition, staff has sent the petitioners a first round of comments, which have yet to be fully addressed;*~~
 - The petition site will be subdivided and the management of common areas (proposed lots 1, 18, and 20) will remain under the control of a Homeowner's Association (HOA) that will be formed as part of the subdivision process;
 - Proposed lot 1 is located entirely in the floodplain and may not be considered in the common area requirement;
 - Proposed lot 18 common area has steps/porches included; this is not common area if there are private structures present;
 - Planning staff has requested the petitioner submit more detailed preliminary drainage for review by the MS4 Coordinator;
 - The petitioners will coordinate with the MS4 Coordinator to ensure proper stormwater management facilities are designed and installed;
- (e) *The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.*

Findings:

- See Findings (a), (b) & (d);
- The Southern Meadows Subdivision to the east consists of approximately 99 lots and has yet to be final platted;
- The petitioner states in their written statement (Exhibit 1) that the development is designed to provide additional housing options for working individuals and families within the county, commercial businesses to serve the surrounding neighborhoods, and overall act as a neighborhood center for the Clear Creek community;
- The proposed PUD outline plan would connect to existing neighborhoods together while extending pedestrian walking paths, and also to an MCCSC elementary school to the southeast;
- The proposed PUD outline plan would provide additional parking spaces to serve the existing US Post Office on S Rogers ST;

- (f) *The desirability of the proposal to the County's physical development, tax base, and economic well-being.*

Findings:

- See Findings under Section (e);
- The petitioner submitted design plans that are aesthetic in nature. In addition, the petitioner submitted a set of potential benefits for this project:
 - *Establishes a neighborhood core for the Clear Creek community,*
 - *Provides neighborhood businesses that serve the residents of Clear Creek and reduces trips outside of the community,*
 - *Provides apartments in a geographic area where they are sorely needed,*
 - *Fills a market need for modest sized dwelling units,*
 - *Improves parking safety for post office patrons,*
 - *Improves alternative transportation infrastructure for Clear Creek residents and businesses,*
 - *Improves utility access to neighboring properties;*

- (g) *The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.*

Findings:

- See Findings under Section (d) & (e);
- Multiple road connections are proposed within the outline plan that will increase interconnectivity between established neighborhoods;
- The petitioner is proposing a private two-way driveway with access off S Rogers ST and W That RD extension to provide access to private garages and additional parking to partially serve the existing US Post Office and proposed PUD;
- The petitioner is proposing a private two-way driveway with access off W That RD extension to provide access to the proposed PUD ~~and offer drive-thru facilities to a proposed building;~~
- A further review of traffic considerations will be reviewed at the Development Plan phase of the project by the Highway Department;

- (h) *The proposal preserves significant ecological, natural, historical and architectural resources to the extent possible.*

Findings:

- The PUD outline plan has open space requirements that will be described legally as unbuildable;
- Staff has requested a revised site plan that more clearly identifies open space;
- Staff has also requested clarification on how the minimum "Open Space" for each lot will be met;
- Staff has also requested clarification as to whether or not the petitioners intend to count common area as open space;
- Exhibit 1 states that the drainage/stormwater management areas will be managed by an HOA to be established during the subdivision process;
- Exhibit 1 states that street trees will be placed within right-of-way along S Rogers ST and that there will be no buffer yard requirements;

- (i) *The proposed development is an effective and unified treatment of the development possibilities on*

the site.

Findings:

- See Findings (a) & (b)

CLEAR CREEK URBAN

Planned Unit Development (PUD) Outline Plan

Last Updated: 11/24/2020

Legal Description of Property

A PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER, THENCE SOUTH 88 DEGREES 31 MINUTES 45 SECONDS EAST (INDIANA STATE PLANE, WEST ZONE) ALONG THE NORTH LINE THEREOF 1465.51 FEET TO CENTERLINE OF ROGERS STREET AND THE POINT OF BEGINNING. THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 3232.03 FEET AND A LENGTH OF 139.83 FEET, BEING SUBTENDED BY A CHORD BEARING NORTH 02 DEGREES 12 MINUTES 23 SECONDS EAST AND A CHORD LENGTH OF 139.82 FEET; THENCE NORTH 03 DEGREES 17 MINUTES 07 SECONDS EAST 160.63 FEET; THENCE SOUTH 81 DEGREES 34 MINUTES 02 SECONDS EAST 45.12 FEET; THENCE NORTH 04 DEGREES 13 MINUTES 51 SECONDS EAST 550.40 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 81 DEGREES 32 MINUTES 33 SECONDS EAST 89.32 FEET; THENCE SOUTH 06 DEGREES 50 MINUTES 29 SECONDS WEST 549.09 FEET; THENCE SOUTH 81 DEGREES 48 MINUTES 32 SECONDS EAST 60.02 FEET; THENCE SOUTH 06 DEGREES 48 MINUTES 27 WEST 253.45 FEET; THENCE SOUTH 85 DEGREES 31 MINUTES 48 SECONDS EAST 9.04 FEET; THENCE SOUTH 00 DEGREES 53 MINUTES 46 SECONDS WEST 596.78 FEET; THENCE NORTH 88 DEGREES 30 MINUTES 47 SECONDS WEST 160.83 FEET TO THE CENTERLINE OF ROGERS STREET; THENCE ON SAID CENTERLINE NORTH 05 DEGREES 01 MINUTES 25 SECONDS EAST 40.68 FEET; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 500.00 FEET AND A LENGTH OF 42.88 FEET, BEING SUBTENDED BY A CHORD BEARING NORTH 02 DEGREES 34 MINUTES 00 SECONDS EAST AND A CHORD LENGTH OF 42.87 FEET; THENCE NORTH 0 DEGREES 06 MINUTES 35 SECONDS EAST 205.78 FEET; THENCE 00 DEGREES 41 MINUTES 58 SECONDS EAST 218.88 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 3232.03 FEET AND A LENGTH OF 61.67 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 00 DEGREES 25 MINUTES 13 SECONDS EAST AND A CHORD LENGTH 61.66 FEET AND TO THE POINT OF BEGINNING. CONTAINING 4.12 ACRES MORE OR LESS.

Background

Clear Creek is a close-knit neighborhood community in the rolling hills of Monroe County, just south of Bloomington. In the mid 1800's, however, it was a hub of economic activity, due in large part to the railroad lines and spurs that intersected in the area. Area stone mills and quarries relied on these railroad lines to carry the limestone that built so much of the country to Chicago, Louisville, New York and Washington DC,

to name just a few destinations for Monroe County limestone. A stockyard was established in the area to handle the cattle raised in the area.

Clear Creek residents were served by two general stores, a US Post office (established in 1870 and still in operation 150 years later), a lumber yard, and lumber mill. Clear Creek was a small, but thriving area of activity, with its own train station (est. in 1853). It even had an Oddfellows lodge, now Stella's Antiques. There was a physician who had an office and pharmacy in his home—the sort of mixture of residence and commercial activity that serves a small population area so well.

The economic burg of old Clear Creek disappeared after the removal of the Railroad and has since been a sleepy hamlet south of Bloomington, with little activity. It provides great areas for homes, but not as many opportunities for the children raised in those homes to stay rooted to the area. Affordable and transitional housing is not abundant. The property proposed to be incorporated into this PUD at 4831/4833 S Rogers Street has been scarcely utilized in recent years.

Past efforts to reinvigorate this property have not been successful. A PUD was established on a smaller portion of the property in 2006. The focus, however, was on light industrial service industries that did not fit well with the local community. In part, reinvigoration of this parcel was limited by the awkward boundaries of the original parcel—it was a narrow, tapering trapezoid.

The Plan Commission has recently approved a 90 lot residential subdivision just east of this property. That requires an extension of W That Rd across this property. Negotiations around that extension have afforded the developer additional property with which to work with and incorporate into this PUD. The resulting parcel is now better configured to provide developable areas for residential housing (dwelling units and apartments) and potential business support services that will fit well with the needs of the existing and future residents.

1.5 acres of the proposed area to be incorporated into this new PUD is currently a part of the existing Better Way Moving/Joseph Greene PUD. This proposal will add an additional 2.62 acres to the PUD and will replace the existing approved use list (shown below) with an expanded list given later in this document.

Existing uses permitted in the Better Way Moving/Joseph Greene PUD:

- Appliance Repair
- Electrical Repair
- Industrial Equipment Repair
- Locksmith
- Office Equipment Repair
- Photographic Services
- Small Engine and Motor Repair
- Accessory Office
- Warehousing and Distribution
- Welding

- Plastic Products Assembly
- Optical Instruments and Lenses
- Electrical Devices
- Engineering and Scientific
- Glass and Glassware
- Office and Computer Equipment
- Transfer or Storage Terminal

Overview

The purpose of this PUD is to redevelop this property into a mixed-use development that acts as the neighborhood *center* of the Clear Creek community. This PUD allows for single-family residential, multi-family residential, and commercial uses to coexist on this property. This project will complement the existing community as well as the soon-to-be developed Southern Meadows neighborhood by providing commercial businesses that serve the surrounding neighborhoods. Walkability and alternative transportation, sense of place, and community are critical components of this development. The added density provides the Clear Creek community with a *core* that currently does not exist. This project will provide a place for the Clear Creek community to congregate as neighbors at the local businesses and at community events such as farmer's markets, craft fairs, movie nights, etc. This is a project that is being brought forward by the developer, who is a part of the community, *for* the community.

Five buildings in total are proposed. Building 1 (north of the W That Rd extension) will contain street level commercial spaces that are convertible to residential. In addition to the commercial spaces, garages are provided on the first floor with apartments on the second, third, and penthouse floors. Apartments are not readily available in the area, and these additional units will add to the affordability of the housing stock in Clear Creek.

To the south of the W That Rd extension, a series of townhomes will be housed in three buildings (Buildings 2-4) whose architecture will evoke the famous saw tooth structure of the historic Showers Furniture factory that now houses City and County government offices. The hope is that this architectural style will become an immediate landmark for the area, adding to the character and culture of the Clear Creek community. The final building to the south (Building 5) will contain commercial space on the lower level and an apartment on the upper level. To the south of this final building, a parking lot will provide parking for the US Post Office across the street. A new marked crosswalk across S Rogers St will greatly improve road safety for both cars and pedestrians. The new saw tooth structures will have prime display along South Rogers Street.

Monroe County is justly proud of the intricate network of trails that knit the community together and provide alternative transportation and road safety. This project will continue to build upon that vision by providing an extension of the multi-use trail that is proposed in the Southern Meadows subdivision and provide a destination for pedestrians and cyclists that utilize that trail network. A 10' multi-use path will extend from the northeast corner of the project, adjoining the Southern Meadows development, and will head west to the front of the lot, then head south along S Rogers street to the south end of the property, greatly improving foot and bicycle transportation in the area.

Some of the benefits of this project are summarized below:

- Establishes a neighborhood core for the Clear Creek community
- Provides neighborhood businesses that serve the residents of Clear Creek and reduces trips outside of the community
- Provides apartments in a geographic area where they are sorely needed
- Fills a market need for modest sized dwelling units
- Improves parking safety for post office patrons
- Improves alternative transportation infrastructure for Clear Creek residents and businesses
- Improves utility access to neighboring properties

Land Use Policies

The 2012 Monroe County Comprehensive Plan identifies this site as part of the Bloomington Urbanizing Area and more specifically as an area of Urban Residential. The plan states that this area is intended to provide *“urban scale residential single family housing on a range of smaller lot sizes and multi-family residential housing, some of which may be in combination with employment uses or other commercial uses designed to serve the residential community...As appropriate, these areas are encouraged to have mixed residential, convenience commercial, light industrial and public/semi-public uses...The urban lifestyle is supported by a range of density options and the mixing of employment and residential uses...For multifamily residential, town homes and mobile home developments...higher densities of four to twenty units per acre shall be allowed.”*

The 2015 Monroe County Urbanizing Area Plan identifies this site as an area of Mixed-Residential. The plan states *“Mixed residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity.”*

The 2016 Monroe County Urbanizing Area Plan Phase II Implementation Report identifies this area as Neighborhood Development (N2). The plan states *“This district includes several existing residential subdivisions with primarily single-family lots, and is intended to provide a greater opportunity for diverse housing types and densities. Mixed use nodes may be appropriate at key locations within this larger district, consistent with the recommendations of the Mixed Residential land use type designated in the Urbanizing Area Plan.”*

We believe this project fits beautifully within the vision of the Comprehensive Plan.

Ownership

The project site is the property described in the legal description included in this document. The property is currently owned by two entities and contains four different zoning designations: RS3.5/PRO6, RE1, MR, and PUD. The proposed project will incorporate the entire property into this PUD and the existing PUD currently governing portions of the property will become null and void. This project will include a subdivision of the property that will allow individual lots (lots 3-17) to be bought and sold. Common areas (lots 1, 18, and 20) will remain under the control of a Homeowner's Association (HOA) that will be formed as part of the

subdivision process. Lots 2 and 19 will contain the mixed use commercial and residential buildings and will be on their own individual lots that can be bought and sold.

Development Schedule

This project will be constructed in phases. Each phase is described below and shown on the Site Plan. The Development Plan for Phase 1 shall be submitted to the Planning Department not more than 24 months following Board of Commissioners approval of this Outline Plan. Each additional phase must be submitted to the Planning Department no more than 24 months following approval of the previous phase's Development Plan. The existing buildings on site may be used for construction and storage and can remain standing up to 60 days after the construction of W That Rd is completed.

Phase 1 (July 2021-July 2022 anticipated)

Phase 1 will consist of buildings 2, 3, and 4 (lots 3-18 and 20) and all required infrastructure necessary for their construction including driveway, utilities, and storm water.

Phase 2 (July 2022-July 2023 anticipated)

Phase 2 will consist of building 5, the south parking area, and all other improvements shown on the plans for all lots except lots 1 and 2.

Phase 3 (July 2023- July 2024 anticipated)

Phase 3 will consist of building 1 and all other improvements shown on lots 1 and 2.

Rationale for Changes to Existing Development Standards

The reasoning for the departures from the established County Ordinance is as follows:

- The County Ordinance does not allow multifamily residential anywhere in the county except in former City of Bloomington zones and PUDs. We are trying to create a *center* of the Clear Creek community here and density in the core of the community helps create a sense of place for the residents. The 2015 Urbanizing Area Plan recommends a density of 10-14 units/acre in the Mixed Residential district and this PUD fits within that range.
- The County Ordinance makes it difficult for multiple uses to exist on the same parcel and impossible for multifamily to be located above commercial spaces. This is described in the 2015 Urbanizing Area Plan for mixed-use districts: *"Uses may be integrated vertically within buildings, such as residential or office over ground-floor retail, or horizontally among single-use buildings that are closely coordinated with one another. Mixed-use areas may take the form of linear corridors along major roadways, large districts that serve as regional destinations for commerce, dining and entertainment, or small nodes at crossroads that serve nearby residential neighborhoods or employment areas."* By providing a mixed-use *center* of Clear Creek community members can live and shop within their community without having to get in their cars.
- The County Ordinance does not allow lots of less than 50 feet in width or less than 0.14 acres in size except in former City of Bloomington zones and PUDs. The demand here is not for large yards or

huge houses but rather smaller units that are easy to maintain. As such, we are showing smaller, narrower lots and shared walls to allow this to feasibly happen. The 2016 Urbanizing Area Plan Phase II Implementation Report recommends no minimum lot width and front/side setbacks of zero feet for the Neighborhood Mixed Use Building Typology and we are consistent with these recommendations.

- The County Ordinance is currently very auto-centric with copious and complex calculations for number of minimum off-street parking spaces and strict limits on what those spaces can be used for. As we create this neighborhood *center* we would like to depart from auto-centric design by removing the minimum parking requirements and use requirements of the parking spaces. We are showing parking currently but would like to be able to reduce the number of spaces in the future if feasible and also use the parking areas for Clear Creek community events such as farmer's markets, craft fairs, movie nights, etc. We would also like to provide parking for the post office (currently located off-site across S Rogers St) and allow guests of residents and employees/patrons of commercial spaces to park in all of the parking areas of the PUD regardless of which lot the spaces are located on and allow all spaces to be used for shared parking. The onerous restrictions the County Ordinance places on off-street parking spaces simply leads to them sitting empty and we want to maximize the effectiveness of the parking here so we can have as few spaces as possible. This is a community *center*. 2016 Urbanizing Area Plan Phase II Implementation Report states: *"Shared parking arrangements should be encouraged to minimize the size of surface parking lots."*
- The County Ordinance does not allow for dense urban development as is desirable in a neighborhood *center* such as what we are proposing here for the Clear Creek community. As such we are proposing reduced building and parking setbacks and less stringent landscaping requirements to help maximize the space and provide that neighborhood *center* sense of place.
- The Covid-19 pandemic has hurt local small businesses. To respond to the changing culture, we are providing ample outdoor seating areas.

Proposed Development Standards

All provisions given in the Monroe County Zoning Ordinance and Monroe County Subdivision Control Ordinance (as in effect at the time this PUD Outline Plan was approved) apply except as amended in the following sections:

Entire PUD

- Permitted Land Uses:
 - The following uses are permitted as defined in Chapter 802 of the Monroe County Zoning Ordinance:
 - Apparel Shop
 - Artisan Crafts
 - Bakery (retail)
 - Barber Service
 - Beauty Service

- Bookstore
- Cabinet Sales
- Camera & Photographic Supply
- Caterer
- Charitable, Fraternal, or Social
- Confectionery
- Convenience Storage
- Convenience Store
- Copy Service
- Drug Store
- Dry Cleaning & Laundry Pickup
- Electrical Repair
- Employment Agency
- Estate Services
- Financial Service
- Florist Retail
- Fruit Market
- Gift Shop
- Grocery Store
- Handicrafts
- Hardware
- Home Occupation
- Insurance Agency
- Interior Decorating
- Jewelry
- Legal Service
- Liquor Store
- Locksmith
- Massage Studio
- Meat Market
- Medical Clinic
- Multifamily Dwelling
- Music Store
- Office
- Office Equipment Repair
- Office Showroom
- Office Supplies
- Optical Goods
- Optical Instruments and Lenses
- Perfumes, Cosmetics and Toiletries

- Pet Services
- Pet Shop
- Photographic Services
- Physical Therapy Facility
- Real Estate Agency
- Real Estate Sales Office
- Restaurant
- Shoe Repair
- Single Family Dwelling
- Sporting Goods
- Tailoring
- Tavern
- Taxidermist
- Temporary/Seasonal Activity
- Tourist Home or Cabin
- Travel Agency
- Upholstery Service
- Used Merchandise (General)
- Veterinary Service (Indoor)
- Wired Communication Services
- The following uses are permitted as defined here:
 - Alternative Transportation Sales: Personal Electric Transportation (PET) sales such as electric bikes, skateboards, scooters, one wheels, etc
 - Package Delivery/Mail Service: Post office, package handling services, shipping services, package/delivery pickup services
 - Service Chiropractor: Chiropractic care office and personnel
 - Service Tutoring: Individual or up to 6 person group tutoring services
- Height, Bulk, Area, and Density
 - Maximum Gross Density: 14 units/acre
 - Minimum Lot Area: 0.03 acres
 - Minimum Lot Width at Building Line: No Minimum
 - Decorative Veneer Walls/"False" Walls that connect individual buildings for decorative purposes with a height of up to the maximum permissible building height, Porches (Covered and Uncovered), Awnings, Canopies, and Steps may be placed within the building setbacks
 - Minimum Open Space Area: 25% of the total PUD site area
 - Slopes 15% or greater that were created by human activity shall be included in the Buildable Area
 - Public Right of Way
 - S Rogers St shall require a 45 foot wide dedicated ½ right of way

- W That Rd shall require an 80 foot wide dedicated right of way
- Off-Street Parking and Loading
 - Minimum Rear Parking Setback: 0 feet
 - Location of Off-Street Parking: Off-Street Parking spaces for residential and commercial uses within this PUD are not required to be located on the same lot of record
 - Use of Off-Street Parking: Off-Street Parking spaces are permitted to be used for any purpose including but not limited to: shared parking, parking for nearby commercial/residential uses (not part of this PUD), guest parking for residential uses, employee/customer parking for commercial uses, farmer's markets, public events, concerts, etc
 - There is no minimum off-street parking requirement for any use in this PUD
- Landscaping
 - No Landscape Buffer Yards are Required
 - Street Trees are permitted within the public right-of-way between the sidewalk/multi-use path and curb
- Administrative
 - Development Plan submissions shall require staff level approval only and shall not require Plan Commission Review

Lots 1 and 2 (Building 1)

- Minimum Front Yard Building Setback (Fronting S Rogers St): 0 feet from right of way line
- Minimum Front Yard Building Setback (Fronting W That Rd): 5 feet from right of way line
- Minimum Side Yard Building Setback: 10 feet
- Minimum Rear Yard Building Setback: 4 feet
- Maximum Building Height: 4 stories (not to exceed 50 feet)

Lots 3-18 (Buildings 2-4)

- Minimum Front Yard Building Setback (Fronting S Rogers St): 10 feet from right of way line
- Minimum Front Yard Building Setback (Fronting W That Rd): 10 feet from right of way line
- Minimum Side Yard Building Setback: 0 feet
- Minimum Rear Yard Building Setback: 0 feet
- Maximum Building Height: 2 stories (not to exceed 34 feet)

Lots 19 and 20 (Building 5)

- Minimum Front Yard Building Setback (Fronting S Rogers St): 10 feet from right of way line
- Minimum Side Yard Building Setback: 10 feet
- Minimum Rear Yard Building Setback: 10 feet
- Maximum Building Height: 2 stories (not to exceed 34 feet)

Facilities

- Roads: The project will be served by S Rogers St (existing minor collector) and W That Rd (local) that will be extended across the project site as part of the Southern Meadows subdivision
- Sidewalks: Sidewalks will be constructed along W That Rd as part of the Southern Meadows subdivision. The multi-use path along S Rogers St will be constructed as part of the Southern Meadows subdivision and extended as part of this PUD. An existing multi-use path that will be stubbed along the east property line as part of the Southern Meadows subdivision will be brought across this PUD within an access easement to provide public access to the S Rogers St corridor
- Sanitary Sewers: As part of the Southern Meadows project, a new sanitary sewer is being constructed along S Rogers St that provides sanitary sewer service to this PUD as well as the existing neighbors along the west side of S Rogers St
- Stormwater Management: Stormwater will be managed underground on the north parcel (lot 2) and on lot 20 on the south end of the site in accordance with all Monroe County Drainage Ordinance requirements
- Water Supply System: An existing 6" city of Bloomington water main will serve this development along with a new 8" city of Bloomington water main that will run along the W That Rd extension
- Street Lighting: No new street lighting is proposed
- Public Utilities: Gas, electric, and communications are all available on site

Neighborhood Meeting Report

A neighborhood meeting was held on July 29, 2019 at the nearby Clear Creek Elementary that included a presentation of this project as well as two other area projects and a question and answer session with local community members. Over 50 neighbors were in attendance. A copy of the neighborhood meeting summary is attached to this PUD document.

EXHIBIT 2: Conceptual Site Plan - updated

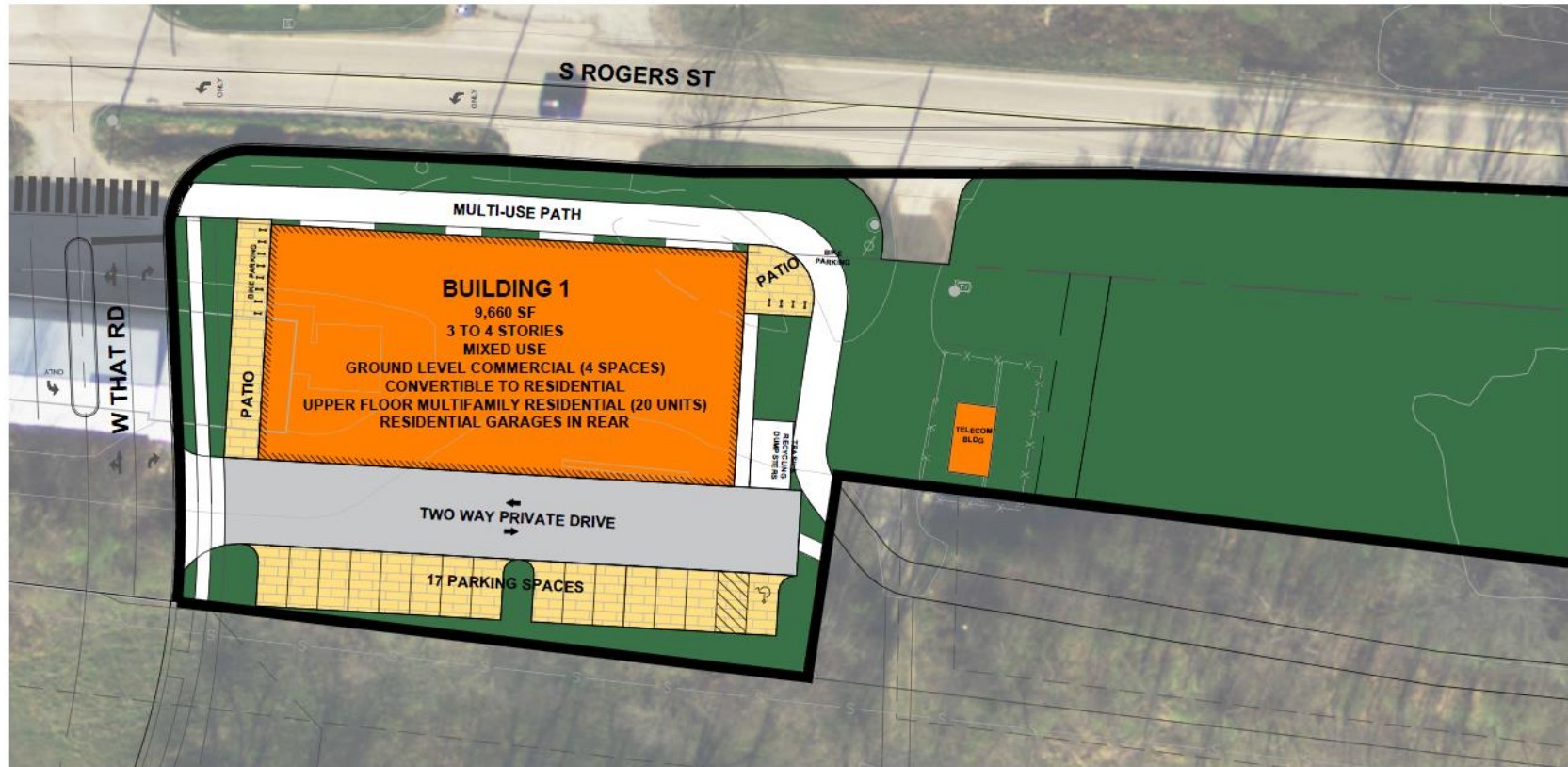


OVERALL PLAN


SCALE: 1"=100'

CLEAR CREEK URBAN

11.24.2020 **S SMITH DESIGN GROUP**
CIVIL ENGINEERING & LAND SURVEYING

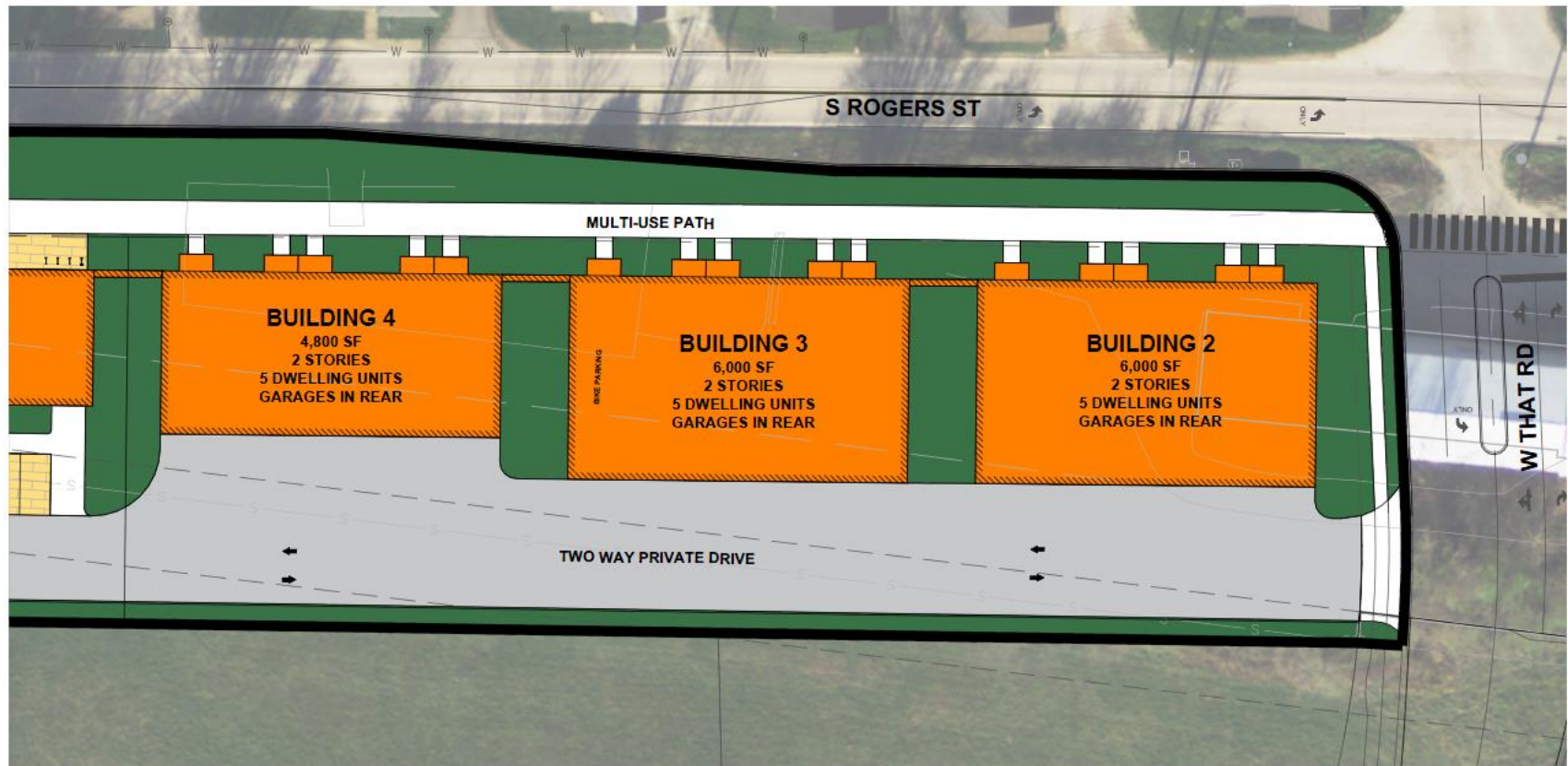


BUILDING 1 AREA PLAN

SCALE: 1"=30' 

CLEAR CREEK URBAN

11.24.2020 **S SMITH DESIGN GROUP**
CIVIL ENGINEERING & LAND SURVEYING



BUILDINGS 2-4 AREA PLAN

CLEAR CREEK URBAN

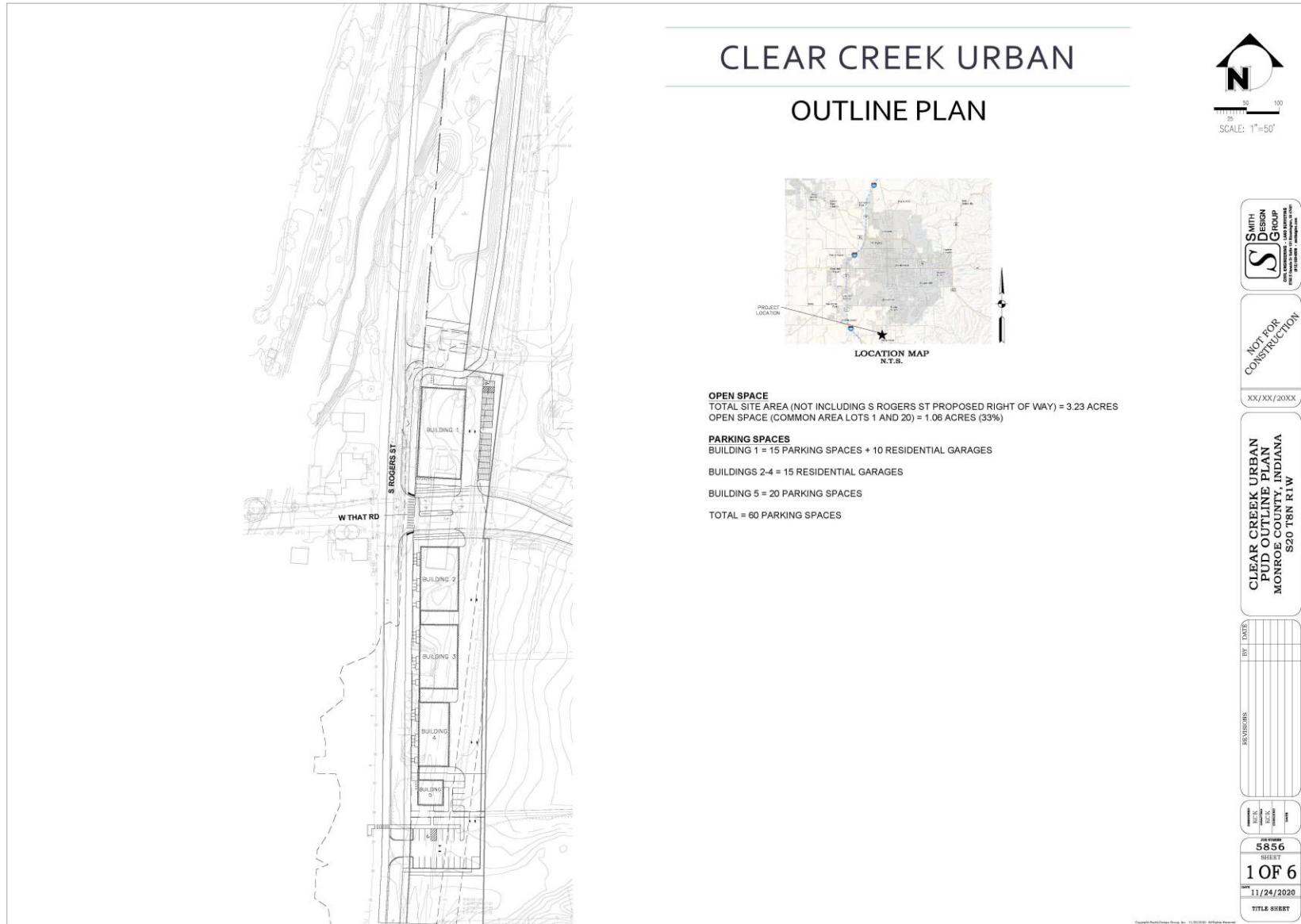


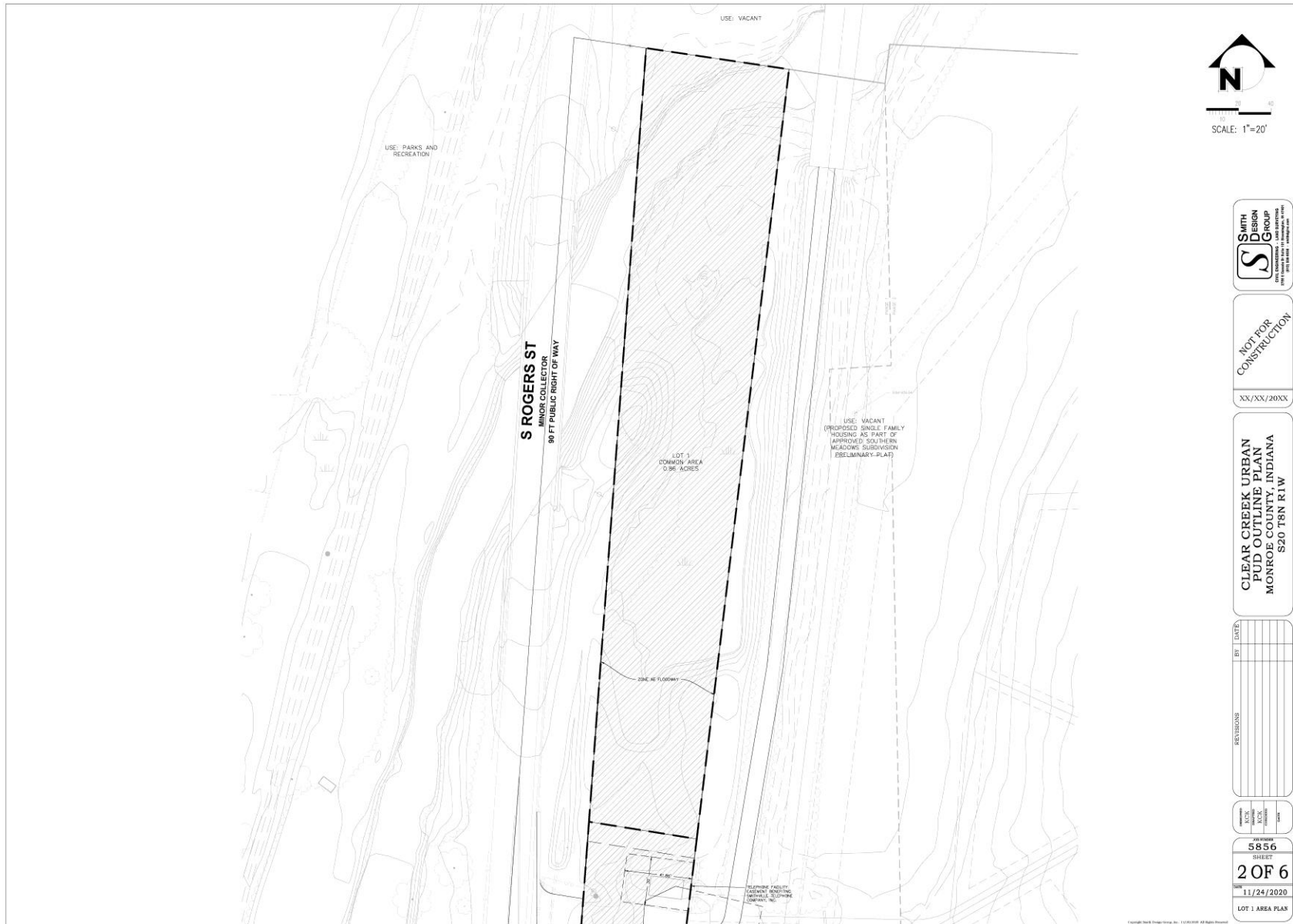
BUILDING 5 AREA PLAN

SCALE: 1"=30'

CLEAR CREEK URBAN

EXHIBIT 3: Technical Site Plan - updated







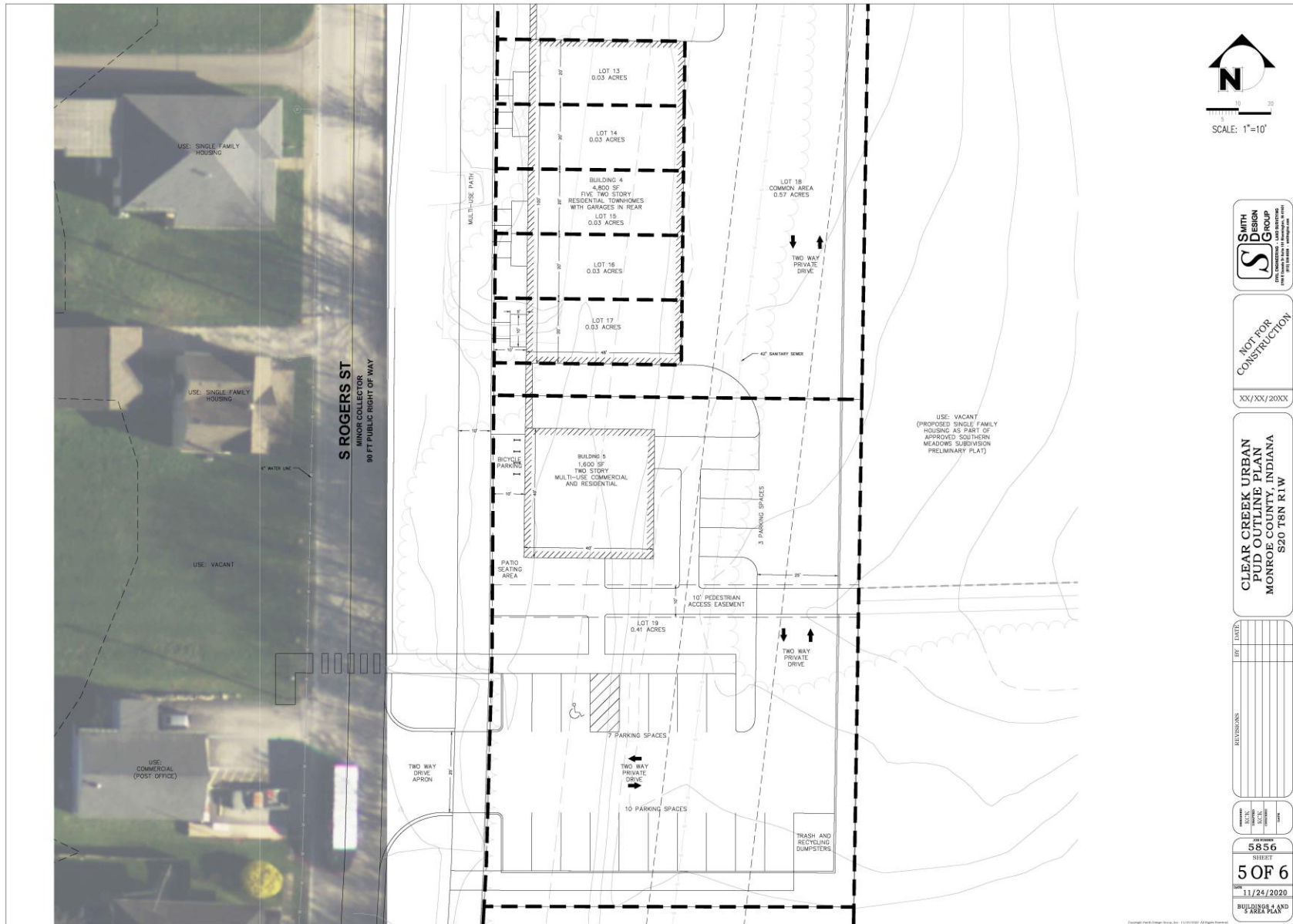
NOT FOR CONSTRUCTION

XX/XX/20XX

**CLEAR CREEK URBAN
PUD OUTLINE PLAN
MONROE COUNTY, INDIANA
S20 T8N R1W**

REVISIONS	BY	DATE

PROJECT NO.	5856
SHEET	4 OF 6
DATE	11/24/2020
BUILDINGS 2 AND 3 AREA PLAN	





PLANNER	Anne Crecelius
CASE NUMBER	2011-REZ-08 Frazo Rezone
PETITIONER	Ernie Frazo c/o Todd Borgman, Smith Brehob & Assoc.
ADDRESS	4848 N Brummetts Creek
REQUEST	Rezone Request Waiver of Final Hearing
ACRES	62.2 +/- acres
ZONE	AG/RR, ER, ECO3
TOWNSHIP	Benton South Township
SECTION	15
PLATS	Unplatted
COMP PLAN	Farm and Forest
DESIGNATION	

EXHIBITS

1. Petitioner Letter
2. Petitioner Site Plan
3. 1997 Zoning Map of Petition Site

RECOMMENDATION

Staff recommends **approval** of the Rezone of based on findings of fact.

Plan Review Committee – December 10, 2020

Plan Commission Regular Meeting - January 19, 2020 (Preliminary Hearing)

Plan Commission Regular Meeting – February 16, 2020 (Final Hearing)

SUMMARY

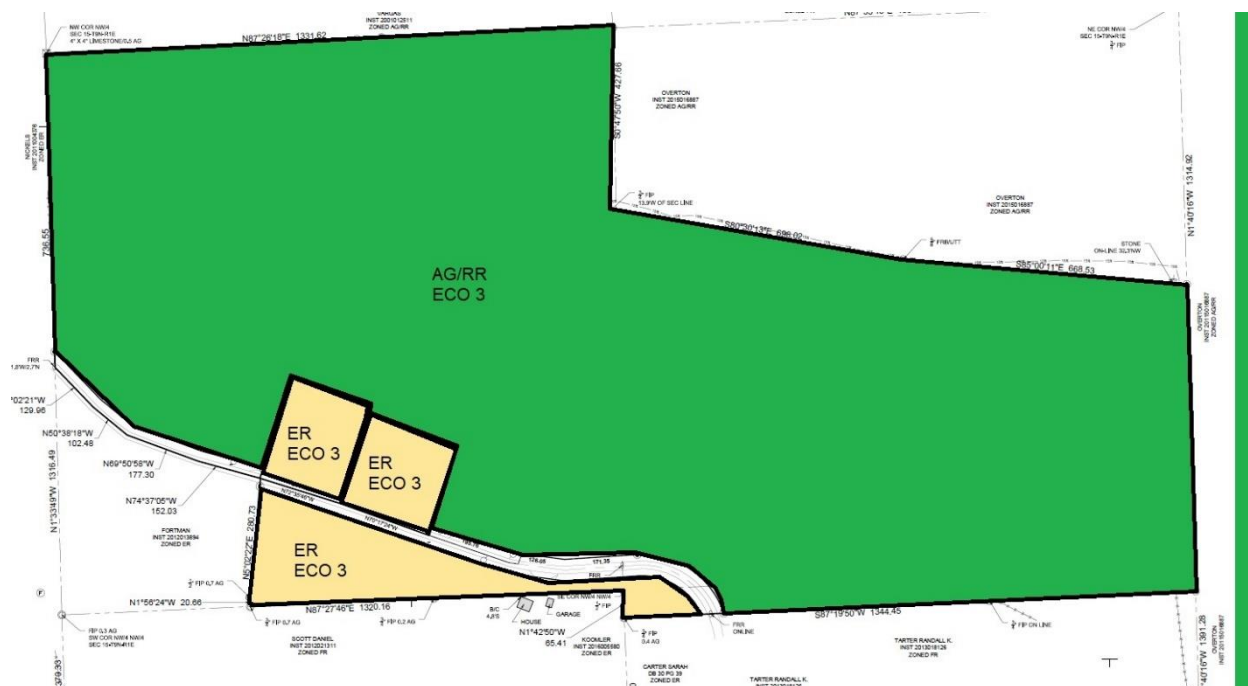
The petition site is two parcels totaling 62.2 +/- acres located in Benton South Township. The petitioner's own 3 parcels that are adjacent to each other. All three parcels are currently zoned Environmental Constraints Overlay Area 3 (ECO 3), Estate Residential (ER), or is spit-zoned Agriculture/Rural Reserve (AG/RR) and ER. The petitioner filed a 3-lot Sliding Scale Subdivision of 60 acre parcel in October. Upon surveying it was discovered that the parcel location of 4828 N Brummetts Creek Rd is incorrectly visualized on county GIS and plat maps. The 1 acre lot (4828) is directly adjacent to the other petitioner owned 1.15 +/- acre lot (4848 N Brummetts Creek Rd). This lot size is consistent with the Estate Residential zoning district but is currently zoned as AG/RR. In conjunction, there is 1 acre of the larger parcel that is zoned ER that is where the parcel is shown incorrectly on GIS. The petitioner is proposing to amend the Zoning Map so that the two small lots are zoned ER, and the third large lot is zoned AG/RR. All three lots will maintain their ECO 3 overlay zoning. The image below shows how the 3 lots appear on county GIS.



The image below is what the petitioner's representative states are the accurate locations of the two small lots, 4848 and 4828 N Brummetts Creek Rd.



The next image is the proposed zoning swap.



The Zoning Map amendment would be from AG/RR to ER, and ER to AG/RR. Listed below are the definitions of these zones per Chapter 802.

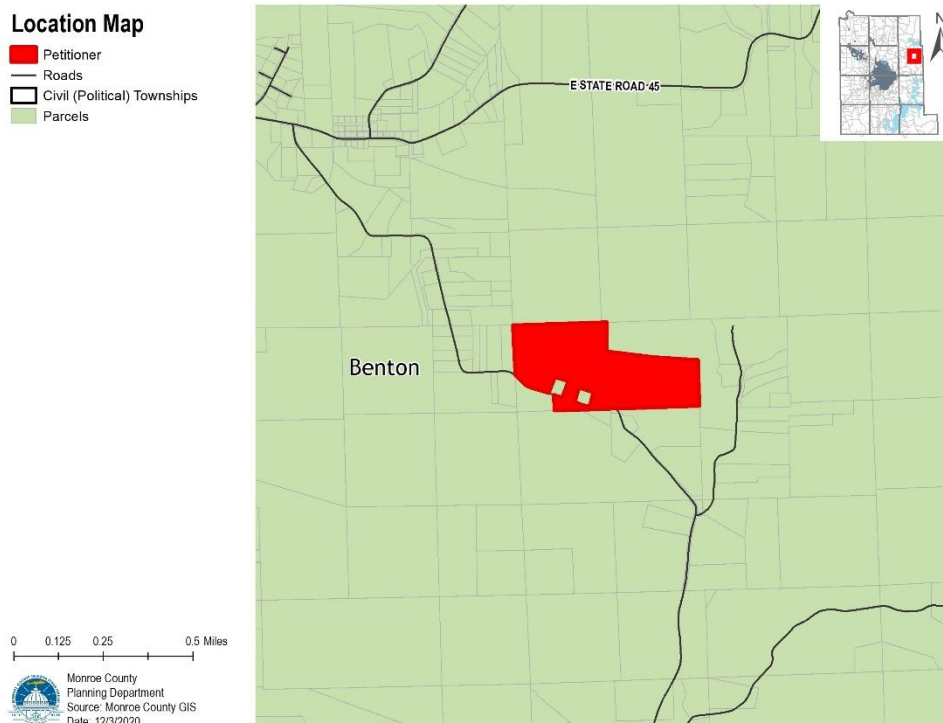
Agriculture/Rural Reserve (AG/RR) District. The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major)

subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

Estate Residential (ER) District. The character of the Estate Residential (ER) District is defined as that which is primarily intended for low density, single family residential development on relatively flat land in areas that have some, but not full, public services, generally along or near major County roads or state highways. Its purposes are to permit limited single family residential development on large lots, to discourage the development of sanitary sewer systems except for existing development, to discourage the development of residential subdivisions and non-farm nonresidential 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 ER District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the low-density residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

LOCATION MAP

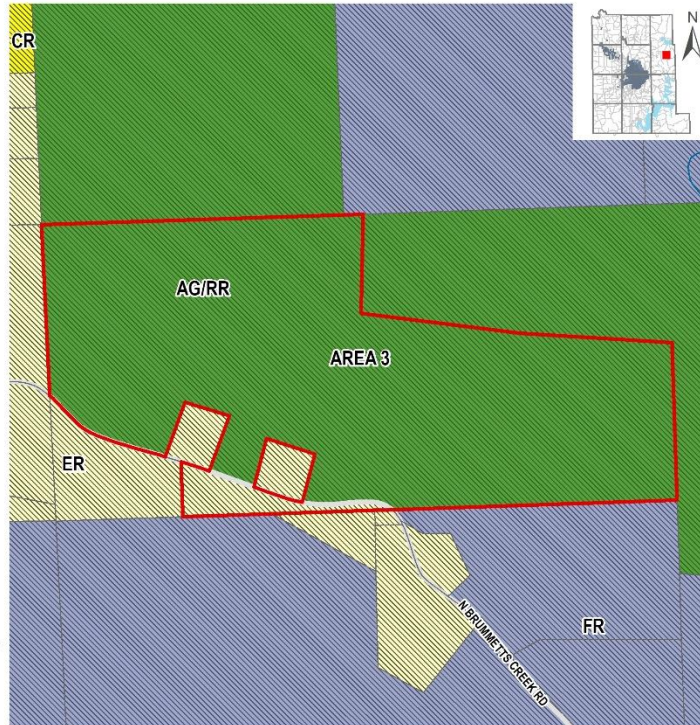
The petition site is one lot of record, parcel number: 53-06-15-200-003.000-003; 53-06-15-200-010.000-003. The site is located on N Brummetts Creek Road in Section 15 of South Benton Township.



ZONING

The zoning for the petition site is Agricultural Rural Reserve (AG/RR), Estate Residential (ER), and Environmental Constraints Overlay Area 3 (ECO 3). The adjacent zoning is also AG/RR, ER, ECO 3, and Forest Reserve (FR). The petition site use is currently Single Family Residential (4848 and 4828) or vacant (large parcel).

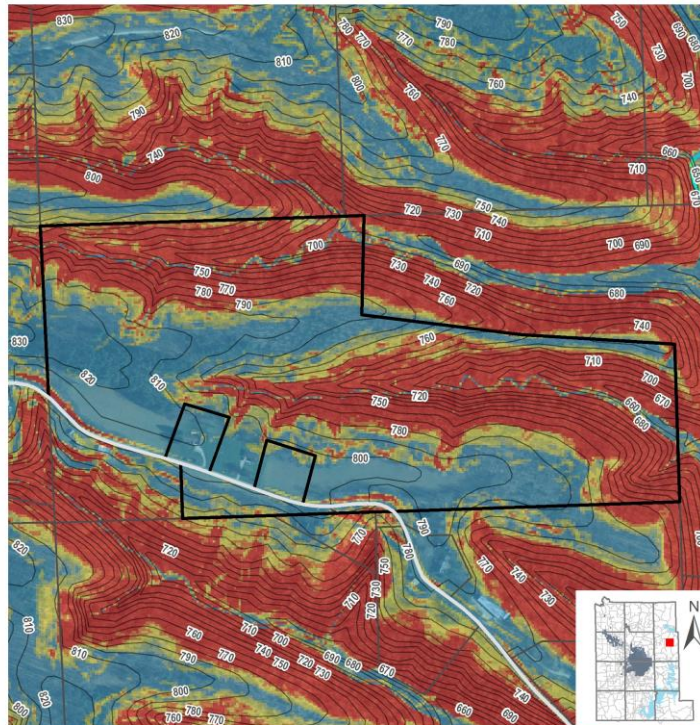
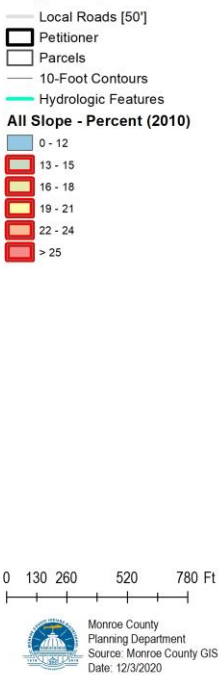
Current Zoning Map



SLOPE MAP

The petition site is two parcels totaling 62.2 +/- acres. The small lot is 1 +/- acre and the second is 61 +/- acres. The small lot (4828) contains an existing SFR on slopes that don't exceed 15%. The large lot does contain steep slopes greater than 15% but has adequate Buildable Area for a future subdivision.

Slope Map



SITE PICTURES



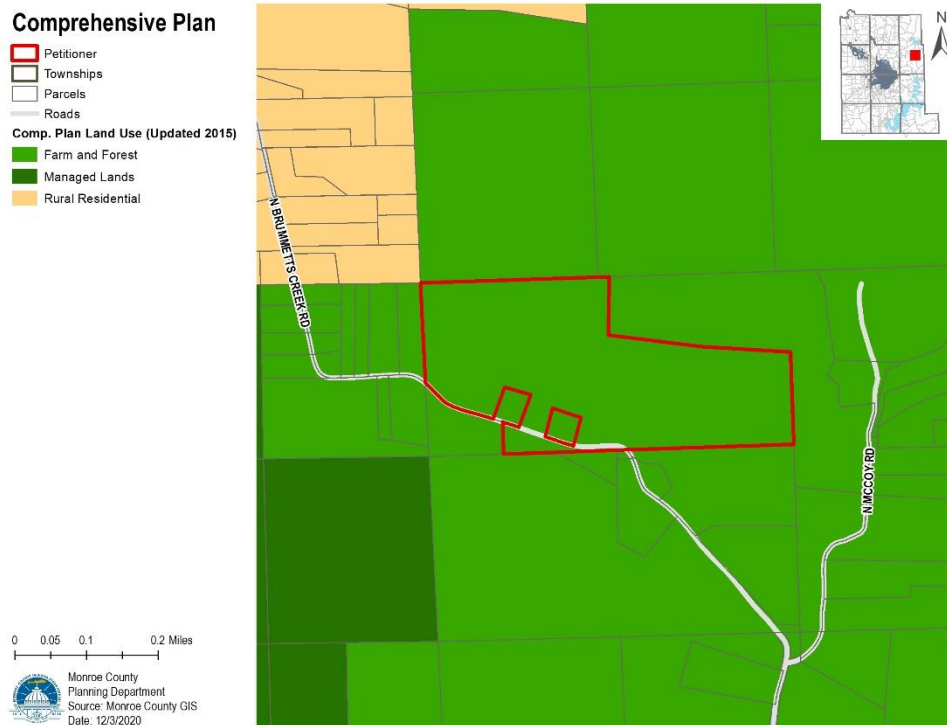
Photo 1. Pictometry photo of the two existing SFR.



Photo 2. Pictometry photo of the two existing SFR and the pink highlight of the incorrect parcel location of 4828 N Brummetts Creek Rd.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the **Farm and Forest** designation of the Comprehensive Plan. The Comprehensive Plan states the following for this designation:



Farm and Forest Residential

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

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

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

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

- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.

- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

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

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as Farm and Forest;
- The rezone request is to change approximately 2 acres of zoning from AG/RR to ER and ER to AG/RR;
- The current use of the petition parcels is residential and vacant;
- The petitioner discovered incompatible zoning after filing a Sliding Scale Subdivision with the Planning Dept. in October 2020;
- If approved the petition parcels would become more compatible with the Monroe County Zoning Ordinance Design Standards and Zoning District Descriptions;

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

Findings:

- See Findings under Section A;
- The petition site is two parcels totaling 62.2 +/- acres which are currently unplatted;
- The rezone request is to change the zoning for approximately 2 acres of the petition site;
- Petitioner use of the site has always been residential.
- The site is located within the ECO Area 3 and contains a mixture of buildable area (slopes 15% and under, and restricted slopes over 15% and 18%;
- The petition site is not located in FEMA Floodplain and there are no known karst areas;

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

Findings:

- See Findings under Section A and Section B;
- The adjoining and surrounding zoning are AG/RR; ER, FR, and ECO Area 3;
-

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

Findings:

- Property value tends to be subjective;
- The swap of zoning would be consistent with adjoining parcels zoned ER or AG/RR;
- 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, N Brummetts Creek Rd is classified as a Local Road;
- Access is off of N Brummetts Creek Rd;

EXHIBIT 1: Petitioner Letter



Todd M. Borgman, PS
Katherine E. Stein, PE
Donald J. Kocarek, L.A.
Stephen L. Smith, Founder

"Celebrating 40 years of professional design, surveying and land planning"

November 2, 2020

To: Monroe County Plan Commission

This letter is to serve as a request to Rezone the property located at 4828 N Brummetts Creek Road, Bloomington, Indiana, from ER to AG/RR. Rezoning the property would properly align current zoning districts with existing homes.

On behalf of Ernie and Mary Frazo,

Todd M. Borgman, PS

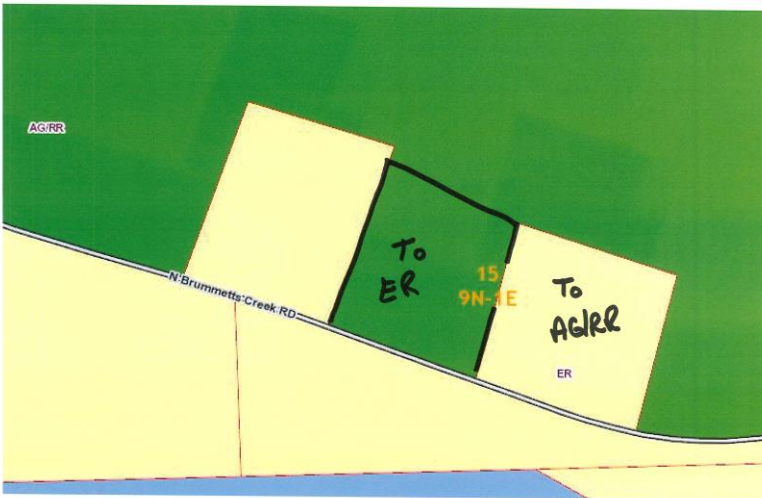


EXHIBIT 2: Petitioner Site Plan

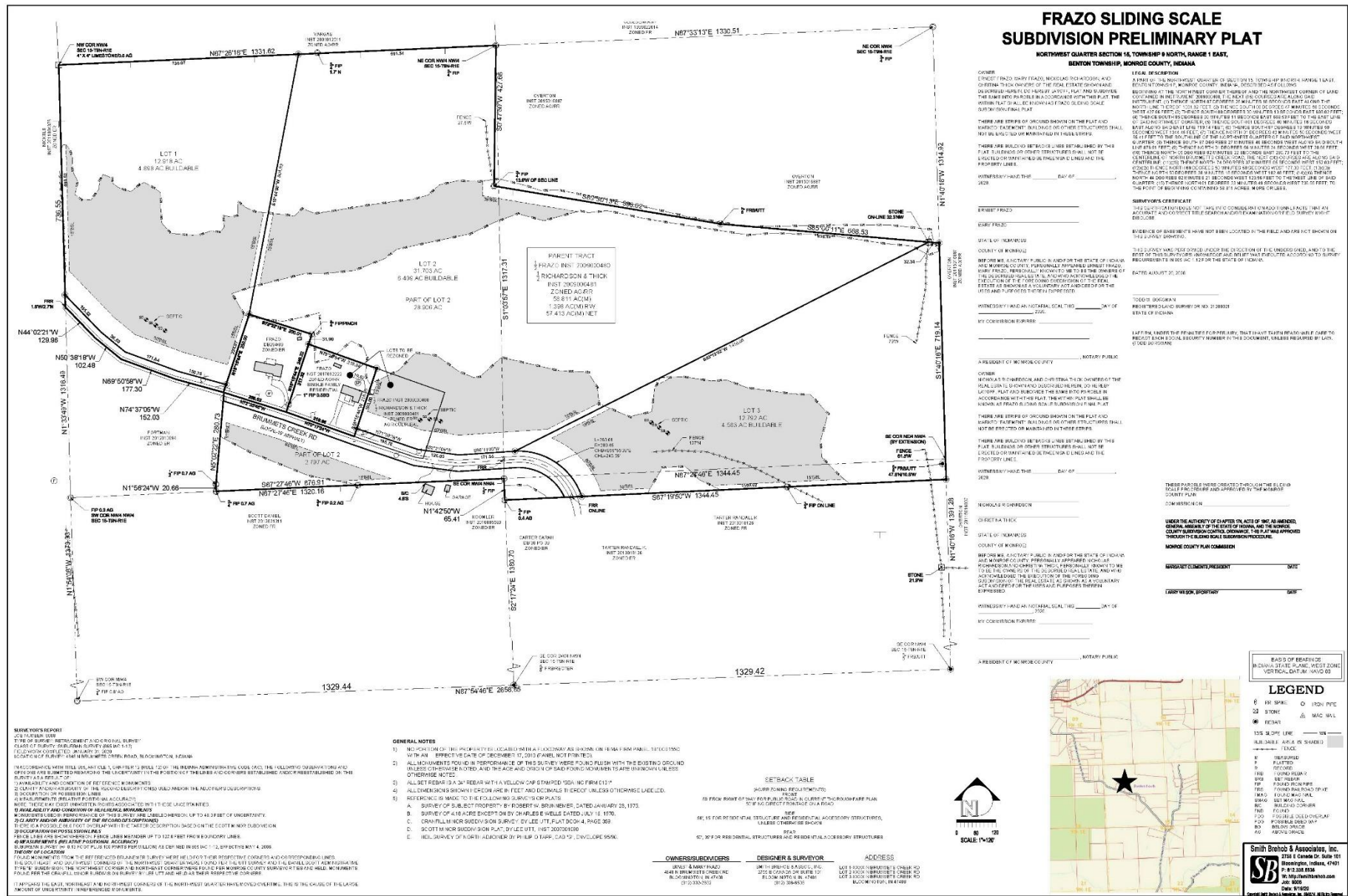


EXHIBIT 3: 1997 Zoning Map of Petition Site

