

DRAFT

**MONROE COUNTY PLAN COMMISSION
Virtual Meeting via ZOOM - Minutes
September 15, 2020 5:30 P.M.**

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

July 21, 2020

CALL TO ORDER: Margaret Clements called the meeting to order at 5:30 PM.

ROLL CALL: Geoff McKim, Margaret Clements, David Warren, Amy Thompson, Julie Thomas, Jim Stainbrook, Trohn Enright-Randolph, Bernie Guerrettaz, Jerry Pittsford

ABSENT: *Susan Sandberg, City of Bloomington Plan Commission Representative*

STAFF PRESENT: Larry Wilson, Director, Jackie Nester Jelen, Assistant Director, Rebecca Payne, Planner/GIS Specialist, Anne Crecelius, Planner/GIS Specialist, Drew Myers, Planner/GIS Specialist, Tammy Behrman, Senior Planner

OTHERS PRESENT: Brady Egan, Tech Services, David Schilling, Legal, Terry Quillman, MS4 Coordinator, Lisa Ridge, Highway Department Director

INTRODUCTION OF EVIDENCE:

Larry Wilson introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

Motion to approve the agenda, as amended, carried unanimously.

APPROVAL OF MINUTES

Motion to continue approval of July 21, 2020 meeting meetings, carried unanimously.

ADMINISTRATIVE BUSINESS:

UNFINISHED BUSINESS:

NEW BUSINESS:

- 1. 2001-SMN-02 Peony Place Minor Subdivision
Plat Vacation Request from Scherer Type E Subdivision
Overhead Utility Waiver Request. Sidewalk Waiver Request.
Right of Way Width Waiver Request.
Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) 3.42 +/- acre parcel in Section 18 of Bloomington Township at
4811 & 4815 N Maple Grove RD. **Zoned RE1.**
- 2. 2005-SSS-06 Kari Davis Sliding Scale Subdivision Preliminary Plat
Road Width Waiver Request. Preliminary Hearing.
Waiver of Final Hearing Requested.**
One (1) 10.9 +/- acre parcel in Section 12 of Bean Blossom Township at
9180 N Mt Pleasant RD (Parcel #: 53-03-12-400-001.000-001).
Zoned FR.
- 3. 2006-REZ-06 Brian Purcell Rezone from AG/RR/BIO to SR.
Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) parcel on 1.86 +/- acres in Section 16 of Van Buren Township at
7211 W Airport RD (Parcel #: 53-09-16-100-011.000-015)
Zoned AG/RR/BIO.
- 4. 2006-SSS-07 Walls Sliding Scale Subdivision
Road Width Waiver Request.
Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) 10 +/- acre parcel in Section 21 of Washington Township at
800 W Williams RD (Parcel #: 53-02-21-300-010.000-017).
Zoned AG/RR.
- 5. 2007-SSS-08 Pitcher Sliding Scale Subdivision Preliminary Plat
Road Width Waiver Request.
Preliminary Hearing. Waiver of Final Hearing Requested.**
One (1) 25.33 +/- acre parcel in Section 30 of Van Buren Township
at 5140 S Stanford Rd (Parcel #: 53-09-30-100-013.000-015).
Zoned AG/RR.
- 6. 2007-SAD-09 Highland Village Church Type E Admin. Subdivision
Right of Way Width Waiver Request.
Preliminary Hearing. Waiver of Final Hearing Requested.**
Three (3) parcels totaling 10.78 +/- acres in Section 1 of Van Buren
Township at 421 -535 S Curry Pike (Parcel #: 53-09-01-100-007.000-015)
Zoned RS 3.5.

DRAFT

REPORTS:

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

NEW BUSINESS

1. 2001-SMN-02

Peony Place Minor Subdivision

Plat Vacation Request from Scherer Type E Subdivision

Overhead Utility Waiver Request. Sidewalk Waiver Request.

Right of Way Width Waiver Request.

Preliminary Hearing. Waiver of Final Hearing Requested.

One (1) 3.42 +/- acre parcel in Section 18 of Bloomington Township at 4811 & 4815 N Maple Grove RD. **Zoned RE1.**

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Behrman: This is located at 4811 and 4815 North Maple Grove Road. It is in Bloomington Township, Section 18. It is also part of the National Register of Historic District called Maple Grove Road Rural Historic District, which does not quite provide local protection from anything. But it does have that designation and the DNR recognizes it as well. It is zoned RE1, which does require 1 acre minimum lot size. It is an old fringe zone and the Comprehensive Plan has it as MCUA Suburban Residential. This lot was created in 2006 from the Scherer Type E subdivision. On the left there you can see the original parcel there in turquoise and then they added several other chunks from other lots together to make what we see today. For whatever reason and I did include this as an Exhibit 3, we are not sure why this lot was combined to allow for 2 houses on the same lot. There is a 2,300 square foot house built in 1993 and the other one 616 square foot home that is locally designated as a contributing historic structure. I don't know if it is the small size or what or how this was combined but at the current moment we consider this a nonconforming lot, which creates some other problems even outside of the planning and zoning realm which is why the petitioner is here to try to do this 2 lot subdivision to allow each residence to be on a separate lot. These are some of the site conditions. North Maple Grove Road is a major collector that requires a 45 foot right of way dedication. Previously in 2006 we saw a 30 foot right of way dedication so one of the waivers is to maintain that 30 foot right of way designation. We do see 2 points of ingress/egress here for the driveways. The Highway Department is asking for a change in that configuration. There are a lot of old historic limestone dry stack walls on that site so those are a concern that both staff and the Historic Preservation Board have kind of added a condition to on this site to have a little bit of that extra protection. These are some site photos. The top one is I am standing where the Highway Department would prefer there be a driveway for Lot 2, let me make sure that is correct and not call that incorrect, Lot 1. Sorry, Lot 1 is the southern lot in this case. If you see back in the background there, there is a hill, like a crest and because of where those hits it doesn't allow for proper sight distance it is a safety concern. The bottom picture is the driveway that they would like to see removed from the site. This is the northern driveway cut and things that I will note here in this picture is the utility pole that is in the foreground. Lot 1, which is the southern lot with the 1993 home, the utilities are buried for this not. But they are not for the little 616 square foot home and the way that those limestone dry stack walls are configured, staff did not see an immediate issue to bury those utilities which is why we won't be supporting that waiver. Also that mature pine tree in that background there the branches were leaning on the line when staff was there for a site visit. The bottom picture, again that northern driveway which does have acceptable sight distance and is very well going to be like a shared driveway. We have the 616 square foot home in the upper picture. You can see the utility line that extends to it and the

bottom picture is the backyard of the 1993 home with some of those dry stack walls background there of the property line. Again, calling attention to Maple Grove Road on the upper picture was just recently paved but what we see here is on either side of the road are those stone walls that we do consider historic in nature. Should we not approve the Right of Way Width Waiver, those dry stack walls do end up in the right of way a lot more than they are now. Also one of the smaller little sheds that is on the property would be in the right of way and would possibly need to be removed. Also the Sidewalk Waiver is being requested here for exactly these constraints with these walls, staff does support a Sidewalk Waiver in this case.

Nester Jelen: Tammy, you are cutting out just a little bit.

Behrman: I included the Alternative Transportation Plan. Basically, what we were seeing is one of those red lines that does say like a road improvement opportunity is kind of a priority in this area. However, they just paved the roads so I am not sure what kind of Alternative Transportation was incorporated there. Maybe the Highway Department could speak to whether there were any plans when they did the paving there. I am going to say when we put together the packet and I did the staff report I failed to put in 2 of my exhibits. One of those was the right hand, the SHAARD designation for the IHSSI designation for historic properties. It is a contributing structure for both the house and the walls. Unfortunately, Exhibit 6 wasn't in there. Something I want to call attention to is if the Preliminary Plat is approved before final platting not only will they have to meet all of the conditions of approval but they will have to hook onto sewer. So, we do have proof that they got an easement from sewer to the west of the petition site and also we have a capacity letter stating that sewer can accommodate these structures. Stormwater did not have any comments. The drainage easement was put on the plat as requested. The Highway Department does support the Right of Way Width Waiver and also the Sidewalk Waiver. We added a 5th condition that you will see there based upon the Highway's report and that they would want to have the driveway entrance for Lot 1 removed before final platting. This is the plat which is in the packet and go ahead Jackie to the next one, I kind of blew it up so we could see it a little easier. Each lot does meet the 1 acre minimum lot size. There is buildable area for these 2 existing homes. The limestone walls are designated in those little blue circles. One of the conditions is that when we work on a driveway configuration and turnaround that those walls will not be disturbed and also for utility installation. We are depicting here the 30 foot right of way dedication and one thing I will note is that on Lot 1 here is a detached garage that looks like it is really close to the property line. It is more than 5 feet an even though a 20 foot setback here in this zone if the structure is less than 15 feet in height it can be within 5 feet of the property line. So, just to point that out there it does meet our specifications. I think you saw this during the Administrative Meeting but it failed to make it into this packet, this is the findings that the petitioner submitted. In the upper left is the utility findings, the next ones are sidewalk and the next slide will be findings for the right of way width waiver. This is kind of showing the structure in the middle picture and some of those walls could be at risk being in the right of way and not protected by the petition site itself. The Plat Committee met on August 20th and they forwarded a positive recommendation of 3 to 0 to approval pretty much all of it including the Utility Waiver. The staff still does not support it because of the findings. The Historic Preservation Board also reviewed this petition and they made a motion to make a positive recommendation to support the Sidewalk Waiver and the Right of Way Width Waiver and to add a condition, which I will mention here in just a moment. Staff recommends approval for the Preliminary Plat based on the findings of fact and the County Highway and Drainage Engineer

reports with the following 5 conditions, which will be on the next slide. Staff is also recommending approval for the Plat Vacation of the lot of the Scherer Type E Subdivision and also approval of the Right of Way Width Waiver and the Sidewalk Waiver. But staff does recommend denial of the Utility Undergrounding Waiver based on the findings of fact. These are the conditions of approval. I will go ahead and just read these to get them in the record.

- 1) All parties involved must come to a census of a driveway design that conforms with the Highway regulations and complies with a 856-9(D); that driveways shall be designed to avoid requiring vehicles to back into traffic on aerial or collector streets. This provision shall not be waived.
- 2) Add a note to the plat regarding the 15 required street trees to remain along the North Maple Grove Road and to be replaced if needed per Chapter 856-43.
- 3) Add a note to the plat regarding the 616 square foot residence as a pre-existing non-conforming structure that encroaches into the front setback.
- 4) Any improvements including utility work or driveway/parking configuration should not impact the historic limestone walls.
- 5) The Highway Department requests re-location or removal of the existing driveway entrance on Lot #1 before Final Platting.

Are there any questions?

RECOMMENDATION

Staff recommends **approval** of the preliminary plat based on the Findings of Fact subject to the County Highway and Drainage engineer reports with the following three conditions below.

Staff recommends **approval** of the Plat Vacation of the lot from the Scherer Type E Subdivision.

Staff recommends **approval** of both the Sidewalk Waiver and Right of Way Width Waiver requests based on the findings of fact and Highway and Drainage engineer reports.

Five Conditions of approval:

1. All parties involved must come to a consensus of a driveway design that conforms with Highway Department regulations and complies with *856-9(D) Driveways shall be designed to avoid requiring vehicles to back into traffic on arterial or collector streets, and this provision shall not be waived.*
2. Add a note to plat regarding the 15 required street trees to remain along the N Maple Grove Rd and be replaced if needed per 856-43
3. Add a note to the plat regarding the 616 sf residence as a pre-existing non-conforming structure that encroaches into the front setback.
4. Any improvements including utility work or driveway/parking configuration should not impact the historic limestone walls.
5. The Highway Department requests re-location or removal of the existing driveway entrance on Lot #1 before Final Platting.

Staff recommends **denial** of the Utility Undergrounding Waiver request based on the Findings of Fact.

FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- Approval of the subdivision would subdivide one lot into 2 lots and meet design standards if waivers and conditions are granted;
- There are currently two residences on this lot and the subdivision would allow one house per lot bringing the site to conformity;
- The two lots have ‘will serve’ letter for sewer, electric and water;
- A sewer easement was recorded for the subdivision;
- Fifteen required street trees exist along N Maple Grove RD;
- Each proposed lot meets buildable area design standard requirements;
- A Sidewalk waiver has been requested by the petitioner;
- A Utility Waiver has been requested by the petitioner;
- A Right of Way Width Waiver has been requested by the petitioner;

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

Findings

- The Comprehensive Plan designates the site as MCUA Suburban Residential;
- See findings under Section A;

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

Findings

- See findings under (A)
- The proposed use is residential;
- The surrounding uses are residential or agriculture in nature;

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

Findings

- The property is currently zoned Estate Residential 1 (RE1);
- Adjacent properties are zoned Estate Residential 1 (RE1);
- Minimum lot size is 1 acre and Lot 1 will be 1.27 acres and Lot 2 will be 1.65 acres;
- All other design standards can be met;
- See findings under Sections A & C;

(E) To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development,

to promote an aesthetically pleasing and beneficial interrelationship between land uses, and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy and areas subject to environmental constraints, both during and after development).

Findings

- See findings under Sections A & C & D;
- The Comprehensive Plan states, “Suburban residential includes existing low- density single-family subdivisions.”
- The petition site is within the National Register Historic District known as Maple Grove Road Rural Historic District (Exhibit 5).
- There are 15 trees along N Maple Grove RD that can count for the street tree requirement;

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

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

Findings:

- The petitioner has submitted a preliminary plat drawn by a registered surveyor.
- The petition site was previously platted under the Scherer Type E Subdivision and a plat vacation has been requested as a part of this petition;

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – OVERHEAD UTILITY WAIVER

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

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

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

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

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

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

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

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

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner has requested an overhead utility waiver for the existing overhead utility line that requires undergrounding, an approximately 110' run of electric line on proposed Lot 2;
- Lot 1 has a home and all of the utilities are buried already;
- Findings for the utility waiver request were submitted by the petitioner (Exhibit 6);
- The above ground electric line requires undergrounding, as per 856-41;
- The cost of burying the utilities may exceed the value of the structures it will serve;
- There is a gap in the dry stack limestone wall where utilities could be buried;
- There is large pine tree that the utility lines touch currently as depicted in staff photos #3 & #5;

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

Findings:

- See findings under Section 1;
- The Comprehensive Plan states for properties in MUA Suburban residential that "Overhead utility lines should be buried within subdivisions";

- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions, except on public roads and rights-of-way or in easements serving other property;
- The Subdivision Control Ordinance provides the following definitions related to easements and right of way:

852-2. Definitions

Easement.

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

Right-of-way.

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

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

Findings:

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

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

Findings:

- See findings under Section 1;
- Waiver approval would permit existing conditions to persist;
- This site is within the National Register Historic District known as Maple Grove Road Rural Historic District;
- The home that is serviced by the aboveground utilities is listed as ‘Contributing’ in the ISSHI County Survey as well as the extensive amount of historic, dry stack limestone

walls found on the petition site;

- There will still be a utility line running above ground in the right of way;

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

Findings:

- See findings under Section 1 and 4;

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

Findings:

- See findings under Sections 2 and 3;

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

Findings:

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

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

Findings:

- The petitioners created the lot in 2006 under a Type E subdivision that placed two homes on the same lot and a subdivision is the only way to reverse this non-conformity;

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

Findings:

- Not Applicable per 856-41;

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

FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT

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

- (A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way when any of the following are applicable:
 - (3) the proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;

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

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner is requesting a waiver from the required 600’ of sidewalks along N Maple Grove RD;
- The sidewalk improvements are required due to the petition site meeting the criteria described in 856-40 (A) (3) above;
- The petition site is within the Monroe County Urbanizing Area (MCUA Suburban Residential) as shown in the Comprehensive Plan;
- The site gains access from N Maple Grove Road, designated a Major Collector in the Monroe County Thoroughfare Plan;
- Sidewalks do not currently exist adjacent to the petition site in either direction;
- The requirement is that sidewalks be constructed within the right-of-way along the petition site’s frontage of 600’ along N Maple Grove RD, unless the waiver is granted;
- There are existing physical constraints, including steep slopes and historic dry stack limestone walls;
- The total length of required sidewalk for which the waiver is requested is approximately 600’;
- The approximate width between the limestone walls on either side of N Maple Grove RD is around 40’ in some places;
- The sidewalk would conflict with the historic wall physically as they are installed at the edge of the right-of-way and border the property line.
- A Right of Way Width Waiver is being requested due to the constraints of the historic wall locations;

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

Findings:

- See findings under Section (1);
- The Comprehensive Plan calls for transportation alternatives throughout Monroe County;
- The 2018 Monroe County Transportation Alternatives Plan lists N Maple Grove Road as “High Priority for Road Improvement Opportunity”;

- The 2018 Monroe County Transportation Alternatives Plan shows this area in the Monroe County Vision map as High Priority transportation alternatives;
- In 2020 N Maple Grove Road was repaved;

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

Findings:

- See finding under Sections (1) and (2);
- The absence of a sidewalk would not have a detrimental relationship to the delivery of governmental services (e.g. water, fire protection, etc.) to the proposed subdivision lots;
- Sewer will access the property from the west and would not impact the location of sidewalks;

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

Findings:

- See findings under Sections (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood., as there are no sidewalks that exist near the petition site and the proposed subdivision would only create two lots, one of which is not to be further developed;
- The petition site is within the National Register Historic District known as Maple Grove Road Rural Historic District known for the limestone dry stack walls;
- Altering the limestone walls to accommodate sidewalks along N Maple Grove Rd would substantially change the character of the neighborhood;

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

Findings:

- See findings under Section (1) and (4);

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

Findings:

- See findings under Sections (1), (2), and (3);
- Granting the requested modification would not contravene the policies and purposes of these regulations;

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

Findings:

- See findings under Sections (1), (2), and (3);
- The requested modification is necessary to ensure that substantial justice is done and represent the minimum modification necessary;

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

Findings:

- See findings under Sections (1), (2) and (3);
- The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant;

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

Findings:

- See findings under Section (1);
- Relocating the limestone walls to accommodate sidewalks would be a practical difficulty and staff can see no reasonable design alternative;
- Installing sidewalks would require the stone walls to be modified in four separate locations;

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

FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.

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

1. Practical difficulties have been demonstrated:

Findings:

- The site maintains frontage and gains access from N Maple Grove RD, a major collector;
- The Scherer Type E Administrative Subdivision was recorded in 2006 where N Maple Grove Road was classified as a ‘collector’ and a 30’ right of way was dedicated by the petitioner;
- The most recent Thoroughfare Plan was passed December 12, 2018 which major collector to dedicate 45’ when before it was 35’;
- Under the current Thoroughfare Plan a major collector has a 45’ right of way designation;
- The petitioner has filed a minor subdivision to create two lots to accommodate the two residences that occur on the single lot they created in 2006 which requires compliance with the to the right of way dedication under Chapter 856-28;
- Without a waiver from the right of way requirement the 616 sf house on Lot 2 will be in the right of way and will be non-conforming and likely altered;
- Most of the historic dry-stack walls along N Maple Grove RD would be within the required 45’ right of way;
- The waiver approval will allow the minor subdivision to continue with a 30’ right of way dedication along N Maple Grove Road keeping many of the historic dry stack walls out of the right of way along with the 616 sf home;

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

Findings:

- See Findings under # 1;
- The 2018 Thoroughfare Plan does not contain language to allow the Highway Department staff the ability to waive a right of way classification requirement based on individual road segments or findings;
- The Highway Engineer has supplied favorable comments to allow for a 30’ right of way dedication along this petition site property to remain rather than increase the right of way to 45’ (Exhibit 6);

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

Findings:

- The site is on septic currently but will be required to connect to sewer if the subdivision is approved and final platted. The sewer connection will be from the west;
- The Highway Engineer has supplied favorable comments to allow for a 30’ right of way dedication along this petition site property to remain rather than increase the right of way to 45’ (Exhibit 4);
- The Monroe County Transportation Alternatives Plan shows E Dillman Road as “High Priority Road Improvements” on the Visionary Map;
- A Sidewalk waiver has been requested by the petitioner that is supported by staff;

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

Findings:

- See Findings under #1, #2, #3;
- See findings under Sections (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood;
- The petition site is within the National Register Historic District known as Maple Grove Road Rural Historic District known for the limestone dry stack walls;
- Altering the limestone walls to accommodate road expansion along N Maple Grove Rd would substantially change the character of the neighborhood;

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

Findings:

- See findings under #1 above;

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

Findings:

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

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

Findings:

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

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

Findings:

- See findings under #1 through #7 above;

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

Findings:

- See findings under #1 and #4 above;

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

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QUESTIONS FOR STAFF – 2001-SMN-02 – Peony Place

Clements: Thank you Tammy.

Nester Jelen: Jim and then Geoff.

Stainbrook: My motion may be premature then but I will go ahead and move approval of the petition with the 5 staff recommended conditions and including denial of the Sidewalk Waiver. Was that correct?

Behrman: It is the Utility Waiver that staff is recommending denial.

Stainbrook: I misspoke, I am sorry.

Behrman: I think we are still going to have to hear, yeah we still have to hear from all of the other folks that might be out there.

Nester Jelen: I will note your motion Jim, but Geoff did you have a question?

McKim: I just wondered what the impact of designating the as a pre-existing non-conforming structure is. What does that mean?

Behrman: This is kind of a typical thing that happens when we bring a lot up to conforming and regulations and right of way dedication, the structure ends up being in the front setback from this plat and you can't add to it or do any expansion without a variance. It is just the little corner that ends up in the front setback but we want to note that non-conforming aspect of that structure and call it out as almost like a buyer beware, in a sense. Since we are adding it we might as well put it out there.

McKim: Perfect, thank you.

Nester Jelen: Dave and then Jerry.

Warren: Yeah and I might have missed this in your presentation. I saw it in the packet. Could you just briefly explain why you support denying the burial waiver?

Behrman: There are a couple of reasons. One was that looking at the tree that it was going through and it was leaning on the wire itself that seemed like it was kind of a safety issue. There is a gap in the limestone wall right there so it's not like they can't get the underground utility to the structure and Lot 1 to the south is already buried underground. Finally, this is a historic district and whether that utility pole detracts or adds to that character of the area was something that I thought of that possibly that would be a reason to think about putting it underground.

Warren: Thank you.

Nester Jelen: Jerry?

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Pittsford: That leads into my question. Is the petitioner requesting a waiver because cost?

Behrman: Right. Yes and that is not really something that our definition of practical difficulties really kind of gets into.

Pittsford: Right. The old BZA experience kind of kicks in and I look at it and say, you know if this was being heard as a variance request the fact that it is going to be an added expense so not really justification unless it is prohibitive kind of cost or unnecessary hardship.

Behrman: I will say that the findings that were submitted really didn't even go into that aspect of it. I just found that the findings that were submitted for the utility waiver were fairly weak. I didn't see anything strong to pull out of it. My site visit I felt led to a stronger case to bury it, so unless something comes up this evening provided by the petitioner or something I am still going to stand by request to deny the waiver.

Pittsford: Ok, I want to follow up. You did say that the adjacent house does have underground utilities, correct?

Behrman: Yes, the one built in 1993.

Pittsford: What about the nearest adjacent properties? Are they underground? I know there is a lot of new construction out there.

Behrman: I very specifically just went to the site. I did not go up that road. It was pretty quick and pretty fast and I didn't linger.

Pittsford: Ok. Alright, well, my guess that certain area adjacent have developed. It is not too far from Muerfield and another little subdivision down the hill. There are probably a lot of utilities buried out there so I don't see any problem with the recommendation that staff has made. That is all.

Nester Jelen: Any other questions from the Plan Commission? I don't see any.

Clements: Ok. Is the petitioner or the petitioner's representative here and would he or she like to speak?

PETITIONER/PETITIONER'S REPRESENTATIVE – 2001-SMN-02 – Peony Place

Deckard: This is Eric Deckard with Deckard Land Surveying. Can you all hear me?

Nester Jelen: Yes.

Deckard: I am not sure if the petitioner is here tonight. I can't see who all is at the meeting here on my ipad. But I would like to take a moment here to maybe address some of the concerns with the overhead utilities. I was asked by Trohn at the Plat Committee Meeting last month to kind look into this. What is going to take to get the utility buried? Looking into that just a little, I did speak

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with an electrician to see what it would cost to have it buried and it was explained to me that it was about \$10 per lineal foot to have it buried. More than likely there would need to be a new meter box put onto the back of the house to switch it from above ground to underground and also a service panel would need to be added to the house, which in total you would be looking at about \$3,500 to do something like that. I did look into the white pine tree where the utility line goes through, it looked like it as just one maybe two branches that would need to be trimmed and I think the integrity of that tree could be saved by just trimming those trees versus taking on the responsibility of jeopardizing the root system by burying the utility line going from the service pole and around the house. I am not a tree expert but my understanding of a root system to a tree is the root system is approximately the same width of what drip line of the tree is and if it is going through the drip line of the tree it is probably going to be going through the root system. It would be nice to save that white pine and not take the chance of jeopardizing it and being able to utilize it as the street tree count. If there are any questions that you might have I would be glad to try to answer any of those questions. I think Jerry had also hit on what did most of the area how did they receive services? It looked to me like when I was out there that there was a lot of overhead utilities. I am sure the Muerfield, all of that are is buried but any of the existing home are above ground. One of my other thoughts on this 616 square foot house and the lot that we are creating on the Lot 2 is that most of the buildable area is behind this 616 square foot house. I can see in the future that maybe this 616 square foot house won't be there in the future and a bigger home put in the rear of this lot. You would want to utilize this driveway entrance because of the hill or the crest. That would be a good time to bury that utility at that time during the new construction versus paying to have it buried now and redo it later. That is really all I have to add with regards to the overhead utility request.

Clements: Ok, is there anyone else that would like to speak in favor of the petition?

Nester Jelen: Jim Stainbrook has a quick question. Is it for Eric, Jim?

Stainbrook: Jackie and Margaret, thank you and Eric I followed the presentation and appreciate the representation that you are providing so ably for your client. But I don't find that convincing just because there are a lot of unseemly overhead wires here and there, I don't see any reason for us not to improve the environmental appearance of our county and this this thing about the \$3,500. I think that is a bunch of hooey and the drip line on the tree, I just don't, thank you for your efforts but I don't see anything there convincing. When it is appropriate and comes up I would like to initiate the same motion that I attempted to make earlier. I apologize for being out of line. That was a gross error on my part. Thanks Jackie. Thanks Margaret.

Nester Jelen: Trohn, did you have a question for Eric?

Enright-Randolph: I just wanted to thank him for doing a little more research on this matter and I do have a comment. Is it not time?

Clements: We will do that after we hear all of the people in favor of the petition and then in opposition to the petition. Then there will be an opportunity for the Plan Commission members to discuss it further.

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Enright-Randolph: Sounds great.

Clements: Is that ok with you, Jackie?

Nester Jelen: Yes. I see that Kim Scherer is on the line. Did you want to speak, Kim?

Scherer: Yes, thank you Jackie. The \$3,500 to me is significant. I have been trying to finance its about \$30,000 to put in, that is the Bynum Fanyo estimate to put in the sewer connection to back there in Muerfield and we have already spent a lot of money. I think maybe one of these days it might be ideal to have that underneath but if you could give us that variance at this point and let me kind of deal with the things that are a higher priority right now, maybe there would be a remodel and we would want that underneath. But I think I heard some of the other members in the last meeting say that typically these things are approved, the utility waivers that that is the norm to approve them. So, I guess I am disappointed to add an additional cost to something that I was hoping to put off.

Clements: Thank you Ms. Scherer. Are there any other members of the public who would like to speak in favor of the petition? If there are none, is there anyone who would like to speak in opposition to the petition?

Nester Jelen: I am not seeing anyone.

Clements: Ok, then we will go back to Mr. Enright and Mr. Enright, would you like to continue what you were trying to say?

PUBLIC COMMENT– 2001-SMN-02 – Peony Place: None

ADDITIONAL QUESTIONS FOR STAFF - 2001-SMN-02 – Peony Place

Enright-Randolph: Yes, perfect and I am glad you went to public comment first because I can address the last statement. I would not say it is the norm but there has been incidents and frequently we went against staff on the recommendation. Sorry, that is just such a hard thing to say because typically I support staff. In this incident it gets bumped up to the full Plan Commission because there are more waivers out there and everything else. There has just been areas where we felt like the waiver could be granted and ultimately another thing to Jerry's and probably everyone's thought here is we do get to make decisions outside of what staff's recommendation is and interpretations. So, that is on us to uphold and that is why we support this with a positive recommendation. I think I am the one that brought up cost, so if anyone feels a little sided by discussing the dollar amount, I was intrigued at the Plat Committee. So, again I thank Eric for even exploring that and looking into it. As Jackie eluded to, the cost wasn't even in the submitted letter of findings for the waiver. Thank you.

Nester Jelen: Julie, you have your hand raised.

Thomas: Yes, so just a quick comment on this. It seems like if that driveway is going to have to be redone at the juncture anyway that this is a good time to bury the utility line, so that should

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reduce the expense of it but maybe not. I do wonder if there is some way for our staff easily track, maybe with the new software, to easily track something if we said that the utility line had to be buried in 5 years or something like that. Is that something that is possible to track if we gave them leniency on the time?

Nester Jelen: Tammy, you are on mute.

Behrman: I did have a conversation with the petitioner. This preliminary plat is good for 2 years, so they have 2 years to come back and possibly then ask additional extension of another 2 years. So, there is that 4 year window that they could hook onto sewer, which is required before final platting and make any of the site improvements to meet those conditions that are voted on today before final platting. There are 2 to 4 years to work with in this case. Do we have a way to track it? I put things in my calendar but we have staff turnover so things do get lost sometimes.

Thomas: I just wondered with the new software if it's possible to do that because it seems like it has a good calendar system to track follow up on things and I didn't know if that worked for closed cases or intermediate cases as well. The problem is that it puts them behind in final plat, right. If they can get the sewer hookup done, sorry, I get what you are saying. I just wanted to throw that out there as something to think about.

Nester Jelen: Jerry, Geoff, and then Bernie.

Pittsford: Well, with that question, which is a great question Julie thank you for asking it, it seems that even with the denial of the waiver you are looking of up to 4 years before the plat has to be finalized. So, if we deny the waiver it's not like they have to go out tomorrow to do the underground utilities. Is that correct?

Behrman: Yes, not until they want to actually separate the lots and final plat.

Pittsford: Right, so, I mean, they have got a 2 year window. Maybe they sell within the 2 years and they can pass the cost. Maybe they don't and they go another 2 years, so that is still 4 years before any of the utilities requirements actually kick in. I don't think the denial of the waiver request really compels me to the expense. I just want to be clear on that.

Nester Jelen: There could be a condition, I know we have done in the past to allow the preliminary plat to not expire for an additional time period if that is amenable. Geoff, did you have a question?

McKim: I appreciate hearing Jerry's additional questioning on that. This is not a hill I am going to die on but I do feel like the reasoning for the requirement, the utility burial is not all that strong. It sounds like, I agree, it sounds like the pine branch is an issue but that also could be solved in a much easier manor. As far as the aesthetics go, you know a wooden utility pole versus a cabinet in the front, you know it is 6 and 1, half a dozen another. I don't know that a buried utility are really going to improve the aesthetics of the property. I guess I would prefer given the relatively weakness of the case on that to default on behalf of the petitioner. But I don't know if that is where the votes are.

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Nester Jelen: Bernie and then Julie.

Guerrettaz: Little known to me Geoff kind of walked right into where I was going with it. I think postponing a preliminary plat to where the owner can actually extract equity out of the property from a final plat I think is an important fact that we should look at if they are going to go ahead and final plat it as soon as they could. If it would meet the petitioners need to hold it off I would be in support of that but I am in support of the utility waiver. It is something that we do frequently for existing structures and I think that is maybe the clarification that needs to be made here. Waivers for buried underground utilities to existing structures, existing homes, buildings that have improvements within that is a burden on the landowner that didn't put that overhead line up to begin with, is something that we have done regularly. Just in this case nobody is asking for the waiver for a new home. If this was a lot that wasn't built on, on the south, it looks like Lot 1, we wouldn't be granting a waiver for that lot because this is an existing home with an existing overhead line. I think Ms. Scherer's point with potential remodel in the future, rearranging that panel it would be nice if all of this could be done at one time. Whether it is done or not the aesthetics of the poles, if you look at that picture looking down Maple Grove Road from the road itself you can see at least 3 if not 4 overhead utility poles and if I look at the aerial view, you can pick out probably 4 or 5 poles that are down Maple Grove Road. So, we are really just looking at the aesthetics of that thin wire as it goes to the power pole to the house and I do not think that the county has any huge benefit in aesthetically or otherwise, in removing that wire. Geoff's point about the pine tree and I think Eric did give some good points with removing the branches and eliminating any excavating around the tree. I think those are worthwhile arguments. I don't think those are nonsense. I would be in support of the utility waiver and I would not necessarily be in support of withholding of the time on the preliminary plat because again those are other factors that have to get involved in that as well. Those are my thoughts.

Nester Jelen: Julie?

Thomas: Just quickly, there are other benefits to burying utilities that can impact other neighbors as well. It depends on how the power is running but burying utilities is always a good thing for a homeowner to do whenever they can because it does help with the longevity of the power. I think it makes a big difference aesthetically as well but I think there are some other benefits and with the tree being there I would hate to mangle that tree just to make sure that line is not interrupting what is there in a storm or something like that. If the time extension is ok with the petitioner I am good with this as it is, supporting staff's recommendation.

Nester Jelen: Ok. Margaret I don't think there is any more questions.

Clements: I will entertain a motion then.

FURTHER QUESTIONS FOR STAFF - 2001-SMN-02 – Peony Place

Stainbrook: Jackie?

Nester Jelen: Yes.

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Stainbrook: I see the vote. I will just withdraw whatever significance my premature motion made and in doing that I would say that if we have these stipulated conditions and plans and looking for good things, in cases again and again we set them aside or wave them or don't enforce what we are trying to do properly, other people are effected. In no way did I mean to derail what Eric was saying. Eric is a professional and he spoke well. But for instance the drip line and the trees I don't know which is going to do more damage to the tree and some folks are spending thousands and thousands of dollars to maintain the quality of life in the county. I am in sympathy with this lady. \$3,500 is a good sum of money. But compared to what is spent to avoid undo breaches of the zoning, I appreciate that the Board has looked at this thoroughly and that is already too much but just ignore my motion.

Clements: Would you like, Mr. Stainbrook to amend your motion or do you want to...

Stainbrook: No, no, it's not worth the time. Let's move on, Madam Chair.

Pittsford: I am prepared to make a motion.

Clements: Thank you, Mr. Pittsford.

Pittsford: I am going to impose a 6th condition and hopefully it will meet with legal approval. Dave, if I violate anything on the legal side of things, please interrupt me. **In case 2001-SMN-02, Peony Place Minor Subdivision Preliminary Plat, which includes the Plat Vacation Request from Scherer Type E Subdivision, an Underground Utility Waiver Request, Sidewalk Waiver Request, and a Right of Way Width Waiver Request, I move approval of all of these but with the addition of a 6th condition, which is "if any new residential structure is built on Lot 1, then the utilities must be buried"**. That is my motion.

McKim: **Second.**

Behrman: **Friendly amendment, I think it is Lot 2.**

Pittsford: Are you sure?

Behrman: Lot 1 is the southern lot and Lot 2 is the northern lot with the small house.

Pittsford: Ok, I am sorry, I read it wrong then.

Behrman: Just for clarity.

Pittsford: It is a rather small number on a chromebook. **I revise my motion to state that "any new residential construction on Lot 2 would cause the requirement of burying underground utilities.**

McKim: My **second** still applies.

Clements: Ok, Mr. Wilson, will you please call the roll?

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Wilson: I will try. The motion is on petition 2001-SMN-02, Peony Place Minor Subdivision. Motion is to approve based upon the findings with the conditions in the staff report and one additional finding, which is to require that in the event that a new residential structure is constructed on Lot 2, the utilities will be undergrounded at that time. Does that sound fair to everybody?

McKim: I am sorry, did we mention **waiver of final hearing**?

Wilson: By acclamation can we agree to add that to the motion?

Pittsford: I accept that as a **friendly amendment to my motion**.

Thomas: If we are voting, we have waived it.

Wilson: Including waiver of final hearing. This is a final vote on the approval of the Minor Subdivision petition. Again, approved based on the findings with the conditions in the staff report and the additional condition triggered to Lot 2, if a new residential structure is built it will trigger the requirement for underground utilities. A vote in favor is a vote to approve the subdivision with the conditions set forth with the approved findings. Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Jerry, I just want to add I thought that was a very thoughtful and a very good smart motion. Mine is yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

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Wilson: David Warren?

Warren: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: The motion is approved 9 to 0.

The motion in case 2001-SMN-02, Peony Place Minor Subdivision, Plat Vacation Request from Scherer Type E Subdivision, Overhead Utility Waiver Request, Sidewalk Waiver Request, Right of Way Width Waiver Request, Preliminary Hearing, Waiver of Final Hearing Requested, to approve the request with the amendments as set forth in the motion, carried unanimously (9-0).

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NEW BUSINESS

2. 2005-SSS-06

**Kari Davis Sliding Scale Subdivision Preliminary Plat
Road Width Waiver Request. Preliminary Hearing.
Waiver of Final Hearing Requested.**

One (1) 10.9 +/- acre parcel in Section 12 of Bean Blossom Township at
9180 N Mt Pleasant RD (Parcel #: 53-03-12-400-001.000-001).

Zoned FR.

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Thank you. Can you guys hear me ok?

McKim: In deed.

Myers: Ok. This is the Kari Davis Sliding Scale Subdivision. The petition site is one 10.9 acre parcel located in Bean Blossom Township. It contains an existing 3,000 square foot pole barn, an existing 2,000 square foot pole barn and an existing 1,024 square foot pole barn. The petition site maintains frontage along North Mount Pleasant Road, which is a local road, which measures 16 feet wide, hence the Road Width Waiver request. The site is currently zoned Forest Reserve and requires a 5 acre minimum lot size and a minimum lot width of 200 feet at building line. The petitioner is proposing to subdivide the current 10.9 acre parcel into 2 new parcels that will meet the requirements for the lot development standards of Chapter 862, which actually permits 2.5 acre minimum lot size. Lot 1 will total 3.34 acres with 1.56 of buildable area. Lot 2 will have 7.15 acres. This will be the parent parcel and that will include 2.83 acres of buildable area. This is the lot that will contain the 3 existing pole barns. In addition, there has been a note added to the Preliminary Plat that the existing pole barns that are in the front yard setback for this property are deemed pre-existing nonconforming and must receive a variance if they are to be altered or expanded. There is also a Plat Vacation request from the Peach Minor Subdivision that was originally recorded in January of 2018. This petition site is listed on that plat as Lot 1. Here we have the location map. The petition site is located at 9180 North Mount Pleasant Road. Some site conditions. The site contains the existing pole barns as I have stated as well as the conditions that are applied to those pole barns if they are in the front yard setback. There are no known karst features on the property. There is no FEMA Floodplain and the property is not within the Environmental Constraints Overlay. 100 foot drainage easements have been requested by the County MS4 Coordinator and those have been displayed appropriately on the preliminary plat. Although the petition site does exhibit a considerable amount of slope greater than 15 percent, all of the proposed lots will meet the 15 percent buildable area requirement. Current zoning, it is zoned Forest Reserve and the Comprehensive Plan has it designated as Farm and Forest. There we have some site aerial photographs. The top left shows the petition site from the south. You can see those 3 white, pole barn structures in the southern lot and then the next photographs here are just kind of rotating around the petition site. You can see in that bottom right photograph a kind of ravine that is created by the tree line there and that is where the majority of those drainage easements have been requested and included on the preliminary plat. More photographs circling around the property. You can see in the bottom right photograph a better picture of where those pole barns are and you can kind of see how close they are to that front setback and that property

line there. Here is a picture of the most recent preliminary plat drawing. The parcel will maintain frontage along North Mount Pleasant Road. As I stated it is a 16 foot wide local road where the requirement is 18 feet for the Sliding Scale Subdivision, hence the Road Width Waiver request. Dedicated right of way has been shown on the proposed preliminary plat. Lot 1 will utilize a new driveway cut off of North Mount Pleasant Road as approved by the Monroe County Highway Department, while Lot 2 will utilize the existing driveway cut off of North Mount Pleasant Road. Septic permits have been submitted to the Planning Department for both lots and the lots do not need to meet the sanitary sewer requirement as this is a sliding scale subdivision. Here we have the recorded plat for the Peach Minor Subdivision where the Plat Vacation request is occurring. Here we have the petitioner's submitted Road Width Waiver request findings. Overall, staff recommends approval of the Sliding Scale Subdivision Preliminary Plat and Road Width Waiver based on the findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, and County Surveyor reports. I will now take any questions.

RECOMMENDATION

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat and Road Width Waiver request based on findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, and County Surveyor reports.

FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- The property is currently zoned Forest Reserve (FR);
- Approval of the subdivision would create two (2) lots that meet the design standards for the Sliding Scale Subdivision and Forest Reserve zoning district where applicable;
- The petitioner currently has one lot of record and would like to add one additional lot of record;
- Approval of the subdivision would result in the following:
 - Lot 1: 3.34 acres total, including 1.56 acres of buildable area;
 - Lot 2: 7.15 acres total (parent parcel), including 2.83 acres of buildable area; this lot contains the three (3) existing pole barns.
- The proposed use category for the lots is single family;
- Per Chapter 862, the parent parcel could not be subdivided for a period of 25 years unless access to public sewer became available;

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

Findings

- The Monroe County Comprehensive Plan designates the site as Farm and Forest which supports low density residential development;
- See findings under Section A;

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

Findings

- The surrounding uses are residential in nature;
- See findings under Section A;

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

Findings

- The property is currently zoned Forest Reserve (FR);
- Adjacent properties are zoned Agriculture/Rural Reserve (AG/RR) and Forest Reserve (FR);
- The property does not require street trees or sidewalks;
- Approval of the subdivision would create two (2) lots that meet the design standards for the Sliding Scale Subdivision and the zoning designation FR where applicable;
- See findings under Sections A & C;

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

Findings

- See findings under Sections A & C & D;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – Waiver of the Road Width Requirement

The petitioner has requested a waiver from Chapter 862 *Sliding Scale Option Subdivision* outlined in 862-

4(A)5 (General design considerations for Sliding Scale Option). The standard states:

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

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

1. Practical difficulties have been demonstrated:

Findings:

- The site gains access from N Mt Pleasant RD, a designated Local Road;
- N Mt Pleasant RD is measured by surveyor as 16 feet wide. Per Chapter 862, the road width is required to be 18 feet wide;
- The petition site has approximately 649.46’ of frontage along N Mt Pleasant RD;
- The existing road serves properties to the north, west, and south of the petition site, as well as the proposed petition site itself;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- N Mt Pleasant RD begins in the south at N Bottom RD and continues north until it ends at W Burma RD;

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

Findings:

- See findings under Section 1;
- The additional net density of 2 dwelling units within Section 12 of Bean Blossom Township is consistent with the Comprehensive Plan’s Rural Residential designation and the Forest Reserve (FR) Zoning District;

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

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- See the findings submitted by the petitioner (Exhibit 2);

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

Findings:

- See findings under Section 1;

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

Findings:

- See findings under Section 1;
- All property owners on N Mt Pleasant RD would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;
- The petitioner could not have applied for a minor subdivision, which does not have 18 foot road width requirement, due to the property not having enough acreage for two 10 acre minimum lots;

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

Findings:

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

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

Findings:

- See findings under Section 1;

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

Findings:

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

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

Findings:

- See findings under Section 1;

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

QUESTIONS FOR STAFF – 2005-SSS-06 – Kari Davis

Nester Jelen: I am not seeing any questions, Drew.

Clements: Is the petitioner or the petitioner's representative present and would they like to address the Plan Commission?

Myers: I believe they are on the call.

Nester Jelen: Is it Kari?

PETITIONER/PETITIONER'S REPRESENTATIVE – 2005-SSS-06 – Kari Davis

Davis: Yes. We are present but don't really know what to say right now. We are just hoping that everything works out. Let me know if you need me to do anything else.

Clements: Thank you very much. Is there anyone else who would like to speak in favor of this petition?

Pittsford: I just have one question for the petitioner. Kari, which barn are you going to live in?

Davis: Is that something that we have to decide right now because those are 3 good options?

Pittsford: Just so everybody knows, Kari is a former student and her mother and I grew up together.

Davis: Don't hold that against me though.

Clements: Wonderful. So if there are no other people that would like to speak in favor of this proposal, is there anyone present who would like to speak against the petition? If there is none, is there any other discussion among the Plan Commission members?

McKim: If not I am ready to make a motion.

Clements: Wonderful, Mr. McKim.

PUBLIC COMMENT– 2005-SSS-06 – Kari Davis: None

DRAFT

ADDITIONAL QUESTIONS FOR STAFF - 2005-SSS-06 – Kari Davis: None

FURTHER QUESTIONS FOR STAFF - 2005-SSS-06 – Kari Davis

McKim: In case number 2005-SSS-06, Kari Davis Sliding Scale Subdivision Preliminary Plat, I move we approve the Sliding Scale Subdivision Preliminary Plat and the Road Width Waiver based on the findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, and County Surveyor reports.

Warren: Second.

Clements: Mr. Wilson, will you please call the...

Wilson; Does that include the waiver?

McKim: Yes, I guess I thought if we vote....

Wilson: Ok, we will treat that that way from now on then. This is vote on petition 2005-SSS-06, Kari Davis Sliding Scale Subdivision approval. The motion is made to approve based on the findings with conditions in the staff report, including waivers and modifications such as the Road Width Waiver and subject to the County Highway Drainage Engineer, Highway Engineer, and Surveyors reports. A vote in favor is a vote to approve the Sliding Scale Subdivision. Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

DRAFT

Wilson: Dave Warren?

Warren: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: The subdivision is approved by a 9 to 0 vote.

The motion in case 2005-SSS-06, Kari Davis Sliding Scale Subdivision Preliminary Plat, Road Width Waiver Request, Preliminary Hearing, Waiver of Final Hearing Requested, to approve all requests, carried unanimously (9-0).

NEW BUSINESS

3. 2006-REZ-06

**Brian Purcell Rezone from AG/RR/BIO to SR.
Preliminary Hearing. Waiver of Final Hearing Requested.**

One (1) parcel on 1.86 +/- acres in Section 16 of Van Buren Township at 7211 W Airport RD (Parcel #: 53-09-16-100-011.000-015)
Zoned AG/RR/BIO.

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Payne: Thanks Margaret. This is a Rezone request for property that is located at 7211 West Airport Road in Section 16 of Van Buren Township and it contains approximately 1.86 acres. The property is currently zoned Agricultural/Rural Reserve with a Business and Industrial Overlay district. Adjoining properties on the east, west and north side are all zoned Suburban Residential. However, the property directly to the south is owned by the Board of Aviation Commissioners and is zoned Institutional Public with the Business and Industrial Overlay as well. The Comprehensive Plan shows this zoned as MUCA Rural Transition. Here are some site photos looking from each direction. What we have here is one goal of the rezone is to make it possible to complete a Type E Subdivision between the subject property, which is highlighted in yellow and the neighbor to the west which is highlighted that in the blue. The neighboring property to the west is zoned Suburban Residential without a Business and Industrial Overlay and ultimately the property owner of the subject property seeking the rezone and in agreement with his neighbor to the west as asking for the rezone to SR to allow for a Type E Subdivision in the future. The petitioner is proposing to remove the BIO district from the entire lot with this rezone. The Type E would result in approximately a transfer of approximately 0.72 acres. I have tried to indicate what that looks like in this slide here. Here we have the proposed plat where you can see the subject property is the Mathis parcel and that is what is currently zoned Agricultural/Rural Reserve and this is the property that is seeking the rezone. Highway has no comments or conditions for this petition at this time and nor did Stormwater. Staff recommends approval of this rezone request based on the findings of fact and subject to the County Highway and Drainage reports. Are there any questions?

RECOMMENDATION

Staff recommends **approval** based on the Findings of Fact subject to the county highway and MS4 Coordinator reports.

FINDINGS OF FACT - REZONE

According to Section 831-3. Standards for Amendments of the Zoning Ordinance: 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 site for MCUA Rural Transition;
- The land use of the site is currently residential in nature;

- The site contains a single family residence;
- The immediately adjoining uses are currently either residential, agricultural or institutional (Monroe County airport) in nature;
- Suburban residential and AG/RR land uses in are in the neighboring vicinity;
- Rezoning to remove the BIO district on this property would not impact the density required by the SR zoning district, 1 residence per 1.0 acres;
- The petition site currently does not meet the minimum acreage required for AG/RR (2.5 acres). Without the rezone, they would be required to do a minimum lot size variance to allow further development on this lot. The SR zoning minimum acreage is 1 acre;
- The BIO district only permits cluster subdivisions procedures;

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

Findings:

- The site is currently zoned Agriculture/Rural Reserve (AG/RR) with Business & Industrial Overlay District (BIO);
- The land use of the site is currently residential in nature;
- The site contains a single family residence;
- The immediately adjoining uses are currently either residential, agricultural or institutional (Monroe County airport) in nature;
- Suburban residential and AG/RR land uses in are in the neighboring vicinity;
- Access to the site is from W Airport RD, a designated local road;
- There are no known karst features or FEMA flooding;

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

Findings:

- The MCUA Rural Transition district identified in the Comprehensive Plan supports low density residential, primarily single-family, typically located along existing rural roadways rather than in subdivisions. Larger scale agricultural uses may occur within this area;
- Rezoning to remove the BIO district on this property would not impact the density required by the SR zoning district, 1 residence per 1.0 acres;
- The surrounding uses are residential, agricultural or institutional (Monroe County airport) in nature;
- The surrounding zonings are residential and institutional in nature;
- The petitioner intends to subdivide the property to create 2 lots with areas of 1.14 acres and 1.17 acres;

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

Findings:

- The effect of the approval of the rezone on property values is difficult to determine;
- Values may vary significantly dependent upon future planning and zoning in the area;

DRAFT

- The immediately adjoining uses are currently either residential or institutional in nature;
- The site contains one single family residence;
- The owner intends to do a Type E subdivision with the property to the west;
- Rezoning to remove the BIO district on this property would not impact the density required by the SR zoning district, 1 residence per 1.0 acres;

(E) Responsible development and growth.

Findings:

- The Comprehensive Plan designates the site for MUA Rural Transition;
- If the rezone were to be approved, the petitioner would not be limited to the cluster subdivisions procedure option;
- The immediately adjoining uses are currently either residential or institutional in nature;

Access to the site will continue to be derived from W Airport RD.

QUESTIONS FOR STAFF – 2006-REZ-06 – Brian Purcell

Nester Jelen: I am not seeing any questions Margaret.

Clements: Ok, is the petitioner present or the petitioner's representative? Would you like to address the Plan Commission?

Payne: I spoke with the petitioner this afternoon and he did not have a way this evening to join the meeting so he sent his regards.

Clements: Ok, well, if that is case is there anyone else present who would like to speak in favor of this petition? If there is none, is there anyone who would like to speak in opposition to this petition? If there is none, are there any questions among the Plan Commission members for staff any further discussion?

Nester Jelen: I am not seeing anything.

Clements: Ok, we can entertain a motion.

PETITIONER/PETITIONER'S REPRESENTATIVE – 2006-REZ-06 – Brian Purcell: None

PUBLIC COMMENT– 2006-REZ-06 – Brian Purcell: None

ADDITIONAL QUESTIONS FOR STAFF - 2006-REZ-06 – Brian Purcell: None

FURTHER QUESTIONS FOR STAFF - 2006-REZ-06 – Brian Purcell

McKim: Ok, nobody is going to jump in. **In case number 2006-REZ-06, Rezone from Agricultural/Rural Reserve with Business Industrial Overlay district to Suburban**

DRAFT

Residential, I move we recommend approval, based on the findings of fact, subject to the County Highway and MS4 Coordinator reports.

Enright-Randolph: **Second.**

Nester Jelen: Jim, do you have a quick question?

Stainbrook: I was going to second but that is fine.

Clements: Ok, Mr. Wilson, will you please call the roll?

Wilson: The vote is on petition 2006-REZ-06, Purcell request to amend the zoning ordinance for the parcel located at 7211 West Airport Road, from Agricultural/Rural Reserve with a BIO Overlay to Suburban Residential, SR. A vote in favor is a vote to send a favorable recommendation to the Monroe County Commissioners based upon the findings and with the inclusion of the County Highway Engineer reports and the County Drainage Engineer report. Again a vote in favor is a vote to send a favorable recommendation. Geoff McKim?

McKim: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

Warren: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

DRAFT

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Motion is approved by a 9 to 0 vote.

The motion in case 2006-REZ-06, Brian Purcell Rezone from AG/RR/BIO to SR, Preliminary Hearing, Waiver of Final Hearing Requested, to send a favorable recommendation to the Monroe County Commissioners, carried unanimously (9-0).

NEW BUSINESS

4. 2006-SSS-07

**Walls Sliding Scale Subdivision
Road Width Waiver Request.**

Preliminary Hearing. Waiver of Final Hearing Requested.

One (1) 10 +/- acre parcel in Section 21 of Washington Township at 800 W Williams RD (Parcel #: 53-02-21-300-010.000-017).

Zoned AG/RR.

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Thank you. This is the Walls Sliding Scale Subdivision Preliminary Plat. The petition site is one 10 acre parcel located in Washington Township. It contains an existing approximately 2,100 square foot greenhouse and an existing lean-to shed. The petition site maintains frontage along West Williams Road, which is a local road and is measured at 12.5 feet, hence the request for the Road Width Waiver. The site is currently zoned Agricultural/Rural Reserve, which requires a 2.5 acre minimum lot size and a minimum lot width of 200 feet at building line. The petitioner is proposing to subdivide the current 10 acre parcel, which will be 9.73 acres after right of way dedication, into 2 new parcels that meet the minimum requirements and the lot development standards for Chapter 862 for the Sliding Scale. Lot 1 will have 5.5 acres, 5.23 acres to be exact after right of way dedication and will include 3.94 acres of buildable area. This lot will be designated as the parent parcel and exhibits the proposed home site and a proposed barn site, as well as a proposed septic area. Lot 2 will have 4.5 acres and will include 3.05 acres of buildable area. This lot contains the existing greenhouse and lean-to shed. Access, West Williams Road, they have frontage along West Williams Road and as I stated before it is measured at 12.5 feet. It is designated as local. So that is why we are petitioning for a Road Width Waiver request. There is a large overhead powerline that traverses both proposed Lot 1 and Lot 2 and has been placed in a 20 foot utility easement as shown on the preliminary plat. Alright. It is located at 800 West Williams Road in Section 21 of Washington Township. Site conditions, it has the greenhouse and lean-to shed as I stated before. The existing greenhouse and lean-to will meet the setback standards for the sliding scale subdivision. The petition site is fairly flat with some slopes greater than 15 percent in the northeast corner and also along the frontage of West Williams Road. There are no known karst features on the property. There is no FEMA Floodplain. None of the property is within the Environmental Constraints Overlay. The current zoning is Agricultural/Rural Reserve and the Comprehensive Plan has it designated as Farm and Forest. Here are some aerial photography images of the petition site. You can see West Williams Road here along the bottom of the top left photograph and then there is a long driveway, gravel driveway that goes north that will service both of the proposed lots. There images are just panning around the petition site. It is a pretty straight forward petition site. It is mostly flat land. There is that powerline that goes through and we will see that on preliminary plat here. It cuts through proposed Lot 1 and Lot 2. It is in that utility easement. Here we have a zoomed in image of the preliminary plat. You can see the proposed sites for septic as well as proposed sites for new homes. Here we have the petitioner's representative submitted the Road Width Waiver findings. Overall, staff recommends approval of the Sliding Scale Subdivision Preliminary Plat and Road Width Waiver request, based on the findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, and County Surveyor reports. I will now take any question.

RECOMMENDATION

Staff gives a recommendation of **approval** of the Sliding Scale Subdivision Preliminary Plat and the Road Width Waiver request based on findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, County Surveyor reports.

FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- The property is currently zoned Agriculture/Rural Reserve (AG/RR);
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation Agriculture/Rural Reserve;
- The petitioner currently has one lot of record and would like to add one additional lot of record;
- Approval of the subdivision would result in the following:
 - Lot 1: 5.50 acres total (5.23 acres after R/W dedication), including 3.94 acres of buildable area; this lot exhibits a proposed home site, a proposed barn site, and a proposed septic area.
 - Lot 2: 4.50 acres total, including 3.05 acres of buildable area; this lot contains the existing greenhouse and lean-to shed.
- The proposed use category for the lots is single family;
- Per Chapter 862, the parent parcel could not be subdivided for a period of 25 years unless access to public sewer became available;

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

Findings

- The Monroe County Comprehensive Plan designates the site as Farm and Forest which supports low density residential development;
- See findings under Section A;

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

Findings

- The surrounding uses are residential or agricultural in nature;
- See findings under Section A;

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

Findings

- The property is currently zoned Agriculture/Rural Reserve (AG/RR);

- Adjacent properties are zoned Agriculture/Rural Reserve (AG/RR);
- The property does not require sidewalks;
- Tree preservation area is indicated along W Williams RD where twelve (12) trees will be preserved;
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation AG/RR;
- See findings under Sections A & C;

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

Findings

- See findings under Sections A & C & D;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – Waiver of the Road Width Requirement

The petitioner has requested a waiver from Chapter 862 *Sliding Scale Option Subdivision* outlined in 862-

4(A)5 (General design considerations for Sliding Scale Option). The standard states:

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

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

1. Practical difficulties have been demonstrated:

Findings:

- The site gains access from W Williams RD a designated Local Road;
- W Williams RD is measured by surveyor as 12.5 feet wide. Per Chapter 862, the road width is required to be 18 feet wide;
- The petition site has approximately 178.50’ of frontage along W Williams RD;
- The existing road serves properties to the east, west, and south of the petition site, as well as the proposed petition site;
- The existing and proposed driveway entrances to the petition site are to be coordinated with the Highway Department to meet safety standards;
- W Williams RD begins in the east at W Simpson Chapel RD Strain Ridge Rd and continues west until it ends at N Bottom RD;

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

Findings:

- See findings under Section 1;
- The additional net density of 2 dwelling units within Section 21 of Washington Township is consistent with the Comprehensive Plan’s Rural Residential designation and the Agriculture/Rural Reserve (AG/RR) Zoning District;

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

Findings:

- See findings under Section 1;
- Result of subdivision would appear to have no substantive impact on Level of Service (LOS) for the subject road/area;
- The Monroe County Department of Highway recommended the following with respect to the driveway permit:
 - Clear brush and cut down bank to the east for sight distance requirements;
 - Remove trees to the east for sight distance requirements;
- See the findings submitted by the petitioner (Exhibit 2);

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

Findings:

- See findings under Section 1;

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

Findings:

- See findings under Section 1;
- All property owners on W Williams RD would face the same practical difficulty pertaining to road width in seeking to subdivide via the Sliding Scale Subdivision method;
- The petitioner could not have applied for a minor subdivision, which does not have 18 foot road width requirement, due to the property not having enough acreage for two 10 acre minimum lots;

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

Findings:

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

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

Findings:

- See findings under Section 1;

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

Findings:

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

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

Findings:

- See findings under Section 1;

DRAFT

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

QUESTIONS FOR STAFF – 2006-SSS-07 - Walls

Nester Jelen: I am not seeing any questions.

Clements: If the petitioner or the petitioner’s representative is here and would like to address the Plan Commission we would like to hear from you.

Nester Jelen: Eric do you wish to speak on this?

PETITIONER/PETITIONER’S REPRESENTATIVE – 2006-SSS-07 - Walls

Deckard: Sure. This is Eric Deckard with Deckard Land Surveying. I have nothing further to add. Staff did a very good job on this and I thank the staff and we agree with the staff recommendation.

Clements: Thank you. Is there anyone else here who would like to speak in favor of the petition? If there is no one, is there anyone present that would like to speak in opposition to the petition? If there is no one, I will bring it back to the Plan Commission for further discussion. If there is no further discussion I will entertain a motion.

PUBLIC COMMENT– 2006-SSS-07 – Walls: None

ADDITIONAL QUESTIONS FOR STAFF - 2006-SSS-07 – Walls: None

FURTHER QUESTIONS FOR STAFF - 2006-SSS-07 - Walls

Nester Jelen: Jim, you raised your hand.

Stainbrook: Yes, **I move approval of the petition.**

McKim: **Second.**

Clements: Ok, Mr. Wilson, will you please call the roll?

Wilson: Ok. The vote is on petition 2006-SSS-07, Walls Sliding Scale Subdivision. A vote is to approve the Sliding Scale Subdivision Preliminary Plat together with the Road Width Waiver, based upon the findings of fact and subject to the Monroe County Highway Department, Stormwater Engineer, and County Surveyors report. Again, a vote in favor is a vote to approve the Sliding Scale Subdivision along with the waiver. Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

DRAFT

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

Warren: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: The Sliding Scale Subdivision is approved by a 9 to 0 vote.

The motion in case 2006-SSS-07, Walls Sliding Scale Subdivision, Road Width Waiver Request, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of approving all requests, carried unanimously (9-0).

NEW BUSINESS

5. 2007-SSS-08

**Pitcher Sliding Scale Subdivision Preliminary Plat
Road Width Waiver Request.**

Preliminary Hearing. Waiver of Final Hearing Requested.

One (1) 25.33 +/- acre parcel in Section 30 of Van Buren Township at 5140 S Stanford Rd (Parcel #: 53-09-30-100-013.000-015).

Zoned AG/RR.

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Creclius: Thank you Margaret. This petition is located within Van Buren Township, in Section 30. It is located at 5140 South Stanford Road. The site is 25.33 acres and it is currently zoned Agricultural/Rural Reserve. The Comprehensive Plan identifies this area as Farm and Forest. Site conditions, there is some slope. The petitioner is requesting to subdivide the one lot of 25 acres into 2. We did tack on a Road Width Waiver request kind of at the last second. We didn't think there were going to be any waivers but discovered at the last moment that South Stanford Road does not quite meet the 18 foot width requirement for a sliding scale and is currently measured at 17 feet. The Preliminary Plat meets all other Subdivision Control standards. In the photo on the left you can see the petitioner's main home. There is some slope but it is only restricted by 15 percent. Lot 1 and the proposed Lot 2 both have adequate buildable area. The 2 photos on the right are just the view looking north on South Stanford Road from the current existing driveway. The petitioner has received an approved driveway permit for new cut to reach the new lot. There are requirements that the trees, especially on this top photo, that would be looking north, that some of vegetation has been requested to be removed in order to get the approved second driveway cut. Bottom right is just an estimate from pictometry that I did that kind of shows the new proposed lot from an aerial. It is almost all under 15 percent slope. It is very gently sloped. That is the photo in the upper left corner that would be part of the proposed Lot 2. Lot 1 would be the parent parcel for this sliding scale subdivision, meaning it would not be able to be subdivided for another 25 years. The proposed Lot 2 would be a 2.77 acres with 1.5 acres of buildable area. They do have an approved septic permit location. This sliding scale does require the 25 feet of right of way dedication, of which they have no issues with. This is pretty simple petition. I just realized at the last moment that the road was a single foot short of being about to meet that Chapter 862 requirement for a sliding scale. Staff does recommend approval of the Preliminary Plat based on the findings of fact and approval of the Road Width Waiver request, based on the findings of fact, subject to meeting those Drive Permit approval conditions. There was a request to waive the final hearing for this petition as well.

RECOMMENDATION

Staff recommends **approval** of the Road Width Waiver of Chapter 862 based on findings of fact.

FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- Approval of the subdivision would subdivide one lot into two (2) lots which will meet all design standards;
- Proposed lot 1, the Parent Parcel, would be 22.47 +/- acres, and proposed lot 2 would be 2.77 +/- acres;
- Lot 1, the designated Parent Parcel Remainder, shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance;
- Steep slopes are present on both proposed lots but each meets Buildable Area design standard requirements;
- Proposed lots have either an approved septic permit or an approved septic location;
- Proposed lots 1 and 2 have received approved with conditions driveway permits off of S Stanford Road;
- Both the existing driveway for Proposed Lot 1 and the new driveway for Proposed Lot 2 will require vegetation removal in order to meet sight distance requirements;
- The MS4 Coordinator has requested two (2) drainage easements be added to the
- S Stanford Road is 17' wide and doesn't meet the minimum width required for a Sliding Scale Subdivision, which requires minimum of 18' per Chapter 862;
- 25' of right-of-way will be dedicated along S Stanford Road, a Local road;

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

Findings

- The Comprehensive Plan designates the site as Farm and Forest, which includes low-density single-family subdivisions;
- The site has access to utilities;
- See findings under Section A;

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

Findings

- See findings under (A);
- The proposed use is residential;
- Structures may not cover more than 65 percent of the lot;
- The surrounding uses are residential or agricultural;

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

Findings

- The property is currently zoned Agricultural Rural Reserve (AG/RR) and is used for Single Family Residential;

- Adjacent properties are zoned Agricultural Rural Reserve (AG/RR) and are used for Single Family Residential or agriculture;
- Approval of the subdivision would create two (2) lots that meet the design standards for the zoning designation AG/RR;
- See findings under Sections A & C;

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

Findings

- See findings under Sections A & C & D;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

QUESTIONS FOR STAFF – 2007-SSS-08 - Pitcher

Clements: Thank you so much. Do members of the Plan Commission have any questions for staff?

Nester Jelen: Julie, you have your hand raised.

Thomas: I just wanted to clarify. In the summary you say splitting, I can't have both screens up,

DRAFT

splitting the lot between x and x with no waiver request. But there is a waiver request, which is related to the road width. Right?

Creceilius: Correct. That had been left over. We did take it to Plat and realized at last second after the packet was published.

Thomas: Ok, got it. I just want to make sure anybody that happens to read this petition in the public understands and you did have that in the next paragraph, so I just wanted to make sure I was clear on that. Thank you.

Creceilius: Thank you, Julie.

Clements: Are there any other questions of staff? If none, is the petitioner or the petitioner's representative present and would they like to address the Plan Commission?

PETITIONER/PETITIONER'S REPRESENTATIVE – 2007-SSS-08 - Pitcher

Graham: This is Doug Graham with Bynum Fanyo. I have no extra comments. I appreciate Anne's work and the staff recommendation.

Clements: Thank you Mr. Graham. Is there any members of the public who would also like to speak in favor of the petition? If none, is there anyone who would like to speak in opposition to the petition? If none, I bring it back to the Plan Commission. Is there any further discussion? If note, we can entertain a motion.

PUBLIC COMMENT– 2007-SSS-08 – Pitcher: None

ADDITIONAL QUESTIONS FOR STAFF - 2007-SSS-08 - Pitcher: None

FURTHER QUESTIONS FOR STAFF - 2007-SSS-08 – Pitcher

McKim: In case number **2007-SSS-08, Pitcher Sliding Scale Subdivision Preliminary Plat, I move approval of the Road Width Waiver of Chapter 862, based on findings of fact.**

Warren: **Second.**

Clements: Mr. Wilson.

Wilson: The vote is petition 2007-SSS-08, Pitcher Sliding Scale Subdivision approval. The motion is to approve based upon the findings with the Road Width Waiver and the conditions in the staff report, subject to the Driveway Permit approval conditions. Again, a vote in favor is a vote to, yes, go ahead.

Thomas: We are waiving the final hearing, right by doing this vote?

Wilson: This is the final hearing.

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Crececius: It is not. The waiver of final hearing would be relevant right now.

Wilson: Ok. This is **including a Waiver of Final Hearing**. A vote in favor is a vote to approve. Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

Warren: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: The Sliding Scale Subdivision is approved by a 9 to 0 vote.

The motion in case 2007-SSS-08, Pitcher Sliding Scale Subdivision Preliminary Plat, Road Width Waiver Request, Preliminary Hearing, Waiver of Final Hearing Requested, to approve all requests, carried unanimously (9-0).

NEW BUSINESS

6. 2007-SAD-09

**Highland Village Church Type E Admin. Subdivision
Right of Way Width Waiver Request.**

Preliminary Hearing. Waiver of Final Hearing Requested.

Three (3) parcels totaling 10.78 +/- acres in Section 1 of Van Buren Township at 421 -535 S Curry Pike (Parcel #: 53-09-01-100-007.000-015)
Zoned RS 3.5.

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Creclius: Thank you. This is the preliminary hearing and there is a Waiver of Final Hearing requested. This petition site, again it is an Administrative Subdivision so the Subdivision itself is an approval by staff. It is the Plan Commission decision on whether or not to grant Right of Way Width Waiver request. The petition site is located in Van Buren Township, Section 3, at 421 – 535 South Curry Pike. The site is currently 10.78 acres. There are 3 lots of record and the petitioners are requesting to change the configuration of the 3 lots. The main church, Highland Village Church, owned by United Pentecostal Church, is the center parcel and some of their facility, their parking lot is overlapping those lot lines. They do own both of those residential homes. But the church itself is currently seeking a site plan and in order to do that we need to have property boundaries that contain the full use of the religious facility site. The property is currently zoned RM15 and RS3.5. With the approval of the Administrative Subdivision the lot lines would also reflect the way that it is currently zoned. On the previous slide, right now it is currently split zoned in some places. Approval of the Right of Way Width Waiver request and the Subdivision does put those lines to match the zoning, making it slightly simpler for the future. South Curry Pike requires a right of way dedication of 75 feet because it is a minor arterial road. The proposed Lot 1, which we can see in the upper left corner, the existing residential home, which was built in the 1960's, approximately 10 feet of that structure would be within right of way with the 75 feet dedication. They are requesting to only dedicate 60 feet of right of way only for the proposed Lot 1. You can kind of see an example in the bottom left. The bottom left photo is my Microsoft Paint version of trying to illustrate that the property boundary would go right through the front of the home. Whereas the 10 feet is able to encompass a little bit more of the yard and the structure is not in the right of way at all. The petitioner's representative submitted some really good findings. It seems like a fairly reasonable request. The other 2 proposed lots, well, the other 2 lots in the newly proposed configuration, would still dedicate the full 75 feet. After the Plan Commission Administrative Meeting we did add in, the representative did go ahead and provide me with adding in just what the church's site plan would look like and at least this illustration does include the new property boundary configuration if approved. The bottom right is just an example showing that and the sewer map connection for this site as well. Staff is recommending approval of the Right of Way Width Waiver, based on findings of fact and subject to the a positive recommendation by the Monroe County Plat Committee. We caught this waiver request kind of late, didn't really recognize doing this for an Administrative Subdivision process, which is pretty unusual. It was added on a little late in order to try to keep them moving forward in a timely manner. We decided to bring it here to Plan Commission before hand in order to and then make any approval depended on a positive recommendation by the Plat Committee here in just a couple of days.

RECOMMENDATION

Staff recommends **approval** of the Right of Way Width waiver request based on findings of fact and subject to a positive recommendation by the Monroe County Plat Committee (Sep 17, 2020)

FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the Applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the Applicant at his own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot area requirements of the Zoning Ordinance.

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

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner has filed an administrative subdivision to shift lot lines between the three lots which requires compliance with the right of way dedication under Chapter 856-28;
- The petitioner requires a lot line adjustment because portions of the Highland Village Church parking lot is located on an adjoining lot;
- Without a waiver from the right of way requirement the front portion of the home on the proposed lot 1 will be located within right of way and will be non-conforming;
- The site gains access from S Curry Pike;
- The site maintains frontage along S Curry Pike, designated as a Minor Arterial road;
- The waiver approval will allow the administrative subdivision to continue with a 60’ right of way dedication for only proposed lot 1. Proposed lots 2 and 3 will meet the required 75’ right of way dedication requirement;
- If the waiver is denied the petitioner will be required to demolish the portion of the Single Family Residence that is located within the right of way;

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

Findings:

- See Findings under # 1;
- The 2018 Monroe County Thoroughfare Plan shows S Curry Pike as a Minor Arterial requiring 75’ of right of way dedication;

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

Findings:

- The lots within the administrative subdivision meet all other design standards required of the subdivision ordinance;

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

Findings:

- See Findings under #1, #2, #3;
- Nearby structures along S Curry Pike would be unable to meet the 75' right of way if triggered to be dedicated;

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

Findings:

- See findings under #1 above;

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

Findings:

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

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

Findings:

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

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

Findings:

- See findings under #1 through #7 above;

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

Findings:

- See findings under #1 and #4 above;

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

QUESTIONS FOR STAFF – 2007-SAD-09 – Highland Village Church

Clements: Is the Waiver of Final Hearing correct, Ms. Crecelius?

Crecelius: Correct. Thank you.

Clements: Thank you. Does any member of the Plan Commission have any questions for staff?

McKim: Yes. How many parcels out there that are actually split zoned? That is pretty unusual, isn't it?

Crecelius: A lot. No, not very unusual. Intuitively you want to think that the zoning follows parcel lines but that is not how it seems to have worked out in the past. I know that we have seen a few of these cases recently. Wasn't there a Crowe rezone that was partially split zoned? Also, I think one of Drew's earlier was to fix split zoning as well. They could also do an Administrative Subdivision.

Nester Jelen: Jim and Julie.

Stainbrook: This is an educational question at best. But if you don't grant the waiver from the 70 to the 60 feet, what do you do, exercise emanate domain and chop off their living room?

Crecelius: That is basically an option, yes.

Stainbrook: As I say, I was just interested. Alright, thank you.

Crecelius: When I spoke with Jackie about this case, and maybe Jackie you can give the examples if you want, but she was telling me that she had seen a case where they did remove part of a structure to avoid being in the right of way and also there is just the point that the county would technically be liable for that 10 feet if it was located in the right of way. That makes it not desirable from the county's standpoint as well.

Stainbrook: Well, that is a lot more than \$3,000. I don't think we ought to take a third of their house, or whatever. Thank you.

Nester Jelen: Julie.

Thomas: I raised this during the Administrative Meeting and I am wondering if Lisa Ridge can speak on sidewalks and other development in the area and give us her input on this.

Ridge: Good evening. As of right now we don't have any plans but Paul was in favor of sidewalks. I don't know if that is something that we can require with this or not. I know we do not have any

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intentions of widening Curry Pike any further. It handles its capacity well when built it years ago. We can check into the sidewalk situation. I don't want to build a sidewalk to nowhere either.

Thomas: Right but we always do build a sidewalk to nowhere until the neighbor has to do it and then suddenly it makes a lot of sense.

Ridge: That is very true.

Thomas: It is just 2 very busy roads. So, there is room to build a sidewalk here, right?

Nester Jelen: Yes.

Thomas: So, I guess that is my biggest concern rather than making somebody do this now for the simple adjustment of a line I wouldn't want to do that now. But I just want to make sure that we do have room for a side path of some sorts here if in the future that is what we decide we need to invest in.

Nester Jelen: Kendall on this conceptual plan you are showing a sidewalk. Are they going to build that?

Knoke: Yes, they are going to build sidewalk along the entire property as part of their building addition, just like it is shown on this exhibit here.

Thomas: Awesome. I wasn't sure if that was to show there was room or if that was to show that it is really going to happen. That is exciting and its great and it's awesome that they are doing that. That is really a good thing so thank you.

Clements: If there are no more questions from the Plan Commission for staff, I would like to ask the petitioner or the petitioner's representative to speak on behalf of the case if they are interested to do so.

**PETITIONER/PETITIONER'S REPRESENTATIVE –
2007-SAD-09 – Highland Village Church**

Knoke: I am just here to address any questions. I think we addressed everything that came up at the Admin Meeting. I haven't heard on the sewer map there, I know there is a question about that and the sidewalks are going in along all 3 parcels and there was just a question on the split zoning. Yes, for whatever reason the Lot 1 of these 3 lots is split in half, approximately with the zoning map and I am not really sure why. I think that addressed everything that has come up. I am happy to answer any thing.

Clements: I can't quite tell if it was my audio that went out or what.

Nester Jelen: I think he got to the end.

McKim: But it was garbled, yeah.

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Clements: Ok, and I could just answer a little bit of that split zoning just because I know that property before it was developed into a church. It was just kind of a migrated purpose of the property over time. So, anyway, if there is a member of the public that would like to speak in opposition to the case we could hear you at this time. If not we go back to the Plan Commission for further discussion. If none, we can entertain a motion.

PUBLIC COMMENT – 2007-SAD-09 – Highland Village Church: None

ADDITIONAL QUESTIONS FOR STAFF – 2007-SAD-09 – Highland Village Church: None

FURTHER QUESTIONS FOR STAFF – 2007-SAD-09 – Highland Village Church

Pittsford: I am ready to make a motion. **In case number 2007-SAD-09, a request by Highland Village Church for Type E Admin. Subdivision, Right of Way Width Waiver Request, I move approval based on the findings of fact.**

Clements: And a **request of Waiver of Final Hearing**, if I might suggest.

Pittsford. **Yes** I always forget that. **I also would add with Waiver of Final Hearing.**

McKim: The staff recommendation also recommended subject to a positive recommendation by the Plat Committee.

Pittsford: Oh, yes, I forgot that. **Subject to the condition that this petition receives a positive recommendation from the Plat Committee.**

McKim: **Second.**

Clements: Mr. Wilson, will you call the roll?

Nester Jelen: You are on mute, Larry.

Wilson: I would personally love to see the Doctor Seuss book on zoning. I can almost picture it. The vote is on petition number 2007-SAD-09, Highland Village Administrative Subdivision The motion is to approve the waiver of the Right of Way Width, based upon the findings of fact and subject to approval by the Monroe County Plat Committee, which meets on September 17, 2020. Again, a vote is approve the Right of Way Width Waiver, based upon the findings of fact and again, subject to approval by the Monroe County Plat Committee. Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: Yes.

Wilson: David Warren?

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Warren: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim:

McKim: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: The waiver is approved by a 9 to 0 vote.

The motion in case 2007-SAD-09, Highland Village Church Type E Admin. Subdivision, Right of Way Width Waiver Request, Preliminary Hearing, Waiver of Final Hearing, Requested, to approve subject to the condition as set forth in the motion, carried unanimously (9-0).

DRAFT

REPORTS:

Planning/Wilson: The only report I have is that our budget was approved by County Council last week and I will note that as part of that presentation we put together a current list of the fees that we receive for the year and through August we are ahead of last year by I believe \$6,000. Is that right, Jackie, it's roughly that?

Nester Jelen: \$4,000.

Wilson: \$4,000, ok. So, we are doing ok given everything that is going on as far as we are busy and we are bringing in revenue for permits. It is not easy but we are doing it. The other thing is if Jackie could give a quick update on the online permitting I think that would be useful as well.

Nester Jelen: We are in pretty good shape. We are working with surveyor's office as well. It is going to integrate some of our GIS features, so people don't have to type in their address or owner name, it just kind of pulls up their information and it ties that to their application. Hopefully, we can get the Building Department's permits and the Planning Department's permits specific to residential and commercial, up and running by early October. We are still on schedule to do that. We are looking forward to that. It will be an improvement from our current system and we are working with Highway too so we will just kind of hybridize some of those permits and just make them live when they are ready. I think we will be able to work with people to get those to go live when they are available to do so. We are in good shape. Dave, did you have a comment?

Warren: I was just wondering if is there a way to know how many total housing units are associated with those permits that have been issued this year.

Nester Jelen: We do keep track of that, yes.

Wilson: We can give you a report on that the next time we meet. I think frankly, it's been pretty good.

Thomas: Are you looking for housing versus commercial? Is that what you mean?

Warren: I am just curious. That would be good too, actually. It would just be fun to see those numbers and how they compare over time.

Clements: If there is no further reporting from Planning, we can move onto Mr. Schilling. Do you have any reporting for legal?

Schilling: I do not.

Clement: Ok. Do we want to stay on this call or would someone like to make a motion to adjourn?

Enright-Randolph: Move we adjourn.

McKim: Second.

DRAFT

Legal/Schilling: No report.

The meeting adjourned at 7:03 pm.

Sign:

Attest:

Margaret Clements, President

Larry J. Wilson, Secretary