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**MONROE COUNTY PLAN COMMISSION
Virtual Meeting via ZOOM - Minutes
April 20, 2021 5:30 P.M.**

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – November 17, 2020

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

ROLL CALL: Margaret Clements, Dee Owens, Julie Thomas, Jim Stainbrook, Trohn Enright-Randolph, Bernie Guerrettaz, Geoff McKim, Jerry Pittsford

ABSENT: *Amy Thompson, Beth Cate, City of Bloomington Plan Commission Representative*

STAFF PRESENT: Larry Wilson, Director, Jackie Nester Jelen, Assistant Director Drew Myers, Planner/GIS Specialist

OTHERS PRESENT: Michele Dayton, Tech Services, David Schilling, Legal, Kelsey Thetonia MS4 Coordinator, Lisa Ridge, Highway Department Director, Paul Satterly, Highway Engineer

INTRODUCTION OF EVIDENCE:

Larry Wilson introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

Motion to approve the agenda, carried unanimously.

APPROVAL OF MINUTES

Motion to approve the meeting minutes from November 17, 2020, carried, with Dee Owens abstaining.

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ADMINISTRATIVE BUSINESS: None.

UNFINISHED BUSINESS:

- 1. 2011-PUO-04 Southern Meadows Planned Unit Development Outline Plan Final Hearing.**
Two (2) 39.1 +/- acre parcels in Sections 20 & 21 of Perry Township at S Rogers ST & S College DR, Parcel #53-08-20-100-055.002-008 & #53-08-21-200-108.002-008. **Zoned MR.** Planner: dmyers@co.monroe.in.us
- 3. 2012-PUO-06 The Trails (formerly White Oak) Planned Unit Outline Plan Final Hearing.**
One (1) 44.07 +/- acre parcel in Section 20 of Perry Township at 4691 S Victor Pike. **Zoned RE1.** Planner: rpayne@co.monroe.in.us
WITHDRAWN BY PETITIONER

NEW BUSINESS:

- 1. PUD-21-4 Lakes Neighborhood Planned Unit Development Plan Amendment 1. Preliminary Hearing. Waiver of Final Hearing.**
One (1) parcel on 1.50 +/- acres in Section 14 & 15 of Perry Township at S Sare Rd & S Constance Ave (Parcel #: 53-08-14-200-020.509-008). **Zoned Planned Unit Development (PUD).**
Planner: jnester@co.monroe.in.us
- 2. ZOA-21-2 Amendment to the Monroe County Zoning Ordinance: Amendment to Chapter 833: Table 33-3 Height, Bulk, and Density Requirements.**
Amendment to remove parking setback for properties adjoining bridges or overpasses. Planner: jnester@co.monroe.in.us
- 3. ZOA-21-3 Amendment to the Monroe County Zoning Ordinance: Amendment to Chapter 802**
Amendment to 'Elderly Housing'. Planner: jnester@co.monroe.in.us
- 4. ZOA-21-4 Amendment to the Monroe County Zoning Ordinance: Chapter 830 Commercial and Industrial Streetscape Requirement**
Amendment to remove streetscape requirement for properties adjoining bridges or overpasses. Planner: jnester@co.monroe.in.us
- 5. ZOA-21-5 Amendment to the Monroe County Zoning Ordinance: Chapter 818 Permit Revocation Procedure**
Amendment to permit revocation procedure.
Planner: jnester@co.monroe.in.us

- REPORTS:**
1. Planning: Larry Wilson
 2. County Attorney: David Schilling

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UNFINISHED BUSINESS

1. 2011-PUO-04 Southern Meadows Planned Unit Development Outline Plan Final Hearing.

Two (2) 39.1 +/- acre parcels in Sections 20 & 21 of Perry Township at S Rogers ST & S College DR, Parcel #53-08-20-100-055.002-008 & #53-08-21-200-108.002-008. **Zoned MR.** Planner: dmyers@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Yes, can you hear me ok?

Clements: Yes.

Myers: Ok, great. So, we have heard this one before. This is the final hearing for the Southern Meadows Planned Unit Development Outline Plan, excuse the typo on this first one, it says preliminary hearing. We have heard this one several times now. I will go through a little bit of a background to refresh your memories of what we are dealing with as well as go over some of the updates that we have seen since the last time we heard this at the Admin Meeting. Overall, it is a Planned Unit Development Outline Plan. The purpose is to amend the zoning map from Medium Density Residential to PUD. The petitioners are proposing the construction of 95 paired townhomes structures where each townhome sits on its own lot and shares a wall on one side. So, there would be a total of 190 lots. Many aspects of the previously approved Southern Meadows Major Subdivision will remain the same including roadways, sidewalks, waterlines, sanitary sewers, other things like that that we can go over and I will say that by-right the Southern Meadows Major Subdivision did receive approval from the Plan Commission for a number of single family units all on their own. Essentially this proposal is doubling down on the density but as we will see and we have heard before that there won't be much change in impervious cover. There will actually be a little bit of a decrease in overall impervious coverage with this new proposal that had increases in the density. Here is a little background on the previously approved Southern Meadows Major Subdivision. We have spoken about this before so I am sure everyone is pretty familiar with this but if we need to go into any more detail we can just let me know. These are the updates that were received from the last Plan Commission meeting. I will go over actually some new changes. There haven't been very many. In this new report we have received some additional exhibits from the petitioners. They have included some analysis from the Association of Realtors in Indiana as well as some job analysis in Monroe County. These are exhibits that we will go through later on in the presentation. There is also been some updates made to the letters of support and remonstrance. A new exhibit as the Southern Meadow Ordinance that was prepared for meeting that will either go onto the Commissioners for review or be reviewed here as well. There is also an HOA commitment document that the petitioners have provided that was also included in the packet and we will also have some time to go over some of those things in this presentation as well. Here we have the location. We are all familiar with it. It is on South Rogers and South College Drive. As I stated before, Medium Density Residential. The Comprehensive Plan has it as Mixed Residential MCUA and some portion as Open Space. Here we have the design standards comparison. There has been no change here since the last time we have seen it. All of these numbers are accurate in what they are proposing for this PUD Development. As you can see, not too much difference in the MR aside

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from Minimum Lot Area, Minimum Lot Width, and Maximum Height are some changes in those respects, and of course, the 0' side setback for the paired townhome design. This table has received some updates. We requested that the petitioner also include a second row down here about total open space regarding all non-impervious areas as well as the open space as you can see here on the bottom. These are items that the petitioner has prepared for us before the last Plan Commission Admin Meeting. We did not have these in the last packet. They are included in this new packet now. They have not been included in the outline plan yet but we can request that they do so but this is offering some variability in the design of structures because there has been some communication through the meetings about making sure that there is some sort of variation of the design and the look and the feel of this many paired townhomes in a row along the roadways. Some of those ideas for variations include changes in vinyl exterior siding, stone brick veneers, exterior doors and just a variety in general talking about maybe offsetting some of the homes in different areas so they are not one direct line when they get placed within the subdivision. Moving right along, site conditions, we all know that there are some karst features on the property. Based on this analysis as well VET Environmental Engineering Report that has been provided by the petitioners. We have that information in here. The Planning Staff had requested the petitioners try and provide us with a full report of the VET Engineering Karst study. They had reached out to VET Engineering for something like that but I have not heard back from either the petitioner or VET Engineering specifically about providing a more fully detailed report other than the executive summary type document that we have seen before and reviewed before. Here is that document. It is also included in your packet. Again, overall its main recommendation was that VET Environmental Engineering be on call when grading is done for the petition site, given that there are identified sinkholes on the site and that they would just like to be notified and potentially present for that grading. Infrastructure and access as I stated before a lot of this will remain the same as compared to the original Southern Meadows Major Subdivision petition that was approved. There will be some changes in accordance with the increase in density in the paired townhome design so some things will change but most of it will be fairly the same. We can go over some more of that if we want to. This item here I included in the packet as well. There has been some continuing discussion regarding this petition based on data with housing and jobs in Monroe County, so Planning Staff wanted to provide information that had been reported on with in the Comprehensive Plan. This is the Monroe County Urbanizing Area growth projections section of that plan. I included that in here as information that could be reviewed because it is part of the Comprehensive Plan and had been adopted so we included that here. It is also in your packet review, just kind of showing in general trends with the data that was provided.

Nester Jelen: Drew, I see one Plan Commission Member maybe has a question on a part of your presentation. Is it ok to take questions at this point?

Myers: Yes. We have all heard this, so yes, I can take questions.

Nester Jelen: Julie, you had your hand raised.

Thomas: Thank you. I am sorry to interrupt the flow of your presentation. Going back one to the sinkholes, the map on page 14 and the map on page 48 don't match. So what do we do with that?

Myers: Are you referring to the map that VET had provided and the map that we had provided?

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Thomas: Yes and I could see on the eastern border that VET might not have picked those up but their map on our packet page 48 and this map don't match.

Myers: Yes, there are some differences. I believe that these on there were located during the time of the Southern Meadows Major Subdivision. I am not sure how Planning Staff went about identifying these because this was taken from the original Southern Meadows Subdivision packet, so I believe that there was some review from Stormwater, MS4 Coordinator. I am not 100 percent sure about how we decided where these were. I will say that VET, although does differ, that they have stated in their document that there is a potential for more sinkholes that were undefined or un-located. Jackie, do you have any more information on these ones that we see here on the screen with the yellow?

Nester Jelen: These were identified as close contours on the gis map and also as if I remember correctly, they were identified on original Southern Meadows petition plan. I will do a little bit of digging behind the scenes but my understanding is that in order to finalize this plan if it were to be approved, it would have to show the Sinkhole Conservancy Areas and if VET wants to propose something different than our data shows it would have to go through our MS4 Coordinator and we would have to rectify the differences because we would go with the more restrictive typically.

Thomas: The more restrictive would be to take both of these maps would it?

Nester Jelen: Yes that would be to encompass all of the closed contours and if VET found more than ours to add those to it.

Thomas: They do have others besides what we have listed here. Ok, alright. Thank you.

Myers: Back to where we were. We were talking about data in general had been reported on within Monroe County Urbanizing Area and the Comprehensive Plan, so just going back through where we were here with some of the information that had been provided by that document that had been adopted. We can always come back to these if you want to look at some more of the data throughout the discussion. Here is the Southern Meadows Outline Plan overall as an exhibit. I will go through my packet here to make sure I have covered most of the updates included since the last time we saw it. I don't believe that there was much more changes other than the additional exhibits that we are going to get to here shortly. If anyone has any questions you can go ahead and ask them about any of the material that we have already covered. Like I said, we have all heard this a couple of times before so I think it is safe to say that we are familiar with it. There might be some outstanding concerns still among Planning Staff, excuse me, Plan Commission Members to ask Planning Staff. Here we have some of the next exhibits that the petitioners have provided Planning Staff, some data that they had pulled from Indiana Association of Realtors regarding median sales price and other key listings regarding housing through the years so we can look at this data if we want to review it. I know that there has been some discussion about that in the past about trying to figure out what the actual trends are in Monroe County as related to this large increase in density and here we have some other exhibits that the petitioner provided with respect to job growth in Monroe County as well as just general trends in that category. Some exhibits the petitioner has provided. These are all included in your packets. I hope you have had time to review. Just more information and then here we have letters of support and letters of remonstrance section. There has

been one update in that a new letter of support was provided and that is this one here from Farmers and Mechanics Federal, which stated about having the opportunity to buy a home and mortgages in general, so more information about how the petitioner plans to have this development improve housing stock in the area. Of course, letters of remonstrance as well. We haven't received any new letters of remonstrance but we did receive some that we are concerned overall about the density for this proposal and its impact on infrastructure and the character of the neighborhood in general, so we have those here. These are all also included in your packet. Also some concerns for environmental impact as well for all of this development which is in the general area. The remainder of the presentation has the draft ordinance that the petitioners have provided, specific language pertaining to the adoption of the PUD, as well as the commitment to establish an HOA for the property to hold some of the responsibly that we have discussed in previous conversations with respect to this proposal. Alright, overall, Planning Staff still recommends denial, based on the findings of fact and subject to the Monroe County Highway and Drainage Engineer reports, specifically finding B; which states, the extent to which the proposal departs from zoning and subdivision regulations such as density, dimension, bulk, use, required improvements, and construction and design standards, with the remaining concerns listed below. Requesting small scale commercial use so that it is truly a PUD and not just higher density housing. The petitioner had communicated to Planning Staff that they were under the impression that having Clear Creek Urban, which is not yet approved completely, that is directly to the west, may allow for that type of commercial use to work together with that and then the Comprehensive Plan recommendations, again the architectural diversity and standards should be set forth in the outline plan to consider including a diversity of housing types. Although the petitioner has provided some details about variety in the structures, architectural standards, we still need to see directly presented in the outline plan document itself so that it can become enforceable and then also based on the plan submitted it appears there would be a street tree conflict. After a conversation with the petitioner regarding this one, we feel now Planning Staff will be able to address this during the development plan stage of the petition. Finally, the petitioner verbally stated that they would repair the Rose property bridge to provide connectivity to the property's pedestrian trail and we just wanted to remind the petitioner of that commitment and bring it up into discussion for this proposal. I will now take any questions.

RECOMMENDATION

Staff recommends **denial** based on the findings of fact and subject to the Monroe County Highway & Drainage Engineer reports, specifically finding (b), which states:

“The extent to which the proposal departs from zoning and subdivision regulations such as density, dimension, bulk, use, required improvements, and construction and design standards.”

Remaining concerns from staff:

- ~~—Traffic Concerns—TBD based on traffic study and Highway Department review~~
- Request small scale commercial use so that it is truly a PUD and not just higher density housing – **neighboring PUD, Clear Creek Urban, has yet to receive final approval**
- Comprehensive Plan Recommendations: architectural diversity and standards should be set forth in outline plan to meet the Comp. Plan; consider including a diversity of housing types.
- Based on the plans submitted, it appears there will be street tree conflicts (**this may be**

addressed during the development plan stage)

- Petitioner verbally stated they would repair the Rose property bridge to provide connectivity to this property's pedestrian trail to the City planned pedestrian trail to the north.
- The petitioner needs to provide useable open space in the amount of the required 25%.

PUD REVIEW CONSIDERATIONS

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

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

Findings:

- The Comprehensive Plan designates the property as MCUA Mixed-Residential and MCUA Open Space;
- The property is currently zoned Medium Density Residential (MR);
- The petition site is currently vacant;
- The primary current permitted uses of the site are the permitted uses available to the MR zoning district;
- Adjacent properties are zoned Estate Residential 1 (RE1), Single Dwelling Residential 3.5 (RS3.5/PRO6), and Planned Unit Development (PUD);
- The petitioner is proposing 25% open space for the entire PUD proposal;

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

Findings:

- See Findings (a);
- The site has a maximum gross density of 4.9 units/acre;
- The site has a minimum lot area requirement of 0.05 acres
- The site has a minimum lot width at building line requirement of 30 feet;
- The site has a minimum front yard setback requirement of 25 feet from right-of-way;
- The site has a minimum side yard setback requirement of 5 feet from property line;
- The site has a 0 foot side setback provision on one lot line if designated on a subdivision plat;
- The site has a minimum rear yard setback requirement of 10 feet from property line or alley right-of-way line;
- The maximum building height is as defined in the Monroe County Zoning Ordinance and should not exceed 45 feet;
- The site has a minimum open space requirement of 25% for the entire PUD as defined in Chapter 811 of the Monroe County Zoning Ordinance;
- The landscaping requirements of Chapter 830 are not amended with this PUD proposal;

- The parking requirements of Chapter 806 are not amended with this PUD proposal;
- The site proposes the creation of 190 single family attached townhomes, where each townhome will sit on its own lot with its own yard and will share a wall on one side with its neighbor;
- The PUD proposal deviates substantially from the zoning minimum lot size requirements;
- The PUD proposal does not provide any type of commercial use and is only a request to increase density;
- Based on the submitted plans, a conflict with street tree requirements is likely;

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

Findings:

- See Findings (a) and (b);
- The petitioners are working with staff to comply with Chapter 811 standards;
- Architectural diversity and standards should be set forth in outline plan to meet the Comp. Plan and incorporate a diversity of housing types;
- The Comprehensive Plan supports a variety of housing types for the MCUA Mixed-Residential designation;
- Adjacent districts to the petition site are a mixture of low, medium, and high density Single Family Residential;

(d) *The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.*

Findings:

- County Highway has reviewed the petition site and has requested a traffic study to be completed before this petition is heard by the Plan Commission;
- County Highway requests more information on the garage sizes and the driveway dimensions;
- County Highway expresses concerns for the availability of street parking given the current roadway proposals;
- County Highway recommends the inclusion of alleyways that can accommodate two-way traffic;
- Staff will be reviewing a development plan if approved. In addition, staff has sent the petitioners a first round of comments, which have been addressed;
- The petition site will be subdivided and the management of common areas will remain under the control of a Homeowner's Association (HOA) that will be formed as part of the subdivision process;
- The petitioners will coordinate with the MS4 Coordinator to ensure proper stormwater management facilities are designed and installed;
- Exhibit 1 states that stormwater will be managed by three detention basins along the west side of the property that will be in accordance with all requirements of the Monroe County Drainage Ordinance;

- Exhibit 1 states that minimum 4 feet wide sidewalks will be constructed along all new public roadways as shown on the proposed site plan;
- Exhibit 1 states that a new multi-use path along a former rail corridor will be constructed as part of the PUD;
- Exhibit 1 states new sanitary sewers will be constructed to serve the PUD;
- Exhibit 1 states new street lighting required by the Highway Department will be provided and paid for by the HOA that will be formed as part of the subdivision process;

(e) *The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.*

Findings:

- See Findings (a), (b) & (d);
- The Joseph Green PUD Outline Plan Amendment 2 (Clear Creek Urban) located adjacent to the west consists of a mixed-use type development that has yet to receive final approval by the Board of Commissioners;
- The petitioner states in their written statement (Exhibit 1) that the development is designed to provide additional housing options in the form of paired townhomes, which will be doubling the density compared to the previously approved Southern Meadows Major Subdivision without increasing the overall footprint;
- The proposed PUD outline plan would retain many aspects of the previously approved Southern Meadows Major Subdivision Preliminary Plat;
- Exhibit 1 states that other proposed improvements include a neighborhood basketball court, playground, and dog park;
- Exhibit 1 states that the feasibility of restoring the old railroad bridge across Clear Creek is being evaluated by the petitioner;

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

Findings:

- See Findings under Section (e);
- The petitioner submitted design plans that are aesthetic in nature. In addition, the petitioner submitted

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

Findings:

- See Findings under Section (d) & (e);
- A traffic study is requested by the Highway Department to analyze the intersection of S Rogers ST and W That RD and check for the adequacy of the proposed turn lanes;
- The requested traffic study should also incorporate the estimated traffic impact of the Clear Creek Urban PUD proposal;
- Multiple road connections are proposed within the outline plan that will increase

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interconnectivity between established neighborhoods;

- A further review of traffic considerations will be reviewed at the Development Plan phase of the project by the Highway Department;

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

Findings:

- See Findings under Section (d) & (e);
- The PUD outline plan has open space requirements that will be described legally as unbuildable;
- The PUD outline plan defines open space the same as Chapter 811 of the Monroe County Zoning Ordinance;
- Exhibit 1 states that a sinkhole specialist is evaluating the sinkholes to provide a second opinion to the previous study performed as part of the initial approval of the Southern Meadows Major Subdivision;

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

Findings:

- See Findings (a) & (b)

QUESTIONS FOR STAFF – 2011-PUO-04 – Southern Meadows

Clements: Thank you Mr. Myers. Are there questions from members of the Plan Commission for Mr. Myers?

Enright-Randolph: I just wanted to state that I lost connectivity for probably for about 8 minutes.

Clements: Thank you Trohn. I would like the record to reflect also that Mr. Pittsford arrived around 5:38 and so he has been here presumably for this presentation because the beginning part of the meeting dealt with administrative matters.

Pittsford: Yes, I have been here Margaret.

Pittsford: Thank you, Jerry. For some reason zoom wouldn't let me join as a panelist, so I couldn't have a voice or an image.

Clements: Me too, so you are not alone. Are there other questions or comments from the Plan Commissions for Mr. Myers?

Enright-Randolph: I have one question and I, oh, I am so sorry I don't have it and I know it was covered but from the diagram that Julie was pointing out do we have more sinkholes being delineated on the geotech or ? I guess I was really curious of what the answer was there.

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Nester Jelen: It looks like, Drew I did a cross comparison with the original Southern Meadows petition and then what was submitted now those 2 petitions are consistent in the sinkhole locations. But the VET and what was submitted under this petition differ and so VET actually in some circumstances finds, they both need to be combined and basically go with the more restrictive is what we would recommend. There is missing on the Southern Meadows from the petitioner and then there is missing on the VET.

Enright-Randolph: Perfect. Thank you. Sorry for jumping in front.

Clements: Ok, is there, oh, Mr. McKim?

McKim: Yes, thank you. From my perspective this is the petitioner already has a by right here and so the real question to me is what are the legitimate concerns of the public in doubling the density given that we are not increasing the hardscape, the impervious surface at all? To me that comes down to traffic. So, can you remind us of what the petitioner's commitments for offsite traffic improvements were to carry to this PUD? I know this was discussed extensively when we discussed Southern Meadows rezone but I think we have kind of lost track of what these changes are and I think it is significant to this decision.

Myers: I know that there are road improvements to be made. If Paul is on the call I know that he has the most detailed information with respect to that. But there will be improvements and there were actually some updates made to the traffic study again but those were received I think either early this morning or late afternoon. I believe the link is to the slightly older version of the traffic study and I know that Mr. Satterly was reviewing those updates that were sent recently today and yesterday, so if he could speak on that that would be great.

McKim: He does appear to be on the call.

Satterly: In terms of the offsite improvements there is going to be left turn lanes added to Rogers Street at the That Road intersection and also the entrance there will have side by side left turn lanes and 2 through lanes at the entrances on the eastern approach. Let's see, what else. The traffic study, we received that this morning. I made my final review and they indicate that an all-way stop will be warranted at full build out of the Clear Creek Development and the Southern Meadows Development and that takes into the consideration the 190 lots in Southern Meadows or if considering the White Oak Trails Develops it would be approximately 80 percent of each of the developments to where an all-way stop would be warranted at that intersection. But in the mean time we will keep an eye on it and do periotic volume checks to make sure we keep in front of that all-way stop installation.

Clements: Thank you Mr. Satterly. Mr. Trohn Enright-Randolph and then Mr. Stainbrook and then myself.

Enright-Randolph: In that same like of question, Drew if you could touch on the commitment that they made to build out the road infrastructure as far as it is proposed in phasing.

Myers: Ok, I think I know what you mean. The commitment for building out the roadways as you

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can see on this outline plan is pretty much the same that was approved with the Southern Meadows Major Subdivision. They recently received approval for a Grading Permit for the Phase 1 portion of the build out with respect to getting the road infrastructure in first and doing any type of residential grading whatsoever for Phase 1. Other than the inclusion of the alleyway a lot of the same improvements and commitments to the roadways will be made. Does that answer your question?

Enright-Randolph: Yes but I guess I had it wrong. I had thought that they were going to build out the road infrastructure to have those 2 points of ingress/egress that was different than the Southern Meadows because that was one thing I was really concerned on and goes in line with the traffic and congestion. If they wanting to double the density I would like to see that road completed a lot faster than what was originally proposed for the single family dwellings.

Myers: Yes. I do remember that now. In previous conversation with Plan Commission members and the petitioner and I do believe that they were amenable in showing that the secondary access point was completed as part of one of the earlier stages on the road developments. So, with respect to the phases and the road development the priority comes with the roadways and infrastructure and with that secondary access point as well.

Enright-Randolph: Well, let me just kind of present this. For me to support this, I do think it becomes a density question. There are few other things with a 0' line setback and such but I do think primarily it is a density. So, unless the petitioners are willing to make a commitment that they are going to build those 2 access points completely at least by half of the units constructed, I won't be able to support this.

Clements: Thank you, Mr. Enright-Randolph. Mr. Stainbrook and then myself and then Mr. Pittsford and then Commissioner Thomas. Mr. Stainbrook?

Stainbrook: Thank you Ms. President and others. I have a renewed interest in the total and overall context within which I should review this matter. I know for instance, that all of us are interested in appropriate and affordable housing but in looking at some of the data and other matters and I think if I may say Drew has done an excellent job in presenting this again so far and we have considered again of course. But say hypothetically an investor wanted to go and in some place take on the responsibility and any risk of loss and develop whatever, as long as that fit within the guidelines, the ordinance and the other provisions that may be in place do we have any consideration of this being not in this instance, I say hypothetically, say it were un-needed housing but otherwise it would be suitable within our framework. Should I give weight to the fact that this is needless or in this case if we find with density, connectivity, access, etcetera some of the concerns that have been articulated so far some of the questions anyway are some of the questions I have in my mind, to what extent should that be overbalanced or be contraindicated by the need or the lack of need whatever the data may be showing? Drew, Margaret, Mr. Wilson, certainly I Jackie? I try and say to what extend is our decision driven by the need for housing?

Nester Jelen: Well, I would say Jim that this is a rezone petition so it is a legislative decision and there are standards within the report that Drew laid out that weighs and takes into consideration things like the Comprehensive Plan, which Drew showed a little bit before but really it is looking

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at the findings and determining what pros weigh out what cons on this and moving it forward to the Commissioners for a decision.

Stainbrook: Thank you.

Clements: Thank you, Jackie. I would like to go next. I have question for Mr. Schilling actually. It was asserted that this petitioner has the opportunity to build by right and I would like to know the extent to which that is true. Just because we had approved another PUD doesn't mean that we must approve this one and if in the process of our discussions and our deliberations we find other adequate reasons why we might reject this proposal, for instance, like these sinkholes. Can we reject this? Mr. Schilling can you speak to that? Then I have a few other points I would like to make.

Schilling: Well, I think with respect to the by right there has been a subdivision plat approved for this site. So, the person would be able to record a plat based on that prior approval at this time. But as far as the petition before you today that is not a by right of course that is completely discretionary and you are making a recommendation to the County Commissioners as to whether you think it satisfies the spirit of the PUD Ordinance. There is not by right to do what is before you today. With respect to the sinkholes, again any development plan that comes in is going to have to meet the Sinkhole Ordinance and if more are discovered then it is possible that they would have to amend the outline plan and get a development that complies with the Sinkhole ordinance

Clements: Thank you Mr. Schilling. That really clarifies a lot at least for me because this is not the same plan that we had approved previously and so it doesn't mean it should be approved by right. Secondly, I would like the data that are contained in this report, recognizing that the Comprehensive Plan was last formulated in 2012 with a little bit of adjustment in 2013 and what have appeared then to be accurate or speculated to be accurate, certainly by now has less relevance and meaning. I would call for instance, some of the data that is presented in the report as an extrapolation on a speculation that by now is almost 10 years old. So, why that might have been our best guess at the time, we have new information and that new information pertains to growth in Bloomington. Although, it is often claimed data that we have a solid 1 percent growth rate, actually in the state we have a 1 percent growth rate in some markets and that is not Bloomington. Bloomington has probably a 0.6-07 percent growth rate. So, although this is optimistic and it would be beautiful if true, I just am challenging wholesale acceptance of this data and also the changing dynamics with all the housing that has been built in the city. So, I don't think that we can take this at face value something that pertained in 2012 to what is actually going on in the city right now and in the county and in our community and certainly I would challenge the justification for further density, especially on a sinkhole conservancy area as something that would be in the best interest of the community. Third, I would like to talk about my overriding and continuing concern for homeowners association fees for maintenance of these types of developments that if we approve this PUD I feel that we are putting our community members at risk for total financial devastation because it is the drainage that would be maintained by the homeowners association fee and if they aren't able to pay for exorbitant costs that may be occurred or if the homeowners association fails to preform or if they fail to elect a leader who would like to grapple with the complexities of a site like this, the homes eventually could be attached and they could stand to lose everything. I am having, I know this has come before us many times and for me this kind of dense building on this

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property especially the plan that we have before us cannot be responsibly justified in my opinion, So, I know I am going to hear from the petitioner and we all will hear from the petitioner and I will keep my mind open but at the same time I just want to be clear that I don't want to give false hopes for what is proposed here. So, seeing that I think Mr. Pittsford was next, Commissioner Thomas and then Mr. McKim. Thank you.

Nester Jelen: I will just note Margaret that this was 2015 the Monroe County Urbanizing Area, which was kind of an addendum to the 2012 plan.

Clements: I have to just say that these data just aren't really reliable. My head has been in these data and I am kind of having a problem with these being used in this format. I would really like to have a separate meeting about this and talk about the relevance of these studies and there is a lot of misinformation and need for more transparency and detailed serenity of where this data comes from. Thank you.

Nester Jelen: I do think we will get on the same page Margaret. That is a great idea.

Clements: Thank you.

Nester Jelen: Jerry, go ahead.

Pittsford: Thank you, President Clements. I have 2 questions. One is maybe an unusual question about the longevity of paired patio homes in the market place. This is not something we have seen a tremendous amount of in this area and I realize that the county is in transition in terms of housing needs and availability. But are there in studies out there that speak to the longevity of these paired patio homes? Are we approving something that is going to be in albatross in 20 years is kind of my question? My second question is what opportunity to exist to change the PUD in successive phases and I will be turning off my video because my internet connect is unstable but if the market shifts during the course of a buildout is there an opportunity for a petitioner to come in and modify the detached single family residences? Those are my questions.

Myers: I can speak on the second question directly in that the petitioner within the outline plan does allow for the inclusion of single family residences to provide for a mix of housing types and some flexibility in what they can build there. But the overall plan that you are seeing before you with respect to the outline plan is them maximizing each of the lots as paired townhomes, but that doesn't keep from allowing for single family residences on some of the lots according to the outline plans language.

Pittsford: Ok, and Drew forgive me again the timeframe again for the buildout on this please.

Myers: The timeframe, let me see their phasing suggestion, one moment while I pull this up.

Pittsford: I want to say 6 years but I am not sure if that is right or not.

Myers: It is included in their outline plan document, one second.

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Pittsford: if you would just flied that and let the petitioner and his statements speak to it. That is fine. That is a better use of our time and I am guessing you don't have any indication on the longevity of the market for the paired patio homes.

Myers: I personally can't speak to that. I have not looked at the information or researched any studies myself. I am not sure if someone else on the Planning Staff wants to take on that question but they are more than welcome to and I did just pull up the development schedule from their outline plan document and the anticipated Phase 1 is between July 2021 and July 2022 and Phase 6 is anticipated January 2024 to January 2025.

Pittsford: Ok, so it is shorted than I had thought. Alright. Thank you Drew. If the petitioner wants to speak to the longevity of the market for the paired patio homes when they have an opportunity I would be welcomed to hear that.

Nester Jelen: Julie is next.

Thomas: I don't think I am next. I thought Mr. McKim was next.

Nester Jelen: Ok. Geoff.

McKim: Actually, I am going to wait until the petitioner speaks so I will make my comments afterward. I would like to hear the petitioner and any remonstrators.

Nester Jelen: Ok.

Thomas: I have a couple of questions for staff. Mr. Satterly, if you are still on I have a question for you. If let's say we have got 3 petitions in this area that all sort of lead out to That and Rogers intersection and it turns out that a year from now traffic is horribly backed up at a 4-way stop, which I can foresee that happening so the decision is then to go to probably a stoplight or something like that. Who pays for that?

Satterly: Well, I think it would be a considerable time before a traffic signal would be warranted.

Thomas: Ok.

Satterly: Mostly because of providing the left turn lanes which adds extra capacity to the intersection. You have got left turn lanes both north and south and then a left turn lane westbound coming out of the development, it would quite a bit of time before you would see a traffic signal. I would estimate 15 or more years in the future.

Thomas: Ok. So, in 15 years who pays for the traffic signal?

Satterly: It would the county's responsibly at that time.

Thomas: Ok. Thank you, Paul. One of the things that was mentioned in the VET Report, Mr. Myers, and again, thank you for a great report again, one of things that is mentioned in the VET

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Report is their interest, their expressed interest in being onsite as grading occurs. Did the petitioner file a commitment, record a commitment to include VET or a similar engineering firm during grading?

Myers: I don't have any specific documentation to attest to that. It could be included as a condition.

Thomas: Ok. Great. Then a question for either Mr. Wilson or Schilling. One of the things there is a lot of information in the report about housing, housing costs, ecterra, etcetera, and a lot of discussion about to provide affordable housing, which sounds great, workforce housing, which sounds great, there is a federal definition for some of that, but we don't have anything in any part of our code that provides for a certain level of housing in terms of pricing. Is that correct?

Schilling: We don't have that kind of market criteria in the ordinance.

Thomas: Ok. So, what can a petitioner do besides, I mean, I think the intentions are there that's great but maybe constructions costs come in 20 percent higher, I think, I am trying to figure out what a petitioner could do in order to guarantee a certain housing price.

Schilling: Well, I think that there is probably a statute that prevents us from requiring certain housing brackets as part of a zoning decision.

Thomas: Except probably for a Section 8 abatement in a rental or something like that.

Schilling: Yeah.

Thomas: That is what I was thinking too. I am wondering, for me it is nice to hear the intention but just for the publics edification we can't guarantee anything, we can't control this. They could very well sell the homes for the price that they intend and a year later they go back on the market for double. We cannot and we don't control the pricing. It is a good thing to say that this is the intended market. It is a good thing to put that out there but we are not in the position as a Plan Commission to require this in order to enforce any of this. But I think it is just a good reminder. Thank you.

Clements: Mr. Guerrettaz?

Guerrettaz: A couple of things. One of them was Julie's comment about VET, the VET, Geotech Firm, I was going to ask about them being on site during the mass grading. So, I was thinking the same thing and wanted to reiterate what Julie had said. Secondly, for the petitioner I think to answer because I think there is some questions on a Planned Unit Development like this we have got a lot of letters like this financial institutions, BEDC, real estate, employers in the community. So, when financial institutions look at a project like this that is a planned development that is predictable especially once it gets off the ground, I would like to know if they consider the HOA fees within the loan eligibility of a borrower when they look at what that borrower can afford and then I just want to clarify on the units that are near the karst features, it still appears to me that there is a bigger open space area between the units and the karst features from what we saw on the original approvals with Southern Meadows. I will just call it Southern Meadows 1. That is really

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all that I have got right now. Thank you, Margaret.

Clements: Thank you, Mr. McKim your hand is still up, would you like to ask a question?

McKim: Oh, I apologize. I thought before I had said I will defer my comments. I apologize for not lowering my hand.

Clements: Thank you and I just, because of Julie's questions, Commissioner Thomas' questions I have one other question for Mr. Satterly and that is should this be approved and should you put in a left hand turn lane and you would anticipate that there would be not additional transportation backups, is that transportation fluidity guaranteed or is it something that could be for instance replaced by bike lanes or could you narrow the streets after we approve this PUD? Is there something else that could be done that would impede the flow of traffic? So, that is my question to Mr. Satterly.

Satterly: Well, the traffic study was conducted with the 190 lots in Southern Meadows so all of the proposed improvements will easily handle the traffic from Southern Meadows and the left turn lanes as I mentioned will provide extra capacity to the intersection and just for comparison sakes if you are familiar with the Gates Drive/ Jonathon Drive intersection there in Whitehall Crossing, I think it is Whitehall Crossing Shopping Center, that is a similar type of intersection and that intersection can handle quite a bit of traffic and that is just a 4-way stop. The threshold before you have to go to something else like a traffic signal is pretty high in this instance and this will be even with a 4-way stop will handle quite a bit of traffic for a long time.

Clements: Ok, thank you Mr. Satterly. Let' move on now if there are no other questions from members of the Plan Commission to hear from the petitioner and the petitioner's representative. Jackie, can you help out with that?

Nester Jelen: Yes. It looks like Katie Stein is here to speak.

PETITIONER/PETITIONER'S REPRESENTATIVE – 2011-PUO-04 – Southern Meadows

Knoke: Can you hear us?

Nester Jelen: Yes. Hi, Kendal.

Knoke: This is Kendal Knoke with Smith Design Group. Thanks everybody for hearing us tonight. I just had a few things just to answer a few questions. So, regarding the karst originally we did a topographic survey for Southern Meadows the previous approval we did that I think back in 2019 and we identified some area that were sinkholes as part of that survey so we put those in the karst easement as required by the county and then also as part of that original approval we had VET Engineering go out and they found the sinkholes that are found in that report and we added those as well to our plat. So, the approved Southern Meadows plat was protecting all of those sinkholes that were found during that first round of approvals and we are showing the exact same sinkhole as part of this approval. Nothing has changed there. It is the same ones that we found and as part of our ordinance for this PUD we have included almost all of the conditions of approval that were

made for that Southern Meadows Preliminary Plat that is approved currently. There are 10 conditions of approval. Some of them are specific to that plat that reference lot numbers and things so those will have to be updated. We still have to go through and do another plat if this PUD is approved but Tom has incorporated almost all of those commitments into the PUD ordinance including the karst professional being onsite during grading. So, that will happen. He just handed me a signed proposal actually from VET Engineering to do that. Just to clarify that all is being handle the same way and to answer Trohn's question about roadway connection. We have in that ordinance as well if you look at it we are committing to connect the road as part of Phase 2 to South College Drive. There will be 2 forms of ingress/egress as part of Phase 2. Phase 1 will start the road and then Phase 2 will complete the road and that connection will be made to satisfy Trohn's comment there. I think the only other thing I had was green space I know was talked about a little bit. We are about 33 percent impervious right now which means 67 percent is pervious green landscaped areas, that is about 24.92 acres, 23.35 acres if you take out the detention a areas, which planning staff asked us to do, and we are putting about 10 acres in common aces, about 10.25 acres in common areas right now, and we can actually increase that. We can take away some people's yards and increase the amounts that is in the common areas. I think that is what planning staff was eluding us to do but again when we come back for preliminary plat approval finalize that but I think the point is that we do have quite a bit of green space for this development. I think that is all that I had. Tom, did you want to talk?

Winger: Tom Winger, Winger Construction, again third generation builder. My family had been in this community and build a lot of homes. My father started out over 60 years ago at Quail Ridge, which was a paired product. He did the Stands. He did Winslow Farms, Gables, Copper Tree, Saint Remy, Vila Glen. I did the Wick and I did the Highland Park Estates. All of those are just a part of what he did and all of them were paired product. Paired product does stand the test of time I believe. 60 years ago he did Quail Ridge and I finished up Springhouse Ridge in 2015 and to talk about a need, you can call any realtor and have them try to find you a house under \$200,000 a year or newer in the entire county and with Cook hiring and Catalent hiring and Baxter, IU Health, these young people don't have a place to go. Try to get them something that they can afford and own a piece of it and be here in Monroe County. It is a great place to live. That is all that I have got.

Nightenhelser: Good evening everyone. My name is Holland Nightenhelser. I work with Tom in the office daily and appreciate the opportunity to speak. I just want to quickly kind of remind everyone that we have chance to contribute in a pretty positive manner to the county and the community. Our intention is to create a very nice neighborhood. I know there have been some reservations about it straight lines and density but it is our intention to make really mice looking houses with plenty of variation. We are going to do everything we can to make sure it is a pleasant neighborhood. There will be sidewalks, street lighting and then it is an opportunity to connect. There are a couple schools within a short distance, one of which is Clear Creek right with which we share a property line and are committed to connecting to the neighborhood so that children will be able to walk to school just the road. There is another school and I caught wind that there is going to be a public library going in in just to the north there and there is of course, the commerce over on South Walnut Street which is just minutes away. Then of course there is the multi-use trail. We have to look into the option of connecting the neighborhood directly to that multi-use trail, which will provide people, you know it's not the closest neighborhood to downtown but

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people who wanted to perhaps commute on bicycle to somewhere near to the city who have an opportunity to do that. I think that is it. I just wanted to highlight the fact that there is an opportunity for real positive things to come out of this and I appreciate the opportunity to speak. Thank you.

Knoke: Thanks everybody.

Clements: Thank you for caring about our community and also proposing this project. I appreciate your proposal and we all do. I see that Commissioner Thomas has a question.

Thomas: I do. Thank you. Thank you all for being here. I appreciate petitioner's work on this. Did I hear you right, did you say that those 2 sinkhole maps are the same?

Knoke: No, I think the original one with the yellow circles was created back in 2019 when we originally did our topographic survey and then initial analyst was added to by the VET Report when that came out I think in early 2020 we did that. So, the site plan you are seeing here has all of those sinkholes that are shown in both of the original survey and the VET Report.

Thomas: Ok, I don't see that but I will take a look at it on my larger screen and see if I can find that because it looks like in the middle that there are some areas VET identified. So, were you not able to get us the full report from VET?

Knoke: We did have the second page added and then I went back and listened to the meeting to kind of see what additional information was needed and I talked to Sarah who prepared the report and I said, you know, really what they were looking for was more of a summary that hey, we went out we found the sinkholes and here are the sinkholes we found and here is how we recommend to protect them and here is where they are, so I just asked here to provide more details to the conclusion of the report. She did agree to do that and Thomas hired her to do that and we have not gotten the updated report from her yet.

Thomas: Well, that is too bad. Ok, so Drew if you could show those maps again maybe, I don't know if there is any way to superimpose the VET map over this development plan. I don't know if there is a way to do that but you are a magician so I will leave you to try your best. I will try the same thing on my computer. Thank you.

Clements: Just to let everyone know, it has been written into the chat that VET Engineering appears to have found one additional sinkhole not on the Smith Design Group map and it is located on the southwest site. If I recall, correctly at the time of Terry Quillman's expiration we had one map with the sinkholes kind of mapped out. He went out there, there were more sinkholes and now we have got yet one more. In lieu of that Mr. Guerrettaz would you like to make a comment or ask a question?

Guerrettaz: Just a quick clarification and pardon me for not knowing the gentleman's name that spoke after Tom from the Winger Office. But is there a commitment to repair the Rose bridge to the north or not?

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Knoke: There is not a commitment. Tom had said he would look into the cost of it and it is not cost prohibitive then he will do it.

Clements: Thank you.

Guerrettaz: Hang on. I was just looking at the staff's report where it says that would be repaired. So, I think that needs to be clarified that everybody understands that is going to be done or if the petitioner will do his due diligence to repair that structure and I have seen that structure. It would be a big undertaking.

Clements: I will give the petitioner a second to respond to that and then Mr. Enright-Randolph.

Knoke: I don't think there is anything additional to add.

Winger: If I can do it, I will do it. By rights I can do it if somebody will let me do it where a pedestrian can walk across there. I don't know if it crosses through Dave Roses property or something like that but I can get that I will do it.

Guerrettaz: My point on that to that Plan Commission is just that it states that, I understood to state that in the report and I just wanted to be clear because that was not consistent with what he said. I don't really care. I just want to understand what is on the table and what's not on the table. That's all I got. Thanks.

Clements: Thank you for clarifying that Mr. Guerrettaz. Mr. Enright-Randolph.

Enright-Randolph: I just have a brief comment. I wanted to thank the petitioners for addressing my concerns. I did think that was already in place to buildout the inner connectivity of the PUD. I think that is incredibly needed because this is quite a dense development so to relieve the congestion by adding the 2 points of ingress/egress is phenomenal. I just wanted to thank you for that and I also wanted to take the opportunity to thank the petitioner. They invited us all out there to go check out a couple different development sites and I told them I understand the magnitude of the decisions we are making so I will always make myself available, which I did and I did go on the tour. I just wanted to thank them for the invite. One final comment I have is we are moving this forward to our Executive body our Commissioners and the fact that they are almost meeting everything that is a concern and they are just really trying to add more density I am included to support this and move it forward and I hope my colleagues do too.

Clements: Thank you. Dee Owens, did you have a question? I saw your hand raised and then lowered.

Owens: The question was covered so I backed off, so thank you.

Clements: Thank you very much. Ok, well moving on. We should hear from the public, from supporter for this petition. Jackie can you tell how many people, I think that we could give them each 3 minutes because there are only 10 attendees? There are 3 with their hands raised. So, if we could give each commenter 3 minutes that would be I think sufficient.

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Nester Jelen: Ok. We can do that. This first person is Jason M. Can you hear us Jason?

Clements: Mr. Jason M, if there is a pop up that allows you to unmute yourself.

Nester Jelen: I am not seeing anything. We will have to come back to this person. Pete Yonkman.

Clements: Mr. Yonkman, if you could unmute yourself.

SUPPORTERS - 2011-PUO-04 – Southern Meadows

Yonkman: Yes, can you hear me now?

Clements: Yes.

Yonkman: Thank you. Hi, I am Pete Yonkman. I am President of Cook Group and Cook Medical. I had the opportunity to speak in support of this project last meeting and we talked about the importance of all of the work that we are trying to do to create upward mobility in folks in terms of education, substance abuse disorder, hiring people who are coming out of the judicial system and it is programs like these and projects like these that are critical for us. When we work with those folks what we find and also people who are just looking for their first home is that they do want a home, they are not terribly interested in renting because they are trying to space for their family to live and have some ownership in that. I do know there was a lot of discussion about growth. Whether our growth rate is 0.7 percent or 1 percent or 5 percent whatever it is 0 percent, many, many community's in Indiana are suffering with negative growth and the challenges there and we work with those communities so I am very thankful that we are having this discussion tonight about what are the challenges about what do we do to house more people in our community. Because it is a real challenge when it goes the other way. I do think that when you look at a project like this in particular the density I know has been a concern but it does provide more housing. I know it was raised that you can't control the price or it could be that these houses sell for \$200,000 in the beginning and they turn around sell for tomorrow. That is why I think it shows the importance of increasing the number of housing options available for people so that there are more options and those prices will maintain themselves. We also see that people really are asking for the ability to have a home that they own with their space, their own driveway, I know that a lot of apartments have been built in Bloomington, we are part of that. We own commercial and residential real estate but a lot of those apartments have gone to students and they are not typically the environment that these folks are looking for. So, I just would really encourage you to think about this project carefully. A lot of good questions have been raised about sinkholes and homeowners fees and I know those are really important questions and tough to grapple with but I do think that as you think about this project the question comes down to do we need it and is it worth the challenges? I know there are challenges of the sinkholes and those sort of things. I strongly hope that you will consider this and find that it is needed. There are some many folks that are looking for that first entre into our communities and they need that first step, without they are going to have a very hard time finding that upper mobility that we have all achieved at some level and we are working so hard to create those opportunities for people and housing is a key step in that direction. I really appreciate your consideration and I hope you will consider supporting it. I think it would be very valuable in increasing the diversity within our community. Thank you.

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Clements: Thank you Mr. Yonkman and thank for you for coming to our County Commission Meeting, Plan Commission Meeting. Is there any other person who would like to speak in favor of this petition? Jackie?

Nester Jelen: Yes. I am going to return quickly to Jason M. Can Tech Services tell me whether Jason is calling by phone or if he is joining by computer?

Tech Services: It appears to be a device, mobile or computer I am not sure. But I don't think it is a landline number.

Nester Jester: Ok. I am going to try to allow him to talk one more time and ask him to unmute. I am not getting anything. So, we will have to come back.

Tech Services: Sorry, they are unmuted right now but zoom is not picking up their audio. It is probable that the device did not select the correct microphone within the zoom app that they are using.

Nester Jelen: Ok. Well, Jason if you able to call in instead I will put the information into the chat. Then we have Jim Shelton with the Chamber.

Clements: Mr. Shelton welcome and you have 3 minutes to support this case. Thank you.

Shelton: Thank you and thank you Commissioner for letting me speak on this. This Chamber encourages you to approve this all of the safeguards that need to be done. We need more housing. I think Mr. Yonkman has made that clear. I think our other measure of employees have made that clear. We need more housing. This is and by the way Mr. Winger does great work. I am living in a paired patio home that he built at this moment in Springhouse Ridge. I lived in the Stands before that before we had to downsize. He does good work. His dad, Mr. Stolberg, did great work great developments. So, please understand that paired patio homes have been around for a long, long time. I have lived in others since 1976 and 1979 that he didn't build but and as he said the Quail Ridge has been around for a long, long time. We need more housing. I think this density we need to deal with it. I would encourage you to please work with people to try to get more housing developed because we really need to it here in this county. The Urbanizing Area Plan calls for this kind of density I believe in this area and other areas around Bloomington and these guys do a great job so please think about this as you are considering this. Thank you.

Clements: Thank you Mr. Shelton. Jackie, can you tell if Jason M. is able to speak or be unmuted?

Nester Jelen: I will try one more time. Unfortunately, Jason we still aren't able to hear you.

Clements: Ok, well, let us move on to those who would like to speak against the petition and if Jason M. we will check with him one more time before we bring it back to the Commission. So, can you tell the people who would like to speak against this petition Jackie?

Nester Jelen: Sure. We will start with Mattie Kerr.

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Clements: Hi, Mattie. Welcome and please as you know keep your comments to 3 minutes. Thank you.

REMONSTRATORS – 2011-PUO-04 – Southern Meadows

Kerr: Hi, I am James. I am Mattie's husband. I live across the street and we just moved into our house across the street from the Southern Meadows future property or potential future property and this is our first meeting that we have arrived to so I am not totally sure about all that that has been talked to. I tried to read through a lot of the stuff. But our main concern is about water and drainage and the talk tonight about sinkholes is related to that. Already the Clear Creek, I am not sure where the water goes or if will all kind of drain into Clear Creek. But already Clear Creek has been going through a lot of floods. The house that we live in right now is a house that my great grandmother lived in and I have noticed from the time where my great grandmother lived, she died 14 years ago until now there has just been a lot of soil erosion from the continual flooding of Clear Creek and so that has happened you know up and down the properties I lived Rogers. The creek itself is just not well maintained. There is kind of a hitch right by the bridge on That Road here the creek really picks up a lot of speed once it gets a lot of water going through it and then also the drainage stuff that goes across, the drainage gap that goes across the street from us on Rogers just a couple of houses down is blocked. It is not well maintained and so just kind of considering all of that and then already there is sinkhole stuff up there it is just kind of concerning, where does all of the water go and I guess like maybe these questions have been answered. I have not been able to find a lot of the answers to these questions but I think they are relevant to the people who currently live here. That is all that I have got.

Clements: Thank you very much. Jackie, can you see who is next?

Nester Jelen: The only other person with their hand raised is Jason M. and I am going to try for one last time here.

Clements: Perfect. Jason if you are able to unmute yourself.

Tech Services: It looked like they briefly disconnected and then connected again.

Jason M: Hello?

Clements Yes. Welcome Jason.

Jason M: Can you hear me?

Clements: Yes, we can hear you.

Jason M: Divine intervention, boy. I knew my prayers would pay off. I have listened to everybody and first and foremost I want to thank all of you folks for doing a great job for our county. I know that is a lot of commitment and taken a lot of unselfishness on each one of your parts to do this so I want to thank you all. I wanted to, I certainly hear the last person's concern on drainage. I can tell you what I know of Tom Wininger, I am his realtor, I am with Millican Realty, Jason Millican,

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and I can tell you knowing him and his family, I went to school with his brother, they do pay attention to detail. I think too listening to the petitioners issues with drainage how it would be directed, he might have some great ideas. I think it is going to be a great development. I have also been a president of the Board of Realtors and a president of an HOA. I know with HOA you can have some lingo in there so say, hey, if we don't way a rental community that might push the issue where it is just more people purchasing homes there. That is something that you guys I guess have discussed but I definitely agree with everybody else. I think there is a huge need. We just did paired patio homes out on the west side of Bloomington sold out within a year and a half recently that was at Summer Field. We just did Phase 1. Sold out 9 in 6 months of paired townhomes that are just south of Bloomington on Stonecrest Golf Course and have another 35 going up now and we have waiting lists so it is just people fighting over them right now for condos. We have a huge, Bloomington has been known for years for huge retirement community so we get a lot of retirees but the first time buyers, you don't get a whole for your money on the house side but if you get into these paired townhomes they are a little more affordable. Leasers like PUD's. They loan on the easier. I think somebody had a question the debt service ratio whether or not they formulate the HOA fee, and they do, the loan officers do, they add that, insurance, taxes, they look at every little thing when they are figuring the debt service ratio and most banks are about 48 percent. Your debt can't exceed 48 percent of your monthly income to qualify but I do think there is a huge need. You guys are right I have looked at the stats and we are about 0.66 and about 0.67 percent growth a year but it has been pretty continual for Bloomington. The data definitely supports that we are looking at about the same time last year 32 percent reduction in inventory and I think there is like I just checked today over 130 active listing in Bloomington right now. You have got 450 realtors and a lot the of the big complaint that you hear is there is no affordable housing and I can't find anything for people that are getting frustrated. I hear that over and over. I think like Tom said

Nester Jelen: Jason.

Jason M: Yes.

Nester Jelen: Sorry, to interrupt, the 3 minutes that we have for speakers is up. Do you have any last summary sentence that you want add?

Jason M: Last summary is one of realtors that works full-time at Catalent and he just wanted to say that they fully support if and really hope, we need workforce housing if they are going to continue to stay in Bloomington. These companies we have got to figure out a solution of housing for them.

Nester Jelen: Thank you.

Jason M. Thank you.

Clements: Thank you. So, we come back to the Plan Commission to discuss this further. I know that Mr. McKim had wanted to speak after the speakers had presented.

ADDITIONAL QUESTIONS FOR STAFF - 2011-PUO-04 – Southern Meadows

McKim: Thank you very much and thank you to the speakers as well. I think there have been some good comments and some of my questions have been answered. I did want to respond to a couple of comments that have been made previously. So, first off I just want to make it clear that no one has said that this PUD is by right, as a rezone it most certainly is not. But the petitioner does have the by right to build 90 homes and the question that is relevant here to me is whether or not that is a good deal for the community for the petitioner to be able to build more but potentially less expensive homes on a essentially the same amount of impervious area, same infrastructure. So, while this petition isn't by right we need to compare what the petition proposes to do with what the petitioner can already do by right, not compare it to the status quo of a temporarily empty field. It is not going to be a temporarily empty field forever. I also want to make it clear that is petition is for single family residential housing. I know that term gets kind of slippery but a 0' lot line home on a single lot of record is a single family residential home and I am just saying that because I don't want any members of the public to be confused that there are multi-family residential properties be proposed in this particular PUD and then on the issue of Homeowners Associations and maintenance of drainage, I definitely don't want to minimize the legitimate concerns raised by the Plan Commission President because she does raise important points about the long-term sustainment of Homeowners Associations and what happens when they fail. That is legitimate to consider. But this goes back to my first comment. Compared to what? The drainage issues aren't going to be increased by having more paired patio homes on the same amount of impervious surface. I mean in fact if anything the addition number of residences could improve the financial stability of any Homeowners Association that would still have that same amount of impervious surface to deal with. So, I think that is all that I have got for the moment. Like my colleague, Mr. Enright-Randolph I do support this project and I hope my other colleagues on the Plan Commission do as well. Thank you.

Clements: Thank you Council Member McKim. Is there another member of the Plan Commission that would like to speak? Mr. Enright-Randolph?

Enright-Randolph: I had a question and I am not sure, it wasn't covered and it kind of goes into the impact it is going to have on the site itself. With single family dwellings the 90 units, they were intending to do walkout basements and I had asked is this paired patio home concept going to minimize the grading now that they are going with a different design standard or design?

Knoke: I think this might be for us. Is that ok?

Enright-Randolph: Sure, whoever could address that would be great.

Knoke: Ok, so before some of the homes were going to have walkout basements and those were in areas where it kind of made sense with the topography. With what Tom is proposing right now there are no walkout basements proposed. However, there are going to areas with exposed foundation wall crawl spaces, there is a lot of topography on this site. So, it is not like every home is going to be built on a perfectly flat, level lot. There will be some variation with what is exposed with the homes but there are no walkout basements planned.

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Clements: Thank you, Mr. Wininger.

Enright-Randolph: Let me try to ask this in a different way because and maybe it is just not something you quantify and I understand that Kendall. There would be less earth moving, essentially with this new proposal then what was originated in the first proposal, is kind of my question. Because of with that said you know, I think that could help with the karst concerns that we have on site.

Knoke: Yeah, I definitely don't think you could say there is less. I think there will be a little bit different but the same roads are going in. The homes are in the same locations. Areas where we were cutting out dirt or filling dirt, I mean that is going to be similar. I would say the amount the level of earth is going to be about the same.

Enright-Randolph: Just brings me back to Mr. McKim's point that we are still looking at some of the same outcome if they do by right 90 units or these pair patio homes. Thanks Kendall. I appreciate you trying to address that.

Clements: Thank you Mr. Enright-Randolph. Commissioner Thomas.

Thomas: I am just wondering if staff had any luck matching up the development plan with both of the maps of the sinkholes and where is the new sinkhole that people were just referencing?

Nester Jelen: I can maybe see if this will help if I share my screen and talk outloud with Kendall. The VET Report here has these sinkholes shown in yellow and what staff has seen is that there is a sinkhole below the creek, down here, which is not in the buildable area of that lot, but wondering if that was maybe missed and that is I think our question is it could be right in that area and it is not shown. If Kendall wants to address that.

Knoke: Since that was down in the creek area, which is protected I think under the county ordinance in another kind of what is it the riparian buffer requirement or whatever, I don't think since it wasn't part of the disturbed area that it was ever shown. We can draw it on there but that whole stream is in a protected area already and the woods is remaining as is.

Thomas: Ok. I wasn't sure if there was something else. I can match up the one sort of in the middle or toward the north side and I can match up the 3 that are shown and it looks like I had one other one that I couldn't match up. Alright, thank you.

Clements: Ok, are there any other questions or comments from members of the Plan Commission? If not, oh, Mr. Guerrettaz.

Guerrettaz: Just a couple of comments. I am not going to go into the stormwater because I think that, I really think that has been rectified through the county and due to the fact that the development really isn't changing from what we have already approved. The density, I was with Geoff on automatically going to transportation and I think Paul has done a nice job in the Highway Department explaining and reviewing that with Trohn's comment with the connectivity the petitioner is committed to on the northeast corner. To me that has been resolved. The karst features

with the separation, added separation between the build areas and where the karst features are, I don't see that this plan is, actually I think it is a little bit better than the original plan. I don't want to necessarily use the term less harmful but I think this is a better layout. If we compare the originals the site plan has got merit and the reason why is I look at that with increased density is because of the component of the goal of affordable housing and the fact that these people do this every day. We have got letters from community lenders. We have got employers. We have got real estate professionals that have spoken to this and then really at the core I have never really worked for Mr. Wininger family to any extent, I have never had any professional dealings with them, but it is certainly a reputation that has withstood the test of time in at community where development is very highly scrutinized. They put out a product that has been there for a long time. They put out a product that is predictable and the amenities that I have seen in some of their projects are higher in then what you would find from somebody trying to put out a project to squeaked by and go as minimalistic as possible to gain the highest dollar. There has not been any proof that I have seen or any pattern, development, not proof, that pushes this in any other categories that they have done in the past. I don't normally speak to the creditability of a developer because you just never know but there is such a long footprint here that has put proven to be predictable and I do hold that in high regard along with these community professionals and people who are vested in their finances and their companies at risk in speaking out on something like this. So, I am going to support it. I think Geoff did a much better job. I think explaining a lot of the nuances so I am not going to reiterate those and I just thank the Plan Commission and just appreciate all of the conversation because it drew out some points that I wasn't expecting to think about this evening or even before that it forced me to do. So, thanks.

Nester Jelen: Margaret and then Jim.

Clements: Just because I have so much respect for everyone on this Plan Commission and because a lot of words have been thrown out about affordable housing need and about density need. I just feel a need to once again address some misconceptions. You know I think that I calculated, you know, something like close to, we are doing a lot of building people. I think that we are building 664 units of affordable housing that's before the news that has been published in the paper in the last 2 weeks. We are probably up to 1,000 with more planned for the hospital site, etcetera and I think we are as for as housing units are concerned we are up to about 7,000 units that we are building in a few short years. If we are going to be believe that supply and demand etcetera, I think we need to let some of these things in this turbulence shake out and get a new census and see if the claims are right. I just see a lot that is happening with a lot of kind of specious data that I know would concern all of us because we are responsible to our community. This in no way reflects poorly on Mr. Wininger. My comments are just specifically related to this proposal and also for the projections for demand and the reported need I just am having trouble with a lot of the density as you well know, homeowners association fees etcetera. So, I just want to put that out there and let everybody grapple with that fact that I hear the need. I hear people say that but I am not necessarily convinced. I have read through every study that has been put before me and as far as I can tell the strongest need for affordable housing in our community is 18 to 24 year old students. I don't know how the data was collected but I am trying to get to the bottom of that. That is a little bit of an over inflation of our affordable housing need. With that being said, Mr. Stainbrook, you have your hand raised.

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Stainbrook: Yes, thank you again. I don't like anybody on this Plan Commission but I would like to say, no, I have a great deal of respect for every single one and appreciate the participates that have attended this evening. But for my own further thinking as we approach an expression of views and voting, that my initial question puts before me many of these positive needs in the context of looking again for me at things such as, well, more recently the sinkholes have been mentioned and I appreciate the comments and the clarification on that. There is the connectivity, the drainage situation in that area, the density, a number of things that have to do with the development itself as opposed to the financial availability, as opposed to some other considerations. Thank you and again I was just trying to be a smartelick, I ask your indulgence.

Clements: Thank you Mr. Stainbrook. Mr. Pittsford.

Pittsford: Thank you President Clements and Jim when you have an Orals hat on no one takes you serious anyway, so it's ok. Anyway, my question would be I don't want to disregard your comments at all about demand for housing and I wonder if there is not some sort of effort being made to do a study. We read reports in the newspaper or hear you know, just off hand comments from somebody who was at the meeting who heard one of the employers talk about their future needs for a number for employee in housing but I have not seen anything in the paper of actual official studies regarding, I mean I know I have heard outlandish numbers associated with Kehe over here within the Town of Ellettsville limits and with what they supposedly told the Ellettsville Town Council or the Ellettsville Plan Commission what their needs are going to be, number of residential units to houses of workers that are going to be at Kehe. I hear Baxter's numbers going up. I here Catalent's numbers going up. We actually see specifically in a letter from Cook their numbers of projected employees and their cry for housing for their employees, so I guess I just throw a challenge out there to somebody within the real estate or business community within Monroe County to look at that and also to look at amount of worker migration on a daily basis into the county. What is the number of employees working in Monroe County who are migrating on a daily basis from Greene, Owen and Lawrence Counties of people who given the opportunity to find affordable housing in Monroe County would actually be living here instead of driving into the county every day because they can find affordable housing in Lawrence, Owen and Greene Counties that they can't find here in Monroe County.

Clements: Thank you Mr. Pittsford. Is there anyone else here, if not we can bring it to a motion?

FURTHER QUESTIONS FOR STAFF - 2011-PUO-04 – Southern Meadows

McKim: **I would like to move in case number 2011-PUO-04, Southern Meadows Planned Unit Development Outline Plan, that we forward to the Board of Commissioners a positive recommendation.**

Pittsford: **Second.**

Thomas: Could somebody review the conditions, please? For the record.

Clements: Drew are you there Mr. Myers? Would you please review the conditions?

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Myers: Yes, I am here. Staff, we had remaining concerns not specific conditions outlined. We can create some conditions. Jackie, do you have any idea of how you want to go about making sure we get some conditions if they are motioning for approval?

Nester Jelen: Well, there were 10 conditions associated with the last approval. So, I could pull those up onto the screen if everyone would like to look at what was previously conditioned on this site. That could be a starting point and then also the staff concerns. We might have to consider how we would do a condition for some of these.

Pittsford: Jackie, in order to expedite this **I would ask for a friendly amendment that all of the previous 10 conditions from staff's recommendation from the last hearing on this case and additionally that all recommendations in tonight's staff report be included with those 10 conditions as conditions of approval.**

McKim: Mr. Pittsford, now do you include the repair of the Rose Bridge on that one? I am as much of a fan as anyone knows of hiking trails and of including railroad bridges but that is not a hill I want to die on, on this project. Mr. Wininger has said he will attempt to repair it if it's feasible and if he has clear title to the property and I wouldn't want to make that a condition of approval.

Pittsford: Ok, **I will amend my motion to remove only from my amendment the repair of the Rose Bridge. All other things would stand as written.**

Guerrettaz: May I ask a question?

Enright-Randolph: I had a point of clarity too after Bernie.

Clements: Mr. Guerrettaz.

Guerrettaz: Sorry, I was reading through the concerns. Does that include the commercial component?

Nester Jelen: These conditions that you see here. Can everyone see my screen? Yes, ok. These are the 10 conditions that were associated with the last approval of Southern Meadows as an MR rezone and then a subdivision for the 90 single family lots. This does not include the concerns that we have for the PUD because we are recommending denial so we didn't have conditions associated with our concerns. But we could come up with those.

Enright-Randolph: Madam President, if you would.

Clements: Yes?

Enright-Randolph: Do you think it might be in order to have a brief recess so staff could put together some conditions? My point of clarity, all of the commitments that were made by the petitioner and the petitioner's representative are those in line too or do those need to be conditioned? How do we accept those to make sure that is on record and part of this petition as well?

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Clements: From my opinion I think we should continue this if we are not ready to make a final motion. But I want to hear from Dee Owens and see what the Committee members think after that.

Enright-Randolph: Well, I do have that point of clarity I would like to have addressed. Is the commitments that the petitioner and the petitioner's representative have made and I guess this could be for legal, does that hold them to it?

Clements: Mr. Schilling?

Schilling: I believe you would need to specify those just to be clear.

Enright-Randolph: Ok, thank you. So, yes, it sounds like thank you.

Wilson: I want to mention staff concerns are really kind of broader concerns not necessarily things that we would want as conditions. We certainly couldn't put together requirements in regard to commercial development as a part of this PUD. I think as with the other PUD the reason for recommend of denial is, again we think a PUD should be more than just density, it should have a mix of not only housing types but a mix of neighborhood base commercial units. I think that was the basis for our comments. Not necessarily that we wanted them to be commitments. Frankly, we have not prepared any type of condition that would be appropriate for insertion into the ordinance.

Clements: Thank you Mr. Wilson. Ms. Owens?

Owens: Yeah, I now have about 10 questions but let me try and remember what my original one was. I think that staff recommends denial that there is a reason or two or three or four for that and that we should hear that out. Now, I think I just heard Larry say it is more of a broad denial. Is that correct? But when I see staff recommends denial I pay attention to staff and so I would like to know very specifically what that means. I also think that we should not just say in the interest of time, let's just say all of this is included. I want to hear it and it needs to be on the record, out loud exactly what these conditions are so everybody understands what they are voting for.

Clements: That is a great recommendation, Dee. Mr. Stainbrook.

Stainbrook: Well, yes but as someone announced it before and I will try to be just as considerate and she has said, presented the question that I would have raised. I just second what Ms. Owens just said. Thank you.

Clements: Ok, so at this point we could either withdraw the original motion, vote on it, or continue it. So, Mr. McKim and Mr. Pittsford it is your call.

Pittsford: **I wish to withdraw my second.**

Clements: Thank you.

McKim: And **I will withdraw my motion** for continued discussion on this. But I do believe that the staff concerns have already been articulated in a fair amount of specificity, so I am not sure

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what else needs to be said on that regard.

Pittsford: Well, I agree Mr. McKim, if I am interject and I would simply say that in order to make a clear record for voting I would request that staff create need conditions and having said that, **I would make a motion that this case be continued to the Administrative Meeting of the Plan Commission to be held next and if the public hearing requirements have been met that it be held without public hearing and be simply and action item on the Administrative Council Meeting.**

Guerrettaz: I **second** that.

Clements: Mr. Wilson?

Wilson: The vote is on the continuance of petition number 2011-PUO-04, Southern Meadows PUD Outline Plan. A vote in favor is a vote to continue the petition to the May Administrative Meeting of the Plan Commission.

Nester Jelen: May 4th.

Wilson: May 4th. Geoff McKim.

McKim: Yes.

Pittsford: Mr. Wilson, as a point of clarity, this will not be a public hearing. This will be an action item only. Correct?

Wilson: It will actually will be a continuation of the public hearing. Dave, wouldn't, that we correct? We are not really, because we will be making changes and so on.

Schilling: You can conclude the public hearing tonight and continue this as an action item for only the Plan Commission.

Pittsford: I considered that part of my motion, Mr. Schilling.

Schilling: I had Administrative Plan Commission Meeting on my calendar for some reason on Monday at 5:30. So, it is Tuesday the 4th?

Nester Jelen: Yes we amended the calendar.

Schilling: Ok, thank you.

Nester Jelen: Thank you.

Wilson: Let me start over just to make sure we have clarity on the motion. The motion is to continue petition to the May 4th Administrative Meeting of the Plan Commission, included in the motion is a motion to terminate the public hearing and have it as an action item for the Plan

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Commission only on that evening. Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owen: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz:

Guerrettaz: Yes.

Wilson: The vote is 8 to 0 in favor of continuing to the May 4th meeting.

The motion in case 2011-PUO-04, Southern Meadows Planned Unit Development Outline Plan, Final Hearing, to continue petition to the May 4th Administrative Meeting of the Plan Commission, with item being an action item only, carried unanimously (8-0).

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NEW BUSINESS

3. 2012-PUO-06

**The Trails (formerly White Oak) Planned Unit Outline Plan
Final Hearing.**

One (1) 44.07 +/- acre parcel in Section 20 of Perry Township at 4691 S
Victor Pike. **Zoned RE1.** Planner: rpayne@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition was withdrawn by the petitioner.

NEW BUSINESS

1. PUD-21-4

**Lakes Neighborhood Planned Unit Development Plan
Amendment 1.**

Preliminary Hearing. Waiver of Final Hearing.

One (1) parcel on 1.50 +/- acres in Section 14 & 15 of Perry Township at S Sare Rd & S Constance Ave (Parcel #: 53-08-14-200-020.509-008).

Zoned Planned Unit Development (PUD).

Planner: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Thanks Margaret. I will be covering this one. This is a request of an amendment to a development plan that was approved last year for a townhome building and the reason that it is coming before you is that in the Lakes Neighborhood Verona Park PUD all development plans must go through the Plan Commission for approval. Staff received a Building Permit application which showed the townhomes in the configuration in which they were approved except for they were a minor deviation in their footprint for porches and so what we are looking at tonight is only including the porches as the amended change to the development plan. Just a reminder this is located on Sare and Constance in the yellow square area where you can see down here is where they are building. This was the townhome that was previously approved but without any footprint toward the street for porches that would be included as part of the Building Permit application. The petitioner has amended their development plan to show us what the porches footprint would look like and they are within their ordinance allowances for build to lines. In this region it is 5-15'. They are meeting that in this area. This is a 5' foot line and previously these buildings were right around the 12' or averaged liked 12'. So, they are meeting that and this is the view that they recently amended their application on our permitting software program. So, they have amended this from what you will see in the packet. In the packet there are limestone walls that are a little bit further out but now they are just proposing porches that as you see here will just meet the required build to lines throughout. This is the other elevation. The Highway Department did not have any comments, either the MS4 Coordinator or the Project Engineer of looking at driveways since this is private and Sare is City of Bloomington. Staff recommends approval based on the Highway and MS4 Coordinator reports. I will be happy to take any questions.

RECOMMENDATION

Staff recommends **approval** of the development plan amendment based on findings of fact and subject to the Highway and MS4 Coordinator reports.

FINDINGS OF FACT: PUD DEVELOPMENT PLAN

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

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

Findings:

- The current zoning is the Lakes Neighborhood PUD;
- The PUD was originally approved by the County Commissioners on February 6, 2015, known as ordinance 2015-04;
- The PUD was amended and approved on February 20, 2019, known as “Lakes Neighborhood Development Ordinance Amendment 1”, ordinance 2019-04. The Plan Commission also approved a further subdivision of the parcels, which are shown in Exhibit 3;
- The Bloomington Bicycle and Pedestrian Transportation & Greenways System Plan calls for a side path along Rogers Road and for the extension of the Jackson Creek Trail from Rogers Road to the adjoining property to the south;
- Urban services including water, sewer, and transit are provided to the site by the City of Bloomington;
- The petitioner is seeking approval for 41 housing units, varying in size and residential type, as well as one office unit;
- The area that is requesting development plan approval is 1.76 acres;
- The number of units is within the maximum allowable units for Areas G and H;

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

Findings:

Parking:

- Proposed development in Area G &H meet the parking requirements of **39.25** utilizing off-street, on-street and garage parking to create 43 parking spaces;

Landscaping:

- **Bioretention:** Petitioner has not shown required plantings in the bioretention area. These plantings will be provided.

Sidewalks:

- The MS4 Coordinator accepts the proposed sidewalks within the Drainage Easement Area;
- Petitioner should add language to O&M Manual that states they take responsibility for sidewalk maintenance/removal if they need to be removed;

Height, Bulk, Area:

- The proposed office building meets the PUD build-to-line of 5’-15’ for Area G towards the corner of Constance and Sare;
- The proposed buildings located with Area H do meet the PUD build-to-line of 10’;

Uses:

- The mix of uses on the site include multifamily housing and commercial;

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

Findings:

- The site provides a varied housing choice, which is encouraged in the Urbanizing Area Plan;
- Connectivity is provided to the Meadow Creek Luxury Apartments to the south;
- Urban services including water, sewer, and transit will be provided to the site by the City of Bloomington;
- The site location is approximately 1.5 miles from Kroger on College Mall Road;
- Childs Elementary School is 1 mile to the northwest, Jackson Creek Middle School is approximately 1.2 miles south, and Bloomington High School South is 2.4 miles to the west;
- The IU campus is approximately 3.5 miles north;
- Bloomington Transit connects the site with the Jackson Creek Shopping Center
- Bloomington Transit bus route connects this site with campus and the downtown, which is approximately 4 miles away (using the courthouse square as a distance measure for “downtown”);
- Constance Ave is a local road with sidewalk proposed on both sides. Sare Road includes an 8’ side path on the eastern side closest to the development;

(d) The physical design and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects common open space, and furthers the amenities of light, air, recreation and visual enjoyment.

Findings:

- **Sidewalks:** The site provides sidewalks throughout the development and provides a pedestrian connection to the Meadow Creek Luxury Apartments to the southwest;
- **Parking:** The development will utilize existing on-street parking fronting the proposed apartment buildings, as well as construct garage space for the middle townhome #1. Other parking will be in the rear of the buildings, which offers a more walkable environment.
- **Transit:** There are two bus routes that connect the site;

(e) The relationship and compatibility of the proposal to the adjacent properties and neighborhoods, and whether the proposal would substantially interfere with the use of or diminish the value of adjacent properties and neighborhoods.

Findings:

- To the north, east, and northwest there are single family residential subdivision developments;
- To the south is multi-family residential and medical uses;
- To the west is the Sherwood Oaks Christian Church and the Steeplechase Apartment complex;
- The Homeowners’ Association will be responsible for maintenance in the Common Areas;

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

Findings:

- See findings under (a) through (e) above;
- The proposed development will have multifamily homes and commercial space;
- The development includes 41 apartments for rent and one office space closest to Sare Road;

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

Findings:

- The design of the proposed development could serve to reduce auto trips within the development;
- The proposed development’s density and proximity to transit provides residents with transportation options;
- See findings under sections (a) and (c).

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

Findings:

- The proposal does include tree removal, but they are showing that trees will be replaced along the boundary with Meadow Creek PUD meeting the required bufferyard;

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

Findings:

- The proposed development is multi-family residential by design;
- Surrounding uses are residential and institutional, in nature;

QUESTIONS FOR STAFF – PUD-21-4 – Lakes

Clements: You are muted Jerry.

Nester Jelen: I am sorry. I muted right when you pressed unmute Jerry.

Pittsford: Ok. How am I now?

Nester Jelen: We can hear you.

Pittsford: Very good, thank you. I just wanted to make note for historical record that I was not aware that petitioners could upload such specific images to enhance our understanding so quickly and as one who remembers packets arriving by mail, this is a considerable change in the way we

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do business in the county and my appreciation is expressed to everybody involved in that process to allow such continual and specifically and visibly appreciative changes in a plan. Thank you to technology. That is just my little shout out there because I remember getting those huge packets in that mail that most of you never had the privilege of receiving.

Clements: Thank you Mr. Pittsford. Are there any other questions by members of the Plan Commission for Ms. Nester? If none, we will go to the petitioner or the petitioner's representative.

Nester Jelen: I saw Mr. Henke on the call earlier but I don't see him as an attendee anymore. I don't know if Smith Design Group, if Kendall if you are speaking on behalf of this or if Katie if you are.

PETITIONER/PETITIONER'S REPRESENTATIVE – PUD-21-4 – Lakes

Stein: Hi, Jackie, this is Katie now with Smith Design Group representing Mr. Henke. He generally like to represent himself so he may have just gotten disconnected. But, anyway we worked directly with you, Jackie, on this petition and we just appreciate your help getting us to this point. I have no further comments but I am happy answer any questions that may arise from the Plan Commission members. Thank you.

Clements: Thank you Katie. I see a hand raised by a panelist. Mr. Stainbrook.

Stainbrook: Well, I appreciated Jerry's comment. I think this is a very helpful elevation and depiction here of the façade for this building. I think it appears very attractive and incidentally this is just across the street from where we enjoyed living in the Coppertree Condominiums units of the Stands, which is one of the developments cited in portfolio of Mr. Winger. Perhaps I am saying that in the interest of full disclosure. Those were nice units and that was before we able to move out into the peace, tranquility, quietness and historical scenic view of the outlining county. I might add that there are times when we think we might want to move back to the Stands but those are nice and thank you for indulging me again. Thank you.

Clements: Thank you. Are there any other comments or questions by members of the Commission? If none I would like to see if there are members of the public that would like to speak in favor of this petition?

Nester Jelen: I don't see anyone Margaret.

Clements: Ok. Are there members of the public that would like to speak against this petition?

Nester Jelen: I am not seeing anyone.

Clements: Ok. I bring it back to members of the Commission.

SUPPORTERS – PUD-21-4 – Lakes: None

REMONSTRATORS – PUD-21-4 – Lakes: None

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ADDITIONAL QUESTIONS FOR STAFF - PUD-21-4 – Lakes

Clements: I just wanted to ask a question of Jackie at this point. This particular development was supposed to take place in accordance with a pretty strict development plan because of the environmental engineering of Jackson Creek. Has that been abided by?

Nester Jelen: Yes that was completed.

Clements: Ok that was my question. Are there any other questions or discussion among members of the Commission? If none, we could have a motion then.

FURTHER QUESTIONS FOR STAFF - PUD-21-4 – Lakes

McKim: In the case of PUD-21-4, The Lake Verona Park Phase 2A Development Plan Amendment and Waiver of Final Hearing, I move approval of the Development Plan Amendment based on finding of fact and subject to Highway and MS4 Coordinator reports.

Enright-Randolph: **Second.**

Wilson: I will call the roll on petition number PUD-21-4, Lake Neighborhood Amendment 1. A vote in favor is a vote to approve the Lakes Neighborhood PUD Development Plan Amendment based on the findings of fact and subject to the Highway and MS4 Coordinator reports. Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

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Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Motion carries 8 to 0.

The motion in case PUD-21-4, Lakes Neighborhood Planned Unit Development Plan Amendment 1, Preliminary Hearing, to approve the petition, carried unanimously (8-0).

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NEW BUSINESS

2. ZOA-21-2

Amendment to the Monroe County Zoning Ordinance: Amendment to Chapter 833: Table 33-3 Height, Bulk, and Density Requirements.

Amendment to remove parking setback for properties adjoining bridges or overpasses. Planner: jnester@co.monroe.in.us

4. ZOA-21-4

Amendment to the Monroe County Zoning Ordinance: Chapter 830 Commercial and Industrial Streetscape Requirement

Amendment to remove streetscape requirement for properties adjoining bridges or overpasses. Planner: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: thanks Margaret. I am going to take this and Item Number **ZOA-21-4** together, which is the amendment to Chapter 830, the Commercial and Industrial Streetscape Requirement and similarly an amendment to remove streetscape requirement for properties adjoining bridges or overpasses.

Clements: Perfect.

Nester Jelen: At the last Plan Commission meeting we were asked to provide a couple examples of what it would look like to have a reduced parking setback and reduced streetscape from the vantage point of an overpass or a bridge. So, staff went ahead and looked at a few examples. As you will see on the screen here you are looking from the vantage point of 3745 looking at 2345 West Industrial Park Drive and this would be the property. I also have a vision here for you so that as you driving past the streetscape is not clearly visible from the overpass and so this is what staff is wanting to recommend is that there wouldn't necessarily be a streetscape or there could be a waiver process of the streetscape requirement and that parking would not be an issue in that area because there is not an access point from an overpass or a bridge to a property so the parking setback doesn't necessarily achieve that goal. Here is another vantage point as well just kind of across from the railroad and you have Mother Bear's which is in the City jurisdiction, I will say but it kind of gives you a good view point of what we are talking about as streetscape looking through the site here. Another example as the County with the Redevelopment Commission moves forward with roadways or proposed roadways, there is going to be an extension of Sunrise Greetings and eventually it will meet up with this Profile Parkway/Gates Drive and so here again you are going to have another overpass with a railroad underneath that would impact a lot of these industrial zoned properties. Since streetscape is only a requirement for commercial development which is what we are talking about here this would be impacting the properties located in this view as well. Here is the actual amendment in Chapter 833. Staff has recommended adding a numeral 27 with the condition associated with it which would say, not application for roads abutting or adjoin overpasses or bridges. This would be appropriate for principal arterials, secondary arterials, and principal collectors as well as secondary collectors. Note that this does not impact any changes to building setbacks would still be applicable as this is part of Chapter 833, there is a parking setback that is greater than the building setback and the purpose of that was to create a front

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forward building façade. In the other county zones we would typically just have a parking setback of 10' no more than the street thoroughfare and that is from right of way, so it kind of reflects it in that way. It is a little bit different but where staff is proposing to just go ahead and get rid of that for properties abutting overpasses or bridges in 833. In Chapter 830 the current text states that, the streetscape may not be required when land is abutting or adjoin a bridge or overpass or not be visible from the right of way or would not otherwise meet the safety and aesthetic objectives of the requirements. An applicant whose property is impacted by this condition may apply to the Administrator for the Administrative Waiver from the Streetscape Provision. In speaking with the Legal Department we have a little bit more that we could flush out regarding this Administrative Waiver process and so we have put something together but we just want to focus on these 2 right now and take some questions that you might have.

QUESTIONS FOR STAFF – ZOA-21-2 & ZOA-21-4 – Amendments to Zoning Ordinance

Clements: Mr. Stainbrook, your hand is raised. Do you have a question?

Stainbrook: Yes, thank you. I don't really have a question Jackie but I would like to acknowledge that I have understood all of this to be almost editorial corrections or clarifications to might even for me constitute a common sense approach as seen by Planning. So, again I think you have explained so lucidly and understandable for me even that I can vote on this but I would like to acknowledge that I have not reviewed this in detail from the packet. Thank you, Jackie. Thank you, Margaret.

Clements: Thank you, Mr. Stainbrook. Are there other questions or comments from other members of the Plan Commission?

Nester Jelen: I will note that we did go over these changes all at the Ordinance Review Committee, so this has gone through the Administrative Meeting and then the Ordinance Review Committee and those changes are reflected in today's meeting as well.

Clements: Thank you very much. I would like to solicit the public. Is there a member of the public that would like to speak on this either in favor or against?

Nester Jelen: I am not seeing anyone Margaret.

Clements: Ok, then do we vote on this Jackie?

Nester Jelen: This would be something that would be a recommendation to the Commissioners.

Clements: Ok, so if someone has a motion to make it would be nice to get this off our docket?

PUBLIC COMMENT– ZOA-21-2 & ZOA-21-4– Amendments to Zoning Ordinance: None

**ADDITIONAL QUESTIONS FOR STAFF –
ZOA-21-2 & ZOA-21-4– Amendments to Zoning Ordinance: None**

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**FURTHER QUESTIONS FOR STAFF –
ZOA-21-2 & ZOA-21-4– Amendments to Zoning Ordinance**

McKim: **In the matter of ZOA-21-2 and simultaneously ZOA-21-4, I move that we move the text amendments as presented forward to the Board of Commissioners with a positive recommendation.**

Enright-Randolph: **Second.**

Pittsford: **Second.**

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

Wilson: Yes. The vote is on petition ZOA-21-2 and ZOA-21-4, the amendments to the Monroe County Zoning Ordinance for setbacks under Chapter 833 and 833-3 and also from landscaping chapter commercial and industrial streetscape requirement under Chapter 830 text amendments. A vote in favor is a vote to send a favorable recommendation to the Monroe County Commissioners on both sets of text amendments. Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: Yes.

Wilson: Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

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Owens: Yes.

Wilson: The vote is 8 to 0 to send both text amendments on to the Commissioners with a favorable recommendation.

The motion in cases ZOA-21-2, Amendment to the Monroe County Zoning Ordinance: Amendment to Chapter 833: Table 33-3 Height, Bulk, and Density Requirements, and ZOA-21-4, Amendment to the Monroe County Zoning Ordinance: Chapter 830 Commercial and Industrial Streetscape Requirement, to send a favorable recommendation to the Monroe County Commissioners, carried unanimously (8-0).

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NEW BUSINESS

3. ZOA-21-3

**Amendment to the Monroe County Zoning Ordinance:
Amendment to Chapter 802**

Amendment to ‘Elderly Housing’. Planner: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: Thank you Margaret. This is an amendment to the Elderly Housing and just a note that this does not include the changes that were reflected in the Administrative Meeting, which included changes to the Home Based Business and Home Occupation. We will be taking that to next month’s ORC meeting and it would come back to the Plan Commission before review by any Commissioner’s Meeting. This is only the Elderly Housing changes, which we went ahead and updated the definition to include the Elderly Housing as defined by the Housing for Older Persons Act of 1995 and we took out some language regarding complex or service complex and then also accessory uses, which would be such as barber service, beauty service, pharmacy, we did not want to include that into the definition. We wanted this to just focus in on development that would be focusing in on strictly on elderly housing. We only had an Elderly Housing use in our use table, however at the time it was updated it did not include any allowable uses within any of the county zones. We are adding it into the High Density Residential and the Urban Residential zoning district, as well as adding Condition 57. 57 covers if there are multiple elderly housing units proposed on one legal lot of record, then the Plan Commission must review and approve the proposed site plan. Any project must meet the height, bulk, density standards for the zoning district in which it is located. I just wanted to pull up an example that we have in the county where this would be applicable. We have a property near Stinesville that is zoned High Density Residential and they do have multiple units on the lot that would be used for elderly housing and it would comply with the elderly housing definition. I think that the folks from the Richland Senior Housing are also tonight if we have particular questions for them. They were able to answer some questions for us. At our last Administrative Meeting there were some concerns about including the Elderly Housing for Older Persons Act as maybe it would prevent private development and that was not their understanding of the rule. They don’t think that it would prevent private or nonprofit development of new elderly housing and this pretty common place for other jurisdictions that administer elderly housing as a use. I will pull up some of their questions and answers but note that they are also on the call should you have any questions on this and I think they may want to speak as well.

QUESTIONS FOR STAFF – ZOA-21-3 – Amendments to Zoning Ordinance

Clements: Ok, do members of the Plan Commission have questions for Jackie? If there are none, if there are members of the public who would like to speak in favor of this petition, could you please indicate?

Nester Jelen: Haden Lockheart wishes to speak.

PUBLIC COMMENT– ZOA-21-3 – Amendments to Zoning Ordinance

Lockheart: Thank you Jackie. I just wanted to give a little bit of context here. As the zoning ordinance stands right now existing properties that are elderly housing if they were destroyed by a natural disaster of some kind or fire, currently couldn't be rebuilt because of a lot of circumstances. That is how this whole discussion started a few months ago with the Planning Commission, Planning Department. We certainly appreciate the efforts here of the Commission to take a look at this and I think that the proposed change makes a lot of sense, especially since what we are talking about here is to Margaret's earlier concern about affordable housing. There are so many different types of affordable housing. This is one that is specific to elderly folks and they are age restricted so they can either be age 55 and older or potentially age 62 and older is a typical one as well. This allows a lot of comfort here as well for our current development program to rehabilitate a lot of the housing in Monroe County that is for the elderly. It was all kind of bundled together. So, this small piece of Stinesville is just one component of it but there is a bunch more that is in Ellettsville as well that is linked to this property. I would be happy to answer any questions that people might have in regards to that project or anything to do with this particular amendment.

Nester Jelen: I note after the packet went out, Mr. Lockheart and others from had a good recommendation that I would like to note as well on the record that basically if we can require a Land Use Regulatory Agreement in accordance with the Housing for Older Persons Act, that would allow us to have them self-certify or state that they are following the Housing for Older Persons Act and note that it's illegal to discriminate on housing for other things and hope the Housing for Older Persons Act creates an exemption to allow for regulating older persons, so 55 or 62 and over, for a specific development. That would be something that we would add in there as a Land Use Regulatory Agreement with an application for development.

Clements: I would like to thank Mr. Lockheart for pointing this out about affordable housing for elderly persons. I believe this example is truly affordable housing and I know that Mr. Lockheart really adheres to the provisions of those services, so when we are questioning I think the overuse of the term affordable housing we are speaking of cases where, that are dis-similar to this one. In any event I would like to see if there are any other members of the public that would like to speak in favor of this petition? If there are none, is there anyone here that would like to speak in opposition to this petition? I just really want to thank you for all of the good ideas and good recommendations that you made. All of us were disturbed this weekend to see that some of our community members had another senior housing unit that are being kind of put out of their homes prematurely and these were not affordable in any way. So, it is hard to image any 93 year old person being displaced at the moment that they need the care the most. I appreciate all that you doing to provide services to people and to do it in a sincere way. Other than that is there any more discussion among members of the Plan Commission?

ADDITIONAL QUESTIONS FOR STAFF - ZOA-21-3 – Amendments to Zoning Ordinance

Thomas: If I might, Bernie let a message in chat and I just think we should not be putting things in chat that need to be on the record so I wonder if somebody could read that into the record.

Nester Jelen: Sure. Bernie Guerrettaz noted that, it was my concern at the Ordinance Review

Committee with regards to changing the current ordinance in a manner to restrict private projects, I fully support these projects and Richland Senior is an exceptional provider. I have to attend business and must sign off. Bernie. In my questions to Mr. Lockheart and his team I noted if someone wants to build new elderly housing units and will fund the project privately without and federal grants, how do local governments verify compliance with housing and that was the Land Use Regulatory agreement in accordance with HOPA. Does the application still have to go through the federal government for some sort of certification saying whether or not they meet HOPA whether or not it is publicly funded? No, a private would not have a federal level review. This is where a Land Use Regulatory Agreement would come into place and put lender and future buyers on notice. By defining elderly housing as housing for older persons, are we excluding people that will fund their projects privately without government assistance? They state, not that I am aware of as HOPA is not limited to projects with federal funding. So, hopefully that clarified it.

Lockheart: Two more points on that, I did a little more research on that and it is clear that HOPA does not have any particular federal government tie ins with funding or with any kind of overview except when there is a complaint. If there is a complaint, then HUD can step in and then there are pretty severe penalties if you are not meeting the requirements for HOPA, which is that 80 percent or more of the property has to be dedicated. You can't just say we are advertising for seniors to be residents to try and not take families and things like that and not meet the requirement of at least 80 percent occupancy of seniors. That was one piece of it. The second point there, I think you will find that just in general the vast majority of these projects probably are federally funded but it doesn't have to be that way and not all of them all by any means. So, I think that should be made clear here and that HOPA is a good definition for the elderly because it stops people from being able to have the 20 percent occupancy of the elderly and then change it to something else. On the flip side it stops people from being able to advertise it as elderly and then start removing those elderly residents later to be able to use it for some other potential use.

Pittsford: Can I ask a quick question please?

Clements: Yes, Mr. Pittsford.

Pittsford: Why are we eliminating the provision for recurrent personal needs barber or beauty services or pharmacy? Is there a reason why that is not appreciate any longer? Because I would think the inclusion of those kinds of services closely associated with the needs of elderly would be appropriate.

Nester Jelen: Jerry, I think the complication comes with that fact that these are permitted in the county zoning districts and as such we don't really have a great use that allows for multi-use without it being commercial, so we wouldn't have a way of administering or regulating that as well from just the definition above. So, we didn't see it as a way that staff could administer it without quite a bit more detail but if Plan Commission finds that important to stay in the definition we could make amendments or changes to this as proposed.

Pittsford: I don't know if I am ready to cross that bridge yet. It was just really a question and you know, truthfully today there may be such that the mobility of those services to be able to go on site and provide services as needed without actually using space that otherwise could be used for

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residential purposes may be appropriate.

Lockheart: I will say one other thing to. This is Haden again. In 1995 with HOPA was passed, it was passed to do 2 different things, the first was to allow legal, let's call it discrimination so that you could avoid having other than elderly folks living in a particular facility and the second piece was previously the only way you could discriminate and advertise only or take only elderly tenants was if it was basically an assisted living facility, in other words it had all of these other services. So, HOPA was actually designed partially to disengage having to have additional services just so you could provide affordable housing for elderly folks.

Pittsford: That was very interesting. Thank you for sharing that. It certainly makes my question moot, so thank you very much. Are there any restrictions on Home Based Business operations for elderly housing?

Lockheart: Not unless you impose them.

Clements: Thank you Mr. Lockheart. Thank you Mr. Pittsford for your question and Mr. Lockheart for your information. Thank you. Ok, so back to the members of the Commission. Any further discussion or are we ready for a motion?

FURTHER QUESTIONS FOR STAFF - ZOA-21-3 – Amendments to Zoning Ordinance

McKim: In the matter of ZOA-21-3, Amendment to the Monroe County Zoning Ordinance, Amendment to Chapter 802, Amendment to Elderly Housing, I move that we forward the proposed text amendments to the Board of Commissioners with a positive recommendation.

Enright-Randolph: **Second.**

Clements: Mr. Wilson.

Wilson: The vote is on petition number ZOA-21-3, to amend the Chapter 802 table to add the use for Elderly Housing. We are not voting on conditions for Home Occupation and Home Based Business. Again, the motion, a yes vote is a vote in favor of sending a favorable recommendation to Commissioners in regard to this text amendment only for Elderly Housing. Geoff McKim?

McKim: Yes.

Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: Jim Stainbrook?

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Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Margaret Clement?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: It carries 7 to 0.

The motion in case ZOA-21-3, Amendment to the Monroe County Zoning Ordinance: Amendment to Chapter 802, to send a positive recommendation to the County Commissioners carried, unanimously (7-0).

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NEW BUSINESS

5. ZOA-21-5

**Amendment to the Monroe County Zoning Ordinance:
Chapter 818 Permit Revocation Procedure**

Amendment to permit revocation procedure.

Planner: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Nester Jelen: This is the last item. This amendment that you see on the screen, this 818-3, the black text is what exists currently and staff is recommending that there be an altered version that notes that this would be the procedure for the first revocation notice. Beyond the first revocation notice there is an ability under this amendment that a subsequent violation of the ordinance would allow use to take an alternate procedure, which is if the Administrator finds that sufficient grounds exist for the revocation of a permit, certificate, or approval the Administrator shall send the recipient 10 days written notice of revocation and shall inform the recipient of the specific basis found to justify revocation. With the notice of revocation the Administrator shall inform the recipient of their right to appeal the Administrator's action. The revocation becomes effective the date the notice is issued and the use must cease immediately. Now, there was a little bit of discussion at the Ordinance Review Committee regarding subsequent violation for the same exact violation on the property and staff felt that if that were the case, we may be arguing over the subsequent violation matching the first violation. Instead we would like it to remain as a subsequent violation on a property and that we have already taken a first attempt at the revocation. Also this is a procedure that may be followed, so at any time we could continue to take a revocation procedure above. So, it is at the Administrator's discretion. If there are any questions on this, I have talked with Legal on this, I have talked with Larry on this and at ORC we did have some questions on this one. Looks like Julie has her hand raised.

QUESTIONS FOR STAFF – ZOA-21-5 - Amendments to Zoning Ordinance

Thomas: Thank you and I appreciate the revisions to the language. This is much better, much clearer, makes a great deal of sense. The appeal of the Administrator's action is covered elsewhere in the code but for our edification and the public's where does somebody appeal the Administrator's action?

Nester Jelen: Yes, so actually if I were to include 818-5, that is the procedure for an appeal. But an appeal to this determination would go to Board of Zoning Appeals. Good question.

Clements: Thank you. Mr. Stainbrook has a question.

Stainbrook: Just to offer the same disclaimer as corrected by Assistant Director Jackie. Thank you.

Clements: Ok, are there any other questions or comments from members of the Plan Commission?

Enright-Randolph: I would just like to thank the Planning Office with their due diligence in taking the necessary steps to really look at some of these proposed amendments tonight and just offer my

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compliments to everyone there, to take the time really need to consider some of this. Appreciate it.

Clements: Thank you. Thank you. Now, I would like to ask the public if there are any comments from the public and I can't see everyone Jackie.

Nester Jelen: It looks like we have 3 attendees remaining. I don't see any hands raised.

Clements: Ok, I think we are ready for a motion.

PUBLIC COMMENT– ZOA-21-5 - Amendments to Zoning Ordinance: None

ADDITIONAL QUESTIONS FOR STAFF - ZOA-21-5 - Amendments to Zoning Ordinance

FURTHER QUESTIONS FOR STAFF - ZOA-21-5 - Amendments to Zoning Ordinance

McKim: In the matter of ZOA-21-5, Amendments to the Monroe County Zoning Ordinance, Chapter 818, Permit Revocation Procedure, Amendment to Permit Revocation Procedure, I move that we forward the text amendments as presented to the Board of Commissioners with a positive recommendation.

Enright-Randolph: **Second.**

Wilson: The motion to amend the Monroe County Zoning Ordinance under ZOA-21-5, to amend the Monroe County Zoning Ordinance to Chapter 818 Permit Revocation Procedure, a text amendment. A motion in favor is a vote to send as favorable recommendation in regard to the text amendment to the Monroe County Commissioners. Jim Stainbrook?

Stainbrook: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Wilson: Bernie Guerrettaz is absent. Geoff McKim?

McKim: Yes.

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Wilson: Dee Owens?

Owens: Yes.

Wilson: Jerry Pittsford?

Pittsford: Yes.

Wilson: The motion carries 7 to 0 to send a favorable recommendation in regard to the text amendments to the Monroe County Commissioners.

The motion in case ZOA-21-5, Amendment to the Monroe County Zoning Ordinance: Chapter 818 Permit Revocation Procedure, to send a favorable recommendation to the Monroe County Commissioners, carried unanimously (7-0).

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REPORTS:

Planning/Wilson: I have nothing tonight.

Legal/Schilling: We had an attorney conference in the Huff case the other day and got a decision from the judge that we would like to talk to the Plan Commission about in the Executive Session and over the next week the Legal Department will be outlining some options regarding responses to the court's order and we would like to present those to you for your input. If a meeting could be scheduled in the next week or so, an Executive Session, that would be helpful and it could be supposed before the regular Administrative Meeting, the next Administrative Meeting.

Clements: That is wonderful. The sooner the better. It would be nice to get on this. Anything else, Mr. Schilling?

Schilling: No.

Clements: Ok. Is there a motion to adjourn this meeting?

Pittsford: So moved.

Clements: Second. Everybody indicated by saying aye.

Pittsford: Aye.

Clements: Aye.

Owens: Aye.

Stainbrook: Aye.

McKim: Aye.

Enright-Randolph: Aye.

Thomas: Aye.

Clements: Anybody opposed? Thank you for everyone's hard work and for your good will. I really appreciate it.

Pittsford: Goodnight everyone.

The meeting adjourned at 8:00 pm.

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Sign:

Attest:

Margaret Clements, President

Larry J. Wilson, Secretary

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