

**MONROE COUNTY PLAN COMMISSION  
Virtual Meeting via ZOOM - Minutes  
June 15, 2021 5:30 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES – None.**

**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, Amy Thompson

**ABSENT:** *Jerry Pittsford, Beth Cate, City of Bloomington Plan Commission Representative*

**STAFF PRESENT:** Larry Wilson, Director, Jackie Nester Jelen, Assistant Director

**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**

**No minutes to approve at this times.**

**ADMINISTRATIVE BUSINESS: None.**

**UNFINISHED BUSINESS: None.**

**NEW BUSINESS:**

**1. REZ-21-1**

**The Trails at Robertson Farm Rezone from RE1 to HR  
Preliminary Hearing.**

**Waiver of Final Hearing Requested.**

One (1) 44.07 +/- acre parcel in Section 20 of Perry Township at 4691 S Victor Pike, parcel #53-08-20-400-102.000-008.

Owner: JSR Asset Protection Trust; Robertson, Janet S W/l/e 1% Interest  
**Zoned ER1.** Planner: [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)

**2. Ord #2005-32**

**Heritage Creek PUD Extension Request  
Preliminary Hearing.**

**Waiver of Final Hearing Requested.**

Two (2) 6.60 +/- acre parcels in Section 29 of Clear Creek Township at 9300 block of S Harrodsburg Rd (Parcel #: 53-11-29-300-047.000-006 & 53-11-29-301-044.000-006).

Owner: Miller-Robertson Inc

**Zoned PUD.** Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

**REPORTS:**

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

**NEW BUSINESS**

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**Zoned ER1.** Planner: [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

**STAFF ACTION:**

Nester Jelen: I am going to present this one.

Clements: Ok, Jackie, if you would please go ahead and present the petition for us.

Nester Jelen: Sure. Can everyone hear me ok?

McKim: Yes.

Nester Jelen: I will try and speak close to the mic. Ok, this is a request for a rezone from Estate Residential 1 to High Density Residential. The purpose of the rezone, stated by the petitioner is to create obtainable middle housing in Monroe County. We wanted to remind you of the meeting schedule that this has gone through to date. It has gone to the Plan Review Committee on May 13<sup>th</sup>. It went to the Plan Commission Administrative Meeting on June 1<sup>st</sup> and then we are here tonight at the first public hearing for this petition consideration of High Density Rezone. The petitioner has requested a Waiver of the Final Hearing but if that waiver is not granted the will be coming back to the July 20<sup>th</sup> Plan Commission Meeting and then from there from there they will go to the County Commissioners for a final vote. So, just wanted to remind people of that timeline. Their proposal includes a mix of housing types, including single family homes and paired patio homes or attached single family homes. Their proposal is to have the development built out over 7 years in 3 phases, capped at 160 lots and their proposal includes a 3.6 lots per acre. The site contains a total of 44.07 acres. High Density Residential typically allows for up to 7.3 lots per acre but the petitioner in this case is requesting that a commitment be included in this rezone consideration that would cap the total number of lots that would be permitted to 160. The proposal includes 2 forms of ingress/egress both leaving South Victor Pike for vehicles. There is a connection to both Clear Creek Trail and Bloomington Rail Trail, which are both maintained by the City of Bloomington. One of the previous meetings, Plan Commission Members had recommended that staff put together a visual that shows the amount of buildable area on any given lot. So, what we did on the screen here is we subtracted out all of the roadways. We subtracted out the large transition and utility easements, any karst features, drainage features, etcetera and what we were left with was 27.07 acres. If you are considering all of the buildable area on this site and under the Medium Density Residential zoning if that were to be considered, which is a staff recommendation, they would get 128 lots. If High Density Residential is considered, which is the petitioner's request, they would get 193 lots naturally, so by right without any commitments. So, the petitioner again is putting together a commitment to cap that at 160 lots but what we wanted

to with this visual was show you kind of where they are at in terms of the amount of buildable area simply put all of the acreage they could utilize toward putting into a lot for consideration of development in the future. This is something that staff put together. The current zoning of the property again is Estate Residential 1, which allows for 1 acre minimum lot size and then you will see to the north you have quite a few Planned Unit Developments, which average out to be similar to the High Density Residential in some areas and also similar to in the screen RS3.5, which means 3 and half dwelling units per acre. They also have Medium Density Residential, which is very much the same as this RS3.5 and then you have Estate Residential over here which is 1 acre, Suburban Residential, which can be less an acre, Agricultural/Rural Reserve 2 and half acres, Low Density Residential, which is 0.34 acres. They have a lot of different zoning designations in this area and what they are asking for tonight is a High Density Residential recommendation. On the right you will see the Comprehensive Plan. This is located in the Urbanizing Area and it is located in the Mixed Residential district. You will note that similar properties over to the east are also zoned this Mixed Residential zoning designation. Just to go over a few Drainage and Highway recommendations. The Drainage Board did preliminary review and approve proposed Planned Unit Development Outline Plan for impervious cover that was very much the same as what you are looking at tonight. So, at this stage because it is considered a rezone the Drainage Board doesn't have hard numbers to look at, they are look at conceptually impervious cover and detention capacities and things like that. They have reviewed that and a full drainage review would be required if this rezone does proceed to the next step and before any kind of subdivision or development could occur. But at this point, they have given their preliminary approval of what has been proposed thus far. The Highway Department has also noted that any Roadway Approach Permits or Driveway Permits have not been applied for at this point because again it is conceptual, noting the 2 locations off of Victor Pike that they hope to access. They have shown a continuous left turn lane and a deceleration/acceleration lane that has been reviewed by the Highway Department and they provided cross sections as well to the Highway Engineer and they are working together on that as well. The width of Victor Pike as this location is 18'. Average daily trips is 1,248. The speed limit is 30 miles per hour and one crash has been reported in the last 3 years and it is noted as a local road. Additional, we have requested capacity and will serve letters. Notably this property is the southern boundary of the City's proposed annexation plan so we wanted to verify and confirm utilities could serve this property. So, Center Point, which previously was Vectron would be the natural gas. City of Bloomington Utilities has stated that they would serve as the sewer provider. Southern Monroe Water Authority as stated that they would be the water capacity and they Duke has provided electric capacity. I will point out in your packet you will see a letter from the Southern Monroe Water Authority and staff has received a few questions so we wanted to make sure that we were ahead of it in terms of getting some correct factual information. The letter from the Southern Monroe Water does state about the hydrants and fire protection, so I wanted to note that the Monroe Fire Protection District would cover this property since it is in the county jurisdiction and then the engineer for this case has determined that there would be facets for full fire hydrants at the site but that they would have to be private lines and entities such as a homeowners association would maintain them, since the Southern Monroe Water is stating that they would not be providing full fire hydrants. But we could get there with some level of private infrastructure. Rebecca also put together a table to better show the comparison against what they are asking and what exists out in the county surrounding this area. So, I will point your attention to this high density residential, which is 7.3 dwelling units per acre, minimum lot size of 0.14 acres, minimum lot width of 50', front yard, side yard, rear yard setback are pretty

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consistent, 25' 5' side, 10' rear, open space 40 percent, maximum height 35'. Over here you have what it is currently zoned, Estate Residential 1, so 1 dwelling unit per acre. Minimum lot area is 1 acre. Minimum lot width is 100' and then front setback is 25', side yard is a minimum of 20' plus 4' for each additional housing story. Rear yard is 50'. The minimum open space is area is 80 percent and the maximum height is 45'. So, I just wanted to put that out for you and we can return to this at any point. Since this is a rezone we are considering the different uses that would be permitted and similarly to Estate Residential 1, what they are looking to do is residential uses like single family but notably under this rezone they would be able to do attached single family which is not a permitted allowance under our RE1. So, only under zoning jurisdiction such as Medium Density or High Density Residential would they be able to do the attached single family homes. Surrounding zoning just to go a little bit deeper into this consideration for High Density Residential, there is High Density Residential in the county but it is primarily located in Stinesville. There is also a bit of High Density Residential, which is not showing up on the map but it is located over in this area here, so primarily Stinesville and then we have Medium Density Residential located around Ellettsville, South College Avenue, so this property here is Medium Density Residential. Harrodsburg, so we more, definitely Medium Density Residential in the county zoning 0.26 percent of the county is Medium Density Residential, whereas 0.02 percent of the county is zoned High Density Residential. The staff recommendation in the packet is to rezone the property, consider rezoning the property to Medium Density Residential for this site and we had a basis for this as several considerations that I would like to go through there. The property offers one way in and out on Victor Pike due to floodplain constraints along That road. Medium Density zoning is a transition zone between the northern higher density neighborhoods and the southern lower density zoning districts. The proximity to the trails is an asset to this property. I also want to note that there was something in that packet that noted that there was not sidewalks to get to services such as Kroger. If you to take the B-line trail all the way to the north and follow that to Rhorer Road all the way to Kroger I did follow along on an aerial map and there are sidewalks all the way to services but it is over a mile. The Comprehensive Plan supports Medium Density Residential zoning. Other proximate parcels are zoned similarly under the Comprehensive Plan and are currently zoned Medium Density Residential, I've named the Southern Meadows property as a prime example. Services are nearby but not as approximate as desired for the highest density zoning district, so nearest bust stop and grocery store near Kroger is a mile away. The petitioner has requested the High Density Residential zoning with a cap of 160 units It is staff's preference to have a straight rezone with all zoning standards applied as proposed under the ordinance and sometimes keeping track of those commitments can lead to error in the future. I will go ahead and take any questions at this point from the Plan Commission.

### **RECOMMENDATION**

Staff recommends Medium Density Residential (MR) zoning as an appropriate zoning designation for this site.

### **QUESTIONS FOR STAFF – REZ-21-1 – The Trails**

Clements: Are there members of the Plan Commission that have questions for Jackie or for any other member of the staff?

Guerrettaz: I can't get my hand raise to work. Margaret I have got I think a quick question. Medium

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Density Residential, Jackie, what would be that calculated density or not the density but the number of home sites for the Medium Density that staff is suggesting?

Nester Jelen: So, Bernie based on math that I showed on the beginning, it was coming out to be about a 128-129 lots but that was only in consideration of the lots being 100 percent buildable. So, lots are permitted to contain let's say easements or karst features but this probably the minimum amount if there is complete buildable area on all of the lots.

Guerrettaz: Thank you.

Clements: Mr. Enright-Randolph.

Enright-Randolph: Sorry, I kind of hit the mute. I guess my question is the recommendation plan. Staff recommends Medium Density Residential, MR zoning as an appropriate zoning destination for this site. The recommendation is based on the following; I will say straight up I don't like that. Usually we get a positive or negative recommendation. It is like you are giving us reasons versus a recommendation. Appropriate, I mean, appropriate is somewhat explanatory. It does say hey, it fits, but again, I am not in favor with of this type of position that the Planning staff took and I would like some explanation.

Nester Jelen: Sure. So, if we were to be responding to just the request for High Density rezone, we would be recommending denial, because we don't see that as a fitting rezoning designation for this area. We did also want to add in that what we would consider the property to be appropriately zoned under the Comprehensive Plan for clarity and I will point out that if the petitioner does agree to remove the High Density Residential request and replace that with the Medium Density request, they would be able to stay their place in line under per legal and go next month for a final hearing in consideration for a property rezone to Medium Density Residential as opposed to starting all over and refiling for a Medium Density Residential zoning district.

Enright-Randolph: Thank you.

Clements: Mr. Stainbrook and then Ms. Owens.

Nester Jelen: You are on mute, Jim.

Stainbrook: So, sorry my wife does that to me all of the time, I guess I am not used to getting unmuted. I appreciate that. Following up with Trohn's question. I thought I had followed the presentation and really had missed that so again not meaning to be to wordy, I appreciate Trohn's discussion. I almost seems as though staff is doing some of the planning for the petitioner that is the petition was up for staff recommendation and I believe we have gone through this with Trohn's help then and Jackie with your very clear explanation. But it does seem, I am just expressing some degree of concurrence with Trohn's concern that rather than just acting on the petition that staff really is involved in and I have been concerned with that before that when something doesn't fit I think the philosophical approach that Mr. Wilson so kindly expresses in terms of helping to comply. But I really feel that it is the petitioners place to comply and then for the staff and certainly for the Plan Commission to say aye or nay. Buy perhaps we would have gotten to this point anyway

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and so Trohn I am not trying to speak for you but perhaps has been considerate and professional in moving us along to this possibility and not only for the sake of the petitioner but for our assistance as well. A few more words are necessary, I do have a question. In what way in nearly was we can be succinct Jackie and you do that very well I think, does this differ from Southern Meadows? I really had no difficulty in making a decision on my own expression of opinion. I am very concern about Clear Creek and it seems to me that if they are encompassed by dense of medium residential, whatever that Clear Creek loses the strong chance of losing its identity as a community. Now, unlike some of my good friends and colleagues on the Plan Commission or any place else I was strongly in favor of the Cassidy proposal thinking that it would be an identity to Clear Creek, which has had an historical place in our communities here from the Monons in the 1870's and going up in Harrodsburg to Smithville and Clear Creek and until recently that is until the 20 years I suppose the depot was still there in Clear Creek so I would have favored maybe something Broad Ripple which is something certainly part of Indianapolis and Marion County. But nevertheless does maintain its own identity. So, that is some of my concern, in the past and I anticipate that will be a concern of mine in this case that this just serves to nullify some of the Clear Creek. I am sorry. So, Jackie, to go back, the question really was, how does this differ from the Southern Meadows petition?

Nester Jelen: Are you taking about the Southern Meadows petition for the Planned Unit Development or the Southern Meadows petition that we heard 2 years ago for Medium Density rezone?

Stainbrook: Mr. Wininger's most recent and really what is troubling me here is that since I spoke with questions, reservations against the Wininger proposal I do think they put up a dandy product. We lived in one for several years. That is a side at best and I shouldn't get in to that. But, again if I were against that as must as I sincerely was in spite of the reputation and the quality of the builder and all of those good things, yes it was the last one Jackie. I'm sorry.

Nester Jelen: Between the, what they call the SOMO Project where it was a rezone to Planned Unit Development, they wanted to have a lot size of 0.05 acres, whereas this petitioner is requesting a rezone to High Density Residential, which would include a lot size of 0.14 acres. So, almost 3 times the size of the lots that were for SOMO that is the difference here. Other differences, this is a county zone High Density Residential, whereas SOMO was asking for their own zoning designation under a PUD. So, there were some deviations from the zoning ordinance but this once other than the cap at a 160 units would not deviate from the zoning or subdivision ordinance.

Stainbrook: Thank you and others for your patience.

Clements: Thank you, Mr. Stainbrook. Ms. Owens, Mr. McKim and then Commissioner Thomas. Ms. Owens?

Owens: Thank you. I for one, appreciated the recommendations from staff because an up or down vote on this doesn't necessarily feel right to me. The High Density looking at the Comprehensive Plan and looking through the ideas of that area seems like too much and if I was presented with a High Density only I would not probably be compelled to vote for it. Medium Density much better and not being a long term member of this body I for one appreciate being able to look at something

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different and try to understand how that might better fit. So, it is just my opinion but thank you.

Clements: Ms. Owens. Mr. McKim?

McKim: Yes, thank you and I guess I also would like to go with Ms. Owen's comments and more generally I appreciate staff's guidance. I think it is an essential job of staff to guide us as to how better to implement the Comprehensive Plan and the plans of the community developed. I think they have recommendations that go beyond simply a yes or no to one specific proposal, as to one specific, as to how to better implement those community visions. I really appreciate it. I think their recommendations help us think of this petition in context.

Clements: Thank you Mr. McKim. Commissioner Thomas?

Thomas: Thank you. I wonder if Ms. Ridge could talk about That Road and Victor Pike and plans to expand those roadways, so 12 trips a day, 125 lots, that 1,500 additional vehicles in that area per day. But I wondered if you could talk about those.

Ridge: We don't have anything that is the works of widening those roads. That Road is in very decent condition. It is a rather wider road. We do have plans for a bridge project but it does not affect anything in this area. As traffic intensifies in an area, we always look the adjoin intersections and things of that nature to see if something else is warranted. I believe that is already a 3-way stop at That Road and Victor Pike, which is a good way to control the traffic at this point. We would just monitor it as we go as traffic increases in a certain area with these developments but as of right now we don't have any plans for widening Victor Pike or That Road. Just basically general maintenance.

Thomas: Ok, thank you.

Clements: Ok. Enright-Randolph and then myself.

Enright-Randolph: Yes, I definitely like guidance from the staff. My concern ultimately is that we have looked at some petitions just recently and we haven't had a recommendation such like this. So, moving forward I would like to see this type of guidance applied consistently. I am a big component of fairness and I feel like some of the petitions that we have seen in the past didn't really have these like alternative recommendations where you know, Planning staff could get behind it. So, even the Plan Commission moved some forward with a negative recommendation from staff, so I am not saying I don't like the guidance and these alterative options but I think we need to apply it across the board if that is the direct we are going to start moving.

Clements: Thank you Mr. Enright-Randolph. I just had a comment about both the physical and the social infrastructure that seems to be inadequate for this area. Number one; that the infrastructure for hydrants and the roadways and drainage and the park would be maintained by the homeowners association. I think that is a be burden for people who are supposedly in this target audience of buying a home \$200,000-\$250,000 price point or a starter home as they have described it, That being said, we all recognize there are no guarantees on the price point that these homes would be selling for and if it takes 7 years to build these homes, that is especially true. Even though the goal

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is stated it is a nonbinding goal and with big tick items like fire hydrants and the roadways being maintained and drainage and parks being maintained by the homeowners association that creates to me a risk for the home owners, they have their properties taxed, they could have a lean placed on their property and I think that it is part of our duty to consider what risk we are placing the home owners in or the potential buyers in. Secondly, a recent article in the newspaper written by the Police Department said that they are having a difficult time even providing security services in the City and having this added density in the County I think would put a similar burden on our Sheriff's Department and it may be too much. I just think that neither the City's Police Department nor the County Sheriff's Department could supply the security and the services and the needed social infrastructure that we would need for a density of this nature. That being said, I have concerns about the density whether it is high density or medium density, I think it is too much. I would like to then move on to recognize Mr. Schilling and then Mr. McKim.

Schilling: Thank you very much. I was just going to address what Jackie suggested. The Plan Commission when it considers a petition can only make a recommendation favorable, against or no recommendation. It cannot alter the petition. Likewise the Commissioners can only make an approval, a denial or can take no action on the matter and cannot change the petition before it. However, case law suggest that the petitioner has the opportunity to amend or withdraw a petition. So, in order to address this as a Medium Residential, it would require in my opinion the petitioners consent. Otherwise you would treat it as a High Density Residential petition that was presented.

Clements: Mr. Schilling, would that, if we approve it with another format and the builder does not build, would that approval transfer to and be binding to a new and potential builder?

Schilling: Well, what you would be approving, what you, what the Plan Commission is going to make a recommendation to the Commissioners because this is a legislative action and the Commissioners are the only ones, of course that can take action on that, so once they rezone it, that is the zone on the property and the standards of the zoning ordinance that is applied to that zone would apply to any subsequent owner.

Clements: But if by contrast if we approve this High Density for PUD with their commitment to build fewer homes on the property, would that approval and that commitment be transferable to a new owner of the property and a new developer?

Schilling: Yeah and that commitment if it's recorded prior to the Commissioners action, which it is supposed to be, if they make a commitment they record that after the Plan Commission makes its recommendation for example, they would have to record that commitment and the commitment would say this is subject to County Commissioners approval and then it would go before the Commissioners for consideration. So, yes it would be if it was recorded and the Commissioners approved it would be binding on any subsequent owners.

Clements: Thank you Mr. Schilling. Mr. McKim and then Mr. Stainbrook.

McKim: Thanks. I actually wanted to follow up a little bit quickly on the questions for Mr. Schilling. I just want to make sure I understand what the various paths forward are. We could certainly recommend approval of High Density petition as written. We could recommend denial

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of High Density Residential petition as written. But if we wanted to move forward with MR then my understanding is the only way that would work is if the petitioner's themselves were in agreement and withdrew the current petition and modified it or agreed to move forward with an MR petition, which we could then either vote for recommendation or denial. Is that correct?

Schilling: That is my belief that the petitioner has the right to amend their petition.

McKim: Ok, thanks. One other, I just wanted to react to the comment about policing in the area and while I agree that there have definitely been newspaper articles about the City's challenges in recruiting and retaining police, I think, I certainly can't speak on behalf of the Sheriff but I don't think anybody else can either. If that is a concern, we ought to ask the Sheriff but I will say as a member of the fiscal body we have not had the Sheriff express concern that he cannot provide the necessary amount of police protection to the County and if he couldn't then I believe he would come to the County Council to ask for addition resources. We haven't seen any kind of request like that or any kind of a concern so I don't think that should be part of the consideration unless we actually have established that is a real concern.

Clements: Thank you. Mr. Stainbrook.

Stainbrook: Well, now I am listening to Trohn, Mr. Schilling and Mr. McKim and as I understand the outcome of that, my interest I don't want to say concern, but my interest in how the staff handles this prior to the Plan Commission considering it, it seems to me again that prematurely and this isn't a nasty kind of thing, if just seems to me in all honesty that prior to the petitioner having made any requests of the staff to help them, of course I don't know about that and this is somewhat redundant but it seems to me that the staff in a good natured way and well intentioned way has done work and spent time on behalf of the petitioner and I still after Mr. Schilling's succinct and clear explanation nevertheless I am always able to confuse myself. Could the petitioner make such a request say this evening or would this be informative for them and they could go back and decide in a more contemplative way of whether they wanted to go with the Medium? I believe I am asking that of Mr. Schilling or Jackie, whichever way.

Schilling: Well, I guess that might be up to the petitioner if they have a preference on that they can always withdraw and refile as MR. If they want to amend, there is the potential for second hearing anyway which would give anybody in the audience an opportunity to attend another hearing and talk about this as an MR petition and the MR designation is I think a less, well obviously it is a less dense zoning than what they are requesting. So, the impacts on the area would be presumably would be somewhat less and they would still have a chance to talk about that, so I guess that would be up to the petitioner to decide if they wanted to amend or refile.

Stainbrook: Thank you. Jackie, following up, again listening to Geoff, David and Trohn but I believe Geoff mentioned the hesitancy to anticipate what the security what might be as determined by Sheriff Swain and I wouldn't try to speak for him either because every time I speak to Brad or every time I turn around he slapping me down. But I do know in an antidotal way that we have had loud, loud parties going until 1:30 this spring and upon notifying we have tried to be, you know, not because the Sheriff's Department has other more important things to do, but, well, not necessarily to us when we can't sleep. But when we then report it to the department it sometimes,

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well the last incidents it was 10 or 11 o'clock hour and they weren't here until 1:30. So, I don't know that is antidotal again. I seem to like that word this evening but it seems to me that if the City can't do it, but Geoff I defer to you again. This would be something that would have to be referred to Sheriff Brad Swain. I believe I am taking more than my share. Thank you. Thank everyone.

Clements: I raise that as item because it is in the annexation area and it is used as part of the justification for annexation, to provide police coverage. Some people that have actually complained that the County resources cannot fulfill the policing needs of the Highlands Subdivision and you just confirmed that yourself. So, I do think it is something that we need to factor into our considerations and deliberations but we should get a note from Sheriff Swain and ask him how this increase density in the County impacts his ability to provide services and what is his response time now and how would an additional number of people and homes impact his response time. Are there any other questions or comments from any members of the Plan Commission? If none, it is time to turn to the petitioner or the petitioner's representative to hear their presentation on their proposal.

Nester Jelen: Tech Services, is there a way to present someone as a panelist and then move them back to attendee or should I just press allow to talk?

Tech Services: My suggestion is allow to talk.

Nester Jelen: Ok. Can I do that for multiple people at the same time?

Tech Services: Yes.

Nester Jelen: Ok. Kevin you should be permitted to talk. Donny I have to promote you as a panelist because you have an older version of zoom, so hold on just a second. Daniel and Michael Carmin.

**PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-21-1 – The Trails**

Butler: This is Daniel Bynum Fanyo and Associates. Can you guys hear me?

Nester Jelen: Yes.

Butler: Can you guys hear me ok?

Nester Jelen: Yes.

Guerrettaz: Yes.

Butler: This is Daniel. I will give brief introduction here and then we will get into the presentation. With me tonight is Kevin Schmidt and Donnie Adkins, along with Mike Carmin and Jason Krothe, who has been doing some of the environmental impact study on this. So, if you have any questions about that he will be here tonight and then also, well, that is our team that will be representing the petitioner. But, real quick, we always at Bynum Fanyo are trying to have projects that we would

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bring before you as a Plan Commission that we believe would fit the County needs. So, in this case are bringing affordable housing in area felt like a good placement of it and so we originally came before the Planning staff for a PUD designation on the property. The reason for that is that it gave some unique aspects and characteristics and qualities of this property that you wouldn't be able to get with just straight zoning, so that was the reason for that. But these guys I have been working with, I do have to say that a lot of the different clients that we have, these guys we felt have brought forth a quality product from the beginning in that they wanted to do more than just producing lots and home, they wanted to parks and options for different things for enhancing this area. So, we do feel like we have taken some time and did a lot of study with stormwater, traffic, different impact studies with environmental features and we do feel like in the end and switching over to we see it as a MR and HR kind of in between that is why we are capping ourselves that 160 here. But we have worked with staff to try to come up with something that would fit with everybody in this area, not too dense but with that I will let Kevin do a bit of a more presentation.

Schmidt: Thanks Daniel. Thanks Jackie. I am going to let Donnie get started, so Donnie are you able to talk now?

Adkins: Can you hear me?

Nester Jelen: Yes.

Adkins: Good evening, everyone and thanks for coming along for this ride. This isn't the first time you have met us. We submitted for the PUD before and just want to tell you how much we appreciate the Planning team's help to get us to this point and the Commissioner's as well and the rest of the committee to help us mature this process and help us address all of the different issues, concerns, and opportunities that we have really helped the community out solve some big problems. So, if you could go to the next slide, please Jackie. Just to introduce ourselves again. I am Donnie Adkins. I graduated, as you can see here from IU in 2001. I got commission at the IMU as 2<sup>nd</sup> Lieutenant when I jointed the Airforce. It has been a great 20 years since then and it is so exciting that I am back here now, here in Bloomington during this meeting. After the Airforce I went and spent some good time all over the world in some nasty spots and some better spots. You can decide which ones those are between Louisiana and to Iraq and Nigeria. I am really looking forward to this next opportunity. My partner Kevin there, he has got a great educational pedigree as well, just not from IU, unfortunately. But his mother and father-in-law actually met here in Bloomington and graduated back in 1968 and I am very lucky to be partnered with him. He has got a great global experience as well on other major energy projects as well so together we are really looking forward to this opportunity. If you could go to the next slide, please. I just want to spend a second here to talk about our inspiration. Kevin and I could look at opportunities all over the world but why are we here in Bloomington and the answer is because it is our favorite place in the whole world and you can talk to anyone that knows me and they will tell you that Bloomington is always a place that I want to return to after leaving all over the world. You can see our children there. Those are my kids. You can see my daughter at 6 months old rooting for the Hoosiers and we are here right now in Bloomington we were over at Cascades Park earlier this week and that is a picture from about a year ago but my kids love it here as well. Kevin's kids love being outside and the reason why this slide is here is so everyone really understand our inspiration is building a neighborhood that we would want our kids and our families to flourish in and that has been our

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goal just as Danny mentioned. It is not just to pump out more houses it is to build a really special spot in Bloomington that people talk highly of for years to come, places like Winslow Farms next to the YMCA and the city woods and there are so many other great examples around town of good solid developments that have really left a positive, lasting impact on the community and tied into the environment as they were doing so. So, that is our goal that is our inspiration. Jumping into the business case if you will we really want to help people understand why we are asking for what we are asking for? As Jackie mentioned right now the lot is currently zoned RE1 and so we could go crank out 40-44, one acre estate homes no problem but we are seeking additional density. We are seeking a lot more homes and the reason why we are doing that is to help built more homes to get more density, to reduce the cost of the houses and I will touch on the why in the next slide. But here is just a bit of the business case, so we just look at the direct cost and this doesn't include marketing, purchasing or building the parks, or managing somebody to actually to the construction for us, the cheapest we could get a lot with 40 home sites on this 44 acres was about \$100,000. Once you build a house there and you comp it with everything else you are looking at something around \$600,000 or \$700,000 at least, so we need this density to get the prices of the houses lower and you can see right there what that compares to. So, it is an order of magnitude of 3 to 4 times on what we can do to make the houses more obtainable for families with more density. Kevin is going to touch on it as well. We are asking for HR. We are not asking for HR to go build 320 homes or the max that we can do. We are asking for HR for the diversity. Kevin is going to tell you why. But that is a sweet spot. We feel with that number or somewhere around there 160 that will allow us to distribute this cost to make these home more obtainable for families. If you could go to the next slide please, Jackie. So, now let's talk about what that business case tie in to the needs and the demand of the market of the economy right now. Everybody around the world, especially the United States will tell you housing is short and that includes Monroe County. These stats we have right here are the latest stats from May from the Indiana Association of Realtors. Jackie, can you blow up that table a bit for us, please? Alright, so we drew that red line at a half a million dollars. But let's just, Jackie, if you could just scroll over like toe 275-299, just kind of like that area, that row and if you scroll over to the current number of listings available. If we can just focus in on that 6 or 7 in that second to last column from the right. That is how many current listings there were in May of homes in those prices and those are all residential homes, that includes condos, townhomes, one-bedrooms, two-bedrooms, terradowners, so just think about it if you are a family and you are looking for a 3or 4 bedroom house in the 275-299 price range. There are 6 properties total and probably half of those are apartments or condos, so out of that you might have one or two 3 or 4 bedrooms houses to look for. I mean, think about that. You are trying to find a house for your family. There is one, maybe two available and something less than \$350,000. If you want to zoom back out Jackie. I am sorry, one more point before you zoom out, I am sorry Jackie. We drew that line at \$600,000. You see there after \$600,000 the market gets much more stable. Every realtor you talk to will tell you 6 month supply is what you need. So, if you are looking at final count that is how month supply so down there at 5 and half that is how many months' supply there are of homes at \$600,000. So, the point of the slide, I am sorry Jackie, now you can back out, the point of this slide is and again if you look at the data for the last 12 months it would look very similar to this, in fact it is getting worse over time, but the point of this slide is the problem we have the crisis we have for families to find housing is in that \$200,000-\$400,000 range. When we get above that \$600,000-\$700,000 there are plenty of homes and Bloomington and Monroe County doesn't need that. So, that is not the problem we want to solve. Despite the fact we could go do that with RE1 zone right now. It doesn't do us any good to build more Pedigo

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Bays or Sterling Woods or other big mansions around town. We want to build homes that families can afford and move into and move up into. Maybe it might not be their first home but it would be their second home. We are really shooting and we need the density to target the high 200's up to 400 price range. That is our goal. I will turn it over to Kevin.

Schmidt: Thanks Donnie. Jackie, can you hear me?

Nester Jelen: Yes.

Schmidt: Great. Ok, alright. Good evening everyone. Donnie did a great job I think of setting up the fact that this is not a problem only we are trying to solve, it a problem that the entire county and city and around and in fact the entire United States is dealing with. I think we are going to try and do over the next few minutes and what Donnie is trying to do is just there has been a lot of information that has been said or heard or thought, what we would really like to do is just to make sure that the facts are presented and that there is no misconceptions of what we are providing of what we are offering and what is reality in the field. So, we put these slides in the package. Hopefully everyone had a chance to look through them. We are more than happy to take any questions but we have put a lot of time and effort into not only the studies behind these slides but also trying to make sure that these slides are clear. Because we have heard a number of things that seem to be talked about that are not actual reality and we to make sure that everyone has the facts so that the right decisions can be made. Obviously people have different opinions but we just want to make sure that the facts are clear. So, if we talk about this one of the biggest things that we have been looking at is the Comprehensive Plan. The Comprehensive Plan is something that was done in March of 2012 and really was if you read about it, it talks about the residents and key stakeholders developed a vison for the future property use in Monroe County through the adoption of the Monroe County Comprehensive Plan. This vision recognizes the independence of social equity, economic vitality, and environmental integrity to provide a sustainable future for Monroe County. So, the idea that we would not follow the Comprehensive Plan or taken any exceptions to the Comprehensive Plan is flying in the face of the work that was done with many, many people over that time period. So, we have spent a lot of time trying to make sure with the Planning staff that we are 100 percent aligned with the Comprehensive Plan. You can see on this slide. I will just go through some of the specifics. But as Jackie mentioned, Mixed-Use Residential is what this is zoned for. I will read, these are quotes. Mixed Residential neighborhoods accommodate a wide array of both single family homes and attached housing types integrated in to a cohesive neighborhood. That is literally 100 percent what we are trying to do. These neighborhoods are intended to serve growing market demand for new housing choices among a full spectrum of demographic groups and as Donnie mentioned, the HR versus MR has been a big debate today. I think that there is a bit of misconception there. Our intent is to build a MR or less dense area with the flexibility of housing type of HR zoning. I want to make sure that is 100 percent clear. We are proposing 3.6 lots per acre. MR allows 4.8 lots per acre. HR allows 7 plus lots per acre. We are not proposing anything higher. We are actually proposing less than MR allows. So, all we are asking for is to meet what we believe is a quote from the Comprehensive Plan saying these neighborhoods are intended to serve a growing market demand of new housing choices on a full spectrum of demographic groups. As Donny mentioned if we have smaller lots and larger lots we have the ability to build houses in different price ranges all in the area that are very low provided right now and need significant more housing to provide the demands. Transportation Mixed

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Residential development is intended to be designed for walkable neighborhoods. I think you can't think of a better walkable neighborhood than something that is surrounded by the 2 most prominent trails in all of Bloomington area. Utilities, again we will mention this a little bit more but we are about as far south as you go to get full utility access. So, looking at the density or land use south of where we are is not really appropriate because it does not serve, it does not have the same infrastructure, which is why you see the Comprehensive Plan stops where it does. It doesn't go further south suggesting Mixed Residential. We have been provided will serve letters for all utilities and social infrastructure, fire department, etcetera. Open space we have provided as I think you have seen before in the PUD but pocket parks, green squares, common neighborhood parks and greenways is what it asks for. We have provided a major community park. We are looking at lots of little parks, dog parks, gardens, etcetera, so very much meeting the intent there and then development guidelines, meets all HR zoning requirements and staying aligned with the Comprehensive Plan. We have agreed to again a cap of a 160 lots to facilitate the spectrum of housing choices. It also aligns with the Comprehensive Plan Mixed Residential density. So, I have actually heard multiple times in the past I think Jackie and Rebecca have both said that they believe Mixed Residential was meant to be between MR and HR. So, that is what Planning staff has said in the Admin Meeting and in the PRC Meeting that they believe that Mixed Residential is meant to be between MR and HR. We believe that is exactly what we are offering, something that is HR flexibility but MR or less zoning. Jackie, if you could go to the next slide please. There has been obviously a lot going on in the last 2 or 3 months, so we just took some quotes that we have heard in some published papers. This first one was from President Clements, "That the idea has failed". I think this is talking about the multiple housing. So the quote was, "Let's just take a look and built more single family housing to meet the needs of our true constituents." So, we are really excited to hear her say that because that is exactly what we are proposing. So, excited to have her support on that idea. The trails are 100 percent single family homes with a diverse home offering. We are looking at a wide range of people seeking home ownership. Same thing, Commissioner Thomas in the second quote, "County officials make their decisions about proposed developments on the basis of relevant zoning and planning ordinance." Again, showing that we are 100 percent aligned with the Comprehensive Plan. We have gone through this with staff and they have shown our alignment with the Comprehensive Plan nearly perfectly. The final one was from a local business affiliate, "The tight local housing market is making it more difficult to retain and recruit talented employees who are critical to the local economy's growth." The trails is offering high quality housing diverse housing to help solve this concern. So, again we are offering multiple housing ranges, not something that is just low end and not just something that is just high end but I diverse housing offering. Jackie you can go to the next slide. So, I think we have seen this slide before but again just to talk through. We are looking for an HR rezone to develop 150-160 homes built over 3 years, 4-7 years in 3 phases, high quality obtainable housing targeting the \$200,000-\$400,000. So, again the idea had been mentioned before that we are only building \$200,000 houses and they didn't know how that was possible, that is not true. That has never been something that we have proposed or said. Diverse housing offering of lot types. I think again this is a really important thing to make sure we understand here is the lots we are proposing in HR our minimum is 0.14 but our actual average is near 0.2. We have lots that range from 0.14 from 0.3 acres. So, again MR rezone is a 0.2. We are very, very similar to that. However, we are just seeking more flexibility in what housing we can provide. As Daniel mentioned, we are really looking for unique amenities. We have spent a lot of time trying to look at what we can do with the area. It is such a special site and really offers so much in the way of community development. I think it was mentioned that this is

an area that might destroy the community. I think this is an area with the park that would really build the community here and that community park near the trails, the dog park and orchard and gardens. Jackie if you could go to the next slide. Here we talk about some environmental commitments. Again, drainage, I will talk about this a little more later but it is really a key design focus area. We are actually reducing the drainage and I think there has been a lot of conversation about this and some things that maybe haven't been clear but to put it on record. We are reducing the drainage from an outflow from 103.28 cubic feet per second to 17.37 cubic feet per second. So, if you can image that is like taking a 5 gallon bucket and filling up a sink with it with a 103 that is what currently exists at the site, versus taking a glass of water and trying to fill up that sink. You can image which one happens much faster. So we are reducing the outflow off of this site after the development not before but after the development by 80 percent. So, we will actually be significantly helping the downstream impacts of flooding versus current conditions as a field. Wetlands, we have confirmed boundaries and will remain protected that is a keep part of our area. We have actually worked with Kelsey and others to spend some time on how we are going to do some maybe environmental outreach and some educational signage there. Karst features are concentrated in the northeast area and really we managed all conservation and identified. We have done an Environmental Phase 1 Study and we have minimized site disruption as this is really just an existing hay field. There is very minimal tree removal required, especially versus how many trees we are going to put back. You can go to the next slide, Jackie. This is again I think talks a little about what we are talking about HR versus MR. Again, we want to be clear why we are asking for HR. Some of the key considerations. HR rezone with a lot cap is really most aligned with the Comprehensive Plan objectives. It allows diverse how offering. If you go with MR it does not allow the diversity of offering that Comprehensive Plan is specifically seeking. HR rezone allows housing choices among the full spectrum of demographic groups. The trails unique shape and trail access require the flexibility of lot specification associated with HR. Again, this is not just a square plot of land, this is a square plot of land that is bordered by to very unique trails that the City and the County have spent a lot of time and money to maintain and we believe that due to that flexibility that HR zoning allows it will allow us to utilize that in a way that will bring more enjoyment to the trails and really flourish the area. HR zoning lot size flexibility allows diversity in home prices, in size and type. If you go to a certain area where you have all MR zoning and it is all 0.2 to 0.25 acre lots, it is really difficult to have significantly different home sizes. It would look weird. It doesn't really make sense and in any case it is just not really, it just doesn't fit well for the area. So, I think just to talk about this and I think this is a previous misconception, we are offering and targeting similar to what we talked about when this was presented as a PUD, different housing types in different areas. In this map on the right you can see that we are targeting different housing values in different areas and that is somewhat consistent with the lot size of those areas. I think one thing that is really important to mention is that when you are selling someone something that is a housing that is in the \$250,000-\$300,000 range that is maybe 1,500-2,000 square feet and they are looking for maybe a paired patio home or a smaller house, they may be the type of people that don't want a huge yard. So, if you are offering them a 0.2-0.25 acre lot they are going to actually not want that product because they are looking for something that requires less maintenance, less upkeep, they want a house, maybe they are an older retired couple, maybe a young couple that is just married. So, that is a type of housing offering versus more single family individual standing single family 3-4 bedroom houses that they want a yard because they have kids, etcetera. So, we are trying to offer all of those opportunities in this neighborhood. You can see the yellow, blue green and red areas that we are proposing and that is just again our target

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prices and our target housing types. Jackie, if you could go to the next slide, please. I think this shows a little better when it is in a presentation mode because we have a few things but I think everyone has seen this before. This is the Terrace Park that we are proposing in the northeast corner. We are super excited about this and our local architect is super excited about it as well. It is something that is really just make that area flourish with activity and use. It is going to come directly off of the trails. The idea is a bmx bike trails, maybe some walking trails and then a very natural looking park down near the trails with some boardwalks education signs, etcetera, and then as you go up toward the streets and neighborhood there would be a little kids play area, pavilion, lawns for picnicking and hanging out and then some trails up and down. So, again direct access from the neighborhood to the community and then again this is something that is built not just for the neighborhood but for the community in general. Here is an example of what that park might look like. Again, trying to stick with a very natural theme. The idea was to leave as many of the trees as possible, something that is natural, outdoorsy, low maintenance, and something that people can really enjoy. I think many of us have been to parks like this. The Rail Trail Park is an example. Places where the kids just come and really enjoy themselves and it's not just for a neighborhood, it's for a community in that area. Next slide Jackie. Here is an example again of the dog park, community gardens, again just something that we are planning on putting in the community to make it unique, something that is really, that will drive people to hang out and be more one as a community. I think covid over the last year and a half has shown us how important our neighbors are and how much it is really important to enjoy where you are as you do often spend a lot of time there. You can go to the next slide. Then next probably I don't know 10 slides are so, I am going to spend some time talking about the concerns that some of that we have either heard through PRC, the Admin Meeting or through our neighborhood meetings. I believe that we have spent a large amount of time over the last 6 months really trying to get as much information out as possible about what we are doing and why we are doing it and address any concerns. So, I am just going to walk through these and just know that the reason we are talking about these specifically is because they have been brought up previously as a concern. County utility infrastructure, I think it is really important to mention that if you look at the yellow shaded area that is the area that is served by water, power, sewer, fire, etcetera with all of those things. Obviously some of those are served below but things like sewer for example, do not run further south and so it is very difficult actually impossible for you to build a higher than a 5 person neighborhood if there is not infrastructure related to sewer. So, I think when we talk about density and compare density to the surrounding area we really need to make sure we compare apples to apples because apples to apples means you are including an area that actually can be served by sewer etcetera. The areas to the left you know, again would not authorize the development of greater than 5 houses. Next slide, please Jackie. Another thing that is mentioned is we have heard many times at the last few meetings this density is not consistent with the area and I guess we would just like to challenge that a little bit. We have taken these are just neighborhoods and areas all within a mile of the trails and again we focused on the areas that are apples to apples comparisons, areas that are north and west that have sewer service and right now the trails again is proposing 3.6 lots per acre, which again is lower than allowable in Medium Residential. The density of the trails is consistent with the Comprehensive Plan and if you see the actual area in this map the average density of these particular neighborhoods is 3.7 lots per acre. So, we are slightly below average for this area. So, the statement that this is not consistent with the area is not consistent with what the data shows and another new notable county neighborhood was Highland Park Estates that was again allotted at 4.3 lots per acre and we are even lower density than that.

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So, I think again just consistency and making sure that everyone has this information. Jackie, if you can go to the next slide, please. I think this is one of the most debated topics and I think one that we just want to make sure is very, very clear. We have right now the current site runoff slows uncontrolled. It is a field that has been there for hundreds of thousands of years and the drainage design of our development will reduce runoff on this site by 80 percent. Now, people are going to say that is not true. There is no way that could be possible. You are building houses and creating impervious area. So, I think what is really important here is that we are now based on something that has happened in the last 12 months the critical watershed requirements have been updated and by doing a development here we are now required to follow the critical watershed requirements and those are significantly reduced the amount of water that you can flow off the site like this. So, that is part of the reason why you will see a, again an order of magnitude going from 100 plus cubic feet per second of water flow to less than 20. That is why you will see that we have done that. So we have commitment to meet all of those requirements. We have an approval from the Drainage Board and we have engineered calculations to back that up. In fact we have offered there have been a number of people who have neighbors who have shared concern with the drainage. We have in fact offered to share our calculations with them and even offered to them verified by the independent 3<sup>rd</sup> party. They have not taken us up on that offer but we have offered that to them. So, we are working with anyone who has concerns. We have spent a lot of time with the Drainage Board and Kelsey specifically and it has been a really a great communication and we have learned a lot about the area, what we can do to protect this area in Clear Creek etcetera. Daniel, do you have anything you want to add maybe on the drainage?

Butler: The only thing is I will just reiterate what you said Kevin that we have taken some time and looked at how currently the different basins flow offsite. We are not only reducing the runoff so right now it flows freely into Clear Creek so just like any other project we would be treating everything, rooftops, roads, so also the water coming off our site should be cleaner, of course going through the filters of the ponds as well. So, if anybody has more questions about the drainage we have taken quite some time and were heard at Drainage Board and approved for a preliminary design at the time.

Schmidt: Perfect. Thanks Daniel. We are very happy to share. This is not a secret. Obviously we shared all of these calculations with the County Drainage Board. I am happy to share them with anyone else that would like to see. Next slide please, Jackie. Alright, so this was something that was brought up in the past. I won't spend a lot of time on it but the transmission lines, just again, I want to be clear that with the Comprehensive Plan it asks for all utilities to be buried and that is something that we will be following. All of the neighborhood transmission lines will be buried. Obviously the Comprehensive Plan is not taking into account overhead utility transmission lines. We did actually in fact explore trying to do this. As Daniel said we have been trying to do everything possible to make this the best possible area and worked with them, Duke, for over 4 months and Duke confirmed about 2 months ago that this was basically impossible to bury the overhead transmission lines and if we were to try it they said they are not even sure they could do but if we were to try it, it would be upwards of 10-15 million dollars just to bury those lines and would in fact create right of ways right near the trails etcetera that would probably make it less desirable for everybody. We have spent a lot of time with the energy transmission specialist, Ryan, he has been involved in the layout and design for 6 months. He is 100 percent supportive of fundamental design and the way that we have our lots laid out. I think that there was some concern

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from staff around the living near powerlines. I guess, I would just like to mention that obviously if you go up and down north and south on these powerlines there are houses all over them. There have been a number of studies in the 90's some commissioned by the federal government that have proven that there is no long-term health consequences associated with that. Again, something that has been a concern before that we wanted to bring up and make sure that everyone knows we are trying to address we hear. Next slide, please Jackie. Again, this is another concern of the neighbors, the number of trees associated with the area. Again, I mentioned that this is primarily a hay field. But there are some concentrated trees in the northeast, northwest corner and near around the existing house. So, the site we believe has currently 350 plus trees and we estimate the development will require the removal of approximately 100 of them. Through our development plans we will be planting at least 200-300 trees, which means we will be increasing the total tree count on this site by over 50 percent. So, again, these are going to be younger, stronger faster growing trees that will continue to facilitate long-term survival. Alright, traffic. This is again another concern that I think a few people have mentioned. We have shared all of our plans with the Public Works Department, the Highway Engineer. We have been primarily working with Paul. We have incorporated multiple rounds of feedback on necessary street upgrades on South Victor Pike and we have taken those into account. We have built them into the layout that you see on the right. All of those details have been managed. The upgrades are aligned between engineering Monroe County and the Public Works Department. The neighborhood layout and design encourages alternate transportation which is something I think is something really exciting about this neighborhood. We really do believe that the people who live here will want to utilize the trails to go to and from the store or to go to and from work, go to and from recreational activities and it will reduce the number of trips per day in a car via a typical neighborhood. Another thing that I think is really important and this is something that was mentioned a little earlier is South Victor Pike was designed as a "major collector". That means that there a significant right of way associated with it, 90' and that is why we are able to do these upgrades. I believe that as a major collector there is understanding that will be from the Highway Department there should be right of way depending on the individual lots and we can look at that. There should be for expansion in the future and I think the final piece is that based on these upgrades we have gotten confirmation from Paul and others from the Highway Department that they don't believe that they increased neighbors in the area and the increased density and the increased number of cars will have a great impact to the traffic in this area, based on these additional upgrades. Again, Victor Pike is a major collector and was designed for this type of increase and expansion. Next slide. I am going to hand this over to Jason. I guess you guys are probably tired of hearing from me, so I will hand it over to the expert to talk a little bit about the karst features. I just want to make sure that you guys hear it straight from the horse's mouth. Jason, are you there?

Nester Jelen: So, I am looking for Jason. What is his last name?

Schmidt: Krothe.

Nester Jelen: Krothe, ok and which company is he with?

Butler: Hydrological.

Schmidt: Yup.

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Nester Jelen: Ok.

Schmidt: Is he on there, Jackie?

Tech Services: Yes, Jason is on it looks like.

Nester Jelen: Ok, can you allow him to speak?

Tech Services: Yes, he already has the ability to speak. He is unmuted.

Krothe: Can you hear me?

Tech Services: There we go.

Schmidt: Alright, thanks guys. Alright, Jason, take it away.

Krothe: I am Jason Krothe with Hydrogeology Inc here in Bloomington. We are a firm that specializes in geology specifically to karst geology. We have worked 20 years in the area on karst related projects and we did the karst survey for this project. We found total sinkholes on the project. 5 really small ones that, northeast corner that is a wooded area and there is one larger sinkhole on the southern side and all of these will be protected with the appropriate setbacks. This figure here or map here is to show people the areas in Monroe County that have karst. So all of the orange areas there within the pink outline of Monroe County are areas that karst geology is present. This particular area is very typical for what you will see in Monroe County as far as what the sinkholes look like, nothing out of the ordinary, nothing concerning as far as what I saw when I looked at the sinkholes. When we go out to look at a sinkhole I would be looking for is there an opening in it, are the soils stable, that kind of thing. I didn't have any concerns about what I saw from the sinkhole there especially when they are going to be protected with the appropriate setback. I know Kevin had mentioned there were some concerns about home stability as far as sinkholes go, in my opinion there is not an issue of any sort of catastrophic sinkhole collapse or any concern like that. Really in my experience when it comes to karst is being proactive is your best bet against having issues like this and so we have done the initial karst survey. I spoke to Kevin this week and he mentioned that they would be open to having us or another karst expert on the site when they are doing excavation work just to see to make sure there isn't anything under the surface that could cause issues to a home and like I said I don't see there being an issue as far as concern about a house, any structural issues to houses at this site. I have worked on for 20 years now we do we are the on-call karst expert for Indiana Department of Transportation and so we will go out and look at sinkholes along roadways and things like that. I don't see an issue here. If there are any other questions about karst at the site and the work that we did I would be glad to answer any of those.

Schmidt: Great, thanks Jason. Jason will be on for any questions if we have any this evening. I think the key is there had been mention before that this is a karst heavy location or that there was concern that this was a greater area more prone to sinkholes. I think I just want to reiterate that is not the professional's opinion and based on site surveys and obviously 20 years of experience. I think, Jackie I just have 2 more think things. Number one is I think in the Admin Meeting Mr. McKim had asked has we followed up with the neighbors or others about concerns that they had

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and I just want to make sure to set the record straight that the answer is yes, we have. I think we have answered over 200 hundred questions from the neighbors and other concerned parties. We have answered those to the best of our ability given the current information that we have. We have hidden no information from anyone and in fact you know as there was a lot of concern around drainage, I mentioned we offered to share that information and have it verified by an independent 3<sup>rd</sup> party. As soon as we offered that we got no feedback from the neighbors, so they decided not to take us up on that offer. We have spent a lot of time trying to work with anyone who has concerns. Obviously, know that we can't necessarily change people's opinions but we want to make sure that they have all of the facts so that they know what there is and is not to be concerned about, especially related to drainage. Given the fact that again it is maybe a little bit, it doesn't make a lot of sense but we are going to be reducing the outflow at the end of this project versus what currently exists. The final piece I would like to go over was some current concerns around HOA. We don't have a slide on it but if I could get Mr. Carmin. I spent a lot of time with this, myself, Donnie, both myself and Donnie have worked in other states where HOA's are more regulated and have ideas from experiences there that we think will help make sure that the HOA is well funded and well managed. So, Mike is you want to mention so of that.

Carmin: Mike Carmin. I am not used to this new format to be able to confirm that you can hear me. I will try to keep this very pointed and brief. Subdivision development in the last 10 years maybe say a little bit longer has been a growing concept of the use HOA's, Homeowners Association, development of restrictive covenants and conditions applied to the properties, developers do that primarily because it is perceived to add value. Protective measures can be done on the lot and the property can be used and maintained, a fairness issue of assessing the lot owners as members of the HOA for the cost of those maintenance facilities and management facilities and in more recent years that has grown to even acquiring an HOA actually the county through the Planning Department indirectly in conjunction with Legal and played a part based on your actions on prior petitions have pretty well compelled the use of HOA's to target the means to ensure funding and maintenance of drainage facilities. That has come up on a couple of other projects and so what you have with the expressed concern back at PUD meeting time ads about the drainage and facilities and what happens and how they are going to be maintained, who is going to pay for that, what happens if there is a default by the HOA in not maintaining the drainage facility, then we developed a set of covenants that not only details the creation of the HOA with that responsibility and as well as maintaining the common area generally but also an enforcement mechanism for the cost of that. How that would be budgeted and how that would be enforced. Extending the enforcement ability to even the county, not that we want the county to do it but that was really to answer the question of what happens if the HOA defaults. Margaret I have to apologize, I am not sure I understood your question or comment earlier when you were talking about leans on lots for homes. But these sets of covenants detail this in the membership in the HOA, the budgeting, the obligation to contribute to assessments for these expenses and the ability to enforce that contribution through a lean on the property is very typical in subdivision development now and has been for a number of years. But it really is not done in secret. Those would become recorded documents, they appear in the chain of title. If you ever happen to look at the Board of Realtors standard purchase agreement form it has a clause in it about the seller providing to the buyer for review as part of the purchase process before they are committed any mandatory association documents, homeowner's documents. Buyers will come into this neighborhood with full knowledge of this issue of HOA membership, maintenance, enforcement

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capabilities both by the HOA as well as by the county to ensure that they are on notice that this is my financial obligation if they acquire property in this development. This is not unique for this. We are probably a bit more detailed particularly with the issue of county enforcement of the maintenance than I have seen anywhere else but it certainly not unique in the overall concept. So, that is the HOA issue in trying to ensure maintenance of the common areas, specifically the drainage facilities. Because that is an important component of this project and one other comment that I would like to make, I am not going to repeat Kevin and Donnie what they did but on the issue of this location and the Comprehensive Plan, I have lived through as some of you have not all of you are on the Plan Commission now but some of you at least some of you are coming in the tail end of it, lived through the development of the Sliding Scale Subdivision rules and what that meant, the development of the Comprehensive Plan, the whole generation of concept of the Urbanizing Area because that was not in the Comp. Plan before and you put all of that together and what you and the Planning Department have communicated to people, developers primarily and specifically is that build it but go close to the city to build it. Go where the infrastructure is already there. We don't want you out in the county. We don't want you spreading out, that is what the Sliding Scale Subdivision rules actually would prohibit. Go close to where that is. Don't do long sewer extensions. Don't require long waterline extensions. Don't require long new roads. Concentrate the development in the urbanizing area that kind of the donut around the city corporate boundaries and that is where we want see the higher density, the more compact development and do it there. That is what they are doing. That is what your plan calls for. That is what they are doing and it is consistent with frankly the guides that this Commission has been giving out I think over the last several years. I think that is what you want to see. That is not to say that anything goes no matter what as long as it's in the urban area, any density works and it should be done and no constraints, that is not my point. It is that while this is dense, much more than what you will see out further in the county, it is in the area exactly where you called for it to be done. It is done by leveraging existing infrastructure and it is done in a reasonable, responsible manner. Usually in large subdivisions, one of the things that you have often pushed on and you have a chapter in the landscaping ordinance that requires some fairly intense buffering and berms as a buffer between neighborhoods and projects, you have that natural buffer. Where better to get that natural buffer, that natural separation between the neighbors and this project that the 2 trails provide. Actually between the 2 trails and Victor Pike you have got this property that is almost encompassed with already existing buffers that separates it and serves that purpose and we need to take advantage of that as well as advantage of if we are going to spend the money for the trails to promote the trails use as been done by both city and county for a number of years now, then a more intense development adjacent to the trails is an important way to leverage those trails and the use of them. So, I would submit that this project is well in keeping with the Comprehensive Plan detail and would encourage your support with it. Thank you.

Schmidt: Thanks Mike and I think finally I will summarize that we are very excited to hear any feedback. We will continue to work very, very hard to address any concerns and I hope that these slide presentations and this being in the package for you to review and your leisure was informational and informative versus some of that things that had been said that were either conjecture or opinion before. I think the final piece I will just add on is we are just really committed to the HR and in fact when we came as an original PUD the Planning staff after talking about hey, we prefer not to be a PUD, which was information we heard loud and clear, the suggestion was to go HR rezone with a cap of lots and based on an MR density that would give us well over 160 lots,

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we stuck with 160 and we believe we are meeting and aligned with what the Planning staff had told us at the time, 2 months ago when we made that change. We really strongly encourage that the Comprehensive Plan is asking for diversity of housing. It is hard to provide diversity of housing when you are required to provide the same lot size everywhere and if some of the things that they mentioned related to MR are a concern, you know, if it's 150 homes, Jackie mentioned that there was a minimum of 130 that we could get with MR, so we are basically in the same ballpark, so the idea that we are asking for something that is dramatically outside of county's standard I just believe is not accurate. We are very excited to hear your feedback and thank you for your time.

Clements: Thank you White Oak Endeavors LLC, thank you. We will now entertain questions from the Plan Commission for the petitioner. Ms. Thompson has her hand raised and I would like to recognize her.

Thompson: I actually had my hand raised at that time because I got booted off and needed to be promoted to a panelist again. I don't have a question at this time.

Clements: Ok. Are there any members of the Plan Commission that have questions for the petitioner? I have one. I would like to have a list of all of the things the Homeowners Association is going to be responsible for. I just heard today that they are going to be responsible for enforcing the easement underneath the powerlines. I know there is a dog park and drainage, what else the homeowners, the fire hydrants? What else is the Homeowners Association going to be responsible for?

Schmidt: I think we can very succinctly say that it is common spaces, which it doesn't matter what is in that common space associated with the neighborhood. The drainage, which again is managed under the OEM, the operations manual with the city, the county, sorry, and then if Southern Monroe does not water district does not allow fire hydrants, even though I think that there is a greater than 50 percent chance that CBU will actually end up serving this based on the conversations we have had with them, then if we were to add fire hydrants, which again the reason just to be clear the reason Southern Monroe is not providing them is because they not anywhere else in the county and they don't want to create something that is different than what exist there currently. So, we are proposing them and I believe we will get them over the line there. It is really common spaces and drainage that is what the HOA will manage.

Clements: Ok, thank you. Are there any other questions from members of the Plan Commission? Yes, Commissioner Thomas?

Thomas: I actually have a question for staff. I know there are a ton of petitions and letters of opposition and letters and I hope everyone has been able to look through them. There is a lot of repetition but there is some good information in there. I have heard from someone directly and someone secondhand that there were some calls and other comments made to the Planning staff about this petition. Is that available somewhere? Is that listed somewhere? I didn't see it in the packet.

Thomas: Calls, submitted letters of opposition or can you ...

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Thomas: Residents who called about this petition because they couldn't be here tonight.

Nester Jelen: I see. Ok. We have, one I heard from today and I wasn't able to get ahold of them when I returned their call but they were located on East Schact Road. But there is in the packet I believe one of the folks put together a table of contents with all of the people that have submitted letters of opposition. To my knowledge with Rebecca working with public, we try to encourage everyone to submit something in writing so it can be submitted as part of the packet or attend the hearing. I think for the most part we have captured a good amount of the opposition so far. So, let me get to that table.

Thomas: Maybe, we need to come up with a better way to even just list that we had just 6 calls from residents who expressed opposition didn't want to write in or whatever. I am just curious about how that works. Because I was amazed at how many people have mentioned this petition to me in their concerns. It has been a bit surprising, honestly. But I wanted to ask about that process because I had heard from these folks in the last couple of days and so I know they probably have had time to write and know they aren't going to be able to make it today, so just curious about that.

Nester Jelen: There has been a significant number of opposition letter submitted and they have been organized by Rebecca. I will say this has been one of the most difficult cases in terms of just case management, opposition letters, and support letters even, there has been a lot of vocalization about this petition.

Thomas: It is a 195 page portion of the packet to encompass this petition in and most of it is indeed the variety and a lot again, there is a lot of repetition where people will pick up on someone's idea and forward it. But it is important to have all of that so I do appreciate that has been compiled. Because that is important for us to see. Because not everybody can attend at 6 pm or 6:30 or whatever, 7 o'clock on a Tuesday night, so thank you for that.

Clements: Thank you. I saw that Mr. Stainbrook had his hand raised.

Stainbrook: Dr. Thomas mention of inclusion in terms of the Comprehensive packet, it brought to mind for me the form of inclusion that I am very much interested in that is bringing together different demographics and different folks and I was just a little be disappointed in the blue, yellow, green and red. I think perhaps in planning development although certainly I am an amateur at best, I don't have Kevin's expertise or that of Donnie or Mr. Carmin's background and experience here in Monroe County but I wonder as I was growing up I have certainly grown older here at my advanced age and we used to have organic growth or at least I think of it in that way where communities and cities and counties expand naturally and with that we had an element of exclusion, no, no, there was perhaps exclusion, but inclusion not always as much as there should have been certainly. But also the connectivity. There were street and already here in Bloomington you can drive up Walnut it will be one street name on the west side and it will be another. I wonder if Kevin if there is some way in which the desired outcome could be reached but we wouldn't have people and I am trying to be a little facetious, I am never good at that. But I am in the blue zone. Oh, you are in the red zone, I am glad to meet you. Is there some way in having a less stark debarkation? And I realize this was just an example of how they are trying to have a variety of price breaks but it looks as though in one section there might be more or less value of homes and

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in another area more expense or less expense homes. Would Donnie or Kevin?

Schmidt: Mr. Stainbrook: I think that is a great point and I think it is something that we take very, very seriously. The idea of diversity of housing and inclusion and I mentioned a community. The community of the area is built on diverse backgrounds again I have lived in 5 different countries in the last 15 years. I know Donnie has as well and with that comes a real acute knowledge of diversity of culture and income levels. So, I think you will see there is a lot of overlap in prices in these different areas. This was really the red, blue, yellow and green was just to show that we are really seeking diversity of housing. I think that we talked about it a little bit but with lot size comes diversity in housing so there is specific areas where lots need to be larger just based on the design of the land and this is really some place where we want to build that community and we believe we are doing that with things like the parks, the dog park etcetera. These streets, again, you are talking about an area that is one house a way, we are not talking about one side of the street versus another side of the street. This is houses that are all kind in the same area but there is some value and I think planning has mentioned to us a number of times there is some value in having similar home types more near each other even in a community or a neighborhood. So, we have tried to follow all of those guidance from Planning staff as well what you are mentioning here but this is just a preliminary plan. If it something you would like to see for us to put smaller lots next to larger lots we are happy to do that. But there is some homogenies that needs to come associated with it so that doesn't look weird. It is very, very important to us and that is why we key on the community aspect of this neighborhood.

Stainbrook: I salute you for that and for your service.

Clements: Thank you Mr. Stainbrook. Ms. Owens.

Owens: I have had a couple questions written down since I reviewed the packet and actually this particular slide is perfect. It is the one that I was most interested in. I noticed the term affordable housing is not being used, rather the term attainable housing is being used. I see the lowest price in the plan is \$250,000. When you add in the HOA fee for all of the pieces that are going to need to be covered I think that is not all that attainable for people that were pretending that we want to put up housing for. On the other end of the spectrum, this is going to take 7 years to build. In 7 years I don't see a \$475,000 house being a \$475,000 house, no one will spend that kind of money for that sort of density. Also when you look at this picture without counting the lots, I noticed that the majority of the land or at least or 50 percent of the land is in 300-425, 350-475 category that doesn't strike me as attainable. Those are my comments. If you have anything to talk about and come back on those fine. I think that is something to think really seriously about.

Schmidt: Yes, I think Donnie will address it real quick. Donnie, you might be on mute.

Adkins: Sorry, Kevin I was on mute. It is a great question Ms. Owens. We have spoken to many banks to make sure that what we are targeting is something economically viable. We certainly wouldn't want to go bankrupt if we built homes people can't afford. We have had numerous banks, numerous, 4 in total confirm that family making \$100,000, 2 income earners at \$50,000 a year, so \$100,000 total can definitely qualify for a home at \$350,000, especially right now with the interest rates so low.

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Schmidt: I think that is a key piece to it, understanding affordability. We have spent a lot of time as Donnie mentioned looking at it. I think the median income in the US is in the \$40,000 to \$50,000 range. We believe that this is very, very much attainable and we have used that word attainable because the word affordable has a lot of specific connotations to it and starts people getting very excited saying things bad or good about it. We have been very strategic about staying away from that word. I think, Jackie, if you don't mind going up to the slides where we have the housing or houses that are available.

Nester Jelen: Kevin, real quick I think we have 2 people that might have questions on this same slide. So, can we get to those questions?

Schmidt: Sure. I was just going to answer her question just showing, she mentioned that is not what people are looking for, Ms. Owens, and I just wanted to mention that there is really a significant need given the shortness of supply. I think it is the 4<sup>th</sup> slide Jackie, yeah, go down one more. You can see that there is a need all the way up through the \$450,000-\$500,000 range and that need is diversified all through the \$200,000 to \$400,000 range, so we believe that our neighborhood, given the HR rezone with the cap will allow us the flexibility to meet all of those needs, not just one category which is what we were concerned with.

Owens: Let's hear the questions and then I will come back if I can. Thank you.

Clements: Does she want to speak now while we are on this subject? Dee, would you like to speak now and then we will go to Mr. McKim and Commissioner Thomas?

Owens: No, I just heard, when I heard Jackie say it is on the same slide that possibly there would be something here that would form my opinion but also considering the fact that right down the middle of the thing is running overhead powerlines, you are going to have a really hard time selling that kind of higher priced housing. I don't care what the median or the average is, I mean, Robert Rice and Wilt Chamberlin average 6' 2" in height. That doesn't mean anything to me because that is not necessarily what is here. I do understand what the housing market looks like as I watch it and again these houses are not going to be popped up tomorrow. Things are going to change between now and then and I think that there is much to be considered. That is all that I will say. Thank you.

Schmidt: With all due respect, that is the difference between median and mean but fair enough.

Clements: Thank you. Mr. McKim and then Commissioner Thomas.

McKim: Thanks. I wanted to ask a question about the drainage. First of all I appreciate your presentation and that you have specifically answered so many of the questions that we have heard from members of the public and from my colleagues. Those kinds of direct answers are really very much appreciated. As far as drainage goes there are several times I think you did say that of course you made that case that the amount of runoff is going to be significantly lower at the end of the project. I guess my question is at any point during the construction, I mean if the project is going to take 7 years to build out will there some time interim where the downstream impacts are going to be greater?

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Schmidt: Mr. McKim that is fantastic question. So, the answer to that question is the way drainage is designed and the way that it is implemented during the platting phase is you are required to manage the runoff of anything that you disturb. So, we are going to be building the infrastructure that will be managing the runoff of anything that we are disturbing during the runoff phases. So, for Phase 1 we will whatever infrastructure the drainage department tells us is required for that phase that we are building. As you can image, there is not going to be any reason for us not to build for example in the northeast corner there is a drainage basin there. There won't be any reason for us to build that given the topography of the site until we start to work in that area. Now, if we decide for example to excavate and clear the entire site all at once because that is the right answer for whatever reason, then we would be required to put in the drainage basins for the entire site at that time. The answer is throughout the process we will be decreasing it. As we build more we will be decreasing the runoff more and more and more. So, until we get to the end we will have decreased it to the maximum I just described which is over 80 percent.

McKim: Thank you very much.

Clements: Commissioner Thomas.

Thomas: I just have a couple of comments. I think one of them has already been addressed. We hear a lot about the housing situation today and a lot of that is not housing stock but economics and so a change in the interest rates changes things. I also want to point out that no matter intentions the developer has they may run into higher costs, so many things may happen but we cannot hold them to a particular home value. That would be impossible to do especially over 7 years. It is not fair to them and it is certainly not fair to the public to offer a guarantee of a housing price. As one of the opponents pointed out and I am going to raise this and I don't expect an answer, it is really more commentary. If this idea, which sounds great on the surface of hey, we are going to have this park and it will open to anybody and the trails are going right by wont this be lovely, anybody can stop by. That increases the insurance cost for the Homeowners Association, so I just want to point that out. On the just last slide of the developer's presentation I think she is going to get to it, nope next one the goodbye thank you slide. There you go. Just a reminder that this is Monroe County not Bloomington and that tongue and cheek but I also say that seriously because we are a rural area and the area surrounding Bloomington certainly not that right now and that is something that we have to continue to struggle with, is where does we have this in our Comp. Plan, keep rural, rural and urban, urban. This is one of those in between places when that gives me a lot of pause. I just wanted to state that as well. Lastly, I just want to thank you for your service. With that, thank you.

Adkins: Thank you for Ms. Thomas and when people tell me that I always say thank you for my undergraduate and my graduate degrees, which were paid for by the Airforce so thank you.

Clements: Ok, well I think we are, oh, Mr. Guerrettaz has a question.

Adkins: May I add one more comment too?

Clements: Yes.

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Adkins: There is certainly a lot of remonstrance and there is no disputing that and it has been consistent over time and we appreciate everyone's thoughts and opinions, just as Kevin said. But I do want to make it a point that we now sought and received a lot of support including from the direct neighbors, 3 of our adjacent neighbors, including the most adjacent to us Mr. Keyfavor has signed a card of support for us and I am sure if we need more support he would be willing to come as well, in addition to everyone else around town that has as well. Just wanted to make sure that gets appreciated as well. Thank you.

Clements: Ok, Mr. Guerrettaz.

Guerrettaz: Just a couple of quick points. One, all of the letters in the packet are good. I appreciate I think it was Kevin Schmidt who talked a little bit and presented the table about the real estate market as it sits now and then basically the BEDC and their letter had the same outline and I think we heard on some petitions several months ago information very near to that those same statics. So, that is helpful to put some of that in context. With respect to the density, I am trying to understand are we going, or pardon me, is the petitioner going for the High Density Residential because there are lot sizes that actually fall below the 0.21 acre that is in the Medium Density Residential? Because the density that Kevin Schmidt noted was 3.6 units per acre, which is less than 4.8 but I think it is the difference in how staff calculates the developable land versus the gross area that the petitioner is calculating. So, from the petitioners standpoint it is the 0.14 acre minimum lot size, is that the driving force for why you are asking for HR?

Schmidt: Another wonderful question. Yes that is a key piece to it but not the only one. So, I think we mentioned before and I reiterate it again, since you asked, Jackie mentioned that we could get a minimum of 130 lots in MR potentially more depending on how it was actually laid out. Right now there is 2 major pieces; one is the actual lot width, which is 50' versus 60' in MR versus HR and then the lot size, which is 0.14 versus 0.21. We believe if you look at this slide the key here is a diverse housing offering which is exactly what the Comprehensive Plan asks for in Mixed Use Residential is only attainable is HR with a cap and again if we believe that that needs to 150 homes then we are willing to look at that. But it is the flexibility to build lot sizes that are varying in size is very, very important to us to meet what we believe and I read it and quoted it specifically that we believe the Comprehensive Plan specifically asks for. That is one of the key areas is the lot size and again if you look at our average lot size and I think I mentioned it, it is about 0.19 to 0.2. So, we are very close to the average lot size for Medium Residential but we do believe that the High Density Residential with a cap allows us to stay at that kind of number of houses that people are interested in Medium Residential but allow the flexibility of housing types.

Adkins: Kevin why don't you just add on too how this buts up against what our PUD was but why we switch in that our PUD to have diversity as well but we are trying to simplify.

Schmidt: Right, so our PUD had a very similar diversity and in talking to Planning and getting feedback from the Planning Commission that we were told, hey we don't like PUD's because they are difficult to manage because they have a lot of different exceptions etcetera. We would prefer a straight rezone and again talking with Planning staff the suggestion was an HR rezone with a cap based on what we had been offered in the PUD. So, for the last 2 months we believed that was what was sought by Planning staff and that is the reason that we went with that particular setup

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and again believe that it provides the most consistent product associated with the Comprehensive Plan.

Adkins: Just to be clear, Jackie earlier quoted how many homes we could build based on HR and it is over, Jackie what was that number that could be fully utilized with HR?

Schmidt: I think it is 371 or something.

Adkins: Right, it is well over into the 300's and that is not our intent and that is why we are very willing and have offered the cap of 160.

Schmidt: Donnie, that is exactly right. The statement of there is no other HR in the county. We are 100 percent supportive of that and we don't believe that this is truly "HR". It is a mix because of the uniqueness of the site.

Guerrettaz: I appreciate you answering my question. Thank you. The other question I have got is, I mean just to comment, if I look at this site and you look at how the stormwater it looks to me is being managed, the fact that it falls in multiple directions allows that lack of concentration of flow in any one area.

Schmidt: That's exactly right.

Guerrettaz: Disbursed in a very uniformed way and I can see how that drainage can be controlled at the level that they are talking about. Of course, our Stormwater Board will handle that as well. I also understand staff's recommendation and I am not going to get in the weeds on this conversation we started off with but I understand staff's comment, the last comment they had in their discussion for recommending MR. To have a 160 lot cap is just another constraint on what would be a standard rezone. So, 160 lot cap is just something that this staff and future staff are going to have to police. Is that the only thing Jackie, is that the only unique attribute they are asking for from a straight rezone that staff is going to have to monitor and track over the years? The number of lots.

Nester Jelen: Yes. I think the HOA document would also have some information but that is pretty standard so that is the main change.

Guerrettaz: Ok, that is what I thought. That is all that I have got Margaret. Thank you very much for embellishing me.

Clements: Mr. McKim.

McKim: Actually Bernie's last question was exactly what I was going to ask.

Clements: Ok, thank you.

Nester Jelen: These are attendees.

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Clements: I think that we have completed the petitioner's presentation and we now go to those who are opposed or in favor of the petition. So, if you are in favor of the petition would you please raise your hand? Ok, John and Susan if you would like to speak can you unmute yourself.

Nester Jelen: Tech Services, if you could assist with the timer before.

Susan: I am sorry I am opposed to this project.

Nester Jelen: We will call on you in just a second. Sorry.

Susan: Thank you so much. I am sorry.

Clements: Ok. Thank you. Mr. Warren if you would like to speak we have a time limit of 3 minutes.

**SUPPORTERS – REZ-21-1 – The Trails**

Warren: Ok, can you hear me now?

Nester Jelen: Yes.

Warren: Alright. Thank you. Hi, I am Dave Warren. I live in the Fieldstone neighborhood on the westside of the county and I would like to comment in support of this project. I think this is a great way to make use of many existing assets in the area. It is right on the Clear Creek Trail, which connects to the Bloomington Rail Trail and the B-line, you have got Clear Creek Elementary, Bachler Middle School, both great MCCSC schools. I don't think anyone point out there is probably a new library branch going in right by Bachler Middle School and it would be such a shame if we only had \$46,000 in this fantastic area and that is what is going to go in this area with the existing Estate Residential zoning. Also our family 4 years ago our family moved within Monroe County and it was brutal. We had several offers within several places that fell through because there was so few homes available in our price range that we could afford. Now fast forward 4 years and prices are up 40 percent from where they were 4 years ago, it is really hard to find a home. I have several friends who are looking for homes. It is rough. So, I just ask that you think about all of the families in this county who are looking for places to live and just keep in mind that the most unattainable home is the home that isn't built because home that aren't built are actually where they are needed in the urbanizing area of the county makes housing throughout the county more expensive. Thank you for the opportunity to comment. Thanks.

Clements: Thank you Mr. Warren. Andy you have your hand raised? We have a 3 minute time limit.

Tech Services: Also as a note, this timer does have a tone that will go off when there is 30 seconds left and then again when the time is up.

Clements: Thank you so much.

Tech Services: No problem. I will go ahead and unmute Andy now.

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Andy: Hello. I was going to make a comment, on the whole do you want 35 to 40 in the \$750,000 range versus 160 homes from the upper \$200,000 to the \$450,000 range, but Mr. Warren basically already made that comment but I do think it is an important one. I think part of that reason is I don't think people understand what an important price range \$350,000 to \$400,000 represents in our town right now. At lower price ranges you are really not going to build any new product in terms of single family housing especially when a paired townhome is not considered a single family product. There is no price for anybody in any lower price ranges right now. The only market is what is already in the market basically. We are not going to be able to build new product and satisfy and help those people that are first time buyers unless there is more \$300,000 to \$450,000 houses that people in the \$150,000 to \$250,000 range can move up into that will alleviate our entry bottom entry level housing needs as well. One other point I would make too is that I am a real estate broker so I deal with this a lot. I have people come in from out of town. They are here for a weekend and they want to go look at houses. I am used to having maybe 15 or 20 houses to show people. Now there might be 2 or 3. That is a marked difference and also to the type of houses that they are suggesting to be built absolutely will be bought by people and will serve a market share. I have heard a lot of comments tonight about what people don't want to buy. I don't think any of that is factual. I know what people want to buy and these are the type of products they will want to buy without question. Thank you.

Clements: Thank you, Andy. Jill Robertson?

Robertson: Just checking to see if I am unmuted.

Nester Jelen: Yes.

Robertson: Ok. Fabulous. My name is Jill Robertson and I am the oldest daughter of Dan and Jan Robertson, who actually own the property. Back in 1970 my parents purchased the property looking to the future not only for themselves but really for the community as a whole. They wanted to do something and invest in the city. Many of you may know or you may not know my father was an attorney and he was looking out for not only his family but the community as a whole and bought this property. We had the pleasure of growing up on that space and have had a lot of fun times but now we are at the point where my mother is ill and we are in need of being able to sell the property. One of things that happens in Monroe County and I know that if many of you search your hearts you know this to be true, is that a lot of times the requirements and the prohibitions keep landowners from being able to sell their property in a way that is helpful to their own family. I remember not that long ago, it was probably within 5 to 7 years going to one of the Planning Commission, the County Planning Commission Meetings and there was a gentleman there who spoke about land that he owned on the north side of Monroe County. He actually owned like a tree farm and he was concerned that he would not, based on the PUD that was being developed at that time, he was very concerned he was not be able to sell his property nor actually sell any of the trees for income, which he needed. He was in his early 80's and we unfortunately find ourselves in a similar situation. We need to be able to sell the property to care well for my mother. I am sure any of you can be empathetic to that particular need. But I also want to say one other thing. Professionally I work for an agency that serves HUD so we deal with housing on a daily basis. We work around the country and we see a lot of people in need of housing and this is an opportunity for the county to really step up and allow attainable housing community to be developed in Monroe County. It is

much needed in Monroe County and in many places around the country are desperate for decent affordable housing or attainable housing, whatever word you want to us. So, I really ask the Planning Commission to really take to heart some of these point and some of the considerations that might be impactful for our community, our family and others that are listening and trying to decide what they would do in the future. Thank you.

Clements: Thank you Jill and we all from the county give your mother warmest wishes and regards. Are there any other members of the public who would like to speak in favor of this petition? If there are none, would those that would like to speak in opposition to this petition, please raise their hands? So, we will begin here with Patty and Dave Bush.

### **REMONSTRATORS – REZ-21-1 – The Trails**

P. Bush: Hi, my name is Patty Bush and I live at 1250 West Church Lane. I am an adjacent property owner to the proposed petition site, which is appropriately zoned RE1. The Commissioners packets include over 100 letters of remonstrance to this proposed development. These letters include concerns related to density, traffic, noise, which are very important issues. Other valid and documented concerns are the critical watershed, flooding, pollution, moor, impervious surfaces and many environmental impacts. This petition site is on a very steep hill. The sites stormwater runoff will increase in volume due to the significant increase in impervious surfaces and the removal of mature trees and green space. The current detention basis design and its outflow will not support stormwater runoff such as we experienced in February 2019 as stated by the current MS4 Coordinator. Victor Pike has been described as major collector. However, Victor Pike is a narrow, rural road and a road that floods. I urge you to review the letters of opposition and pictures of area flooding with property damage with similar development upstream. Many adjoining neighbors, some living here more than 45 years urbanization of this rural area is not in our best interest. Thank you for listening.

D. Bush: This is Dave Bush. Jackie, may I have an additional 3 minutes? I won't take the full 3.

Clements: Yes, you may.

D. Bush: Thank you. I appreciate you allowing that. Dave Bush. For the past 22 years I have lived at 1250 West Church Lane. I also am an adjacent property owner to the petition site which is currently in my opinion appropriately zoned RE1. The Commissioners packet includes over a 100 letters of remonstrance to this proposed high density development, in opposition of that development of those 36 are from fellow property owners who live adjacent or very near the petition site. I think there are 3 that the petitioner's indicated are in support. Well, we have 36 in opposition. Common themes have emerged from these objections with a center around density, traffic and noise. Other valid and documented concerns are the impacts of development in the Clear Creek Watershed including flooding, increased stormwater runoff from increased impervious surfaces in the watershed and increased stream and groundwater pollution. The petitioners have attempted to reassure these concerns by including minimally sized retention basins that are designed to hold 800 year flood events. What is a 100 flood event? It does not mean the event will happen once is 100 years. A 100 year flood event means, a 1 in 100 chance of meeting or exceeding that amount of rain fall every time it rains. Certainly this is a threshold that could

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exceeded more and more frequently in our time of accelerated climate change and once those detention basins are overtopped the whole dynamic changes and you go from retention to a flash flow right into the streams. So, they only work up to an 800 year event. At that point in excess of that they are essentially nonfunctional. The Residential Estate 1 zoning was conceived to allow for a natural transition from the hustle and bustle of High Density Urban and Suburban living to the tranquil and peaceful environment of rural living. Just because a property sits along a walking trails doesn't mean it is an appropriate site for a High Density development. Many of the people who submitted remonstrance statements in opposition to the proposed development indicated that they enjoy using these sections of the Clear Creek and Bloomington Rail Trails to get away from their urban area. Make no mistake about it the petitioners have proposed building these \$250,000 to \$400,000 homes on this site in high density proximity not because they want to do Bloomington and Monroe County a favor, they are proposing this density because they business plan tells them this density will provide the maximum financial return on their investment dollars. Understand that. Why should we be left dealing with the aftermath?

Clements: Mr. Bush your time is finished. I would like to allow them to finish their sentence after the buzzer rings anyway. So, the next person to speak and recognize are John and Susan, each would have 3 minutes. So, John and Susan if you are here.

Susan: Can you hear me?

Clements: Yes, Susan, yes.

Susan: Yes, ok, great. Well, it will just be me speaking. My husband chooses not to speak. But he opposed to the development. I have two main things that I want to present. First of all is the usage of the 2 trails. I am a very frequent user of the Clear Creek Trail. I am there at least once a week and there are walkers, stroller, bicyclists, roller bladers, even roller skates, dogs, I have even seen a person walking their cat on that trail. I am concerned about the crossing of Victor Pike at that crossing point and the 2 places where Rail Trail and Clear Creek Trail both cross that road. Those are really high roads right now, the traffic on those roads is high and I feel afraid sometimes crossing those trails. The site is not that clear and I cannot understand why this development is not going to add traffic to both of those roads. Secondly, I am concerned about the density. I just feel like that comment that was previously made that there is a buffer between urban and rural for a reason. One home or one unit per acre is a reasonable amount to flow from an urban area into a rural area and I also thought that on one of those slides it indicated that on these particular units the backyard size is 10'. I hope I read that wrong. Those lot sizes seemed terribly small. If they are supposed to be for a family I don't understand how children can really play in a yard that is so small and if they are supposed to play in that Terrace Park that didn't look like a very hospitable welcoming place either. I think the whole area needs more trees. It needs more grass. It needs few roads, bigger lots and let's try to keep a higher quality of living in our Bloomington area. I have lived here since 1957 and I have seen a tremendous amount of change in Bloomington in that length of time, not all of it is good but we are striving to maintain a wonderful community here and I would just urge the county to continue with that fine tradition. Thank you everyone for your input and your work and for my opportunity to speak.

Clements: Thank you so much Susan and John. Ok, Mr. Loftman.

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Loftman: Ok, am I on now?

Clements: Yes.

Loftman: Very good I see my text. As always, you all are so patient with everyone and this process. I appreciate. Jackie was very clear that HR was inappropriate and I agree HR is inappropriate. Mr. Schilling as Council said you can't approve MR if the petition is for HR unless the petitioner's amend it. Very clearly the petitioner said HR, HR, HR. They are not amending. So, either you have got to approve the HR against the advice of your own staff and over 100 people opposing to it and we don't even have an accurate plan presented. The plan that they have shown has 145 lots but they say we are going to have 160. This should not be approved under any circumstances. The Homeowners Association if they have any sense about it the first thing they are going to do is ban the general public from parks or just get rid of the parks. Because that is going to be a children's play park and a dog park. How much is the liability insurance going to be on that? It is a completely unsustainable plan as is and it should certainly be defeated because staff feels it is inappropriate. The petitioner says that a 1.4 acre lot is consistent with 2.1 acre minimum lot. It is just, there is no, you know, it is almost 50 percent bigger. It is 50 percent bigger and then they say well, the average would be. It doesn't have anything to do, the average has nothing to do with this and I hate to get personal but I feel it is important. The petitioner is saying, oh, we have worked with all of the neighbors. On one of the earlier meetings they showed a tree diagram which I had been trying to get they sent me an incomplete one. I said please send it to me and they refused. They said they wouldn't send me anything unless I would accurately portray how nice they are. This is an HR petition. You all should evaluate it as an HR petition. It is an inappropriate HR petition and you should refuse it and deny it tonight. If they want to come back with a new plan, fine. Again, thank you for all of your time and attention.

Clements: Thank you Mr. Loftman. Ms. Symone.

Symone: Hi, can you hear me?

Clements: Yes.

Symone: Bear with me, new computer. Hi, my name is Jean Symone. I am a City resident and I don't usually speak at County Plan Commission meetings. But the recent up-zoning issue in the City and the proposed annexation of County land have made it clear that the issue of one affect the other. I am against this increased density proposal for a few reasons. The density proposed here assumes a general bias housing shortage that in fact, I don't find evidence of. It is based upon an assertion and popularized by the mayor that we are experiencing a 1 to 2 percent population growth rate that is not supported by the best current data. The Indiana Business Research Center, the Kelley School, has reported this year to the Governor's workforce cabinet that our projected population growth in Monroe County is less than 0.7 percent, which is the historical average, which is seconded by the American Community Survey projections. US birth rates have been in decline since a high in 1963, when a woman statically had 4 children. By 2006 that rate was halved to 2.1. Today it is only 1.7. The issue facing the greater US economy moving forward is a younger population too small to buy the houses the baby boomer will be leaving. This dynamic is reflected here in Monroe County. Again, reported to the Governor's workforce cabinet by the Business

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Research Center that our local population is hollowing out. Last year was the first in which the elderly population growth exceeded younger growth. In short, the number in size of existing families is shrinking and the notion that if only we would build more family friendly housing the population would grow is frankly matchbook thinking. Furthermore, there is demographic evidence mounting that projects a covid baby bust, which is a consequence documented pretty commonly after recessions or national disruptions like a pandemic. Like we have a certain amount of pent up demand for ownership, the current market availability of single family homes at or below \$250,000 suggest that only a small percentage of that demand has the financial readiness to buy, which raises the question of whether or not the prevailing wage paid really is sufficient to afford homes within this price range. Thank you.

Clements: Thank you so much Ms. Symone. Thank you for all of those facts and that interesting information. Is there anyone else here that would like to speak against this petition? I would also ask is there a way to ask the callers in if they have, would like to make?

Nester Jelen: There is one phone call and one person call in and it is Daniel Butler.

Clements: I see. Given that, we move back to members of the Plan Commission for further discussion. Mr. Enright-Randolph?

**ADDITIONAL QUESTIONS FOR STAFF - REZ-21-1 – The Trails**

Enright-Randolph: I want to follow up with the last question that we had to staff precipitated from Mr. Guerrettaz. So, I guess the reason that you are not supporting this petition is strictly due to density?

Clements: Who are you asking this of, Mr. Enright-Randolph?

Enright-Randolph: To staff because when the question was asked earlier I guess as one of the main criteria that I think I observed but I just wanted to ask the question a little more directly.

Nester Jelen: So, Trohn to answer your question the staff recommendation for Medium Density Residential with the basis for the recommendation was on the first page so it included a number of items but density certainly intensity of the residential use, so high density residential is the most intense use of the residential spectrum, medium density is medium, low density is low and then you get into the rural zones. So, I think our basis and recommendation is listed there. If you have any further questions.

Enright-Randolph: Yeah, just one follow up question. So, if the petition was proposing medium density would staff be supporting that proposal? I know that might not be a question you can ask. It is a little back and for on me to understand what position staff is really taking if the proposal was for MR versus an HR.

Nester Jelen: Trohn the recommendation that staff has made is that we would recommend a rezone to Medium Density Residential or MR.

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Enright-Randolph: Ok.

Clements: That would be a separate petition.

Nester Jelen: It would have to be amended as Mr. Schilling pointed out. The petitioner would have to agree to that and amend their petition, which to their points earlier they are recommending they would like a rezone to HR, High Density Residential.

Enright-Randolph: Right but when it says it appropriately fits doesn't really cut to the meat of the sandwich of yes the staff will support this MR if that was what the petitioner was perusing. Thank you. You did an excellent job answering my question. Sorry, I have to put people in the hot seat. It is not one of my favorite things to do but thank you so much I appreciate all your time and effort and everyone within the Planning Department.

Clement: Thank you. Is there any other member of the Plan Commission who would like to discuss this further, make a comment? If not, is there anyone that would like to make a motion? Or we just continue it to the next meeting.

Schmidt: Jackie, we would like a chance to respond. In the past we have been given...

Clements: I'm sorry. Your time is completed.

Enright-Randolph: I had my hand up and my question was actually going to be to the petitioner.

Clements: Yes, Mr. Enright-Randolph.

Enright-Randolph: Are you prepared to consider amending your petition and do you want to discuss that today or if have observed there is no tremendous support would you rather discuss that at a following meeting? The elephant in the room.

Schmidt: I will answer that. It was a good question. I will be honest will you, we are a little bit surprised. We were as you were very surprised by staff's recommendation, given the fact that 2 months ago they told us to do this that they thought this was the vehicle that brought this particular development to sight. I guess, what I am a little confused on and would like a little bit more clarity here is we are talking about a difference of maybe 20 houses. I guess what we are trying to do, people keep saying we are doing HR but in reality what we are asking for is the diversity of HR but the density of MR, which is exactly what the Comp. Plan request. It is literally to the "t" what the Comp. Plan requests and so I am a little confused I guess, we are willing to do something but we are not really sure we understand why this is not ok and what the difference is between MR and HR relative to this petition. Yes, of course. MR and HR are very, very different but in this particular case they are not. In fact, we are asking for something that is less than the MR density. So, I just we are always open and have been for the last 6 months open to discussing but what we haven't gotten and what we don't feel like we understand is what is it exactly that is not ok with the petition as is but then would be ok under MR. If you understand my point.

Enright-Randolph: I understand Mr. Guerrettaz went right to the point with the variants of lot sizes

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that are allowed in the HR. I am not against that. I think that could help with a number of different components with purchasing of land and such. Ultimately, I am going to put my position out there and I will be included after this, with so much remonstration and staff not supporting this I am hesitant to be in favor. Now, if it is just the number of homes being built and we are trying to reduce that to be more appropriate with that first draft we saw that was what 130 and they are looking to build 160. If somehow we reduce it by 30 lots and staff can get behind that then I could most likely support it moving forward but right now it is quite a challenge, just to let you know where I stand.

Clements: Thank you, Mr. Enright-Randolph and I would like to recognize our Planning Director Larry Wilson, then Mr. McKim and then Ms. Owens.

Wilson: First of all I want to respond about the Comprehensive Plan calling for Mixed Residential housing. That is a study in the Comprehensive Plan. That does not mean that we want every development to have Mixed Residential housing but that the area that is under the study have a mix of housing. Otherwise we would have to basically say, we want each development to have a mix of housing and the plan does not anticipate that we are going to have a mix in every development. What we are looking for in the community in the neighborhood is a mix of different housing types. Secondly, in regard to the recommendation for MR, MR is a 0.21 acre lot. That is a fairly small lot for Indiana and to compare the HR, it is the highest density that we have in the single family housing with a 0.14 minimum lot size. San Francisco's average lot size is 0.13. This is roughly the same minimum lot size as the average in California. We felt that given the lack of many of what we consider appropriate urban amenities for HR, the highest density for single family housing, such as immediate access to mass transit, proximity to shopping, I mean the closest shopping is 1 mile away, the lack of a way to do the site in a manner where you actually have blocks with cross traffic, ways for people to walk without having to go around a looping drive to get to play with the neighbors kids, all of those issues, really and this is as transition area, between rural and urban, so that is why we felt that the density that we would recommend whether sewers would be MR in this area. We get criticized for being negative so we wanted to basically say we think we would support an MR zone because based upon the plan we feel that is the appropriate level zone. If it is going to be subdivided into smaller lots, MR would be the way to go. However, we make a recommendation, we just make a staff report, what we think our findings are, it is up to the Plan Commission to make a recommendation to the Commissioners and up to the Commissioners to make a determination as to what the proper zoning for this parcel should be. We are trying real hard not to get tied up in political nature of this situation by saying, well, we think if you are going to rezone it for a subdivision, which will require a sewer, MR would be the appropriate zoning for that, with a minimum lot size of 0.21. You don't have to like, it is not a case where the minimum lot size 0.21 you have to divide the entire property up into 0.21 acre lots that is the minimum lot size. You have flexibility built in, in how you work your lots around. You can have some lots that are 0.21, some lots that are 0.34 and that is the way that subdivisions work. It is based upon topography. It is not a straight grid where you are entitled to divide up a flat piece of paper into maximum of lots. Again, we try to tell folks what we think is appropriate zoning. It said in the Comprehensive Plan that if sewer and water is available that would support a more dense housing type and subdivision so that is where the MR recommendation came from.

Clements: Thank you so much Mr. Wilson for providing that comparison, your justification and

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also instruction. I really appreciate it. Mr. McKim, Ms. Owens and then Mr. Stainbrook.

McKim: Yes, I do appreciate the guidance that staff has given on MR and the thoughtfulness by which they have approach trying to address the Comprehensive Plan and the Urbanizing Area Plan. I think that is a good recommendation. I think this comparison to the bay area is absurd and over the top honestly and that is not the kind of density that the petitioner is asking for, hence the cap on the number of lots. What they are asking for is the flexibility of HR, not the density of HR. But that said, I do appreciate the guidance on this. I do have a question about the, I wanted to return to the drainage issue. One of the members of the public made some fairly specific, I guess allegations is the best word I can think of at the moment but allegations that the drainage features are dramatically under sized for what would be needed and to be able to handle the 100 year flood, the one and one hundred chance in happening every chance it rains. So, I am wondering if the petitioner could address those concerns.

Butler: This is Daniel with Bynum Fanyo. Do you want me to address those now?

McKim: I would. Thank you.

Butler: So, we went through a few iterations with the Drainage Board and we have software that gives us a size basin and we followed that up with kind of schematic grading and we break the site into basins depending on the current site topography, determine a certain amount of runoff that would go to each one of those basins and so with using some calculations we determined the current site runoff. Everything here is ultimately flowing to westbranch clear creek and into clear creek and so we take every piece of the site its current direction and then we do an ultimate offsite. Actually, the one problem with the overall map that we give is that it is 100 scale, meaning everything looks a little bit smaller than it actually is. These basins will be quite large in order to handle 100 year flood. Even if they were to overtop we always have measures in place for emergency overflow to handle that and appropriately take into the creek. That is true though our calculations do show and we are able to achieve what is required now in critical watershed that we are going to hold to that in our additional calculations. So, we are committing to that our additional calculations when this approved we will further show that.

McKim: Thank you.

Clements: Thank you Mr. Butler. Ms. Owens.

Owens: Thank you. Mr. Wilson really said a great deal of what I was thinking. But because something meets or says it meets the spirit of the Comprehensive Plan doesn't mean that it meets the Comprehensive Plan. We wouldn't be having a discussion about the sizes of weren't an issue, if they met that part of the Comprehensive Plan then we would all say ok that is great. I think that the Medium Density recommendation is fair. I think that I don't know if the remonstrators would be even interested in that. But having over 100 remonstrators against this particular petition and some of the big numbers that I have heard presented as well as just emotion and opinion especially of course the numbers speak to me loudly and I think that we need to pay attention to our staff's recommendation. Thank you.

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Clements: Thank you Ms. Owens. Mr. Stainbrook.

**FURTHER QUESTIONS FOR STAFF - REZ-21-1 – The Trails**

Stainbrook: Given where we are at this point, **I move that we reject this petition or perhaps better said move the petition forward to the Board of County Commissioners with a negative recommendation.**

Clements: Is there a second?

Owens: I will **second**.

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

Wilson: Preliminarily we need a motion to waive the second hearing.

Adkins: If I may, based on what we received from the Planning staff, would we have another meeting to consider the latest recommendation, please?

Clements: Mr. Donnie but you were not recognized and a motion has been made and seconded. Mr. Stainbrook, are you going to amend your motion to waive the second hearing?

Stainbrook: Yes, Chairperson, in terms of Larry's statement but with that as you pointed out I do have a motion on the floor.

Clements: **Would you amend it to waive the final hearing?**

Stainbrook: **Yes** that was my intent. I haven't spoken well with that but yes, I am sorry.

Clements: Dee Owens is that a motion that you second then, the amended motion?

Owens: No, I didn't understand that. This is the preliminary hearing and there is another opportunity for a final hearing. Is that correct?

Nester Jelen: Yes. Dee the recommendation is if you would like to second Mr. Stainbrook, he is saying recommend denial to the Plan Commissioners and waive the final hearing. Would you like to continue your second or do you remove your second?

Owens: I understand. **I will go ahead and leave my second on yes.**

Enright-Randolph: I have a point of order and it is due to procedure. After there is a motion and a second is there not any further discussion or do we go straight to roll call? Because I have served on numerous boards and after some motions and a second we bring it back to the Commission for a final comment.

Clements: I think you do that during your vote that is our tradition in the county.

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Enright-Randolph: By the rules of order, I would like to hear our legal's opinion, Robert's Rules of Order is what we are supposed to be following.

Schilling: Trohn, we really don't follow Robert's Rules of Order. It is generally the President is in charge of the maintaining order. So, I think it is up to Margaret as to whether this proceeds or not.

Clements: I feel that we have heard from the members of the Plan Commission. The members of the Plan Commission have asked and received feedback from the petitioner. We have heard from the public. We brought it back to the Plan Commission to discuss it among ourselves further and I feel that we have exhausted that. A motion has been made. It has been seconded and I think it is time to call the roll. Mr. Wilson...

Enright-Randolph: I have another point of order. We were still at the Plan Commission discussion phase and you did not ask for a motion at that time and then when Mr. Stainbrook raised his hand and proceeded to make a motion that could have stifled other Plan Commission members from speaking due to the fact that we weren't prepared to hear a motion because we were still in the discussion phase. One, I just want to make that clear and on the record and two Madam President provide and proceed as you wish.

Stainbrook: Point of order.

Clements: Mr. Stainbrook. No other hands were raised at that time for discussion, that being said, if there is a desire to bring it back to discussion among the Plan Commission members I would like to have a motion from the Plan Commission.

Stainbrook: Margaret, point of order.

Clements: Yes, Mr. Stainbrook.

Stainbrook: Thank you. I know this is getting confused. Margaret you are kind, almost as kind as Jackie that mentioned that other day in handling all of us disruptive people but I shouldn't take our time fusing over that. But again thank you. Trohn, I was on your side mentally. I wasn't going to interject. But I thought you had a good point of order in spite of David Schilling esquire I think you had a real good point. But now you have lost me. There had been discussion and I offered a motion. There is nothing to preclude that if Chair recognizes me. Now you may think that was I don't know what discomforting or inconvenient but Madam Chair there is a motion and there is a second. Please let's move on.

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

Wilson: The vote is on the petition to rezone The Trails Subdivision to HR with commitments to limit the number of lots, let me start over again. The motion is to send a negative recommendation to the Commissioners on the REZ-21-1, petition to amend the zoning map from RE1 to HR for the Trails formally White Oak on the 44.07 acre parcel located at 4691 South Victor Pike. A vote in favor is a vote to waive the second hearing and to send a negative recommendation to the Monroe County Commissioners in regard to the petition to amend the zoning map. I will now call the roll.

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Geoff McKim?

McKim: No.

Wilson: Jim Stainbrook?

Stainbrook: Yes.

Wilson: Bernie Guerrettaz?

Guerrettaz: I have a question relative to the vote.

Clements: Yes.

Guerrettaz: So, my question is since we are basically truncating this petition after the petitioners said that they are interested in looking at the MR after from their words just realizing over the last probably 10-14 days that this was going to be a recommendation from the staff, I found very helpful frankly. Thank you very much staff. I really did. They have an opportunity to change the petition at the Commissioners stage to an MR petition or does our vote tonight finalize it for the HR and they will have to resubmit an MR petition and start through the process all over again?

Wilson: The vote basically sends a negative recommendation to the Commissioners immediately. The proposed zoning map would be certified with the Commissioners they in turn would hold a public hearing.

Nester Jelen: Sorry Larry, I accidentally muted you. I was trying to mute. Sorry.

Wilson: Ok, let me start over. Basically the vote sends the petition to the Commissioners with a negative recommendation. The Commissioners can either approve it as submitted, deny it as submitted, or send it back to the Plan Commission as amended for an additional hearing. However, they cannot vote without taking it back to the Plan Commission to rezone it in any way that deviates from the petition that is being certified. Any deviation would have to go back to the Plan Commission for addition hearings.

Guerrettaz: Understood.

Wilson: Ok, does that make sense?

Guerrettaz: It does and I appreciate you and Dave both explaining those.

Schilling: But let me say something Larry. There is one case, City of Crown Point, where in front of Town Council a petitioner amended their application and the court said they could do that. So, you know, I guess that is something that Council for the petitioner can look at. The City of Crown Point versus Misty Woods Property, 864 East Second, 1069, page 1080, and they can raise that with the Commissioners if they think that applies.

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McKim: Point of information.

Clements: I am just really sorry.

Stainbrook: Madam Chairperson this is ridiculous. Now the County Council is advising Council for the petitioner. We are voting. Let's vote or just close the meeting and go home.

Clements: I agree. Mr. Wilson, would you please continue to call the roll?

Wilson: I will continue the roll. The current vote so far is Geoff McKim, No. Jim Stainbrook, Yes. Bernie Guerrettaz?

Guerrettaz: No.

Wilson: Margaret Clements?

Clements: Yes.

Wilson: Julie Thomas?

Thomas: Yes.

Wilson: Amy Thompson?

Thompson: No.

Wilson: Trohn Enright-Randolph?

Enright-Randolph: I am not going to use my time to make a comment. No.

Wilson: Jerry Pittsford is still not in attendance correct?

Nester Jelen: Correct.

Wilson: Dee Owens?

Owens: Yes.

Nester Jelen: **Motion fails 4 to 4.**

Wilson: We require a majority for any motion, so in the lack of 5 members voting in either for or against the motion, it fails.

Enright-Randolph: **I would like to make a motion to move to our next regular meeting for the final hearing.**

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Thomas: We don't need a motion for that.

Guerrettaz: **Second.**

McKim: We don't need a motion. It automatically moves to the next one.

Guerrettaz: I know I made second. I didn't make a motion Geoff.

McKim: Sorry Bernie. We are getting punchy.

Nester Jelen: Ok, so if there are no other motions made then we will go ahead and hear this at the July Plan Commission Meeting and the regular meeting will be on July 20<sup>th</sup> at 5:30 pm.

Clements: I would like to assert that should the residential zoning change from a PUD to an MR that it is completely different petition and that the petition needs to be advertised and the public needs to be informed and right now the zoning is RE1. A proposal for PUD is on the table and we are not going to confound it hearing about MR.

McKim: No. That's not correct.

Nester Jelen: It is actually High Density Residential. PUD is off the table.

Clements: Ok, High Density. Ok, so if there is an amendment between now and then public notice has to be given and we have to do our due diligence to inform the community and I am really disappointed in our Plan Commission in our function tonight. I have to say that as President of the Plan Commission I feel that I feel disrespected. I have to say that and I really don't appreciate that. So, let's move on to the next item on the agenda.

**The motion in case REZ-21-1, The Trails at Robertson Farm Rezone from RE1 to HR, Preliminary Hearing, Waiver of Final Hearing Requested, motion failed due to lack of majority votes. (4-4)**

**NEW BUSINESS**

**2. Ord #2005-32**

**Heritage Creek PUD Extension Request**

**Preliminary Hearing.**

**Waiver of Final Hearing Requested.**

Two (2) 6.60 +/- acre parcels in Section 29 of Clear Creek Township at 9300 block of S Harrodsburg Rd (Parcel #: 53-11-29-300-047.000-006 & 53-11-29-301-044.000-006).

Owner: Miller-Robertson Inc

Zoned PUD. Planner: [jnester@co.monroe.in.us](mailto:jnester@co.monroe.in.us)

**BOARD ACTION:** Clements introduced the petition.

**STAFF ACTION:**

Nester Jelen: This is a request for Heritage Creek Planned Unit Development to extend their PUD zoning allowance to allow for an amended petition for this site. The location of this is at the 9300 block of South Harrodsburg Road. It consists of 2 parcels totally around 6.60 acres in Section 29 of Clear Creek Township and the owner is Miller-Robertson Inc. As I mentioned the zoning is currently Planned Unit Development. We are reviewing this in relation to Chapter 811, which allows for the Plan Commission to extend the time or to initiate action to amend a zoning map as to rescind the Planned Unit Development designation. So, just to give you a little bit of background here the petition site was originally rezoned to Planned Unit Development in 2001 and that allowance under that ordinance was for 10 duplexes, 1 bedroom and 1 story. There was a development plan approved in 2001 but never completed. In 2005 the Planned Unit Development was amended to allow for 9 4-plexes on one lot. In 2005 they submitted again a development plan, which was not completed. So, fast forward to today and we have been contacted for a request to locate duplexes on the site and that utilities are partially installed. Before a petitioner or owner proceeds with an outline plan amendment to potentially change for their requested development, we are reviewing this in relation to Chapter 811 to see that the Plan Commission would still like this Planned Unit Development to proceed.

Clements: Ok, I would like the 2 participants who have raised their hands for them to be lowered because we are here at a time for discussion.

Nester Jelen: Sure. Tech Services, if you could lower the hand raise for now. So, the location map is in the Clear Creek Township and it is located near the intersection of Popcorn and Harrodsburg. The slope of this area is relatively flat. Although, you will see that there is a partially constructed road through the northern parcel and then a drainage easement through the property and some downward slope toward a detention pond that has been partially constructed as well. The Comprehensive Plan has this full area as Designated Community for the Harrodsburg area and the current zoning of the area includes Planned Unit Development. There is a Planned Unit Development to the north so it is more closely related to Light Industrial, so this light blue color is similar uses. There is also Suburban Residential, Urban Residential, Low Density Residential, and Agricultural Rural/Reserve. So, you have several different uses in the area, some residential, some institutional, industrial, business, a lot of different uses. They have had the property surveyed in the past and just note as it exists today there is a 50' drainage easement that runs through the property. There is existing sanitary sewer and by the request of the Plan Commission from the last

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meeting that the petitioner's representative, Mr. Butler, has put together as As-Built of the site, which I have side by side with their 2005 approved development plan and I will just kind of walk through a couple of the important points. So, where my cursor is right now is the storm infrastructure and you also have the sanitary infrastructure as well. So, you can see that a lot of the storm infrastructure has been installed. There has been some installation of the sanitary. The road is still listed as gravel and there is note of retention pond with some connectivity there but it is not all the way built out as it was intended in 2005. This wouldn't meet today's standards for a development. Just an aerial photo of the site today. Again, partial installation of the infrastructure on this site and then the petitioner's representative is asking for an extension of the Planned Unit Development and though they don't want to build 4-plexes, what you are considering tonight is an extension of the latest amendment of the PUD, which would accommodate 4-plexes. They would however, would be more interested in duplexes. So, staff gives a recommendation of denial to extend the Ordinance #2005-32, which allows for the 9 4-plexes and we are also looking for approval to request the waiver of the final hearing. Now, let me kind of explain and walk through some of the, I guess next steps if denied or approved. If it is denied to extend the request for a Planned Unit Development, the Plan Commission could do one of two things; initiate a rezone of the property to follow the Comprehensive Plan for the area. Alternatively, signal that you are not interested in ordinance extension for the 4-plexes but you could allow the petitioner to apply for a new outline plan amendment showing duplexes instead of the 4-plexes and not immediately initiate a rezone of the site. Alternatively, if approved the petitioner could proceed with proposing a development plan for staff that meets the current ordinance or file an outline plan amendment to amend the latest approved PUD zoning. So, I wanted to walk through that, just a quick presentation. Does anyone have any questions from the Plan Commission at this point?

### **RECOMMENDATION:**

Staff gives a recommendation of **denial** for the extension of the Ordinance # 2005-32.

Staff gives a recommendation of **approval** for the request to waive the final hearing.

### **QUESTIONS FOR STAFF – Ord#2005-32 – Heritage Creek**

Clements: Julie, Commissioner Thomas?

Thomas: Sorry. I have a question for Ms. Thetonia about this because I am curious about the drainage situation on this property and whether what has been installed is going to be a problem because it has been partially completed. Is that going to lead to more problems because it is only partially done? My concern is if we deny for whatever reason or rezone or that remains on the property and I don't know if that has to be addressed or if there needs to be some remediation.

Thetonia: Hi, Julie. I can speak to them when we are reviewing plans to get a current condition of the infrastructure. I think it would be definitely a good idea to do that before hand rather than go into the as-built phase when everything is built out and find that the pipes were damaged. I think that is a really great idea and a great point. We do have a new Stormwater Inspector as well who we have available to also get eyes on the structure.

Thomas: Thank you.

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Clements: Jackie, are you finished presenting everything you wanted to present?

Nested Jelen: Yes.

Clements: Ok. Are there any other questions from the members of the Plan Commission for staff? If there are none, we will go to the petitioner or the petitioner's representative to hear from them.

Nester Jelen: I believe that is Daniel.

Clements: Ok, Mr. Butler.

**PETITIONER/PETITIONER'S REPRESENTATIVE – Ord#2005-32 – Heritage Creek**

Butler: Hello, everybody. I will just give a quick introduction here but tonight with me I have Steve Robertson and Dennis Miller. We provided a map that we did a survey on couple weeks ago, so this is current. This is a current As-Built Survey of what is actually out there. Julie is correct that when we would go to do the work on the rest of the site we would be making sure the pond was to its status that it was designed for and is what the As-Built Survey helps us with. So, no doubt there will have to be some, a little bit of extra probably scooping out of sediment and things that have probably have acclimated throughout the site, so no we couldn't just leave it as is. But just to give you an idea we have approximated the current improvements that are out there now toward the current plan is about \$150,000 worth of improvements that went toward the plan that was approved in 2005. I will leave it at that. That was kind of an introduction. I don't believe we mind which vehicle you would like to take this with if it is the original PUD or if you want to rezone it under a certain zone but we would like to do the plan that was approved in 2005 and that is what is what we are going toward, so whatever is most comfortable with the Plan Commission is fine with us. But I will give it to Dennis and Steve and I think they will give you just a little more background on the project if you don't mind.

Clements: Yes, Mr. Butler.

Nester Jelen: Tech Services, can you allow Steve Robertson to speak?

Butler: Steve Robertson or Dennis Miller.

Miller: Can you hear us?

Clements: Yes.

Miller: Hi, good late evening everyone. This is Dennis Miller and I am here with my friend Steve. Steve and I grew up around Harrodsburg. We have lived around the community all of our lives and when the Harrodsburg Rural Community Growth Polices Plan went into place, we found at that time to add a few homes to the town and we worked hard with the staff at that time, the community did, several meetings with Planning staff at the Harrodsburg Community Center. They targeted different zoning in the business core area of Harrodsburg and it is in a unique setting out of the watershed and it was timed with sewer grants that went in place, which was approved and

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adequate water infrastructure. So, we decided to build a small amount of housing in the neighborhood. That was our goal. We aren't builders or developers. We just had a goal and I would like to say that the retention pond is built to the standards designed by Bynum Fanyo during that time period for the runoff of the 9 rooftops whether they were 4-plexes and now the top floor removed to duplexes, which is half the density so the retention was built at their design and it is all completed with the overflow in the center and the spillway as well into a tributary that was all calculated as water runoff to from the tributary that meandered down through Old Highway 37 to Clear Creek, which was all out of the lake watershed. So, that was all put in place and then there is to the north part of the property where the 4 inch or where the water main connects, which is in place, the water infrastructure is in place as well, city water. To the north, can everyone see the very north tip where the, there you go, Daniel a little higher please, to the right, to the left, to the north of our entrance to the project of Heritage Creek there is a property there that was zoned along West Popcorn Road, it was zoned PUD at the same time, there it is, the Harrodsburg Rural Community Growth Policies was in place. On the west side of that property along the fence line I owned the property at the time and I sold the property that next spring with an easement and a right of way for a sidewalk to be connected all the way to Popcorn Road to meander up to the, to walk up to the community center. So that is in place. There is 200 lineal feet of sidewalk in place on the west side of that PUD property to the north. So, that sidewalks and that our current, well and our Heritage Creek proposal will connect to that existing sidewalk that is in place and I just wanted to mention that, that everyone would recognize that's already built out as well.

Clements: Ok, are there any other comments from the petitioner or the petitioner's representative?

Millers: Yes ma'am. This is Dennis again. Madam President, I forgot to mention Duke Energy and Smithville Fiber, those are in place with 2 transformers, 400 lineal feet in the property and then there is another extension of Duke Energy another 200 lineal feet, so Duke Energy and fiber optics is in the project nearly 600 lineal feet from Harrodsburg Road into the back of the property. All of the sanitary sewer is in place. All of the lateral are sticking up at each building site. The entrance road there was a storm grate there or storm sewer put in, yes it is all in place as well. So, it was all designed by Bynum Fanyo with the tributary and the runoff from the retention for the rooftops at the time again. We had a goal for additional housing in Harrodsburg and we request your best consideration. We are flexible either way.

Clements: Thank you Dennis. Thank you. Do any members of the Plan Commission have questions have the petitioner or the petitioner's representative? Mr. McKim and then Mr. Guerrettaz.

McKim: Yes, Mr. Butler did I hear you say that you did have a path forward with the rezone rather than the extension of the PUD?

Butler: Yes, our understanding is that we could do this several different ways even if it was something like we were talking on the previous case if it was something as simple as even as HR. You could even subdivide this property or you could do some other kind of multi-family housing type zoning that would work out for this plan as it is. So, I believe that we have some options here.

McKim: Thank you.

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Clements: Thank you. Mr. Guerrettaz?

Guerrettaz: Thanks Margaret. Question for the petitioner. The PUD amendment for the 9 quadplexes, that came about in 2005 and you got the approvals, you got the development plan. What halted it? I know you said that you are not developers and I understand that I really do but 2005 it was probably pushing into 2006 maybe when you got all of the paperwork and everything finalized for the development plan. What was the cause of the halt? You put a bunch of work into the property. I mean you physically transformed, you put in the utilities based on the 9-plex, all the sewer, the water, the electric, excuse me, the fiber, the storm sewer, other than erosion control maintenance. What caused the slow up all of a sudden?

Robertson: Ok, Bernie I will answer. Can you hear us Bernie?

Clements: Yes.

Robertson: To answer the question, mostly it took by the time our permits were all approved in February of 2006 it took maybe 2 years of construction to get the infrastructure in to that point. Then if everybody recalls the economic downturn, the financial cliff, claps at the time for 10 years, housing at a standstill, we floated through that time and we maintained the property, kept its wealth, we thought that since the Rural Community Growth Policy Plan was in place for Harrodsburg that with that current amount of infrastructure in place we thought we were in order with the zoning ordinance because we thought we had our 95 percent infrastructure in place. That is the second reason for us not developing it out at that time. We didn't know it had expired. So is the Harrodsburg Rural Community Plan is it still in place or has that been changed? If it has been changed we didn't know that it had been so we had committees and knew that was there for growth around Harrodsburg for a 2 mile radius of proposed growth with infrastructure supporting that town proper, so we didn't move forward because we thought it was in place. Now, what we could have done was built one building. Would one building permit suffice that we started the unit or started the development, is that it, to obtain a building permit?

Nester Jelen: Steve, to answer your question about the PUD being expired. That is what's under consideration for the Plan Commission at this time. So, your PUD is not currently expired. It is active. However, there hasn't been any substantial development, you have partially installed the infrastructure to date, but at this point the Plan Commission is considering whether to extend the latest version of the PUD amendment, which is to allow for 4-plexes. Your question about the Harrodsburg Rural Community Plan, that has not been expired and that is filed in the Planning Office. We have since there has been a substantial time period, updated Comprehensive Plans and subsequent plans since that time, so it still exists, however there may be amendments to that as to what we know now under our Comprehensive Plans for the area.

Robertson: Ok, so may I ask the question. Were we to obtain a building permit? What would that have done?

Nester Jelen: I think you are asking around the question of vesting. So, you have installed some level of infrastructure but it has been a significant time period since you have pulled any permits and so, yes if you would have built out this development in 2005 or even 2001 and partially

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developed it wouldn't be under our consideration, we wouldn't be able to easily be able to bring it before review given that. If Larry or Dave wants to add to that there are a lot of nuances to being vested but a lot of this has to do with the time period that has pasted since the initial infrastructure was installed and that no activity has happened since then.

Robertson: I understand. Thank you.

Clements: Are there any other questions for the petitioner from members of the Plan Commission? If there are none, I would like to go to the public and see if there are any members of the public who would like to speak who are opposed to this petition, or in favor of this petition? Sorry. Seeing none. Is there any member of the public who speak in opposition to this petition? Seeing none. I bring it back to the members of the Plan Commission for further discussion and then a possible motion. Mr. McKim.

**SUPPORTERS – Ord#2005-32 – Heritage Creek: None**

**REMONSTRATORS – Ord#2005-32 – Heritage Creek: None**

**ADDITIONAL QUESTIONS FOR STAFF - Ord#2005-32 – Heritage Creek**

McKim: Yes, this is a question for staff. I guess I would like to hear a little bit more if this were to proceed instead as a rezone. What would staff's recommendation be and what would the path forward be? I think we are all, we all what to, at least I think we all want to implement the Comprehensive Plan to the degree that we can.

Nester Jelen: That is a good question Geoff. I will also note that in hearing from Daniel, Steve and Dennis I think there might be a little bit of a disconnect in understanding that they had requested a pre-design for 9 duplexes and I am not 100 percent sure that we could get there with another rezone though I am open to Daniel showing us a plan for that. So, this is a discussion so extending the 4-plexes but also a discussion about bringing forward an amendment even to allow for the duplexes which was originally permitted in 2001. But to go back to Geoff's question about what kind of zoning would staff support in this area, I am just going to pull up again the zoning map and Comprehensive Plan for this area, so give me just a second. So, as you can see so surrounding this area you actually have a lot of different densities permitted. Urban Residential is similar to High Density Residential and then you also have Medium Density Residential and Low Density Residential. Staff in this area with the allowance of sewer and proximity here, we do have Suburban Residential here, what we are looking for I would say in the Comprehensive Plan and moving forward is some sort of maybe Medium or even High Density if it would allow it. But we are trying to move toward in the CDO Zoning Map when that is released really honing in on the designed community area. In the Comprehensive Plan it is quite large and so we really want to look at that walkability context and that block development. The Medium Density Residential and the High Density Residential would allow for the single family attached home but this other lot to the south is bisected by the drainage easement that is 50' wide and they are also planning for a detention basin here. So, it kind of makes this other portion of their acreage no really accessible, so we are really looking at this portion up here. So, it would have to have fresh eyes and meet today's standards so that may not have been a consideration in 2005 we didn't have the slope

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requirements and the other requirements that may be in to play. Does that answer your question, Geoff?

McKim: Yes. Just as a matter of process, this is the first hearing so that we are under no obligation to take a vote tonight. There is additional time for the petitioner and staff to kind of work together and come up with something.

Nester Jelen: Yes.

McKim: Yes.

Nester Jelen: We want to make sure that the petitioner is very clear on what is being voted on and what the alternatives are, to the extent that they may believe that the 9 duplexes could be permitted under a by right zoning. I would like more time to discuss with them and discuss that.

Clements: Mr. Guerrettaz.

Guerrettaz: Excuse me Margaret, go ahead.

Clements: I just was giving the order to recognize you and then Commissioner Thomas.

Guerrettaz: Thank you. I think Geoff brought up a good comment realizing that this is the first hearing. I am not one to kick things down the road but I think the petitioner understanding of what the options are out there I think is very important and staff may shed some light. Indicated before Jim mentioned he was familiar with the Robertson's and the Millers and I am too, not on a professional basis necessarily but just because I did work done on a sewer project in 1996 I think, anyway and the improvements and the things that these families have done regularly and consistently for that community are huge. If I look at the High Density Residential and if you just do thumb nail map on how many units that would be based on the density table, it is pretty close to 34-36 units on that property. I am compelled and I will stop because I think we will probably hear this again. But I am compelled because I do think there has been a substantial amount of due diligence for the 9 quad-plex plan that was approved in 2005 that we are talking about this evening and I think that the Harrodsburg community is a community where in 2005 this format seemed to be useful and plausible and I think it would still be that way now. So, I will leave it at that. Thanks for letting me kind of ramble there but I think it is a good plan.

Clements: Thank you Mr. Guerrettaz. Commissioner Thomas.

Thomas: Yeah, I think something that you raised before Ms. Clements has led me to ask this question of legal whether it be Mr. Schilling or Mr. Wilson, when you have petitioner that is willing to modify/amend a petition based on the initial comments in the preliminary hearing how do we ensure that the public is notified of that new revised plan? Is there a re-advertisement? Is there another letter that goes out or is it really just, hey something is going on, on this property you need to pay attention?

Wilson: I think that answer is we either did a zoning map amendment to one of our traditional

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zones or a zoning map amendment to our, basically an outline plan amendment to change the terms of the PUD, either one of those are ordinances and they require public hearings and public notice, so it would be no different than any other petition we have for a rezoning. There will be public notice. There will be notice to neighbors as well.

Nester Jelen: Just to add on that because Julie is hitting on the point that this is a request tonight to extend the latest amendment of the PUD, which allows for 4-plexes but the petitioner and their representative are thinking that they might want to construct duplexes, so what we have as an alternative is that you can signal that you don't want to extend the 4-plexes but give time allowance for the petitioner to submit an outline plan amendment for the duplex and then it would go through the normal planning procedure for any outline plan amendment.

Schilling: I would just add one thing. That although case law suggests that a petitioner can amend their application, the Planning Commission is not required to accept that amendment. It is up to the Plan Commission as to whether they would accept that.

Clements: Are you finished Mr. Schilling?

Schilling: Yes.

Clements: Mr. Guerrettaz.

Guerrettaz: Ok, so maybe the potential would be if this was gone ahead and moved or not moved allowed to process to then next meeting, the second hearing and then in the mean time staff and the petitioner and the petitioner's representative got together and discussed what the actual options are to make sure there was good connectivity between the thought processes. They can always withdraw this petition and go ahead and start developing a plan for a rezone or another PUD or some other site development layout that they could bring back to us because would have to happen anyway. So, having this go to the next meeting just gives the flexibility of time that they don't lose a vested petition. But they can always withdraw it and start moving on another type of position after they talk to staff and discuss it a little bit. Does that seem reasonable?

Nester Jelen: Yes. Bernie, this is kind of a collaborative effort in noting that the petitioner doesn't want to do the 4-plexes and also that staff and Plan Commission have the ability under the zoning ordinance to review Planned Unit Developments from time to time and consider whether they should be timed for expiration. The Plan Commission and staff could still proceed with reviewing whether this outline plan should be extended regardless of whether the petitioner agrees.

#### **FURTHER QUESTIONS FOR STAFF - Ord#2005-32 – Heritage Creek**

Clements: Well, there is a lot on the table to consider about how to best strategically go forward and are there other questions procedural or otherwise that any member of the Plan Commission has for staff or for the petition? If there are none, I think then if there is no motion, the only motion that could remain is the motion to adjourn.

McKim: So moved.

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Owens: Second.

Clements: Are there any objects? Seeing none. Have a good night everyone. Thanks so much for the good work.

**No motion in case Ord #2005-32, Heritage Creek PUD Extension Request, Preliminary Hearing, Waiver of Final Hearing Requested, case is moved to the next meeting.**

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**REPORTS:**

**Planning/Wilson:** No reports.

**Legal/Schilling:** No reports.

**The meeting adjourned at 9: pm.**

Sign:

Attest:

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Margaret Clements, President

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Larry J. Wilson, Secretary

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