

DRAFT

**MONROE COUNTY PLAN COMMISSION
Hybrid Meeting - Minutes
June 21, 2022 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, Bernie Guerrettaz, Trohn Enright-Randolph, Jim Stainbrook, Geoff McKim, Jerry Pittsford, Dee Owens, Amy Thompson, Julie Thomas

ABSENT: *None*

STAFF PRESENT: Tammy Behrman, Assistant Director, Drew Myers, Senior Planner

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:

Tammy Behrman introduced the following items into evidence:

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

The motion to approve the introduction of evidence carried unanimously.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

No minutes to approve at this time.

ADMINISTRATIVE BUSINESS:

- 1. SIA-21-6** **Meska/Storms Minor Subdivision – Performance Bond Release**
Two (2) parcels on 18.39 +/- acres located in Section 13 of
Van Buren Township at 3110 S Leonard Springs RD.
Zoned RE1. Contact: dmyers@co.monroe.in.us

UNFINISHED BUSINESS:

- 1. REZ-22-3** **Kings Road Farm Rezone from RE2.5 to AG/RR**
One (1) 19.12 +/- acre parcel in Benton South Township, Section 31 at
5577 E Kings RD, parcel no. 53-06-31-400-002.000-003
Owner: Life Is Better On The Farm LLC
Zoned RE2.5. Contact: dmyers@co.monroe.in.us

- 3. ZOA-21-11/
Ord 2022-12** **Amendment to the Monroe County Zoning Ordinance:
Chapter 801- Definitions
Final Hearing. Changes from Commissioners Meeting 5/11/2022**
Amendment to the ‘Change in Use’ definition, addition of definitions for
‘Site Plan’, ‘Plot Plan’, ‘Structure, Commercial’, ‘Structure, Residential’,
and ‘Structure, Residential Accessory.’
Contact: jnester@co.monroe.in.us

NEW BUSINESS:

- 1. SPP-22-2
(2005-SPP-02)** **Southern Meadows Subdivision Phase II-VI Preliminary Plat
Extension.**
Preliminary Hearing. Waiver of Final Hearing Requested.
Seventy-eight (78) parcels on 33.40 +/- acres in Section 20 or Perry
Township between S Rogers ST and S College DR, Parcel no. 53-08-20-
100-055.002-008. Owner: SOMO Development Company LLC
Zoned MR. Contact: dmyers@co.monroe.in.us
*****WITHDRAWN BY PETITIONER*****

- 2. REZ-22-4** **Young Trucking Construction Shop Rezone from IG to HI**
One (1) 8.5 +/- acre parcel in Richland Township, Section 36 at
1238 N Loesch Road, parcel no. 53-04-36-200-016.013-011
Owner: Arrow Properties LLC
Zoned IG. Contact: dmyers@co.monroe.in.us

- 2. SAD-21-4** **O’Bannon Type E Administrative Subdivision
Waiver of Right of Way Dedication. Waiver of Final Hearing.
Preliminary Hearing.**
Two (2) parcels 3.14 +/- acres located in Section 6 of Bloomington
Township at 6597 & 6601 N Maple Grove RD.
Owners: O’Bannon, Karen; Ogle, Kathy
Zoned ER. Contact: acrecelius@co.monroe.in.us
*****CONTINUED BY PETITIONER*****

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3. ZOA-22-1

Amendment to the Monroe County Zoning Ordinance:

Chapter 815 – Site Plan Review

Preliminary Hearing. Waiver of Final Hearing Requested.

Technical fixes to take out “scaled” in front of “plot plan” and to remove a boundary survey requirement based on lot size alone. Also, remove “architect” as a profession that can certify plot plans.

Contact: jnester@co.monroe.in.us

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ADMINISTRATIVE BUSINESS

1. SIA-21-6 Meska/Storms Minor Subdivision – Performance Bond Release

Two (2) parcels on 18.39 +/- acres located in Section 13 of Van Buren Township at 3110 S Leonard Springs RD.
Zoned RE1. Contact: dmyers@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Thank you. It looks like this one got covered up a bit being converted to a PowerPoint. This one is the SIA-21-6, Meska/Storms Minor Subdivision. It is a Subdivision Improvement Agreement. Essentially, the petitioner has applied to release the full Performance Bond amount that corresponds to the required construction of the cul-de-sac off of South Omaha Crossing Drive which was part of the subdivision process. The next step is for the petitioner to apply to have the road accepted into the County inventory. The ordinance states that a 2 year maintenance bond is required after the construction has been completed to the specifications laid out in the approved construction plans. One item to note is that the petitioner would like the cul-de-sac to not be included in the County inventory and not have to post the 10 percent maintenance bond as well. Overall, basically the Planning Staff is recommending release of the Performance Bond with the condition that all of the requirements under the Stormwater report must first be met. Those conditions have been met. We can see here on the screen a comment from the Stormwater Inspector. They performed an inspection today and determined that their comments have been addressed appropriately. If you will note in your packet there are several items that are required for the release or reduction of Performance Bond and financial guarantee from Chapter 858-8 and you will note that each of those items has reference to a specific exhibit in the packet that clarifies that those conditions or those requirements have been met. So, right now I will take any questions.

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends releasing the performance bond with the condition that all requirements under the Stormwater report must first be met.

QUESTIONS FOR STAFF – SIA-21-6 – Meska/Storms

Clements: Do members of the Plan Commission have questions for Mr. Myers?

Enright-Randolph: I have just one.

Clements: Yes, Mr. Enright-Randolph.

Enright-Randolph: With the roundabout not being dedicated to the County's inventory is there someone from Highway that would like to speak to that? I am curious what their position is on this.

Clements: I believe it is a cul-de-sac.

McKim: Cul-de-sac.

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Enright-Randolph: Cul-de-sac, right, yeah. I understand the developer, petitioner doesn't want to invest that 10 percent in the maintenance fund but does the Highway Department have a different position on this?

Myers: I see that Lisa Ridge and Paul are on the call. I am not sure if either of them want to speak on that.

Clements: Are they on zoom?

Myers: Yes.

Enright-Randolph: So, as we are waiting if Highway has a different position and they would like this to be included in their inventory, I would be supportive of that so I am just trying to understand their position.

Ridge: I think we have done the inspections and we support it.

Clements: Thank you Ms. Ridge. Ok, do you have any other questions? Mr. McKim.

McKim: Is there any reason why we wouldn't want to release the Performance Bond?

Myers: Since all of the requirements of Chapter 858-8 are satisfactory, Planning Staff recommends releasing the Performance Bond of the full amount. There was some conversation with Legal Department about the maintenance bond whether or not the Plan Commission had the authority to waive that requirement and the County Attorney, Dave, can speak more on that if he would like to but it was determined that they could request that it not be included in the inventory and then not have to post the 10 percent bond.

Clements: Ok. Mr. Schilling, would you like to comment?

Schilling: Yes. If they ever changed their mind and wanted to be accepted into the County inventory, the County can inspect it and if it doesn't meet the County standards they can refuse to allow it to come into the inventory or they can require it to be upgraded before it comes into the inventory. So, I don't see a downside to this for the County.

Clements: Thank you, Mr. Schilling. Any other questions for staff from the members of the Plan Commission? If not, online, yes, Mr. Guerrettaz.

Guerrettaz: My question is on the not having it listed in the County's inventory. We are not voting on that, are we?

Schilling: No.

Guerrettaz: Ok.

Schilling: Only the bond.

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Clements: Ok.

Guerrettaz: Thanks Dave.

Clements: Ok. I would like to move to the petitioner/petitioner's representative, if they are here and they would like to address the Plan Commission, we would like to recognize you. If you are online, please raise your hand in order to be recognized. Do we see them?

Myers: I don't see anyone. I am not sure if I can only look at the panelists from my view but I don't see anyone on here.

Clements: The attendees. Ok, well, I would like to open it up to the public. Is there a member of the public that would like to speak in favor of or in opposition to this item on the agenda? It involving releasing the bond back to the builder. If so, please raise your hand. If you are here in person, if you calling in via zoom or by telephone, either raise your hand on zoom virtually or press *9 on your telephone in order to be recognized. Since we don't see anyone I come back to members of the Plan Commission for further discussion and/or a motion.

PETITIONER/PETITIONER'S REPRESENTATIVE – SIA-21-6 – Meska/Storms: None

SUPPORTERS – SIA-21-6 – Meska/Storms: None

REMONSTRATORS – SIA-21-6 – Meska/Storms: None

ADDITIONAL QUESTIONS FOR STAFF – SIA-21-6 – Meska/Storms: None

FURTHER QUESTIONS FOR STAFF – SIA-21-6 – Meska/Storms

McKim: In the matter of, unless someone wants to make another comment, **in the matter of SIA-21-6, I move that we approve the request to release the Performance Bond.**

Clements: Is there a second?

Guerrettaz: **Second.**

Clements: Ok. Great. Ms. Behrman?

Behrman: A motion was made to approve the Meska/Storms Minor Subdivision Performance Bond release. Amy Thompson?

Thompson: Yes.

Behrman: Bernie Guerrettaz?

Guerrettaz: Yes.

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Behrman: Jerry Pittsford?

Pittsford: Yes.

Behrman: Margaret Clements?

Clements: Yes.

Behrman: Geoff McKim?

McKim: Yes.

Behrman: Jim Stainbrook?

Stainbrook: Yes.

Behrman: Dee Owens?

Owens: Yes.

Behrman: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Behrman: The motion passes 8 to 0.

Motion in case SIA-21-6, Meska/Storms Minor Subdivision – Performance Bond Release, in favor of approving the release of the Performance Bond, carried unanimously (8-0).

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ADMINISTRATIVE BUSINESS (added to agenda at the beginning of the meeting)

2. Joint Agreement with Barnes and Thornburg

BOARD ACTION: Clements: Ok, wonderful. We move onto the added item on the agenda and that has to do with adding Barnes and Thornburg on a legal matter that involves the County. Mr. Schilling, if you would like to present the case to us or the item.

STAFF ACTION:

Schilling: Thank you very much. The County, the Plan Commission and the Planning Department have been sued in federal court and the Commissioners would like Barnes and Thornburg to represent the County on the case. Because there are multiple defendants that would be represented by one attorney the rules of professional conduct and ethics require the parties to consent to that representation, the joint representation. Because in some cases one party will have interests that differ slightly from another party and so it is necessary to obtain those consents. In this case I don't see any divergence of interest among the parties, so it is simply asking you to consent to representation of the County, Plan Commission and the Planning Department by Barnes and Thornburg.

QUESTIONS FOR STAFF – Joint Agreement with Barnes and Thornburg

Clements: Thank you Mr. Schilling. Are there questions for Mr. Schilling by members of the Plan Commission? Mr. Enright-Randolph.

Enright-Randolph: I guess I know it is an ongoing case and you probably limited as to what you can divulge but how much can you share with us to give us some sense of what this case is?

Schilling: Well, it is a public record. I can share all of it. What would you like to know?

Enright-Randolph: A summarization of it. I have a sense of what case this is but this is the first I have heard of it so I would feel more comfortable getting a sense of what we are being asked.

Schilling: Well, there is probably 11 or 12 counts in the case raising issues of the constitutionality of our ordinance, constitutionality of the application of our ordinance, questioning actions the County has taken on due-process grounds, on equal protection grounds, so basically the standard constitutional challenges to government activity.

Enright-Randolph: What is the case number or name? I guess.

Schilling: The case is William J. Huff, II as trustee of William J. Huff, II Revocable Trust Declaration, dated June 28, 2011 and Nicole E. Huff as trustee of the Nicole E. Huff Revocable Trust Declaration, dated June 28, 2011 versus Monroe County, Monroe County Plan Commission and the Monroe County Planning Department. This is in the US District Court of the Southern District of Indiana.

Enright-Randolph: Perfect. Thank you. Now, I am up to speed.

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Clements: Ok. Any other questions from the people here physically present? I see Mr. Stainbrook and then Ms. Owens have their hands raised online. Mr. Stainbrook.

Stainbrook: Oh, thank you. I didn't think that Mr. Schilling, I didn't think that Dave would want to share as much as he did really in the public session. I would leave that to Mr. Schilling again but I think generally legal matters are permissible in a closed session but in having acknowledged that I don't know at all what is going on and I think outside council should have been brought in on other cases. You have certainly gone, Mr. Schilling with a prominent firm with competent and sufficient expertise etcetera, etcetera, so I guess Margaret I fully intent to vote yes. I usually don't get into that but brother Trohn has helped me sometimes to understand where he is coming from and how he is voting and so on. So, I am diverting a little bit. I usually I think after the discussion just vote but in this case I want to say I may even abstain because I don't know anything about this at all and I presume the Executive Committee does and the Commissioners do and I think Mr. Schilling, I am sure he does. I don't know if the Commissioner made this decision. I just don't on these legal matters, I know you don't want to do them in public Dave but if I am going to vote going back to the time that Trohn did not agree with me and everyone else on I think we can quote a case, the Huff case, I think I got, I kind of went with the leadership and the people of whom I have confidence, the people that we elected etcetera, etcetera. But I didn't know anything about, I didn't know the first thing about the Huff case and I don't know now. These constitutional issues in circuit court is it, or the district court?

Schilling: District.

Clements: It is the district court.

Stainbrook: Well, I would think local attorneys could go to the district court, maybe Mr. Schilling. Dave did a good job, I guess, of explaining a lot and so on but again you are going to a top notch firm and prominent firm so you must be very concerned that an attorney here locally can't go to the district court. If you were going to the circuit court I could understand. I am just saying I guess Trohn in this case I don't know how I am going to vote. I have no objection to the firm. Ok, that is enough for me Margaret. Thank you.

Clements: Thank you Mr. Stainbrook. I think that Mr. Schilling explained at the very beginning because there is one than one government unit involved that it is good practice to have outside legal representation. But Mr. Schilling if you have anything that you would like to say in response to Mr. Stainbrook's questions or comments it is fair to give you a chance.

Schilling: I don't have anything to add.

Clements: Ok. Thank you. Ms. Owens.

Owens: I couldn't hear Dave talking. Who is the plaintiff on this?

Schilling: It is the Huff Trusts.

Owens: Huff Trust. Thank you.

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Clements: William J. Huff, II as trustee of the Willian J. Huff, II revocable trust declaration.

Owens: Ok, thank you.

Enright-Randolph: Madam President just because my name was mentioned I just wanted to go ahead and state my position on this and I am in support due to advisement from our legal counsel and I just wanted to go ahead and indicate that before we vote.

Clements: Ok. Thank you. So, that being said, I would like to see if there are members of the public who would like to speak in favor or in opposition to this administrative item? If so, please stand up or raise your hand. If you are attending virtually please raise your hand or if you are calling I via telephone please press *9 on your telephone to be recognized. Ok. I come back to members of the Plan Commission for a motion.

McKim: Looks like does Mr. Stainbrook still have his hand up?

Clements: Yes.

McKim: Does he still want to speak again in this?

Clements: Mr. Stainbrook?

SUPPORTERS – Joint Agreement with Barnes and Thornburg: None

REMONSTRATORS – Joint Agreement with Barnes and Thornburg: None

ADDITIONAL QUESTIONS FOR STAFF – Joint Agreement with Barnes and Thornburg

Stainbrook: Margaret, I didn't catch on and it is not Mr. Schilling's responsibility or whatever. I guess I was like Dee in part there, I wanted to give Dave credit for having gone through all of that but I didn't even catch the name and just by chance cited the Huff case as a previous item with which we have dealt. I thought that was, I don't know what can be said here. I thought...

Clements: We can't hear you Mr. Stainbrook.

Stainbrook: Can you hear me now? Margaret?

Clements: Mr. Stainbrook are you finished?

Stainbrook: No. I didn't say anything except can you hear me, Margaret?

Tech Services: We can hear you. Give us one moment please.

Clements: Mr. Stainbrook, are you finished?

Stainbrook: Margaret, can you hear me?

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Guerrettaz: Jim, we can hear you, yes.

Stainbrook: Bernie.

Clements: When you are speaking we can hear you but we have been waiting for your answer. Can you hear us?

Stainbrook: Hey, that's nasty. Tech Services said they were adjusting it. There was something in you kept saying you couldn't hear me so now you can hear me. I thought this was settled a long time ago and I looked to Mr. Schilling for advice. I don't want to say anything wrong. This is a legal matter. But I think that is part of the problem. We have had no previous exposure to this and now we are expected to vote on the law firm. I didn't think it was handled very wisely earlier. I know that some of the people involved, I am going to say Planning, they weren't in agreement. We took the easy way out. I think I can say that. Because mistakes were allegedly made and...

Pittsford: Mr. Stainbrook? This is Mr. Pittsford, can I step in for just a sec?

Stainbrook: Well, ok, Jerry go ahead and do your thing.

Pittsford: Ok, my thing is I wanted you to know that this has gone through the federal court and since there are multiple entities other groups have looked at this and brought this to us and asked if we would agree to it. This is not something that originated with us. Nobody here had any knowledge of this before tonight. It hasn't gone to the Executive Committee and then come before the full Plan Commission tonight. This has simply come out of other hands into ours and asked for our vote and we have received all of the information I think that Mr. Schilling has available to us at this time. Thank you.

Stainbrook: Well, then Mr. Schilling doesn't know much of what is going on. He spoke very...

Clements: Mr. Stainbrook, that is out of order.

Stainbrook: I mean literally, Margaret, that David doesn't have all of the information. I was not talking about proficiency or competence or knowing anything. I am sure he knows that he doesn't want to go to the circuit court but he could go to the district court. In other words, what Jerry Pittsford said to me is that no one and I included Mr. Schilling but leave that out of it. But you are hearing things that aren't being said.

Clements: It is inappropriate for you to make that aspersions.

Stainbrook: I didn't make any aspersion. That's out of order.

Clements: Are you finished with your comments on this item?

Stainbrook: I am finishing that you are accusing me of having said something about someone that I didn't say.

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Clements: Mr. Guerrettaz is recognized.

Guerrettaz: I have got a quick question. So, right now what we have got before us is a lawsuit in front of us and there are 3 bodies that are being sued that are associated with the county. So, instead of each one of us going out and hiring our own attorney or our own council what we are trying to do is having that one council pack all of us together in order to defend the suit and save money but have a common voice in the thread. We are going to have to do something that way that I understand it because we are being sued. So, this is a matter and I respect what Jim is saying about deciding on the law firm and I am leaning on Mr. Schilling by giving us a suggestion that the law firm that the county is thinking of using is Barnes and Thornburg. So, we are going to have to have an attorney because we, the Planning Commission is being sued. There are 2 other people, 2 other groups, 2 other entities in that lawsuit, so in my opinion we should all stand united and have one voice representing us. That is the way that I take this. Is that a fair assessment?

Schilling: Yes.

Guerrettaz: Thank you. So, I can make a motion.

Clements: Yes, thank you Mr. Guerrettaz.

McKim: May I just make one other comment? I just want to make it clear also that this the costs for this law firm are not coming out of the Planning budget or the Planning Department or the Plan Commission. Mr. Schilling will be appearing before the County Council to request an additional appropriation in the legal budget that will cover this. But this is not coming out of the hide of the Plan Commission. This is simply as Mr. Guerrettaz and Mr. Pittsford stated this is simply to allow this law firm to represent all 3 bodies together and I strongly support it.

Clements: Thank you. I would like to recognize Mr. Guerrettaz for the motion that he was about to make.

FURTHER QUESTIONS FOR STAFF – Joint Agreement with Barnes and Thornburg

Guerrettaz: In the matter of the added item to the agenda where Barnes and Thornburg was added as a legal firm to represent the Monroe County Plan Commission in the suit with the Huff property, I move that we allow that to go forward with their representation.

McKim: **Second.**

Clements: Would you please call the roll, Ms. Behrman?

Behrman: Sure. Dee Owens?

Owens: Yes.

Behrman: Jerry Pittsford?

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Pittsford: Yes.

Behrman: Amy Thompson?

Thompson: Yes.

Behrman: Jim Stainbrook?

Stainbrook: I am going to vote but I want to object. I feel that I have been somewhat misread and I am not going to use words that are unnecessarily inflammatory. It would just be creating so ill will here. But I want to make clear that I never said, never implied or meant to suggest that Mr. Schilling did not know what he was doing. I meant to suggest from the vagueness that was presented I didn't know, I couldn't tell if legal counsel even knew of all of these charges. So, I want to be careful that I don't defame or insult or anger or lash out. If I were going to say something about anyone you would know that I said it.

Clements: Mr. Stainbrook I am sorry but the time for (inaudible).

Stainbrook: Now, I vote....

Clements: Tech Services will you please silence Mr. Stainbrook? Thank you and let's continue with the vote and I guess that is a zero for Mr. Stainbrook.

Guerrettaz: He said he wanted to vote.

Clements: Well, he has to vote. He refused to vote. Mr. Stainbrook, I am sorry. You can do it via chat if you would like. I'm sorry. I have to keep this meeting in order. Thank you.

Stainbrook: Hello. Tech Service, can you get me back in?

Clements: I am sorry, Tech Services, he is muted for the meeting for the time being. Can we please continue?

Stainbrook: Then how can I vote? You can't do that Margaret. I am going to go to court myself.

Clements: Mr. Schilling, could you please read in on this?

Schilling: Well, if you care to vote we would be happy to accept that.

Clements: Mr. Stainbrook if you would like to vote, fine vote. Yes, no or abstain.

Stainbrook: Now wait a minute, da** it. I am trying to vote. I voted yes.

Clements: Ok, we have a yes. Thank you Mr. Stainbrook.

Behrman: Bernie Guerrettaz?

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Guerrettaz: Yes.

Behrman: Geoff McKim?

McKim: Yes.

Behrman: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Behrman: And Margaret Clements?

Clements: Yes.

Behrman: It passes 8 to 0.

Motion to approve a Joint Agreement with Barnes and Thornburg as legal counsel for Plan Commission, Commissioners and Planning Department in the Huff legal matter, carried unanimously (8-0).

Clements: Thank you. We have actually some significant items on the agenda and the public is assembled here so I please request of my colleagues to remain with some professional decorum and that is really important to us as a body and important to us with our colleagues and important to us with the public and with our professional responsibilities as we execute our duties and our oath of office here as members of the Plan Commission. So, I please request that we continue without personal dispersions against other members of our staff or of others members of the Plan Commission. So, we will move onto Unfinished Business.

UNFINISHED BUSINESS

1. REZ-22-3

Kings Road Farm Rezone from RE2.5 to AG/RR

One (1) 19.12 +/- acre parcel in Benton South Township, Section 31 at 5577 E Kings RD, parcel no. 53-06-31-400-002.000-003

Owner: Life Is Better On The Farm LLC

Zoned RE2.5. Contact: dmyers@co.monroe.in.us

BOARD ACTION: Clements introduced the petitions.

STAFF ACTION:

Myers: Thank you. This is the second time that the Plan Commission has heard this case. It was last heard on May 17th during the preliminary hearing. This is the final hearing for this case. Alright, so as we have heard this one before I will go a little bit quicker in my review of this one and we can always come back to other items if we want more time to discuss them. The primary things that have changed from this report to last month's is that a new exhibit has been added. The RE2.5 Use Table is added as Exhibit 3 and then also an exhibit of Letters of Support. The Letters of Support from last month were presented as part of the PowerPoint presentation, but they had come in too late to be published as part of the packet. So, now those letters are included as part of your packet for your review. So, this petition like many other rezone petitions has gone through many committee meetings. The Plan Review Committee saw this petition on April 14th, offered their support for the rezone petition and also discussed the historic nature of the structures on the property. The SHAARD database indicates farmhouse and barn structures are contributing and the PRC or Plan Review Committee recommended the petitioner go to the HP Board for additional information and guidance. The Historic Preservation Board of Review also saw this case a number of times and offered their support for the work to be done in their preservation and restoration project goals. They also talked about the option of establishing a Historic Preservation Overlay for this property. At the second meeting the Historic Preservation Board offered a following statement that you can see on your screen and that is to supplement the condition of approval of the rezone in that the petitioner is to submit a written commitment regarding the Historic Preservation Overlay and some additional conditions regarding that that I will cover at the end when we provide the planning Staff's recommendation. As a little bit of a recap again on May 17th at the Plan Commission meeting members discussed the idea of the petitioner removing uses from the AG/RR list as a written commitment. The Plan Commission members also discussed the implications and process of the additional HP Overlay details and then there was a number of neighbors that came out and offered their concerns and opposition to the proposed rezone as well. There are a number of members of the public here again tonight that will likely add further comment. Alright, so, summary and background here. It is a zoning map amendment or rezone from Estate Residential 2.5 to Agricultural/Rural Reserve. The purpose is to provide the right zoning to convert the existing single family residence into a Tourist Home/Cabin, which is a short-term rental type use. I have the definitions for Chapter 801 and 802 for a Short-term Lodging Agreement and Tourist Home/Cabin respectively, and I also have an item down here at the bottom of your screen that outlines the number of structures and their respective approximate square footages for your reference. Overall, if the rezone is approved the Tourist Home/Cabin will be a permitted use subject to Condition# 48. Condition #48 you can see on the right side of your screen has a number of items that must be met. The standard process for an individual to establish a Tourist Home/Cabin on their property is to meet these conditions as long as they are in the right zoning district and they

also have to go through the site plan review process with Planning Staff. That is where we make sure all of these requirements are met as well as the requirements for a site plan of this nature. If the rezone is denied the petitioner may continue to use property as a single family residence or any of the other uses available in the RE2.5 zoning district as long as those respective conditions are met if there are any for that specific use. Again, this is just the Plan Commission recommendation. The Board of Commissioners will make the final decision to approve or deny this request. There I have the location map, Benton South Township. It is 5577 East Kings Road. We have the slope map here to your right. You can see that there are a number of steep slopes on the property. Anything over 15 percent is non-buildable area. You can see toward the middle of the property is where those structures are that the petitioner has mentioned and included in this report. Current zoning is RE2.5. You will note that there are some Agricultural/Rural Reserve zoned properties to the east and the Comprehensive Plan has it designated as MUA Rural Transition or Monroe County Urbanizing Area Rural Transition. Next I have some aerial pictometry for the petition site. I am going to go ahead and just continually scroll through these and we can come back to any of these pictures if we want to talk about them in more detail. Alright, here is the subdivision plat as well as the letter to the Plan Commission from the petitioner. This property is part of the Kings Road Minor Subdivision Amendment 3 for Lot 3A. It has an access easement that continues north into multiple other properties that are part of this subdivision that are vacant at this time and you can see the location of structures or approximate location of structures the petitioner provide on this plat document. Here we have Exhibit 3A. This is part of the amended exhibit that was included in this updated report. This is the RE2.5 zoning district uses that are permitted or conditional. P stands for permitted. C stands for conditional. If you have a Conditional Use you have to go through the Conditional Use Variance process through the Board of Zoning Appeals. The stars indicate that the following use is also permitted or conditionally permitted in the Agricultural/Rural Reserve zone. You will note that there are some overlapping of these 2 districts here. Some of these items that are starred may not appear verbatim but their nature or intent are very similar to other land uses classified in Chapter 802. Here we have the uses permitted in the Agricultural/Rural Reserve zone. You will note that a number of them are more agricultural in nature, as you will note that the agricultural uses category is much longer than the rest of the uses listed here. Now we have letters of support. There are a number of letters of support here. I will not read all of them out loud due to time constraints. But they were all included in your packet. So, I hope all of you had time to read them. There is also a number of letters of opposition as well. The primary letter of opposition can in the form of one letter signed by multiple property owners that are in the area and I am sure if we have any questions about any of these we can come back to them. Again, I just hope you took the time and read all of the letters. Ok, that brings us to the recommendation. Planning Staff recommends forwarding a positive recommendation to the Board of Commissioners, based on findings of fact and compatibility with the Monroe County Comprehensive Plan with the follow condition;

- 1) Petitioner submit a written commitment that the property owner submit an application for the Historic Preservation Overlay within 2 years from the rezone approval. If the Historic Preservation Overlay is not applied for within 2 years, the owner will not remonstrate against an Overlay application prompted by the Monroe County Historic Preservation Board.

I will now take any questions.

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends forwarding a “positive recommendation” to the Board of Commissioners based on the findings of fact and compatibility with the Monroe County Comprehensive Plan subject to the following condition:

1. Petitioner submit a written commitment that the property owner submit an application for the Historic Preservation Overlay within 2 years from the rezone approval. If the Historic Preservation Overlay is not applied for within 2 years, the owner will not remonstrate against an Overlay application prompted by the Monroe County Historic Preservation Board.

FINDINGS OF FACT - REZONE

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

(A) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as MUA Rural Transition.
- The rezone request is to change the zone for the petition site from Estate Residential 2.5 (RE2.5) to Agriculture/Rural Reserve (AG/RR);
- The current use of the petition site is single family residential;
- If approved the petitioner intends to submit a site plan application to convert the existing single family residence into a Tourist Home/Cabin use on the site;

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

Findings:

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

Agriculture/Rural Reserve (AG/RR) District. The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.

- The petition site is currently zoned Estate Residential 2.5 (RE2.5);
- A commercial driveway permit from County Highway may be required for the purposes of the future site plan proposal;
- The majority of the northwest portion of the site exhibits slopes greater than 15% (see Slope Map);
- A large portion of the property surrounding the existing structures exhibits slopes less than 15% (see Slope Map);
- The petition site is not located in FEMA or DNR Floodplain;
- The petition site is located in Area 3 of the Environmental Constraints Overlay (i.e. the Lake Monroe Watershed);
- Evidence of karst/sinkhole features is present on and near the petition site according to available contour data;
- A conservation easement runs the entire length of the property west of the driveway/platted ingress/egress easement (see Exhibit 4);

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

Findings:

- See Findings under Section A and Section B;
- The adjacent parcels to the north, east, south, and west are currently zoned RE2.5;
- Numerous properties approximately 0.25 miles to the east are zoned AG/RR;
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no commercial uses directly adjacent to the subject property;

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

Findings:

- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;

(E) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- The petition site is one parcel with 19.12 +/- acres;
- The purpose of the rezone is to provide the property owner with the right zoning to pursue a Tourist Home/Cabin use on the property;
- According to the Monroe County Thoroughfare Plan, E Kings Road is designated as a local roadway;

QUESTIONS FOR STAFF – REZ-22-3 – Kings Road

Clements: Do members of the Plan Commission, yes Mr. Guerrettaz?

Guerrettaz: Drew, (inaudible). Was that in the packet? I didn't see that in the packet. Was that in

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the packet?

Myers: I believe so.

Guerrettaz: Was it? I am sorry if I missed it. Can you zoom that just a little bit? Move it up please. Ok, thanks.

Clements: Do you have any other questions Mr. Guerrettaz?

Guerrettaz: No. Thank you.

Clements: Do other members, Mr. McKim?

McKim: Thank you and this is actually a more general question about rezones. Is there any legal for us to support or approve or for that matter deny a rezone petition if certain conditions are met or is it a policy decision by the Plan Commission?

Schilling: It is a policy recommendation by the Planning Commission.

McKim: Ok. Thank you.

Clements: Ok. Any other questions? Mr. Pittsford?

Pittsford: Drew if this remained RE2.5 what is the potential for subdivision of the 19 acres for multiple lots? I don't know if you have mentioned buildable area yet because I know with 19 acres there is bound to be opportunity for additional lots on this. Is that correct?

Myers: Yes. The subdivision process for a property of this size, which is 19.12 acres, I don't believe they would be eligible for the minor subdivision. The minor subdivision you need to have a minimum of 10 acres per lot if you are being serviced by a septic system. However, if sewer could be brought out here or if it is a possible connection then they would be eligible to the minimum lot size standard of the RE2.5 zoning district, which I believe is 2.5 acres.

Pittsford: Ok, right. So, also I know that this is in a transition area. Was there consideration given to the preservation of this as open ground by making this change in zoning? I mean it is a preservation of farm ground in essence even if it's not actively farmed at the present time. Is that a reasonable assumption?

Myers: Can you rephrase the question?

Pittsford: Is it reasonable to assume that by approving this rezone that this ground would be preserved for future farm use should the future owner chose to do that?

Myers: I believe so. The property owner would have their ability to do any type of use that would be permitted in that zoning district on the property. If they chose to preserve the property in that manner then they would be able to do that.

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Pittsford: Ok but that would give them the ability to do that or actually would require them to change the zoning back to residential if they wanted to do more intense development would be what my mind says and then the last thing is because I know the question is going to be raised whether or not this is spot zoning but we are not approving this, we are simply sending a recommendation forward. So, if indeed it is a spot zoning that is not what the County Comprehensive Plan has in mind, it is something that the County Commissioners frown upon, and they will have an opportunity to cry foul on spot zoning. Is that correct?

Myers: That is correct, yes.

Pittsford: So, whether or not we think it is spot zoning or not is really not relevant unless it is effecting our vote as individual.

Myers: Yes, I believe so.

Pittsford: Thank you.

Clements: Any other questions for members here in person? Yes, Mr. Guerrettaz.

Guerrettaz: Are you suggesting that since it can't be subdivided in any less than a 10 acre parcel or a 19 acre because it is 19 acres that it can't be further subdivided?

Pittsford: Right because there is nothing buildable there but if it remains RE2.5 with the extension of sewer you could see a pop-up of a micro subdivision and that open space would be lost.

Guerrettaz: But your point was that can't happen because ...

Pittsford: Right, we have changed to AG/RR.

Guerrettaz: Right.

Pittsford: So, there is some benefit in this. Also, it preserves some historic farm structure that otherwise if it remains 2.5 and they choose to subdivide it they would simply not agree with the commitment and there would be no historic protection to the structures.

Clements: Ms. Thompson.

Thompson: (inaudible).

Behrman: Yes, the Sycamore Land Trust has a, it is not fee-simple it is some sort of agreement that it is a preservation area. On this 19 acres it is west of the driveway. Yeah, it is mostly the steep sloped areas, which are mostly already protected under ECO.

Clements: Are there members of the Plan Commission attending via zoom who would like to ask questions of staff on this? If so, please raise your hand. Ok and then I would like to turn to the petitioner. If the petitioner is here, Mr. Voorhies, would you please come up and tell what you are

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doing and why you want to do it and sign in please. You will have 15 minutes.

PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-22-3 – Kings Road

Voorhies: Ok, is this working?

Clements: Yes.

Voorhies: Thank you. Ok, well, good evening and thank you for allowing me to speak in favor of my petition here. My wife and I just want to say that we desire to be good neighbors to all of you that are here tonight and we are committed to ensuring the preservation of the farm and the peacefulness and tranquility of the neighborhood. It is a beautiful neighborhood and a beautiful farm. Our petition is to change the zoning from RE2.5 per Chapter 833 to AG/RR of Chapter 802 and it is for the sole purpose of we gain the permitted use of the property as vacation or short-term rental. We believe the property is perfectly suited for a short-term rental. It is a very low density area. It is very private and secluded on its own 20 acre parcel surrounded by hay fields and forest. You can barely see a neighbor's house from the front porch of this property. I was over there yesterday and could barely hear the lawn mowers of my neighbors mowing their grass. It is very private and peaceful. We would like to keep it that way. We are asking the Planning Commission and the Commissioners to grant our rezone request. The property is quite unique with respect to the surrounding RE2.5 properties in that it is a historic farmstead related to the initial King Family Farm. The character of the property, in my opinion fits far more with an AG/RR than with RE2.5. I am not sure what spot zoning means but it means just having one off zone in the middle of others. I didn't, I wasn't thinking it was that because there is AG/RR at the end of James Road and Kings Road, so it seems like within this neighborhood within a half of a mile there is property zoned in the same zoning that we are seeking. So, we sit on 20 acres surrounded by 47 other acres of forest and hay field. AG/RR is not a significant departure from RE2.5 as you can see there are several uses that can be used in both zonings. But for our purposes we are legally required to have it zoned AG/RR if we want to use it as we wish as a short-term rental, Airbnb. The property will still be used as housing for people. We are not trying to change the use of the home. It is going to be use for short-term housing for up to 7 visitors. Parties and events will not be allowed. The renters are going to be vetted using the Airbnb user reviews. We have external cameras that we have in our advertising it is disclosed that there are cameras, ring cameras on the doors and on the driveway so that we can monitor the parking and make sure that there are no parties taking place from our renters. We feel that the use of the farm as a short-term rental will in no way affect negatively the neighborhood or our neighbors. We are actually aligned with that goal of our opposition here in that we want to maintain the peaceful nature of the neighborhood. We do have many supporters and I hope you had a chance to read the letters of support from several neighbors who live in the neighborhood and other Monroe County residents who are supportive in general of having additional short-term rentals. There is a shortage of short-term rentals in our county. Our supporters tend to be from different demographic and they have young children at home and it is difficult for them to attend the meeting but 2 of my supporters are actually on-call for hospital emergencies. I think one of them is actually online hoping to speak in support when I am finished. I am sure that my neighbors are aware that the RE2.5 allows for only a limited amount of permitted non-conditional uses and those include cemeteries, crops and pasture, parks and playgrounds, residential care for the developmentally delayed, residential care home for the mentally ill,

residential care home for 5 individuals, single family dwellings or utility substations and transmission facilities. We have tried the single family dwelling long-term rentals and it is just an expensive property to maintain. It is hard to find renters who can afford to cover just the expenses of the property. We think that the short-term rental can solve that problem. Personally I think that a well-managed Airbnb is a better option than these other permitted options under RE2.5. There are also several other benefits to the community and Monroe County by approving the petition and rezoning and using the home as a short-term rental. There are several residents within the actual neighborhood that have expressed interest in renting our home when out of town family come to town including one of the signers of the petition. He said if we prevail he still wants to rent the property from us in November for his family to come visit. We support small businesses in Monroe County. We support a lawn care company that maintains the property from mowing and landscaping. We support a farmer who we provide the hay at no cost every year for his cattle and we support house cleaners who will be coming to clean and we would be paying to turn over the home between guests. It is also my understanding that we will be required to pay a 5 percent innkeeper's tax to Monroe County from my research online at least there is an innkeeper's tax for short-term rentals. We, as it has been noted, will apply for historical preservation oversight to ensure the protection of the historical site in perpetuity. We plan to restore the farmstead and the barns with the profits from the short-term rental. We intent to donate a percentage of our profits to local Monroe County charities and Indiana University. Short-term guest will be revenue to other local businesses as well just by the nature of them being in town and utilizing our resources in town. There is a shortage of short-term rentals and hotels. We feel that we can help be a part of the solution to that. In closing, we are committed to remaining diligent in vetting our renters and enforcing our rules of no parties. We actually denied a rental request for the month of July just this last week that would have covered all of our expenses because I was not comfortable with their online reviews. So, that is going to cost me a lot of money but I am committed to protecting the property and the peaceful nature of the neighborhood and the wellbeing of the property and our neighbors and their peaceful lives will always take precedence over any profits that we can generate on this property. Property is expensive and that is why everything in me wants to preserve the property. I need to find a way to have this generate at least the income to cover the expenses of the property so that I can preserve it, maintain it and restore the barns. I do feel like I am on, I know that I respect all of your opinions and I know that you are here to oppose this rezone and I hope that if it does go through that I think you will not know a difference of the property, that you won't see any difference in the nature of the property or in the peacefulness of the neighborhood or your lives. I don't think they will change at all. If they did I would shut down the Airbnb. I don't want to maintain a nuisance and I don't want to disrupt my neighbors. I have friends that live in this neighborhood who all have small children who are friends of my kids. I thank you for your consideration and I would welcome any questions.

Clements: Thank you Mr. Voorhies. Does anyone here on the Plan Commission have a question for Mr. Voorhies or would you like to proceed with the testimony of the other supporters and opponents? Mr. Enright-Randolph?

Enright-Randolph: Just one question. You were saying that there was another zone at the end, I guess could you indicate where you?

Voorhies: At the end of James Road and at the end of Kings Road. Both of the properties at the

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end of those roads are zoned AG/RR.

Enright-Randolph: Thank you.

Clements: Thank you. Ok. Do any members of the Plan Commission who are attending via zoom have questions for Mr. Voorhies? Ok, I don't see any. Mr. Stainbrook actually has a question. Sorry. Mr. Stainbrook? He needs to be unmuted I believe, Tech Services. Mr. Stainbrook can you unmute yourself? Thank you. Mr. Stainbrook, do you have a question for Mr. Voorhies?

Stainbrook: Well, can you hear me Margaret?

Clements: Yes.

Stainbrook: Ok. As the petitioner carefully reviewed and had any contact with those that maybe remonstrating? Has there been any communication, neighborhood meetings or? May I ask?

Voorhies: We have not had a neighborhood meeting. We did use the Elevate app to send letters to each of the homeowners in the neighborhood to explain our preservation efforts and we did hear back from several signers of the petition who had decided that they no longer supported the petition after they received our letter.

Stainbrook: I am sorry and it may not be a large part of your consideration but you say that some people who were supportive of your petition application that some of those favoring the short-term rental that they decided that they were not in favor of it?

Voorhies: I have received several text messages from, specifically for signers of the petition who had sent me text messages saying that they had received our letter that they had signed the petition and they regretted signing the petition and they no longer supported the petition.

Stainbrook: Oh, I see. They no longer supported the petition representing the remonstration.

Voorhies: Yes.

Stainbrook: So, you could infer that maybe then they were in favor. Ok.

Voorhies: They had been in favor until they received my letter.

Stainbrook: They had been in favor of, they had been against your?

Voorhies: Yes sir. They received my letter and they changed their minds.

Stainbrook: Yes, sir. Thank you.

Voorhies: Thank you.

Clements: Thank you Mr. Stainbrook. Ok, are there members of the public who are here to speak

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in favor or in support of this petition? If so, please stand up and come to the electrum and sign in. Sir, please state your name and know that you have 3 minutes.

SUPPORTERS – REZ-22-3 – Kings Road

Wohlfeld: Hi, my name is Bryan Wohlfeld. I am a physician that works with Dr. Voorhies. We have had the privilege of going out to his property. When I moved here from Dallas it was just like a revelation to see this Indiana farmhouse on that land we were really struck by it. We have had the privilege of being out there with them walking the fields with our kids. He was taking us for rides on the mule. In the winter we have gone sledding over there. I have never seen him have a party or anything like that. It is really secluded when you are out there. It is really wonderful to be able to see that land. You can't even see anybody else around when I have been out there. In working with him we have talked about his desire to maintain the property as it is and it is really I know he enjoys going out there walking on the property and having that seclusion. From a stressful job it is nice to get out and walk around and have some time to yourself. I know his desire is to continue having it as it is. For us it would be nice to have an option when we have friends come in from out of town to be able to stay at a short-term rental like this. It is just not something that we have been able to find. But I know that friends of our coming from New York and Dallas would love to stay at a place like that rather than try to go to a hotel with their children and stuff. It would be nice to have that kind of opportunity or option. I know from talking to him before he was obviously inquiring about how he was so lucky to find a property like that. It had been I guess the previous owner had looked at possibly subdividing it off into a number of lots and I know that is not his intention. But you know I really respect that he wants to keep it as it is. Because I would be tempted to break it apart and use it, make it a little neighborhood or something. I think it is really honorable and I definitely support his decision to, his petition to rezone this to the Agricultural exemption and I think it is really cool to go out there and see the hay bales and I think it is really honorable for him to be able to provide that for the farmers and stuff. I think that is all that I have to add. Thanks.

Hopkins: Hello. Good evening. My name is Glen Hopkins. I am the Principal at University Elementary and I have known the Voorhies' for the past few years as the principal of their children. Listening to the evidence that Mr. Myers presented and what is being brought before you as a committee here, I think that the Voorhies, I know that the Voorhies', Doctor Voorhies and his wife, they will follow through on everything that is up there. I see this more about their character. I have been in education for 21 years now and I have obviously over that span of time interacted with thousands of families, thousands of family units and parents and there are few parents, there are few families that have the level of integrity and honesty that the Voorhies have. So, when I hear Dr. Voorhies and his wife talk about their plans for this property I have the fullest confidence that they will follow through on what they are saying. They are not a family in my opinion that is looking to turn the all mighty dollar. They are just looking to do what is right by their community. Mrs. Voorhies she is an active member of our PTO and everything that she does when she comes to school to work with children or be on the PTO is in the best interest of our school community and I know that extends to our Bloomington community, to our county as well. I just want to speak in support of them. I know that they are the highest quality of people that you are going to know that you can trust this community, the neighborhood. It is not easy to have these conversations but they will follow through on what they say and they won't make these massive changes that are

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going to, I do not believe they are going to disrupt your lives. On a personal note where I live, I live in an affluent neighborhood as well, sounds like you have a very affluent space where you live. Congratulations. Three doors down from me there is a family that turned their space into an Airbnb and our lots are not as large as it sounds like yours are but what we have found is as a neighborhood is that we don't even notice that this space is being utilized in that capacity. So, when Doctor Voorhies says that he is going to vet these people and make sure that they are using the property with integrity I fully believe that will happen in their case as well. I hope that the committee here can move forward with the recommendation that has been put before you tonight. Thank you.

Clements: (inaudible).

Myers: One quick moment, Margaret. It seems that your mic might be muted. This was mentioned as a comment in the chat.

Clements: Ok. Mr. Eads if you could unmute yourself we would like for you to tell us why you support this petition. You have 3 minutes.

Eads: Thank you. Can you hear me ok?

Clements: Yes.

Eads: First of all, thank you for allowing me to speak and thanks for all of the work you all do. I am speaking for Jason and Rachel. My wife and I have known them for about 20 years. Like Mr. Hopkins said they are extremely honorable people and I 100 percent believe that they will follow through on everything they are proposing. Our main concern as residents in the area and we live on James Road, which is just off of Kings Road, is the preservation of the property and of the farmhouse. Like Doctor Wohlfeld said it is a remarkable property. It is like having a park within our neighborhood. During the summer we can walk in the fields and in the winter we can sled down the hill with multiple families just coming there randomly. In addition it is a property that we would certainly love to utilize for family and friends that would be coming into town for extended weekend visits or things like that. Personally, we have used Airbnb. I think it is an extremely useful service for families like us and I trust that they would follow through on the limitations that they would put in terms of no parties and anything of that nature. I think that this would be the best option for the property and for the surrounding neighborhood. Thank you.

Clements: Thank you Mr. Eads. I also see that Mr. Ridge has his hand raised. If he would like to speak for 3 minutes in support of petition you have 3 minutes once you are unmuted.

Ridge: Hi, there. I hope everyone can hear me. I apologize for not being there in person but I just kind of want to second what has been said that Jason and Rachel are two of the most genuine people that I know and I think it is kind of admirable that they are trying to keep this as a farmstead. I love taking my dog for a walk in the morning and see the pasture. I think the best way, the most likely way it will stay that way is if it stays in their hands. So, I just kind of wanted to speak out and voice my support. Thanks.

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Clements: Thank you. Are there any other members of the public either attending via zoom or on the telephone that would like to speak in support of this petition? If you are calling in by phone please press *9 to be recognized. Ok, I turn now to the members of the public who are in here in person who would like to speak in opposition to the petition. You can come to the electrum, sign in and you will each have 3 minutes to speak. Sir, if you would state your name.

REMONSTRATORS – REZ-22-3 – Kings Road

Hollinger: My name is Don Hollinger. I am property owner adjacent to the petitioner's property directly on the west. I think it was confirmed earlier that part this 19 acres is a nature conservancy, Sycamore Valley Land Trust. Approximately 8 acres of that 19 is already noted as Sycamore Valley Land Trust. This is a neighborhood that has been developed over the last maybe 50 years, since the first property was moved off of the Kings Farm. It has grown slowly and respectfully of the rural nature. All of the immediately surrounding property includes the additional lots that are plotted on the Voorhies property are zoned RE2.5 as you well know. Putting AG/RR right in the middle, literally in the middle of this is a zoning change that will stay for perpetuity until somebody decides to change that. No matter how well intentioned Mr. Voorhies is with renting to responsible guests this new zone stays with the property and we cannot be assured of the responsibility of future owners. I would also like to bring up that all of us in this neighborhood are part of the Lake Monroe watershed. We all received notice here recently to make sure out septic systems are up to date. Most of us who have built in the recent years have been made to put in a mound system. It is more expensive but the technology is much greater than the leach fields which are much older technology of the past. So, I think protecting the watershed is something that needs to be looked into and I don't see that listed in part of opening this up to a vacation home or rental cabin. Long-term rentals which are allowed within RE2.5 is a slower revenue generator but it is a revenue generator as well as other agricultural ways to increase or proved for revenue stream. So, please consider those points and thank you for my time.

Clements: Thank you sir. Thank you for coming out tonight. Is there another person who would like to speak in opposition? Yes, sir. Please come to the electrum, sign in and state your name. Then you have 3 minutes.

Patton: My name is Barratt Patton and I live on Mahalia Way, which is there are 2 lots between my house and the property in question. I am opposed to any regulatory change that would permit this property to be operated as a short-term rental. But the issue being discussed is not just a waiver to the current prohibition against them, if that is even possible with the zoning change to the new AG/RR. Since the last meeting I have learned of an extensive use, of the extensive list of permitted uses under AG/RR that would be utterly incompatible with our neighborhood of single family homes. To list just a few, recreational vehicle park, saw mill, automobile repair service, waste water treatment facility, garbage and trash removable facility, and the worst confined feeding operation and feed lots. A feed lot, especially a pig feed lot is one of the most evil smelling things imaginable. This would be allowed within 100 feet of the front door of one of our residents and would impact dozens of nearby properties to the point of making them unsellable. I don't think Mr. Voorhies would do any of the things on this list. I am not worried about that but he is only the present owner, he is not a future owner. He has only bought it fairly recently and his own plans have changed greatly since he bought it. He was originally going to build his own house there,

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changed his mind and so this is where we are. To repeat I oppose the rezoning that would allow uses that are utterly incompatible with our residential neighborhood. Thank you.

Clements: Thank you, Mr. Patton. Is there someone else that would like to speak in opposition? Yes, sorry. If you would sign in and please state your name. You will have 3 minutes.

Withered: My name is Dan Withered and I live 5799 East Kings Road, at the end of the road. I am opposed to the proposal because I am just opposed really to the rezoning of changing zoning seems to me like undermining the whole idea of having zoning to begin with anyway. I have empathy for the petitioner. I hope he can do well with the property but I am opposed to changing the rules for individual people that come in and buy a piece of property that shouldn't entitle them to, you know, get a change of the rules that are already in place. That is all that I have to say. Thank you.

Clements: Thank you, Mr. Withered. Yes? Hi.

Carpenter: Hi. Thanks for this opportunity to speak. My name is Dana Carpenter. I live at 5431 East Kings Road with my husband. We have lived on Kings Road for almost 30 years now. We also own 5475 and 5491 as long-term rentals. They are right in a line next to our property and the next house. So, my investment in the neighborhood is considerable. I have watched that farm for years and years and I have to say first of the notion that you can't hear anything, the notion that it is so secluded, I have been able to hear kids playing in that yard all along. If there is some kind of celebration going on there it will be heard. It will be seen. The notion that you can barely see any houses from that property if he can't see at least 6 houses from that property he needs to get his glasses adjusted. It is a big property but it is also a neighborhood where we all see each other and know each other. I would like to address just a couple of things. First of all, there was talk at the last meeting about the dangers of additional traffic. We had another serious accident at the turnoff 46 into Kings Road just this past week. A landscaper who was coming to mow my tenant's yard, right next door to mine, was rear-ended. Their trailer was destroyed. Their mowers were destroyed and we really don't need a lot of people who don't know the place getting involved in that traffic. Second of all, the notion that I hope that Mr. Voorhies is sincere when he says he doesn't want it to change the nature of the neighborhood. I would like to think that he is sincere. I would like to know who gets to make that decision that the nature of the neighborhood has been changed and is he willing to put it in writing. Is he willing to say, if we find it disruptive he will for instance if he wants to maintain the land put covenants and restrictions on the land to sell it that the land not be subdivided and then put it on the market. It is a very strong market. I have no doubt he could sell it. It is a desirable area. Councilmen Thomas said last time that she didn't see the difference between a long-term tenant and a short-term tenant. My tenants are all on year leases and I have to tell you there is all of the difference in the world. I think I said at the last meeting too that I had an Airbnb on the other side, the house that I do not own and we have had to deal with drunken revelers more than once. My tenants go to work. They grab some groceries. They come home. They feed their kids. They watch a little tv. They go to bed. They get the next day and they do it again. They have an interest in maintaining cordiality with their neighbors. They have an interest in maintaining the peace and quiet of the neighborhood. In deed every single person who comes to see the place, oh, it is so quiet. It is so peaceful. We want that. We want it a lot. The other thing is that people who come to a short-term rental will be for the most part coming to celebrate something. They will be coming for homecoming. They will be coming for graduation. They will

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be coming for Thanksgiving or Christmas. They will be coming for a wedding. Those people by definition will not be going to work. They will be celebrating. There is a difference.

Clements: Thank you Ms. Carpenter for coming out tonight and sharing your opinion. Yes, she is next and then you.

Sunderman: Can you hear me?

Clements: Barely.

Sunderman: Can you hear me now?

Clements: Yes.

Sunderman: My name is Paula Sunderman. I live directly across from the farm at 5578 East Kings Road. I am sorry to dispel the wonderful things but Kings Road is dangerous. The intersection of Kings Road and Highway 46 is very dangerous and this is the only entrance and exit from Kings Road. You heard last meeting that there was zero accidents on Kings Road. That is incorrect. There have been 6 accidents that we know of. 5 were rear-end collisions, one most recently on 6/16. One resident has sustained serious injuries, damaging bones under her eyes. Data from the records department of the Monroe County Sherriff's Department 2014 to the present, previous accident record is not available. There are numerous potential collisions including an almost head-on on 6/18. I have witnessed most of these. In additional vehicles including semi's attempt to pass on right where there are eastbound vehicles turning left onto Kings Road. This can result in a near collision as the pass around area is too small to sustain large vehicles. Patrick Henry, Senior Transportation Planner for the City of Bloomington is helping me with INDOT to alert them to this dangerous intersection. He said the number of accidents at this intersection I have do not include calls answered by city police, IU police, and Indiana Highway Patrol. His office is compiling this information and will make it available. Kings Road and the intersection with Highway 46 are extremely dangerous. To put more traffic on it with short-term rentals could result in more accidents including possibly fatal ones. Therefore, I strongly oppose the rezoning of a portion of Kings Road to Agricultural Rural to allow short-term rentals and more traffic. Thank you.

Clements: Thank you Ms. Sunderman.

Sunderman: Sorry for this. I have bi-focals.

Clements: I understand. Thank you for coming tonight. Sir, if you just sign in and tell us your name. You will have 3 minutes.

Schmitz: Thank you Commissioners. My name is Eric Schmitz. I am here as a nearby neighbor and a member of the public and in no official capacity. I live at 5431 East Kings Road with my wife, Dana. I attended the first meeting and I understand the reasons why the owners want to do what they are proposing. I have read the letters in support now as well as opposition and I see good arguments made even by supporters. So, that is all well and good but there is one thing that I have

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not heard much about and I wonder if we are possibly missing a more fundamental and maybe more relevant question. When the Commission applied the RE2.5 zoning several years back I must presume that the members had good reasons for choosing that particular designation to zone it that way. I also presume that the owners who subdivided this, I believe the Dayhoff's, previous owners, agreed with that decision or at least found it to be acceptable. So, my question would be what is it about the neighborhood and about this parcel in particular that would justify changing the zoning. Again, I appreciate the reasons that the owners want to do the preservation but is that really the main point here? Thank you.

Clements: Thank you Mr. Schmitz. Is there anyone else here in the Nat Hill Room that would like to speak in opposition to this petition, the members of the public who came out tonight? If not, I turn now to zoom and if there is a member of the public who would like to speak in opposition to this petition would you kindly raise your hand, your virtual hand in zoom so that we can recognize you? I see none. If there are members of the public who have called in via telephone, would you press *9 in order to be recognized? I see none. I do see three messages in chat. I would like staff to check those to make sure that we, ok, those were technical issues. Well, I turn back to the petitioner. You have a 5 minute response to address some of the statements that were made to the Plan Commission. Thank you, Mr. Voorhies.

PETITIONER REBUTTAL – REZ-22-3 – Kings Road

Voorhies: Good evening and first to Mr. Hollinger. The 8 acres directly to the west of the home, the hay field between the home and his property and forest are part of the Sycamore Land Trust. 10 or 11 of the acres are not part of the Sycamore Land Trust. We don't have a desire to sell the property. I would like to hopefully pass it onto our children someday. We love the property. I am wondering it was brought up at the last meeting about an option to limiting some of the uses of AG/RR to alleviate some of these concerns by Gary Patton about some undesirable uses like an RV park that we not going to do any of these things. But I would be certainly willing to limit the uses of some of these undesirable things because all we are trying to do is get the desired use of a short-term rental Airbnb. In terms of feed lot, with RE2.5 or AG/RR we are allowed to have certain amount of livestock on the property. It is the same. There is no difference in AG/RR or RE2.5. The property can be used as pasture land. But I would be willing to limit the use of restricting some of these undesirable uses or even pledge to rezone it back to RE2.5 if the worst came to worst and we didn't. I hope I don't have to even sell the property. I would like to keep it and preserve it and pass it onto family. I see Dan Withered was opposed to rezoning because, I would agree that zoning changes if I were going to rezone this to commercial or industrial would really change the nature of the property then I would be in agreement with you. I am only trying to change it to AG/RR which is already in the neighborhood and for the sole purpose of using it to house humans for a short period of time. Dan Carpenter, we will not be allowing parties. I guess you have a different perspective on me that you can hear things but we won't be allowing any parties or events at the property. I don't think that the short-term rental would increase traffic at all. I think it would actually decrease traffic. Because it would likely not be rented 100 percent of the time. Paula, I would like to point out that everyday there are people that are new to that neighborhood coming to deliver pizzas, to deliver groceries, electricians, heating and air conditioning, there are people that are new to that property that come in neighborhood every day. I do agree that the entrance off of 46, you got to be really careful turning onto the road. I don't think that has anything to do with

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the rezone petition in my opinion. But I agree with the point about the road. It is a busy road and you have to be careful. Erica Schmitz, I presume that the Dayhoff's rezoned it when they were breaking it up and platting it to try to make a small neighborhood. I don't really want to, I own all of the land now and I don't want to make it a neighborhood. I would like to preserve it as the pasture land that it is with the wildflowers and the hay fields and the hiking trails and allow my guests in Monroe County to enjoy it and the neighbors in the neighborhood to hike and enjoy it is what my goal would be. I would just also like to say that as a surgeon I have taken an oath to do no harm and I take that very seriously in my personal life as well. Rachel and I have no intention of causing any harm in any way to the neighbors or the property or the neighborhood. It is a very serious commitment that I have made in my professional and I carry onto my personal life. I would ask that you vote in favor of our rezone request and that we maintain the high end Airbnb and rent only to respectful individuals. We have no intention of allowing our Airbnb to change or disrupt the lives of any of the neighbors in any way. Thank you for your time and I thank you for your time and your perspectives.

Clements: Thank you, Mr. Voorhies. I turn back to members of the Plan Commission for further discussion and/or a motion. Yes, Mr. McKim.

ADDITIONAL QUESTIONS FOR STAFF – REZ-22-3 – Kings Road

McKim: This decision is a really difficult one for me. I have certainly voted in favor of a lot more rezone petitions than I have opposed. But rezones come down to as we have already heard a policy recommendation. There is no right to a rezone. The issue needs to be framed as what is the public good of the proposed change or zoning code balanced against the public costs. Most of the testimony in favor of this petition has emphasized the good character of Voorhies and completely agree that they sound like really wonderful people. I have no doubt that they would do their best to keep their word but I don't think we should be making decisions based on the character and intentions of the current owner. We need to consider the use not the user. So, again weighing the public benefits of the petition versus the costs. On the benefit side I am just not entirely convinced that having a short-term rental has much of a public benefit at all. I guess it is fair to say that there is some additional effort of preserving the historic barn, that constitutes a public benefit but I don't see how the petition advances any policy goals, for example, that my constituents are calling for in our community. If this were a petition to build additional houses I would be supporting it in a hot second, even against the opposition of neighbors. But I don't see how the minimal policy benefits of this particular rezone outweigh the costs of having a non-residential short-term rental in the community, many of which have already been described in this meeting. I mean unless I hear something to change my mind I don't think I can support this petition.

Clements: Thank you Mr. McKim. Mr. Pittsford.

Pittsford: Thank you Madam President. I have been around for a long time and I know these are always difficult ones. There were a lot of questions raised about the intensity of the use that is available for Agricultural/Rural Reserve. Several of those mentioned are actually conditional so those are not like it is a by right, they are going to pop-up without any kind of restrictions that restrict them. One use that is available in RE2.5 that would present significantly greater disturbance for the neighborhood and it is a permitted use, it is not even conditional, is a daycare

center. So, you are looking at a situation where that could easily take place as it stand now. In AG/RR that would never be a possibility. The other thing I want to address is because I was around when the zoning changed and when the last comprehensive plan was written, this is a transitional area. You are always going to have a mix of some residential and there is residential already existing there so the idea of going with RE2.5 was consistence with what was already built. I think if you look at the intention of the Comp Plan had there not been anything built there it probably would have been used as buffer. It is isn't a steep sloped area. It isn't in the Lake Monroe watershed. I think it would be the preference of any comprehensive plan in Monroe County that your houses not be there. So, I think the 2.5 was an admission that the houses already existed and that was the best thing to do. I see this changing zoning not necessarily as a benefit to the petitioner who has a specific use in mind that is not a concern to me in my decision. What is a concern to me is an opportunity to really preserve this property as it is and the number of acres that are there, part of it is already in a conservation trust maybe the rest of it will be one day too that it would be preserved that way. With RE2.5 if Doctor Voorhies were to sell this property any other developer could come in and take a couple of whacks at it and put 2 more houses on there. I understand we are dancing between flames but I just wanted to share that is my perspective on this and I thank you for allowing me to explain my perspective. I appreciate everybody's view point. I understand the petitioner and the neighbors and all of their concerns and I know that this will be a difficult decision for the County Commissioners so I will leave it up to them to make the final determination. But my vote has been determined. Thank you.

Clements: Thank you Mr. Pittsford. Are there any other comments from, Mr. Guerrettaz?

Guerrettaz: I have got just a couple that are in line with what Jerry said. A property like this with size and the conservation area most of those items on that AG/RR list are probably not going to be possible. From an engineering standpoint and a side view standpoint, most of them are conditional as they are so that is going to go under some sort of site plan review. This is a 19 acre parcel. I did some quick dimensions. Don't hold me to this but it looked to me like the nearest homes to this property were in the 550 to 650 feet range. Hollow valleys and ridgetops can carry sound in different ways so I am not going to get into that but there is a lot of privacy on this 19 acre parcel that I think can support this use. I like the fact that the Voorhies are committed to maintaining the home and the property and I can certainly respect the fact that there needs to be a revenue driver in order to do that. With somebody else in that home somebody else buying the property who knows what else could be done just like who knows if it could be a disturbance to the neighborhood. What Doctor Voorhies suggested with the amount of traffic I would suggest that the amount of traffic generated by this short-term rental would be much greatly reduced from what a single family home would be. So, then you say ok, well, familiarity with roads, the different things that come on line with that those are outliers that I don't take much account in. They are valid but the percentage of use of the roadways for this house would be drastically reduced as a short-term rental. Some of the uses that are permitted and Jerry picked up on daycare but there are some residential uses, institutional uses that are allowed in RE2.5 that are just permitted and I think that those could be much more intense than what they may be with the AG/RR. I would just suggest that they are valid uses so I don't want to dig into those at all but there are some uses that could be used to preserve the property in my opinion that could probably generate more revenue but would be more disruptive to the neighborhood. Those are just my opinions on how I am seeing this come through. From the PRC on I have been supportive of this. I think that the neighbors and the

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Voorhies are very respectful and courteous to one another and that is always nice to see. I didn't hear anybody say that they didn't trust what Doctor Voorhies was saying. So, you got to look down the chain of title, I respect that. But I think with the nature of the property and what is there I think this could be a long standing benefit to the county because I do see the preservation of the house and the property itself being a part of what will happen as a result of this petition. That is all that I have got. Thank you.

Clements: Thank you Mr. Guerrettaz. Yes, Ms. Thompson.

Thompson: I will just add a few comments. In alignment with Jerry and Bernie I do respect the neighbor's comments and your position certainly. But I do really value the Historic Preservation Overlay and the fact that we are going to protect some what I consider to be significant structures in our community and there is less and less of those all of the time. Thank you.

Clements: Thank you Ms. Thompson. Ms. Thomas.

Thomas: Yes, thanks again for everyone being here on both sides of this issue. I think you have all made great points and that makes a decision especially hard because I can see why you would want to have a short-term rental in your neighborhood. But my concern is this could become 2 lots, perhaps 3 lots with 3 residences on it, we lose the historic preservation which I am sure you all enjoy seeing this beautiful property as you are driving through the neighborhood and your backyard, etcetera, so it is a really tough call. I am not as worried about some of these uses listed for AG/RR because they are conditional, because they require a great deal more property than the 9 acres that are actually available to build on and so that limits the worries there. But it is interesting to consider what may come if this doesn't become a short-term rental and we have to look at that. So, that is why I am going to vote the way that I am. But I really appreciate all of you. I have really learned a lot. Thank you.

Clements: Thank you. Yes, Mr. Enright-Randolph.

Enright-Randolph: This is a pretty tough decision and I am going to kind of go back to some of the comments I made when we heard this the first time around. We are doing a County Development Ordinance and I think we just started talking about short-term rentals and vacation homes. I am curious if Planning actually has a position on this potentially being an allowable use in the proposed zone. If you wanted to bring up the proposed zoning map that might help for people to follow along. But we are looking at a Rural Transition are. If this question is a little premature I understand but that is a question.

Myers: So, that is a great point Trohn. We are working on a new Consolidated Development Ordinance. It is still very much in the drafting stage. We have had a few callout meetings in the past about getting community support but essentially I would have to pull up the property itself quickly to see what the proposed zoning would be. But we are at least 2 years out, maybe more for actually getting the new updated ordinance adopted and there is definitely open conversation about how uses will look in the future for some of these properties.

Enright-Randolph: Ok, well, I guess I will speak from my position on the Ordinance Review

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Committee. I feel there has been dialogue where we are entertaining more flexibility with this as a permitted use in some zones. I think the idea of allowing this in more areas in the county in my opinion is fair. There is one thing I don't necessarily like the most and that is this request being intertwined with the historic preservation initiative but if everyone is comfortable with that then that's fine. I would like to see these bifurcated in the future and if we are looking at a rezone we are looking at the matter of the rezone. But I see how this is favorable. This does kind of go with our Comprehensive Plan with preserving these contributing historic elements like the barn. But it kind of reminds me of something that my colleague on the Plan Commission gracefully taught me, Jim Stainbrook, about when I was offering a friendly amendment with a second. It was intertwined. It was like, well, if you want the second let's take the friendly amendment. Again, I don't like entertaining these parallel because I feel like it puts the petitioner in a position that I would not like to see them in. So, I will just state that simply like that. Again, this is not the easiest case. A lot of the discussion is I think more in line with character and intention and I don't think that is in the Plan Commission's purview. I do think traffic concerns are, I did have the thought where this is very hard to determine if this is going to create more of a traffic hazard or not for only being occupied here and there throughout the year. I didn't come in with a decision. I still don't think I have one. It is going to be difficult when it gets to me but I don't see a huge negative impact but I would rather just see this be permitted use in some of these zones versus having to go through a rezone process. Again, I don't want to speak to the character of future renters in a long-term rental or future renters in the Airbnb situation that has been described or the character of the petitioner. That is not within my decision making or my decision process. I will leave my comments there.

Clements: Thank you Mr. Enright-Randolph. Mr. Stainbrook. You are muted. Tech Services, could you please unmute Mr. Stainbrook?

Stainbrook: Hello.

Clements: Hello.

Stainbrook: Hello. Margaret?

Clements: We can hear you Mr. Stainbrook.

Stainbrook: You have unmuted me then. You can hear me?

Clements: Yes.

Stainbrook: Well, thank you very much. I appreciate that. I appreciate all of the comments and I started by trying to remember all of the names, to include of course the petitioner and the friendly, I might say, cordial anyway, remonstrators. I did take some difference with Geoff just with a minor point perhaps, well, not minor but it is subjective thing and also with Trohn. If Doctor Voorhies as a surgeon is working in the emergency room I think that does speak highly of the integrity one would anticipate there. In fact we had a friend years ago speaking of stress as one of the other speakers mentioned as being stressful, it was so stressful that he went back and did a residency in dermatology and he is a rather successful dermatologist now in Georgia. But it is very demanding and I think it speaks of one's character and so the way that it may be pertinent here, all though the

ownership might change, Doctor Voorhies doesn't anticipate a change and I do think that being a man of integrity that he appears to be that those things of which he has assured us that those can be considered. Now having said that, listening again and trying to listen to everyone including the remonstrators I thought that the first 3 or 4 speakers made a very, very, well, I thought compelling presentation. It is spot zoning if it includes features that are to positive good of the largest community, then of course that is legal in Indiana. It shouldn't be done if it is done to the advantage of a single property owner. Now, again Mr. Voorhies being the articulate gentleman that he is he has pointed out that this would be good for all of us. But I do have a question in that way about the, but how widely it would benefit the county and the county per say and its citizens. So, I find the presentation and I appreciate as Bernie said, I believe, I do remember Bernie spoke eloquently, I will leave that to Jerry Pittsford, but I have to feel that the remonstrators make for me very, well, I hate to say compelling but that is the best I can do right now. I think the compelling presentation for me, personally listening to everyone and all of our friends on this commission but I think the remonstrators make the compelling argument. Thank you.

Clements: Thank you Mr. Stainbrook. I have a few comments that I would like to say myself. Number one, this will be heard and decided by the 3 County Commissioners at a future County Commission Meeting. Number two, I believe that members of this board think that the interest that you expressed as neighbors to Mr. Voorhies and to this property might be better protected if the zoning were changed to AG/RR. That is what I believe I heard them say because I think they listened to you. They heard you. They understand what you would like for that property and for your neighborhood but they believe that the future of that property would be better protected with the intentions that Mr. Voorhies has proposed. That being said I believe that the neighbors and the people living right nearest to the property have the most to gain or to loose from whatever happens on that property and so I have heard what you have said myself and I believe in the complaints that you have made that it spotting zoning and that it will alter the neighborhood in a way that you do not wish for it to be altered. My vote is going to be with you as the residents who are concerned. That being said, I would encourage you to go home and contemplate about what Mr. Voorhies has proposed and what some of the actual technicalities of this zoning change will represent to you. For instance, as it sits now it is possible for there to be in the RE2.5 that a residential home could be, not a residential home but a care facility could be put there. There are some zoning uses that could result in the property being maybe more active or perhaps a group home could be put there or there are other uses that you may or may not want in that area. With the historic preservation overlay and with it being converted to AG/RR it is possible that your interests would be better served if you would work with Mr. Voorhies to help him make a happy home for what his desire is. Never mind, as far as I am concerned I have heard you and you don't want it. But before it goes to the Commissioners please think about all of those things because I think everyone who serves on this board has heard you and has heard the petitioner and perhaps there is more deliberation that could or should do together. So, with that being said I think that Mr. Pittsford has a motion that he would like to make.

FURTHER QUESTIONS FOR STAFF – REZ-22-3 – Kings Road

Pittsford: Yes, Madam President. I am prepared at this time to make a motion. **In case number REZ-22-3, petition requesting rezone from RE2.5 to AG/RR on a piece of property located at what is commonly known as 5577 East Kings Road, petitioner is James Voorhies, also**

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doing business as Life is Better on the Farm, LLC, this parcel is 19.12 acres currently zoned Estate Residential in Benton Township, it lays in the MCUA Rural Transition according to the current Comp Plan Designation, in this case I recommend forwarding this petition to the Board of Commissioners with a positive recommendation based on the findings of fact and compatibility with the Monroe County Comprehensive Plan subject to the following condition,

- 1) Petitioner submit a written commitment that the property owner submit an application for the Historic Preservation Overlay within 2 years from the rezone approval. If the Historic Preservation Overlay is not applied for within 2 years, the owner will not remonstrate against an Overlay application prompted by the Monroe County Historic Preservation Board.**
- 2) I would also add as a recommendation to the Voorhies' that when they advertise this as a space available on Airbnb or any other short-term rental that they include an advisement this is accessed from a busy state highway with limited visibility.**

That is motion in sum. Thank you Madam President.

Clements: Thank you Mr. Pittsford. Is there a second?

Owens: I will **second** it.

Clements: Ok. Ms. Behrman will you please call the roll?

Behrman: Sure. Amy Thompson?

Thompson: Yes.

Behrman: I should correct myself that this is a motion to send a favorable recommendation to the Monroe County Commissioners with the condition that was within the staff report and one additional condition that the site be advertised that the property is accessed by a busy road. Correct?

Pittsford: I think that there is more specific language that I fully trust the Voorhies will be able to accomplish.

Behrman: So, I did have a yes from Amy Thompson. Bernie Guerrettaz?

Guerrettaz: Yes.

Behrman: Jim Stainbrook?

Stainbrook: Well, I am going to vote yes but I would like to point out Margaret by exercising control the way that you are doing I had no opportunity to second the motion or to well, for instance and that is not all that substantial but hate to see petty peaks and snits enter into this. This is the first evening that I have really experienced that. I vote no.

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Behrman: So, that was a vote of no for Jim Stainbrook. Julie Thomas?

Thomas: Yes.

Behrman: Dee Owens?

Owens: Yes.

Behrman: Trohn Enright-Randolph?

Enright-Randolph: Will you go back or am I the last one?

Behrman: Can you say that again?

Enright-Randolph: I was going to say if you have another member you could call on I could go or am I the last member? Ok, I will be prepared. I guess my role is to make a decision here. I want to recuse myself but I am not going to. I generally, it is a tough decision and there are a couple of factors here and I know that everyone is in agreeance with the historic overlay but again, I don't necessarily like these intertwined. I know that a lot of this historic overlay will help preserve that property and I am for preservation but more voluntarily. This kind of seems baked into the cake a little too much for me to support so solely on the merit of that right there I am going to vote no.

Behrman: Jerry Pittsford?

Pittsford: Yes.

Behrman: Geoff McKim?

McKim: No.

Behrman: Margaret Clements?

Clements: No. I would like to thank the public for coming out and Mr. Voorhies for coming out and I encourage you to work together to try to figure out if you can find some more common ground before it goes to the 3 Commissioners for a final decision. Yes Mr. Guerrettaz?

Guerrettaz: (Inaudible).

Clements: Yes, she is the acting director right now.

Behrman: The motion to forward a positive recommendation passed 6 to 3.

Clements: When will this come before the Commissioners?

McKim: It was 4, 5 to 4.

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Behrman: I had no's as Geoff McKim, Jim Stainbrook, Trohn-Enright-Randolph. Oh, you are right. I forgot Margaret. So, it is 5 to 4. Thank you.

Clements: Thank you. So, it is a toss-up. Just work together. If you feel more resolved in your position, come forward to the Commissioners and tell them that you are even more resolved than you were when you came before the Plan Commission and if you think that there are some salient points in what is being proposed that would actually help protect what you expressed are your interests, well come before the Commissioners and tell them that as well. We thank you for your participation and thank you for coming out and taking this evening to share your thoughts with us to everyone. Thank you Mr. Voorhies as well.

Motion is case REZ-22-3, Kings Road Farm Rezone from RE2.5 to AG/RR, in favor of sending a favorable recommendation to the County Commissioners, with conditions as stated in the motion, carried (5-4).

UNFINISHED BUSINESS

**3. ZOA-21-11/
Ord 2022-12** **Amendment to the Monroe County Zoning Ordinance:
Chapter 801- Definitions**

Final Hearing. Changes from Commissioners Meeting 5/11/2022

Amendment to the ‘Change in Use’ definition, addition of definitions for ‘Site Plan’, ‘Plot Plan’, ‘Structure, Commercial’, ‘Structure, Residential’, and ‘Structure, Residential Accessory.’

Contact: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Behrman: Yes. Jackie and I put our heads together before she left for the week and we kind of came up with a script here so I going to mostly be reading. This is in reference to petition ZOA-21-11, also known as Ordinance 2022-12. This petition originally received a favorable recommendation by the Plan Commission on April 19, 2022. It was then heard May 11, 2022 at the Commissioners Meeting and given a favorable vote with a few changes. I am going to share a screen real quick now. On page 67 of the packet is where we find the edits. There were a few edits made by the Commissioners. One was to strike “certified” under Certified Plot Plans and also “in existence” struck and changed to exists. A second change was made under Certified Site Plan for the word “scaled”. It was removed since in all cases site plans will now be certified. Since the Commissioner made changes at their May 11th meeting the Plan Commission has 45 days, which would be June 25, 2022 to take action or else the changes go into effect. The Planning Department is now requesting changes to correct Chapter 815 and you will be hearing those in a couple of petitions later. This is including but not limited to; removing architect as a profession that can certify a plot plan, such as the Planning Department is asking that the Plan Commission reject the changes proposed today so that we can clean up Chapter 801 and get a final copy to you. Staff has found that with striking of the word “certified” under the Certified Plot Plan there is no inconsistency in the first statement saying that it is both a scaled drawing and that it is certified. In the next iteration we will provide a definition for Certified Plot Plans and for Plot Plan. Should the Plan Commission reject the changes and the County Commissioners take no action it would be formally rejected. If the Plan Commission approves the changes then the ordinance takes effect today. The other changes in the chapter, changes in use, an addition of structure, commercial, so these are definitions. There were changes in the definitions of the Change of Use, Structure, Commercial, Structure, Residential and Structure, Residential Accessory. These changes are not time sensitive so staff believes it would be ok if this text was rejected and that we had more time to clean up Chapter 801 so that it made sense with Chapter 815, which you will be hearing in just a few more minutes here. What questions do you have?

QUESTIONS FOR STAFF – ZOA-21-11/Ord 2022-12 – Amendments to Ch 801 - Definitions

Clements: Ok. Commissioner Thomas has a question.

Thomas: I actually don’t have a question I just want to apologize to my colleagues on this board. I appreciate your consideration on these changes. We just thought that they as we talk through it, it seemed to make more sense for clarity sake, so we appreciate you entertaining this. Thank you.

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Clements: Thank you. Yes, Mr. Enright-Randolph.

Enright-Randolph: As you can imagine as County Surveyor I get some inquiries from the public and whenever you talk about certified site plan I got a couple extra inquiries from the public and a lot of their concerns I think are addressed here and obviously I will be supportive of rejecting this to give Planning more time and supportive most likely of the new text amendment we will be looking at in the future. But I just wanted to indicate that this does address a few concerns that I have heard from the public in the last month or so.

Clements: Thank you. Mr. Pittsford.

Pittsford: Yes, Madam President. Thank you. I missed a lot of this discussion and I know these are very nuanced things when you get into definitions and stuff so I just want to say that I am sorry that I missed those conversations and at this time as these move forward I am doing to abstain from voting. It is too much for me to get caught up on the history but I am going to trust that all of you have put your very best into it and I am sure that final product is going to be stellar.

Clements: Ok. Thank you. Any further questions or comments from members of the Plan Commission or Dee or Jim? Any questions or comments?

Owens: None from me, thanks.

Clements: Ok, Mr. Guerrettaz has one.

Guerrettaz: So, if we, if there is a negative vote then somebody has to make a motion that we follow the recommendations by the Executive Board of County Commissioners? Is that correct? Or somebody makes a motion that we don't follow. If we don't follow then the ordinance stays as it has already been presented to the Commissioners and then they revote or how does that?

Behrman: It has been to the Commissioners. They made a few changes and we have actually found a few changes that we would still like to make since then. So, it came back here with the Commissioners changes. If you vote to approve this it goes into effect right now. If you reject it then we will not be taking it back to the Commissioners and it will just kind of fade away in a sense.

Guerrettaz: Ok, thank you.

Clements: Yes, Mr. Schilling.

Schilling: The Commissioners if you reject this tonight, the Commissioners would have 45 days to override that objection. If they don't take any action within the 45 days it automatically is rejected.

Clements: Then that would give the Planning Department to instigate the changes that they think would be more professionally sound. Is that it?

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Schilling: That is correct.

Clements: Ok. Mr. McKim.

McKim: I just want to clarify once again. What you want is for what the Planning Department, what staff wants if for us to vote to reject ZOA-21-11 so that you can basically start again and incorporate what you have learned through all of the discussion and the Commissioners input? You are not rejecting the Commissioner input, you just discovered other changes that you really need to make as well.

Behrman: Yes. We just need to smooth it out and have separate definitions for Certified Plot Plan and Plot Plan. We scrutinized it and found a couple of other things, so we will bring it back different.

Thomas: I am not clear on the procedure then because it seems to me that you should just wait on this until you have the other changes ready and bring it back as one item that incorporates the changes that the Board made and then what ever changes you also want to make. I guess I am not understanding why we even have to go through this process. If you just want to continue this then we can just continue this.

Schilling: Since the Commissioners amended what the Plan Commission sent to them the Plan Commission has 45 days from the Commissioners action to either accept or reject. If they don't reject then it automatically becomes effective.

Thomas: Ok, so we are at the end of that time period is what you are saying.

Schilling: Yes.

Thomas: Ok, so by rejecting it what kind of time does that buy?

Schilling: That gives the Commissioners 45 days to decide whether to override the Plan Commission.

Thomas: But in the meantime we are going to have something else to look at within 30 days, I would assume or just have it at the June meeting, I mean the July meeting.

Behrman: Yes we will try to put something together.

Thomas: I am you are kind of putting yourself under...

(Inaudible)

McKim: Then it is still dead.

Schilling: It is dead after 45 days.

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McKim: But the Commissioners can just let it go.

Thomas: But we also don't want to leave it the way that it is so we might not let it go.

McKim: But if we reject it and you do nothing then it is dead.

Clements: Yes, ok. As existential as this conversation, I think I should hear from Mr. Stainbrook right now.

Stainbrook: I am going to be real subtle and maybe not so diplomatic. How do I, when you are prepared to advise me anyone, that is Mr. Schilling, Ms. Thomas, Doctor Thomas, oh and Tammy, I want to vote to leave this with the Commissioners so do I vote for this or against this? Tammy or anyone.

Clements: I am lost.

Guerrettaz: Tammy can you answer that question? Because I will get it wrong.

Behrman: I will try to answer that. Mr. Stainbrook the Planning Staff has found some additional issues with Chapter 801 Definitions that we would like to correct so we would hope that you would vote to reject this because one of the other changes that was made we just didn't agree with and we would like to just see it rejected so that we can fix all of the things at once with Chapter 801 so that they kind of match up to Chapter 815, which you will be seeing a text amendment for that as well tonight.

Stainbrook: Well, I am sure that is helpful Tammy but I don't want to lose the changes of the Commissioners. I mean, we are an advisory body. I just threw that in to kind of justify what I am asking. How do I vote? You are interested in the changes the professional staff has made. I want to be sure that we keep the changes. I want to vote in such a way that it would keep the changes that the Commissioners have made.

Clements: Well, then you would vote yes tonight.

Stainbrook: Thank you Margaret.

Clements: But that doesn't get them the opportunity to make the changes that the Planning Staff has yet to recommend. Planning Staff feels that they could have a more professional product quicker if we vote no and give them a chance to redraft it. It doesn't prevent the Commissioners from overriding our vote and deliberating and deciding no this is exactly what we want. But the Planning Staff feels that they have yet another clarification up their sleeves that they would like to put into this ordinance.

Thomas: And just to make this even more confusing if I might, please allow me. No matter what happens staff can still bring additional verbiage changes. They can bring another ordinance changes to everyone, the Plan Commission and the Board of Commissioners once we have looked at it here, we have looked at it. So, this doesn't mean you can't ever amend this again and I think

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that is the sticking point there.

Clements: It sounds like a party.

Pittsford: Madam President I take back my current statement. I know just as much as everybody here.

Clements: Ok, with that being said, oh, Mr. Enright-Randolph.

Enright-Randolph: I am sorry about the feedback. I will do my best. Just to be concise and as straightforward as possible and if I overlook a couple of things, I am sorry if we vote to reject this what our hopes are is that the Commissioners take action to overturn our vote to reject this and then this is what I am getting at, then Planning is going to take the considerations and recommendations from the Board of County Commissioners and to the other elements within the chapter that they find are somewhat conflicting and bring us a new, revised amendment that incorporates the 2. So, my question is Planning is going to take in the recommendations from the Board of Commissioners as they redraft this and present it to the Plan Commission in the future. Correct?

Behrman: Correct. I think we want to have separate definitions for certified plot plan and plot plan.

Enright-Randolph: Absolutely and I thought I was right but I felt like I could say it clearly.

Clements: Mr. Guerrettaz.

Guerrettaz: So, if we reject it, it goes to the Executive Board of County Commissioners and they, if we reject it then they can go ahead and approve it. If they let it set for 45 days it just dies. IF we reject it now then staff has an opportunity to change the verbiage to what they want and with respect to what Julie just said, I think it would be a waste of time to go through and amend all of the language, bring it back. I think my opinion is we let staff chew on it, we reject it tonight, we chew on it, we let staff chew on it and get the language they want and then bring back an ordinance that will problem happen. That is the way I want to deal with it.

Clements: I feel that's just as elegant solution, more elegant than the tangle, mangled web we have woven. If we could have a motion then we could move on.

McKim: Do we need to take public testimony?

Clements: Is there a member of the public who would like to comment on this change to the ordinance who is present? Is there a member who is attending via zoom who would like to speak on this issue? If so, please raise your virtual hand or press *9 on your telephone to be heard. If not, then we bring it back for a motion.

**PUBLIC COMMENT –
ZOA-21-11/Ord 2022-12 – Amendments to Ch 801 – Definitions: None**

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**ADDITIONAL QUESTIONS FOR STAFF –
ZOA-21-11/Ord 2022-12 – Amendments to Ch 801 – Definitions: None**

**FURTHER QUESTIONS FOR STAFF –
ZOA-21-11/Ord 2022-12 – Amendments to Ch 801 - Definitions**

McKim: **I move we reject petition ZOA-21-11.**

Thompson: **Second.**

Behrman: Alright, so that is a motion to reject and a second. Julie Thomas?

Thomas: You had to start with me, didn't you? Well, this is no reflection on my colleagues but I will vote yes just because we all have things to do tonight.

Behrman: Ok, I got a yes. Bernie Guerrettaz?

Guerrettaz: Yes.

Behrman: Jerry Pittsford?

Pittsford: I abstain.

Behrman: Margaret Clements?

Clements: Yes.

Behrman: Geoff McKim?

McKim: Yes.

Behrman: Jim Stainbrook?

Stainbrook: Yes.

Behrman: Amy Thompson?

Thompson: Yes.

Behrman: Dee Owens?

Owens: Yes.

Behrman: Trohn Enright-Randolph?

Enright-Randolph: I just laughed and my mic was live. That means nothing to the seriousness of

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this discussion, just the complexity of it. So, I apologize for anyone that heard my giggle there. I just sometimes people are funny here and I think it is good to have a smile and be light-hearted occasionally. I vote yes.

Behrman: The motion passes 8 to 0 with 1 abstention.

The motion in case ZOA-21-11/Ord 2022-12, Amendment to the Monroe County Zoning Ordinance: Chapter 801- Definitions, Final Hearing, Changes from Commissioners Meeting 5/11/2022, in favor rejecting the changes that were proposed, carried (8-0) with 1 abstention.

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NEW BUSINESS

**1. SPP-22-2
(2005-SPP-02)**

Southern Meadows Subdivision Phase II-VI Preliminary Plat Extension.

Preliminary Hearing. Waiver of Final Hearing Requested.

Seventy-eight (78) parcels on 33.40 +/- acres in Section 20 or Perry Township between S Rogers ST and S College DR, Parcel no. 53-08-20-100-055.002-008. Owner: SOMO Development Company LLC

Zoned MR. Contact: dmyers@co.monroe.in.us

*****WITHDRAWN BY PETITIONER*****

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition was withdrawn by the petitioner.

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NEW BUSINESS

2. REZ-22-4

Young Trucking Construction Shop Rezone from IG to HI

One (1) 8.5 +/- acre parcel in Richland Township, Section 36 at

1238 N Loesch Road, parcel no. 53-04-36-200-016.013-011

Owner: Arrow Properties LLC

Zoned IG. Contact: dmyers@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Myers: Thank you. So, this one is the Young Trucking Construction Shop Rezone from IG to HI. This one has already seen the Plan Review Committee. As this is a preliminary hearing there is a waiver of final hearing requested for this petition. The Plan Review Committee voted 5 to 0 to forward with a positive recommendation with the concerns and recommendations; being that the petitioner limit some of the uses on the subject property that are currently permitted under HI zone by way of written commitment and some of those examples of uses that they would wish to be written out include Garbage/Rubbish Collection/Removal Facility, Rock Crushing, Wastewater/Water Treatment Facility and Adult Oriented Business. Giving a quick summary here. The petition site totals 8.5 acres. The request is to amend the zoning map from General Industrial to Heavy Industrial. The petitioner intention behind the rezone request is to provide for the appropriate zoning to establish a Trucking Terminal. Use Determination process with staff and the property owner and the owner's representative identified that the proposed use on the property would fall under Trucking Terminal. This determination was appealed and went to the Board of Zoning Appeals where they affirmed the determination by the Planning Director that the proposed used is classified as a Trucking Terminal. If the rezone request is approved by the County Commissioners the petitioner intends to complete the processes for the establishment of the Trucking Terminal use on the property which includes the commercial site plan process as well as Special Conditional # 31, which applies to Trucking Terminals, which states sites shall be screened with landscaping or an opaque fence or wall to a height of at least 6 feet. As a special note there was a Grading Permit issued to this property before the rezone request. That Grading Permit was issued on November 17, 2021 and based upon the submitted plans by the petitioner it appears that the grade work performed was done within an existing drainage easement, which is noted in Exhibit 3. Planning Staff is working with the petitioner and County Stormwater to rectify this issue. There have been some conversations between the petitioner and Planning Staff to amend this and we are still working with Stormwater to get it right potentially through the site plan process that will be coming after this rezone request. If the rezone is denied the petitioner may pursue any of the available uses under the General Industrial zoning district subject to commercial site plan requirements and any associated special conditions with those uses. Alright. Trucking Terminal is defined as a terminal facility used by a highway type property carrying vehicles which would include trucking maintenance facilities and as I stated that determination was affirmed by the Board of Zoning Appeals and made by the Planning Director for the proposed use on the site. Here I have the location map and the slope map. You will note that the property has very small amounts of steep slopes. Up here in the northeast corner there is actually a drainage area that we will see highlighted in a few of the next maps. Current zoning is General Industrial or IG. There are some Limited Industrial in the area as well as some PUD's. The Comprehensive Plan has it designated as MCUA Employment. Here we have the Curry and Loesch Minor Subdivision plat. You will

note that Lot 3 up in the northwest corner is the subject property and up there you can also see just barely a detention area designated for stormwater. We will see some more details here. This is the as-built for the site provided by the petitioner. This gravel pad here is what was performed under the Grading Permit that was issued in November of 2021. You will note that there is drainage easement that runs north/south along this area where my cursor is and that is where they mistakenly built the gravel pad over. Now I have some on the ground photographs that were taken during the Grading Permit inspection by Planning Staff. You will note that the grade work is complete and just some general site photographs here on how the property looks. I am going to scroll through these rather quickly in case we have questions we can come back to them. Here we have the petitioners letter to the Planning Commission basically stating that their intention to develop the property for the Trucking Terminal use and use the property as a headquarters for Young Trucking Incorporated. They have some items here that fall in line with their opinion on how the Comprehensive Plan looks and in comparison with this rezone request as well as the nearby properties. Here we also have a forwarded commitment from the petitioner regarding the limitation of uses on the site basically stating that they are amenable to removing these listed uses here as previously recommended by the Plan Review Committee including Central Garbage/ Rubbish Collection/Removal Facility, Wastewater/Water Treatment Facility, Agricultural Sale Barn and Bottle Gas Storage Distribution. Here we have the proposed site plan. This is just a draft. This would go through the standard process of commercial site plan review administratively by the Planning Department. You can kind of get an idea of what they are planning for the use of the property in regards to scale and development. We can come back to this if you have any questions. But again, this request tonight is for the rezone itself. I have included 2 separate tables of uses. One of the tables is IG zone or General Industrial, that is one the left and then the proposed zoning change to HI, Heavy Industrial is on the right. Again, I used the stars here to indicate that the following use is also permitted or conditionally permitted in the requested zoning district. So, there is a lot of overlay here from the IG zone and of course there is a larger amount of uses period within the Heavy Industrial zoning district. That brings me to staff's recommendation. Staff recommends forwarding a "positive recommendation" to the Board of Commissioners based on the findings of fact and compatibility with the Monroe County Comprehensive Plan subject to the following condition;

- 1) Petitioner record a written commitment limiting some of the uses on the subject property that are normally permitted under the Heavy Industrial (HI) zoning district as recommended by the Monroe County Plan Review Committee.

I will now take any questions.

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends forwarding a "positive recommendation" to the Board of Commissioners based on the findings of fact and compatibility with the Monroe County Comprehensive Plan subject to the following condition:

1. The petitioner record a written commitment limiting some of the uses on the subject property that are normally permitted under the Heavy Industrial (HI) zoning district as recommended by the Monroe County Plan Review Committee.

FINDINGS OF FACT - REZONE

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

(F) The Comprehensive Plan;

Findings:

- The Comprehensive Plan designates the petition site as MCUA Employment.
- The rezone request is to change the zone for the petition site from General Industrial (IG) to Heavy Industrial (HI);
- The petition site is currently vacant;
- If approved the petitioner intends to submit a site plan application to establish the use of a “Trucking Terminal” on the site;

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

Findings:

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

Heavy Industrial (HI) District. The character of the Heavy Industrial (HI) District is defined as that which is primarily intended for industrial uses that have extensive exterior movement of vehicles and goods. Its purposes are: to establish areas for industrial development; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with adjacent uses. The intensity of uses associated with the HI District required imposing strict measures, such as extensive setbacks, buffers, and landscaping, to control adverse environmental and visual impacts.

- The petition site is currently zoned General Industrial (IG);
- The driveway is located on a private roadway with access to N Loesch Road;
- The majority of the property exhibits slopes under the 15 percent (see Slope Map);
- The petition site is not located in FEMA or DNR Floodplain;
- The petition site not located in the Environmental Constraints Overlay (i.e. the Lake Monroe Watershed);
- There is no evidence of karst/sinkhole features present on the petition site;
- A “stormwater detention area” is identified in the northeast corner of the petition site, per the Curry & Loesch Minor Subdivision plat;

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

Findings:

- See Findings under Section A and Section B;
- The adjacent parcels to the north, east, and south are currently zoned General Industrial (IG);

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- The adjacent parcel to the west is zoned Light Industrial (LI);
- Land uses in the surrounding area are mostly commercial and/or industrial;

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

Findings:

- Property value tends to be subjective;
- The effect of the approval of the rezone on property values is difficult to determine;

(J) Responsible development and growth.

Findings:

- See Findings under Section A, Section B, and Section C;
- The petition site is one parcel with 8.5 +/- acres;
- The purpose of the rezone is to provide the property owner with the right zoning to pursue a Trucking Terminal use on the property;
- According to the Monroe County Thoroughfare Plan, N Loesch Road is designated as a local roadway;

QUESTIONS FOR STAFF – REZ-22-4 – Young Trucking

Clements: Thank you, Mr. Myers. Are there questions for Mr. Myers? Mr. Guerrettaz.

Guerrettaz: Just a quick comment. Drew, I want to just compliment you on the Use Table and the way you put the stars next to one, I think even on the last petition it helped some of the public to understand what those common uses were and what the commonalities between the 2 were. So that is very helpful.

Clements: Yes.

Myers: Thank you.

Clements: Mr. Pittsford.

Pittsford: Yes, I do have a question. What is the potential for employment here? Because this is in the MUCA Employment area. When I think trucking terminal I don't think a high number of employees and I know there is some equipment rental and stuff but most of the uses around this are industrial to the extent that they due provide better than fair amount of employment. That is my question.

Myers: Thank you. I believe that the petitioner's representative will be able to answer that question more effectively. But I do note that it is for a trucking terminal, is the way that it fit into the zoning ordinance but they are also using it as a construction shop. So, there will be some employment. I can't say exactly how many employees they expect to have but I don't believe that it would just be one to two. I think it would be a larger operation but again, I would defer to the petitioner's representative to speak more on that.

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Pittsford: That is a good point Drew. I guess I really should put a finer point on my question. To what extent would you consider this employment designation when you made a positive recommendation?

Myers: That is a good point. It is, the Comprehensive Plan is MCUA Employment so based upon conversations with Planning Staff and the petitioner we tried to outline the similarities between the Comprehensive Plan and the petition. That is also one of the primary duties if not the primary duty of the Plan Review Committee to help us identify how it is compatible with the Comprehensive Plan. The Plan Review Committee voted 5 to 0 in regards to that.

Clements: Thank you Mr. Myers. Mr. McKim.

McKim: Thank you. Just to clarify the uses that would or that staff is recommending be excluded if we recommend approval are Central Garbage/Rubbish, Remote Garbage/Rubbish, Wastewater/Water Treatment, Agricultural Sales Barn and Bottled Gas Storage and Distribution. Is there anything else?

Myers: Correct. Staff has also talked about with the Plan Review Committee of also removing any Adult Oriented Businesses but there are some conditions associated that that may preclude it anyways from the use on the site.

McKim: Ok. So, is it recommendation that be included in a listed excluded or not or just leave it off because it is already being handled elsewhere?

Myers: At the time that we made the recommendation with the Plan Review Committee we weren't sure whether or not that use would be permitted even with its own conditions on the site so, typically, yes we would say to include that but I believe that it excludes itself based on the conditions. But I would want to double check that.

McKim: Thank you.

Clements: Thank you. I see that Mr. Stainbrook has his hand raised.

Stainbrook: Thank you Margaret. As usual Geoff is ahead of me. More generally speaking Tammy, Drew maybe Mr. Schilling how can the petitioner redefine the zoning, if that is the zoning? I am not for having the garbage and these other things whatever that they agreed to exclude but I don't see how you can take a zone with zoning and then, it is not indiscriminant, I shouldn't say that but selectively. I don't see how you can selectively exclude certain uses and just as come up so pointedly in the hearing on Doctor Voorhies property when the remonstrators point out that the zoning goes with the property, it just seems to me that this is not good or best practice to take a zone and redefine it. Especially when that is done by the initiative for whatever reason whatever motive that the petitioner has. It doesn't make sense to me but a lot of things in the world don't make sense. Tammy, I guess you are the director tonight or maybe Mr. Schilling.

Schilling: I can answer that. The petitioner has the option under Indiana law to offer commitments to the Plan Commission to induce approval of an application. So, this petitioner has voluntarily

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agreed to limit the number of uses that might be harmful to surrounding properties in his application.

Stainbrook: Well, you are the lawyer.

Clements: Thank you Mr. Stainbrook. Ok, I know that Ms. Moss has been extremely patient with us tonight and I assume you are representing the petitioner so you have 15 minutes to talk with us about what you want to do and how you are going to do it. So, thank you.

PETITIONER/PETITIONER'S REPRESENTATIVE - REZ-22-4 – Young Trucking

Moss: Chelsea Moss with Abram-Moss Design Group and I represent the petitioner on this project. Drew did a great job in introducing the project. I just wanted to touch on a few things that have come up either in some of your questions or some previous questions just for clarification. I wanted to kind of touch on, we feel this does align with the employment area for the Comprehensive Plan. Currently they are operating and plan to operate about 50 trucks and then will also have office staff, so you are looking at 50 plus employees on the property which is fairly substantial for the size of lot. They have a pretty big operation and most of the operation would move to this site. It also is in line with the current draft of the CDO. This is kind of slated in the current draft to go to HI so we are not asking for anything that is not outside of where things seem to be heading anyways from a planning perspective. Drew touched on the drainage easement that is currently in the area that they did some fill work. As part of normal operations they are constantly bringing fill and because this area is sunken down several feet across the whole area we applied for a Grading Permit to bring in some fill that he already had access to as one of the many fill sites that they go to. The drainage easement is actually for an underground drainage pipe. I want to make sure that no one is thinking we are filling a ditch or anything. That easement is for an existing underground pipe that goes to the detention pond on the north side of the property. From a site plan perspective we are not planning on putting any buildings in that area. It would just be parking areas, which are allowed in those easement per the covenants on the plat. I think as far as the letter I did want to point out the commitment letter. One thing that the Plan Review Committee had requested be on there was rock crushing and that is not included on our letter that we submitted. We specifically didn't include that because they do have mobile rock crushing units that they use and they may use that to actually do some more fill work on that site. We didn't want to put the site in jeopardy of having an issue of construction right off the bat. The site is not big enough to operate a large rock crushing facility. But for that temporary use especially while they are constructing the site we didn't want to have any limitations in that perspective. Otherwise I think besides the adult oriented business everything else that the Plan Review Committee requested or mentioned we went ahead and included on there. Most of those uses honestly wouldn't fit on the site anyways similar to one of the previous petitions. The overall use does fit with the area. Highway Department has reviewed this. There is a little bit of widening that we will have to do on the private road to meet current standards but that will all be included in the site plan development.

Clements: Ok. Does any member of the Plan Commission have questions for Ms. Moss? Commissioner Thomas?

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Thomas: Yes. I have 2 questions. One is for both you and staff simultaneously. Can we just put the rock crushing back in there even though I know it is really about a quarry type rock crushing that that refers to but can we put it back into the commitment post construction of the property? I don't know if there is a way to do that. That is the staff's question.

Moss: I am not sure on that.

Thomas: I don't know if your client would be ok with that.

Moss: I am not sure. I would have to talk to them on that. Honestly, in many aspects most of what I would see as concerns about rock crushing in that area would be mitigated by other permitting so from an air quality perspective dust would have to be reduced and sprayed or whatnot. We would still have to if they were to do any rock crushing in the future they would have to all of the water stormwater pollution prevention measures in place and maintained continuously. From a noise perspective it is in the area that would have to meet all of your noise standards. It also in an area that is supposed to be annexed. That is one of the agreed annexed areas so it is theoretically within City in the future as well. Noise and dust are usually the biggest complaints from a rock crushing perspective and I think the noise ordinance as well as the stormwater pollution prevention, CSGP requirement would alleviate most of those concerns from a regulatory standpoint.

Thomas: I would have to do more research on that part of it because I am not comfortable with that but let me go ahead and ask you my other question. What is being done to mitigate this as a friendly nuisance in an area that will have a lot of pedestrian traffic with the trail nearby? Are trucks going to be stored in buildings? Are they just going to be out in the open? Is there fencing, constant wire fencing or some kind of trees and fencing?

Moss: That would be fencing around most of it and there will be a 6 foot tall vegetated berm on the north end that is the one area where it is against technically a little bit more residential rural area. We are maintaining the existing buffer. I think we may just take out a handful of trees just right on the edge. There is an existing vegetative buffer, pretty large buffer on the west side of the property and most of that is staying. We are not tearing any of that out. From Loesch you will really not see. In fact you can't see the site right now from Loesch unless you drive down the private drive.

Thomas: Ok. I still have concerns about rock crushing because of the neighbors. Because I don't know how they would be notified in order to come in to tell us they don't want that so that is why I am not comfortable with this at this moment. I will just tell you that part. Thank you.

Clements: Ok. Are there any further questions? Mr. Guerrettaz it looks like?

Guerrettaz: On the rock crushing when we looked at it at PRC I wasn't in favor of eliminating the rock crushing because I think it is a pretty reasonable use with the operation that is there. I think the site because it is accessible to Rogers Quarry, Ingram Quarry, you can jump on 69 and get on 37 to get down to Ingram fairly easily. The operation would be consolidated into one location which I think does hit the employment issue and would allow that to grow in an area that I think would be good for that location. I have done permitting on rock quarries and quarries and I don't

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think the scale that Chelsea may be talking about is maybe some of what I have seen but there are very arduous requirements that go with it with the rule 6, IDEM permits, rule 5, which we are all familiar with and my thought was the same with the noise. We have got ordinances and we have got rules in place that done differentiate what the noise is. It says the noise can be at the property line. So, I wouldn't have a problem with the rock crushing. I think it is a good location for the property. I think it makes what their primary efforts are very accessible.

Clements: Thank you Mr. Guerrettaz. I think the questions for Ms. Moss ae finished. I will then turn to members of the public. If there are members of the public who would like to speak in support of this petition please raise your hand on zoom or press *9 on the telephone. If there are members of the public who would like to speak in opposition to this petition please raise yo8ur virtual hand on zoom or press *9 on the telephone. I will give that a second to see if people can find the buttons that they need push. Ok, I don't see any comments that would like to be made. So, I return now to members of the Plan Commission for further discussion.

SUPPORTERS - REZ-22-4 – Young Trucking: None

REMONSTRATORS – REZ-22-4 – Young Trucking: None

ADDITIONAL QUESTIONS FOR STAFF – REZ-22-4 – Young Trucking

Guerrettaz: Go ahead Geoff, excuse me.

McKim: Actually I just wanted to confirm. This is just preliminary hearing so we can do nothing if that would give Commissioner Thomas an opportunity to do a little more research on rock crushing and come to a, and maybe have the petitioner come to some kind of offer or commitment too that would satisfy Commissioner Thomas. Correct?

Clements: Ok.

Myers: Correct.

Enright-Randolph: I would like to echo that approach.

Clements: Pardon me?

Enright-Randolph: I am in support of that approach. I would like to voice that.

Clements: Ok. I just wondered Mr. Stainbrook or Ms. Owens do you have anything to add?

Owens: I do not.

Guerrettaz: That was my question. My other question was, excuse me.

Clements: Go ahead Mr. Guerrettaz.

DRAFT

Stainbrook: I think not.

Guerrettaz: My question is, sorry Jim I am blabbing here but one of us has to go so I am going to keep going, my question is to Chelsea. If this is a preliminary hearing and these are units that Arrow Properties or Young Trucking have can you bring in or can you offer up some photographs of the size and the configuration of these rock crushing units? See if they are available?

Moss: Yes I can see if they are available.

Clements: I would just like to ask Ms. Moss before you leave the podium is there anything that would help you for the next presentation and the next hearing?

Moss: I guess it sounds like you are looking for a bit more information on the rock crushing operations, what would be involved in that what regulations would need to be adhered to as is and potentially a commitment too, after construction. I would have to work with staff on if and how that might be applicable.

Clements: Ok, I think that sounds exactly right and we thank you as always your professional presentation. Thank you.

Myers: If I might, Dave do they have to deny the waiver of final hearing or can they just move on? Does there have to be any vote?

Schilling: That is up to the Plan Commission. If they want to deny it by a vote that is fine. Otherwise it just passes on if you don't approve a waiver.

Clements: Ok. So we will see you again. Ok, thank you.

FURTHER QUESTIONS FOR STAFF – REZ-22-4 – Young Trucking

No motion was made in case REZ-22-4, Young Trucking Construction Shop Rezone from IG to HI, as this is the preliminary hearing, case is moved to the next meeting.

DRAFT

NEW BUSINESS

2. SAD-21-4

**O'Bannon Type E Administrative Subdivision
Waiver of Right of Way Dedication. Waiver of Final Hearing.
Preliminary Hearing.**

Two (2) parcels 3.14 +/- acres located in Section 6 of Bloomington Township at 6597 & 6601 N Maple Grove RD.

Owners: O'Bannon, Karen; Ogle, Kathy

Zoned ER. Contact: acrecelius@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION: Petition was continued by the petitioner.

DRAFT

NEW BUSINESS

3. ZOA-22-1

Amendment to the Monroe County Zoning Ordinance: Chapter 815 – Site Plan Review

Preliminary Hearing. Waiver of Final Hearing Requested.

Technical fixes to take out “scaled” in front of “plot plan” and to remove a boundary survey requirement based on lot size alone. Also, remove “architect” as a profession that can certify plot plans.

Contact: jnester@co.monroe.in.us

BOARD ACTION: Clements introduced the petition.

STAFF ACTION:

Behrman: This is the text amendment that I mentioned earlier that kind of goes in tandem with Chapter 801 that we want to clean up on a little bit. We have a few changes. The first one is page 134 where we will remove ‘scaled’ and basically keeping in line with we want to see certified site plans, certified plot plans and plot plans as our definitions to use consistently. On page 135 of the packet we are wanting to get rid of ‘scaled drawings’ and replace that with ‘plot plan’. This will be for Residential Accessory Structures, things that don’t have to have that certified plot plan. We also have a small error on page 136 at the top under the residential column, the letter ‘V’ we are striking that. It was not intended to be required for a certified plot plan. On page 137 also letters “B and C” we are going to strike ‘or architect’. Because we realize that a certified site plan definitely needs to be signed by either an engineer or land surveyor. We are striking architect from both of those. Letter “J” I believe is the last one we have on page 137. Here for certified plot plans and plot plan in the future, those plans are going to need to show lot boundaries but we will not be requiring a certified surveyed area per say. So, we are striking the latter have of that.

QUESTIONS FOR STAFF – ZOA-22-1 – Amendments to Ch 815 – Site Plan Review

Clements: Are there questions or comments from members of the Plan Commission? I have one. It is on page 101 where Item A is removed, oh it says it is repealed by Ordinance 2015-02. The division of land into 2 or more tracts of which all tracts are at least 5 acres in size and that was repealed by another ordinance so I think I just answered my question. Sorry about that. Anybody else have any questions? Mr. Stainbrook? Ms. Owens? Is there any member of the public who would like to speak on this?

Stainbrook: Margaret, pardon me if it is still open. I am not for or against striking architect but that seems to be going on. Why then in “D” Tammy we have still surveyor and architect?

Behrman: In letter B?

Stainbrook: No, “D” as in dog.

Behrman: That is just stating the name of the person who produced or certified site plan plot plan.

Stainbrook: Pardon me Tammy. I don’t mean to interrupt rudely but in “C” haven’t you eliminated or architects or why do you want the name there?

DRAFT

Behrman: I see what you are saying. I will say that...

Stainbrook: It is no big deal but.

Behrman: It is possible I think there is a possibility that plot plan could be submitted by an architect.

Stainbrook: Don't you want architect back in "C" then?

Behrman: No because that would be the certified plot plan that would require...

Stainbrook: It says certified down here. I thought, Tammy. I will cease and desist. It is editorial but I don't quite get that.

Myers: I can offer some clarification, Jim. So, Items B and C if you will note that they are related to commercial plot plans or residential plot plans and we are removing architect from those two letter items because in the nature of certifying something you have to have specific license and be able to produce something that proves that is what we are looking for, which is essentially lot lines, topographical lines, that sort of information and we felt that architect most likely would not be able to provide that sort of certification. We do keep it in the D Item because you will note that it also allows for accessory, residential accessory structures and there is a little bit less of a standard of how much detail you need to provide into that type of non-certified plot plan and we believe that an architect could most likely be able to provide that information without having to certify it.

Clements: Ok. Any other discussion or motion or is there anything that anyone would like to do before we move onto administrative reports?

PUBLIC COMMENT - ZOA-22-1 – Amendments to Ch 815 – Site Plan Review: None

**ADDITIONAL QUESTIONS FOR STAFF –
ZOA-22-1 – Amendments to Ch 815 – Site Plan Review: None**

**FURTHER QUESTIONS FOR STAFF –
ZOA-22-1 – Amendments to Ch 815 – Site Plan Review**

McKim: I will make a motion. In the matter of ZOA-22-1, Amendment to the Monroe County Zoning Ordinance, Chapter 815 – Site Plan Review, I move we forward to the Board of Commissioners a positive recommendation the text amendments as laid out in the packet and waive final hearing.

Thompson: **Second.**

Behrman: Alright, so that is a motion to forward a positive recommendation to the County Commissioners and waive the final hearing. I will go ahead and call the roll. Jim Stainbrook?

DRAFT

Stainbrook: Aye.

Behrman: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Behrman: Dee Owens?

Owens: Yes.

Behrman: Bernie Guerrettaz?

Guerrettaz: No.

Behrman: Amy Thompson?

Thompson: Yes.

Behrman: Julie Thomas?

Thomas: Yes.

Behrman: Jerry Pittsford?

Pittsford: Yes.

Behrman: Geoff McKim?

McKim: Yes.

Behrman: Margaret Clements?

Clements: Yes.

Behrman: The motion passes 8 to 1.

The motion is case ZOA-22-1, Amendment to the Monroe County Zoning Ordinance: Chapter 815 – Site Plan Review, Preliminary Hearing, Waiver of Final Hearing Requested, Plat Committee Recommendation, in favor of sending a favorable recommendation to the County Commissioners and waive final hearing, carried unanimously (8-1).

DRAFT

REPORTS:

Clements: Ok. I want to thank you for this new business portion of meeting and I would like to move onto the reports from the acting Planning Director, Ms. Behrman and the County Attorney, Mr. Schilling.

Planning/Behrman: Planning does not have any reports at this time.

Legal/Schilling: Nor does Legal.

Clements: Ok, is there a motion?

Guerrettaz: I have a question, I am sorry. On the Performance Bonds do we normally approve Performance Bonds at the Planning Commission level? I am going back to that first petition. Do we normally vote on the Performance Bonds?

Pittsford: The release.

Guerrettaz: The release of them.

Behrman: As we interpret the ordinance right now, yes. We will be bringing those to the Plan Commission.

Thompson: We have before.

Guerrettaz: But not as regular business, right?

Thompson: Not super often but I seem to remember some before.

Pittsford: Yeah, not super often.

Guerrettaz: Ok, I am just asking. I didn't know so I had to ask. Thank you Margaret.

Clements: Thank you Mr. Guerrettaz. Is there a motion to adjourn?

McKim: I move that it is dinner time.

Clements: Is there any objection? Ok. Thank you everyone. Thank you so much.

The meeting adjourned at 8:28 pm.

Sign:

Attest:

Margaret Clements, President

Jacqueline Nester Jelen, Secretary

DRAFT