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**MONROE COUNTY PLAN COMMISSION  
Hybrid Meeting - Minutes  
January 17, 2023 – 5:30 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES – November 15, 2022**

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

**OATH OF OFFICE – Cheryl Munson**

**ROLL CALL: Bernie Guerrettaz, Geoff Morris, Margaret Clements, Julie Thomas, Cheryl Munson, Dee Owens, Trohn Enright-Randolph**

**ABSENT: *Jerry Pittsford***

**STAFF PRESENT: Jackie Jelen, Director, Tammy Behrman, Assistant Director, Anne Crecelius, Planner II, 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, Commissioner Lee Jones**

**INTRODUCTION OF EVIDENCE:**

**Jackie Jelen introduced the following items into evidence:**

The Monroe County Zoning Ordinance (as adopted and amended)

The Monroe County Comprehensive Plan (as adopted and amended)

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

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

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

**The motion to approve the introduction of evidence carried unanimously.**

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

**Motion to approve minutes from meeting of November 15, 2022, carried with 1 abstention.**

**ADMINISTRATIVE BUSINESS:**

**1. Plan Commission Rules of Procedure**

**UNFINISHED BUSINESS:**

**1. PUO-22-1 Whitehall Business Park PUO Amendment 1  
Final Hearing.**

One (1) 8.99 +/- acre parcel in Van Buren Township, Section 1 at S Liberty DR, parcel #53-09-01-100-034.000-015  
Owner: Autovest II LLC c/o AJ Willis, Bynum Fanyo & Assoc.  
**Zoned PUD.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

**NEW BUSINESS:**

**1. SMN-21-11 Naylor-Sheppard Minor Preliminary Plat  
Right of Way Width Waiver Requested.**

**Preliminary Hearing. Waiver of Final Hearing Requested.**  
One (1) parcel on 38.023 +/- acres in Section 34 of Washington Township at 1261 E Sample RD. Parcel no. 53-02-34-100-019.000-017.  
Owner: John Sheppard  
**Zoned AG/RR.** Contact: [tbehrman@co.monroe.in.us](mailto:tbehrman@co.monroe.in.us)

**2. REZ-22-10 Pedigo Bay Rezone from FR to SR  
Preliminary Hearing. Waiver of Final Hearing Requested.**

One (1) 3.77 +/- acre parcel in Clear Creel Township, Section 35 at 2600 E Pedigo Bay DR, parcel #53-11-35-200-028.000-006  
Owner: Pedigo Bay Homeowners Association Inc  
**Zoned FR.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

**3. REZ-22-11a Stinesville Rezone from GB to HR  
Preliminary Hearing. Waiver of Final Hearing Requested.**

Six (10) parcels totaling 1.50 +/- acres in Bean Blossom Township, Section 17 at 8126, 8153, 8171, 8182, 8248, and 8289 W Main ST, parcel #s: 53-03-17-403-032.000-002, 53-03-17-403-063.000-002, 53-03-17-403-076.000-002, 53-03-17-403-068.000-002, 53-03-17-403-069.000-002, 53-03-17-403-018.000-002, 53-03-17-403-031.000-002, 53-03-17-403-077.000-002, 53-03-17-403-045.000-002, 53-03-17-403-046.000-002. Owners: Various; Town of Stinesville c/o Darla Brown  
**Zoned GB.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

**4. REZ-22-11b Stinesville Rezone from GB to HR  
Preliminary Hearing. Waiver of Final Hearing Requested.**

Four (4) parcels totaling 0.64 +/- acres in Bean Blossom Township, Section 17 at 8153 W Main ST, parcel #s: 53-03-17-403-063.000-002, 53-03-17-403-077.000-002, 53-03-17-403-045.000-002, 53-03-17-403-046.000-002. Owners: Various; Town of Stinesville c/o Darla Brown  
**Zoned GB.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

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**5. REZ-22-11c**

**Stinesville Rezone from AG/RR to IP**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

A 0.60 acre portion of two (2) parcels totaling 4.14+/- acres in Bean Blossom Township, Section 16 at 7951 W Main ST, parcel #: 53-03-16-300-006.000-001 and 53-03-16-300-003.000-001.

Owners: Various; Town of Stinesville c/o Darla Brown

**Zoned AG/RR.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

**6. REZ-22-12**

**Rolfsen Rezone from RE1 to AG/RR**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

One (1) 19.34 +/- acre parcel in Bloomington Township, Section 8 at 4851 N Kinser PIKE, parcel #53-05-08-300-008.000-004

Owner: Brawley Investment Group LLC

**Zoned RE1.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

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**OATH OF OFFICE – Cheryl Munson**

Jelen: Cheryl, I think you have a piece of paper on your desk. If you wouldn't mind just go ahead and read that out loud.

Munson: I, Cheryl Munson, do solemnly swear that I will support the Constitutions of the United States of America and the State of Indiana and that I will faithfully and impartially perform my duties as a Monroe County Plan Commission member according to the law and to the best of my skill and ability.

Jelen: Thank you.

Clements: Thank you.

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## ADMINISTRATIVE BUSINESS

### 1. Plan Commission Rules of Procedure

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

**STAFF ACTION:**

Jelen: The Plan Commission members have been working hard on amending the Rules of Procedure. So, I can go through these and hopefully everyone has had a chance to look at these. Starting on Article 2 – Meetings, (C) is being added as well as (D). (C), says the Plan Commission may continue items from a Regular Meeting to a future Administrative Meeting for a vote, if the majority of the Plan Commission vote in favor of the continuance. (D), says in the event that the Regular Meeting of the Plan Commission is cancelled for lack of a quorum, items will automatically be continued to an Administrative Meeting and will be conducted as a public hearing. I will keep moving. Under Article 3 – Disqualification, #3, it says the disqualified member shall leave the dais and either sit in the audience or leave the hearing room until disposition, final or temporary, of the matter. #4, A Plan Commission member may not receive any mileage or compensation from the Plan Commission for attendance at a meeting during which the member is disqualified from participating for the entirety of the scheduled hearings. We have changes under Conduct of Hearings. We are also updating our petition review process so that we are reflecting all of the subdivision types.

Owens: Jackie if I could, I noticed that the red line is still in this copy.

Jelen: Yes, so when I accept the track changes, Dee, that is a good question, this graphic will go away that is shown on the screen, and it will be replaced by this graphic.

Owens: I see. Ok, thank you.

Jelen: Under Conduct of Hearing, which is good for tonight's hearing we can introduce the Conduct of Hearings as we do now. Under (B), a Plan Commission member shall introduce the petition as listed on the approved agenda. (D), after being recognized by the Presiding Office, the petitioner or an authorized representative shall be asked to speak, state their name, state whether they are Monroe County resident or property owner and if in person, sign the registration sheet before proceeding to present the facts and arguments in support of the petition. Item (E), we are adding, once the initial presentation by staff is complete, Commission members may make comments and ask questions to staff. Under Item (J) we are adding, Plan Commission members shall discuss the merits of the petition, seeking clarification from staff, department heads, and participants as appropriate. The conduct is as follows; (I), a Plan Commission member may make a dispositive motion. (II), the maker of the original motion may accept and incorporate any amendments by the Plan Commission members to avoid a vote on the amendment with concurrence of the second. (III)...

Owens: Jackie, can I jump in there?

Jelen: Sure, go ahead Dee.

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Owens: On little (ii) on page 18 and it is identical on page 20, I understand what we are trying to get to but when you read that through especially as a person who hasn't gone through this process, it doesn't make any sense. Read it again out loud.

Jelen: Sure. The maker of the original motion may accept and incorporate any amendments by Plan Commission members to avoid a vote on the amendment with concurrence of the second.

Owens: I think it needs to be made a little more clear possibly. Just reading that out of the blue is like a little confusing. How about of the members second or something?

Clements: I thought the original version was clearer. The Plan Commission may move to approve or deny, to amend the question. In order for the amendment to be considered it must receive a second. I thought that was clearer rather than the dispositive.

Owens: Oh, that is on number one. Yeah, I agree with that. People have to get out the dictionary to see what that is. I was talking about number two but, yes, both of them are good. I agree.

Clements: There was another place where that occurs, so I think the original version under one, or the original version one was more clear. I don't know how other members of the Plan Commission feel about that. Anyone? Council Member Munson?

Munson: I would agree that dispositive is not the best term to use.

Clements: Thank you. Thank you so much.

Jelen: I believe at the Administrative Meeting we had it as approve or deny and there were some questions say for instance on rezones that were getting forwarded to the Commissioners and whether that reflected all of the options. So, that is why we had switched it from approve or deny because we have a lot of different options we have continue, forward, favorable recommendation, approve with conditions. Cheryl?

Munson: Could it say a Plan Commission member may move to take action, without specifying which particular action.

Clements: I like that. That sounds great.

Owens: I do too. Sounds good.

Jelen: Ok. Do you want me to make 2 into what it was originally and then take the blue print on that?

Clements: I think so. It will just be more clear and on page 20 it is rather similar.

Jelen: Right. We added those. I will make those changes to both sections.

Clements: Ok.

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Jelen: I will just read (2) as, the maker of the original motion may accept and incorporate the amendment into the original motion to avoid a vote on the amendment with concurrence of the second for the original motion. That is how you would like to say it.

Owens: That makes more sense to me. Thank you.

Jelen: (4), when discussion is complete, the Plan Commission President will prompt staff to call for a vote on the motion. Then (6), steps shall be repeated until an offered motion receives a majority vote. If a majority vote cannot be achieved the petition will automatically be continued to the next regular meeting of the Plan Commission. The same as below, so we will make those changes to the items below. This is a duplicate of above. This is just where the Plan Commissioner or County Commissioners are taking forward the petitioner whereas the above references when the public is taking forward the petition. So, these are the same. Staff did do a full read through the Rules of Procedure. We found one other change that we would like to propose which is under 8, which is that written notice sent by fax, email or First-Class US Mail and to any non-applicant property owners by Accountable US Mail, at least 6 days prior to the hearing date. That covers us since we send our packets 7 days in advance.

Clements: I just was trying to go over this chart on page 34 and I was necessarily about to correlate all of the numbers with who, how and when given by whom. So, I just wondered if we could go over that in house and review that carefully.

Jelen: Sure. It is a difficult matrix there. The Article – Miscellaneous Policies and Directives we just added in here something that has been voted in the past which is, for purposes of the Monroe County Code 811-5 C6, the two types of bonds/financial guarantees that are acceptable to the Plan Commission are letters of credit and certified checks that satisfy the requirements of Monroe County Code 858-3. Those are all of the changes and as I read them, we made 2 edits to 2 different sections. Does the Plan Commission feel comfortable for a vote on this tonight, or would you like to see this at another meeting?

Thomas: I do. I think we have one amendment that we have made here that we have all consented to. Yes? Did you still want to go through that matrix chart before I make a motion?

Clements: I don't know legally what is best because that is a legal notification requirement, and I am not exactly confident that it correlates with your intentions.

Jelen: We do look at that table pretty closely and follow it exactly but if the question is it is not easily readable by the public, we could work to reformat it at a future meeting.

Clements: That is not necessary. I just want to make sure that the right parties are being notified in the right paragraphs and all of that. So, if you are confident with it then I have confidence in what you have written. I was just having a little bit of user issue but that is ok.

Thomas: I did serve a spot check on a couple of them and went back to look and see if those numbers had changed and they hadn't. But I guess that might be the question too is with revisions

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if any of these numbers indicated on the matrix have changed, if those have been picked up because I feel like they were but.

Jelen: We didn't change any part of that notification requirement, so we are ok on that part.

Clements: Ok, so is there a motion to approve what we have discussed tonight? There were 2 sections I believe that had some changes pertaining to paragraphs that we feel we have made clearer as far as taking action versus dispositive statements.

### **BOARD ACTION – Amendments to Plan Commission Rules of Procedure**

Thomas: I will **move approval of the Rules of Procedure as we amended them today in the meeting.**

Enright-Randolph: I will **second.**

Owens: And I will second it.

Jelen: Ok, it has neem moved and seconded to approve the amended Rules of Procedure. Dee Owens?

Owens: Yes.

Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Jelen: Geoff Morris?

Morris: Yes.

Jelen: Cheryl Munson?

Munson: Yes.



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Jelen: Ok, the motion carries 7 to 0.

**Motion to approve amendments to the Plan Commission Rules of Procedure that were discussed during the meeting, carried unanimously (7-0).**

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## UNFINISHED BUSINESS

### 1. PUO-22-1            **Whitehall Business Park PUO Amendment 1 Final Hearing.**

One (1) 8.99 +/- acre parcel in Van Buren Township, Section 1 at  
S Liberty DR, parcel #53-09-01-100-034.000-015

Owner: Autovest II LLC c/o AJ Willis, Bynum Fanyo & Assoc.

**Zoned PUD.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

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

#### **STAFF ACTION:**

Jelen: I am sorry but before Anne continues, I just want to make one announcement. There was a Minor Subdivision that was continued, SMN-22-9. That is not on the agenda tonight, but it did receive notice to neighbors saying it would be on the Plan Commission and that was an error by staff. So, I just wanted to make it known for anyone that is here for a Minor Subdivision, address is 5118 East Ratliff Road. It is actually going to Plat Committee on Thursday, January 19<sup>th</sup> at 4pm.

Clements: If members of the public are here for that case it will not be heard tonight. Could you just repeat the address?

Jelen: It is 5118 East Ratliff Road.

Clements: East Ratliff Road. Ok, thank you. Thank you for that update. Ms. Crecelius?

Crecelius: Thank you, Margaret. This is the final hearing for the proposed amendment to the Whitehall Business Park PUD. Since we have a new member, I will go through the full petition somewhat quickly. The petition site is 8.99 acres. It is located in Van Buren Township, Section 1 and is platted. It is currently zoned the PUD Whitehall Business Park. Whitehall Business Park is a fairly old PUD that was created under the City of Bloomington. We are looking at just a general photo from the 1979 creation of the PUD. The area has been developed in multiple different phases over the years. We are looking at one petition site, but I will refer to one adjacent lot as well. The petitioner is petitioning to amend the Planned Unit Outline Plan to include 10 new uses on this site. The petition site that we are looking at is on the right side. The adjacent property that is also under the same ownership is on the left or on the west side. That property I am going to refer to as 701 South Liberty Drive. 701 South Liberty Drive received a development plan approval in 2019. The site was graded and stabilized for further development and has been pending. The property owner intends to develop both the petition site and 701 South Liberty Drive. The petitioner intends to adjust the lot lines if this is approved, the Outline Plan Amendment is approved. They want to adjust the lot lines between the 2 properties so that 701 contains the southern half of our petition site. This will just make you a little familiar with the area. The graded lot is that 701. We are kind of considering 2 things here. One is the image on the left is the current lot line configuration, so that is how it exists now. If the outline plan goes through on the right would be their proposed lot lines. Right now, 701 South Liberty in 2019 went through an amendment to add in a list of automobile repair services and automotive sales uses on that property. They are proposing to add in those same uses on the right side plus one additional use that is called Warehousing and Distribution Activities. 701 received and approved outline plan in 2019 for 9 uses. They did strike

Automobile Repair Services Minor from that list. Right now, the petitioner is proposing all uses including Automobile Repair Minor and Warehousing and Distribution. Warehousing and Distribution would be only on the petition site and not on 701 South Liberty. Here are few photos of the site. This is looking west toward South Liberty Drive and that is looking east, southeast on the petition site. That is looking directly east. The site is a flagpole shape and has a small amount of frontage on South Liberty Drive of approximately 65 feet. South Liberty Drive already has sidewalks, and the site utilizes CBU water and sewer. The property has multiple utility easements crossing the property and if development is pursued the property and the developer will be required to work with CBU to alter utilities and easements. The petition site and 701 South Liberty Drive are located within the Sinking Creek and Westfork Clear Creek Critical Drainage areas. Any kind of drainage implications of development will be reviewed under a PUD Development Plan. At the Plan Review Committee, we had a fair amount of questions for the petitioner to address. Most of those we have gone through, and you heard at the preliminary hearing. We have updated our recommendation tonight to include any of the areas where we are lacking clarification. One of the items that we wanted to be addressed was a proposed easement, technically 2 proposed easements. At the Plan Review Committee, they had discussed requesting an easement from the petitioner to the Monroe County Commissioner owned property on the far east side of petitions site. That County Commissioner owned property is currently used for reginal drainage. The other easement that was mentioned at the Plan Review Committee was a kind of through easement because the design of the property right now would have 2 entrances once the lot line changes so that vehicles could enter at the flagpole and exit through 701 South Liberty. The petitioners have shown both of those proposed easements. This is one of the more recent drafts of just their conceptual site plan. We did some research on the easement dedicated that was given to the county. This came up from 1989 and the lovely employees of the Auditors Office went ahead and used COGO to identify the approximately location of that easement. It appears it is on the northern property. It is not on the petition site so requesting a new easement on the petition site would still be valid. I think we had some questions around this. We did find that documentation. One of the questions that came up was if there was any kind of coordination that needed to happen with other departments. Paul Satterly, the Highway Engineer, did identify that traffic stop signal modifications would be need and that an agreement would be needed that covers the scope of work and cost reimbursement. Our new recommend based on new information about the last few plan edits that we had requested that were not answered. They were answered after the packet was published last week. We are recommending forwarding a positive recommendation for the Planned Unit Outline Plan Amendment, based on the findings of fact, subject to the Monroe County Highway and Drainage Engineer reports and following conditions;

1) The use Automotive Repair Service, Minor be stricken from the list due to the residential requirement for this use.

That would be consistent with 701 South Liberty not having that use as well.

2) The petitioner records a written commitment to grant an easement to the County Commissioners ingress/egress access to parcel #: 53-09-01-100-001.000-015.

3) Petitioner to adhere to the Sign Structure standards outlined in Chapter 807 and specifically the regulations applied to the commercial zoned under Table 7-1.

4) Through Easement between petition site and 701 S Liberty will be referred to in the individual lot deeds.

5) Petitioner to update Outline Plan to include Ch. 802 use conditions as stated in the next slide. Petitioner to include statement that conditions 13, 50, 53 are not applicable.

6) Petitioner to agree to condition 16 for the petition site.

On this next slide is the information that we received from the petitioner about those conditions of Chapter 802. This is what they were agreeing to. We removed condition 16 and are conditioning that it is applicable to this site. The information that was provided this use is only applicable for the warehousing and distribution use and the response was move geared towards the automobile service on the other site that is not included in this request. That is all of the information that I have. Does anybody have any questions?

### **RECOMMENDATION**

Staff recommends forwarding a **positive recommendation** for the Planned Unit Outline Plan Amendment request based on the findings of fact, subject to the Monroe County Highway and Drainage engineer reports, and the following conditions:

1. The use Automotive Repair Service, Minor be stricken from the list due to the residential requirement for this use.
2. The petitioner records a written commitment to grant an easement to the County Commissioners ingress/egress access to parcel #: 53-09-01-100-001.000-015.
3. Petitioner to adhere to the Sign Structure standards outlined in Chapter 807 and specifically the regulations applied to the commercial zoned under Table 7-1.
4. Through Easement between petition site and 701 S Liberty will be referred to in the individual lot deeds.
5. Petitioner to update Outline Plan to include Ch. 802 use conditions as stated in the next slide. Petitioner to include statement that conditions 13, 50, 53 are not applicable.
6. Petitioner to agree to condition 16 for the petition site.

### **PUD REVIEW CONSIDERATIONS**

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

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

*Findings:*

- The existing and proposed development appears to be consistent with the Comprehensive Plan per the Employment zone;
- The current use and potential expansion of the site would support Employment uses;
  - The MCUA Phase I plan designates the petition site as “Employment”;
    - Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses that may not be easily integrated into a mixed-use environment;
  - The MCUA Phase II plan designates that site as “South Side Employment”;
    - This district includes lands with access to and high visibility from I-69/SR 37, and generally designated as the Employment land use type;
- The current zoning is Whitehall Business Park PUD created by the City of Bloomington in 1979; The Comprehensive Plan designates the property as MCUA Employment;

- The current approved uses for the petition parcel have been determined to be the ‘light industrial’ uses listed in the petitioner letter from the 1979 city of Bloomington PUD filing;
- The petition parcel has remained vacant since that time;
- The petitioner requests to add nine (9) automotive and transportation uses and one (1) “Warehousing and Distribution Activities” use;

**(2) The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.**

*Findings:*

- The proposed plan will need use definitions to be defined;
- No design standards were found specifically listed in the PUD documentation;
- The site will meet the design standards of the underlying zone, General Manufacturing (MG);
- The petitioner has not indicated that any other deviation from the Zoning Ordinance would be sought at this time related to density, dimension, bulk, use, required improvements, and construction and design standards;
- Site plan improvements including parking, landscaping, and bioretention requirements will be addressed at the development plan stage;
- See Findings under section A, regarding use;

**(3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.**

*Findings:*

- See Findings under section A;
- One of the purposes of the PUD, under Chapter 811, is to encourage a harmonious and appropriate mixture of uses;

**(4) The proposal will not be injurious to the public health, safety, and general welfare.**

*Findings:*

- See Findings (1), (2) and (8);

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

*Findings:*

- Parking minimum requirements will be reviewed for the petition site and 701 S Liberty DR once a design is submitted for review;
- The site will meet the design standards of the underlying zone, General Manufacturing (MG);
- Development plan requirements including parking, landscaping, and bioretention

requirements will be addressed at the development plan stage.

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

*Findings:*

- See Findings (a), (b) & (d);
- The petition parcel is bordered to the south by a rail bed;
- Other immediately surrounding uses include Menards to the southeast, a furniture warehouse and Baxter Pharmaceutical directly west, and vacant land to the east;
- Much of the surrounding area is zoned Planned Unit Development, General Industrial, and General Business;
- Development plan requirements including parking, landscaping, and bioretention requirements will be addressed at the development plan stage.

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

*Findings:*

- See Findings under Section 1;

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

*Findings:*

- Access is derived from S Liberty DR which is designated as a Local Road in the Thoroughfare Plan;
- The parcel will be adjacent to an existing traffic signal used by Baxter Pharmaceutical employees;
- All utilities are available to the petition site;
- See findings under (d);

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

*Findings:*

- There is no known karst on the property;
- Drainage will be reviewed under a PUD Development Plan if the this petition is adopted;
- The area was originally listed as a ‘light industrial’ part of the Whitehall Business Park/Mirwec PUD request to the city of Bloomington in 1979.

**QUESTIONS FOR STAFF – PUO-22-1 - Whitehall**

Clements: Commissioner Thomas?

Thomas: So, given Mr. Satterly’s memo regarding the traffic light and coordinating that I don’t see that incorporated into the conditions.

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Crececius: I believe that will be a Highway requirement under the development plan. I don't believe that needs to be conditioned now.

Thomas: Ok, thank you.

Clements: Are there other questions of staff on this proposed, yes Mr. Guerrettaz?

Guerrettaz: So, the condition that you noted that they responded to about the 2 uses is that still consistent with the 6 that you listed in your proposed recommendation? Whenever you read through the 6 and then you brought up their responses is the petitioner and the staff consistent with the recommendations, 1-6?

Crececius: We double checked that they made sense and we verified that we would support what they are proposing. We got this information just recently, so the petitioner hasn't seen this recommendation.

Guerrettaz: Ok.

Clements: Are there further questions for staff? No. Ok, well, if the petitioner or the petitioner's representative is present, please come to the podium and sign in and you will have 15 minutes to make your case to us. If you are on zoom, I think Ms. Nester Jelen will recognize you.

Jelen: I will also mention that Lisa Ridge and Paul Satterly are on the call tonight so if you have any questions for the Highway Department they are here.

Clements: Perfect. Thank you.

Jelen: I don't see Daniel Butler.

Clements: So, the petitioner and the petitioner's representative are not here?

Jelen: Let me check the phone number really quickly.

Clements: Paul Satterly says his number needs to be unmuted. His number is 349-2554.

Jelen: It looks like Paul is unmuted if he wishes to speak. But we do not see the petitioner on this evening.

Clements: Ok, well, let's move on to members of the public who would like to speak in favor or this petition. If you are here, please come to the podium and sign in. If you are on zoom, please raise your virtual hand or if you are calling in by telephone press \*9 to be recognized. Do we see anyone? If there is any member of the public who would like to speak in opposition to this petition, please make yourself known by coming to the podium, raising your virtual hand or pressing \*9. I would like now to unmute Mr. Satterly so that he can speak if there was something that he wanted to say.

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Satterly: I am just available if anybody has any questions about the traffic signal.

Clements: Thank you so much Mr. Satterly. Then back to members of the Commission for further discussion and/or a motion. Ok, Mr. Guerrettaz.

**PETITIONER/PETITIONER'S REPRESENTATIVE – PUO-22-1 – Whitehall: None**

**SUPPORTERS - PUO-22-1 – Whitehall: None: None**

**REMONSTRATORS – ZOA-22-5 – PUO-22-1 – Whitehall: None**

**ADDITIONAL QUESTIONS FOR STAFF – PUO-22-1 – Whitehall: None**

**FURTHER QUESTIONS FOR STAFF – PUO-22-1 - Whitehall**

Guerrettaz: **In the matter of case number PUO-22-1, this is the Planned Unit Outline Plan Amendment 4 to the Whitehall Business Park, South Liberty Drive, parcel # 53-09-01-100-034.000-015, I move that forward this petition onto the Executive Board of Monroe County Commissioners with a positive recommendation, based on the findings of fact, subject to the Monroe County Highway and Drainage Engineer reports with the 6 conditions that Anne read off a moment ago.**

Clements: Is there a second?

Owens: I will **second**.

Jelen: Ok. It has been moved and seconded to approve the Whitehall Business Park Planned Unit Outline Plan Amendment 4, with the conditions as read by staff member, Anne Crecelius. A motion in favor is a motion to approve. I should probably reread these conditions. There are 6 conditions.

1) The use Automotive Repair Service, Minor be stricken from the list due to the residential requirement for this use.

2) The petitioner records a written commitment to grant an easement to the County Commissioners ingress/egress access to parcel #: 53-09-01-100-001.000-015.

3) Petitioner to adhere to the Sign Structure standards outlined in Chapter 807 and specifically the regulations applied to the commercial zoned under Table 7-1.

4) Through Easement between petition site and 701 S Liberty will be referred to in the individual lot deeds.

5) Petitioner to update Outline Plan to include Ch. 802 use conditions as stated in the next slide. Petitioner to include statement that conditions 13, 50, 53 are not applicable. 6) Petitioner to agree to condition 16 for the petition site.

A motion in favor is a motion to approve with those conditions as stated. Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?



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Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Jelen: Geoffrey Morris?

Morris: Yes.

Jelen: Cheryl Munson?

Munson: Yes.

Jelen: Dee Owens?

Owens: Yes.

Jelen: Ok, motion carries 7 to 0. This will go to the County Commissioners for a final vote.

**Motion in case PUO-22-1, Whitehall Business Park PUO Amendment 1, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of sending a positive recommendation to the County Commissioners with the 6 conditions as stated in the motion, carried unanimously (7-0).**

**NEW BUSINESS**

**1. SMN-21-11**

**Naylor-Sheppard Minor Preliminary Plat  
Right of Way Width Waiver Requested.**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

One (1) parcel on 38.023 +/- acres in Section 34 of Washington Township at 1261 E Sample RD. Parcel no. 53-02-34-100-019.000-017.

Owner: John Sheppard

**Zoned AG/RR.** Contact: [tbehrman@co.monroe.in.us](mailto:tbehrman@co.monroe.in.us)

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

**STAFF ACTION:**

Behrman: This was filed back in 2021 so I am glad to be able to present it to you finally. It is located at 1201 East Sample Road, sometimes known as 1261 East Sample Road. We are going to fix some addresses during the final platting and confirm all of that. It is about 38 acres right on East Sample Road there, which has been under construction and a lot of right of way was taken a couple of years ago. Which is interesting in that we are here because of the Right of Way Width Waiver request because not the full 45' was taken during that time. This is the site that is developed right along the road there. There are some issues which kind of correlated to the conditions that staff is going to be recommending. There is a garage that goes right through the property line. The Plat Committee had discussed possibly demolishing it, doing a lot line shift and the petitioner actually proposed that they combine the lot to the west and this proposed Lot 1 together and that would solve the issue. That also solves the issue of access that was brought up at the Plat Committee meeting. The driveway you can see it there on the left-hand side of the screen. It is offsite. We would have required an easement of sorts, or this would have appeared to have been landlocked property, so we have gotten that one solved as well. To the right-hand side of the screen there was a shed. It actually got a Front Yard Setback Variance. The permit is still active. They have not made payment on the permit itself and it has not received an inspection, so Condition 3 is going to be dealing with finishing that process up. Number 4 deals with the septic system and I will probably go into that detail later on in the program. The plat here is demonstrated on the left-hand side. It is a 2-lot subdivision. There is a table in the packet that kind of summarizes each lot, their sizes and they do meet the minimum buildable area requirements. We have capacity letters. We do have driveway permits now for both. This is the detail of the plat and I wanted to point out there is a turquoise square at the bottom there. That is a proposed septic. We do have a current septic permit on file. We have soil analysis backing it up. We do show an existing septic system and I will just kind of through a timeline here. It is directly north of the house there. In 2014 the original mobile home was damaged and burnt down. As a part of the process to bring that structure back, there was a septic permit issued. Staff cannot find any record that it was ever installed. There is no other record of septic on this site. I did have the Health Department go out and do an inspection. They did not find a failure but right now there is really no record of a septic system and we do have an approved location. So, this will be an interesting topic when we get to the conditions because I am not sure that staff can require this. I think that we would have to do it in a written commitment form and that requires the agreement of the landowner. We will follow up on that one in a bit. I wanted to also point out on the right-hand side on Lot 2 there is a 50-foot easement that was added. That will allow access to all of that buildable area and prevent any large driveway going down a steep slope later on as well. These are some photos from the site. The blue

circle kind of points out that shed that was kind of a hang-up for a while that did receive variance and we are just hoping they can complete that permit application. The garage here in the gold is that is the one that had the lot line through the middle of it and they have chosen to combine those lots to make that not an issue anymore. This is the information on the waiver request from the right of way. The 45 feet is required. Staff went through and it was evident that it was not a full 45 that was dedicated back when they were doing the taking and I think some of that has to do with the timing of when the Thoroughfare Plan was adopted in December of 2019. They were purchasing under the old Thoroughfare Plan, so Paul Satterly with the Highway Department did not see the need to take any additional right of way for this site. We get back into the septic permits, so on the left-hand side is that original septic permit that was issued but we don't have a construction report at the Health Department and even if you look at the aerials, we don't see that Presby system typical pvc pipes sticking out of the ground. On the right-hand side is the Repair Septic Permit that was issued for Lot 1. Lot 2 is a vacant lot currently and does have the septic permit and I think someone is waiting to add a house to that lot soon. So, they are hoping to see this issue go through. I included in the staff packet the email from Health Department's Environmental Health Specialist just stating that they had been out onsite, did not see any signs of failure but also there is just no evidence that there is truly a permitted septic system on this site here. At the Plat Committee there were 2 members that met on 12/15/2022. No vote was taken. They did raise several issues during that meeting and many of those have been remedied through either the lot combination or the addition of an easement and then on the septic I was able to get more information and bring it to the Plan Commission here. The staff recommendation of SMN-21-11 is to approve the subdivision based on the findings that the proposed preliminary plat meets the Subdivision Control Ordinance, subject to the Highway Engineer and MS4 Coordinator reports and with the following 4 conditions;

1) Drainage easements are approved by the MS4 Coordinator.

We just need a final step completed there.

2) Submit a written commitment at the time of final plat filing to combine the deeds of Lot 1 of the Naylor Shepard Minor Subdivision and Tract 2 of the Sexton/Sample Type E Administrative Subdivision for planning and zoning purposes using Zoning Ordinance language 804-2(B)(4). The written commitment shall be recorded prior to the recording of the final plat for the Naylor-Sheppard Minor Subdivision.

Because this lot does not exist, yet we can't do this quite yet. So, this is just an assurance that they will do it once the subdivision is platted.

3) Complete permit R-21-1281 which includes fee payment and any required inspections.

That is for the little shed.

4) The petitioner submit a written commitment at the time of the final plat filing that the septic system for proposed Lot 1 be installed and inspected by the Health Department prior to final plat recording.

Staff also recommends approval of the Right of way Width Waiver request based on the findings of fact and there is a Waiver of Final Hearing requested. Any questions?

<b>RECOMMENDED MOTION</b>	<i>Approval with Conditions</i>	<b>Planner:</b> Tammy Behrman
<p><b><i>Recommended Motion Conditions or Reasoning:</i></b></p> <p><b><u>Approve</u></b> the subdivision based on the finding that the proposed preliminary plat meets the Subdivision Control Ordinance, subject to the Highway Engineer and MS4 Coordinator Reports and with the following conditions:</p> <ol style="list-style-type: none"> <li>1. Drainage easements are approved by the MS4 Coordinator.</li> <li>2. Submit a written commitment at the time of final plat filing to combine the deeds of Lot 1 of the Naylor Shepard Minor Subdivision and Tract 2 of the Sexton/Sample Type E Administrative Subdivision for planning and zoning purposes using Zoning Ordinance language 804-2(B)(4). The written commitment shall be recorded prior to the recording of the final plat for the Naylor-Sheppard Minor Subdivision.</li> <li>3. Complete permit R-21-1281 which includes fee payment and any required inspections.</li> <li>4. <b>The petitioner submit a written commitment at the time of final plat filing that the septic system for proposed Lot 1 be installed and inspected by the Health Department prior to final plat recording.</b></li> </ol> <p><b><u>Approve</u></b> the right of way width waiver request based on findings of fact.</p>		

**FINDINGS OF FACT - Subdivisions**

**850-3 PURPOSE OF REGULATIONS**

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

**Findings**

- The petition site is one 38.02 +/- acre parcel;
- The petition site is not in a platted subdivision;
- The site is zoned Agriculture / Rural Reserve (AG/RR);
- The two proposed lots will meet all design standards requirements for the AG/RR zone;
- The preliminary plat requests to waive the required 45' right of way dedication requirements along E Sample Road;

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

**Findings**

- The Comprehensive Plan designates is as Farm and Forest;
- See findings under Section A;

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

**Findings**

- The Highway Department has submitted comments in regards to the required right of way width waiver;
- The Highway Department does not require additional right of way for improving E Sample Road;
- The MS4 Coordinator has not reviewed this petition at the time of this report publication;

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

**Findings**

- The site is zoned AG/RR;
- Neighboring properties are zoned AG/RR;
- See findings under Sections A & C;

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

**Findings**

- Drainage easements and riparian easement around the pond on Lot 2 are delineated on the preliminary plat;
- See findings under Sections A & C;

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

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

**Findings:**

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

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

**Findings:**

- The petitioner submitted a survey with correct references, to township, section, and range to locate parcel. Further, the petitioner has provided staff with a copy the recorded deed of the petition site. County Surveyor has also reviewed the plat for survey accuracy;

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

**Findings**

- The land boundary records are found at the Monroe County Recorder’s Office and, if approved, a final plat will be required to be recorded as the result of the proposed preliminary plat amendment process;

**FINDINGS OF FACT – WAIVER OF RIGHT OF WAY WIDTH REQUIREMENT**

The petitioner has requested a waiver from the Right of Way Width requirement, outlined in in 856-28(B) which reads:

**856-28. Streets: Dedications and Reservations**

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

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

**1. Practical difficulties have been demonstrated:**

**Findings:**

- The petitioner is requesting the street tree provisions of Chapter 856-43 to be waived that require the installation of street trees every 40 feet within 5 feet of right-of-way;
- For 560’ of road frontage along S Leonard Springs RD, the petitioner is required to plant fourteen (14) street trees;
- For 314’ of road frontage along the cul-de-sac of S Omaha Crossing DR, the petitioner is required to plant eight (8) street trees;
- Street trees are present intermittently along both the east and west sides of S Leonard Springs RD between W State Road 45 and W Fullerton Pike;
- The Cedar Chase PUD Subdivision adjacent to the south exhibits intermittent street trees throughout the subdivision;

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

**Findings:**

- The petitioner is meeting the requirements of the Zoning Ordinance, Comprehensive Plan, and Subdivision Control Ordinance other than the two requested subdivision waivers for sidewalks and street trees;

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

**Findings:**

- Utilities are already installed for proposed Lot 1;
- There are other current mature trees and landscaping on the proposed lots that match the other lots in Hays 1<sup>st</sup> Addition

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

**Findings:**

- Street trees are present intermittently along both the east and west sides of S Leonard Springs RD between W State Road 45 and W Fullerton Pike;
- The Cedar Chase PUD Subdivision adjacent to the south exhibits intermittent street trees throughout the subdivision;

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

**Findings:**

- There are no practical difficulties for street trees along S Leonard Springs RD or along the cul-de-sac stemming from S Omaha Crossing DR;

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

**Findings:**

- The purpose of the street tree requirement is to allow for preservation or planting of trees that add value to the County, provide environmental services, and are aesthetically pleasing;
- Requesting to waive the street tree requirement because planting street trees would change the look of the property or because it is expensive is not a practical difficulty;

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

**Findings:**

- The street tree waiver is one of two modifications requested for this subdivision;

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

**Findings:**

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- Practical difficulties have not been demonstrated;

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

**Findings:**

- See findings under Section 1;

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

**QUESTIONS FOR STAFF – SMN-21-11 – Naylor-Sheppard**

Clements: Council woman Munson has one.

Munson: Yes, I hope that this isn't a naive question. Would you go to the map on page 71 of the packet, please?

Behrman: Is it this one here? My packet does not have numbers.

Munson: It is, yes. If you blow that up so people can see it better.

Behrman: I can try.

Munson: My question has to do with Lot 2 and I am not sure if this is appropriate and relative to its creation but I don't understand how it is going to have access to the road. Could you explain that please?

Behrman: Great. For Lot 2, yes. In fact, this also was a bit of a hang-up for a while just because during this East Sample Road right of way taking and the approval of the design and the driveways themselves, I think the person who wants to develop Lot 2 was hoping to get a larger driveway width to be able to bring those construction vehicles on site. But that is not what it was approved for originally. So, it is he will have to be careful when bringing large construction vehicles onsite, I think. There is a culvert. You can kind of see the driveway in green. It is labeled gravel driveway. There is a large culvert that is through there now that has been constructed as a part of the East Sample Road approval.

Munson: Oh, I see it now.

Behrman: The driveway is just going to snake all the way back towards that septic system location. This property had previously had a logging permit and been logged, so I think there are some established old logging road trails back through there.

Munson: Ok, thank you.

Clements: To follow up on Cheryl Munson's question, I have a question about the easement and the roads. Will that be going over slopes over 15 percent?



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Behrman: For the 50-foot easement?

Clements: Yes.

Behrman: I don't believe so. There are some drainage concerns right through there and that is why there is a large culvert. Should the owner of Lot 1 want to access that buildable area that runs through the middle of the property I think they may have to think about how they want to construct the driveway. It might require a drainage pipe or a culvert through there. Yes, ok, so you are saying for Lot 2 how is the driveway going to go. Yes, I think it will go through steeper slopes. This is not ECO so there is not a restriction for that. They can access that buildable area through a steep slope. We also have some existing logging roads that are through there I think that are also kind of established.

Clements: Are there other questions for staff from members of the Plan Commission? Mr. Guerrettaz?

Guerrettaz: Just a couple of quick ones. Number 3 on the conditions, R-21-1281 that is the, is that inspection permit for the septic system?

Behrman: That is the residential accessory structure that was located on the property that needed an after-the-fact permit. It is that little shed that got a front yard setback variance.

Guerrettaz: Oh, ok, thank you. On Number 4, the existing septic system or the application that you have, what year was that?

Behrman: The existing septic...

Guerrettaz: I understood that you got an application for the original system, but you didn't have any indication how it was constructed or when it was constructed.

Behrman: When the first mobile home burnt down, and it replace that we required to have that septic permit application as a part of the application process. We did not find any evidence that it was installed and there is no prior records of a septic system even before that. The original permit is from 2014 but we don't have any evidence that it was ever installed and then they have gotten a new one that shows soil samples behind it and a location approved.

Guerrettaz: But there is no indication of any failures out on the ground.

Behrman: That is correct. To be fair it is kind of winter conditions and I do believe someone is living there. I will also say that on East Sample Road more towards the interstate there are karst. I don't see evidence of karst features on this property when looking at the contours. But they are in the nearby vicinity just down the road.

Guerrettaz: Actually, in the wintertime what you might see is the water from the home. It would actually show more evidence than what you would see other times of the year because it is at a

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different temperature than the outside. But we can talk about that later. Thanks. That is all that I have got.

Clements: Thank you. Yes, Commissioner Thomas.

Thomas: I just have a quick follow-up question. If there is a driveway that slopes that where the vehicle would be leaving the roadway and going upward at an angle aren't those required to be paved at the point where it is on a slope?

Behrman: The only thing that we might require is a separate grading permit and that might trigger an IDEM construction general permit. I said it wrong. Construction Stormwater General Permit. If it disturbs more than an acre and would require a more robust drainage and erosion plan. Some of those longer driveways combined with the development of a house and septic do trigger that sometimes.

Thomas: Ok. I guess this is just something that is when Ms. Clements was speaking, I thought of I am familiar with the number of residences where there is a driveway that goes upward from the road and it is gravel and that gravel ends up on the roadway, ends up on the roadway and it is, yeah and we should look at doing something. We will post it for later. We should at requiring that sloped part be paved because it causes a lot of damage.

Behrman: I know that there was former Planning staff that had started crafting language to possibly have driveway standards outside of the ECO area.

Thomas: Outside of ECO. Thank you.

Clements: Ok. Mr. Enright-Randolph?

Enright-Randolph: I just think it is a great discussion and we should continue that definitely. Also, it makes me think of the development on the southside off of Walnut Street Pike where they actually were constructing the ingress/egress, I can't think of the name of the road, it is a new road, sorry.

Behrman: Holland Drive?

Enright-Randolph: Yes, it is. Thank you. Where they started to build and the slope was actually a little more steep than desired, which started to create a safety hazard because the storm water would run off and start to freeze as you would go out into the intersection, and we had to remedy that. There are a lot of things that could be built into this conversation, so I think it does have a lot of merit.

Clements: Thank you Mr. Enright-Randolph. If the petitioner or the petitioner's representative is here, Mr. Deckard, please come up to the podium and sign in. You will have 15 minutes to talk with us about this project. Thank you. It is good to see you.

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**PETITIONER/PETITIONER'S REPRESENTATIVE – SMN-21-11 – Naylor-Sheppard**

Deckard: It is good seeing you.

Clements: Thank you.

Deckard: I am Eric Deckard with Deckard Land Surveying. I am here representing the petitioner here tonight. I see that we have got some new faces and glad to meet you. Julie, you did bring up a good point about the driveways and about the gravel from the end of the driveway washing out into the road. In this example here the topography that you are seeing on the plat doesn't really show a good depiction of what exists out there. If we can go back to the plat. What we have got going on for the gravel driveway leads to Lot 2. There is a super elevation to the roadway, which means that the roadway has been built up on the outside of the curb. So, what we have going on is there is actually a slope going up to the road. You are going to have a slope coming down the hill, of course, and then there is going to be a little valley and then there is going to be a slope leading up the road. So, there shouldn't be any gravel in this situation dumping out onto the new roadway.

Thomas: Thank you.

Deckard: Just giving you a little bit of a background as to why I was hired for this work was first and foremost the motivating factor here in this case was financial hardship and one of the reasons was they were selling Lot 2 off. That being said, my client I know is agreeable to Items 1 through 3 here in the recommendation with the staff. But Number 4 may very well lead to some very expensive hardships or exacerbate their current hardship to construct a new septic field at the price of between \$16,000 to \$18,000. They do have an existing septic field and it is working from what I can tell. I am not an expert on septic but when I was out in the field, I did not view any wastewater or grey water leaching to the surface on a rain day. That is really all that I have to add to this petition here on my end. But if you guys have any questions that I might be able to help answer I would be glad to answer these questions.

Clements: If I could paraphrase, we are told there is an existing septic but we don't have proof of it. Is that it?

Behrman: Correct. Well, there is just no records at the Health Department. I had a conversation with Shian'ah Cox at the Health Department and with Ryan, former employee and there is just no record of one ever being installed.

Thomas: Could we change that condition to proof of installation and functionality? Either the commitment is to install one if there isn't one there or to be able to demonstrate there is one there and it is functional. I would be happy with either.

Clements: Could I just add one thing? Did you check with the Building Department as well about the septic?

Jelen: It would be the Health Department. The Health Department is not able to inspect systems that aren't permitted under the original code and I think under the permit in 2014 the language was

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to go ahead and replace with a Presby at that time. So, we gave them a building permit in 2014 with the understanding that a Presby would be installed. We have no record of that Presby being installed and now we are back to another requirement of a septic permit for a subdivision, so they re-upped that permit. It has been 2 times now that a Presby should be installed. If there was a suggestion that maybe a private inspector, we have seen private inspections done to review a septic system functionality. I am not sure if other people have ideas for how to word that condition.

Clements: Mr. Enright-Randolph has his hand raised.

Enright-Randolph: I am just kind of following along and I guess it was indicated that there is a functional septic out there that should be good, or they are quoting or saying it is in good health or good shape. I guess my question is are they indicating that they did install a Presby in 2014 and there is no record, or it is the original one prior to the 2014 request to install a new Presby system?

Behrman: I believe I had a conversation with the owner of the property, and it was his parents, they were the owners of the property at the time, and he has inherited this piece of property and they seemed to recall just that there had been a conversation in the field with the Health Department that it maybe wasn't necessary. Again, this was in 2014 with different staff. I was not at that inspection.

Enright-Randolph: Ok, and I guess we have had this conversation I a few times even at the Plat Committee where if there is a septic that is functioning well or good, adequately that I am for allowing them to continue to have that use, identifying a proposed location, install a new one if it ever does fail, so we kind of have the redundancy built in. I guess to Commissioner Thomas' point I would support something as far as they could confirm there is a functioning septic out there. So, that is kind of where my position is on that. One other thought I had on uncovering records, and this was when I was working closer with the Health Department with some of their septic installations is that a lot of the installers keep documents. So, if you can find out who installed it, they might have some records of the installation work that was conducted but you know, if you date too far back it is kind of hard to find those documents and records. That is kind of another thought there to try to find some records to figure out who installed it and reaching out to them.

Deckard: I really don't have an idea of who may have installed the septic field. But like Tammy that is the same story that I had received as well, is that there was a field meeting of sorts, and they continued the use of the existing septic field. Now, as far as functionality of the existing field it appears to be functioning in my eyes. However, I am not the expert here and it is my understanding that there was an additional inspection after we had applied for a new septic permit and what were the results of that.

Behrman: Right. That email is in the packet. The last page of the staff report. I am looking to see if I can paraphrase it. There was no record of an installed septic system on this property. It talks about the one permit from 2014 and the active permit. The homeowner stated the existing septic system was located to the north directly behind the house. There were no visible signs of failure seen on the site visit on January 5, 2023.

Guerrettaz: Margaret?

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Clements: Yes, Mr. Guerrettaz?

Guerrettaz: So, in 2014, when did the new septic ordinance come into play? We used to have repair permits and what would happen is if someone had to come out and do a septic, the Health Department would physically inspect it and if the system was good the way that it was functioning with the repairs that the installer was making at the time it would become a repair not a new system. I am wondering if that isn't what happened at this time. The only reason why I am saying that is there is an existing home and an existing septic field. The Health Department has been out there twice and not seen any indication of failure and I am kind of piggybacking on where I think Julie might be going with it and actually what Trohn said that 9 years ago there have been a lot of changes in the Health Department and that was the way the process was done. Now, paperwork wise I don't have anything to offer.

Behrman: Yes. The packet does include the Repair Septic Permit application from 2014 so you can see some of the details within there and the person who inspected it some of their notes. The current one that was issued in 2021 is also a Repair Septic Permit.

Clements: Yes, Mr. Morris?

Morris: I guess I am concerned because we know the house burned and we know the existing septic is still in use. So, it doesn't appear to clear to me if the existing septic is adequate for the house size because we don't know if there are additional bedrooms that have been added in the new property, additional bathrooms or if it's the same size that it was before.

Clements: That is a good point. So, Mr. Deckard?

Deckard: I have no idea what the mobile home that existed on the site how many bedrooms.

Behrman: The 2014 permit, we received this 2014 septic permit for 3 bedrooms, and I do know that the plans for the new mobile home were 3 bedrooms. I can't recall how many bedrooms were in the previous mobile home that was destroyed by fire.

Guerrettaz: I guess I feel comfortable with we have been out there twice, we have inspected it, we have not seen any failures. We know the area upon which the septic is. They have filed for an application to have the inspection done. I have done subdivisions where we have had to go out and do an inspection from an existing system and I have seen it to where they have had to replace the system, but I can only think of 2 instances where that has occurred and one of them is out on State Road 45. I would feel comfortable that this septic system has been reviewed and looked at and there is not any indication of failure and the number of bedrooms that is with the home now match what the permit was for.

Clements: Is there further discussion from members of the Plan Commission or we can open this up to the public. Mr. Enright-Randolph. Ok. Thank you, Mr. Deckard. Are there members of the public here who would like to speak in favor of this petition? If you are here in person, come to the podium. If you are online, please raise your virtual hand or press \*9 if you are calling by telephone. We don't see anyone.

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Jelen: I do see one person with their hand raised. Chris, you should be able to unmute, Mr. Walls.

Clements: Mr. Wall, yes, you would see a button on your screen that says click here to unmute or you have been unmuted. Ok, Mr. Walls, you have 3 minutes to talk with us about what you would like to say.

Walls: I apologize. That was raised by mistake.

Clements: Oh, ok. Are there members of the public who would like to speak in opposition to this petition? If so, raise your hand, press \*9 or come to the podium. We see no one so back to members of the Plan Commission for further discussion and/or a motion.

Guerrettaz: I can make a motion.

Clements: Thank you, Mr. Guerrettaz.

**SUPPORTERS - SMN-21-11 – Naylor-Sheppard: None**

**REMONSTRATORS – SMN-21-11 – Naylor-Sheppard: None**

**ADDITIONAL QUESTIONS FOR STAFF – SMN-21-11 – Naylor-Sheppard: None**

**FURTHER QUESTIONS FOR STAFF – SMN-21-11 – Naylor-Sheppard**

Guerrettaz: **In the matter of SMN-21-11, this is the Naylor-Sheppard 2 Lot Minor Subdivision, I move that we approve the subdivision with the Right of Way Waiver and the waiver of second hearing with the conditions that staff has listed. This is based on findings of fact, the staff report, the Highway Department and the MS4 Operator.**

- 1) Drainage easements are approved by the MS4 Coordinator.**
- 2) Submit a written commitment at the time of final plat filing to combine the deeds of Lot 1 of the Naylor Shepard Minor Subdivision and Tract 2 of the Sexton/Sample Type E Administrative Subdivision for planning and zoning purposes using Zoning Ordinance language 804-2(B)(4). The written commitment shall be recorded prior to the recording of the final plat for the Naylor-Sheppard Minor Subdivision.**
- 3) Complete permit R-21-1281 which includes fee payment and any required inspections.**

That's it.

Clements: Do we have a second?

Thomas: **Second.**

Clements: Ok, please call the roll.

Jelen: Ok. It has been moved and seconded to approve the Naylor-Sheppard Minor Preliminary Plat Subdivision for 2 lots, Right of Way Width Waiver as well as a Waiver of Final Hearing, with the 3 conditions in the staff report, labeled 1, 2 and 3 as stated my Plan Commission member, Mr.

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Guerrettaz. A vote in favor is a vote to approve with those stated conditions. Trohn Enright-Randolph?

Enright-Randolph: I guess I have a clarification question if it is appropriate. What I am hearing is we have no indication that there is a septic tank out there, definitive understanding.

Behrman: I don't want to speak for the Health Department and what they saw. I can only go by the email that they sent and that was included in the packet in that they were told that it was located north of the house and that there were no visible signs of failure.

Clements: I believe Mr. Deckard has, if you would come to the microphone, Mr. Deckard. Sorry, Mr. Enright-Randolph.

Enright-Randolph: No, absolutely. It was a late question.

Clements: Thank you.

Deckard: I did witness the septic tank just to the north of the home.

Enright-Randolph: Thank you.

Clements: Thank you.

Enright-Randolph: I will go ahead and vote yes.

Clements: Thank you, Mr. Deckard.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Jelen: Geoffrey Morris?

Morris: Yes.

Jelen: Cheryl Munson?

Munson: Yes.

Jelen: Dee Owens?

Owens: Yes.

Jelen: Julie Thomas?

Thomas: Yes.

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Jelen: Margaret Clements?

Clements: Yes.

Jelen: Ok, motion carries 7 to 0 with those conditions.

**Motion in case SMN-21-11, Naylor-Sheppard Minor Preliminary Plat, Right of Way Width Waiver Requested, Preliminary Hearing. Waiver of Final Hearing Requested, in favor of approval with the conditions as stated in the motion, carried unanimously (7-0).**



**NEW BUSINESS**

**2. REZ-22-10**

**Pedigo Bay Rezone from FR to SR**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

One (1) 3.77 +/- acre parcel in Clear Creel Township, Section 35 at 2600 E Pedigo Bay DR, parcel #53-11-35-200-028.000-006

Owner: Pedigo Bay Homeowners Association Inc

**Zoned FR.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

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

**STAFF ACTION:**

Crececius: Absolutely, thank you. The petition site is in total approximately 6 acres. That is the entirety of the parcel. It is located in Clear Creek Township. They are requesting to amend the zoning map from Forest Reserve to Suburban Residential for the portion of the Common Area that is located on the north side of Pedigo Bay. It would be approximately 3.77 acres. Currently this is platted as Common Area within the Pedigo Bay Subdivision. This is one parcel that is approximately 6 acres. It is divided into 3 pieces, but it is one lot of record. It is currently zoned Forest Reserve and Agricultural/Rural Reserve. This Common Area was platted for a few different reasons. There are multiple karst features that are platted as protected Sinkhole Conservancy Areas and also there were platted easements for septic systems. The septic systems were not pursued and in 2004 the Homeowners Association pursued rezoning one 1.6 acres of the Common Area to Agricultural/Rural Reserve to accommodate a private package treatment plant. The intention of the petitioners is to perform a lot line adjustment with the properties directly to the north of the Common Area. This area in layman's terms feels as though it is these petitioner's yards but legally it is platted with in the Pedigo Bay as a Common Area. If this rezone is approved from FR to SR, the petitioners are going to pursue a lot line adjustment to absorb that area directly in front of the properties. All of the lots that would be involved with this lot line adjustment are serviced by the treatment plant on the Common Area. Elevate GIS does show these parcel lines as being off as you can see in aerial imagery and how Pedigo Bay and East Sailor Lane is, so please note that. Here is a pictometry photo of kind of just the general area and the intersection that we are looking at. Elevates pink parcel line box as we can see it is skewed. This is that parcel, that pink parcel line as shown would be the 1.6 acres that would be over the water treatment plant, which you can see visually is surrounded by evergreens. Here this kind of illustrates the property that we are looking at. We are looking at 5 legal lots of record that are all long and narrow that are not within the Pedigo Bay Subdivision, with their kind of respective yards within the Common Area. Right now, one lot of the Cosner/Fish property is involved with this kind of intended rezone and the lot line adjustment. Here is the Pedigo Bay Plat. This is just one portion. Here we can see the Common Area, the intended septic easements, the platted sinkholes and some older utility and access easements. This is the Cosner/Fish Type E. The property on the right owned by Cosner and Fish are both involved in this potential rezone and lot line adjustment. Both of these properties would have to be vacated from this subdivision. Here is the petitioners kind of eventual site plan for that lot line transfer, so this gives a better idea without that skew between aerial imagery of what the Common Area is and what their actual line what they would be absorbing. If this is approved, they will pursue an amendment to the Pedigo Bay Subdivision. It would be an amendment to the Preliminary Plat to remove the 3.77 acres that are now part of the Common Area. This would be a Plan Commission decision. The second step would be a 5 Lot Type E Administrative Subdivision with a Plat Vacation to adjust those lot lines and vacate out of the Cosner/Fish Type E and this

would be an administrative review by staff. I am just going to go through a few site photos. This is from East Sailor Lane kind of looking northwest. This is looking at the larger portion of the Common Area and the homes setback. At the Plan Review Committee in December, we had a good amount of questions to peruse. One of the questions that the Plan Review Committee brought up was a concern of if this property could be developed further if they are rezoned from FR to SR. The FR zone has a larger lot size requirement versus SR. SR has a 1 acre minimum. Because all of these properties would be partially located in the ECO Area 2, there is a code within the ECO Area Chapter 825-4 that requires maximum residential density be allowed at 1 unit per 5 acres. This would effectively prevent any future development of this lot if the transfer area is pursued. One of the questions was who maintains the Common Areas, and this is maintained by the HOA. We provided a Use table for FR and SR, which would be Exhibit 5, include site photos and then we addressed another concern that I will get to here in just a moment. These are some of the transfer areas. There are 5 lots involved. 4 are developed and one is not developed. They have got a combination of easement or karst which I have listed below that is on the Common Area and platted so we can kind of get an idea of what kind of acreage is being transferred, what they currently have and what they would be getting. One of the questions that staff had during the Plan Review Committee was, so currently the Common Area is split zoned between Forest Reserve and Agricultural/Rural Reserve. The rezone request is for the entire area that is on the north side of Pedigo Bay Drive to be rezoned to SR. One property owner that technically has a portion of that Common Area in front of their property is not involved with this potential land transfer. Because the minimum lot size for AG/RR is 2.5, the minimum lot size for FR is 5 and the minimum lot size for SR is 1, if we rezoned this small portion that would not be transferred in the future, we would be increasing the nonconformity of the Common Area based on minimum lot sizes and zoning. So, staff will be recommending that the rezone is only pursued for the area that is actually intended for a future Type E. Staff recommends forwarding a positive recommendation for the rezone request from Forest Reserve and Environmental Constraints Overlay Area 1 to Suburban Residential and Environmental Constraints Overlay Area 1 for the 3.7 acres, based on the findings of fact, subject to the Monroe County Highway and Drainage Engineer reports and that this recommendation does not include the 0.58 acres of platted Common Area located directly south of 2589 East Pedigo Bay Road. This property isn't involved with the future lot line adjustment. Maintaining the FR zone in this area does not increase the non-conformity of the remaining Common Area. There is a Waiver of Final Hearing requested.

### **RECOMMENDATION**

Staff recommends forwarding a **positive recommendation** for the rezone request from Forest Reserve (FR) and Environmental Constraints Overlay Area 1 to Suburban Residential (SR) and Environmental Constraints Overlay Area 1 for 3.7 acres based on the findings of fact, subject to the Monroe County Highway and Drainage engineer reports. This recommendation does **not** include the 0.58 acres of platted Common Area **located directly south of 2589 E Pedigo Bay RD** - this property isn't involved with the future lot line adjustment. Maintaining the FR zone in this area does not increase the non-conformity of the remaining Common Area.

### **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 Rural Residential;
- “includes rural property, environmentally sensitive areas,”;
- The intention of the petitioner if the rezone is to pursue a lot line adjustment to transfer to land to the adjacent properties;

**(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 3.77 +/- acres of a 4.24 +/- acre parcel from FR to SR;
- The petition site is platted open space in the Pedigo Bay Subdivision and was originally intended to contain septic systems for adjoining properties. Septics systems weren't pursued the properties are serviced by the Pedigo Bay private package treatment plant;
- Adjacent uses are residential and zoned FR, AG/RR, or SR;

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

**Findings:**

- See Findings under Section A and Section B;
- The site is mainly buildable area (slopes 15% and under) and some karst features;
- The portion of the property proposed to be rezoned will be unable to be developed;
- The site is located within all the Area 1 of the Environmental Constraints Overlay zoning district;

**(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;
- The petitioner states that their intent to rezone is to increase the sale value of the property;

**(E) Responsible development and growth.**

**Findings:**

- See Findings under Section A, Section B, and Section C;
- Access is off of E Pedigo Bay DR;
- According to the Monroe County Thoroughfare Plan, E Pedigo Bay DR is classified as a Local road;

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## QUESTIONS FOR STAFF – REZ-22-10 – Pedigo Bay

Clements: Do members of the Plan Commission have questions for staff? Commissioner Thomas?

Thomas: So, this has become what was not very confusing, this has become confusing for me, and I am sorry to say that because I understood it before, and I appreciated that you looked at whether or not another subdivision should take place if this property were added on. I saw that in the packet. That was clearly explained in the packet. So, the site marked AG/RR is outlined in red on page 83 as though it is part of this, and you just said it is not part of this petition.

Creceilius: The Common Area is all one lot of record.

Thomas: I'm sorry?

Creceilius: The Common Area, these 3 portions are all one lot of record.

Thomas: Are all?

Guerrettaz: One lot of record.

Thomas: One lot of record, ok. Thank you. I am hard of hearing, I guess. Obviously, those other 2 pieces that are showing on page 83 in the map the other 2 pieces that are in purple, obviously nothing can be done with those properties. They are just added onto the existing lots in pieces and making those lot larger. But the package plant is part of that Common Area and AG/RR.

Creceilius: That's correct.

Thomas: So, even though it is 3 acres because there is a packaged plant there that can't become a separate lot that can be built upon.

Creceilius: The whole area is a total of 6 acres and the portion zoned AG/RR is already nonconforming. It doesn't meet the 2.5 for that zone and it is technically developed with the private packaged plant.

Thomas: I just think the zoning is not correct and I don't know what zoning it needs to be but AG/RR isn't it. Because it is not...

Creceilius: We agree with you. Staff had quite a few discussions about what the best approach would be here and there was not a perfect solution. The idea that we pursued here is that we would be increasing the conformity of this already issue.

Thomas: So, in a nutshell these areas that are marked out in red on page 83 are all commonly held but the part that is closest to the lake will actually be subdivided to add to the existing property, existing properties that are shaded in orange on page 83. But the other 2 pieces, the one marked AG/RR and the one marked Forest Reserve in purple will remain commonly held property of the HOA.

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Creceilius: That is correct.

Thomas: And will not be developable.

Creceilius: That is correct.

Thomas: Awesome. Thank you so much.

Clements: Who owns the package plant? Does the Homeowners Association?

Creceilius: Yes, it does.

Clements: It should be common area it seems to me. If the Homeowners Association owns the package plat that is commonly owned, and it needs to be commonly maintained.

Creceilius: They do, they do own it.

Clements: Ok, just because it is AG/RR doesn't mean it is not common area.

Thomas: Yes.

Clements: Ok, the nonconformity is the smallest, parsimonious amount of land. You reduced the nonconformity by spot zoning that AG/RR, right?

Creceilius: If that rezone were proposed now from FR to AG/RR for the package plant, it would not be conforming, and we would not be able to pursue it. We would have to pursue rezoning the full common area.

Clements: Ok, it is a technical thing. Ok, any other questions for staff? Mr. Guerrettaz?

Guerrettaz: So, your drawing right there, proposed and recommended and the petitioner is proposing the all yellow north of the road. Staff because of the one landowner pulling out of the deal is saying that the purple needs to stay as it is and not turn yellow.

Creceilius: Yes, and staff has also said that because the common area is already nonconforming, split zoned and we went with what they were requesting we would make it split zoned 3, with 3 zones nonconforming.

Guerrettaz: Ok, so the reason why staff is recommending, and you may have answered this question, but I am trying to follow it, so the reason staff is recommending that it is not yellow, and we have got yellow and purple on the north side of the road is because the landowner closest to the lake isn't consuming the property. So, is anybody and this is probably a question for the petitioner or the petitioner's representative, is there a reason why I think it is the Fish property? I mean anybody can assume that part of the lot line adjustment process. So, my question is can the Fish, and the reason I am saying that is it is the adjacent property, but Fish Lot 1A3 assume that section.

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Creceilius: They could technically, yes.

Clements: But it has a sinkhole on it. They probably don't want to take the risk.

Guerrettaz: Yeah. But that was it. Thanks.

Clements: Mr. Deckard are you representing? Great. Well, come up and answer our questions and tell us what is going on. Thank you, Mr. Deckard.

**PETITIONER/PETITIONER'S REPRESENTATIVE – REZ-22-10 – Pedigo Bay**

Deckard: Anne, thank you for your detailed report. Very nicely done. So, getting back to just the gist of it the HOA has agreed to sell the adjacent landowners part of the common area and the purpose of this is so that they can extend their property lines from their current status out to the road. So, they essentially have the road frontage and the yard in front of their houses. Now, Bernie, I don't know that I have the answer to the Fish question. Could it be done? Yes. Now, whether Mr. Fish is willing to accept that responsibility of that additional 0.58 acres, I do not know. Some of the things that did come up during the course of some survey work, there is a shared driveway between Fish and Mr. Spieth and we will be platting and easement across that shared driveway and there is a driveway maintenance and agreement in the works between Spieth and the Fish property. I am trying to think if I have got anything else here that I can add that may lead to some clarification. As far as any of the underlying easements, sinkhole conservancy areas that are affected by this common area, that will all remain. The small portion that is in front of the Spieth property that we have been talking about the small area whether it should remain in Forest Reserve or be rezoned to the SR, I don't believe that the Homeowners Association has a preference one way or the other whether this gets rezoned to either respective zones.

Clements: Ok, thank you Mr. Deckard. Council Member Munson, did you have a question for Mr. Deckard?

Munson: Yes, I do it was just a question generally. Would the rezone any additional residential construction?

Deckard: This is not the intent of it, no. I mean we are not looking to want to create new house sites on this. They are just basically wanting to have this grass area as a yard area now or continue to use it as their yard area.

Munson Right, use it as their yard area and take away the responsibility of the Homeowners Association.

Deckard: That is correct.

Munson: Ok, thank you.

Clements: Thank you. Ok, thank you Mr. Deckard. Are there members of the public who would like to speak in favor of this petition? Please make yourself known either online, on the phone or

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in the room. Are there members of the public who would like to speak in opposition to this petition? If so, please make yourself known. We see none. Back to the Commission for any further discussion and/or a motion. You might want to wait for the bells to stop. Ok, if there is someone who would like to make a motion in on this or further discuss it.

Guerrettaz: I can do it.

Clements: Thank you, Mr. Guerrettaz.

**SUPPORTERS - REZ-22-10 – Pedigo Bay: None**

**REMONSTRATORS – REZ-22-10 – Pedigo Bay: None**

**ADDITIONAL QUESTIONS FOR STAFF – REZ-22-10 – Pedigo Bay**

**FURTHER QUESTIONS FOR STAFF – REZ-22-10 – Pedigo Bay**

Guerrettaz: This is the first hearing, correct? **In case number REZ-22-10, this is a rezone request from Forest Reserve and ECO 1 to Suburban Residential and ECO 1 with the Waiver of Final Hearing requested, I move that forward this petition on to the Executive Board of County Commissioners with a positive recommendation for the rezone, based on the findings of fact as found in the staff report, the Highway Engineer and the MS4 Operator conditions as within it, with the recommendation that,** excuse me just a second, **the staff recommends forwarding a positive recommendation for the rezone request from Forest Reserve and Environmental Constraints Overlay Area 1 to Suburban Residential and Environmental Constraints Overlay Area 1 for 3.7 acres, based on the findings of fact, subject to the Monroe County Highway and Drainage Engineer reports. This recommendation does not include the 0.58 acres of platted Common Area located directly south of 2589 East Pedigo Bay Road. This property isn't involved with the future lot line adjustment maintaining the FR zone in this area and does not increase the nonconformity of the remaining Common Area.** Does that match staff's recommendation?

Jelen: Yes.

Guerrettaz: Ok, thank you

Morris: I will **second**.

Jelen: Ok, it has been moved and seconded to send a favorable recommendation to the County Commissioners for REZ-22-10, for 3.7 acres from Forest Reserve ECO 1 to Suburban Residential ECO 1. A vote in favor is a vote to and forward a favorable recommendation. Goeff Morris?

Morris: Yes.

Jelen: Cheryl Munson?

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Munson: Yes.

Jelen: Dee Owens?

Owens: Yes.

Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Jelen: Motion carries 7 to 0.

**Motion in case REZ-22-10, Pedigo Bay Rezone from FR to SR, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of sending a favorable recommendation to the County Commissioners along with waiver of final hearing, carried unanimously (7-0).**



**NEW BUSINESS**

**3. REZ-22-11a**

**Stinesville Rezone from GB to HR**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

Six (10) parcels totaling 1.50 +/- acres in Bean Blossom Township, Section 17 at 8126, 8153, 8171, 8182, 8248, and 8289 W Main ST, parcel #s: 53-03-17-403-032.000-002, 53-03-17-403-063.000-002, 53-03-17-403-076.000-002, 53-03-17-403-068.000-002, 53-03-17-403-069.000-002, 53-03-17-403-018.000-002, 53-03-17-403-031.000-002, 53-03-17-403-077.000-002, 53-03-17-403-045.000-002, 53-03-17-403-046.000-002. Owners: Various; Town of Stinesville c/o Darla Brown  
**Zoned GB.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

**4. REZ-22-11b**

**Stinesville Rezone from GB to HR**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

Four (4) parcels totaling 0.64 +/- acres in Bean Blossom Township, Section 17 at 8153 W Main ST, parcel #s: 53-03-17-403-063.000-002, 53-03-17-403-077.000-002, 53-03-17-403-045.000-002, 53-03-17-403-046.000-002. Owners: Various; Town of Stinesville c/o Darla Brown  
**Zoned GB.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

**5. REZ-22-11c**

**Stinesville Rezone from AG/RR to IP**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

A 0.60 acre portion of two (2) parcels totaling 4.14 +/- acres in Bean Blossom Township, Section 16 at 7951 W Main ST, parcel #s: 53-03-16-300-006.000-001 and 53-03-16-300-003.000-001.  
Owners: Various; Town of Stinesville c/o Darla Brown  
**Zoned AG/RR.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

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

**STAFF ACTION:**

Myers: Thank you and I apologize the first item, REZ-22-11a, that is supposed to be 6 parcels total. So, I will get into the details about why each of these items are divided the way that they are, and we will go from there. Ok, so there are 3 rezone petitions wrapped up into this one rezone package. We have Part A, West Main Street, which consists of 6 parcels as you stated in Section 17 of Bean Blossom Township. These parcels are currently operating as residential uses. Part B is vacant. That consists of 4 vacant parcels in Section 17 or Bean Blossom Township. Part C is the fire station. It is 2 parcels in Section 16 of Bean Blossom Township, approximately 0.6 acres. The first 2, Part A and B are being rezoned from General Business to High Density Residential. The intention behind this rezone request is to provide for the appropriate zoning designation to serve the existing majority residential nature of the subject area and provide for more future residential growth. Part C, the purpose behind this rezone from Agricultural/Rural Reserve to Institutional/Public or IP is to clean up the split zoning in the area and have a reduced lot size requirement to accommodate a future subdivision petition placing the fire station on its own lot of record from the former school property. If the rezones for Part A or Part B are denied, the petitioner may continue to operate the properties under the GB zone and most of the existing residential uses will remain pre-existing nonconforming. If the rezone request is approved, the petitioner will have

a more suitable zoning designation for development for both Part A and Part B. If the rezone is denied for Part C, the fire station may continue to operate under the AG/RR zone, because it is a permitted use in that zone, but the property itself would remain split zoned IP and AG/RR and the fire station would be required to have at least 2.5 acres for the AG/RR portion for their proposed lot. If the rezone is approved for Part C, then the subdivision petition will be submitted sometime in the future, the split zoning will be cleaned up and they will be able to operate under the new IP zoning district. Ok, so a little bit of summary and background. As was requested by the Plan Review Committee regarding the current status here in Stinesville where it – along Main Street – is commercial instead of residential. The planning process employed in the development of this area began in 1996 with the adoption of the Comprehensive Plan. A lot of these principals were formed in the foundation of development for the designation of the community planning effort, which began in late 2004. Before its final adoption the plan was subject to a public hearing before the Plan Commission in October of 2005 and was ultimately decided on in December of 2005 by the County Commissioners. Now, in March of 2010 Monroe County and the Town of Stinesville entered into an Interlocal Agreement regarding planning and zoning authority and the Stinesville Area Rural Community Plan was updated to reflect the inclusion of the Town’s properties under the county’s planning efforts. So, in 2010 here are some diagrams that were utilized in the staff report and the subsequent planning meetings. You will note on the left side of the screen was the existing land use at that time. The subject properties are all on Main Street. There is a number of them. There are 10 total parcels along Main Street. Again, 6 of them are currently residential and 4 of them are vacant. You will see them highlighted in the next slide. But you can see here in the existing land use back in 2010 there was most of it was residential with only a few specks of commercial in the red. The proposed zoning changed for that district, for that area and it all changed along West Main Street to be commercial. So, there is a little bit of background as to how it got to commercial in the first place. Ok, so here we have the current zoning map, and the highlighted parcels are in the bright blue. Again, these parcels along West Main Street down here these are all of the parcels of Part A and Part B. Over here on the right side of the map in these larger 2 parcels those are the parcels involved in Part C with regard to the fire station. Here we have aerial pictometry with some address points identified. The yellow stars identify the properties that are currently vacant and the remaining properties that are highlighted in green those are properties that are involved in Part A, and they are all confirmed to have a residential type uses active. I will note 8248 West Main Street they are currently operating with a home-based business of a daycare. So, they are living out of that home as well. Because they are in the General Business zoning district currently there has been some delay in getting the proper permitting finalized. Changing their designation back to High Density Residential will provide for the permissions to operate that property as a residence and also have a home day care. That is one specific case where this rezone petition will impact a property owner in this area. This table here, it is also in your packet it kind of gives you a better break down of the Parts A and Part B properties are divided. Again, the blue here is Part A and those are all currently residential. The reds are properties that are currently vacant. Here we have Part C of the petition, and this is where the fire station will be going. So, this red polygon you see here that is the proposed configuration of the subdivision that will eventually come through. You can see the fire station here this grey building right along the road. There will also be a need for a Right of Way Width Waiver request at that time. But basically, they are wanting to clean up this zoning, make it all Institutional/Public that will provide the proper zoning and clean up any split zoning. There was some conversation at the Plan Commission Admin Meeting as well as the Plan Review Committee about including the parcels across the street.

Because the fire station currently utilizes these parcels as kind of an auxiliary parking area to help the trucks, I imagine turn around and other vehicles to park there. However, it was determined by staff and other additional communication at the Plan Commission Admin Meeting that area can be caught up in the CDO rezoning so we don't have to necessarily include that in this petition. If we did want to include that in this petition it would delay the meetings because additional notice would have to be met and of those types of requirements. Here we have a couple of exhibits that I included in the packet from the surveyor that is involved with that future subdivision of the fire station. If you need any questions answered regarding this, we can refer to these. Of course, I have included essentially the consent letters for the Town of Stinesville and those individuals that are all owning those properties that are involved in the rezone request. I am going to keep clicking through these. It is a variety of signed pages. Some will have their signatures on one and then they might not appear on the other one. I will now take any questions right after I talk about our recommendation, which is to forward this with a positive recommendation to the Monroe County Board of Commissioners, based on the petitions compatibility with the Monroe County Comprehensive Plan and I will take any questions.

### **RECOMMENDATION**

#### **Recommendation to the Plan Commission:**

- Staff recommends forwarding a “positive recommendation” to the Monroe County Board of Commissioners based on the petition’s compatibility with the Monroe County Comprehensive Plan.

### **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 Designated Communities.
- Part A of the rezone request is to change the zone of 6 parcels along W Main ST from General Business (GB) to High Density Residential (HR);
- Part B of the rezone request is to change the zone of 4 vacant parcels along W Main ST from General Business (GB) to High Density Residential (HR);
- Part C of the rezone request is to change the zone of 2 parcels along the northern stretch of W Main ST from Agriculture/Rural Reserve (AG/RR) to Institutional/Public (IP);
- The current use of the Part A petition site is mostly single-family residential or formerly commercial property;
- The current use of the Part B petition site is vacant;
- The current use of the Part C petition site is an existing fire station.

#### **Current conditions and the character of current structures and uses in each district;**

##### **Findings:**

- See Findings under Section A;
- Part A of the rezone request is to change the zoning for the entirety of the selected 6

parcels along W Main ST to the High Density Residential (HR) District, which is described by the County’s Zoning Ordinance, Chapter 802, as follows:

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

- Part B of the rezone request is to change the zoning for the entirety of the selected 4 vacant parcels along W Main ST to the High Density Residential (HR) District, which is described by the County’s Zoning Ordinance, Chapter 802, as follows:

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

- Part C of the rezone request is to change the zoning for the entirety of the selected 2 parcels along the northern stretch of W Main ST to the Institutional/Public (IP), which is described by the County’s Zoning Ordinance, Chapter 802, as follows:

***Institutional/Public (IP) District.*** *The Institutional/Public (IP) District is defined as that which is primarily intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities, public utilities, and local government-owned property.*

- Part A petition site is currently zoned General Business (GB);
- Part B petition site is currently zoned General Business (GB);
- Part C petition site is currently zoned Agriculture/Rural Reserve (AG/RR) and High Density Residential (HR);

- The majority of the petition site exhibits slopes less than 12% (see Site Conditions Map);
- Neither the Part A, Part B, or Part C petition site is not located in FEMA or DNR Floodplain;
- Neither the Part A, Part B, or Part C petition site is located in the Environmental Constraints Overlay (i.e., the Lake Monroe Watershed);
- Neither the Part A, Part B, or Part C petition site exhibits evidence of the presence of karst/sinkhole features according to available contour data;

**(G) 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 surrounding the Part A petition site are zoned either HR, GB, or REC;
- The adjacent parcels surrounding the Part B petition site are zoned either HR, GB, or REC;
- The adjacent parcels surrounding the Part C petition site are zoned either HR, AG/RR, or IP;
- Land uses surrounding Part A and Part B petition sites are mostly residential, vacant, recreational, or formerly commercial property;
- Land uses surrounding Part C petition site are either vacant, residential, or institutional/public;

**(H) 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;

**(I) Responsible development and growth.**

**Findings:**

- See Findings under Section A, Section B, and Section C;
- The Part A petition site is six parcels totaling approximately 0.858 +/- acres;
- The Part B petition site is four parcels totaling approximately 0.64 +/- acres;
- The Part C petition site is two parcels totaling approximately 4.14 +/- acres;
- The purpose of the Part A rezone is to provide the property owners with a more appropriate zoning to pursue more residential type uses;
- The purposes of the Part B rezone is to provide the vacant properties with a residential zoning district to promote residential uses;
- The purposes of the Part C rezone is to provide the property owner with a more appropriate zoning for the existing fire station;
- According to the Monroe County Thoroughfare Plan, W Main ST is designated as a minor collector roadway, while N Market ST and N Railroad ST are designated as

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local roadways;

**QUESTIONS FOR STAFF – REZ-22-11a, REZ-22-11b, REZ-22-11c - Stinesville**

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

Guerrettaz: Drew, on Table 8 on Exhibit 4 of uses permitted in the HR zone, I think that is page 136, for instance, Agricultural Uses. What is the table telling us?

Myers: One second, let me get to it. You said the Agricultural/Rural Reserve zone?

Guerrettaz: Yes, just in general, Exhibit 4, what is that table telling us?

Myers: Exhibit 4 is telling you the permitted uses in the High Density Residential zoning district.

Guerrettaz: Ok, so, public, and semi-public uses have an intensity, intermediate intensity. Is that what that “I” is?

Myers: The “I” is just another identifier that says intensity. So, public and semi-public is a category as is agricultural uses is a category and it is just reiterating the zoning districts in each of those.

Guerrettaz: Ok, so public and semi-public are allowed in the HR zone.

Myers: Public and semi-public is a category and the uses below that are within that category.

Guerrettaz: Ok.

Myers: It is a subheading.

Clements: Ok, any other questions for Mr. Myers? Is the petitioner here? Please come to the podium and you have 15 minutes. You are Darla, right?

Brown: Yes.

Clements: It is nice to have you here. Thank you for coming. I love your town. I love the Town of Stinesville.

**PETITIONER/PETITIONER’S REPRESENTATIVE –  
REZ-22-11a, REZ-22-11b, REZ-22-11c - Stinesville**

Brown: Good evening. My name is Darla Brown and I represent the Town of Stinesville. We have a couple of the town council members here with us tonight. We have Kim Cunningham and Scott McGlocklin. We also have Lois Purcell, who is the Clerk Treasurer and I would be happy to answer any questions but I believe that the Planning Department’s 40 page report on this is pretty thorough and as noted by the Planning Department the purpose of this petition is, I don’t want to sat housekeeping matter but it is to clean up the zoning or to request a zone that meshes with what the property is actually being used for. So, as noted the 6 properties are residential. The 4 properties

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that are vacant are in what is clearly a residential area. The fire station right now is encroaching on the Town's property. Before that the property belonged to the school corporation and so the Town intends in the no so distant future to file a petition for a subdivision and to give that part that is in your packet shown on the packet, the drawing that Doug Graham did, to give that to the fire department so that we can get that whole thing cleaned up. That is the purpose of this petition.

Clements: Thank you Ms. Brown. Mr. Enright-Randolph?

Enright-Randolph: Just one question and I just wanted to make sure that we had your point of view with the fire station in that parking across the road to the west for auxiliary parking, is that what you said? Are you comfortable with us addressing that at a later date as far as Drew kind of went over earlier?

Brown: Yes.

Enright-Randolph: Ok. I just wanted to make sure that we got your feedback. Thank you.

Clements: Are there other questions from members of the Commission? Thank you, Ms. Brown. Thankyou for coming.

Brown: Thank you for your time.

Clements: Are there members of the public who are here that would like to speak in favor of this petition? If so, please come to the podium or raise your virtual hand on zoom or press\*9. Are there members of the public who would like to speak in opposition to this proposal? If so, please come to the podium or press \*9 on your phone. Ok, seeing none. I come back to members of the Commission for a motion or further discussion.

**SUPPORTERS - REZ-22-11a, REZ-22-11b, REZ-22-11c – Stinesville: None**

**REMONSTRATORS – REZ-22-11a, REZ-22-11b, REZ-22-11c – Stinesville: None**

**ADDITIONAL QUESTIONS FOR STAFF –  
REZ-22-11a, REZ-22-11b, REZ-22-11c- Stinesville**

Thomas: I guess I just want to get a sense of where are my colleagues are on this Board regarding the limitations this places on potential for additional commercial growth in Stinesville.

Guerrettaz: Thank you.

Thomas: I was just wondering if anybody had thought about that. It is something that we talked about last time.

Clements: Mr. Guerrettaz.

Guerrettaz: Yeah, that was why I was asking about the table because I wanted to make sure that

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everybody understood it the way that I did. So, the way that I see this, we can look at all of the different categories of uses. So, if you go to Business and Personal Services. The intensity, Bed and Breakfast is low. It is permitted in the HR zone. Historic Adaptive Reuse, this is Table 4. It doesn't have an intensity, but it is permitted. Real Estate Sales Office, Tourist Home or Cabin and then you go down to Retail/Wholesale Trade, which is the next category in the HR zone. To me there is a lot of business uses that may be under the HR zone because that was something that we initially brought up at the PRC. Wasn't it Julie? We are looking at growing something in Stinesville that is going to make this desirable and if it is all residential then there is no business anchor there. Are we taking the business anchor away by making it this zone instead of General Business, which is a very liberal zone as far as what you can do businesswise in the county. The question I would have for staff is when we get to the CDO phase, what are the possibilities of Mixed-use? Because I don't know right now that we can do Mixed-use under the current ordinance. Is that correct or not correct without a different petition? So, if I wanted to have a lot and I wanted to have residential on the upstairs and business or a restaurant or something downstairs that meets the table. Can I do that without going back through the process with the county?

Jelen: Under the County Development Ordinance, we are proposing a new zone that is called Rural Community that is going to allow residential and commercial and sort of combine HR and some parts of GB, more likely LB together so that people will have the opportunity to live and work on the same parcel. We think it will probably provide the flexibility that they are seeking and possibly allow for commercial uses to transition for some of these vacant properties, depending on which demand is favorable there.

Guerrettaz: Ok, so that is where I thought that what we were doing here was probably going to be acceptable because the one lot that I had a problem with is right next to the store and I think I am hearing staff say that this rezone will not prohibit owners of those lots from having, by zoning a business or a use that is currently allowed in the HR.

Thomas: Right but they couldn't do the Mixed-use until we finish the CDO.

Guerrettaz: Right. Is there anything that we can do now that can help that at this meeting or if we have to at the next meeting? I guess changing the petition. I don't know. That would be the question.

Jelen: I think Drew has it separated out into A, B, and C and if you would like to vote on it separately, is B the vacant parcels?

Myers: Yes.

Thomas: A is Main Street, right?

Jelen: A is Main Street with houses on them currently housing. B is vacant on Main Street, not used as anything yet and then C is the fire station.

Clements: Mr. Morris, I am sorry I didn't see you.



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Morris: That is alright. I started conflicted on my opinion on this because when I read over the reason why it was zoned General Business in the first place it made sense to me that it was providing an easy opportunity for somebody to come in and build a business on one of these lots on Main Street in Stinesville. I know there is 4 businesses for sale for a \$1.00 but that is going to take somebody with a lot of money and a lot of vision. I don't think the building even has a roof on it at least over part of it. So, in essence if we approve this there is not going to be as easy way for somebody to come in and start a business there along Main Street. I am conflicted on the vacant properties probably more than anything else. I think it makes sense as the petitioner said to clean up the zoning in the places where there is already an existing house. I think the one thing that is leaning me to vote in favor of this is the fact that this was in 1996 when this was put into place for General Business and that was almost 30 years ago, and nothing has developed there. So, from that standpoint I'm thinking maybe it is time to go ahead and zone this as High Density Residential to kind of match what the community is set up as.

Clements: In the past I have brought up how concerned I am that Stinesville has precious night sky. I have asked the community to come forward if they were interested in to preserve that and the community really hasn't. Because of that if the town is here and they would like, they think this would be in their best interest, I am persuaded by their elected officials and the people who serve the good Town of Stinesville to go ahead and do what they think they can make the most of.

Thomas: I have a quick follow-up question. So, all of these parcels are owned by the Town at this moment?

Clements: No.

Myers: No. Their ownership is varied. There is a parcel that is owned by the Town and it is 8153 West Street and there is a parcel that is also owned by the Board of Commissioners and a parcel owned by Bloomington Restorations Incorporated. That last one I will say that there is intention to build a home there by Bloomington Restorations and that is one of the current vacant properties.

Thomas: It is just strange to have this as the petitioner. I am just trying to figure out how this all transpired because when I first started on this Plan Commission, so that would have been like 2009 so, we had a meeting in Stinesville and they agreed to follow our planning and zoning. So, it just seems odd to have this as the Stineville petition. I am just trying to figure out how that all happened because it is very unusual. Why isn't the owner of the parcel asking, right? I know about the county's property. I am well aware of that. We have gone through that already and said yeah, you can do that. I am just curious about how that happened because that is odd.

Myers: I think it is a little complicated because of the Interlocal Agreement. But from my understanding it was essentially members of the Town Council or their representatives and just communication with the members that live there in these parcels in question choosing the Town as their representative.

Thomas: Right and nobody that is included, they have all been notified, right? So, if they had a remonstrance to make, they could have made it or and they have not.

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Myers: Yes, all petitioners that were listed also received their own notice letters.

Thomas: Got it.

Myers: We made sure to do that, yes.

Thomas: Sounds good. Thank you.

Clements: Council Member Munson?

Munson: Yes, I just wanted to comment that I love Stinesville like everybody up here does. I am thrilled to see so many people from Stinesville work on this and come forward with a plan for your community and I think this is a great step going forward. It seems like there are no real questions so, of course I am going to be in favor of this. But I will just tell you this I worked as a volunteer for Bloomington Restorations to help restore and prepare to develop properties in Stinesville and you have a great partner there. Congratulations also on working with Bloomington Restorations.

Clements: That is great to hear. Thank you for adding that. With that, would someone like to make a motion?

Guerrettaz: I can do one.

Clements: Ok, thank you Mr. Guerrettaz.

#### **FURTHER QUESTIONS FOR STAFF – REZ-22-11a, REZ-22-11b, REZ-22-11c- Stinesville**

Guerrettaz: If this will work with staff, **case number REZ-22-11, it incorporates all of the addresses listed in the staff report will REZ-22-11a, REZ-22-11b and REZ-22-11c**, does that work for you guys? Thank you. **I move that we forward this with the Waiver of Second Hearing to the Executive Board of Monroe County Commissioners with a favorable recommendation, subject to findings of fact as listed in the staff report, Highway Engineer and the MS4 Operator.**

Clements: Is there a second?

Enright-Randolph: I will **second**.

Jelen: It has been moved and seconded to approve REZ-22-11a, REZ-22-11b and REZ-22-11c, which are the parcels listed in the staff report. A vote in favor is a vote to send a favorable recommendation to the Board of Commissioners for a final vote. Cheryl Munson?

Munson: Yes.

Jelen: Dee Owens?

Owens: Yes.

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Jelen: Julie Thomas?

Thomas: Yes.

Jelen: Margaret Clements?

Clements: Yes.

Jelen: Trohn Enright-Randolph?

Enright-Randolph: Yes.

Jelen: Bernie Guerrettaz?

Guerrettaz: Yes.

Jelen: Geoffrey Morris?

Morris: Yes.

Jelen: Motion carries 7 to 0.

**Motion in cases REZ-22-11a, Stinesville Rezone from GB to HR, Preliminary Hearing, Waiver of Final Hearing Requested, REZ-22-11b, Stinesville Rezone from GB to HR, Preliminary Hearing, Waiver of Final Hearing Requested, and REZ-22-11c, Stinesville Rezone from AG/RR to IP, Preliminary Hearing, Waiver of Final Hearing Requested, in favor of sending a favorable recommendation to the County Commissioners along with waiver of final hearing, carried unanimously (7-0).**

**NEW BUSINESS**

**6. REZ-22-12**

**Rolfesen Rezone from RE1 to AG/RR**

**Preliminary Hearing. Waiver of Final Hearing Requested.**

One (1) 19.34 +/- acre parcel in Bloomington Township, Section 8 at 4851 N Kinser PIKE, parcel #53-05-08-300-008.000-004

Owner: Brawley Investment Group LLC

**Zoned RE1.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

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

**STAFF ACTION:**

Myers: Thank you and I will make one correction. The ownership has shifted to the now petitioner. They were in a purchase agreement before the meeting tonight and I did not update the ownership. So, the ownership has changed from Brawley Investment Group LLC to the petitioner. This petition site is one parcel totaling 19.341 acres, Bloomington Township at 4851 North Kinser Pike. The petitioner is proposing to amend the zoning map from Estate Residential or RE1 to Agricultural/Rural Reserve or AG/RR. The petitioner's intent behind the rezone request is to provide the appropriate zoning designation to establish a winery on the property. The land use of a winery is not permitted in the RE1 zoning district, but it is a permitted use in the AG/RR zone. If the rezone request is approved by the County Commissioners, the petitioner intends to complete the planning process for the establishment of a winery on the property. All applicable site plan requirements for the winery as well as the special conditions outlined in Chapter 802 for the winery must be met by the proposed change of use on the property. Typically, site plan review for properties and projects is completed at the staff level. If the rezone is denied the petitioner may continue to operate the property as a single-family residence, which was the previous use or may pursue any of the available uses as outlined in Chapter 833 of the Monroe County Zoning Ordinance for the RE1 zone as long as any special conditions can be met. Chapter 802 has winery defined. It is an agricultural processing plant used for the commercial purpose of processing grapes, other fruit products or vegetables to produce wine or similar spirits. Processing includes wholesales sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operation. It is subject to Special Condition #53, which states only permitted on lots 5 acres are greater in the AG/RR, CR and FR zoning districts. I also included the definition of the Agricultural/Rural Reserve zoning district here. I will not read it word for word, but we can come back to reference it if there are any questions about its character. Here we have the zoning map in the top left-hand corner. You will note that it is currently zoned RE1. A special note, the zoning map wouldn't show the newest update but this large parcel directly to the west, it is over 100 acres, was recently rezoned to AG/RR for a subdivision petition. This large parcel here that I am encircling with the cursor here, should be the dark green AG/RR district. The Comprehensive Plan, the right map in the right-hand corner. The designation is Farm and Forest similarly to the properties to the east, north and west and then of course to the south you have that MUA Rural Transition designation applies. The property receives access via North Kinser Pike currently that is where the existing driveway is for the former home site. The home has been demolished by the petitioner. There is also frontage along West Bell Road along the south here. You will note there is no real slope issues with the property. No sinkholes can be identified at least with these contour lines and there is no FEMA Floodplain or

ECO Area. We have some comments from the departments that typically provide information regarding these types of petitions. Stormwater actually had no comments at the time because most of their comments will come through the commercial site plan stage. When the designs are submitted for that the MS4 Coordinator will review those and provide comments and feedback. The Highway Department did have some discussions with the petitioner. The Highway Engineer prefers the primary driveway come off of West Bell Road and that that driveway should be located at least 300 feet from the intersection of North Kinser Pike. There was also a separate conversation later on where the petitioner described the intent to have the primary drive off of North Kinser Pike if that would be acceptable to the Highway Department, and the Highway Engineer did provide comments that that would be acceptable as long as it be located at least 150 feet from West Bell Road intersection and further if possible. Overall, the petitioner was asked to submit a Right of Way Activity Permit application to provide the Highway Department an opportunity to evaluate sight distance requirements for the proposed entrance in more detail and as of this afternoon I did not see any Right of Way Activity Permit submitted yet but that would be something that could be forthcoming. Ok, so here we have aerial pictometry of the property. You will note that it looks like it is former ag land with the home here on site as well. Here are some on the ground photos as well. This is West Bell Road here in the top left photograph to the right of the public notice sign. Then turning left with the camera is just a picture of the petition site itself. Here we have the petitioner's statement that was submitted and is included in the packet, basically talking about their intention to establish a winery on the property. In full transparency there was a communication with the petitioner and Planning Staff regarding the original intent to have a bit more of an event type center at this property but with communication with Planning Staff and the guidance that would say something along the lines of those uses would incorporate something more like a Planned Unit Development. The petitioner was very amenable and stated that they would just like to do a winery and that they understand that a PUD would require more effort and more planning in the future and that idea may not ever come to fruition. There were a lot of questions that were raised during the Plan Review Committee Meeting and the petitioner did take some time to make note of those questions and concerns and provided this breakdown of those kinds of concerns that were voiced. I will not read all of this word for word and the petitioner is here tonight so he can speak on a lot of these items if you have more questions regarding them. A lot of the conversation was about truck deliveries, concerns for neighbors in the area with noise and nuisance as well as just general comments about wine making in Indiana. Here we have the draft site plan. Again, this is just a draft, so it is more conceptual just to give you an idea what they intend for the property, the number of structures as well as a parking area and then of course the large vineyard area for the growing of grapes. Here I included a couple exhibits that are also included in the packet that kind of give you an idea of how the structures will look on the property. Again, all of these plans are technically subject to change, and they would be re-evaluated with building permits, grading permits and the commercial site plan review process. I also included the tables for the change in zoning. The tables here in the left with the yellow headings that is the Agricultural/Rural Reserve zone and permitted uses and the conditional uses in that zoning district. Then on the right side of the screen in the white, all white table that is the current uses permitted and conditional uses available in the RE1 zone. So, definitely an untick in permitted uses and conditional uses available in the AG/RR zone. That brings us to Planning Staff's recommendation. Planning Staff recommends forwarding a positive recommendation to the Monroe County Board of Commissioners based on the petition's compatibility with the Monroe County Comprehensive Plan and subject to the Highway Engineer and MS4 Coordinator reports. Just this evening I will

state that although we have not received any formal letters of remonstrance or support for the petition, a community member did provide me with a signed petition against the rezoning of this parcel and can distribute that. It has just got some signatures on it. I will send that to each of you now.

**RECOMMENDATION**

Recommendation to the Plan Commission:

- Staff recommends forwarding a “positive recommendation” to the Monroe County Board of Commissioners based on the petition’s compatibility with the Monroe County Comprehensive Plan.

**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:

**(J) The Comprehensive Plan;**

**Findings:**

- The Comprehensive Plan designates the petition site as Farm and Forest.
- The rezone request is to change the zone for the petition site from Estate Residential 1 (RE1) 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 use of the property from single family residential to winery;

**(K) 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 1 (RE1);
- A commercial driveway permit from County Highway may be required for the purposes of the future site plan proposal;
- The majority of the petition site exhibits slopes less than 12% (see Site Conditions Map);
- The petition site is not located in FEMA or DNR Floodplain;
- The petition site is not located in the Environmental Constraints Overlay (i.e., the Lake Monroe Watershed);
- There is no evidence of karst/sinkhole features present on or near the petition site according to available contour data;

**(L) 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 southwest are currently zoned RE1;
- The larger parcel adjacent to the west is zoned AG/RR;
- Land uses in the surrounding area are mostly residential and/or agricultural;
- There are no known commercial uses directly adjacent to the subject property;

**(M) 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;

**(N) Responsible development and growth.**

**Findings:**

- See Findings under Section A, Section B, and Section C;
- The petition site is one parcel with 19.341 +/- acres;
- The purpose of the rezone is to provide the property owner with the right zoning to pursue a winery use on the property;
- According to the Monroe County Thoroughfare Plan, N Kinser PIKE is designated as a minor collector roadway, and W Bell Road is designated as a local roadway;

**QUESTIONS FOR STAFF – REZ-22-12 – Rolfsen**

Clements: Ok, thank you Mr. Myers. Are there questions for Planning Staff from members of the Plan Commission? Do you see any?

Thomas: I have a question. So, just to clarify what has been the resolution regarding road access? Is it Bell or Kinser?

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Myers: I think the Highway Engineer, or the Highway Department could best answer that question because the comments are, one comment suggest West Bell and the other comment says Kinser Pike could be ok.

Thomas: Right.

Clements: Are there other questions for staff or would you like to hear from the petitioner now? Is Mr. Rolfsen here? If you would come to the podium, sign in and state your name and where you currently live.

**PETITIONER/PETITIONER’S REPRESENTATIVE – REZ-22-12 – Rolfsen**

Rolfsen: Ok, my name is Tim Rolfsen. I currently live in Fishers, Indiana. If this comes to pass, we will be moving to Bloomington. We have already stated investigating building sites down here and home sites. I am not sure if anyone had a chance to go through the questions that I attempted to answer based on the first meeting or not. The game plan here is to produce something that will at the very least hopefully add value to the area. By putting a winery, we will be surrounding it with grape vines, which I think will add to an aesthetic for the area, possibly to the value of the homes that surround it. When I talked to Paul Satterly, his first recommendation was for the driveway to be off of Bell Road. I pushed back on that, and I said, you know, I want to be a good neighbor here. I don’t want a lot of traffic going up and down Bell Road. It is a small road. It is private. It is a dead end. Can we put it on Kinser Pike? We already have a driveway sitting right there curb cut, if you will. He came back and said, yeah, we can do that. But it needs to be at least 150 feet from Bell Road. So, the current position I have for the first driveway into the parking lot, again, this is all subject to having somebody like Mr. Deckard come out and do a site survey on it and having the engineers look at the site as well. But bringing the first drive off of Bell Road about 225 feet and then a second production driveway where, and we will like any other anybody that is in this business have trucks come in from time to time bringing fruit and/or juice. But the idea is to keep the traffic away from the residential area. One of the questions that was brought up was perhaps a concern about loud music. Tasting room hours will probably be anywhere from Thursday through Sunday approximately and this can change, approximately from 11 o’clock in the morning until 6 o’clock at night. I don’t really see any other situations other than if we ask for a special permit, I don’t know what the process is in Monroe County. But if we have an opportunity to have a larger event that might go on a little longer than that I am guessing there might be a permitted process. We can do that. But it is not going to be something that happens frequently. Again, the whole idea is to have a good business and be a good neighbor.

Clements: Thank you Mr. Rolfsen. Do you have anything further or can members of the Commission ask you questions?

Rolfsen: Please do.

Clements: Does anyone have a question for Mr. Rolfsen? Yes, Council Member Munson.

Munson: I may have questions after I hear from the citizens that oppose this. But what steps do you have planned to visually screen your operations from residences that are nearby?



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Rolfsen: Ok, well, that is a good question. The first thing I don't know if the site plan can be brought up. The vines themselves are going to be approximately 5 feet high, 6 feet high. So, there is going to be a pretty good visual there. The other thing we are going to do is if you look at trees coming in along here and we look at where the site plan is the trees can't be very high because the (inaudible) can't be really high, so we will probably use something like arborvitaes or that type of plant that is going to have a lower canopy. Between that and the vines can shield the residents when you look at it.

Munson: Thank you.

Rolfsen: Sure, you are welcome.

Clements: Thank you. We will hear from the public and then you will have a 5-minute opportunity for a rebuttal. Ok, so thank you Mr. Rolfsen. Are there members of the public here that would like to speak in favor of this petition or online or on the phone? If so, please make yourself known. If there are members of the public who would like to speak in opposition to this petition you each have 3 minutes. Please come to the podium sign in and then we would love to hear your thoughts. Thank you for sitting through and your patience tonight. We appreciate it, your involvement with the community. Sir, would you state your name and tell us where you live?

**SUPPORTERS - REZ-22-12 – Rolfsen: None**

**REMONSTRATORS – REZ-22-12 – Rolfsen**

Greene: My name is Paul Greene and I live at 1265 West Bell Road. I am in opposition of this rezoning. I am here to speak for myself and the ones that have signed the petition and cannot attend against the rezoning. To start with a little bit of background on the area 6 others and myself worked very hard to stop the city from annexing this area to keep it rural. We were able to stop the city. This area is a nice quiet area, and we would like to keep it that way. The traffic on Kinser Pike more than tripled since they built I-69 and will substantially with any business in the area especially a winery will increase dramatically. Kinser Pike between Bell Road and I-69 bridge and the pavement that starts with it is very narrow, hilly and curvy. I measured it and at Bell Road the road is only 18 feet wide and at curves it is only 17 feet wide, right there at the curve. The road at the golf course is 24 feet wide in comparison. If you meet a large truck in the area one of you have to get off the side of the road to keep from hitting each other. I have supplied photos and a short video of this area. Bell Road is in bad shape and is only 18 feet wide or approximately 18 feet wide and has 2 bad curves in the middle of a hill. If 2 vehicles meet at this point one has to stop and let the other one through. At one time, Oliver Winery tried to build a winery at the southeast corner of Kinser Pike and I-69. The city would not let them do that. We also have a lot of bikers out there. We have high school student who train for track up and down that road. It makes it really dangerous because it is really not wide enough to support any big trucks, which still come out through there and they all seem to want to run well over the speed limit. Now, if you want to take a look at the pictures you can see there is a tree that has been hit many times. Next picture. There is another tree that's been hit several times. It has stated to rot. You can see here where people has run off of the side of the road. Please excuse me. I had a cancer treatment earlier.

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Clements: Thank you for coming tonight.

Green: Most of these are where people had to go off the side of the road and even had an accident. You will see eventually. Now, that is right at the start of the blacktop from the city meets the concrete from where they built the bridge. As you can see, I am in a little Ford Ranger truck and that road is just barely wide enough. So, trying to get semis and dump trucks and so forth down through there is almost impossible unless somebody literally goes off the side of the road. I have scratched up the side of my vehicle several times.

Clements: Mr. Greene, I think you have made your points very clear, and we appreciate you coming tonight. I have given you a little extra time. We will hear from the others that are here too. We appreciate you coming out tonight. We really do. We will have a vote later.

Greene: There are a couple of photographs that I would like for you to see. They are pictures of right in that area. You can see where people have ran off the road on both sides because the really isn't wide enough.

Clements: Your pictures show a lot of tire tracks in the mud. Thank you, Mr. Greene for coming tonight. Are there other members of the public who would like to speak in opposition to this petition? If there is someone, please come to the podium, sign in and then tell us your name and where you live. Thanks again for your patience tonight. These meetings can be long but we moving as fast as we can.

Bellessis: My name is Pete Bellessis. I brought my lovely wife, Janna with me today. I think the counter has begun. 3 minutes isn't a lot of time. Paul covered a lot of the road problems. First of all, I should state that I do live and have lived, my wife and I rent on private property at truly, directly across from one of the proposed drives on Bell Road. I appreciate Mr. Rolfsen considering the neighbors in his petition with his other driveway access. There is a lot that Paul said that I don't have the time to expand on, but he is correct. I am a lifelong, well, since 1977 Bloomington resident. My wife and I briefly moved out of state and bought and sold our first home in what I consider a shattered economy Our realtor likes to say that we broke even but I disagree. We moved 5 or 6 vehicles our there but that is neither here nor there. But actually, moving the vehicles has something to be said about what Paul mentioned because we had a 9-car hauler take 2 of our sports cars and that 9-car hauler had a bear of a time on Bells Road and making that turn to get on Kinser Pike. Roads have been covered by Paul. I really want to stress some of the things that we may have thought we lost both financially and teaching jobs that did not work out for both of us out in the state of Maryland. We lived in nearby Delaware where my wife is from. There is just something to be said about why we came back and there is a lot of gratitude to our landlord who is here. I don't know if she will speak but she certainly signed the petition. It was her late parents property that sits right there at the corner. I guess it would be the southwest corner of Bell Road and Kinser Pike. It is just such a beautiful area. The balloons take off and land and they are low enough that we have been able to yell up to usually it is the children in the baskets that like to yell back to us. The adults don't seem to interact as much. There is just something to be said about the hawks. I seen a bald eagle out there. I have seen a bobcat. We have deer that cross right over. All of that will be gone, gone, never again to be happening and I get it and I understand Fishers. My wife and I were in Fishers just the other day. Carmel like in all of the roundabouts; criticism of Fishers can

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be left for another day. I don't want Bloomington to become Fishers. I mean, I met my beautiful wife in Los Angeles, and I know quite a bit about suburban sprawl and multi-uses. Looking at all of the uses beside a winery, the winery alone bothers me. It bothers me tremendously. I used to be a mountain biker. I graduated to motorcycles many years ago. I don't want to be punted off of my motorcycle by an inebriated driver. There are just so many things that a winery brings. I love Oliver Winery, but it is down the highway, and it is highway with massive speeds or high speeds. We might have people that do drive fast but we get sheriffs out there occasionally and they are going to ticket them. Because this is a quiet area. It is grant wood like, it is bucolic, pastoral and this will all go away, and this bothers me tremendously. I appreciate going over the time and getting a chance to state my case. That is really all that I have to say.

Clements: Thank you Mr. Bellessis. I hope I pronounced your name correctly.

Bellessis: It is a tough one. Bellessis. I have heard variations.

Clements: Thank you very much for coming tonight and for sitting through the meeting. Is there someone else that would like to speak in opposition to this proposal? If so, please come to the podium, raise your virtual hand on zoom, press \*9. I would just like to let the record reflect that there are probably 8 or 9 people sitting in the room together from the neighbor just to let the record reflect. There are 22 signatures on this petition against the proposal, just for the record. Mr. Enright-Randolph?

Enright-Randolph: To your point with the citizens petition against rezoning of are the 2 gentleman that just spoke are they on this?

Clements: Mr. Bellessis is but Mr. Greene is not.

Enright-Randolph: Mr. Greene is not. Ok, I just wanted to, and I am sorry if that is what you just covered. I was looking at the use table, but I just wanted to make sure that I was correct.

Clements: Ok, so that is 23. Mr. Rolfsen has 5 minutes to address some of the issues that were brought up if you would come back to the microphone sir and address the issues that the citizens are concerned about.

#### **PETITIONER REBUTTAL – REZ-22-12**

Rolfsen: I certainly understand that change sometimes can be disconcerting. When we moved into our house in Fishers, first of all I am not looking to turn this into Fishers, Indiana. One of the reasons we want to move out here is to get into areas that had a little bit more space. The lots we were looking at were 3 to 5 acres. Because we like space. Right now, we are around a little more than a quarter of an acre. But that said we are not trying to turn this into Fishers, and I think there is always a concern. You can have somebody that has been drinking and run somebody off the road or they run off themselves whether they have been drinking or not. Our goal is to manage what is going on very responsibly, what is going on in the winery, just as Oliver and just as Butler have. Butler, I took a trip out and spoke to Jim last week when I was here, and my architect was here. I stepped out and spoke to Jim. That is a windy road. I didn't feel there was anymore risk on

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that road than there was mine and Jim indicated he has hosted at least one and maybe multiple events where over 500 people were on his property. I didn't hear anything negative about repercussions about people running off the road or otherwise getting into accidents. As far as the property is concerned the whole goal is to keep and Mr. Satterly agreed to, is to keep the driveways off of Bell Road so that they don't interfere with the neighbors. We are going to keep them on Kinser Pike. As far as trucks getting there in the process if it was just a really bad house on a property and for us to move forward with-it Jeff Brawley agreed to tear it down. I paid for the removable of the debris. We had about 11 of Republic's biggest trucks come up and down that road. They didn't come up Bales Road. They came in off the highway and up Kinser Pike and I can't remember what all the twists and turns are there. But that is how they came about. They came up Bales Road and maybe you can speak to this Drew, a little bit better or maybe Paul can but I know they are going to be repairing that bridge. I don't know if there are other improvements that are happen on the road, but the weight of the bridge will improve. Getting back to the trucks, Oliver Winery and I know they are a different location, they have 120,000-gallon tanks. Our biggest tank and this is maybe in 5 or 10 years, is going to be a 10,000 gallon tank, which means that the trucks that come in where we are at aren't going to be any larger and maybe even a little smaller than the dump trucks owned by the neighbor far north and I don't know, he owns a trucking company. Does anybody know the name of it? So, he is going to be running trucks a lot more frequently than we will. When we make wine, we are going to be bringing in material and maybe September to October timeframe. It won't be significant. In the first couple of years, it will be more and then once we get the fruit growing then it will depend more on what we are growing on how people bring things in.

(inaudible)

Thomas: We can't have that conversation.

Clements: We can't have that conversation between the petitioner, sorry. If you don't mind Mr. Rolfsen, you can address us.

Rolfsen: Ok, I am sorry. We just aren't going to have a lot of truck traffic there. It is going to happen during production time. Oliver Winery made 2 million gallons of wine. That is 10 million bottles, that is almost a million cases of wine. In a really good year, 10 years out we might make 25,000 case, one-fortieth of what they are making. I guess what I want to do is dispel the notion that we are going to be anything like Oliver. We will probably be more like what Butler Winery will be. I don't know if anybody is familiar with them. It is going to be a lot more of that flavor. It is going to be pleasant. You talk about pastoral. I find a vineyard to be absolutely beautiful and pastoral myself and I was kind of hoping that other people might think so, but everybody may have their own opinion. Change is hard sometimes. But again, the goal for me is to put some beautiful architecture out there. It is going to be farmhouse, white board and batten. It is going to look very residential. It is not going to look a lot different than what is there and the type of work that we are going to be doing will be very discreet. I personally think it would fit in quite well.

Clements: Thank you so much Mr. Rolfsen.

Rolfsen: Thank you for having me.

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Clements: I am going to divert back to the members of the Plan Commission for more discussion and/or a motion. Mr. Enright-Randolph?

**ADDITIONAL QUESTIONS FOR STAFF – REZ-22-12 - Rolfsen**

Enright-Randolph: I was attempting to find it on my own, but I am not that successful at trying to pair through the ordinance. When you look at page 159 of our packet, it has RE1 permitted uses, permitted and conditional. A few permitted uses are residential care homes for, I am not going to say that word right so for disabled individuals, residential care homes for the mentally ill, residential care homes up to 5 individuals, so, to my point those are all permitted uses. There are a couple other interesting uses that are conditional. Bed and breakfast, a swim club, a tennis club. I guess my question is what are the conditions to allow a bed and breakfast in this location?

Clements: Mr. Myers?

Enright-Randolph: As you are looking that up when it is conditional a lot of times that just means that they have to meet these conditions and they have a more of a right to build kind of scenario. As long as they can meet certain conditions, they can potentially operate a bed and breakfast there. I am not really settled on where I stand on this. I think the public made a great argument that was remonstrating against this, and I also think that the petitioner made a great argument for this type of use. Are you ready to answer that, Jackie?

Jelen: I put it up in the screen. Drew can read it out loud.

Myers: The conditions for a bed and breakfast is (a) the operator shall reside on the property. (b) The establishment shall maintain a maximum of 3 guestrooms. (c) The establishment shall provide 1 parking space per guest room in addition to the spaces required for the dwelling unit and (d) The building and its parking facilities shall be designed for compatibility with surrounding properties.

Enright-Randolph: Thank you and my main point is there might be other permitted or conditional uses in this zone that the surrounding neighbors wouldn't want to see either. I just kind of wanted to make that comment.

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

Morris: I have had concerns with this ever since we looked at it at Plan Review, primary because of the proximity to Bell Road, which is small, rural neighborhood and a little bit because of traffic. I think the neighbors tonight have validated my concerns about what I think they would feel about this. I did some quick number crunching here and my numbers aren't 100 percent accurate but there is approximately 12 houses on Bell Road. It looks like we have 10 houses represented here, when you take out duplicates of spouses that have signed and others living in the household. There is also some on Kinser Pike too, obviously. I think Mr. Greene brought up a good point about I-69 also and the construction of I-69 made this a more rural neighborhood. Before I-69 came through you could access Bell Road and Kinser Pike directly from State Road 37. When they built the bridge for Kinser Pike over the interstate it really cut this neighborhood off and made it much more rural, so I think this might be a different story if Kinser Pike still had access to State Road 37 from

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my opinion at least. I think overall I like what the petitioner is proposing. I think it would be a nice place to visit but I just don't think this is the right area for this.

Clements: Thank you very much for your considered comments, Mr. Morris. Yes, Commissioner Thomas.

Thomas: Two things, I would like to have this brought back for the final hearing in February and here is why, I feel like there is a lack of clarity from the Highway Department on the entry point and also to discuss whether or not the adjoining access roadways will be, what the future holds for them and when. So, I think a review of our Thoroughfare Plan is in order, but I think a lot of this has to do with traffic and I would just ask those who are opposed that if it is not traffic then I would like to know what other concerns you have about this space becoming a winery. So, if folks want to email in they can. They can call the Planning Department. I invite them to go onto the county website, [co.monroe.in.us](http://co.monroe.in.us). You are welcome to find my cell number and my email and send their notes or comments to me as well. I would just invite that because it doesn't say on the petition what the concerns are, and I think I would want to see what they are and see if they have been addressed or could be addressed as well before I just right out of hand say declined. That is my perspective so I would like to hear this in February with some more information. Maybe Ms. Ridge could be here in February to join us for the meeting.

Clements: Thank you. Councilor Munson.

Munson: Yes, Commissioner Thomas had a really good idea to hear directly from the petitioners are their particular concerns. I would ask that they communicate with the Plan Commission office who can then make that information available to all us in advance of the next meeting. In addition, I would like to know from our Highway director what optimal or approximately optimal locations there are for a driveway entrance to the property other than Bell Road. Which particular locations along Kinser Pike because there are other residences there and I think we need to see how they might be affected. So, what are the options for driveways? Thank you.

Clements: Thank you. I have just one statement to make that, well, two, I agree with Mr. Morris and with the other comments made by Commissioner Thomas and Councilor Munson. But this appears to me to be spot zoning, which is something that we are not supposed to be doing. Because it is just for this parcel of land for this particular purpose. Am I wrong, Mr. Schilling? You are looking at me.

Schilling: A spot zone is a zoning designation that is not related to the criteria or justified by the criteria you supposed to consider on a rezoning application. As Drew pointed out though, next door is the same zone, the property adjoining it is the same zone. So, it is not like some spot out there.

Clements: Thank you, Mr. Schilling. I think Commissioner Thomas had another statement.

Thomas: I do want to thank all of the folks that are here and all of the folks that took the time to sign a petition. Here is the good news, this gives you another opportunity to come back and to voice your concerns to us. This petition will still have to go in front of the Board of Commissioners

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as well, so you have other opportunities to voice your concerns. But I do want to say that this will now be the first item on the agenda, so I appreciate your patience tonight and you won't have to be as patient next time.

Clements: And Mr. Greene, you can sign it now. We won't be taking a vote on it unless somebody makes a motion. Yes, Mr. Guerrettaz.

Guerrettaz: Quick comment that might be useful with some of the comments that the neighbors had for the petitioner to come up with some sort of understanding of what the traffic count might be coming into the facility you will have the type of use and the square footage of the building and the type of clientele, etcetera and it is a fairly direct calculation on how to determine that, so that might be useful to help people understand what those vehicle moves are going to be on the adjacent roadways. That is all that I have got, Margaret.

Clements: Thank you, Mr. Guerrettaz. Ok, that concludes our discussion today on this particular case. In one month, the second Tuesday of February at 5:30, we will be meeting again, and this will be on our agenda.

Jelen: Sorry, it will be the third Tuesday. It will be February 21<sup>st</sup>.

Clements: February 21<sup>st</sup>, yes, sorry. It is what she said. I am a little bit discombobulated today. Thank you for coming and thank you for attending to your neighborhood.

#### **FURTHER QUESTIONS FOR STAFF – REZ-22-12 - Rolfsen**

**No motion was made in case REZ-22-12, Rolfsen Rezone from RE1 to AG/RR, Preliminary Hearing, Waiver of Final Hearing Requested, petition will be heard again at the February 21, 2023 meeting of the Plan Commission.**

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**REPORTS:**

**Planning/Jelen:** I have one report and that is that the Purdue Extension and our agent, Edward Oehlman, did reply. It is his third day today, so he wasn't able to make it to tonight's meeting, but I sent him the information for the Administrative Meeting as well. So, hopefully he is able to attend and get started. We welcome him aboard and we will have 9 Plan Commission Members yet again.

Clements: Very nice.

Jelen: Cheryl, I will meet with you to get that oath signed and then you will be all set. Thank you.

Clements: Ok, thank you. If there is no object, we can adjourn. Thank you.

**Legal/Schilling:** No reports.

**The meeting adjourned at 8:15 pm.**

Sign:

Attest:

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Margaret Clements, President

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Jacqueline N. Jelen, Secretary



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