



MONROE COUNTY COMMISSIONERS

Julie Thomas, President
Penny Githens, Vice President
Lee Jones

Monroe County Courthouse, Room 323
100 W Kirkwood Avenue
Bloomington, Indiana 47404
Office: 812-349-2550

COMMISSIONERS' HYBRID MEETING AGENDA Wednesday, February 28, 2024, at 10:00 am Nat U. Hill Meeting Room – 3rd Floor, Courthouse and Microsoft Teams Connection

<https://teams.microsoft.com/join/19%3ameeting-NTMSY2U2YTYtZmExMCO0MGJklTkZjltZTU2OGVkn2YIZGQw%40thread.v2/0?context=%7b%22Tid%22%3a%2249a60700-4c0c-4ece-b904-fb92c600e553%22%2c%22Oid%22%3a%22db83725f-c48f-476f-8894-d4bb087d29f8%22%7d>
Meeting ID: 230 025 251 609 Password: 2TWvKZ Dial by your location: 1 872 242 9432, 694151466# US (Chicago)

- The public's video feed will be turned off by the Technical Services Department meeting administrator.
- The public will be able to listen and record.
- The public should raise their hand if they wish to speak during the public comment period.

"Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact the Monroe County Title VI Coordinator, Elizabeth Sensenstein, (812) 349-7314, esensenstein@co.monroe.in.us, as soon as possible, but no later than forty-eight (48) hours before the scheduled event. Individuals requiring special language services should, if possible, contact the Monroe County Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed. The meeting is open to the public."

1. CALL TO ORDER BY COMMISSIONER THOMAS

2. COMMISSIONERS' PUBLIC STATEMENT READ BY COMMISSIONER GITHENS

3. DEPARTMENT UPDATES

Health – Lori Kelley
Parks – Kelli Witmer
Building – Robert LaRue

4. PUBLIC COMMENT- For items NOT on the agenda (limited to 3 minutes per speaker)

5. APPROVAL OF MINUTES

February 21, 2024
January 23, 2023 - Executive Session

5
15

6. APPROVAL OF CLAIMS DOCKET
Accounts Payable – February 28, 2024

7. REPORTS
None

8. NEW BUSINESS

A. RESOLUTION 2024-08; FINANCIAL SOLUTIONS GROUP AGREEMENT

18

Fund Name: County General

Fund Number: 1000

Amount: Not to exceed \$28,000

Presenter: Molly Turner-King

Council wishes to contract with the Financial Services Group "FSG" to provide services that include general financial advisory services to the County during the Calendar Year 2024 and a three-year projection of County finances for 2025, 2026 and 2027 to assist Council with identifying information that is valuable in the development of short-term and long-term goals.

B. BLUESTONE, LLC AGREEMENT

23

Fund Name(s): County General and Parks Non-Reverting

Fund Number(s): 1000, 1178, and 1179

Amount: Not to exceed \$30,000

Presenter: Kelli Witmer

On 02-21-24, the MCPR Board approved an on-call Agreement with Bluestone, LLC in the amount not to exceed \$30,000. This agreement will allow Monroe County the ability to have a professional tree company on-call that possess the appropriate large equipment and staff to safely and quickly perform tree remediation or removal. Agreement expires on 07-01-25.

Please make note of Exhibit "A", the U.S. Fish & Wildlife Service Forest Management Guidelines for Avoiding Incidental Take of Indiana Bats and Northern Long-eared Bats within the State of Indiana.

C. MOU WITH CRIMSON SECURTIY

32

Fund Name(s): Special Purpose LIT (Juvenile Probation) and Public Safety LIT (Probation)

Fund Number(s): 1114(\$10,000) and 1170 (\$10,560)

Amount: \$20,560

Presenter: Linda Brady

Public and county employee safety at the Community Corrections office (Johnson Hardware Building) during the high-traffic early morning Day Reporting hours has been provided by Alliance Security, Inc. since 2014 through a contractual agreement (MOU) with Monroe County Government. Alliance Security Inc. contracted with off-duty Indiana State Troopers to perform the safety and security tasks, including the service of warrants.

Alliance Security Inc. has given notice to Monroe County that they are ending this agreement effective February 5, 2024.

One of the primary duties of the contracted Indiana State Troopers has been to serve outstanding warrants in a safe manner. After the arrest, the Troopers then transported the arrestees to the Monroe County jail, thereby saving Monroe County Sheriff's Deputies from that duty so that they can remain on patrol across Monroe County during those high-traffic early morning commute hours of 7:00 AM-9:00 AM Monday through Friday.

The security officers/Troopers also helped to manage the vehicle traffic in the alley outside of the Day Reporting office at the time of day when 150-200 offenders report for supervision check-ins, breath-alcohol tests, and urine drug tests. Prior to contracting with Alliance Security Inc., there had been numerous traffic jams in the alley, sometimes leading to "road rage" incidents. Further, the high concentration of offenders sometimes would congregate in the alley and parking lots leading to incidents of disorderly conduct and other criminal activity occurring.

D. AGREEMENT WITH MONROE COUNTY FAIR ASSOCIATION FOR SAFE PLACE ADVERTISING

38

Fund Name: Safe Place

Fund Number: 9103

Amount: \$175

Presenter: Jessica Brown

We are working with the Monroe County Fairgrounds to promote Safe Place. This will be a new endeavor to have an advertisement placed on a bench located at the local fairgrounds although we have entered into many agreements with the fairgrounds previously. We are hopeful that this will be placed and visible to both the adult and youth public prior to the upcoming eclipse. Advertising the Safe Place Program help us to meet both our Safe Place and Runaway Homeless Youth grant requirements. Service Dates: February 16 2024 - February 16 2026.

E. CORRECTIONAL CENTER COLLECTIVE BARGAINING AGREEMENT

40

Presenter: Jeff Cockerill

This Agreement renews the Collective Bargaining Agreement for the Correctional Center staff as defined by Monroe County Code 253. The previous agreement expires on December 31, 2023. The Agreement provides for the following major changes:

- 1) How specialty pay will be provided. In the past, the correctional officers received a lump sum for shift differentials, specialty team payments, and educational bonuses. However, this will now be switched to an hourly rate.
- 2) The pay for the Sergeants and the number of work hours required of Captains was changed to reflect what is in the Monroe County Salary ordinance.
- 3) How uniforms are to be paid. The contract provides that the County will buy uniform for the first-year officer. After an officer's first year, he/she will receive a uniform allowance of \$1600. This amount did not change. The change is how we are handling the uniform needs of the first-year officer.

F. ORDINANCE 2024-04; WHALEY PUD OUTLINE PLAN AMENDMENT #2

53

Presenter: Shawn Smith

This request is to amend the Whaley PUD Outline Plan Amendment 2 to allow for the filling of all sinkholes on the Western portion of the property for the after-the-fact filling of two Sinkhole Conservancy Areas (SCA) and to add one new use to the permitted use list: Boat and RV Storage to the area approximately 12.34 +/- acres in Section 14 of Van Buren Township, at 4810 W State Road 45, Parcel #: 53-09-14-102-001.000-015.

This Ordinance request has been separated into two parts due to the number and type of recommendations. Both parts received a vote of 7-0 by the Plan Commission on January 16, 2024.

2024-04a represents the "positive" recommendations.

2024-04b represents the "negative" recommendations.

G. ORDINANCE 2024-06; BLOOMINGTON TECHNOLOGY PARK OUTLINE PLAN AMENDMENT #7

109

Presenter: Drew Myers

The petition site is located in Van Buren Township, Section 1 and is 3.8 acres zoned "Bloomington Technology Park - Planned Unit Development" (PUD). The petitioner, Liberty Drive Medical Office Facility LLC, is requesting to amend the Bloomington Technology Park PUD ordinance. The petitioner is represented by Todd Borgman of Smith Design Group, Inc. and James F. Bohrer of Clendening, Johnson, & Bohrer, P.C.

The petition site is currently zoned under the Bloomington Technology Park PUD to permit Light Industrial uses. The petitioner is now requesting a PUD Outline Plan Amendment to permit same list of limited Commercial uses that are currently available for other lots within the same PUD. The impetus for this rezone is due to a request to utilize the property as a hotel, which was determined to not be a permitted use under the current PUD guidelines; however, the use of a hotel is permitted on adjacent lots. The petitioner was made aware of this fact and proceeded with this filing to try to allow commercial uses (including a hotel) to be permitted on this lot.

The Planning Dept. Staff provided a positive recommendation to the Plan Commission, which then forwarded this petition to the Board of Commissioners with a positive recommendation by a vote of 7-0.

9. APPOINTMENTS

10. ANNOUNCEMENTS

11. ADJOURNMENT

Motion carried 3-0.

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- 7. APPROVAL OF CLAIMS DOCKET**
Accounts Payable – February 21, 2024
Payroll – February 23, ~~2023~~ 2024

10:19 am

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

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- 8. REPORTS**
Clerk of the Circuit Court – January 2024
Treasurer's – January 2024

10:21 am

9. NEW BUSINESS

- A. MIDWEST PRESORT AGREEMENT RENEWAL**
Fund Name: Reassessment
Fund Number: 1224
Amount: \$42,234.46
Presenter: Judith Sharp

10:22 am

Request for approval of Service Agreement between the Monroe County Assessor and Midwest Presort for the preparation, printing and mailing of the 2024 Form 11's for all taxing units. This is a renewal of the annual agreement to meet statutory requirements to mail Form 11's to taxpayers.

Estimated Postage: \$25,853.98

Estimated Service Fees: \$16,380.46

Total Estimated Fees under Service Agreement: \$42,234.46

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

- B. 2024 PURDUE UNIVERSITY EXTENSION CONTRACT**
Fund Name: County General
Fund Number: 1000
Amount: \$207,260
Presenter: Ody Ekwonwa (Virtual)

10:24 am

Requesting approval for the 2024 contract with Purdue Extension to provide educational programming and resources to the citizens of Monroe County, in the areas of Agriculture and Natural Resources, Community Development, 4-H Youth Development and Health and Human Sciences. The contractual amount was approved by the County Council as part of the annual budget process.

Githens made a motion to approve. Jones seconded.

No public comments.
Thomas called for a voice vote
Motion carried 3-0.

C. LAMAR AGREEMENT FOR SAFE PLACE PROGRAMS

10:26 am

Fund Name: Runaway and Homeless Grant
Fund Number: 8120
Amount: \$4,050
Presenter: Jessica Brown

We are again working with Lamar Billboards to promote Safe Place. We will have a billboard placed in Greene County to assist in the alignment of our RHY grant objectives in order to focus on the rural counties which we serve. Lamar gives YSB a goodwill rate and the board is preemptive and can be moved at any time within the given market if Lamar sells the location they are on.

Service Dates: March 3 2024 - October 13 2024

Contract Total: \$4,050.00

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

D. SPECTRUM VOIP PHONE AGREEMENT FOR PURDUE EXTENSION OFFICE

10:28 am

Fund Name: County General
Fund Number: 1000
Amount: \$10,346.40/ 60 months
Presenter: Greg Crohn

The existing VoIP phone system at the Purdue Extension Office is beyond service life, unrepairable, and non-functioning. This request is to approve the agreement with Spectrum VoIP to provision, set up, install, and provide service support of six phones and one fax line. Service includes local, long distance and international calling. Charges are at a rate of \$172.44 for 60 months.

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

E. OPENGOV SOFTWARE AGREEMENT RENEWAL

10:31 am

Fund Name: Cumulative Capital
Fund Number: 1138
Amount: \$ 321,650.98
Presenter: Greg Crohn

The agreement with OpenGov to provide permitting and licensing software signed in June of 2020 is about to expire. This request is to approve the new agreement covering April 2024 through May 2027. Terms of products and services remain the same as the previous agreement.

Total cost of the thirty-six month agreement with additional prorated three months (January - March 2024) is \$321,650.98. Stepped billing schedule is as follows:

January 2024: \$ 641.67
April 2024: \$101,826.90
April 2025: \$106,918.25
April 2026: \$112,264.16

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

F. DECKARD LAND SURVEYING PROFESSIONAL SERVICES AGREEMENT

10:34 am

Fund Name: Surveyors Corner Perpetuation
Fund Number: 1202
Amount: Not to exceed \$25,000
Presenter: Trohn Enright-Randolph

The Office of Monroe County Surveyor (MCSO) is seeking approval of a professional service agreement with Deckard Land Surveying to help maintain the Public Land Survey System in the county, in line with the MCSO's heightened standards for Monument Records. The proposed survey project is to perpetuate the location of section corners, quarter section corners, or center quarter corners by marking and verifying existing monuments or re-establishing the corners with new monuments in the sections outlined in the attached exhibits. Any new monuments that are set are to have geodetic coordinates for each corner provided to the MCSO in a digital format and noted on the Monument Record. The deliverables include a Monument Record for each monument, Surveyor's Report, and a Plat of Survey drawn to scale. These records are to be provided as physical copies as well as PDF copies. The Surveyor's Report and Plat of Perpetuation Survey are to be recorded in the office of the Monroe County Recorder.

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

G. OSER SURVEYING & MAPPING, LLC SERVICE AGREEMENT

10:43 am

Fund Name: Surveyors Corner Perpetuation
Fund Number: 1202
Amount: Not to exceed \$26,000
Presenter: Trohn Enright-Randolph

The Office of Monroe County Surveyor (MCSO) is seeking approval of a professional service agreement with Oser Surveying & Mapping LLC to help maintain the Public Land Survey System in the county, in line with the MCSO's heightened standards for Monument Records. The proposed survey project is to perpetuate the location of section corners, quarter section corners, or center quarter corners by marking and verifying existing monuments or re-establishing the corners with new monuments in the sections outlined in the attached exhibits. Any new monuments that are set are to have geodetic coordinates for each corner provided to the MCSO in a digital format and noted on the Monument Record. The deliverables include a Monument Record for each monument, Surveyor's Report, and a Plat of Survey drawn to scale. These records are to be provided as physical copies as well as PDF copies. The Surveyor's Report and Plat of Perpetuation Survey are to be recorded in the office of the Monroe County Recorder.

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

H. BLEDSOE RIGGERT COOPER JAMES SERVICE AGREEMENT 2ND ADDENDUM

10:45 am

Fund Name: 2017 GO Bond
Fund Number: 4810
Amount: Not to exceed \$36,460
Presenter: Kelli Witmer

This is the 2nd addendum to the BRCJ Agreement for conceptual-level design & cost opinion and preliminary engineering report of Monroe County bridge #83 for the Limestone Greenway Phase 2. The 2nd addendum extends the expiration date to 12-31-25.

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

I. HOOSIER HILLS FOOD BANK MOU FOR WILL DETMER PARK GARDEN

10:46 am

Presenter: Kelli Witmer

On 01-17-24, The Monroe County Parks & Recreation Board approved the HHFB MOU. MCPR has had a Garden use Agreement with HHFB since 2010. The MOU is meant to facilitate the growing and distribution of free produce to HHFB hunger relief programs and to promote public farming education.

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

J. ORDINANCE 2024-12; RECREATION ENDOWMENT ADVISORY COMMITTEE BYLAW REVISIONS

10:53 am

Presenter: Kelli Witmer

The Monroe County Commissioners approve all Monroe County Access to Recreation Committee appointments and the Committee's bylaws. The Committee recommends projects to the Community Foundation of Bloomington & Monroe County's (CF) Board for funding approval. From time to time, bylaws of a committee need to be updated to accurately reflect the committee's current operation and to make improvements.

GRANT HISTORY -

On 10-22-2007, the Monroe County Access to Recreation Endowment was created at the CF. The endowment was created as a requirement for the Council of Michigan Foundations, Inc. (AKA Kellogg Cereal) grant received for the Sophia Travis Playscape (Playground & Splash Pad) project at Karst Farm Park.

The CF with assistance from Monroe County Parks & Recreation (MCPR) received two separate grants for Karst Farm Park (Playscape & Musical Equipment). The Kellogg grant staff conveyed to MCPR that the endowment is to be used for accessible recreation projects and to maintain the items purchased by grant funds.

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

K. COMMUNITY CORRECTIONS 2023 ANNUAL REPORT
Presenter: Becca Streit

10:57 am

The Indiana Department of Correction awards grant funds to several Probation/Community Corrections programs including Pretrial Services, Drug Treatment Court, Mental Health Court, and Community Corrections. As part of the grant contract, the Community Corrections Executive Director must present an Annual Report to the county executive body.

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

L. JAG GRANT FOR HIGH TECH CRIME UNIT
Fund Name: JAG Grant HTCU
Fund Number: 8186
Grant Amount: \$24,935
Presenter: Beth Hamlin (Virtual)

11:06 am

This is a request for the Commissioners' signature on a newly received JAG grant that was awarded to the Prosecutor's Office's High Tech Crime Unit. The funding is in the amount of \$24,935 and will be used to purchase additional hardware and software for the project. The additional hardware/software will allow the HTCU to employ an additional HTCU investigator, which will alleviate the backlog of investigative request that the HTCU is receiving. This grant requires no match for the first year of funding.

Githens made a motion to approve. Jones seconded.
No public comments.
Thomas called for a voice vote
Motion carried 3-0.

M. ORDINANCE 2024-11; CAPITAL IMPROVEMENT BOARD (CIB) INTERLOCAL
Presenter: Jeff Cockerill

10:10 am

This Interlocal agreement was approved by the County Council on February 13, 2024. It explains the interactions with the City and County as it relates to the Capital Improvement Board and Convention Center Expansion project.

Githens made a motion to approve. Jones seconded.
Public comments:
Chris Emge, Bloomington Chamber of Commerce Executive Director, and a Monroe County resident.
Thomas called for a voice vote
Motion carried 3-0.

N. ORDINANCE 2024-10; AMEND ORDINANCE 86-11; NO PARKING

11:16 am

Presenter: Lisa Ridge

Amend Ordinance 86-11 to add the following No Parking location: Dunleigh Drive

Githens made a motion to approve. Jones seconded.

No public comments.

Thomas called for a voice vote

Motion carried 3-0.

O. DLZ AGREEMENT FOR CONSTRUCTION INSPECTION SERVICES FOR FULLERTON PIKE PH III

11:19 am

Fund Name: Fullerton Pike, PH III

Fund Number: 8169

Amount: \$1,479,700

Presenter: Lisa Ridge

The original contract was approved and signed on December 14, 2022. This project consists of a new bridge with new roadway. The project is broken down into two DES numbers with INDOT since it has two types of infrastructures (road and bridge). The original contract was a lump sum for both. INDOT is going to allocate funds to this phase of the project for an 80% reimbursement to the county and to do that we needed to split the amount of the original contract into the two DES numbers. No change in the amount. Originally, there were no funds allocated for reimbursement. INDOT will reimburse up to \$1,183,760 of the \$1,479,700.

Githens made a motion to approve. Jones seconded.

No public comments.

Thomas called for a voice vote

Motion carried 3-0.

P. RATIFICATION OF LOCHMUELLER CONTRACT AMENDMENT FOR SURVEYING MOORES CRK ROAD AND STIPP ROAD

11:21 am

Fund Name: Stormwater

Fund Number: 1197

Amount: \$12,200

Presenter: Lisa Ridge

This is an amendment to an existing contract with Lochmueller Group for surveying and staking the construction and clearing limits on Stipp Road and Moores Creek Road prior to tree removal in March 2024. This was presented at the Commissioners work session on 2/7/2024.

Githens made a motion to approve. Jones seconded.

No public comments.

Thomas called for a voice vote

Motion carried 3-0.

10. APPOINTMENTS

11:25 am

None

11. ANNOUNCEMENTS

11:25 am

Integrated Reentry and Correctional Support Program (IRACS) will host a public meeting in the Nat U. Hill Meeting Room, 3rd floor – Courthouse, on Monday, February 26, 2024, at 6:00 pm. Light snack will be provided. The public is encouraged to attend to learn more about IRACS and peer support in the Criminal Justice System.

Free COVID-19 testing available at the Monroe County Health Department, 119 W. 7th Street as well as the Monroe County Public Health Clinic located at 333 E. Miller Drive.

Accepting applications for all boards and commissions. Go to www.co.monroe.in.us for more information or to fill out application.

The Commissioners have virtual office hours via Teams each month for anyone wanting to speak with a commissioner. Please go to the calendar at www.co.monroe.in.us for dates and times.

Monroe County Commissioners' Blood Drive will be held at [Ivy Tech, Shreve Hall, 200 Daniels Way, Bloomington, IN](#) on the following dates:

Wednesday, March 6, 2024, 1 pm – 6 pm

Friday, March 8, 2024, 10 am – 3 pm

Thursday, April 4, 2024, 1 pm – 6 pm

Friday, April 5, 2024, 10 am – 3 pm

Residents can sign up for the [Monroe County Alert Notification System](#) for all weather and health related emergencies and updates. To sign up visit www.co.monroe.in.us.

Monroe County Commissioners and Monroe County Council have extended the Assistance Fund for county residents who need assistance in paying rent or utilities. Contact your local Township Trustee for further information.

Rural Housing Repair Program now accepting application from low and moderate income Monroe County homeowners. Contact your local Township Trustee for further information.

TOWNSHIP TRUSTEE New Trustee	Phone	email
Bean Blossom- Ronald Hutson	812.935.7174	beanblossomtrustee19@gmail.com
Benton - Michelle Bright	812.339.6593	trustee@bentontownship53.in.gov
Bloomington – Efrat Rosser	812.336.4976	bloomingtontownship@in.gov
Clear Creek - Thelma Jefferies	812.824.7225	thelma@bluemarble.net
Indian Creek - Chris Reynolds	812.824.4981	indiancreektownship@gmail.com
Perry - Dan Combs	812.336.3713	trustee@perrytownship.info
Polk –Scott Smith	812.837.9446	polktownshiptrustee@gmail.com
Richland - Marty Stephens	812.876.2509	rttfrontdesk@bluemarble.net
Salt Creek - Joan Hall	812.837.9140	jcareyhall@gmail.com
Van Buren - Rita Barrow	812.825.4490	rbarrow@vanburentownship.org
Washington – Mary VanDeventer	812.325.1708	mvandeventertrustee@gmail.com

12. ADJOURNMENT

11:38 am

The summary minutes of the February 21, 2024, Board of Commissioners' meeting were approved on February 28, 2024.

MONROE COUNTY COMMISSIONERS

"Aye"

"Nay"

Julie Thomas, President

Julie Thomas, President

Penny Githens, Vice President

Penny Githens, Vice President

Lee Jones, Member

Lee Jones, Member

ATTEST:

Brianne Gregory, Auditor
Monroe County, Indiana

Date



**MONROE COUNTY BOARD OF COMMISSIONERS'
WORK SESSION AGENDA**

February 21, 2024

Nat U. Hill Meeting Room - 3rd Floor, Courthouse and Teams Connection

NO MEETING THIS DATE

**MEMORANDUM OF JANUARY 23, 2024
EXECUTIVE SESSION MEETING OF THE
MONROE COUNTY COUNCIL AND
MONROE COUNTY BOARD OF COMMISSIONERS**

Pursuant to Indiana Code §5-14-1.5-6.1(b)(2)(D) the Monroe County Council and Monroe County Board of Commissioners met in Executive Session on January 23, 2023, in the HR/County Council Conference Room for the purpose of discussing a real property transaction.

Trent Deckard, Council President, called the Council meeting portion to order at 4:30 pm.

Penny Githens, Board of Commissioners Vice-President, called the Board of Commissioners meeting portion to order at 4:30 pm.

The following Monroe County Council members were in attendance in person: Trent Deckard, Jennifer Crossley, Peter Iversen, Geoff McKim, Cheryl Munson, and Kate Wiltz.

The following Monroe County Commissioners were in attendance in person: Penny Githens and Lee Jones. Julie Thomas attended the meeting virtually.

Staff in attendance were Jeff Cockerill, Molly Turner-King, Angie Purdie, and Kim Shell.

Scott CarnEgie, DLZ Representative was also present.

The discussion was limited to the advertised purpose of discussing a real property transaction.

The meeting adjourned at 5:01 pm

(The remainder of this document is intentionally left blank.)

The Memorandum of the January 23, 2023, Executive Session Meeting of the Monroe County Council and Monroe County Board of Commissioners was presented and approved by the Monroe County Board of Commissioners this _____ day of _____ 2024.

MONROE COUNTY BOARD OF COMMISSIONERS

☐ Aye ☐ Nay ☐ Abstain ☐ Not Present _____
Julie Thomas, President

☐ Aye ☐ Nay ☐ Abstain ☐ Not Present _____
Penny Githens, Vice President

☐ Aye ☐ Nay ☐ Abstain ☐ Not Present _____
Lee Jones, Commissioner

ATTEST:

Brienne Gregory, Auditor
Monroe County, Indiana

Date

The Memorandum of the January 23, 2023, Executive Session Meeting of the Monroe County Council and Monroe County Board of Commissioners was presented and approved by the Monroe County Council this 13th day of February 2024.

MONROE COUNTY COUNCIL

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present

Trent Deckard
Trent Deckard, President

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present

Jennifer Crossley
Jennifer Crossley, President Pro Tempore

☐ Aye ☐ Nay ☐ Abstain ☒ Not Present

Marty Hawk
Marty Hawk, Councilor

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present

Peter Iversen
Peter Iversen, Councilor

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present

Geoff McKim
Geoff McKim, Councilor

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present

Cheryl Munson
Cheryl Munson, Councilor

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present

L. Kate Wiltz
L. Kate Wiltz, Councilor

ATTEST:

Brianne M. Gregory
Brianne Gregory, Auditor
Monroe County, Indiana

2/13/2024
Date



Monroe County Board of Commissioners Agenda Request Form

Date to be heard

Formal ☒

Work session ☐

Department

Title to appear on Agenda:

Vendor #

Executive Summary:

Council wishes to contract with the Financial Services Group "FSG" to provide services that include general financial advisory services to the County during the Calendar Year 2024 and a three-year projection of County finances for 2025, 2026 and 2027 to assist Council with identifying information that is valuable in the development of short-term and long-term goals.

Fund Name(s):

Fund Number(s):

Amount(s)

Presenter:

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed:

RESOLUTION 2024-08

A Resolution Approving Recommendation of Contract with Financial Solutions Group

WHEREAS, the Monroe County Council is statutorily authorized to view or review the County's fiscal matters, determine proper fiscal policies, and set priorities for the allocation and expenditure of county funds; and

WHEREAS, the Monroe County Council, in its capacity as the fiscal body tasked with adopting the County's annual budget, fixing tax rates for the county in order to raise funds to meet the county's budgetary needs, appropriating public funds, and establishing salaries for all county employees, wishes to ensure adherence to informed and responsible fiscally decision making that promotes efficient use of funds to best address both the county's short-term and long-term fiscal needs; and

WHEREAS, Monroe County wishes to contract with the Financial Solutions Group "FSG" to provide services that include general financial advisory services to the County during the Calendar Year 2024 and a three-year projection of County finances for 2025, 2026, and 2027 to assist the Monroe County Council with identifying information that is valuable in the development of short-term and long-term goals.

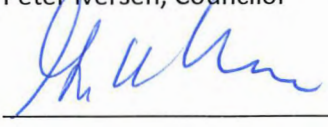
MONROE COUNTY COUNCIL

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present 
Trent Deckard, President

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present 
Jennifer Crossley, President Pro Tempore

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present 
Marty Hawk, Councilor


☒ Aye ☐ Nay ☐ Abstain ☐ Not Present 
Peter Iversen, Councilor

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present 
Geoff McKim, Councilor

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present 
Cheryl Munson, Councilor

☒ Aye ☐ Nay ☐ Abstain ☐ Not Present 
L. Kate Wiltz, Councilor

ATTEST:


Brianne Gregory, Auditor
Monroe County, Indiana


Date



2680 East Main Street
Suite 223
Plainfield, IN 46168
Phone: 317.837.4933

Email Addresses:
greg@fsgcorp.com
fsg@fsgcorp.com

January 25, 2024

Monroe County Board of Commissioners

Monroe County Council

*Attn: Mr. Jeff Cockerill,
Monroe County Attorney*
100 W Kirkwood Ave
Bloomington, IN 47404

VIA EMAIL: jcockerill@co.monroe.in.us;

**RE: PROPOSAL FOR PROFESSIONAL SERVICES: GENERAL FINANCIAL
CONSULTING**

Dear Commissioners and Council Members:

We are submitting a proposed agreement for Financial Solutions Group, Inc. ("FSG Corp.") to provide professional financial consulting services to Monroe County (the "County"), including assistance with review and preparation of the County's budget, updating the County's Sustainability Analysis, and economic development, as well as assisting on other projects, on an "as needed" basis.

Scope of Services

Sustainability Revenue and Spending Plan / 2025 Budget Assistance (Plan)

The scope of our services in the update of the Sustainability/Revenue and Spending Plan will include all, or part of, the following professional services:

1. Update of the Plan including the detail for actual 2023 numbers after year end close;
2. Preparation and presentation of a summary of information (will contain totals only and revenue (actual and/or projected), budgets, and actual expenses) provided in the Sustainability;
3. Development of the 2025 budget, and a three-year projection for 2026, 2027 and 2028 based on the 2024 budget and applicable growth factors (See Number 4 below);
4. Development of numerous revenue and expense growth factors, by fund, for the projected period;
5. Projection of ending cash balance, by fund, with an estimated impact of Circuit Breaker;
6. Preparation of a report setting forth the projection model and detailed assumptions;
7. Development of recommendations to improve or suggest changes to improve or maintain the County's financial health based on results of analysis;

8. Preparation of annual pre-budget presentation to discuss the August update of the Sustainability/Revenue and Spending Plan (based on June 30 numbers annualized);
9. Preparation of benchmarks for similar Counties and comparison to actual County results;
10. Assisting the County **Council** with the economic analysis associated with the 2024 and 2025 budgets, as well as implementation of any State cuts and/or adjustments to the County's budget;
11. Assisting the County **Council** with their statutory duties related to the County's annual budget, as requested;
12. Recommending new potential revenue sources to assist in funding the County's 2025 budget;
13. Assistance with income tax computations and issues;
14. Assistance with projects to help the improvement of the County; and
15. Assistance with payroll wage increases.
16. Assisting the County Council with determining potential impacts of annexation on County budget/revenue.

General Financial Consulting

1. Attendance at budget meetings and other related meetings (as set forth below) to discuss financial matters and/or to present documents and reports prepared for the County. **The schedule set forth below is tentative and could be subject to change. The County Council will communicate with FSG any and all changes in the schedule to mutually agree on dates that are beneficial for both parties.**
 - February – Meet to review yearend results and start of year expectations
 - April - Meet to review 1st quarter results
 - July – Meet to review June 30th results, assess changes needed for the remainder of the year.
 - September – Meet to review proposed budget and estimated impact.
 - October – Meet to review final budget and estimated impact.
2. General financial advisory services to the County during Calendar Year 2024;

General Provisions

1. This contractual agreement will hereby terminate on 12/31/24;
2. This agreement may be terminated, by either party, upon written notice and with payment of fees accrued to the written notice date;
3. FSG Corp. shall hold Monroe County harmless from claims, suits, actions and damages under this agreement;

4. FSG Corp. will not assign our rights under this agreement to anyone; and
5. FSG Corp. agrees that no modification to this agreement can be made orally; modifications must be made by a written agreement signed by both parties.
6. FSG Corp. is not aware of any conflict of interest we have with Monroe County.

Fees

Billing for all services will be calculated using the hourly rates shown below for our professional services. Billing will occur on a monthly basis and payment is assumed to be made within thirty (30) days of the invoice date.

CPA, MA, MA Principal:	\$ 250- 350	Mileage: \$.575 per mile
CPA, MA:	\$ 225 - 325	Copies: At Cost
Supervisory:	\$ 150 - 175	Mailings: At Cost
Financial Analyst:	\$ 150 - 175	
Administration/Operation:	\$ 100 - 150	Not-to-Exceed: <u>\$28,000.00</u>

In the event the County approves the engagement of FSG Corp. for this assignment, please sign, date and return a copy to us.

Respectfully Submitted,

Financial Solutions Group, Inc.



Gregory T. Guerrettaz

AGREED AND ACCEPTED:

MONROE COUNTY, INDIANA

By: _____

Date: _____



Monroe County Board of Commissioners Agenda Request Form

Date to be heard **02/28/24**

Formal ☒

Work session ☐

Department **Parks**

Title to appear on Agenda: **Bluestone, LLC - Tree Removal**

Vendor # **1547**

Executive Summary:

On 02-21-24, the MCPR Board approved an on-call Agreement with Bluestone, LLC in the amount not to exceed \$30,000. This agreement will allow Monroe County the ability to have a professional tree company on-call that possess the appropriate large equipment and staff to safely and quickly perform tree remediation or removal. Agreement expires on 07-01-25.

Please make note of Exhibit "A", the U.S. Fish & Wildlife Service Forest Management Guidelines for Avoiding Incidental Take of Indiana Bats and Northern Long-eared Bats within the State of Indiana.

Fund Name(s):

County General
Non-Reverting

Fund Number(s):

1000
1178 & 1179

Amount(s)

Not to Exceed
\$30,000

Presenter: **Kelli Witmer**

Speaker(s) for Zoom purposes:

Name(s)

Kelli Witmer

Phone Number(s)

812-320-0963

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed:

Justin Roddye

Retainer Agreement for Professional Services

This Agreement is made between Bluestone, LLC ("Contractor") and Monroe County Parks and Recreation Board and the Monroe County Board of Commissioners (collectively, "Monroe County"). Contractor and Monroe County mutually agree as follows:

The terms of this Agreement retain Contractor for the purpose of providing independent, professional tree remediation and/or removal on property managed by the Monroe County Parks and Recreation Department (MCPR). This Agreement allows Monroe County to have a professional tree company on retainer that possess the appropriate large equipment and staff to perform tree remediation and/or removal safely and quickly.

The following terms shall apply:

1. **Scope of Project.** Monroe County wishes to retain the services of Contractor to remove and/or trim specific marked trees located on property managed by MCPR and/or trees located on property that is adjacent to MCPR managed property and that poses a potential hazard to MCPR property. For trees not located solely on Monroe County owned property, MCPR agrees to obtain a written consent agreement from adjacent property owners for the removal/trimming of trees. Contractor will be provided the written consent agreement prior to removal and/or trimming of identified trees. As part of any necessary written consent agreement, Contractor and any personnel under the supervision of Contractor, will be liable for any damage that may occur to the privately owned property as a result of Contractor's entry and/or removal of trees in accordance with Paragraph 5 of the Agreement.

The MCPR Park Superintendent will provide a written list identifying which trees to remove and/or trim, and what is to be done with the debris and stump (either left on site, chipped, or removed). Contractor must have the work schedule approved by the MCPR Park Superintendent before any project commences. Confirmation of the project will be provided to Contractor by MCPR Park Superintendent via email. Contractor shall complete each project in a timely fashion.

The felling of trees that are >5" DBH shall not occur April 1 to September 30, unless a tree is to be felled and/or trimmed due to safety concerns. See "Exhibit A", which is incorporated herein and made part of this Agreement. "Exhibit A" is the Indiana Field Office (INFO) of the U.S. Fish and Wildlife Service guidelines to conserve the federally endangered Indiana bat and their habitats within the State of Indiana. Contractor is to comply with these and any other environmental regulations and guidelines concerning the felling or trimming of trees.

2. **Standard of Care.** Contractor shall be responsible for completion of the Services in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances ("Standard of Care"). MCPR shall be the sole judge of the adequacy of Contractor's work in meeting the Standard of Care; however, MCPR shall not unreasonably withhold its approval as to the adequacy of Contractor's performance. Upon notice to Contractor and by mutual agreement between the parties, Contractor will, without additional compensation, correct or replace any and all Services not meeting the Standard of Care.
3. **Price.** The total accumulated amount paid to Contractor under this Agreement shall not exceed Thirty-Thousand Dollars (\$30,000.00), without further written approval by Monroe County. Contractor shall submit an invoice for each project, including the times and dates worked, and a detailed description of the work performed. Invoices can be submitted to Kelli Witmer, Monroe County Parks and Recreation Director, at kwitmer@co.monroe.in.us and/or 501 N. Morton St., Suite 100, Bloomington, IN 47404. The Monroe County Parks and Recreation Department shall pay Contractor's submitted invoices within forty-

five (45) days of receipt.

4. **Term.** The term of this Agreement shall be from the date executed by both parties, below, and shall terminate on July 1, 2025. This Agreement may be extended by both parties if done so mutually and in writing and approved in the same manner as this Agreement. Either party may terminate this Agreement by giving written notice to the other party at least thirty (30) days in advance of the intended date of termination.
5. **Indemnity.** Contractor assumes all risks and responsibilities for accidents, injuries, or damages to person(s) or property related to performance pursuant to this Agreement and agrees to indemnify and save harmless Monroe County from all claims, costs, or suits of whatever nature, including attorneys' fees, related to performance of the Agreement, except such claims, costs, or suits arising out of the negligence of Monroe County or its employees.
6. **Worker's Compensation.** Contractor shall purchase and maintain a policy of Worker's Compensation Insurance as required by the laws of the State of Indiana and furnish a certificate of such insurance to Monroe County before commencement of work on a project. Failure to provide this certificate may be regarded by Monroe County as a material breach of this Agreement and may result in cancellation of this Agreement without further cause. It shall be in Monroe County's sole discretion whether there is a material breach under this paragraph and whether the breach should result in cancellation of this Agreement.
7. **Liability Insurance.** Contractor shall purchase and maintain comprehensive general liability insurance in amounts of at least One (1) million per occurrence, and Two (2) million dollars aggregate, and furnish proof of such insurance to Monroe County before commencement of work on a project. Failure to provide this certificate may be regarded by Monroe County, in its sole discretion, as a material breach of this Agreement, and may result in cancellation of this Agreement without further cause. It shall be in Monroe County's sole discretion whether there is a material breach under this paragraph and whether the breach should result in cancellation of this Agreement.
8. **Non-discrimination.** In the performance of work under this contract, it is agreed that Contractor, any of its subcontractors, or any person acting on their behalf shall not, in any manner, discriminate against or intimidate any employee or job applicant with respect to his hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of his race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran – or discriminate by reason of such factors, against any citizen of the State of Indiana who is qualified and available to perform the work.

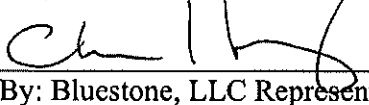
Contractor shall comply with all federal, state, and local laws and regulations. Contractor has been made aware of Monroe County's policy on non-discrimination and agrees to comply with the policy. In addition, Contractor has been made aware of the Monroe County's policy prohibiting harassment in all regards, including, but not limited to, employment practices. Contractor agrees to make the Commissioners aware of any conduct which may violate any County policy including, but not limited to, the policies prohibiting discrimination and harassment.

9. **Compliance with Law.** Contractor shall comply with all State of Indiana and Monroe County applicable laws and regulations, including Monroe County's policy prohibiting harassment. Contractor shall indemnify and save harmless Monroe County for any fines or expenses of any nature which it might incur from Contractor's noncompliance. *If required by law*, Contractor will comply with IC 22-5-1.7 et seq. Specifically including the following:

- Contractor to enroll in and verify the work eligibility status of all newly hired employees of the Contractor through the E-Verify program.
- Contractor is not required to verify the work eligibility status of all newly hired employees of the Contractor through the E-Verify program, if the E-Verify program no longer exists.
- Contractor must sign an affidavit affirming that Contractor does not knowingly employ an unauthorized alien.

10. **Independent Contractor.** It is understood and agreed that Contractor executes this Agreement as an independent contractor and shall not be considered an employee or agent of the Board for any purpose. Contractor shall have exclusive control over the means, methods, and details of fulfilling its obligations under this Agreement. Contractor shall pay all taxes, withholdings and contributions required by Social Security (FICA) laws, Indiana and federal income tax laws, and Indiana unemployment insurance laws.
11. **Captions.** The captions of this Agreement are for convenience only, and do not in any way limit or amplify its terms.
12. **Governing Law.** This Agreement shall be governed in accordance with the laws of the State of Indiana. The venue for any litigation resulting from or related to this Agreement shall be Monroe County, Indiana.
13. **Entirety of Agreement.** This Agreement, consisting of three (3) pages, constitutes the entire agreement between the parties and may be modified only in writing referencing this Agreement and signed by both parties.

IN WITNESS WHEREOF, Contractor and Monroe County have executed this Agreement as dated below and, if executed in two counterparts, each shall be deemed an original.


By: Bluestone, LLC Representative

2/15/2024
DATE

APPROVED BY THE MONROE COUNTY BOARD OF COMMISSIONERS

This _____ day of _____, 2024, pursuant to Monroe County Code Chapter 266-5.

"AYES"

"NAYS"

Julie Thomas, President

Julie Thomas, President

Penny Githens, Vice President

Penny Githens, Vice President

Lee Jones, Commissioner

Lee Jones, Commissioner

ATTEST:

Brianne Gregory, Auditor



INFO Forest Management Guidelines for Avoiding Incidental Take of Indiana Bats and Northern Long-eared Bats within the State of Indiana

These guidelines were developed by the Indiana Field Office (INFO) of the U.S. Fish and Wildlife Service (Service) to conserve the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB; *Myotis septentrionalis*) and their habitats within the State of Indiana. Adherence to these guidelines will avoid incidental take^{1,2} of federally listed bats and result in forest habitat that is suitable for the species' use, but may not represent optimal habitat. Maintaining or creating optimal Indiana bat and NLEB maternal habitat would likely require additional management practices than provided here. This is a working document and periodically will be revised as new data warrant. Please check with the INFO to ensure that you have the most recent version of this document.

When these guidelines are followed, the INFO typically will provide concurrence letters to land managers needing Section 7 clearance under the Endangered Species Act of 1973 (ESA)(i.e., an informal consultation will suffice) and an incidental take permit/Habitat Conservation Plan (HCP) will not be required on state-owned or privately owned lands because the risk of incidentally taking a federally listed bat will be discountable or insignificant. However, if any aspects of these management guidelines cannot be followed or conflict with other land management goals or directives, then forest managers are strongly encouraged to contact the INFO to discuss alternative processes available to federal and non-federal land managers under the ESA. [NOTE: Take of federally listed species is prohibited by Section 9 of the ESA regardless of whether the taking occurs on federal, state, or privately owned lands]. To obtain an official list of species protected under the ESA that may occur in your specific area of concern, please visit the Service's IPaC website at <https://ecos.fws.gov/ipac/>.

FOREST MANAGEMENT GUIDELINES

1. At least 60% canopy cover (on a stand-by-stand basis, depending on size of stands) shall be maintained after any timber harvest activities.
2. Shagbark hickory (*Carya ovata*) or shellbark hickory (*C. laciniosa*) trees shall not be harvested or manipulated during timber stand improvement (TSI) activities, unless the combined density of these species exceeds 16 trees/acre. If present, at least 16 live shagbark and shellbark hickory (combined) >11" diameter-at-breast height (dbh) must be maintained per acre.
3. Standing snags shall not be felled/removed, except where they pose a serious human safety hazard (a tree with <10% live canopy should be considered a snag). Snags that have no remaining bark and no visible cracks, splits, or hollows may be felled as well as any snags leaning more than 45° from vertical.

¹ **Incidental take** – Take that results from, but is not the purpose of, carrying out an otherwise lawful activity.

"Take" - To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct; may include significant habitat modification or degradation if it kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.

"Harass" - To intentionally or negligently, through act or omission, create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns such as breeding, feeding, and sheltering (defined by FWS regulation; NOAA Fisheries has not defined harass by regulation).

"Harm" - To perform an act that kills or injures wildlife; may include significant habitat modification or degradation when it kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.

² The Service issued a final 4(d) rule in 2016 that exempted incidental take of NLEBs resulting from various activities including forest management practices (provided they occur >0.25 miles from known hibernacula and roost trees). For more details regarding this rule, please visit the Service's NLEB 4(d) rule web site at <https://www.fws.gov/Midwest/endangered/mammals/nleb/4drule.html>



U.S. Fish & Wildlife Service

4. The following species of trees have been identified as having relatively high value as potential Indiana bat and NLEB maternity roost trees:

shagbark hickory (<i>Carya ovata</i>)	eastern cottonwood (<i>Populus deltoides</i>)
shellbark hickory (<i>C. laciniosa</i>)	northern red oak (<i>Quercus rubra</i>)
mockernut hickory (<i>C. tomentosa</i>)	post oak (<i>Q. stellata</i>)
bitternut hickory (<i>C. cordiformis</i>)	white oak (<i>Q. alba</i>)
sugar maple (<i>A. saccharum</i>)	American elm (<i>Ulmus americana</i>)
silver maple (<i>Acer saccharinum</i>)	slippery elm (<i>U. rubra</i>)
red maple (<i>A. rubrum</i>)	black locust (<i>Robinia pseudoacacia</i>)
boxelder (<i>A. negundo</i>)	yellow poplar (<i>Liriodendron tulipifera</i>)
white ash (<i>Fraxinus americana</i>)	black walnut (<i>Juglans nigra</i>)
green ash (<i>F. pennsylvanica</i>)	

(Tree species based on literature and unpublished roosting data).

On average, at least 3 live trees per acre >20" dbh (of the high-value species listed above) shall always be maintained in the stand (a tree with <10% live canopy should be considered a snag). These "leave trees" must be the largest trees of the listed species remaining in the stand. An additional 6 live trees per acre >11" dbh (of the species listed above) must also be maintained. The "per acre" requirement can be expressed as the average per acre on a stand-wide basis, depending on the definition of a stand.

If there are no trees >20" dbh to leave, then 16 live trees per acre must be left, and these must include the largest specimens of the listed species remaining in the stand.

5. No timber harvest or TSI activities shall occur within 100 feet of a perennial stream or within 50 feet of an intermittent stream.
6. No felling of trees >5" dbh while Indiana bats may be present from 1 April through 30 September (i.e., trees may be felled from 1 October through 31 March).

PRESCRIBED FIRE GUIDELINES

- In burn areas containing potential bat roost trees/snags >5" dbh, prescribed burns shall not be conducted from 15 April through 15 September in southern and central Indiana or from 25 April through 15 September in northern Indiana³.
- Temporary fire breaks shall be created/maintained around any known Indiana bat primary maternal roost trees that occur within a proposed burn area prior to the burn.

NOTE: If any of these guidelines can't be followed or additional clarification is needed, please contact the INFO.

NOTE: If proposed forest/timber management actions or prescribed burns will occur within a 10-mile radius of a known Indiana bat hibernaculum, then please contact the INFO for additional guidance (i.e., additional conservation measures may be required). Indiana bat hibernacula in Indiana are known to occur in Crawford, Greene, Harrison, Lawrence, Martin, Monroe, Orange, and Washington counties. You should also contact INFO if you will be conducting active forest management activities within 0.25 miles of a known occupied NLEB hibernaculum, which can be determined via IPaC (<https://ecos.fws.gov/ipac/>) (If NLEB is included on your project area's species list, you're within a known area).

³ For the purposes of these guidelines "northern Indiana" includes Adams, Allen, Benton, Blackford, Carrol, Cass, Clinton, DeKalb, Elkhart, Fulton, Grant, Howard, Huntington, Jay, Jasper, Kosciusko, Lake, La Grange, La Porte, Marshall, Miami, Newton, Noble, Porter, Pulaski, Starke, St. Joseph, Steuben, Tippecanoe, Tipton, Wabash, Wells, Warren, White, and Whitley counties.

Useful Links for Federally Listed Bats and Forest Management in Indiana

USFWS List of Federally-Listed Species in INDIANA with County Distribution

<https://www.fws.gov/midwest/endangered/lists/indiana-spp.html>

USFWS Information for Planning and Consultation (IPaC; access an official federal TE species list for your specific project area)

<https://ecos.fws.gov/ipac/>

USFWS Primary Indiana Bat (*Myotis sodalis*) web site

<https://www.fws.gov/midwest/Endangered/mammals/inba/index.html>

USFWS Primary Northern Long-eared Bat (*Myotis septentrionalis*) web site

<https://www.fws.gov/Midwest/endangered/mammals/nleb/index.html>

USFWS Range-wide Indiana Bat Survey Guidelines

<https://www.fws.gov/midwest/Endangered/mammals/inba/inbasummersurveyguidance.html>

White-Nose Syndrome (WNS; the devastating fungal disease affecting N. American bat species)

<https://www.whitenosesyndrome.org/>

USFWS Bat Literature Database - Scientific literature pertaining to bats, forest/fire management and other topics

<http://www.refworks.com/refshare2?site=040621159761600000/RWEB103971662/USFWS%20Bat%20Lit.%20Database%20-%20Public%20Version>

ESA Section 7 Consultation Process

<https://www.fws.gov/midwest/endangered/section7/index.html>

ESA Section 10 HCP Process

<https://www.fws.gov/Midwest/endangered/permits/hcp/index.html>

Beneficial Forest Management Practices for WNS-Affected Bats: Voluntary Guidance for Land Managers and Woodland Owners in the Eastern United States (May 2018)

<https://www.whitenosesyndrome.org/mmedia-education/beneficial-forest-management-practices-for-wns-affected-bats-voluntary-guidance-for-land-managers-and-woodland-owners-in-the-eastern-united-states>

Going to Bat for Bats (SAF, The Forestry Source, Oct. 2018)

<https://s3.amazonaws.com/org.whitenosesyndrome/assets/prod/97f360f0-e75b-11e8-a344-bd763fb60c04-Forestry%20Source%20October%202018%20Email%20Low-Res.pdf>

Conserving Federally Endangered Indiana Bats on Private Woodlands

[Indiana Woodland Steward, Spring Issue 2013, Volume 21(1)]

<http://www.inwoodlands.org/conserving-federally-endangere/>

Northern Long-Eared Bat Listed under Endangered Species Act: What Woodland Owners in Indiana Need to Know

[Indiana Woodland Steward, Spring Issue 2015, Volume 24(1)]

<http://www.inwoodlands.org/northern-long-eared-bat-listed/>

A Few Beneficial Forest Management Practices (BFMPs) for Bats

[Indiana Woodland Steward, Winter Issue 2018, Volume 27(3)]

<http://www.inwoodlands.org/-beneficial-forest-manage-bats/>

Economic importance of bats in Agriculture (Science, April 2011)

<https://science.sciencemag.org/content/332/6025/41>



WHITE-NOSE SYNDROME

U.S. Fish and Wildlife Service Reclassifies Northern Long-eared Bat as Endangered under the Endangered Species Act

Thumbnail



Affiliations:

U.S. Fish & Wildlife Service (FWS)

Date: November 29, 2022

Link: <https://www.fws.gov/media/northern-long-eared-bat-final-rule-news-release>

Tags:

Press Release

Announcement

WASHINGTON -- The U.S. Fish and Wildlife Service today announced a final rule to reclassify the northern long-eared bat as endangered under the Endangered Species Act (ESA). The bat, listed as threatened in 2015, now faces extinction due to the rangewide impacts of white-nose syndrome, a deadly disease affecting hibernating bats across North America. The rule takes effect on January 30, 2023.

The growing extinction crisis highlights the importance of the ESA and efforts to conserve species before declines become irreversible.

"This listing is an alarm bell and a call to action," said U.S. Fish and Wildlife Service Director Martha Williams. "White-nose syndrome is decimating cave-dwelling bat species like the northern long-eared bat at unprecedented rates. The Service is deeply committed to working with partners on a balanced approach that reduces the impacts of disease and protects the survivors to recover northern long-eared bat populations."

Bats are critical to healthy, functioning natural areas and contribute at least \$3 billion annually to the U.S. agriculture economy through pest control and pollination. The northern long-eared bat is found in 37

states in the eastern and north central United States, the District of Columbia, and all Canadian provinces from the Atlantic Coast west to the southern Northwest Territories and eastern British Columbia. These bats mostly spend the winter hibernating in caves and abandoned mines. During summer, northern long-eared bats roost alone or in small colonies underneath bark or in cavities or crevices of both live and dead trees. They emerge at dusk to fly primarily through the understory of forested areas, feeding on insects.

White-nose syndrome, the disease driving their decline, is caused by the growth of a fungus that sometimes looks like white fuzz on bats' muzzles and wings. The fungus thrives in cold, dark, damp places and infects bats during hibernation. Impacted bats wake up more frequently, which often results in dehydration and starvation before spring arrives. Bats are the only species of wildlife known to be affected by white-nose syndrome, which has been confirmed in 38 states and eight Canadian provinces.

White-nose syndrome has spread across nearly 80% of the species' entire range and is expected to affect 100% of the species' range by the end of the decade. The change in the species' status comes after an in-depth review found that the northern long-eared bat continues to decline and now meets the definition of an endangered species under the ESA. Data indicate white-nose syndrome has caused estimated declines of 97 to 100% in affected northern long-eared bat populations.

The change in status from endangered to threatened, when final, will nullify the prior 4(d) rule that tailored protections for the species when it was listed as threatened. The Service recognizes that the change to endangered status may prompt questions about establishing ESA compliance for forestry, wind energy, infrastructure and other projects in the range of the northern long-eared bat. We are committed to working proactively with stakeholders to conserve remaining northern long-eared bats while reducing impacts to landowners.

The Service has a strong foundation in place for working with stakeholders to conserve listed bats while allowing economic activities within the range to continue to occur. Since the species was listed as threatened in 2015, the Service has approved more than 22 habitat conservation plans (HCPs) that allow wind energy and forestry projects to proceed after minimizing and mitigating their impacts to northern long-eared bats. Several newly developed tools have been prepared to help guide project managers through consultation once the change in status takes effect, including an interim consultation framework to help prevent delay for projects already reviewed under the prior 4(d) rule and an online determination key for automatic project concurrence for many activities. We have also developed voluntary guidance for wind facilities to allow operation in a manner consistent with bat conservation, and voluntary timber management guidance to aid risk assessment and to avoid and minimize impacts to northern long-eared bats. Many transportation projects already have ESA compliance in place that will remain.

To address the growing threat of white-nose syndrome to the northern long-eared bat and other bats across North America, the Service is leading the White-nose Syndrome National Response Team, a coordinated effort of more than 150 non-governmental organizations, institutions, Tribes, and state and federal agencies. Together we are conducting critical white-nose syndrome research and developing management strategies to minimize impacts of the disease and recover affected bat populations. To date, this effort has yielded scientific advancements that include identification of critical information about white-nose syndrome and its impacts on North American bat species. We developed and are using disease surveillance tools to monitor spread and impacts, and we're testing biological, chemical, immunological, genetic and mechanical treatments in a number of states to improve bat survival.

[Learn more about the northern long-eared bat](#), the final listing rule.

Media Contact: Georgia Parham,
Georgia_Parham@fws.gov, 812-593-8501



Monroe County Board of Commissioners Agenda Request Form

Date to be heard

Formal

Work session

Department

Title to appear on Agenda:

Vendor #

Executive Summary:

Fund Name(s):

Fund Number(s):

Amount(s)

Presenter:

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed:

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
THE MONROE CIRCUIT COURT PROBATION DEPARTMENT
AND
CRIMSON SECURITY

This Agreement (“Agreement”) is made the 28th day of February 2024, between Crimson Security (hereafter “Crimson”), and the Monroe County Circuit Courts (hereafter, “Courts”) on behalf of the Monroe Circuit Court Probation Department (hereafter, “Probation”) and the Monroe County Board of Commissioners (hereafter “Commissioners”). The parties acknowledge that this Agreement is a legally binding and enforceable contractual agreement, and its provisions are enforceable in a court of law. The parties mutually agree to the following terms:

Crimson is an Indiana corporation duly authorized to conduct business in the State of Indiana. Crimson is licensed to provide security and protection services under the laws of the State of Indiana.

Crimson employs off-duty sworn law enforcement officers to provide protection and security services for those persons or entities who desire the services provided by the Corporation.

- 1. SCOPE.** Monroe County desires to engage Crimson to provide security services at Community Corrections located at 405 West 7th Street Bloomington, Indiana 47404, and Crimson desires provide such services, all in accordance with the terms and conditions of this Agreement.
 - a.** Crimson shall provide security and protective services at the identified location by providing one (1) security officer, who must be a sworn law enforcement officer, for the hours of 7AM to 9AM daily Monday through Friday. Probation may request additionally hours by sending notice to Crimson in accordance with Section 7 of this Agreement. Security and protection services shall include service of warrants, and transport of arrestees to the Monroe County Correctional Center located at 301 North College Avenue Bloomington Indiana, 47404. Security and protection services shall also include arrests for violation of criminal law when there is probable cause to do so and when necessary.
 - b.** Crimson agrees that any individual providing security and protective services pursuant to this Agreement on the behalf of Crimson will be an active sworn law enforcement who is authorized to make arrests in the state of Indiana including Monroe County. Monroe County understand and agree that the security officers to be provided by Crimson may be sworn Monroe County Sheriff’s Office Deputies and/or other sworn law enforcement officers and that they are obligated to conduct themselves in strict compliance with Indiana Law.
 - c.** Both parties understand and mutually agree that Crimson security officers are not acting in their official capacity as Sheriff’s Deputies or on behalf of the Monroe

County Sheriff while providing security services to Probation pursuant to this Agreement. If any of Crimson security officers are required to leave Probation's premises in connection with their employment as Monroe County Sheriff's Deputies, Crimson shall use its best efforts to provide substitute personnel to cover for such officers.

- d. Crimson agrees to use its best efforts to accommodate Probation's request for services and to give reasonable notice meaning at least 48 hours necessary absent an emergency to Probation if Crimson is unable to comply with such requests.
2. **TERM.** This Agreement shall terminate in 12 months from the date of execution unless voluntarily terminated by either party in accordance with Section 6. The term of this Agreement will automatically be renewed for like periods of time, provided neither party provides notice to the other party of its intent to modify and/or terminate the Agreement as provided in accordance with Section 6 of this Agreement.
3. **PRICE.** Probation and Crimson have agreed to a compensation of \$60.00 per hour for the hours specified herein and any additionally requested hours. The total amount paid to Crimson shall not exceed \$45,000.00 yearly without further written approval by Monroe County. Crimson shall submit invoices, including the time and dates worked, and a detailed description of the work performed. Invoices must be submitted at least once per month for services. Invoices shall be submitted to Chief Probation Officer Linda Brady, via email at probation@co.monroe.in.us and/or via U.S. mail at 214 West 7th Street, Suite 200, Bloomington, Indiana 47404. Probation will render payment for services within thirty (30) days of receipt. Both parties herein recognize that payment is contingent on approval and appropriation of the Monroe County Council and subject to the Monroe County claims process.
4. **Confidential Information.** Crimson acknowledges and agrees that any individual providing security and protective services on its behalf are subject to legal and ethical restrictions on disclosure of confidential information which may be disclosed during an individual's work for Probation. Crimson agrees that confidential information will be used by individuals providing security only for purposes of providing the services described herein. Crimson agrees to abide by state confidentiality laws governing the confidentiality of adult and juvenile probation records. All discussions regarding program participants are confidential.
5. **ADA, Rehabilitation Act and Title VI Compliance.** Acceptance of this Agreement is evidence there is intent to comply with the Americans with Disabilities Act of 1990, Rehabilitation Act of 1973, and Title VI of the 1964 Civil Rights Act.
6. **Modification and Termination.**
 - a. This Agreement may only be modified mutually, in writing referencing this Agreement, and signed by both parties. Any modification must be approved in the same manner as this Agreement.

- b. This Agreement may be terminated, at any time, by either party, upon thirty (30) days written notice. If Agreement is terminated by Probation, Probation shall pay any expenses incurred and non-refundable. Notices of modification and/or termination should be tendered in accordance with section 8 of this Agreement.

7. **Notice.** Any notice to be given shall be directed as follows:

Probation

Chief Probation Officer Linda Brady
214 West 7th Street, Suite 200,
Bloomington, Indiana 47404

probation@co.monroe.in.us

Crimson Security

Allen Mullis
9 Patton Hts,
Bedford, IN, 47421

crimsecurellc@gmail.com

8. **Compliance with Law.** Crimson shall comply with all State of Indiana and Monroe County applicable laws and regulations. Crimson shall indemnify and save harmless the Monroe County for any fines or expenses of any nature which it might incur from Crimson's noncompliance. Crimson will comply with IC 22-5-1.7 et seq. Specifically including the following:
- a. Crimson to enroll in and verify the work eligibility status of all newly hired employees of the Crimson through the E-Verify program.
 - b. Crimson is not required to verify the work eligibility status of all newly hired employees of Crimson through the E-Verify program, if the E-Verify program no longer exists.
 - c. Crimson must sign an affidavit affirming that Crimson does not knowingly employ an unauthorized alien.
9. **Non-discrimination.** In the performance of work under this Agreement, it is agreed that Crimson any of its subcontractors, or any person acting on their behalf shall not, in any manner, discriminate against or intimidate any employee or job applicant with respect to his hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of his race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran – or discriminate by reason of such factors, against any citizen of the State of Indiana who is qualified and available to perform the work.

Crimson shall comply with all federal, state, and local laws and regulations. Crimson has been made aware of Monroe County's policy on non-discrimination and agrees to comply with the policy. In addition, Crimson Security has been made aware of the Monroe County's policy prohibiting harassment in all regards, including, but not limited to, employment practices. Crimson Security agrees to make the Commissioners aware of any conduct which may violate any County policy including, but not limited to, the policies prohibiting discrimination and harassment.

10. **Independent Contractor.** It is understood and agreed that Crimson executes this Agreement as an independent contractor, and shall not be considered an employee or agent of Monroe County Government for any purpose. Crimson shall have exclusive control over the means, methods, and details of fulfilling its obligations under this Agreement. Crimson shall pay all taxes, withholdings and contributions required by Social Security (FICA) laws, Indiana and federal income tax laws, and Indiana unemployment insurance laws.
11. **Indemnity.** Crimson assumes all risks and responsibilities for accident, injuries or damages to person(s) or property related to performance pursuant to this Agreement, and agrees to indemnify and save harmless Monroe County Government from all claims, costs or suits of whatever nature, including attorneys' fees, related to performance of the Project, except such claims, costs or suits arising out of the negligence of the County Government or its employees.
12. **Worker's Compensation.** Crimson shall purchase and maintain a policy of Worker's Compensation Insurance as required by the laws of the State of Indiana and furnish a certificate of such insurance to the Commissioners before commencement of work on the project. Failure to provide this certificate may be regarded by the Commissioners as material breach of this Agreement and may result in its cancellation without further cause. It shall be in the Commissioner's sole discretion whether there is a material breach under this paragraph and whether the breach should result in cancellation of this Agreement.
13. **Liability Insurance.** Crimson shall purchase and maintain comprehensive general liability insurance in amounts of at least one (1) million per occurrence, and two (2) million dollars aggregate, and furnish proof of such insurance to the Commissioners before commencement of work on the project. Failure to provide this certificate may be regarded by the Commissioners, in its, sole discretion, as a material breach of this Agreement, and may result in its cancellation without further cause. It shall be in the Commissioner's sole discretion whether there is a material breach under this paragraph and whether the breach should result in cancellation of this Agreement.
14. **Captions.** The captions of the Agreement are for convenience only, and do not in any way limit or amplify its terms.
15. **Governing Law.** This agreement shall be governed in accordance with the laws of the State of Indiana. The venue for any litigation resulting from or related to this Agreement shall be Monroe County, Indiana.
16. **Severability.** The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of the Agreement shall be construed and enforced as if it did not contain the particular provision to be held void. The parties further agree to amend

this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

17. **Entirety of Agreement.** This Agreement, consisting of five (5) pages constitutes the entire agreement between the parties. Parties agree that any terms and conditions not contained or outlined within this Agreement are inapplicable.

IN WITNESS WHEREOF, Crimson, Courts, and Commissioners have executed this Agreement as dated below in counterparts, each of which shall be deemed an original.

APPROVED BY:

CEO, Crimson Security

Date

Judge, Monroe Circuit Court

Date

APPROVED BY THE MONROE COUNTY BOARD OF COMMISSIONERS
this _____ day of _____, 2024, pursuant to Monroe County Code
Chapter 266-5.

MONROE COUNTY BOARD OF COMMISSIONERS

"AYES"

"NAYS"

Juile Thomas, President

Julie Thomas, President

Penny Githens, Vice President

Penny Githens, Vice President

Lee Jones, Commissioner

Lee Jones, Commissioner

ATTEST:

Brienne Gregory, Auditor



Monroe County Board of Commissioners Agenda Request Form

Date to be heard Formal ☒ Work session ☐ Department

Title to appear on Agenda: Vendor #

Executive Summary:

We are working with the Monroe County Fairgrounds to promote Safe Place. This will be a new endeavor to have an advertisement placed on a bench located at the local fairgrounds although we have entered into many agreements with the fairgrounds previously. We are hopeful that this will be placed and visible to both the adult and youth public prior to the upcoming eclipse. Advertising the Safe Place Program help us to meet both our Safe Place and Runaway Homeless Youth grant requirements.

Service Dates: February 16 2024 - February 16 2026
Agreement Total: \$175.00

Fund Name(s):	Fund Number(s):	Amount(s)
<input type="text" value="Safe Place"/>	<input type="text" value="9103"/>	<input type="text" value="175.00"/>

Presenter:

Speaker(s) for Zoom purposes:

Name(s)	Phone Number(s)
<input type="text"/>	<input type="text"/>

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed:



Located at: 5700 W. Airport Road
Mailing address: 5454 W. Airport Road
Bloomington, Indiana 47403

mocofairgrounds@gmail.com
812-825-7439

AGREEMENT FOR ADVERTISEMENT FOR: BENCHES

This agreement, entered into on this 10 day of February, 20 24, by and between the Monroe County Fair Association, Inc. (hereinafter referred to as the "Association") and Yarn Services Bureau of Monroe County (hereinafter referred to as "Lessee").

WITNESSETH:

WHEREAS, the Lessee wishes to purchase advertising space on the property owned, controlled, operated, and managed by the Association, commonly known as the Monroe County Fairgrounds: and

WHEREAS, it is in the Association's interest that Lessee be granted permission to purchase said advertising space:

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Article 1. Leased Space: Lessee agrees to lease the following space(s) from the Association to display its Advertisement for the term of two (2) years, said term shall begin to run from the date installation of advertisement(s) has been completed.:

1
of Benches

Yarn Services Bureau / safe place.
Name of Memorial or Company to be Displayed on Bench

Article 2. Installation: The Association, or its representative, shall install any and all of the Lessee's advertisements under this Agreement.

Article 3. Compensation: Each bench advertisement is One Hundred Seventy-Five dollars (\$175.00) for a two-year term. Lessee agrees to pay the Association the amount listed below within thirty days of this Agreement being signed by all parties and prior to the Association's installation of the advertisement(s). \$ 175.00

Article 4. Termination: The Association may terminate or suspend performance of this Agreement at any time upon written notice to the Lessee. The Association shall pay the Lessee a prorated amount (calculated at a daily rental rate) if termination occurs prior to the original end date of this Agreement.

Article 5. Assignment: Neither the Association nor the Lessee shall assign any rights or duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this association.

Article 6. Notices: Any notice required by this Agreement shall be made in writing to the address specified below:

Monroe County Fair Association, Inc.:

Monroe County Fair Association
ATTN: Committee Chair, Benches
5454 West Airport Road
Bloomington, IN 47403

Lessee:

Jessica Braun / YSB at reach (Printed Name & Title)
Yarn Services Bureau (Company Name)
615 S. Adams Street (Street Address)
Bloomington, IN 47403 (City, State, Zip)
812-349-2043 (Phone Number)

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representative of the Association and the Lessee.

This Agreement may be modified only by a written amendment signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first written above.

Monroe County Fair Association, Inc.:

By: _____
Committee Chair, Benches

(Date)

Lessee:

By: Jessica Braun (Signature)
Jessica Braun / YSB at reach (Printed Name & Title)
2/16/2024 (Date)



Monroe County Board of Commissioners Agenda Request Form

Date to be heard **02/07/24**

Formal ☒

Work session ☐

Department **Sheriff**

Title to appear on Agenda: **Agreement with the Correctional Center
Collective Bargaining Agreement**

Vendor #

Executive Summary:

This Agreement renews the Collective Bargaining Agreement for the Correctional Center staff as defined by Monroe County Code 253. The previous agreement expires on December 31, 2023. The Agreement provides for the following major changes:

- 1) How specialty pay will be provided. In the past, the correctional officers received a lump sum for shift differentials, specialty team payments, and educational bonuses. However, this will now be switched to an hourly rate.
- 2) The pay for the Sergeants and the number of work hours required of Captains was changed to reflect what is in the Monroe County Salary ordinance.
- 3) How uniforms are to be paid. The contract provides that the County will buy uniform for the first-year officer. After an officer's first year, he/she will receive a uniform allowance of \$1600. This amount did not change. The change is how we are handling the uniform needs of the first-year officer.

Fund Name(s):

N/A

Fund Number(s):

N/A

Amount(s)

Presenter: **Jeff Cockerill**

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed:

Cockerill, Jeff

**Contract by and Between the Monroe County Commissioners
and the
Monroe County Correctional Center
2023-2026**

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ARTICLE I-COMPENSATION

Section 1: Definitions

The parties to this agreement are the Correctional Center Staff of the Monroe County Sheriff's Office (hereinafter "Correctional Officers"), as defined in Monroe County Code 253-2, the Monroe County Commissioners, and the Monroe County Council.

Section 2: Work Schedule

The parties to this contract make the following assumptions concerning the work schedule for Correctional Officers of the Monroe County Sheriff's Office:

1. Correctional Officers work a 4 day on and 2 day off schedule.
2. Eight hours, 15 minutes constitutes a work shift for Correctional Officers.
3. Three work shifts are scheduled per day.
4. Correctional Officers assigned to a special rotation or in administrative assignments work a 5 day on (Monday through Friday) and 2 day off schedule. Eight hours, 15 minutes constitutes a work shift for Correctional Officers assigned as special rotation or administrative assignments.
5. The Sheriff may change the work schedule after giving written notice posted within the facility at least 30 days prior to any change of work session as stated in the section.

Subsection A: Captains.

1. Correctional Officers assigned to the rank of Captain shall work a 5 day on (Monday through Friday) and 2 day off schedule. Eight hours, 15 minutes constitutes a work shift for a Correctional Officer assigned to the rank of Captain.
2. Any individual working in a position that is classified as exempt, including the position of Captains, who works in excess of the number of hours for his/her position designated by the Monroe County Salary Ordinance adopted by the Monroe County Council annually will not be eligible to accrue compensatory time, flex time hours or overtime. Benefits received by employees who are employed in a position that is classified as exempt is governed by the Monroe County Personnel Policy. If the Personnel Policy is amended to provide exempt employees with additional benefits or amends the benefit policy for exempt employees, said changes would be applicable to exempt employees covered by this Agreement.

Subsection B: Hourly Wage

The 2024 base salary of all Police Officers employed by the Monroe County Sheriff's Office subject to this agreement shall be equal to the 2023 base salary plus any increase in wages given to the general County employees.

Officers holding a Sergeant position shall receive a base pay equal to the midpoint between the pay of a Corporal position and the pay for a Captain position.

Each Correctional Officer shall receive a \$0.48 per hour increase in pay for each full year of service for Monroe County, Indiana, for the first 20 years of service. If an employee leaves the County and returns to work as a correctional officer, only the full years of service shall count towards this increase. For example if an employee leaves the County after 8 years and 10 months of service. They will only be credited with 8 years and the next increase will occur 1 year from the rehire date. The Salary increase based on longevity and the annual longevity payment given to other County employees will not be given to the Correctional officer.

The County Council will consider adjustments to the base salary in the same manner as it reviews all other employee pay increases.

Section 3: Shift Bonus

Correctional Officers working 2nd Shift or 3rd Shift (a shift that splits the normal eight hour and fifteen minute shift) shall receive shift bonus per pay period in the following amounts:

\$1.00 per hour for assignment to Third Shift

\$0.88 per hour for assignment to Second Shift

A shift bonus shall not be paid to an officer on administrative/disciplinary leave. A Shift bonus will be paid to officers, whose would have been scheduled to work 2nd Shift, or 3rd Shift, using any benefit time during the pay period.

Section 4: Payroll

Correctional Officers employed by the Monroe County Sheriff shall receive the minimum wage reflective in the Monroe County Salary Ordinance adopted annually by the Monroe County Council. The Correctional Officers 2024 wage shall be set in accordance with the Section 2 Subsection A (1).

Section 5: Overtime Pay

Subsection A: Overtime Computation

Eligible Correctional Officers, who work overtime authorized by the Monroe County Correctional Center Shift Captain, or his/her designee, shall be compensated at one and one-half times their straight time rate, as defined in Section 2 Subsection A (1), if the employee works more than nine (9) hours consecutively, for all times worked in the excess of a work shift as defined in Section 2. Eligible Correctional Officers as defined in Section 2 are those employees who are classified as "non-exempt" in accordance with Monroe County Code 253-2.

In the event that a Correctional Officer works more than nine (9) hours consecutively as a result of the Correctional Officer opting to switch shifts with another Correctional Officer, and such switch is approved by the Monroe County Correctional Center Shift Captain, or his/her designee, the Correctional Officer working more than nine (9) hours shall be compensated at his/her straight time rate.

Eligible Correctional Officers, who work more than 171 hours of straight time pay in a 28-day work period shall be compensated at one and one-half times their straight time rate.

Subsection B: Continuation of Training Pay

All training that is scheduled at least two (2) weeks in advance, shall be paid straight time. All officers that have completed a minimum of twenty-four (24) hours of training in the previous year, shall receive a continual training pay of \$0.12 per hour the following year. New officers are entitled to the continual training pay upon the completion of all orientation and training required by state law and/or state administrative code.

Subsection C: Call In

Correctional Officers shall be given a minimum credit of two (2) hours of time worked for all call in that they participate in and are not cancelled within thirty (30) minutes of activation.

Section 6: Specialty Pay

Correctional Officers shall receive Specialty Pay for each of the following designation.

Subsection A: Training Officers

Correctional Officers who are qualified and assigned Training Officer will receive instructional pay of \$0.48 per hour. Instructional pay shall be paid only when the officer was designated in this capacity for a full pay period. The number of Training Officers shall not exceed 6. The Monroe County Sheriff has sole discretion as to designation and assignment of Training Officers.

Subsection B: Corporals

The number of Corporals shall not exceed 10, unless otherwise determined by the Sheriff and appropriated by the Council. A Corporal's duties shall include field training new officers and limited supervisory duties. The Monroe County Sheriff has sole discretion as to designation and assignment of Corporals.

Subsection C: EMT

Correctional Officers who are qualified as such and are assigned EMT duties will receive specialty pay of \$0.48 per hour. Bonus pay shall be paid only when the officer was designated in this capacity for a full pay period. The number of EMT shall not exceed 4, unless otherwise determined by the Sheriff and appropriated by the Council. The Monroe County Sheriff has sole discretion as to designation and assignment of EMT duties.

Subsection D: CERT

Correctional Officers who are assigned to the Correctional Emergency Response Team (CERT) will receive specialty pay of \$0.48 per hour. Bonus pay shall be paid only when the officer was designated in this capacity for a full pay period. The number of CERT Officers shall not exceed 18, unless otherwise determined by the Sheriff and appropriated by the Council. The Monroe County Sheriff has sole discretion as to designation and assignment of CERT Officers.

Subsection E: Investigator

Correctional Officers who are qualified and assigned Investigator will receive specialty pay of \$0.48 per hour. Bonus pay shall be paid only when the officer was designated in this capacity for a full pay period. The number of Investigators shall not exceed 4, unless otherwise determined by the Sheriff and appropriated by the Council. The Monroe County Sheriff has sole discretion as to designation and assignment of Investigators.

Subsection F: Hearing Officer Team Members

The Hearing Officer Team of the Monroe County Correctional Center are a team of five (5) officers who are responsible for conduction and documentation of the facility's internal disciplinary hearings. Correctional Officers who are qualified and assigned to the Hearing Officer team will receive pay of \$0.48 per hour. Bonus pay shall be paid only when the officer was designated in this capacity for a full pay period. The number of Hearing Officer Team shall not exceed 5, unless otherwise determined by the Sheriff and appropriated by the Council. The Monroe County Sheriff has sole discretion as to designation and assignment to the Jail Review Committee.

ARTICLE II-CLOTHING ALLOWANCE

Annual Allowance

Each Correctional Officer working an Officer, Corporal, Sergeant, and/or Captain classified position and with one year of service shall be allocated \$1,200 for uniforms and equipment. Each Correctional Officer working a LTC classified position shall be allocated \$350 for uniforms and equipment. The Sheriff shall develop policies on such requests, payment and return of purchased items upon termination of employment.

New Correctional Officers working in a Officer, Corporal, Sergeant, and/or Captain classified positions shall equipment and uniforms as described in Exhibit A. Any police officer who terminates their employment or is terminated by the Sheriff or the Sheriff's Merit board, with one year or less of continuous service, shall return all uniforms and equipment provided by the Monroe County Sheriff or repay the value of the clothing and equipment provided by the Monroe County Sheriff.

Each employee working in a Facilities Coordinator, Facilities Manager, Food Service Specialist, position shall be allocated \$350 for uniforms to be paid in accordance with the annual Salary Ordinance approved by the Monroe County Council.

ARTICLE III-BENEFIT DAYS

Section 1: Paid Vacations

Correctional Officers are entitled to vacations with regular pay according to the following schedule:

First full year of employment-after 6 months	5 days
Beginning at the end of the first full year until the end of the fifth year (the 10 days will be prorated for the period between the end of the first full year of employment and January 1 st of the subsequent year.)	10 days
Beginning of the sixth year until the end of the tenth year	15 days
Beginning of the eleventh year and every year thereafter	20 days

Subsection A: Accrual

Vacations are scheduled on a calendar year basis. Correctional Officers are eligible for an increase in vacation days in the same manner as other Sheriff Department employees.

Subsection B: Scheduling

Vacation requests shall be considered and assigned on a seniority basis with senior Correctional Officers having first priority. In order to be eligible for seniority vacation preferences, a Correctional Officer must submit their request to the Shift Captain by March 31 of the year in which the vacation is to be scheduled. Scheduling of vacation requests received after March 31 deadline will be processed on a first come, first serve basis.

Subsection C: Vacation Accrual During Leave of Absence

During a leave of absence, vacation time will not accrue.

Subsection D: Vacation Carry-Over and Illness During Vacation

With written permission from the Monroe County Correctional Center Jail Commander or his designee, a maximum of ten vacation days may be carried over into the next calendar year or may be converted into sick days. If a Correctional Officer member is ill for three or more days during a scheduled vacation, the time may be recognized as sick leave and the vacation days may be rescheduled.

Subsection E: Vacation Pay Allocation at Termination of Employment

Terminal vacation pay will be granted for vacation allowance earned but not yet taken, provided the employee leaves in good standing and meets termination requirements of two weeks notice before leaving employment.

Section 2: Paid Holidays

All Correctional Officers shall receive, on January 1st, an annual allowance of days, equal to those scheduled for the general county employee population for that calendar year, off with pay as compensation for working on county and legal holidays. These days off shall be scheduled with the permission of the Sheriff or his designee and may be taken in full or ½ day increments. Two days prior notice to the sheriff or his designee is required before taking such days. New hires shall have the number of holidays prorated based on their date of employment. Correctional officers shall have the number of holidays pro-rated upon termination based on their termination date.

Section 3: Paid Personal Benefit Leave

Correctional Officers shall receive one paid day per month personal benefit leave. Unused personal benefit leave shall accumulate. To be eligible for personal benefit leave use, a Correctional Officer must request the leave at least one week prior to use unless the leave is requested due to a sickness or injury. If due to a sickness or injury the Correctional officer must call in to report the sickness or injury at least two hours prior to the beginning of the Correctional Officers normal shift.

Section 4: Paid Personal Benefit Leave at Termination of Employment

Any Correctional Officer, in good standing, shall receive personal benefit leave pay upon termination of employment in accordance with the schedule below for sick leave allowances earned but not yet taken.

For Correctional Officers with 10 years of Monroe County Service but less than 20 years of service, 20% of the personal benefit time earned but not yet taken for up to 480 hours. For Correctional officers with over 20 years of service, 40% of the personal benefit time earned but not yet taken up to 480 hours.

For example a 10 year and one day Correctional Officer who earns \$20 an hour retires with 1000 hours of personal benefit leave allowances earned but not taken. That officer will be entitled to 20% of \$9600 (20 an hour and 480 hours) or \$1,920. If the same officer had 20 year and one day of service as a Correctional Officer with the Monroe County Sheriff's Department, that officer will be entitled to 40% of \$9600, or \$3840.

The County reserves the right to switch to a paid time off system for its benefits. If this occur than the rights bestowed on the Correctional Officers shall terminate, and the paid time off system for all county employees shall govern this issue.

ARTICLE IV-OTHER BENEFITS

Section 1: Insurance

Any medical, dental and life insurance programs which are available to regular county employees shall also be available to the Correctional Officers.

Section 2: Worker's Compensation

The County shall carry Worker's Compensation for all employees in the bargaining unit as required by law.

Section 3: Parking

All employees of the MCCC shall receive 24-hour access to the county parking garage.

Due to the nature of the job, it may become necessary for Correctional Officers to be called in at any given time to assist with other shifts. For example, an officer coming in early for a transport, emergency shift coverage, or covering call-ins. The county parking garage will continue to be available only for employment related parking, and use of the garage for non-employment use will result in the employees losing the right to use the county parking garage.

ARTICLE V-MONROE COUNTY PERSONNEL POLICY AND COOP

Correctional Officers, as special deputy sheriffs, are subject to the Monroe County Sheriff's Office policies, rules, and regulations. Any item not covered in this contract or the Sheriff's policies, rules, and regulations, shall be governed by the Monroe County Personnel Policy or an activated county continuation of operations plan.

ARTICLE VI-SAVING CLAUSE

In the event any article, section or portion of this Agreement should be held invalid and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific article, section or portion thereof specifically specified in the Court's decision; and upon issuance of such a decision, the employer and legal representation agreed upon by the bargaining committee agree to attempt to negotiate a substitute for the invalidated article, section or portion thereof.

Pursuant to Indiana law, provisions such as hours of work, work schedules, overtime lists, and layoffs are subject to change when reasonable notice is given by the Sheriff or his designee. Should the Sheriff or his designee take actions that materially alter the terms of the Contract, the parties agree to attempt to negotiate a substitute for the invalid article, section or portion thereof.

ARTICLE VII-EFFECTIVE DATE AND TERMINATION DATE OF CONTRACT

Section 1: Duration of Agreement

This agreement shall be effective on January 1, 2024, and shall remain in full force and effect until December 31, 2027.

Section 2: Extension of Contract

The parties that this agreement affects may extend this agreement, by part or whole, by written document executed by representatives of the Monroe County Correctional Center staff, Monroe County Commissioners and the Monroe County Council.

Commissioners of Monroe County, Indiana

“Ayes”

“Nays”

Julie Thomas, President

Julie Thomas, President

Penny Githens, Vice President

Penny Githens, Vice President

Lee Jones, Commissioner

Lee Jones, Commissioner

ATTEST: Passed on _____ day of _____, 2024_____.

Monroe County Auditor

MONROE COUNTY SHERIFF

Ruben Marté

Date

JAIL STAFF REPRESENTATIVES:

With the below signatures, the Jail Staff Representatives Represent and Warrant that they are authorized by the Collective Bargaining Unit to execute this contract on its behalf, and that all necessary procedures have been taken to grant such authorization.

Representative

Date

Representative

Date



Monroe County Board of Commissioners Agenda Request Form

Date to be heard **02/28/24** Formal ☒ Work session ☐ Department **Planning**

Title to appear on Agenda: **Ordinance 2024-04:Whaley PUD Outline Plan Amendment 2**
Ordinance 2024-04a
Ordinance 2024-04b

Vendor #

Executive Summary:

This request is to amend the Whaley PUD Outline Plan Amendment 2 to allow for the filling of all sinkholes on the Western portion of the property for the after-the-fact filling of two Sinkhole Conservancy Areas (SCA) and to add one new use to the permitted use list: Boat and RV Storage to the area approximately 12.34 +/- acres in Section 14 of Van Buren Township, at 4810 W State Road 45, Parcel #: 53-09-14-102-001.000-015.

This Ordinance request has been separated into two parts due to the number and type of recommendations. Both parts received a vote of 7-0 by the Plan Commission on January 16, 2024.

2024-04a represents the "positive" recommendations.
2024-04b represents the "negative" recommendations.

Fund Name(s):

Fund Number(s):

Amount(s)

Presenter: **Shawn Smith**

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

Daniel Butler, Bynum Fanyo & Assoc.
Keith Kline, K&S Rolloff

812-332-8030
812-333-0400

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed: **Schilling, David**

**OFFICE OF
MONROE COUNTY PLAN COMMISSION
501 N Morton Street, Suite 224
BLOOMINGTON, IN 47404**

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

C E R T I F I C A T I O N

I, Jackie N. Jelen, hereby certify that during its meeting on January 16th, 2024, the Monroe County Plan Commission considered Petition No. PUO-23-1 for a Planned Unit Development Outline Plan Amendment (Ordinance No. 2024-04) to the Monroe County Zoning Ordinance and made a **positive recommendation to approve adding an additional use (Boat and RV Storage) only in the allocated area per the petitioner's submitted site plan (Exhibit 2 of Staff Packet), allow for the after-the-fact disturbance of Sinkhole "B" with no further disturbance and subject to the Hydrogeology Incorporated and the Indiana Department of Environmental Management Reports (See Staff Packet), allow after-the-fact disturbance of designated Sinkhole "A" in its current state with no further disturbance and subject to the Hydrogeology Incorporated and the Indiana Department of Environmental Management reports (See Staff Packet), and allow for the storage of materials in the area outside of Sinkhole "A"** based on the findings, Highway reports, Hydrogeology Incorporated report, and the Indiana Department of Environmental Management reports, with a vote of 7-0, including the following conditions:

1. Petitioner comply with Drainage Borad conditions stated at the 4/5/2023 meeting, including:
 - a. Bioretention design criteria for the site should include release rates aligned with the critical watershed levels.
 - b. Use amended soils and deep-rooted vegetation with limited maintenance requirements for bioretention infrastructure.
2. Petitioner creates a definition which includes boat and RV storage.

January 16th, 2024, the Monroe County Plan Commission considered Petition No. PUO-23-1 for a Planned Unit Development Outline Plan Amendment (Ordinance No. 2024-04) to the Monroe County Zoning Ordinance and made a **negative recommendation to allow an additional 7 feet of fill on Sinkhole "B", and a negative recommendation to allow any new disturbance or storage of materials in any sinkhole located on the property** based on the findings, Highway reports, Hydrogeology Incorporated report, and the Indiana Department of Environmental Management reports, with a vote of 7-0.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).

Jackeline Jelen
Jackie N. Jelen
Planning Director

1/25/2024

Date

ORDINANCE NO. 2024-04a

Whaley PUD Outline Plan Amendment 2

An ordinance to adopt the Whaley Outline Plan Amendment 2.

Whereas, the Board of Commissioners of Monroe County, Indiana, passed a zoning ordinance and adopted zoning maps effective January 1997 (Ord 96-36), which ordinance and maps are incorporated herein; and,

Whereas, certain amendments ("Amendments") to the Zoning Ordinance have been proposed to establish and regulate the Whaley Planned Unit Development (Ord 98-05; Ord 98-13);

Whereas, the Plan Commission advertised for and conducted a public hearing on the proposed Amendments as petition #PUO-23-1;

Whereas, following the public hearing, the Plan Commission voted to forward the Amendments to the Board of Commissioners with a favorable recommendation;

Whereas, on January 16, 2024 the Plan Commission certified the Amendments and its recommendation thereon to the Board of Commissioners for consideration pursuant to Indiana Code Sections 36-7-4-602 through 605;

Whereas, in accordance with Indiana 5-14-1.5-5, the Board of Commissioners provided public notice of its intention to consider the Amendments during its ____, 2024 meeting, and accepted public comment on the proposed Amendments during its ____, 2024 meeting;

Whereas the Board of Commissioners finds that the Amendments, if adopted in ordinance form, would reasonably and efficiently advance the statutorily recognized zoning ordinance purposes, which include, among other purposes, the promotions of the health, safety, morals, convenience, order, and general welfare of the citizens of Monroe County, Indiana and that the Amendments should be adopted;

Whereas the Board of Commissioners finds and confirms that the preparation and/or consideration of the Amendments, both the Board of Commissioners and the Plan Commission gave reasonable regard to: the Comprehensive Land Use Plan of Monroe County, Indiana; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and the responsible development and growth;

Now, therefore, be it ordained by the Board of Commissioners of Monroe County, Indiana, as follows:

SECTION I.

The Whaley Outline Plan Amendment 2 is approved and the Whaley Planned Unit Development is amended to propose adding the additional uses of Boat and RV Storage on the areas of the petitioner's submitted site plan (Exhibit 2 of Staff Packet), allow for the after-the-fact disturbance of Sinkhole "B" with no further disturbance and subject to the Hydrogeology Incorporated and the Indiana Department of Environmental Management Reports (See Staff Packet), allow after-the-fact disturbance of designated Sinkhole "A" in its current state with no further disturbance and subject to the Hydrogeology Incorporated and the Indiana Department of Environmental Management reports (See Staff Packet), and allow for the storage of materials in the area outside of Sinkhole "A", at 12.34 +/- acre parcel in Section 14 of Van Buren Township at 4810 W State Road 45 (parcel #: 53-09-14-102-001.000-015).

SECTION II.

1. Petitioner comply with Drainage Borad conditions stated at the 4/5/2023 Drainage Board meeting without limitation, including:
 - a. Bioretention design criteria for the site should include release rates aligned with the critical watershed levels.
 - b. Use amended soils and deep-rooted vegetation with limited maintenance requirements for bioretention infrastructure.

2. Petitioner creates a definition which includes boat and RV storage.

SECTION III.

1. For purposed of the Whaley Planned Unit Outline Plan Amendment 2, the following terms shall have the following definitions:

The petitioner did provide a definition for Boat and RV Storage on January 30, 2024, defined as the following:

Recreational vehicle includes boats and is defined as a portable structure that is self-propelled or towable by another vehicle and of such size and weight as not to require special highway movement permits. Such vehicle shall be primarily designed, constructed or modified to provide temporary living quarters or for recreational, camping or travel use, and not for commercial purposes or for profit, and shall include, but not be limited to, the following:

- A. "Travel trailer" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a "travel trailer" by the manufacturer.
- B. "Pick-up camper" means a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- C. "Motorized home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. "Folding tent-trailer" means a canvas folding structure, mounted on wheels and designed for travel and vacation uses.
- E. "Boat" or "boat trailer" includes boats, floats and rafts, plus the normal equipment to transport the same on the highway.

Boat Storage means the stationary placement of any boat or recreational vehicle for a continuous period in excess of twenty-four hours. No fixed connections to water, gas, electricity or storm or sanitary sewer facilities shall be attached to the recreational vehicle, except that a temporary electrical connection not to exceed twenty-four hours is permitted for the sole purpose of generating electrical energy to charge up the battery or generating system.

- (1) The recreational vehicle shall not be used for living or housekeeping purposes while stored on such lot. No overnight staying allowed on site.
- (2) All recreational vehicles must carry a current year's license and/or registration.
- (3) No idling or maintenance on site. Vehicles must be in good repair. Enforcement: All renters / parking persons are furnished with policies for parking and any vehicles not in compliance will be removed.

SECTION IV.

Storage authorized on the Whale Planned Unit Development site are subject of the following conditions:

1. Boats and Recreational Vehicles shall not be stored without fixed connections to water, gas, electricity or storm or sanitary sewer facilities, except that a temporary electrical connection not to exceed twenty-four hours is permitted for the sole purpose of generating electrical energy to charge up the battery or generating system.
2. The boats and recreational vehicle shall not be used for living or housekeeping purposes while stored on the Whaley Planned Unit Development site. No overnight staying allowed on site.
3. All boats and recreational vehicles must carry a current year's license and/or registration.
4. No idling or maintenance of stored boats and recreational vehicles may take place on site. Vehicles must be in good repair.
5. Enforcement: All users of the parking and storage areas of the Whaley Planned Unit Development on site shall be provided with written copies of these conditions.

SECTION V.

This ordinance shall be in full force and effect from and after its passage and adoption by the Board of Commissioners of Monroe County, Indiana.

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this ____ day of February, 2024.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes

"No" Votes

Julie Thomas, President

Julie Thomas, President

Penny Githens, Vice President

Penny Githens, Vice President

Lee Jones, Commissioner

Lee Jones, Commissioner

Attest:
Brianne Gregory, Auditor

ORDINANCE NO. 2024-04b

Whaley PUD Outline Plan Amendment 2

An ordinance to adopt the Whaley Outline Plan Amendment 2.

Whereas, the Board of Commissioners of Monroe County, Indiana, passed a zoning ordinance and adopted zoning maps effective January 1997 (Ord 96-36), which ordinance and maps are incorporated herein; and,

Whereas, certain amendments ("Amendments") to the Zoning Ordinance have been proposed to establish and regulate the Whaley Planned Unit Development (Ord 98-05; Ord 98-13) ;

Whereas, the Plan Commission advertised for and conducted a public hearing on the proposed Amendments as petition #PUO-23-1;

Whereas, following the public hearing, the Plan Commission voted to forward the Amendments to the Board of Commissioners with a negative recommendation;

Whereas, on January 16, 2024 the Plan Commission certified the Amendments and its recommendation thereon to the Board of Commissioners for consideration pursuant to Indiana Code Sections 36-7-4-602 through 605;

Whereas, in accordance with Indiana 5-14-1.5-5, the Board of Commissioners provided public notice of its intention to consider the Amendments during its ____, 2024 meeting, and accepted public comment on the proposed Amendments during its ____, 2024 meeting;

Whereas the Board of Commissioners finds that the Amendments, if adopted in ordinance form, would reasonably and efficiently advance the statutorily recognized zoning ordinance purposes, which include, among other purposes, the promotions of the health, safety, morals, convenience, order, and general welfare of the citizens of Monroe County, Indiana and that the Amendments should be adopted;

Whereas the Board of Commissioners finds and confirms that the preparation and/or consideration of the Amendments, both the Board of Commissioners and the Plan Commission gave reasonable regard to: the Comprehensive Land Use Plan of Monroe County, Indiana; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and the responsible development and growth;

Whereas petitioner submitted a PUD Amendment Outline Plan and made representations to the Plan Commission pertaining to the use and development of the real estate,

Whereas, the Monroe County Plan Commission, in accordance with all applicable laws, has considered the petition to amend said zoning maps;

Now, therefore, be it ordained by the Board of Commissioners of Monroe County, Indiana, as follows:

SECTION I.

The Whaley Planned Unit Development Outline Plan is amended to authorize an additional 7 feet of fill to be placed on Sinkhole "B" as shown in the attached site plan, and to allow for new disturbance or storage of materials in any sinkhole area located on the property, as shown on the attached site plan.

SECTION II.

This ordinance shall be in full force and effect from and after its passage and adoption by the Board of Commissioners of Monroe County, Indiana.

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this ____ day of February, 2024.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes

Julie Thomas, President

Penny Githens, Vice President

Lee Jones, Commissioner

"No" Votes

Julie Thomas, President

Penny Githens, Vice President

Lee Jones, Commissioner

Attest:
Brianne Gregory, Auditor

CASE NUMBER	PUO-23-1
PLANNER	Shawn Smith
PETITIONER	K & S Roloff c/o Daniel Butler, Bynum Fanyo & Assoc.
REQUEST	Planned Unit Development Outline Plan Amendment 2 to Whaley PUD Waiver of Final Hearing Requested
ADDRESS	4810 W State Road 45, Parcel #: 53-09-14-102-001.000-015
ACRES	12.34 +/-
ZONE	PUD Whaley
TOWNSHIP	Van Buren
SECTION	14
PLATS	Platted
COMP PLAN DESIGNATION	MCUA Phase 1: Mixed Use MCUA Phase 2: Mixed Use

EXHIBITS

1. Petitioner Outline Plan Statement
2. Site Plan (Conceptual)
3. 1998 Whaley PUD Ordinance
4. Whaley Permitted Uses
5. Hydrogeology Report
6. IDEM Report
7. Enforcement Letter
8. Petitioner Written Commitment Letter
9. Aerial imagery 2010-2019

RECOMMENDATION

(See map illustration on the following page for the location of each recommendation made by Staff, numbered 1-5)

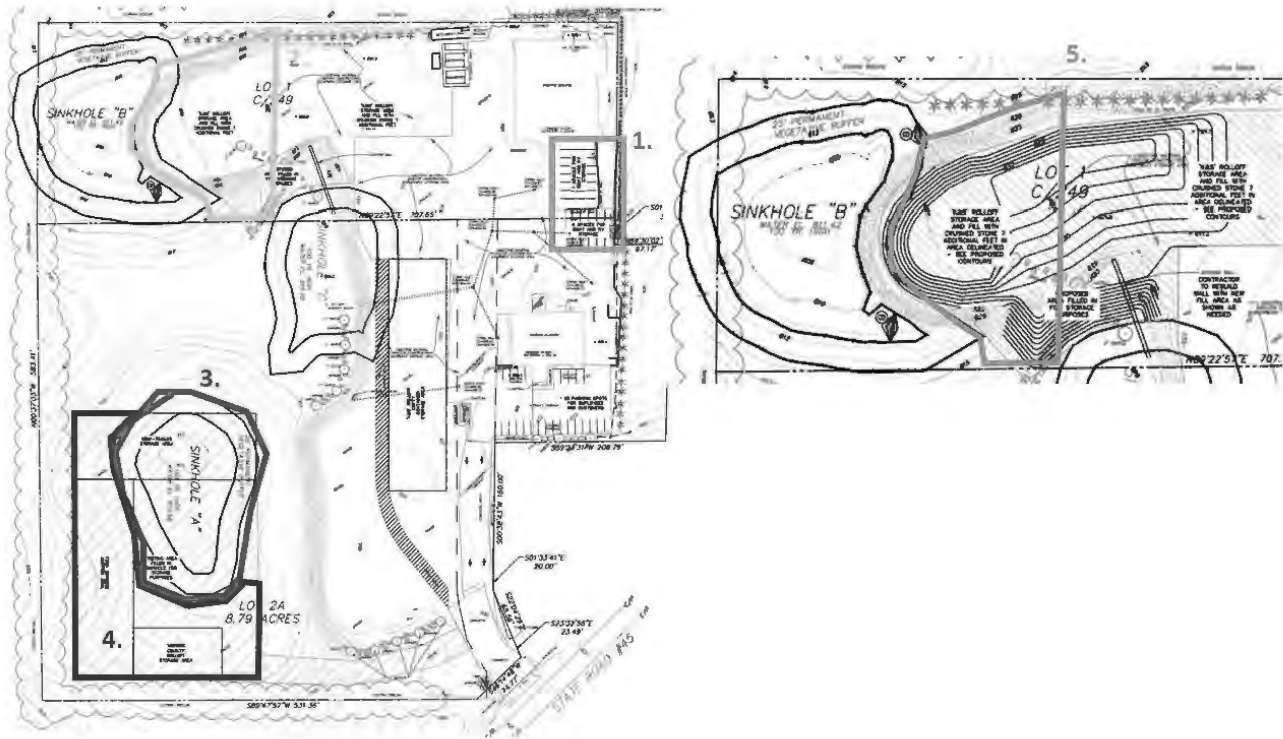
Staff recommends both a “Positive” and “Negative” recommendation to the Plan Commission, subject to the MS4 Coordinator’s reports:

1. Staff recommends forwarding a “**positive recommendation**” to the County Commissioners for adding the use of Boat and RV Storage only in the allocated area per the petitioner’s submitted site plan (Exhibit 2) due to its compatibility with the Comprehensive Plan.
2. Staff recommends forwarding a “**positive recommendation**” to the County Commissioners for the after-the-fact disturbance of designated Sinkhole “B” in its current state with no further disturbance and subject to the Hydrogeology Incorporated and the Indiana Department of Environmental Management reports.
3. Staff recommends forwarding a “**positive recommendation**” to the County Commissioners for the after-the-fact disturbance of designated Sinkhole “A” in its current state with no further disturbance and subject to the Hydrogeology Incorporated and the Indiana Department of Environmental Management reports.
4. Staff recommends a “**positive recommendation**” for allowing storage in the area outside of sinkhole “A”.
5. Staff recommends forwarding a “**negative recommendation**” to the County Commissioners to allow for the proposed additional 7ft of fill to be placed on Sinkhole “B”.
6. Staff recommends forwarding a “**negative recommendation**” to the County Commissioners to allow for any new disturbance or storage of materials within any of the Sinkholes located on the property as requested in the petitioner’s Outline Plan statement.

The following conditions are recommended by Planning Staff based on plan review, and the MS4 comments as a result of the Drainage Board review:

1. Petitioner comply with Drainage Board conditions stated at the 4/5/2023 meeting, including:

- a. Bioretention design criteria for the site should include release rates aligned with the critical watershed levels.
 - b. Use amended soils and deep-rooted vegetation with limited maintenance requirements for bioretention infrastructure.
2. Petitioner creates a definition which includes boat and RV storage.



MEETING SCHEDULE

PLAN REVIEW COMMITTEE – June 8, 2023

No motion was forwarded by PRC. List of questions to petitioner – see response below:

1. No more fill in the Sinkhole Conservancy Areas – maybe consider making this a written commitment. Staff directly talked with Kelsey Thetonia about this after the PRC meeting.
2. Provide a definition for Boat and RV Storage and provide any conditions associated with that use. Monroe County does not have a definition for RV Storage, but there is one for Boat Storage (See definition in the report under Use Review).
3. Do you plan to use the sinkholes for any of the permitted uses? MS4 Coordinator would require sufficient Stormwater management for anything of concern. You might want to consider making this off limits for storage. Sinkhole areas have been altered, but storage is proposed in the prior SCA area. See Staff Recommendation #6.
4. Do you know where Boat and RV Storage will occur on the property? There are concerns that fluids make leak from boats and RVs into the sinkholes untreated. Site plan updated to show location of proposed Boat and RV Storage. See Staff Recommendation #1.

PLAN COMMISSION ADMINISTRATIVE – January 2, 2024 (CDO SESSION)

PLAN COMMISSION Regular – January 16, 2024 (Preliminary Hearing)

Waiver of Final Hearing requested.

PLAN COMMISSION ADMINISTRATIVE – February 6, 2024 (if not waived)

PLAN COMMISSION REGULAR (Final Hearing) – February 20, 2024 (if not waived)

BOARD OF COMMISSIONERS – TBD

SUMMARY

The petition site is located at 4810 W State Road 45, in Section 14 in Van Buren Township. The site contains 12.34 +/- acres and is developed. The petitioner is requesting a Planned Unit Development Outline Plan Amendment to allow for the filling of all sinkholes on the Western portion of the property for the after-the-fact filling of two Sinkhole Conservancy Areas (SCA) and to add one new use to the permitted use list:

1. Boat and RV Storage

Should the petitioner be permitted to keep the fill within Sinkholes A and B, and/or add Boat and RV storage to the site, a full development plan amendment must be pursued meeting all requirements.

BACKGROUND

Timeline:

1997 – Property rezoned to PUD 9712-PIO-02

1998 – PUD amended to change a condition that moved the area of permitted grading further west, and not to exceed the defined line located on Exhibit 3 of the PUD ordinance.

2014 -- K&S Purchased property and received development plan approval and Land Use Certificate.

2015 – Grading over Sinkhole “A” is evident per aerial imagery.

Post 2016 – fill over Sinkhole “B” is evident per aerial imagery.

2022 – May 18th: Use Determination USE-22-27 submitted to inquire about convenience storage (no longer being pursued).

2022 – June 8th: Enforcement Case AC-22-21 opened due to fill in sinkhole.

2022 – August 24th: Grading Permit IG-22-24 submitted (still active).

2023 – January 20th: Outline Plan Submitted PUO-23-1 to address conflict with the Outline Plan and aforementioned fill without proper permits.

2023 – April 5th: Drainage Board Reviewed and provided comments.

The area was rezoned to Whaley PUD in 1997 from Light Industrial. The 1997 PUD rezone closely relate to the Light Industrial uses, with the inclusion of “Cut Stone and Stone Products” to accommodate the use at the time (3D Stone Company). In 1998, the PUD was amended to change one of the conditions on the petition. The outline plan included language specifically prohibiting development within 25 feet of the Sinkhole Conservancy Areas. At the May 19, 1998 Regular Session, the Plan Commission requested the following language be included at the time of approval:

1. That the petitioner submit drainage information required for the Drainage Board to the Planning Department as part of the development plan file; and

2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the outline plan amendment process.

The latest development plan was approved in 2014 (Figure 1). Since the approval of the development plan and the issuance of the Land Use Certificate, the property has expanded and filled in two areas (circled in red) of the property that were noted as “Sinkhole A” and “Sinkhole B”. According to our records, there were no grading permits issued for this. Therefore, the filling in of the two sinkholes is a violation of the PUD. A separate letter has been mailed to the owner on 6/8/2022 under AC-22-21 (Exhibit 7).

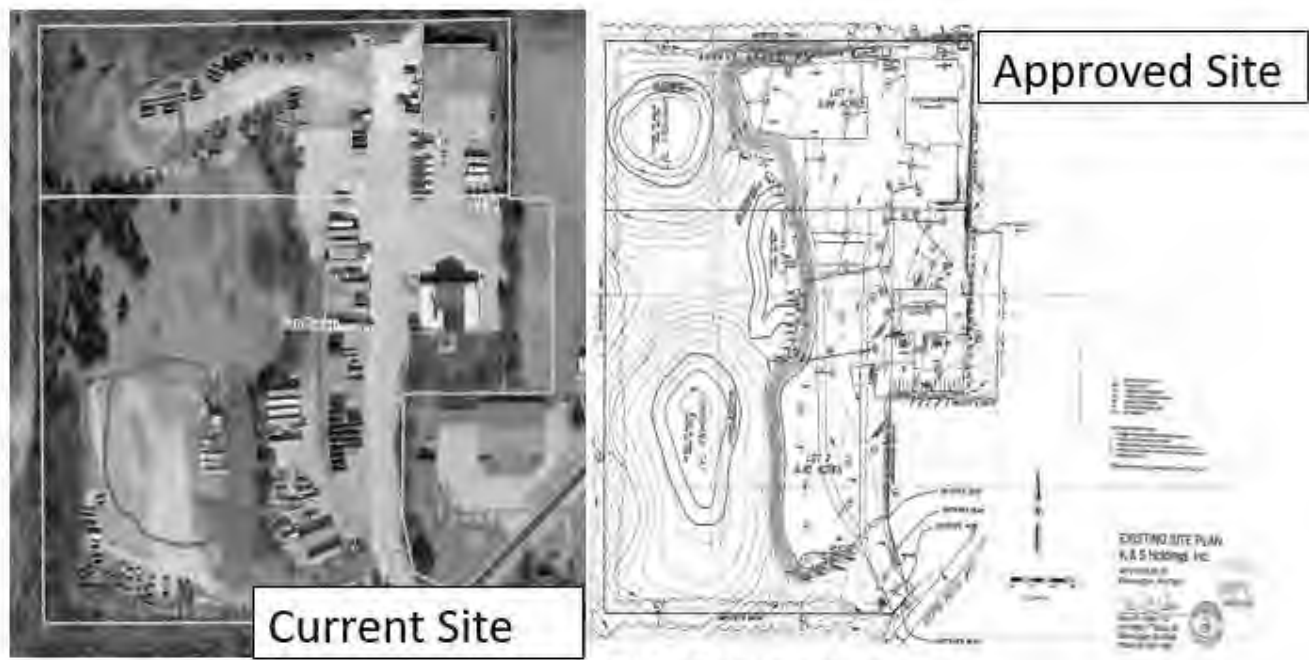


Figure 1. Current Site and Approved Site

Sinkhole Conservancy Area Review

According to a report provided by Hydrogeology inc., they identified sinkhole 1 (Sinkhole A) to show no obvious impacts from the existing lay-down area for parking (Exhibit 5). They identified sinkhole 2 (Sinkhole B) to have been partially filled with pulverized concrete. No obvious impacts were observed during the field study, however, they did mention that due to the elevation of the fill site being higher than the surrounding properties, those properties could be impacted via surface run-off.

According to the Indiana Department of Environmental Management, much of the site contained unpainted concrete dumped on the west and north banks of the lot, some of which had black plastic sticking out, which was noted as likely being the linear material in the bed of the roll off. Because no loose black plastic material had been observed and concrete material was not identified to be within a sinkhole, their investigation was closed out with no violations having been observed (Exhibit 6).

The Drainage Board reviewed this petition on April 5, 2023 and provided the following comments:

1. Condition to approve the bio retention design criteria provided by the MS4 Coordinator.
2. Recommendation to look at certain types of plantings with amended soils and deep rooting vegetation.

Petitioner currently has a grading permit on file (IG-22-42) pending the completion of the PUO. As mentioned above, a full development plan amendment filing will be required pending the outcome of this petition.

Use Review

The 1998 PUD Outline Plan (Exhibit 3) currently allows the following uses on the petition site:

Agricultural Uses
Agricultural Uses (22)
Feed Mill (6, 25)
Stockyard (24)
Public, Semipublic, and Office Facilities
Day Care Facility (30)
Office
Office Showroom
Telecommunications Tower (32)
Telephone and Telegraph Services (32)
Utility Service Facility (31)
Wastewater Treatment Facility (15)
Water Treatment Facility
Business and Personal Services
Air Cargo and Package Service (6)
Aircraft Charter Service
Appliance Repair (6)
Auction House
Convenience Storage (4, 6, 21)
Dry Cleaning and Laundry Service
Electrical Repair (6)
Exterminating Service
Gunsmith
Industrial Equipment Repair (7, 16)
Locksmith
Office Equipment Repair (6)
Parking Facility (31)
Real Estate Sales Office (9)
Remote Garbage/Rubbish Removal Facility (34)
Small Engine and Motor Repair (6, 21)
Taxidermist (6)
Upholstery Service
Veterinary Service (10)
Retail and Wholesale Trade
Bakery (Wholesale) (7, 15)
Building Materials (7, 31)
Cabinet Sales
Fertilizer Sales (Packaged) (7, 21)
Florist (Wholesale)
Garden Center
Heavy Machinery Sales (7)
Industrial Supplies
Automotive and Transportation Services Automotive Paint Shop
Automotive/Boat Repair Shop (6)
Automotive Tire Repair (7, 21)

Cold Storage Plant
Transfer or Storage Terminal (7)
Wrecker Service (7)
Manufacturing, Mining, Construction, and Industrial Uses
Apparel (7, 16)
Appliance Assembly (7, 16)
Beverage Products (7, 16)
Bottling Machinery (7, 16)
Commercial Printing (6)
Construction Trailer (17)
Cut Stone and Stone Products (15)
Electronic Devices and Instruments (7, 16)
Engineering and Scientific Instruments (7, 16)
Food Products (15)
Furniture (15)
General Contractor (15)
Jewelry Products (7, 16)
Laboratories (16, 17) ·
Leather Goods (7, 16)
Machine Assembly (15)
Machine Shop (15)
Metal Fabrication (15)
Metalworking Machinery (15)
Musical Instruments (7, 16)
Office and Computer Equipment (7, 16)
Optical Instruments and Lenses (7, 16)
Paper Products (15)
Plastic Products Assembly (7, 16)
Plating and Polishing (15)
Sign and Advertising Displays (7, 15)
Warehousing and Distribution Activities (7, 16)
Watches and Clocks (7, 16)
Welding (7, 15)
Wood Products (7, 15)

The proposed use ‘RV and Boat Storage’ somewhat aligns with the convenience storage already on the list of permitted uses. Staff would need the petitioner to submit a definition and any proposed conditions that might be related to the proposed use. RV Storage currently is not a permitted use in the ordinance and does not have a definition. The current definition for Boat Storage is as follows:

Boat Storage. A storage facility utilizing enclosed buildings and/or unenclosed outdoor areas for the seasonal or year-round storage of four or more boats. This is subject to the following:

41. Boat Storage facilities shall be permitted subject to the following conditions:
 - A. the required building setbacks shall be applied to all boats stored outside
 - B. all boats stored outside of enclosed buildings shall be screened from adjoining properties by a double staggered row of evergreen trees, installed in conformance with Chapter 830, or a 6 ft. high opaque fence or wall.
 - C. boat repair services and accompanying sales of repair merchandise is allowed only as an accessory use

D. compliance with all applicable local, State and Federal regulations for the disposal of hazardous materials.

Current uses of the property include Remote Garbage/Rubbish Removal Facility and Offices. To date, the petitioner has stated that they do not plan to develop the site for convenience storage due to the remediation efforts using current resources.

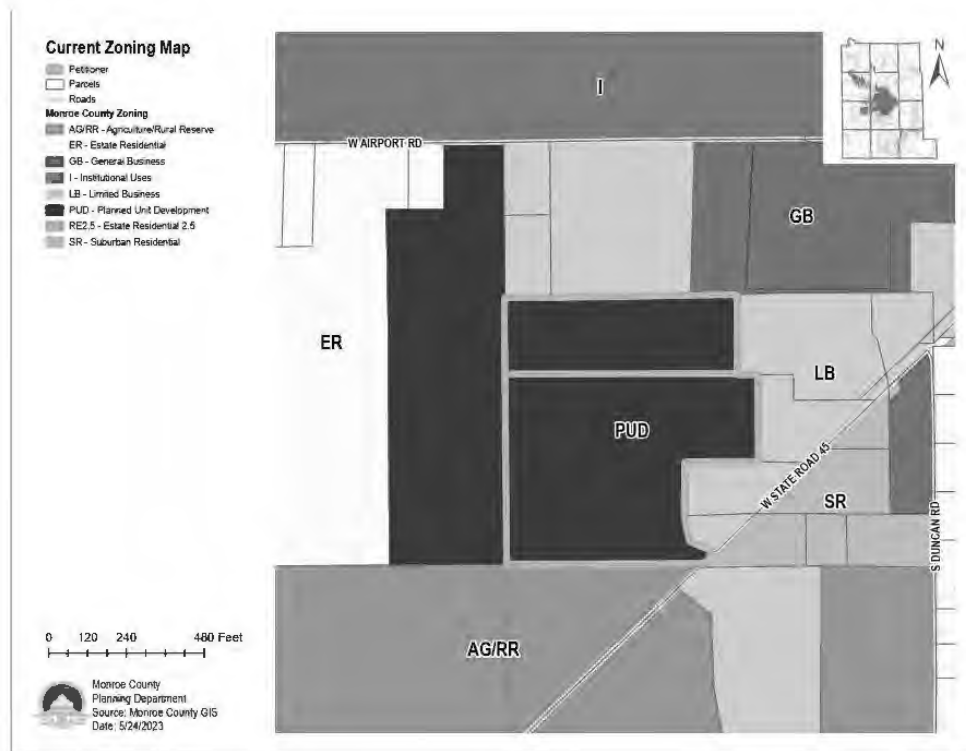
LOCATION MAP

The petition site is located west of the City of Bloomington, with frontage along West State Road 45 in Section 14 of Van Buren Township. The site 12.34 +/- acres and is currently the site of K & S Rolloff Holdings LLC, Parcel #53-09-14-102-001.000-015.



ZONING AND ADJACENT USES

The petition site is zoned PUD. All surrounding properties are in County jurisdiction. The adjacent properties are zoned PUD, Limited Business (LB), General Business (GB), Agricultural Rural Reserve (AG/RR) and Suburban Residential (SR).



SITE CONDITIONS

The site is a flagpole shape and has frontage along W State Road 45 (major arterial) at approximately 75' and does not have sidewalks. The site utilizes CBU water, not sewer. The property has three Sinkhole Conservancy Areas (SCAs) – at least two of these have been disturbed. The petition site is located within the Sinking Stream watershed.

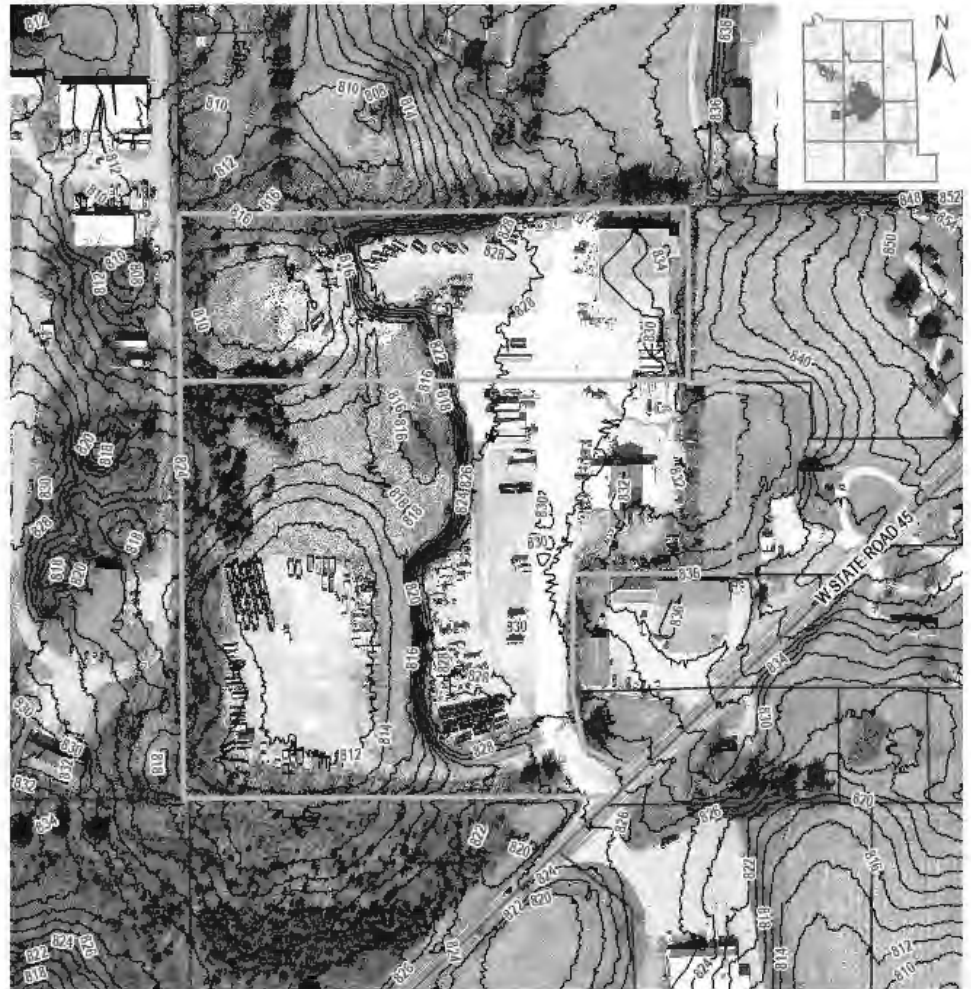
Site Conditions Map

- Major Arterial [150']
- Petitioner
- 2-Foot Contours
- 15% Slope (County/ECO2)
- 0 - 15
- > 15
- Local Roads [50']
- Parcels

0 80 160 320 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 5/24/2023



SITE PICTURES



Photo 1. Pictometry from Feb-Mar 2022, facing north.



Photo 2. Pictometry from March 2022, Facing East.



Photo 3. Site of Sinkhole 'A' (Facing Northwest)



Photo 4. Site of Sinkhole 'A' (Facing North)



Photo 5. Site of Sinkhole 'B' (Facing West)



Photo 5. Site of Sinkhole 'B' (Facing East)



Photo 6. Concrete washout debris used to fill Sinkhole 'B'

COMPREHENSIVE PLAN DISCUSSION – PHASE I

The petition site is located in the **Mixed-Use** district on the Monroe County Urbanizing Area Plan portion of the Monroe County Comprehensive Plan. Points that align with the proposed PUD outline plan are highlighted in green. Points that differ from the MCUA districts are highlighted in grey.

Mixed-Use districts are the densest, most pedestrian oriented development types in the Urbanizing Area. This land use type will vary in terms of form, scale, character, and the specific mix of uses, depending on location, access considerations and existing development context. Uses may be integrated vertically within buildings, such as residential or office over ground-floor retail, or horizontally among single-use buildings that are closely coordinated with one another. Mixed-Use areas may take the form of linear corridors along major roadways, large districts that serve as regional destinations for commerce, dining and entertainment, or small nodes at crossroads that serve nearby residential neighborhoods or employment areas. Mixed-Use areas offer the greatest flexibility in terms of land use. Individual parcels of land within a larger Mixed-Use area may be developed with a single use, so long as the site is designed in a way to integrate with surrounding sites to create a whole that is greater than the sum of parts. Most areas designated as mixed-Use on the land Use map are in locations with existing suburban-style development. These locations offer opportunities for reinvestment, infill, redevelopment, and transformation into more walkable centers of activity within the Urbanizing Area. Examples include the Third Street corridor, the Tapp Road/SR-45/Curry Pike Area, and key intersections along the South Walnut Street corridor.

A. Transportation

Streets: Developments should be designed to create a system of interconnected streets and blocks. ideally, new streets should be platted as public rights-of way through the subdivision process; however, private streets may also be acceptable, provided that they are designed and maintained to public street standards and are made publicly accessible through dedicated easements.

Bike, Pedestrian, and Transit modes: mixed-use streets should incorporate the full suite of complete street and “green” street design techniques. Streets should safely accommodate pedestrian and bicycle travel, as appropriate to the larger context of the transportation system and the surrounding scale and character of development. Wider sidewalks or an enhanced buffer along the street will provide a safer environment for pedestrians while allowing greater access to businesses in mixed-use areas. Streets should not be designed with a “one-size fits all” approach. Local streets may accommodate cyclists through an overall design that discourages high travel speeds by motorists, such as the use of narrower travel lanes (10 to 11 feet), on-street parking, and smaller curb radii at intersections (15 to 25 feet). These streets may simply require pavement markings or signage indicating that cyclists may use the travel lane. on the other hand, multi-

lane roads should provide enhanced bicycle infrastructure, such as on-street bicycle lanes, cycletrack facilities, or off-street shared use paths, with special attention to transitions between different facility types. As the most likely to support transit service in the future, mixed-use streets should be designed to accommodate potential transit expansion.

B. Utilities

Sewer and water: Most areas designated for mixed-use development in the land Use Plan are already served by sewer and water infrastructure. All new developments should conduct water and sewer capacity analyses and contribute to system upgrades if necessary. Major sewer line extensions or upgrades, should be coordinated with other roadway or streetscape improvements where possible to minimize traffic disruption and improve cost efficiency of capital improvements. A major advantage to mixed-use development is that it reduces the peak usage in the area due to the diversity of building uses.

Power: Overhead utility lines should be buried in mixed-use areas to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

Communications: Communications needs will vary within mixed-use developments, but upgrades to infrastructure should be a key consideration for future development sites. The county should create a standard for development of communications corridors to supplement and complement University research and development and the existing information technology sector.

C. Open space

Park Types: Small-scale parks and open spaces should be integrated into new developments and streetscapes. mixed-use districts may have a variety of park types, from small plazas and pocket parks along public sidewalks, to moderately-sized greens, squares, and neighborhood parks. Greenway connections should be provided wherever possible.

Urban Agriculture: Encourage the creation of community gardens and small scale urban agricultural systems, integrated with parks and open spaces. These may serve and be operated by residents, employees and businesses within a mixed use neighborhood. examples include restaurants with on-site gardens, or apartments and office buildings with common garden space. Attention should be paid to location and maintenance to ensure garden spaces remain well-kempt and attractive throughout the year.

D. Public Realm Enhancements

Lighting: Lighting needs will vary by street type and width but safety, visibility and security are important. Two-lane streets should provide lamp posts at a pedestrian scale (16 to 18 feet in height). Wider streets will require taller fixtures (up to 30 feet).

Street/Site Furnishings: Successful mixed-use streets require a vibrant, pedestrian-oriented public realm with an emphasis on amenities and aesthetics. Streets should have planters, benches, information kiosks, and public bicycle parking racks. These elements may occur within the public right-of-way, or on private development sites, if located at the front of the lot between the building and right-of-way, oriented toward the sidewalk, and available for public use.

E. Development guidelines

Open Space: The amount and type of open space appropriate for mixed-use areas will vary by the location and scale of individual developments. Large consolidated developments should include prominent open spaces with public street frontage. For residential uses, open space should generally be provided with a target of 200 square feet per dwelling unit. Commercial uses over 25,000 square feet of gross floor area should provide small pocket parks or plazas.

Parking ratios: Parking requirements will vary depending on the scale and mixture of uses within individual mixed-use areas. Shared parking arrangements should be encouraged to minimize the size of surface parking lots. On-street parking should be permitted to contribute to required parking maximums

as a means to reduce surface parking and enliven mixed-use streets with foot traffic.

Site Design: Front setbacks should range from zero to 15 feet, with streetscape plazas and landscape treatments between the sidewalk and building face. buildings should frame the street, with a high amount of building frontage. Parking should be located to the rear or side of buildings, but not between the building and street. Side-oriented parking should be screened with landscaping and/ or a low street wall. vehicular curb cuts should be used sparingly, and avoided on major thoroughfares. Access should instead be provided from the side or rear of the site. mixed-use districts should be designed with compatible mixtures of buildings, but with architectural variety as well.

Building form: The scale, form and character of buildings will vary depending on the specific location and surrounding context of existing development and infrastructure. mixed-use areas are appropriate locations for more urban-style buildings with flat roof designs, but pitched roofs may also be used. buildings may range from one to four stories in height, depending on location. Ground floors of mixed-use buildings should have taller floor to ceiling heights (14 to 18 feet) to accommodate retail and dining uses, with high amounts of window transparency (60 to 70 % of the front facade). building facades should be designed with a clear base, middle, and top. buildings and tenant spaces should have prominent main entrances on the front facade, accessible from the public sidewalk.

LAND USE PLAN & POLICIES

The Land Use Plan is to be used when making public and private decisions about development, redevelopment, and related infrastructure investments. The Land Use Plan provides a framework to create a more organized pattern of development within the Urbanizing Area. Based on the preferred development scenario the Land Use Plan is illustrated and provides descriptions of each land use category, with specific policies related to transportation, infrastructure, open space, and development standards.

- MIXED-USE**
Mixed-use Districts are the densest, most pedestrian-oriented development types in the Urbanizing Area.
- MIXED-RESIDENTIAL**
Mixed residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a focal amenity.
- SUBURBAN RESIDENTIAL**
Suburban residential includes existing low-density, single-family subdivisions and isolated multi-family apartment complexes.
- CONSERVATION RESIDENTIAL**
Conservation communities are master planned developments designed to preserve significant amounts of open space as a community amenity.
- 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.
- INSTITUTIONAL**
Civic and institutional uses include educational and religious facilities and other types of public and private facilities intended for public assembly and gathering.
- QUARRY LANDSCAPES**
Quarry landscapes are found throughout the Urbanizing Area, primarily in the south and west portions of the area. These include both actively mined and abandoned quarries, a number of which are either listed or eligible for inclusion on the National Register of Historic Places Landscape District Registry.
- RURAL TRANSITION**
Portions of the Urbanizing Area, primarily to the east and south, are not suitable for intensive development due to access, infrastructure and environmental constraints.
- PARKS AND OPEN SPACE**
Protected open space includes public parks and privately-owned lands dedicated for active or passive recreation or environmental preservation.

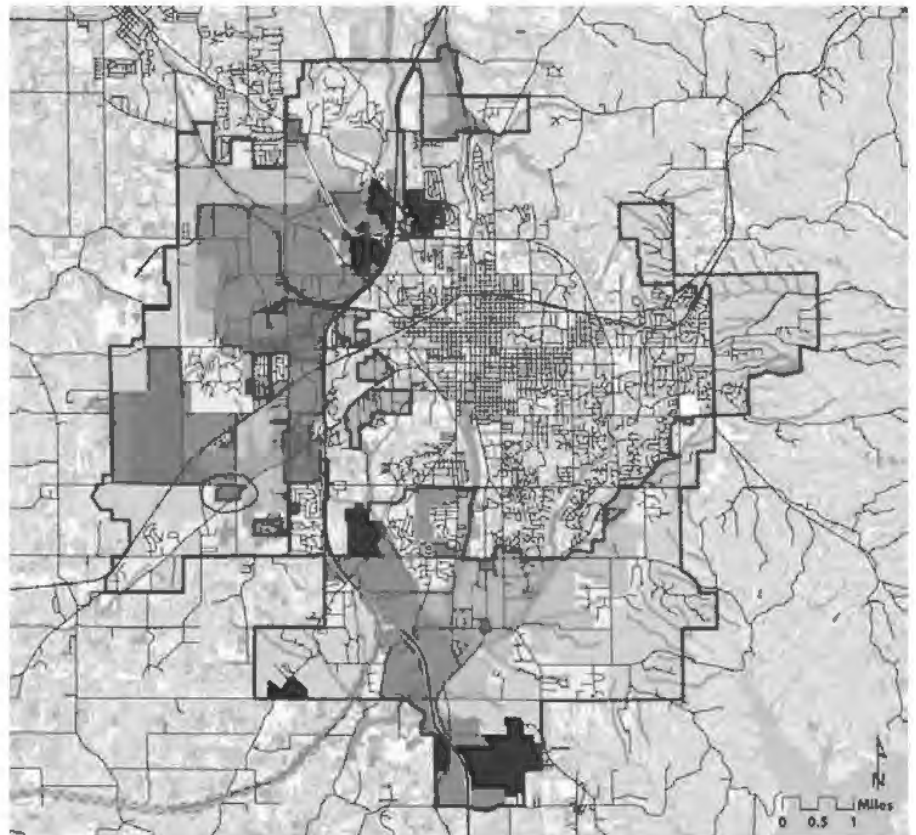


Figure 2. Comprehensive Plan Map (Area circled in red)

COMPREHENSIVE PLAN DISCUSSION – PHASE II

Gateway West

This district includes properties with frontage along major roadway corridors on the west side of the Urbanizing Area, in locations that serve as important areas of transition between the Urbanizing Area and adjacent jurisdictions, most notably the City of Bloomington as well as the Town of Ellettsville. This district is primarily intended to implement the vision for new mixed-use development and redevelopment in the Third Street Corridor and North Park focus areas of the Urbanizing Area Plan, as well as other mixed use nodes identified in the land use plan.

Existing Planned Unit Developments

In general, it is the intent of this zoning framework to eliminate the need to establish new Planned Unit Developments by creating an expedited, consistent and predictable set of zoning requirements and approval procedures. However, existing planned developments represent a significant investment by property owners in establishing specific development plans and standards for their properties in conformance with pre-existing development approval procedures. All planned developments in effect prior to the creation of new zoning districts and standards should continue to be considered in effect, similar to an overlay zone. Opportunities to eliminate the planned unit development overlay will also be accommodated and should be encouraged. PUDs with expired outline plans or without development plans may be reviewed and rezoned entirely, subject to recommendations of this zoning framework.

Proposed County Development Ordinance

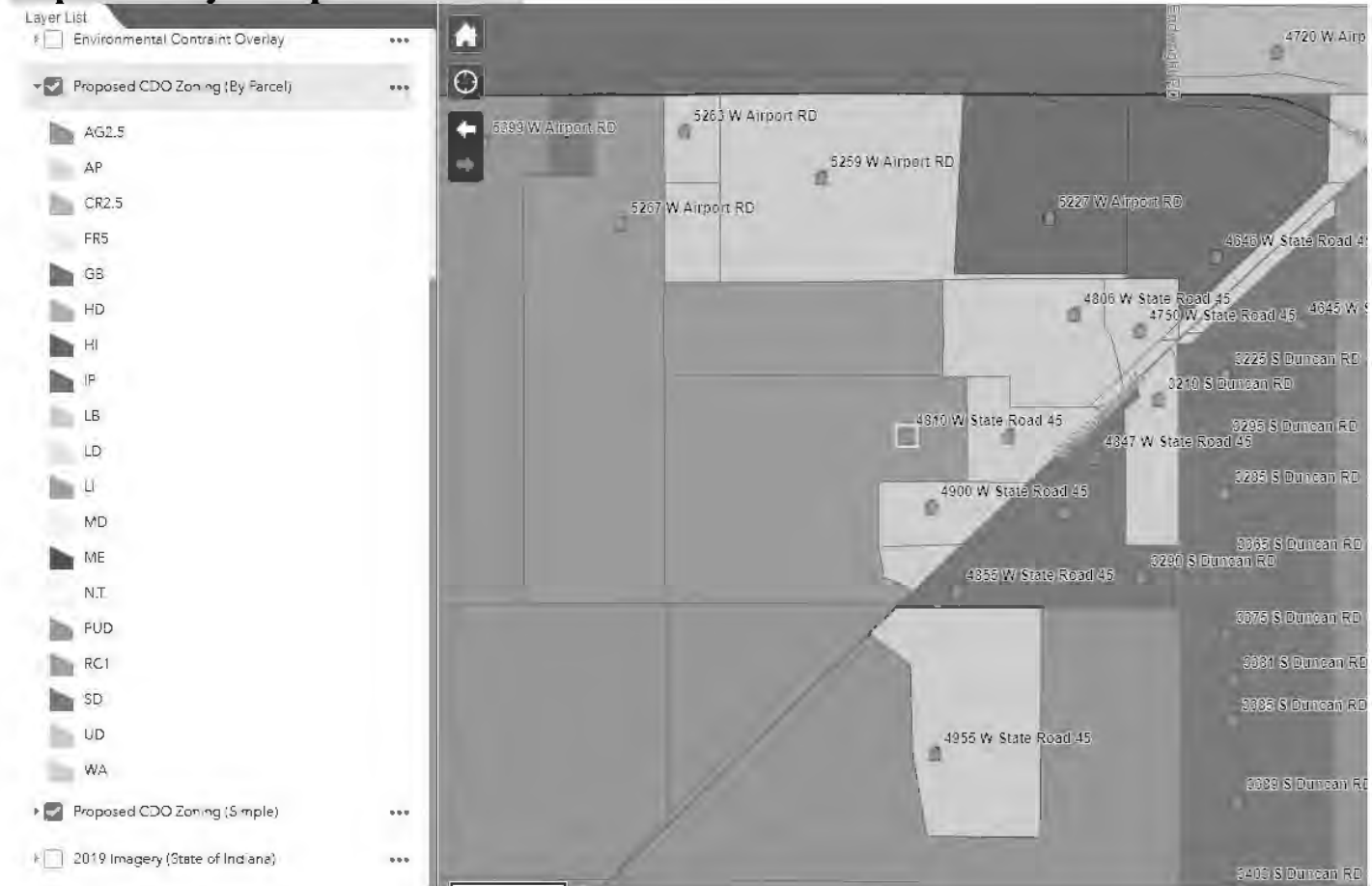


Figure 3. CDO Draft Zoning Map

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 “Mixed-Use”;
 - Mixed-Use districts are the densest, most pedestrian-oriented development types in the Urbanizing Area;
 - The MCUA Phase II plan designates that site as “Gateway West”;
 - This district includes properties with frontage along major roadway corridors on the west side of the Urbanizing Area, in locations that serve as important areas of transition between the Urbanizing Area and adjacent jurisdictions, most notably the City of Bloomington as well as the Town of Ellettsville. This district is primarily intended to implement the vision for new mixed-use development and redevelopment in the Third Street Corridor and North Park focus areas of the Urbanizing Area Plan, as well as other mixed-use nodes identified in the land use plan;
- The current zoning is Whaley PUD created in 1997; The Comprehensive Plan designates the property as MCUA Mixed-Use;
- The current approved uses for the petition parcel have been determined to be Chapter 802 uses, including ‘Agriculture Uses’, ‘Public, Semipublic, and Office Facilities’, ‘Business and Personal Services’, ‘Retail and Wholesale Trade’, ‘Automotive and Transportation Services Automotive Paint Shop’, ‘Manufacturing, Mining, Construction, and Industrial Uses’;
- The petition parcel has remained active since that time;
- The petitioner requests to add one (1) Business and Personal Services Use “Boat Storage”;

(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;
- One design standard (25-foot buffer of the compound sinkhole located on the west portion of the site) was found specifically listed in the PUD documentation;
- The site does not currently meet the requirements of the PUD ordinance due to the disturbance of at least two (2) of the three sinkholes on the property;
- 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 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:
- The property is an as-built - no change in current use of the site;
 - Parking already exists on site;
 - Much of the property already consists of open space due to the three SCAs.
- (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);
 - Other immediately surrounding uses include Dillman Farm to the south, Specialty CNC to the East, an auto repair shop and furniture restoration shop to the west, and Westside Community Church to the northeast.;
 - Much of the surrounding area is zoned Planned Unit Development, Limited Business, and General Business, Suburban Residential, and Agriculture Rural Reserve;
 - Development plan requirements including 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 W State Road 45 which is designated as a Major Arterial in the Thoroughfare Plan;
 - All utilities except for sewer 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 are at least 3 sinkhole conservancy areas 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' prior to rezoning to PUD.

EXHIBIT 1: Petitioner Outline Plan Statement



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

May 5, 2023

Monroe County Planning Department
And Monroe County Plan Commission
501 N. Morton Street, Suite 224
Bloomington, Indiana 47404

SUBJECT: Donald Wiley PUD Outline Plan
Two (2) PUD Amendments

Monroe County Plan Commission or To Whom It May Concern:

On behalf of K&S Rolloff, Bynum Fanyo & Associates, Inc. would like to request approval of two PUD amendments to the SUBJECT PUD ordinance due to an existing site plan and new improvements being proposed in the PUD area. The property is located at 1,700' southwest of the intersection of W Airport Rd and SR 45 in Monroe County, Indiana. The approval request would make a way for current operations to stay on-site for trash/rubble removal and add some boat storage and RV storage area as well. This PUD ordinance was originally approved by Monroe County in 1998. This property currently contains 12.70 acres and is currently 2 lots. This is the NW quarter of the NW quarter of section 14, T8N, R2W, Van Buren township.

The proposed existing and proposed plan would require two (2) amendments to the ordinance approved in 1998 as follows:

- 1) Zones Permitted: Add 'Boat Storage' and 'RV storage' uses to the property that will accompany current use of the trash rolloff service.
- 2) Disturbed Area: Fill would be allowed in all sinkholes to the west of the property subject to IDEM, Monroe County Highway and Drainage, Geotechnical, and Monroe County Solid Waste reports and approvals.

Also, on behalf of K&S Rolloff, Bynum Fanyo & Associates, Inc. would like to request, if possible, the Plan Commission waive the need for a 2nd hearing and make a determination for these PUD amendments after the 1st hearing.

Let us know if you have any questions or concerns for this request and use of this parcel of land.

Sincerely, Bynum Fanyo & Associates, Inc.

Daniel Butler, PE, Project Engineer

Copy: BFA File #402207

528 North Walnut St.

Bloomington, IN 47404

812-332-8030

Bloomington, Indiana 47404

FAX 812-339-2581

[illegible]

EXHIBIT 3: 1998 Whaley PUD Ordinance

PLAN COMMISSION ORDINANCE # 98-13

For: Donald Whaley PUD - Amendment 1 (David Whaley)

An ordinance to amend the Outline Plan for the Donald Whaley PUD (Plan Commission Ordinance 98-05, approved February 13, 1998).

Whereas, the Board of Commissioners of Monroe County, Indiana, passed a zoning ordinance and adopted zoning maps effective January 1997, which ordinance and maps are incorporated herein; and,

Whereas, the Monroe County Plan Commission, in accordance with all applicable laws, has considered the petition to amend said zoning maps;

Now, therefore, be it ordained by the Board of Commissioners of Monroe County, Indiana, as follows:

SECTION I.

The Outline Plan for the Donald Whaley PUD shall be amended to strike Condition 2 from the original set of conditions subject to the following additional conditions:

1. That the petitioner submit drainage information required for Drainage Board to the Planning Department as part of the development plan file; and
2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the Outline Plan amendment process.

SECTION II.

This ordinance shall be in full force and effect from and after its passage and adoption by the Board of Commissioners of Monroe County, Indiana.

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this 14th day of June, 1998.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes

"No" Votes

Norman S. Anderson
Norman S. Anderson, President

Norman S. Anderson, President

Kirk A. White
Kirk White, Vice President

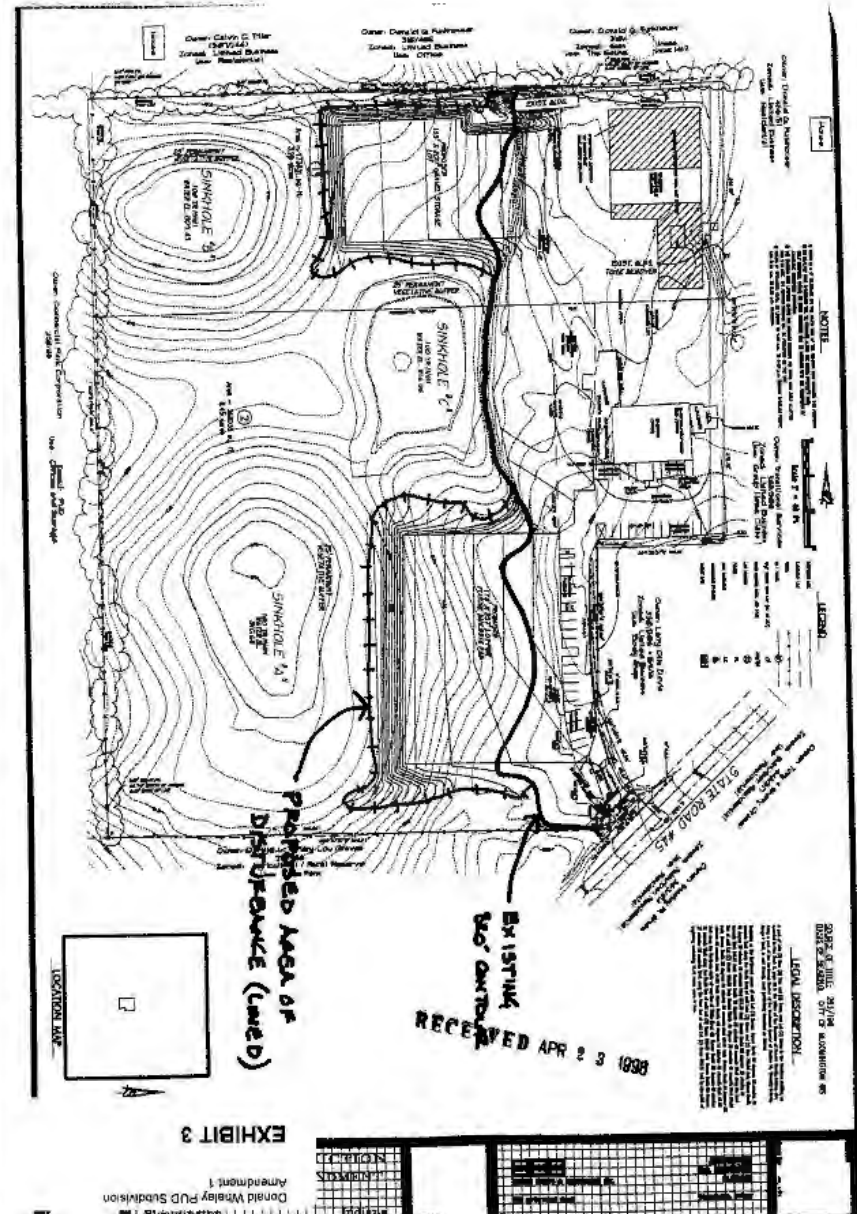
Kirk White, Vice President

Iris F. Kiestling, Member

Iris F. Kiestling, Member

Attest:

Barbara M. Clark
Barbara M. Clark, Monroe County Auditor



9804-PIO-01 **Donald Whaley PUD Subdivision, Amendment 1, outline plan**, 3 lots on 12.44 acres, 4810 West SR 45, Van Buren Twp., Section 14, Goodman Plat Lots 1C, 3A, and 7A, zoned PUD, Tape 1, 2160.

MCPC ACTION: Landis read the petition.

Heath read the staff report and recommended motions to approve the PUD outline plan amendment, based on the findings, with the following conditions: that the petitioner submit drainage information required for Drainage Board to the Planning Department as part of the development plan petition file; and that no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the outline plan amendment process. (a part of the file)

Williams stated a right-of-way dedication of 50 feet from the center of State Road 45, classified as a Minor Arterial, is required in accordance with the Thoroughfare Plan. Drainage issues are; the minimum floor elevations shall be 2 feet above the 100 year flood elevation, the floodplain should be delineated with a drainage easement, and; detention is necessary because a portion of the site drains to a waterway where residences experience flooding problems.

Sherman Bynum represented the petition, he is requesting an amendment to the conditions of approval or the PUD Outline Plan, in order to enable further development of the area west of the 820-foot contour line as shown on the USGS map. This is due to a result of a conflicting interpretation between staff and petitioner as to the intent of Condition #2 of the original outline plan approval.

Landis asked if there were any remonstrators.

There were no remonstrators.

Landis asked Stevenson if the filling would cause drainage problems.

Stevenson stated the filling doesn't have final approval because it does involve a sinkhole. The petitioner has submitted some calculations, but the project appears not to be flooding any properties.

Landis stated before completion of the project the drainage plans will have to be submitted and approved by staff.

Ellington state that floodplain maps are not always accurate.

Enright stated that the calculations of 13,000 square feet are incorrect. Enright calculates 69,000 square feet will be filled, going by measurements in the plan

Sherman Bynum stated the difference is the fill below the 829 contour line, the 13,000 square feet is within the sinkhole rim.

Hayes asked Bynum if he was building on a sinkhole within 100 year floodplain..

Bynum stated no.

Hayes asked if he had been filling before he had approval to build up the sinkhole.

Bynum stated no.

Ingle asked what the slope of the graded area would be

Bynum stated 3:1.

Enright stated he had concerns with removing the previous condition of approval and that he was uncomfortable with amendments.

Ellington moved, Anderson seconded, to approve 9804-PIO-04 based on the findings.

The vote was seven ayes to 1 nay (Enright). Motion carried.

9804-PIC-01 Donald Whaley PUD Subdivision, Amendment 1, outline plan, 3 lots on 12.44 acres, 4810 West SR 45, Van Buren Twp., Section 14, Goodman Plat Lots 1C, 3A, and 7A, zoned PUD.

EXHIBITS:

1. Location/Topographic Map, 05/19/98.
2. Petitioner's Letter, 05/04/98.
3. Outline Plan Map, Revised Version, 04/23/98.

RECOMMENDED MOTION: Approve the PUD outline plan amendment, based on the findings, with the following conditions:

1. That the petitioner submit drainage information required for Drainage Board to the Planning Department as part of the development plan petition file; and
2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3, be enabled except through the outline plan amendment process.

SUMMARY

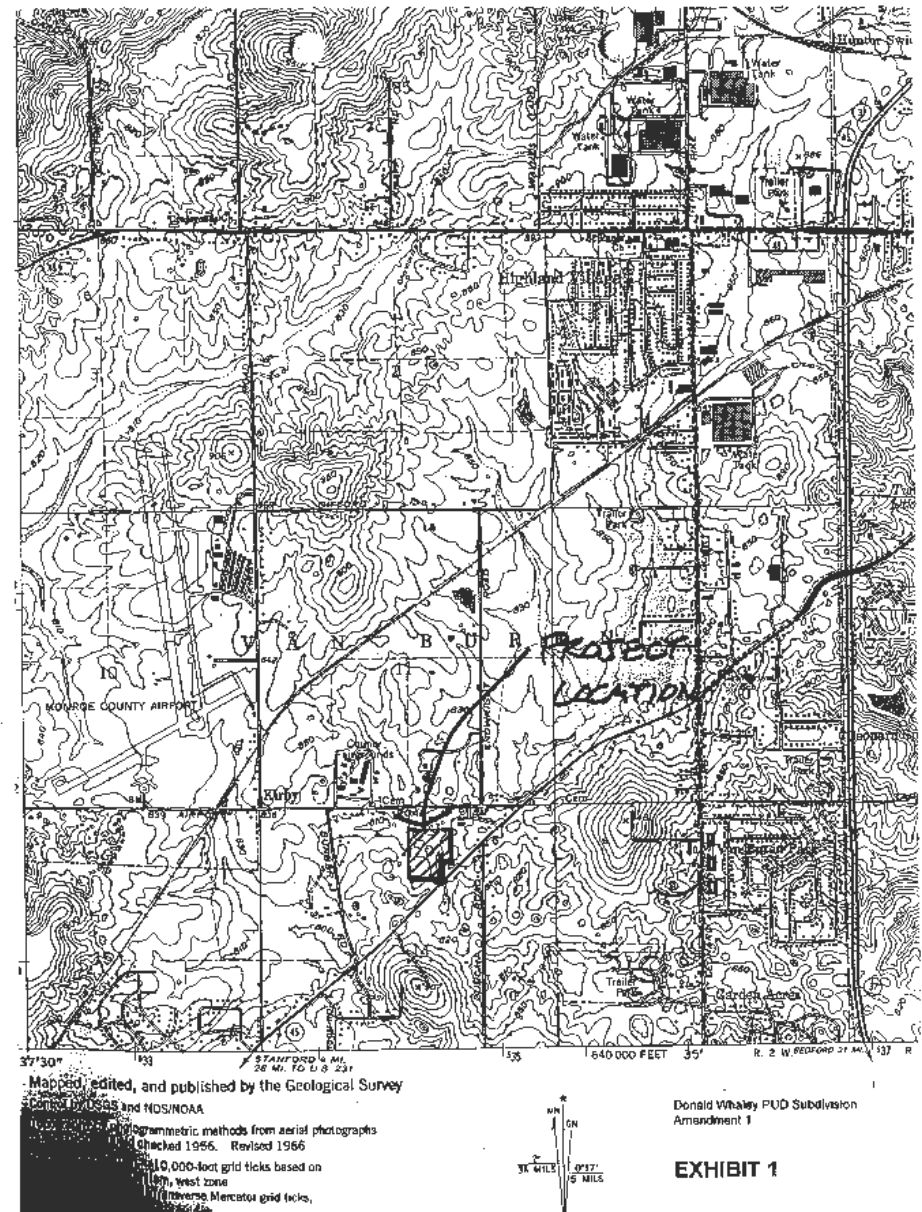
The petitioner is requesting amendment of the conditions of approval for the PUD Outline Plan, in order to enable further development of the area west of the 820-foot contour line as shown on the USGS map. This petition is a result of a conflicting interpretation between staff and the petitioner as to the intent of Condition #2 of the original outline plan approval. Staff's interpretation indicates little room for discretion, whereas the petitioner's stance is to treat this condition as subject to the specifications of Chapter 829 of the County Zoning Ordinance. Staff does not see any major impact on the environmental conditions of the region by approving this amendment, assuming all other requirements of the Zoning Ordinance are followed, especially those for erosion control.

PUD OUTLINE PLAN

Findings: The criteria for assessment of outline plans, from Section 811-5 of the County Zoning Ordinance, do not apply to this petition. The essential item for discussion with this petition is the requirement of the original outline plan approval, condition #2, which states

"That no additional disturbance of the site occur within a 25-foot buffer of the compound sinkhole located on the west portion of the site. This area is currently defined by the 820-foot contour according to the USGS maps on the County's GIS, but may be modified if further site analysis determines the exact location of the contour."

The petitioner states in his request (see Exhibit 2) that this line would be subject to adjustment given the development standards of Chapter 829 of the County Zoning Ordinance. The Drainage Engineer indicated that the development of this area is not an issue from the standpoint of County Drainage Code. Given the existing flood characteristics on-site, staff does not believe this amendment would result in negative impacts on the regional karst environment. Staff believes, however, that close monitoring is in order, and that the Plan Commission should stress due diligence on the part of the petitioner and on the petitioner's representatives to see the requested development through to completion.





**Andrews
Harrell
Mann
Chapman
&
Coyne
P.C.**

William H. Andrews •
Harold A. Harrell •
Robert D. Mann •
Ronald L. Chapman
Michael L. Carmin
Susan H. Nelson •
Angela E. Parker
Stacey E. Evans
R. Kent Warren
Kimberleigh Lowman

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Donald Whaley PUD Subdivision
Amendment 1

EXHIBIT 2

RECEIVED

MAY 06 1998

MONROE COUNTY PLANNING

May 4, 1998

Heath Eddy
Monroe County Planning Department
Courthouse
Bloomington, IN 47404

Re: Petition 9802-PUD-01 - Don Whaley
Our File No.: 7255-3

Dear Heath:

This letter is submitted on behalf of Donald Whaley pertaining to the request for amendment to condition of approval number 2 for the planned unit development. This letter should serve as petitioner's statement in support of the requested amendment.

Petitioner seeks clarification of a condition for approval or, in the alternative, an amendment to the condition of approval. The condition restricted additional disturbance of the site within the 25-foot buffer of the compound sinkhole and determined that the compound sinkhole rim would be defined by the 820-foot contour line according to the USGS map. The condition of approval also indicated that the 820-foot contour line as shown on the USGS map could be modified if specific site analysis determined the exact location of the 820-foot line in an area other than as shown on the USGS map.

Petitioner does not propose land disturbance activities within the 25-foot buffer of the 820-foot contour line. Petitioner does propose to establish the 820-foot contour line by fill activities in accordance with Chapter 829 of the Zoning Ordinance, pertaining to karst and sinkhole development standards. It is petitioner's contention that the original condition of approval allowed for modification of the contour line and that the standards imposed by Chapter 829 are the appropriate standards to use for this purpose. However, if the interpretation of the Plan Commission action, as ultimately approved by the Monroe County Commissioners, was that the existing 820-foot contour line, wherever it might be located, is the controlling factor, then petitioner is requesting an amendment to that condition to permit the reestablishment of the 820-foot contour line in accordance with the plan that has

Monroe County Planning Department
May 4, 1998
Page 2

been submitted with this petition.

Petitioner proposes that fill activity conducted in accordance with Chapter 829 would establish the 820-foot contour line. The hydrology report previously submitted has determined that the water holding capacity of the compound sinkhole is far in excess of the drainage requirements for a hundred year flood. Protection of the specific discharge points for the three sinkholes located within the rim of the compound sinkhole will be adequately provided for by vegetative cover and, until stabilization of any fill activity, with appropriate erosion control systems, including silt screening. The specific details of the erosion control measures and protection of the sinkhole discharge points would be encompassed in the details of a development plan to be submitted to the Plan Commission following final action on this petition.

If you have any questions or if you require additional information, please feel free to contact me or Sherman Bynum at Bynum Fanyo & Associates, Inc. Please include this letter with the packet submitted to the Plan Commission members as the petitioner's statement.

Very truly yours,

Michael L. Carmin
Michael L. Carmin

MLC/mjk
cc: David Whaley
Sherman Bynum

OFFICE OF
MONROE COUNTY PLAN COMMISSION
COURTHOUSE - ROOM 306
BLOOMINGTON, IN 47404

TO: THE COMMISSIONERS OF MONROE COUNTY INDIANA

CERTIFICATION

I, David Hall, hereby certify that during its meeting on May 19, 1998, the Monroe County Plan Commission considered petition #9804-PQ-01 for an amendment to the Donald Whaley PUD Outline Plan (Plan Commission Ordinance #98-05) and made a recommendation to approve thereon with conditions, based on the findings, with a vote of 7-1.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).

David Hall
Interim Planning Director

6/4/98

Date:

EXHIBIT 4: Whaley PUD Permitted Uses

Donald Whaley PUD List of Permitted Uses

Agricultural Uses

Agricultural Uses (22)
Feed Mill (6, 25)
Stockyard (24)

Public, Semipublic, and Office Facilities

Day Care Facility (30)
Office
Office Showroom
Telecommunications Tower (32)
Telephone and Telegraph Services (32)
Utility Service Facility (31)
Wastewater Treatment Facility (15)
Water Treatment Facility

Business and Personal Services

Air Cargo and Package Service (6)
Aircraft Charter Service
Appliance Repair (6)
Auction House
Convenience Storage (4, 6, 21)
Dry Cleaning and Laundry Service
Electrical Repair (6)
Exterminating Service
Gunsmith
Industrial Equipment Repair (7, 16)
Locksmith
Office Equipment Repair (6)
Parking Facility (31)
Real Estate Sales Office (9)
Remote Garbage/Rubbish Removal Facility (34)
Small Engine and Motor Repair (6, 21)
Taxidermist (6)
Upholstery Service
Veterinary Service (10)

Retail and Wholesale Trade

Bakery (Wholesale) (7, 15)
Building Materials (7, 31)
Cabinet Sales
Fertilizer Sales (Packaged) (7, 21)
Florist (Wholesale)
Garden Center
Heavy Machinery Sales (7)
Industrial Supplies

Automotive and Transportation Services

Automotive Paint Shop
Automotive/Boat Repair Shop (6)
Automotive Tire Repair (7, 21)
Cold Storage Plant
Transfer or Storage Terminal (7)
Wrecker Service (7)

Manufacturing, Mining, Construction, and Industrial Uses

Apparel (7, 16)
Appliance Assembly (7, 16)
Beverage Products (7, 16)
Bottling Machinery (7, 16)
Commercial Printing (6)
Construction Trailer (17)
Cut Stone and Stone Products (15)
Electronic Devices and Instruments (7, 16)
Engineering and Scientific Instruments (7, 16)
Food Products (15)
Furniture (15)
General Contractor (15)
Jewelry Products (7, 16)
Laboratories (16, 17)
Leather Goods (7, 16)
Machine Assembly (15)
Machine Shop (15)
Metal Fabrication (15)
Metalworking Machinery (15)
Musical Instruments (7, 16)
Office and Computer Equipment (7, 16)
Optical Instruments and Lenses (7, 16)
Paper Products (15)
Plastic Products Assembly (7, 16)
Plating and Polishing (15)
Sign and Advertising Displays (7, 15)
Warehousing and Distribution Activities (7, 16)
Watches and Clocks (7, 16)
Welding (7, 15)
Wood Products (7, 15)

0712.PUD-02
Donald Whaley

Exhibit 7

List of Permitted Uses

EXHIBIT 5: Hydrogeology inc. Report

hydrogeology inc.

2211 S Walnut St
Bloomington, IN 47403

K&S Rolloff Inc.
4810 IN-45
Bloomington, IN 47403

Subject:
4810 IN-45 – Karst Survey
Bloomington, IN

Date: September 27, 2023

Contact:
Jason Krothe

Phone:
812-219-0210

Email: jnkrothe@hydrogeologyinc.com

K&S Rolloff Inc.:

Hydrogeology Inc. (Hydrogeology) respectfully submits this summary report for the karst survey conducted at 4810 IN-45 Bloomington, IN 47403 (the Site, Figure 1).

1 – Overview

The Site is located at 4810 IN-45 in Bloomington, Indiana and is approximately 13-acres (Figure 2). The purpose of this survey was to inspect two sinkholes at the Site and make recommendations for current and proposed land use within the sinkholes.

2 - Geology / Physiography

The Site is in the Mitchell Plateau physiographic region, which is one of the primary karst forming areas in Indiana. The bedrock at the Site is the St. Louis Limestone (Hasenmueller, Estell, Keith, and Thompson, 2008). The St. Louis is composed primarily of limestone but includes small amounts of shale, dolostone, sandstone, and chert (Carr, Leininger, and Golde, 1978). It is typically between 104 and 150 feet thick in the Bloomington area (Hasenmueller, Estell, Keith, and Thompson, 2008). The St. Louis Limestone is one of the major karst forming bedrock units in Indiana.

3 – Sinkholes & Springs

Sinkholes are surface depressions that form in a variety of ways in karst areas (Figure 3). Sinkholes will often time have a swallow hole, which is an opening in the ground where water infiltrates. Groundwater flow in karst areas is predominantly fracture flow, meaning the bedrock itself has low permeability while the fractures in the bedrock are open conduits that allow water, soil, and other materials to travel quickly through the subsurface. Water that drains into a sinkhole can eventually discharge at a karst spring (Figure 4). Two previous groundwater dye traces have been conducted in the vicinity of the Site. Both dye traces showed groundwater flow direction was to the southeast.

discharging at Leonard Springs (Figure 5). Water infiltrating at the Site likely eventually flows to Leonard Springs.

4 – Karst Desktop Review

A review of available karst resources was conducted prior to the field survey. Those resources include United State Geological Survey (USGS) topographic maps, Indiana Map 1-ft LIDAR topographic, karst spring maps, and private cave databases.

5 – Karst Field Survey

Hydrogeology conducted a field review of the Site on October 4, 2022. Sinkhole locations can be seen in Figure 6. Photographs of each sinkhole can be found in Appendix A.

SH-01 – SH-01 is 485 feet long, 320 ft wide, and approximately 5 feet deep, with an area of 2.14 acres. The dimensions for the sinkhole are based on the last closed topographic contour for the sinkhole on 1-foot LIDAR data. A portion of the sinkhole is located outside of the property boundary. Approximately 1.47 acres of sinkhole has been graveled and is currently being used as a lay-down area and for parking. No areas of standing water or signs of standing water were observed within the sinkhole. No soil piping or areas of subsidence were observed.

Mitigation Measures: SH-01 shows no signs of impacts such as standing water or subsidence from the existing uses as a lay-down area and parking. Currently there are no obvious signs that the existing land use within the sinkhole is adversely impacting the sinkhole or groundwater recharge.

SH-02 – SH-02 is 200 feet long, 160 ft wide, and approximately 5 feet deep, with an area of 0.6 acres. The dimensions for the sinkhole are based on the last closed topographic contour for the sinkhole on 1-foot LIDAR data. Approximately 0.2 acres of the sinkhole has been filled with pulverized concrete. The top of the concrete fill is approximately 826 ft in elevation. No areas of standing water or signs of standing water were observed within the sinkhole. No soil piping or areas of subsidence were observed.

Mitigation Measures: SH-02 shows no signs of impacts such as standing water or subsidence from the existing concrete fill. Currently, there are no obvious signs that the existing land use within the sinkhole is adversely impacting the sinkhole or groundwater recharge. However, the top of the fill has an elevation of approximately 826 ft, which is higher than adjacent properties. The proposed plan for this sinkhole is to raise the existing fill to an elevation of approximately 833 ft. Appropriate drainage control should

hydrogeology inc.

2221 S. Walnut St.
Bloomington, IL 61701

be implemented to prevent any off-site impacts from the new fill. Additionally, the unfilled portion of the sinkhole should be examined periodically to determine if the additional fill is causing any changes such as soil openings.

6 – Study Limitations

The identification of karst features at the Site was limited to surface inspection. No subsurface investigations were conducted. Undocumented karst features are possible in the subsurface.

7 – Summary

Two sinkholes were investigated at the Site. SH-01 is currently being used as a laydown area and for parking. No obvious impacts from the existing land use were observed during the field survey. If any signs of subsidence or soil piping are observed in the future, the sinkhole should be reevaluated by a karst expert. SH-02 has been partially filled with pulverized concrete. No obvious impacts from the existing land use were observed during the field survey. However, the top of the fill area is at an elevation higher than surrounding properties, which could result in surface run-off to those properties. The proposed plan for this sinkhole is to raise the existing fill to an elevation of 833 ft. Appropriate drainage control should be implemented to prevent any off-site impacts from the new fill. Additionally, the unfilled portion of the sinkhole should be examined periodically to determine if the additional fill is causing any changes such as subsidence or soil openings. If any signs of subsidence or soil piping are observed in the future, the sinkhole should be reevaluated by a karst expert. The karst field survey was limited to surface inspection with no subsurface investigation. Unknown karst features are possibly present in the subsurface at the Site.

Hydrogeology appreciates the opportunity to provide this summary report. If you have any questions, concerns, or comments please do not hesitate to contact me directly at (812) 219-0210.

Sincerely,

Hydrogeology Inc.



Jason N. Krothe, LPG IN-2511
President



hydrogeology inc.

1211 S Walnut St.
Bloomington, IN 47401

References

Carr, D. D., Leininger, R. K., and Golde, M. V., 1978, Crushed stone resources of the Blue River Group (Mississippian) of Indiana: Indiana Geological Survey Bulletin 52, 225 p.

Hasenmueller, W. A., Estell, C. M., Keith, B., and Thompson, T. A., 2009, Bedrock geologic map of Monroe County, Indiana: Indiana Geological Survey Miscellaneous Map 73, scale 1:48,000.



LEGEND

SITE

0 50 100 200 Feet

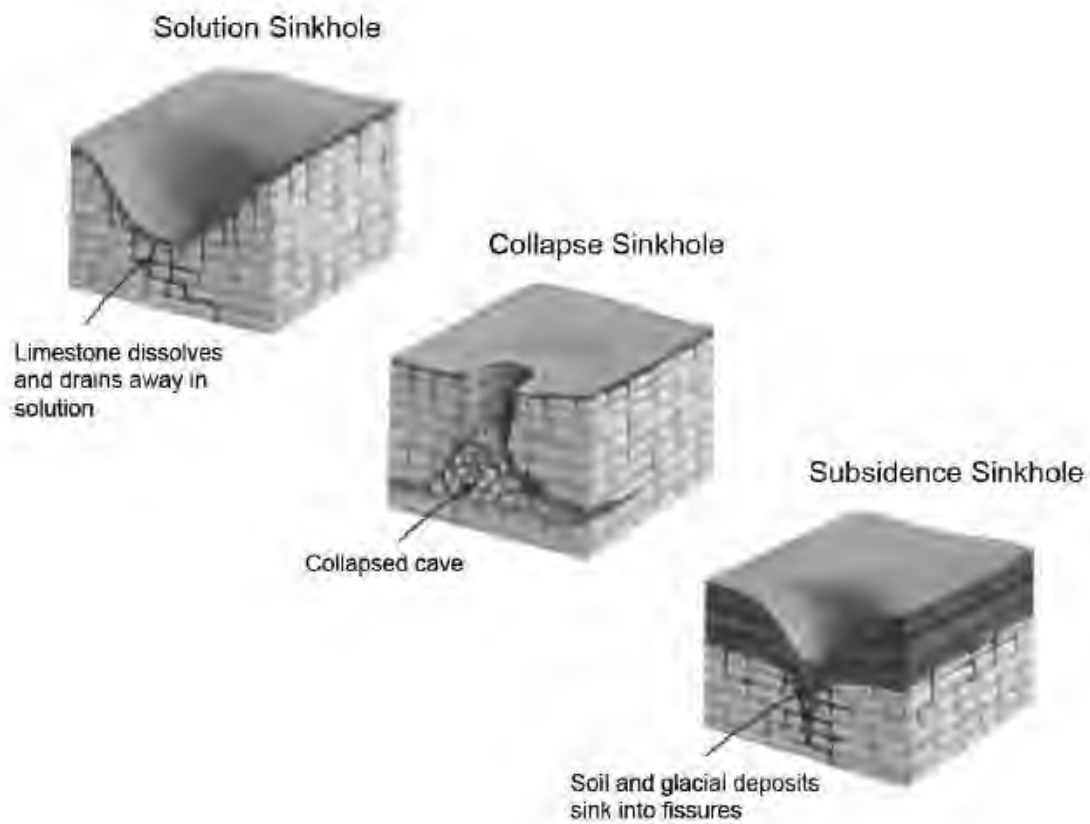
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

KARST SURVEY
4810 IN-45
BLOOMINGTON, IN

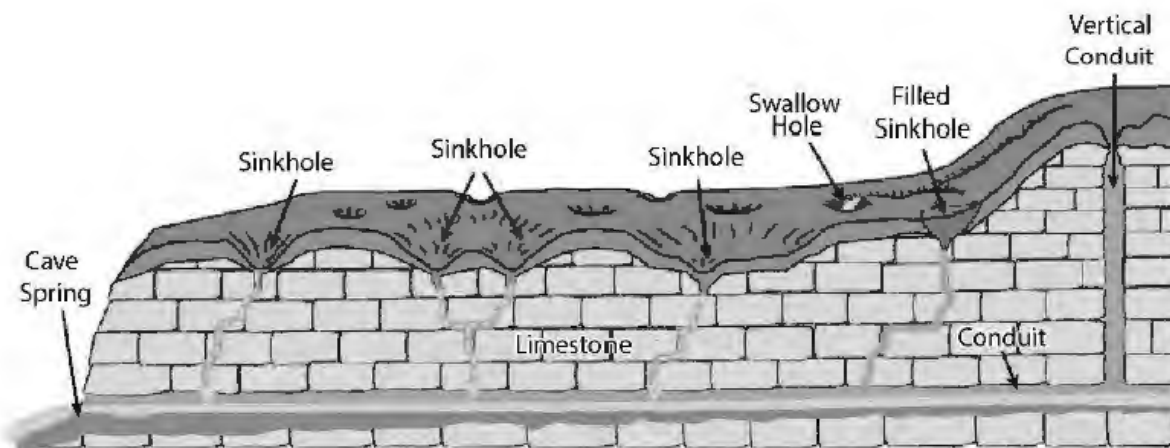
SITE

hydrogeology inc.

FIGURE
2



	KARST SURVEY 4810 IN-45 BLOOMINGTON, IN	
	SINKHOLE TYPES	
	hydrogeology inc.	FIGURE 3



	KARST SURVEY 4810 IN-45 BLOOMINGTON, IN	
	CONCEPTUAL KARST CROSS SECTION	
	hydrogeology inc.	FIGURE 4



LEGEND

□ SITE

★ DYE TRACE FLOW-PATH

0 500 1,000 Feet

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

**KARST SURVEY
 4810 IN-45
 BLOOMINGTON, IN**

DYE TRACES

hydrogeology inc.

FIGURE
5



LEGEND

□ SITE

○ SINKHOLE

0 50 100 200 Feet


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community


KARST SURVEY
4810 IN-45
BLOOMINGTON, IN


SINKHOLES


hydrogeology inc.


FIGURE
6


Photograph Number: 1	
Coordinates (UTM Meters) NA	
Photograph Date:10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	


Photograph Number: 2	
Coordinates (UTM Meters) NA	
Photograph Date:10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	

Photograph Number: 3	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	

Photograph Number: 4	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	

Photograph Number: 5	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-01.	
Recommended treatment: NA	

Photograph Number: 6	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-02.	
Recommended treatment: NA	

Photograph Number: 7	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-02.	
Recommended treatment: NA	


Photograph Number: 8	
Coordinates (UTM Meters) NA	
Photograph Date: 10-4-22	
Comments: Sinkhole SH-02.	
Recommended treatment: NA	

EXHIBIT 6: IDEM Letter



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-8027 • (317) 232-8803 • www.idem.in.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

November 21, 2022

VIA E-MAIL

Keith Kline
K & S Rolloffs, LLC
4810 West State Road 45
Bloomington, Indiana 47403
kshaulingkeith@yahoo.com

Dear Mr. Kline:

Re: Inspection Summary Letter
K & S Rolloffs, LLC
4810 West State Road 45
Bloomington, Monroe County

On November 17, 2022, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of the above-referenced property, located at 4810 West State Road 45, Bloomington, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: Complaint Incident # 104334

Results of Inspection: No violations were observed (see attached inspection report)

Please direct any questions regarding this letter to Mr. Tim Hotz, (317) 407-0082 or thotz@idem.in.gov.

Sincerely,

Kelly B. Hall, Section Chief
Solid Waste Compliance
Office of Land Quality

Enclosure

cc: Monroe County Health Department
Monroe County Solid Waste Management District

	REPORT OF OPEN DUMP INSPECTION State Form 42033 (12/2-00)	Inspector Name: Tim Hotz Inspector Phone: 317-407-0082
	Indiana Department of Environmental Management Solid Waste Compliance Section Office of Land Quality 100 North Senate Avenue, Room N-1101 Indianapolis, Indiana 46204-2251	Inspection Date: 11/17/2022 Time In: 10:00 am Time Out: 10:45 am

GENERAL INFORMATION		
Name of registration or Tempo (RM): K&S Rolloffs #104334	Location: 4810 W SR 45, Bloomington	County: Monroe
INX #: 00068224	Parcel ID #: 53-09-14-103-001.000-015	Parcel Acreage: 13.34
PROPERTY OWNER(S)		
Name(s) of property owner(s) and/or Company: K&S Rolloff Holdings, LLC Keith Kline, Vice-President		
Address (number, city, state, and zip code): 4810 W SR 45, Bloomington, IN 46184		
Email Address: kshaulingkeith@yahoo.com		Telephone #: (812) 333-0400
RESPONSIBLE PARTY(IES)		
Name(s) of property owner(s) and/or Company: Click here to enter text.		
Address (number, city, state, and zip code): Click here to enter text.		
Email Address: Click here to enter text.		Telephone #: Click here to enter text.

ACREAGE					
<input type="checkbox"/>	020	Less Than 1/4 Acre	<input checked="" type="checkbox"/>	021	Between 1/4 Acre & 1 Acre
<input type="checkbox"/>	022	Greater than 1 Acre			
SOLID WASTE OBSERVED					
<input type="checkbox"/>	001	Tires	<input type="checkbox"/>	002	PCB's
<input type="checkbox"/>	004	Asbestos	<input type="checkbox"/>	006	Construction/Demolition Waste
<input type="checkbox"/>	008	Other Waste	<input type="checkbox"/>	003	Household Waste
<input type="checkbox"/>			<input type="checkbox"/>	007	Bulky Waste
ACTIVE CONDITIONS					
<input type="checkbox"/>	015	Strong Odor	<input type="checkbox"/>	016	Waste Paper Dated Post Last Inspection
<input type="checkbox"/>	018	Putrescible Waste	<input type="checkbox"/>	019	Other Evidence of Recent Dumping
<input type="checkbox"/>	017	Vectors			
PARAMETERS OBSERVED					
<input type="checkbox"/>	009	Evidence of Burning	<input type="checkbox"/>	010	Waste in Water/Wetland
<input type="checkbox"/>	012	Residence within 600 feet of Waste	<input type="checkbox"/>	013	Access Unrestricted
<input type="checkbox"/>	011	Waste in Suspected Floodway	<input type="checkbox"/>	014	Permission Given to Dump
GENERAL INFORMATION					
<input checked="" type="checkbox"/>	023	Pictures Taken	<input checked="" type="checkbox"/>	038	Initial Inspection
<input type="checkbox"/>	039	Follow-Up Inspection			
REFERRALS					
<input type="checkbox"/>	027	Air Management	<input type="checkbox"/>	028	Emergency Response
<input type="checkbox"/>	030	Enforcement	<input type="checkbox"/>	031	Hazardous Waste
<input type="checkbox"/>	034	Co. Health Dept./Solid Waste Mgmt District	<input type="checkbox"/>	029	Water management
<input type="checkbox"/>	032	Dept. of Natural Resources			
COMPLIANCE ACTION NEEDED					
<input type="checkbox"/>	024	Remove waste to approved solid waste management facility	<input type="checkbox"/>	025	As specified below
<input checked="" type="checkbox"/>	026	No Action Needed (In Compliance)			

Comments: An anonymous complaint (TEMPO # 104334) was received that K&S Rolloffs was depositing concrete material with plastic liners attached from concrete washout dumpsters. This concrete plastic material was being pushed into a sinkhole on the property.

On 11/17/22, Solid Waste Inspector, Tim Hotz, met with Mary Beth King, Compliance Officer with the Monroe Co. Solid Waste District at the site. We found the area where a large number of rolloffs are being stored at the north end of the property. It appears as if this part of the property has been expanded over time by filling with clean fill materials. Observed today was lots of unpainted concrete, of various sizes, dumped on the west and north banks of the lot. Some of the larger pieces of concrete did have remnants of black plastic sticking out of it, probably what was used as liner material in the bed of the rolloff. In a discussion with the Vice President, Keith Klina, he stated that K&S Rolloff employees use a jackhammer to break up the large pieces of concrete and dispose of any black plastic that is released. There was no loose black plastic material observed. This area where the concrete was observed does not appear to be in a sinkhole.

Due to a de minimus amount of plastic observed embedded in the concrete, this complaint is being closed out, with no violations observed.

Confidential Information

In accordance with 329 IAC 6.1 (<http://www.in.gov/legislative/iac/T03290/A00061.PDF>) a person submitting information to the department for which confidential treatment is requested shall make a written claim of confidentiality at the time of submittal of the information. A person may request confidential treatment of information at the time the information is acquired through the actions of the department, such as inspections. The written claim for confidential treatment may be broad, but must be sufficiently clear to allow for accurate identification of the information claimed to be confidential. In accordance with 329 IAC 6.1-4-1(d), supporting information must be submitted to the commissioner within five (5) working days from the time the information claimed as confidential is acquired by the department. A person submitting a claim of confidentiality shall designate and segregate the information and the supporting information to which the claim applies in a manner that is sufficiently clear to allow the department to identify all confidential claim materials. Confidential information may include (but is not limited to) written or printed material, maps, charts, photographs, or samples (see definition of information at 329 IAC 6.1-2-8). The undersigned Owner/Representative has alleged information acquired during this inspection ☐ does ☒ does not (check one) contain confidential information. A check in the "does" box is not a written claim for confidential treatment of information acquired during this inspection.

Notice of Oral Report

In accordance with IC 13-14-5 an oral report of the inspection was provided to the undersigned Owner/Agent at the conclusion of the inspection. The oral report includes any specific matters discovered during the inspection that the IDEM representative believes may be a violation of a law or of a permit issued by the department. The report does not include matters not evident to the IDEM representative or any fact that indicates an intentional, a knowing, or a reckless violation.

Received by: Keith Klina	E-mail Address: kshaulingkeith@yahoo.com
Date Emailed by Inspector: Click here to enter a date.	<input checked="" type="checkbox"/> Needs Mailed



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

Back side of rolloff lot. Large pieces of concrete, some embedded with pieces of plastic.



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

Back side of rolloff lot. Large pieces of concrete, some embedded with pieces of plastic.



Facility Name

K&S Rolloffs, Monroe Co.

Photographer

Tim Hotz

Date/Time

11/17/22 10:30 am

Others Present

Mary Beth King

Description

Back side of rolloff lot. Large pieces of concrete, some embedded with pieces of plastic.

EXHIBIT 7: Enforcement Letter AC-22-21

MONROE COUNTY PLAN COMMISSION
and office of the
MONROE COUNTY BOARD OF ZONING APPEALS
501 N. Morton Street, Suite 224
Bloomington, IN 47404
Telephone: (812) 349-2560 / Fax: (812) 349-2967
<https://www.co.monroe.in.us/departments/structureid=13>



June 8, 2022

K & S Rolloff Holdings LLC
4810 W State Road 45
Bloomington, IN 47403

Enforcement Letter AC-22-21

The property at 4810 W State Road 45 is considered all one property and is 12.34 acres total. The property at 4810 W State Road 45 was rezoned to a PUD in 1997 (9712-PIO-02) after a failed attempt to rezone the property Heavy Industrial. The uses approved under the 1997 PUD rezone closely relate to the Light Industrial (LI) uses, with the inclusion of "Cut Stone and Stone Products" to accommodate the use at that time (3D Stone Company). In 1998, the PUD was amended to change one of the conditions on the petition. The final conditions of approval are:

1. That the petitioner submit drainage information required for the Drainage Board to the Planning Department as part of the development plan file; and
2. That no further development west of the demarcated areas of disturbance, as shown on Exhibit 3 (see below), be enabled except through the Outline Plan amendment process.



The latest site plan was approved in 2014. Since the approval of the site plan and the issuance of the Land Use Certificate, the property has expanded and filled in two areas of the property that were noted as "Sinkhole A" and "Sinkhole B" under Exhibit 3. According to our records, there were no grading permits issued. Therefore, the filling in of the two sinkholes is a violation of the PUD. As such, you are receiving an enforcement letter that requires compliance. **The required enforcement action includes:**

1. **Submission of a grading permit application that complies with Chapter 829-4 (including a geotechnical report and all other information requested by the MS4 Coordinator) by 6/30/2022.**
2. **Cease all fill activities in any sinkhole areas immediately.**

Please note that failure to comply with the required actions and deadlines in this letter may lead to a civil action being filed against you in the Monroe Circuit Court. Every day a property is not in compliance with an ordinance provision constitutes a separate violation of that provision for which a civil penalty judgment may be entered.

Sincerely,

Jackie Nester Jelen, Director

Cc: Rachel Henry, Zoning Inspector

Tammy Behrman, Assistant Director

David Schilling, Attorney

EXHIBIT 8: Petitioner Commitment Letter



To Area Planning,

K&S Rolloff, Inc is willing to make full commitment that we will not fill over 7 feet in the area as shown.


Signed, 
Keith Kline, VP

EXHIBIT 9: Aerial imagery 2010-2019



(2010 Aerial)



(2013 Aerial)



(2016 Aerial)



(2019 Aerial)



Monroe County Board of Commissioners Agenda Request Form

Date to be heard **02/28/24**

Formal ☒

Work session ☐

Department **Planning**

Title to appear on Agenda: **Ordinance 2024-06;PUO-23-8 Bloomington
Technology Park Outline Plan Amendment
7**

Vendor #

Executive Summary:

The petition site is located in Van Buren Township, Section 1 and is 3.8 acres zoned "Bloomington Technology Park - Planned Unit Development" (PUD). The petitioner, Liberty Drive Medical Office Facility LLC, is requesting to amend the Bloomington Technology Park PUD ordinance. The petitioner is represented by Todd Borgman of Smith Design Group, Inc. and James F. Bohrer of Clendening, Johnson, & Bohrer, P.C.

The petition site is currently zoned under the Bloomington Technology Park PUD to permit Light Industrial uses. The petitioner is now requesting a PUD Outline Plan Amendment to permit same list of limited Commercial uses that are currently available for other lots within the same PUD. The impetus for this rezone is due to a request to utilize the property as a hotel, which was determined to not be a permitted use under the current PUD guidelines; however, the use of a hotel is permitted on adjacent lots. The petitioner was made aware of this fact and proceeded with this filing to try to allow commercial uses (including a hotel) to be permitted on this lot.

The Planning Dept. Staff provided a positive recommendation to the Plan Commission, which then forwarded this petition to the Board of Commissioners with a positive recommendation by a vote of 7-0

Fund Name(s):

Fund Number(s):

Amount(s)

Presenter: **Drew Myers**

Speaker(s) for Zoom purposes:

Name(s)

Phone Number(s)

**Liberty Drive Medical Office Facility, LLC
(owner)
Todd Borgman (representative)**

(the speaker phone numbers will be removed from the document prior to posting)

Attorney who reviewed: **Schilling, David**

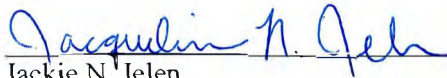
**OFFICE OF
MONROE COUNTY PLAN COMMISSION
501 N Morton Street, Suite 224
BLOOMINGTON, IN 47404**

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

C E R T I F I C A T I O N

I, Jackie N. Jelen, hereby certify that during its meeting on January 16th, 2024, the Monroe County Plan Commission considered Petition No. PUO-23-8 for a Zoning Map Amendment (Ordinance No. 2024-06) to the Monroe County Zoning Ordinance and made a positive recommendation thereon, based on the findings, conditions, and Highway Department reports, with a vote of 7-0.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).

_____

Jackie N. Jelen
Planning Director

January 24, 2024

Date

ORDINANCE NO. 2024-06

Bloomington Technology Park Outline Plan Amendment 7

The purpose of this ordinance is to amend the Bloomington Technology Park, Outline Plan.

An ordinance to amend the Monroe County Zoning Maps which were adopted December 1996.

Whereas, the Board of Commissioners of Monroe County, Indiana, passed a zoning ordinance and adopted zoning maps effective January 1997, which ordinance and maps are incorporated herein; and,

Whereas, the Monroe County Plan Commission, in accordance with all applicable laws, has considered the petition to amend said zoning maps;

Now, therefore, be it ordained by the Board of Commissioners of Monroe County, Indiana, as follows:

SECTION I.

The Monroe County Zoning Maps are amended to reclassify:

Lot 14A in Bloomington Technology Park Subdivision, Final Plat, Amendment Six, as shown by the plat thereof recorded in Plat Cabinet C, Envelope 384, in the office of the Recorder of Monroe County, Indiana.

More commonly known as 1444 S. Liberty Drive, Bloomington, IN 47403, parcel no. 53-09-01-402-017.000-015, totaling 3.8 +/- acres in Section 01 of Van Buren Township.

As a Planned Unit Development Outline Plan Amendment to permit the same uses as available to Lots 3, 4, 5, 7, 15, 16, 17, & 18 in the Bloomington Technology Park PUD.

SECTION II.

The Plan Commission voted 7-0 to forward this petition to the Monroe County Board of Commissioners with a "positive recommendation" and no conditions of approval.

SECTION III.

This ordinance shall be in full force and effect from and after its passage and adoption by the Board of Commissioners of Monroe County, Indiana.

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this ___th day of February 2024.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes

"No" Votes

Julie Thomas, President

Julie Thomas, President

Penny Githens, Vice President

Penny Githens, Vice President

Lee Jones, Commissioner

Lee Jones, Commissioner

Attest:

Brianne Gregory, Monroe County Auditor

CASE NUMBER	PUO-23-8
PLANNER	Drew Myers
PETITIONER	Liberty Drive Medical Office Facility LLC c/o Todd Borgman, Smith Design Group
REQUEST	Bloomington Technology Park PUD Outline Plan Amendment 7
ADDRESS	1444 S Liberty DR, parcel #53-09-01-402-017.000-015
ACRES	3.8
ZONE	Bloomington Technology Park PUD
TOWNSHIP/SECTION	Van Buren, 01
PLATS	Bloomington Technology Park Subdivision Final Plat Amendment 6 Lot 14A
COMP PLAN	MCUA Employment

EXHIBITS

1. Petitioner Letter – Outline Plan Amendment
2. Petitioner Site Plan
3. Ordinance 2001-37 & Original Staff Report
4. Bloomington Technology Park PUD – Open Space
5. Bloomington Technology Park Final Plat Amendment 6

RECOMMENDATION

Staff recommends forwarding a **positive** recommendation for the Planned Unit Outline Plan Amendment request based on the Findings-of-Fact and the proposals appropriateness with the Monroe County Urbanizing Area Plan (MCUA).

PUBLIC HEARING TIMELINE

- **December 14, 2023** – Plan Review Committee
- **January 16, 2024** – Plan Commission (Regular) Preliminary Hearing
 - Waiver of Final Hearing Requested
- **February 20, 2024** – Plan Commission (Regular) Final Hearing – if not waived
- **TBD** – Monroe County Board of Commissioners (Work Session)
- **TBD** – Monroe County Board of Commissioners (Formal Session)

PLAN REVIEW COMMITTEE – December 14, 2023

PRC members chose not to take a vote on a formal recommendation regarding this petition thereby forwarding it to the next Plan Commission hearing on January 16, 2024. PRC members discussed how the area is no longer serving a “Light Industrial” area, and expanding the commercial uses to reflect what is already available in other lots of this subdivision aligns with the character of the area. PRC members shared some concern regarding public notice given that nearby residential areas are just outside of the boundaries for public notice requirements.

SUMMARY

The petition site is located in Van Buren Township, Section 1 and is 3.8 acres zoned “Bloomington Technology Park - Planned Unit Development” (PUD). The petitioner, Liberty Drive Medical Office Facility LLC, is requesting to amend the Bloomington Technology Park PUD ordinance. The petitioner is represented by Todd Borgman of Smith Design Group, Inc. and James F. Bohrer of Clendening, Johnson, & Bohrer, P.C.

The petition site is currently zoned under the Bloomington Technology Park PUD to permit *Light Industrial* uses. The petitioner is now requesting a PUD Outline Plan Amendment to permit same list of limited *Commercial* uses that are currently available for other lots within the same PUD. The impetus for this rezone is due to a request to utilize the property as a hotel, which was determined to not be a permitted use under the current PUD guidelines; however, the use of a hotel is permitted on adjacent lots. The petitioner was made aware of this fact and proceeded with this filing to try to allow commercial uses (including a hotel) to be permitted on this lot.

BACKGROUND

The preliminary plat for Bloomington Technology Park was first approved by the Plan Commission on February 2, 1998, as petition #9801-SPP-01, which created 13 lots. The final plat, petition #9804-SFP-08, was approved May 5, 1998, and subsequently recorded. On June 28, 1999, the Plan Commission heard and approved a final plat amendment for this site, petition #9905-SVA-07, that reconfigured the 13 lots. This included lots 6 and 9 which are used entirely for drainage detention. Bloomington Technology Park was amended in some fashion an additional 11 times since 1999 (highlighted petition numbers that pertain to the lot in question, 14A):

- Petition #0001-SVA-03; preliminary plat amendment; approved by PC on 2/15/2000; Add Lots 13-18.
- Petition #0005-SVA-17; final plat amendment; reconfigured Lot 7, Lot 12, Lots 14-18.
- Petition #0109-SVA-19; final plat amendment; reconfigured Lot 7 and Lot 15.
- Petition #0201-SVA-02; final plat amendment; reconfigured Lot 7 and Lot 15.
- Petition #0207-SVA-14; preliminary plat amendment; approved by PC on 8/20/2002. Altered Lots 13, 16, and 17.
- Petition #0407-SVA-18; final plat amendment; reconfigured Lot 14
- Petition #0408-SVA-19; preliminary plat amendment; approved by PC on 9/21/2004; Add Lots 14a-14b.
- Petition #0409-SVA-26; final plat amendment; reconfigured Lot 14a and Lot 14b.
- Petition #0501-SVA-02; final plat amendment; reconfigured Lot 8.
- Petition #0501-SVA-03; final plat amendment; reconfigured Lot 5a and Lot 5b.
- Petition #0912-SVA-15; preliminary plat amendment approved by PC on 3/16/2010. Add Lots 10a-10b.

An Outline Plan and Rezone to PUD for Lots 2-18 to allow limited *Commercial* uses on the eastern side of Liberty Drive and all *Light Industrial* uses on the western side of Liberty Drive received approval by the County Commissioners at its meeting on June 29, 2001 (Ordinance 2001-37). When the PUD rezone for Bloomington Tech Park was approved, Liberty Drive was the point of delineation between Commercial and Light Industrial uses. Commercial uses were permitted only on the east side of Liberty Drive and Light Industrial uses were permitted on the west side.

Below is a list of outline plan amendments since the establishment of the Bloomington Technology Park PUD:

- Ordinance 2002-50 (petition #0209-PIO-02)
 - For Lot 8 (4.14 acres) to allow *Used Merchandise* operated by a *Charitable, Fraternal, or Social Organization* in addition to the Light Industrial use, *Warehousing and Distribution*.
- Ordinance 2003-07 (petition #0212-PIO-03)
 - For Lot 3 and Lot 4 (6.44 acres) to allow *Automotive Sales* use.
- Ordinance 2004-44 (petition #0407-PIO-01)
 - For Lot 14 (4.09 acres) to permit *Wireless Communications Facilities* and deviate from setback standards.
- Ordinance 2006-37 (petition #0605-PIO-01)
 - For Lot 2 (6.24 acres) to allow the same uses permitted for Lots 3, 4, 5a, 5b, 7 and 15.
- Ordinance 2007-39 (petition #0707-PIO-01)
 - For Lot 5B (1.6 acres) to allow a *Lube & Car Wash Facility* use.
- Ordinance 2012-34 (petition #1206-PIO-02)
 - For Lots 10a and 10b (6.6 acres) to add *Medical Clinic* as a permitted use.

BLOOMINGTON TECHNOLOGY PARK PUD – PERMITTED USES

LOT 1 – excluded as part of the original PUD rezone and outline plan approval.

LOTS 6 & 9 – Stormwater Detention Areas

LOTS 2, 8, 10, 11, 12, 13, & 14 – All permitted Light Industrial (LI) uses.

LOTS 3, 4, 5, 7, 15, 16, 17, & 18

Public, Semipublic and Office Facilities

- Office
- Office Showroom
- Medical Clinic
- Daycare Facility

Business and Personal Services

- Barber Service
- Beauty Service
- Coin Operated Cleaning -Laundry
- Copy Service
- Dry Cleaning and Laundry Pick-Up
- Dry Cleaning and Laundry Service
- Electrical Repair
- Employment Agency
- Equipment Repair
- Financial Service

Retail and Wholesale

- Hotel
- Insurance Agency
- Interior Decorating
- Legal Service
- Locksmith
- Motel
- Pet Services
- Photographic Service
- Real Estate Agency
- Shoe Repair
- Travel Agency
- Apparel Shop
- Appliance Sales

- Automotive Supply
- Bakery (Retail)
- Bookstore
- Building Materials (Only for Lots 7, 15, 16, 17, & 18)
- Camera and Photographic Supply
- Caterer
- Confectionary
- Convenience Store
- Drapery Sales
- Drug Store
- Florist (retail)
- Garden Center
- Gift Shop
- Grocery Store
- Handicrafts
- Hardware
- Jewelry
- Liquor Store
- Music Store
- Office Supplies
- Optical Goods
- Pet Store
- Restaurant (sit-down)
- Sporting Goods

Automotive and Transportation

- Automotive Rentals
- Automotive Tire Repair

Amusement and Recreation Services

- Indoor Theater

NOTE: Floor space limitation is 70,000 square feet for any single non-industrial use on Lots 3, 4, and 5.

HIGHWAY DEPARTMENT COMMENTS



Paul Satterly

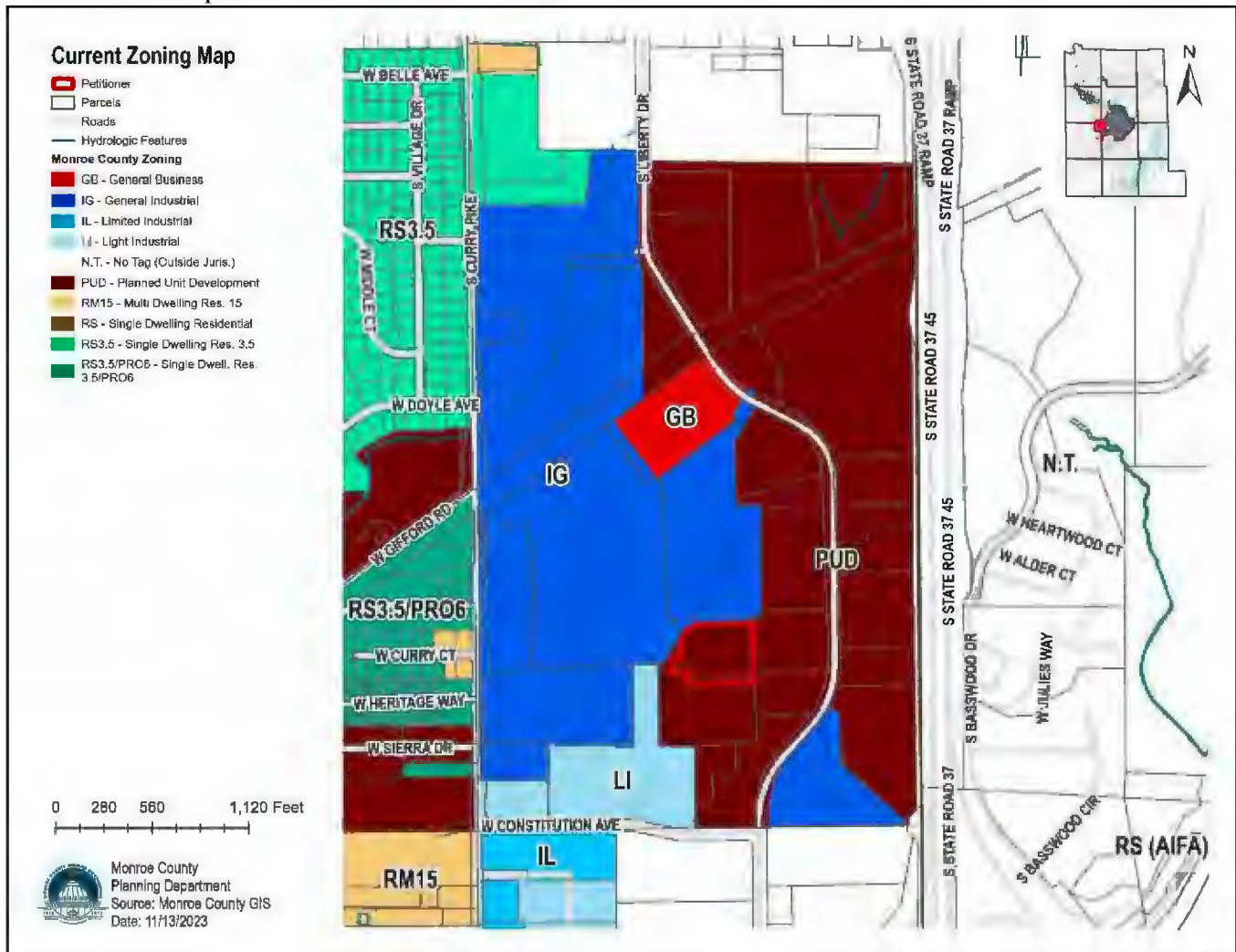
Remove Comment - Nov 13, 2023 at 1:45 pm

The Highway Engineer recommends that the driveway to the development be 30 ft. wide at the intersection with the east/west access road and that the driveway be 30 ft. wide through the horizontal curves. This will allow for two-way traffic without conflicts in the curves and at the driveway intersection.

During a Department Coordination meeting Planning Staff asked the Highway Engineer if a traffic study would be necessary. The Highway Engineer stated that he thought a traffic study is not needed.

ZONING AND ADJACENT USES

The property is zoned Bloomington Technology Park Planned Unit Development (PUD) and is listed as Lot 14a (see Exhibit 5). Adjacent properties to the east, south, and west are also zoned Bloomington Technology Park PUD. Adjacent property to the north is zoned General Industrial (IG). There are no zoning overlays on the petition site. Adjacent uses include residential to the west and southwest, vacant former quarry land to the north, and industrial and public uses to the east.

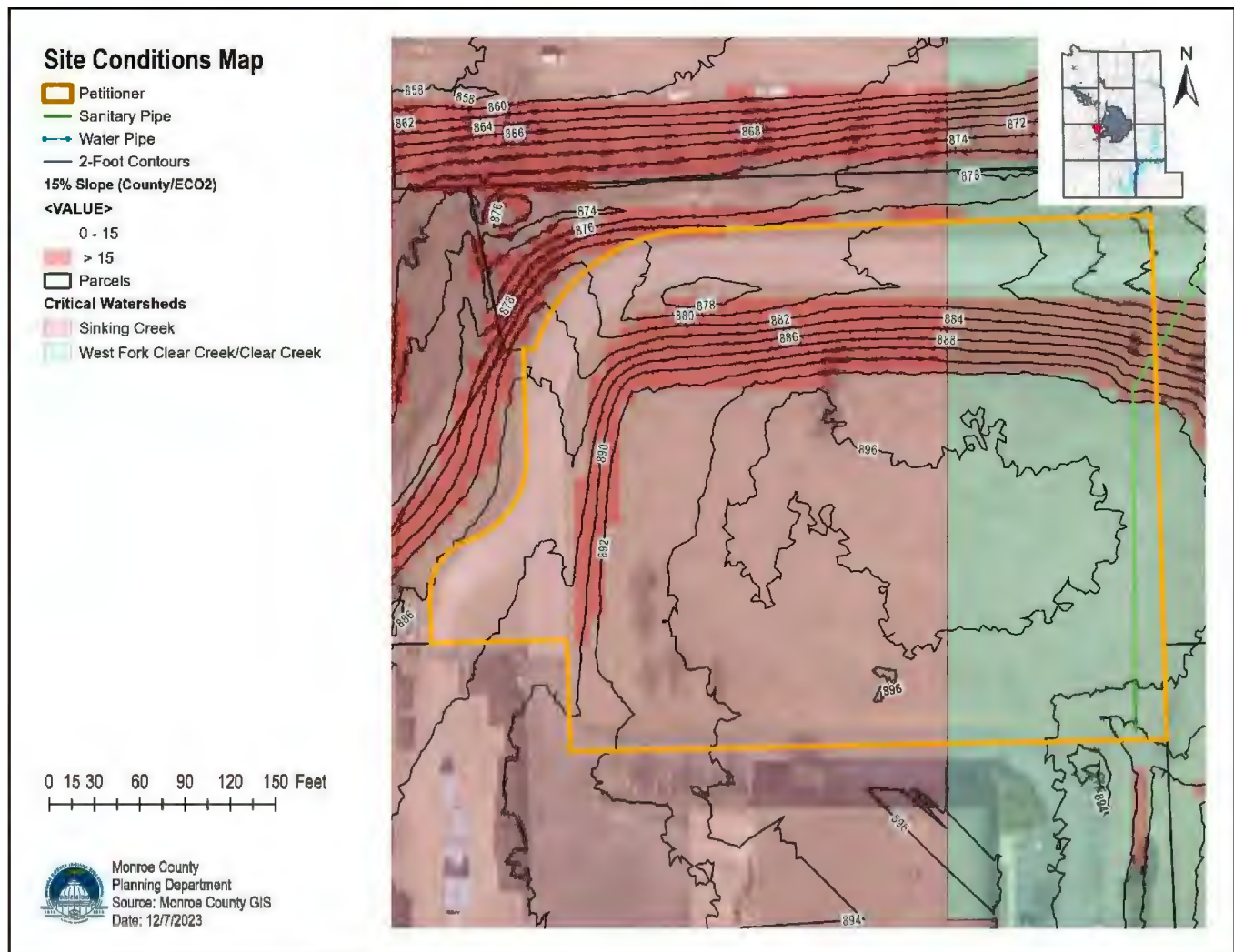


Bloomington Technology Park PUD



SITE CONDITIONS

The petition site is 3.8 +/- acres and is currently vacant. The site exhibits area designated under the Sinking Creek Critical Watershed and the West Fork/Clear Creek Critical Watershed. The site is not located in any area designated by the DNR as floodplain/floodway. The site is not located in the Environmental Constraints Overlay (ECO). The site does not appear to exhibit any karst or sinkhole features.



SITE PHOTOS



Photo 1: Petition site and adjacent business – facing southeast



Photo 2: Petition site – facing east



Photo 3: Petition site and driveway – facing northeast



Photo 4: View of driveway and beyond petition site – facing west



Photo 5: Petition site and driveway – facing north



Photo 6: Petition site and adjacent business – facing southeast



Photo 7: Petition site – facing northeast



Photo 8: Petition site – facing east



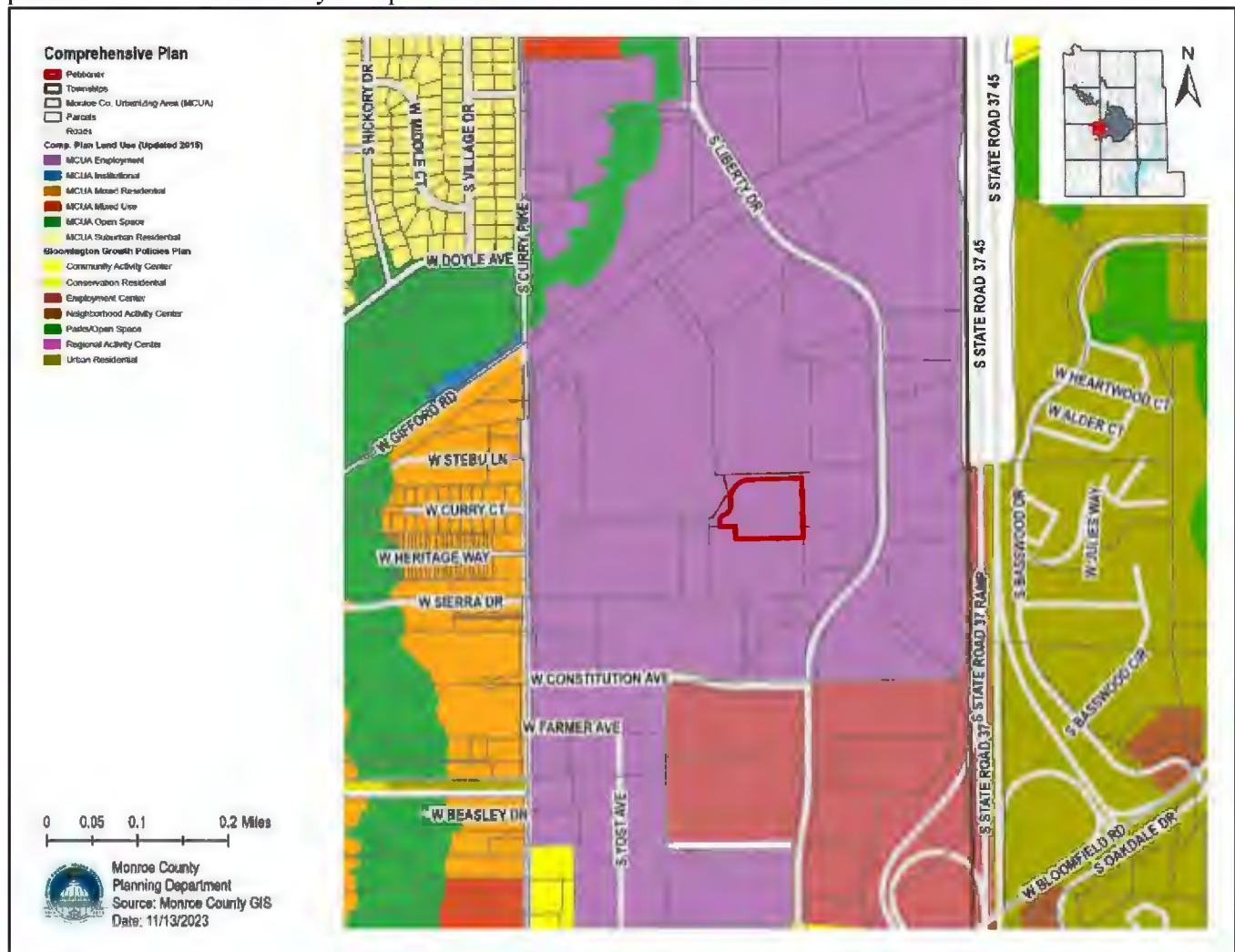
Photo 9: Driveway and adjacent business – facing south



Photo 10: Adjacent business – facing south

COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the **Employment** district on the [Monroe County Urbanizing Area Plan \(MCUA\)](#) portion of the Monroe County Comprehensive Plan.



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.

5.1.4 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.

These uses may require large, isolated sites for large-format facilities, or multiple facilities may be organized into coordinated campus-style or industrial park settings. This land use category is intended to accommodate the expansion and changing operations of a wide variety of companies and to foster a well-rounded and diverse economy as part of the Greater Bloomington area.

Special attention should be paid to vehicular access management, buffering and landscape aesthetics, building and parking orientation, and basic architectural design standards. Business support services are encouraged to be integrated into larger employment areas.

A. TRANSPORTATION

STREETS

Employment areas require special considerations in roadway design. These areas are typically accessed through arterial connections from the freeway and require accommodations for heavy truck traffic. Arterial connections may

include mixed-use corridors, and special attention must be paid to balance the needs of all travel modes while also facilitating industrial deliveries and commuter traffic flow. Arterial streets, such as Third Street, should not exceed five lanes in width (four travel lanes with center turn lane). Local and collector streets will typically be two or three-lanes (two travel lanes with center turn lane). Street connections are encouraged to help distribute traffic, but should be balanced with access management plans to maximize safety. Center medians for select arterial roadways should be considered to improve access management and corridor aesthetics.

FREIGHT

Appropriate routes for truck traffic to and from I-69 should be designated with thoroughfares designed accordingly. Major highway access points to employment areas west of I-69 will include SR-46, Third Street/SR-48, 2nd Street/SR-45, and Tapp Road. Fullerton Pike will provide access to potential employment areas to the east of I-69. A new roadway connection between That Road and South Walnut Street (Old SR-37) should be considered to open land between the highway and Clear Creek for employment uses.

BIKE, PEDESTRIAN, AND TRANSIT MODES

Commuting by automobile will likely remain the primary form of transportation to work in the larger employment centers within the Urbanizing Area. However, opportunities to expand transportation options should be provided wherever possible. Streets within employment areas should include sidewalks and/or shared-use sidepaths and encourage connections to Karst Farm Greenway and Clear Creek Trail. Opportunities to expand City of Bloomington and Rural Transit service to employment areas should also be explored.

B. UTILITIES

SEWER AND WATER

Employment-generating uses provide a fiscal benefit to the community that may warrant additional investments in and possible geographic expansion of sewer systems. Some areas designated for employment uses in the Land Use Plan are located outside of current sewer service areas, most notably the area between Clear Creek and SR 37. Additional studies should be undertaken to determine the potential for sewer expansion and necessary capital improvements to serve these areas. Additional studies and surveys may be required to determine the geographic restrictions within developable areas.

POWER

Where possible, overhead utility lines should be buried to minimize disruption during major weather events. Care should be taken to locate underground utilities in a manner that does not interfere with site development or business expansion. Opportunities to create redundant power systems with new electrical substations should be explored.

COMMUNICATIONS

State of the art communications systems should be prioritized in employment areas. Street infrastructure improvements should reserve space for burial of fiber-optic systems and/or other forms of high-speed internet and communications networks.

C. OPEN SPACE

PARK TYPES

Employment areas should provide open spaces primarily through the preservation of sensitive lands and creation of landscape buffers. Where opportunities exist, shared use path connections to the broader greenway network should be incorporated, providing a recreational amenity and alternative transportation option for employees, as well as linkages to the broader Bloomington/Monroe County system.

URBAN AGRICULTURE

Community gardens and urban agricultural systems should be encouraged in an near employment areas as a recreational and wellness opportunity for employees. However, soil suitability in existing industrial areas should be verified.

D. PUBLIC REALM ENHANCEMENTS

WAYFINDING

Regularly-located route signage for truck traffic to and from I-69 should be provided. Business and industrial parks may incorporate multi-business panel signs at gateway locations to improve wayfinding, and should use high-quality materials, be aesthetically coordinated with surrounding architecture, and include attractive landscape features.

LIGHTING

Roadways should be lighted for safety and will typically require taller poles (± 30 feet).

STREET/SITE FURNISHINGS

Street furnishings will be limited in employment districts, but may include bus stops/shelters and benches.

E. DEVELOPMENT GUIDELINES

OPEN SPACE

Open space in employment areas should be provided on-site (with the exception of significant environmental preservation areas) and determined through maximum lot coverage requirements, with 15 to 20% of a site reserved for landscaping, buffering, stormwater management and outdoor amenities for employees.

PARKING RATIOS

Parking needs will vary by business. In campus and business park settings, shared parking arrangements should be encouraged, although most businesses will require some amount of dedicated parking. Large industrial facilities, warehouses, and flex/R&D space will often have relatively low parking needs (e.g. 1 space per 2,000 square feet). Parking requirements should be based on the needs of individual businesses as opposed to mandatory minimum requirements.

SITE DESIGN

Buildings should be oriented toward the front of the lot to create a street presence, but will typically be set back from the front property line by 30 to 50 feet. Parking in front of the building should be avoided, and limited to small visitor-oriented parking lots with close access to the main entrance. Employee parking should be located to the rear or side of the building. Sufficient maneuvering aisles and loading spaces will be necessary for freight delivery. Loading docks and bays should be oriented away from public streets or screened with landscaping or architecturally integrated walls extending from the building.

BUILDING FORM

Industrial, flex and warehouse buildings should balance economic construction with basic aesthetics. Office components and main visitor entrances should be located on the front facade, be designed as distinct elements from the rest of the building, and incorporate high amounts of window transparency. Facilities may require light-controlled environments, but where possible, high windows above eye level should be incorporated, particularly along street-facing facades. Buildings will have simple forms and flat roofs. Parapets should be used to screen rooftop mechanical units.

OFFICE

- + THREE STORY
- + SMALL OFFICES
- + CORRIDOR USE
- + +/-25,000 SF TOTAL
- + +/-70 PARKING SPACES



FIGURE 5.9: EMPLOYMENT ONE ACRE SCENARIOS



INDUSTRIAL/FLEX

- + ONE STORY
- + HIGH BAY CONSTRUCTION
- + FRONT OFFICE COMPONENT
- + +/-12,000 SF TOTAL
- + PARKING AND LOADING VARIES

MATERIALS

Acceptable primary building materials include brick, stone (natural or cultured), pre-cast concrete panels, concrete masonry units, architectural metal panels, fiber-cement siding and EIFS (Exterior Insulated Finishing Systems). Smooth-faced and textured-faced metal panels are preferred, but corrugated or ribbed panels are also acceptable. Split-faced block may be acceptable if combined with other primary materials. Careful attention should be paid to how materials are installed, joined, and detailed, particularly at edges, corners and material transitions. Shadow lines, expression lines and variations in color and texture are encouraged to break up monolithic facades. Trees, shrubs and other vertical landscape elements should be incorporated along large, blank facades.

PRIVATE SIGNS

Sign designs should be coordinated with the character of the building, and may be building-mounted or ground-mounted monument signs. Pole signs should be prohibited. Monument signs should be located in landscape beds and may include exterior ground lighting. Digital and changeable copy signs are not appropriate. Sites will typically require directional signage for visitors, employees and freight delivery.

Phase II Urbanizing Area Plan:

	GATEWAY WEST	GATEWAY SOUTH	GATEWAY NORTH	WEST SIDE EMPLOYMENT	SOUTH SIDE EMPLOYMENT	AIRPORT	URBAN INFILL NEIGHBORHOOD	NEIGHBORHOOD DEVELOPMENT	CONSERVATION DEVELOPMENT	RURAL TRANSITION	QUARRY LANDSCAPE	OPEN SPACE	CIVIC
	G1	G2	G3	E1	E2	E3	N1	N2	N3	N4	QL	OS	CV
Single Family - Small Lot (Rear-Loaded)		+					+	+	+				
Single Family - Small Lot (Front-Loaded)		+					+	+	+				
Single Family - Contemporary							+	+					
Single Family - Mid-Century							+	+					
Single Family - Rural Residential									+	+			
Attached Townhome	+	+		+			+	+					
Attached Courtyard		+		+				+					
Two-Family Home (Duplex)		+					+	+	+	+			
Multi-Family	+	+		+			+	+					
Commercial	+	+	+	+	+		+	+					
Commercial Outlot	+	+	+	+	+								
Neighborhood Mixed-Use	+	+					+	+					
Mixed-Use	+	+		+			+	+					
Office Building	+	+	+	+	+		+	+					
Civic/Institutional Building		+	+				+	+					+
Flex Building - Option A	+	+	+	+	+	+							
Flex Building - Option B				+	+	+							

Building Typologies

Commercial

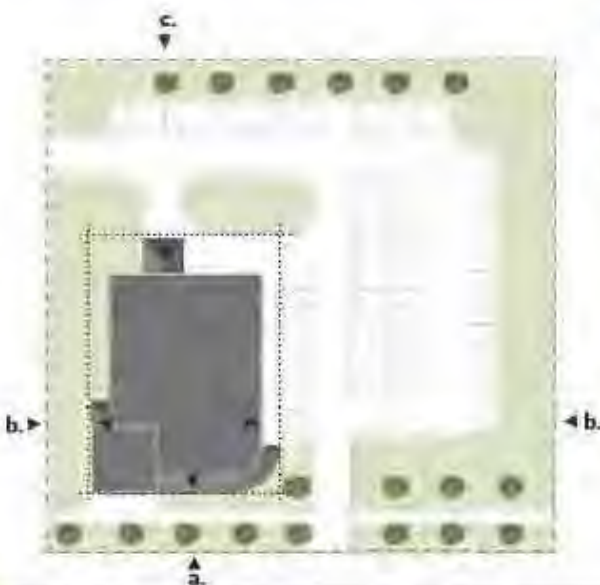
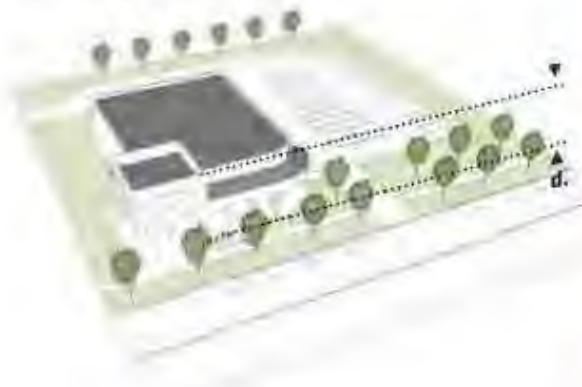
COMMERCIAL BUILDING DESCRIPTION

An individual building designed to accommodate a single commercial tenant. Parking is located to the side or rear.

BENCHMARK EXAMPLES



TYPICAL LOT CONFIGURATION



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 Comprehensive Plan designates the property as part of the Bloomington Urbanizing Area.
- The Comprehensive Plan designates the property as Employment.
- The property is zoned PUD and light industrial uses are permitted in Lot 14a.
- The petitioner is requesting to add the same uses to Lot 14a as are currently available to Lots 15, 16, 17, and 18.

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

Findings:

- 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.
- The petitioner is requesting that the uses currently available to Lots 15, 16, 17, and 18 be added to the list of permitted uses for Lot 14a on the west side of Liberty Drive within the PUD. Those uses include various commercial uses available under the “Public, Semipublic, and Office Facilities” use category, “Business and Personal Services” use category, “Automotive and Transportation” use category, “Amusement and Recreation Services” use category, and the “Retail and Wholesale” use category. See Exhibit 1.

(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:

- The Comprehensive Plan designates the property as part of the Bloomington Urbanizing Area.
- The Comprehensive Plan designates the property as Employment.
- The property is zoned PUD and light industrial uses are permitted in Lot 14a.
- Approval of the use would facilitate use of the property and extension of commercial uses to this area of Monroe County.

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

Findings:

- The petitioner is requesting that the same uses available to Lots 15, 16, 17, and 18 be added to the list of permitted uses for Lot 14a on the west side of Liberty Drive within the PUD.
- The petitioner is not requesting a physical design change to the property, at this time.
- The infrastructure of the PUD has already been built and accepted by the appropriate governing body.

(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:

- The infrastructure of the PUD has already been built and accepted by the appropriate governing body.
- The County Highway Engineer stated that a traffic study is not needed for this proposal.
- The PUD must maintain the minimum open space requirement of 25% open space per Chapter 811-3(E).

(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 (1), (2), (3), & (4).
- Adjacent properties are zoned Bloomington Technology Park PUD or General Industrial (IG).
- There are no zoning overlays on the petition site.
- Adjacent uses include commercial and industrial uses in nature.

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

Findings:

- See Findings (1), (2), (3), & (4).

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

Findings:

- The infrastructure of the PUD has already been built and accepted by the appropriate governing body.
- The County Highway Engineer stated that a traffic study is not needed for this proposal.

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

Findings:

- Drainage will be reviewed under a PUD Development Plan if this amendment is adopted.
- The area is not located within the Sinking Creek Critical Drainage Area and the West Fork Clear Creek Critical Drainage Area.



CLENDENEN
JOHNSON
& BOHRER, P.C.

James F. Bohrer

Attorney at Law

*Board Certified Indiana Trust & Estate Lawyer
by the Trust and Estate Specialty Board*

jfbohrer@lawcjb.com

October 30, 2023

Monroe County Plan Commission Members

Liberty Drive Medical Office Facility LLC ("Liberty Drive") owns Lot 14a in the Bloomington Tech Park (the "Lot") at 1444 South Liberty Drive, Bloomington, Indiana 47408. Bloomington Tech Park (the "Tech Park") was previously platted as a PUD that was approved by the Monroe County Plan Commission and County Commissioners as Ordinance 2001-37.

The Lot is currently zoned for Light Industrial (LI) uses. The Owner is requesting a PUD Outline Plan Amendment that would permit the Owner to use the Lot for the same uses currently permitted for lots 2-18 in the Tech Park. A list of the permitted uses that are currently allowed for Lots 2-18 in the Tech Park PUD is attached.

When the Tech Park was originally developed, the Tech Park was envisioned to be a location for suppliers for local westside industries. Since that time, the primary industry to be served by the Tech Park, Otis Elevator, eliminated its Bloomington operation. As a result, the Tech Park properties along Liberty Drive have primarily been developed with a mix of retail and office uses instead of the originally planned light industrial uses.

The Owner's request is consistent with the goals of the County Growth Policies plan. Amending the PUD to permit a wider range of uses for the Lot would encourage infill, conserve property values, encourage responsible growth and development and leverage the use of existing infrastructure. The amendment of the PUD would not interfere with the use of or diminish the value of adjacent properties and allowing the vacant ground to be put to productive use would add to the County's tax base and well-being. The Lot is already served by adequate infrastructure so that any development will not adversely impact traffic or utilities.

The Tech Park has its own design standards, landscape requirements and covenants that would govern any structures to be built upon the Lot to ensure all structures would be consistent with the surrounding area. The Lot is currently vacant and there are no historical or architectural resources that would be adversely impacted by development of the Lot.

404 W PATTERSON DR., SUITE 205, BLOOMINGTON, IN 47403

201 N ILLINOIS STREET, SOUTH TOWER, 16TH FLOOR, INDIANAPOLIS, IN 46204

T 812-332-1000 • F 812-332-7601
WWW.LAWCJB.COM

Monroe County Plan Commission
October 30, 2023
Page 2

The Owner's Lot has been zoned for light industrial development since 2001. The Lot has not yet been developed. Recently, the Owner has been approached by several potential buyers of the Lot but none of the interested buyers were interested in using the Lot for a light industrial use.

The PUD amendment will allow the Lot to be put to productive use in a manner that is consistent with the surrounding area, it will allow the vacant Lot to be developed and added to the tax rolls and create new jobs and existing infrastructure will be utilized without any adverse impact on the area.

We urge you to favorably consider our petition to amend the PUD that would allow us to use the Lot consistent with Lots 2-18 in the Tech Park. We appreciate your thoughtful consideration and support of this request.

Sincerely,



James F Bohrer

attachment

Monroe County Plan Commission Members
October 30, 2023
Page 3

October 30, 2023

Monroe County Plan Commission Members

PROPOSED USES: Same as Lots 2, 4, 5, 7, 15, 16, 17 & 18 in the Bloomington Technology Park PUD, Ordinance 2001-37

LOTS: 3, 4, ,5, 7, 15, 16, 17, & 18

USE CATEGORY

Public, Semipublic and Office Facilities

- Office
- Office Showroom
- Medical Clinic
- Daycare Facility

USE CATEGORY

Business and Personal Services

- Barber Service
- Beauty Service
- Coin Operated Cleaning- Laundry
- Copy Service
- Dry Cleaning and Laundry Pick-Up
- Dry Cleaning and Laundry Service
- Electrical Repair
- Employment Agency
- Equipment Repair
- Financial Service

USE CATEGORY

Automotive and Transportation

- Automotive Rentals
- Automotive Tire Repair

USE CATEGORY

Amusement and Recreation Services

- Indoor Theater

USE CATEGORY

Retail and Wholesale

- Hotel
- Insurance Agency
- Interior Decorating
- Legal Service
- Locksmith
- Motel
- Pet Services
- Photographic Service
- Real Estate Agency
- Shoe Repair
- Travel Agency
- Apparel shop
- Appliance Sales
- Automotive Supply
- Bakery (Retail)
- Bookstore
- Building Materials
- Camera and Photographic Supply
- Caterer
- Confectionary
- Convenience Store
- Drapery Sales
- Drug Store
- Florist (retail)
- Garden Center
- Gift Shop
- Grocery Store
- Handicrafts
- Hardware
- Jewelry
- Liquor Store
- Music Store
- Office Supplies
- Optical Goods
- Pet Store
- Restaurant (sit-down)
- Sporting Goods

**LOT 14A
LIBERTY DRIVE MEDICAL OFFICE FACILITY, LLC
INST 2013013710
3.80 AC±
ZONED: PUD
USE: 'VACANT'**

ZONING DATA
SOURCE: IAD BLOOMINGTON, ILLINOIS
FROM: BLOOMINGTON, ILLINOIS
DATE: 10/30/23

FLOOD NOTE
BLOOMINGTON, ILLINOIS
DATE: 10/30/23

LEGEND
EXISTING STRUCTURES
PROPOSED STRUCTURES
EXISTING UTILITIES
PROPOSED UTILITIES
EXISTING ROADS
PROPOSED ROADS
EXISTING FLOOD PLAIN
PROPOSED FLOOD PLAIN

**BLOOMINGTON TECHNOLOGY PARK LOT 14A
PUD OUTLINE PLAN AMENDMENT**

6798
1 OF 1
10/30/23
REZONE EXHIBIT

**SMITH
DESIGN
GROUP**
CREATING THE FUTURE
1000 N. WASHINGTON ST.
BLOOMINGTON, IL 61701

**LIBERTY DR.
1/4" = 40'**

JOB TITLE
REZONE EXHIBIT
1444 LIBERTY DRIVE
BLOOMINGTON, INDIANA
SEC 1-T8N-R2W

DATE	DESCRIPTION	BY	CHKD
10/30/23	10/30/23	10/30/23	10/30/23

6798
1 OF 1
10/30/23
REZONE EXHIBIT

EXHIBIT 3: Ordinance 2001-37 & Original Staff Report

PLAN COMMISSION ORDINANCE # 2001-37

For: Wininger/Stolberg Group

An ordinance to amend the Monroe County Zoning Maps which were adopted December 1996.

Whereas, the Board of Commissioners of Monroe County, Indiana, passed a zoning ordinance and adopted zoning maps effective January 1997, which ordinance and maps are incorporated herein; and,

Whereas, the Monroe County Plan Commission, in accordance with all applicable laws, has considered the petition to amend said zoning maps;

Now, therefore, be it ordained by the Board of Commissioners of Monroe County, Indiana, as follows:

SECTION I.

The Monroe County Zoning Maps are amended to reclassify:

Being a part of the East half of Section 1, Township 8 North, Range 2 West, Monroe County, Indiana, and being more particularly described as follows:

Located in Van Buren Township, Section 8, Lots 2 through 18 in the Bloomington Technology Park Subdivision, containing 70.43 ± acres located on Liberty Drive.

From General Industrial (IG) to Planned Unit Development (PUD).

SECTION II.

The indicated zoning map amendment is approved with the following conditions:

1. Lot 12 will be seeded;
2. Substantial landscaping must be installed outside of the existing gas easement located on the eastern boundary of the site adjacent to SR 37;
3. A revised outline plan shall be submitted illustrating greater demarcation of the easement and better demarcation of the greenspace in the petition site;
4. Driveway permits will be required as each lot develops;
5. There are two capital improvement projects underway that will have a major impact on traffic flow in this area; The County is in the process of completing the last segment of Liberty Drive, across the railroad tracks adjacent to the northwest corner of this site, which will complete a frontage road system along the west side of SR 37, from SR 45 to SR 48. Also, the Indiana Department of Transportation is in the process of completing a project that will interconnect all the traffic signals along West Third Street/ SR 48, inclusive of intersection channelization, which will assist with traffic movements to and from Liberty Drive.

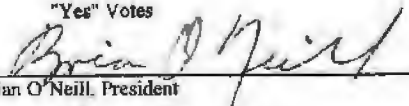
SECTION III.

This ordinance shall be in full force and effect from and after its passage and adoption by the Board of Commissioners of Monroe County, Indiana.

Passed and adopted by the Board of Commissioners of Monroe County, Indiana, this 29th day of June 2001.

BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA

"Yes" Votes


Brian O'Neill, President


Iris F. Kiesling, Vice President


Joyce Poling, Member

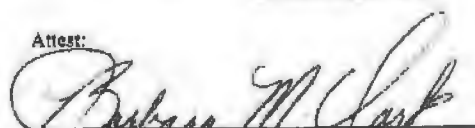
"No" Votes


Brian O'Neill, President

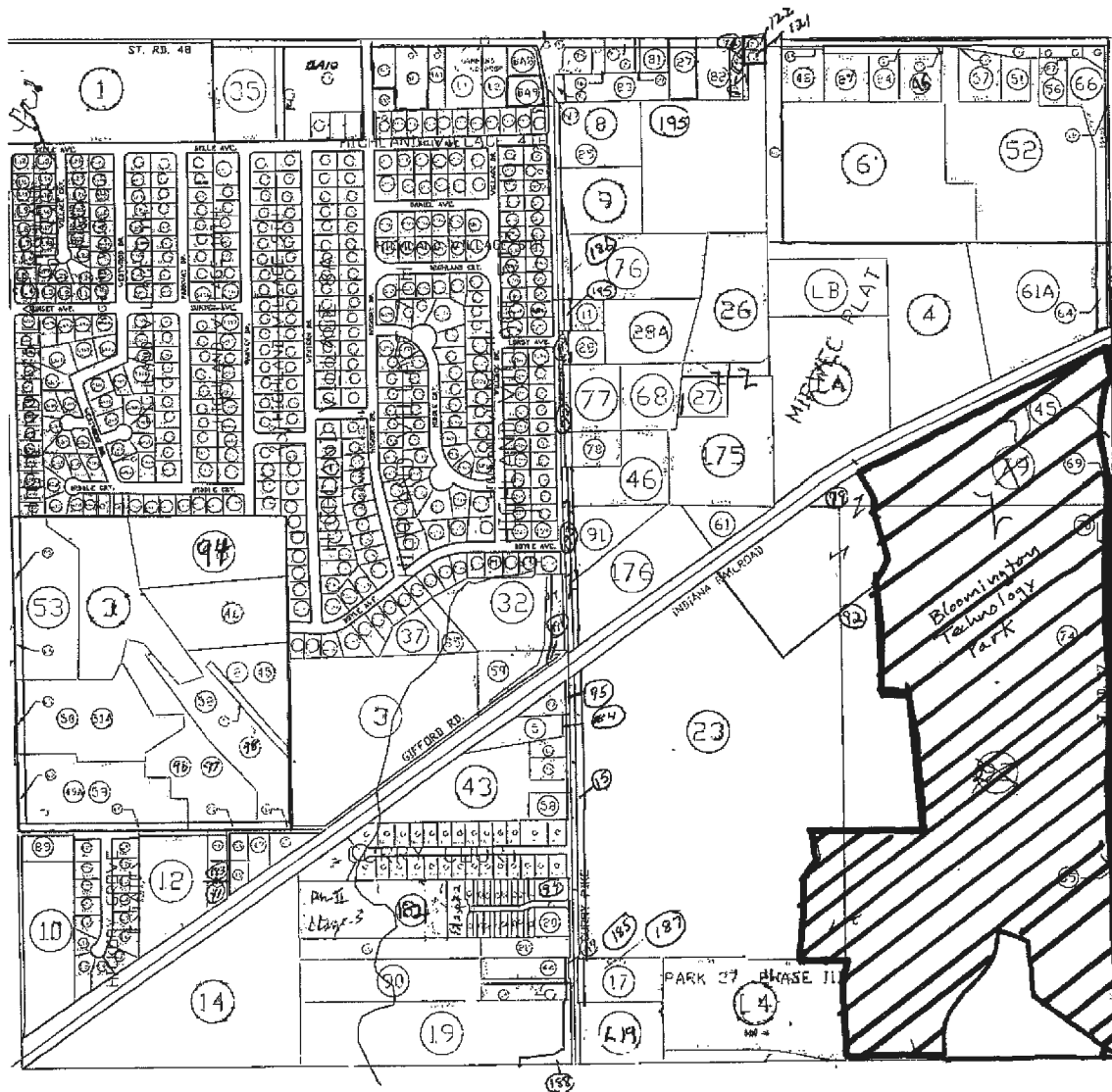

Iris F. Kiesling, Vice President


Joyce Poling, Member

Attest:


Barbara M. Clark, Monroe County Auditor

VAN BUREN
01-08N-02W
643.12 ACRES ACCORDING TO U.S. SURVEY



BEAM, LONGEST & NEF

Consulting Engineers
Indianapolis, Indiana

This Drawing is a Graphical Representation of the
Land Ownership Records on File
herein, and are Accurate within
the Limits of the Survey Documents.

MONROE COUNTY PLAN COMMISSION**JUNE 19, 2001****PLANNER: Gregg Zody****CASE NUMBER:** 0105-PIO-01**PETITIONER:** Bloomington Technology Park, LLC**REQUEST:** Outline Plan Approval and rezone to PUD to allow industrial and commercial uses.**ADDRESS:** Liberty Drive **ZONED:** IG **ACRES:** ~~76.24±~~ 70.43**TOWNSHIP:** Van Buren **SECTION:** 1 **PLAT:** Bloomington Technology Park, Lots 2-18**GROWTH POLICIES PLAN DESIGNATION:** Industrial**EXHIBITS:**

1. Location Map, 5/16/01;
2. Site Plan, 5/23/01;
3. Zoning Map, 4/6/01 ;
4. USGS Quad Map, (Bloomington Quad), 1990;
5. Bloomington Growth Policies Plan Map, 8/27/99;
6. Growth Policies Plan, Land Use Policies, 5/15/91;
7. List of Potential Uses, 5/2/01; and
8. Outline Plan Statement, 5/21/01.

RECOMMENDED MOTION

Staff recommends approval of the Rezone to PUD and Outline Plan Approval subject to the following conditions:

1. that this petition shall comply with all requirements of the Monroe County Highway Department and the Drainage Board, including all improvement surety requirements;
2. Moving the 3existing driveway entrance on Lot 1 out Lot 2's Conservation Area;
3. Lot 12 will be seeded;
4. Substantial landscaping must be installed outside of the existing gas easement located on the eastern boundary of the site adjacent to SR 37; and
5. A revised outline site plan shall be submitted illustrating greater demarcation of the gas easement and better demarcation of the greenspace in the petition site.

BACKGROUND

The preliminary plat for Bloomington Technology Park was first approved by the Plan Commission on February 2, 1998, as petition #9801-SPP-01, and included 13 lots. The final plat, petition #9804-SFP-08, was approved May 5, 1998 and subsequently recorded. On June 28, 1999, the Plan Commission heard and approved a final plat amendment for this site, petition #9905-SVA-07, which sought to reconfigure the 13 lots. The second preliminary plat amendment, petition #0001-SVA-03, subdivided Lots 7 and 12 into 5 lots for a total of 18 lots at the petition site. It was approved by the Plan Commission on

#0105-PIO-01

Bloomington Tech Park PUD

February 15, 2000. The petitioner received approval for a second final plat amendment (#0005-SVA-17), which was heard at the June 20, 2000 Plan Commission meeting.

The Comprehensive Plan Committee heard and approved (2-0) the petition at its regularly scheduled meeting on June 7, 2001 with the conditions stated in the Recommended Motions: 1) moving the existing driveway entrance on Lot 1 out Lot 2's Conservation Area; 2) Lot 12 will be seeded; 3) Substantial landscaping must be installed outside of the existing gas easement located on the eastern boundary of the site adjacent to SR 37; and 4) A revised outline site plan shall be submitted illustrating greater demarcation of the gas easement and better demarcation of the greenspace in the petition site.

SUMMARY

The petitioner is proposing a rezone and industrial outline plan approval for a 76.24 platted subdivision known as Bloomington Technology Park PUD. The petitioner seeks the PUD zoning to move the site into County Zoning and the subsequent permitted uses (Chapter 802) as opposed to the Former Fringe IG zoning. The petition proposes to rezone Lots 2-18 from the site's current Former Fringe zoning, IG (General Industrial), to a County zoning of PUD, to allow mixed commercial and industrial uses (Please see Exhibit 7 for list of proposed uses and the corresponding lots).

ADJACENT USES AND ZONING

The site is located between West State Road 48 and West State Road 45. To the north of the site (north of Lot 8) lies Tube Sales, Inc., a parts supplier to Otis Elevator. Further North is Whitehall Plaza/Crossing with commercial uses on both the north and south sides of SR 48. SR 37 borders the eastern boundary of the petition site. To the south of the petition site lies Teletron 2 Corporate Campus, (Lot 1), of Bloomington Tech Park, which is an office use and not part of this petition. Further south lies Coca-Cola Distribution, Wal-Mart and various office and commercial uses, including restaurants, and a grocery store. To the west of the site is Otis Elevator, an elevator manufacturer. On the eastern side of SR 37 are multi-family dwelling units.

The adjacent zoning includes a PUD to the north and Commercial Arterial; to the east is RM15; to the south is a PUD (Park 37) and IL; to the west is IG (Otis). To the south and west of Otis is RS 3.5, and RM 15. (Please see Exhibit 3).

OPEN SPACE/SITE CONDITIONS

The petition site is 76.24 acres and the petitioner is proposing 25 percent open space, which calculates to an aggregate of 19.06 acres of open space. Staff recommends that the majority of the open space is landscaped and placed along the eastern boundary of the petition site in order to buffer the site from SR 37, in keeping with the SR 37 Corridor Study.

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Bloomington Tech Park PUD

The site does appear to contain several karst features along the eastern boundary of the petition site and marked accordingly on the outline site plan. A karst feature also is apparent at the western boundary of the site on Lot 14. Another karst feature is apparent on Lot 2.

Sidewalks are located on the east side of Liberty Drive and will be continued with the connection of Welmer Road and Liberty Drive. Street trees are located along both sides of Liberty Drive.

CURRENT/PROPOSED USES

Of the 17 lots involved in this petition (Lots 2-18), 3 have current structures; Lot 13 contains US Filter, Lot 10 has a flexible warehouse; and Lot 11 is American Fasteners. The rest of the lots are vacant.

The petitioner submitted a preliminary list of potential uses (Exhibit 7) which staff has reviewed and tentatively approved. Lots 6 and 9 are currently used as stormwater detention facilities and will continue to serve as such. They are permitted to use these lots (Lots 6 and 9) as part of the open space requirement. Lots 2, 8, and 10-14 are proposed to be all permitted Light Industrial Uses. Lots 3, 4, 5, 7 and 15-18 are proposed to include a variety of mixed office and commercial uses, and a floor space limitation of 70,000 square feet would be imposed on any non-industrial use on Lots 3-5.

PARKING

The petitioner is requesting a modified parking standard of 2.5 spaces per 1,000 square feet of enclosed retail (or 1,000 s.f. of gross floor area) for the Building Material use located on lots 7, 14, 16, 17, and 18. The County standard is 5 spaces per 1,000 g.f.a + 1/employee. Staff supports this request as a concurrent petition sought a similar variance and received staff support.

The petitioner is also seeking a parking modification standard for the use Office, which, according to County code, requires 1.3 spaces per 1,000 g.f.a. The Petitioner wishes to increase the parking requirement to 4 spaces per 1,000 g.f.a. throughout the entire PUD where commercial uses are permitted (proposed).

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Bloomington Tech Park PUD

FINDINGS OF FACT - REZONE TO PUD
831-3 Standards for Amendments

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

(A) The Growth Policies Plan;

Findings: The subject property lies within one land use area of the Growth Policies Plan: *Industrial*. The Growth Policies Plan states the following with regard to *Industrial*,

Industrial Areas

Industrial Areas shown on the Land Use Plan Map incorporate existing or planned industrial parks and industrial facilities. Allocation of additional land for future development of industrial facilities is also shown. Areas appropriate for industrial use include large, uninterrupted tracts of level land with few environmental constraints and with excellent highway and arterial access. The land use plan, in general, accommodates expansion of existing industries such as the planned 865,000 square foot expansion of distribution facilities for Thompson Electronics.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of the facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older Industrial Areas in the core of the City. New industrial development should be directed toward the Indiana 37 Bypass and Curry Pike corridors.

As a matter of development policy, Industrial Areas should be reserved for exclusive use of industrial and employment generating enterprise. Moreover, provisions for varied industrial enterprise needs to be secured. For instance, small land parcels of five (5) acres or less need to be available to serve small manufacturing enterprises, as well, larger tracts of twenty (20) acres and more need to be available for large, single corporate users for manufacturing or distribution activities.

The airport area is a good example of special purpose Industrial. The area west of Kirby Road and south of Whitehall Pike is designed as an Industrial Planned Unit Development. As well, property owned by the Monroe County Airport, and especially the property adjacent to Kirby Road, is to be dedicated for enterprises requiring air service logistical support. Activities such as medical equipment manufactures, high value electronic component suppliers or other high value product manufacturers or distributors may require direct and convenient access to the airport. Demand for this type of special industrial space will await future expansion of airport operations and facilities. This area should not be developed for normal industrial activities which do not require air service links.

With respect to currently undeveloped tracts allocated for future industrial purposes,

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Bloomington Tech Park PUD

development should proceed under Planned Unit Development procedures. The trend in industrial development over the last two decades has been toward planned business and industrial parks. Typically, branch facilities of national or foreign owned corporations as a matter of policy seek only sites in the controlled environments of planned industrial parks which incorporate architectural, landscaping, lighting and signage controls as well as impose performance standards on outdoor storage of parts and materials, solid waste management, traffic operations and often have standards regarding air quality, toxins, noise, vibration and magnetic fields. As a matter of development policy in Bloomington, future industrial development should meet approved architectural, landscaping and environmental quality standards. Many enclaves of existing housing are encompassed by proposed industrial areas. It is imperative that industrial development plans provide an acceptable interface with these residences in terms of landscape buffering and arrangement of activities on the industrial site.

Staff supports the rezone from IG to PUD based on the Growth Policies Plan statement that:

The trend in industrial development over the last two decades has been toward planned business and industrial parks. Typically, branch facilities of national or foreign owned corporations as a matter of policy seek only sites in the controlled environments of planned industrial parks which incorporate architectural, landscaping, lighting and signage controls as well as impose performance standards on outdoor storage of parts and materials, solid waste management, traffic operations and often have standards regarding air quality, toxins, noise, vibration and magnetic fields.

According to the petitioner, there is limited, if any, demand for the vacant industrial parcels in Bloomington Tech Park. By allowing mixed uses in an area that is surrounded by predominantly commercial and industrial uses, this petition still allows the petitioner to develop at least 29.2 acres with Light Industrial uses. Taking into consideration that there are 19 acres used as open space and two lots (Lots 6 and 9) used as stormwater detention areas, this leaves approximately 20 acres for commercial and office uses.

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

Findings: Of the 17 lots involved in this petition (Lots 2-18), 3 contain structures; Lot 13 contains US Filter, a plumbing distribution center located in a 31,000 square foot flexspace facility; and Lot 11 contains American Fastener, a supplier to Otis Elevator and TruGreen, a lawn treatment company. Both are located in a 52,000 square foot flexspace facility. Lot 1 is scheduled to be Teletron 2, a 2-story corporate campus office building. The rest of the lots are currently vacant.

The site contains street trees and a sidewalk on the east side of the site. Staff recommends that the petitioner replace the dead trees along Liberty Drive.

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Bloomington Tech Park PUD

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

Findings: The most desirable use for the petition site is industrial and commercial. Commercial development is appropriate at this site because of adjacent land use patterns at SR 48 to the north and SR 45 to the south. The proposed industrial uses are currently permitted under the IG zoning, but potential LI uses would serve the intent of the . See (A) Findings, above.

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

Findings: Staff currently has no formal mechanism for evaluating impact on the values of real estate in the area, or throughout the county, as a result of development decisions made locally. The impact of commercial uses would not prove to negatively impact the neighboring property values, since the petition is reflecting current development patterns of industrial and commercial uses.

(E) Responsible development and growth.

Findings: The proposal of mixed commercial and industrial uses would prove to be responsible development and growth because the petitioner is seeking to promote infill development in an urban area with services already located on site, and the proposal offers the community a diverse choice of uses at an appropriate location surrounded by existing industrial commercial development. The proposed uses would provide services and jobs to the community. See (A) Findings, above.

PUD OUTLINE PLAN

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

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

Findings: The Growth Policies Plan, Industrial Areas, states:

Industrial Areas

Industrial Areas shown on the Land Use Plan Map incorporate existing or planned industrial parks and industrial facilities. Allocation of additional land for future development of industrial facilities is also shown. Areas appropriate for industrial use include large, uninterrupted tracts of level land with few environmental constraints and with excellent highway and arterial access. The land use plan, in general, accommodates expansion of existing industries such as the planned 865,000 square foot expansion of distribution facilities for Thompson Electronics.

Over time, it is reasonable to expect some displacement of existing industrial facilities, either because of functional and competitive obsolescence of the facilities themselves or because corporate restructuring. As facilities are displaced, facility reuse plans or site redevelopment plans should be prepared. In some cases, industrial reuse or redevelopment may not be appropriate, for example in older Industrial Areas in the core of the City. New industrial development should be directed toward the Indiana 37 Bypass and Curry Pike corridors.

As a matter of development policy, Industrial Areas should be reserved for exclusive use of industrial and employment generating enterprise. Moreover, provisions for varied industrial enterprise needs to be secured. For instance, small land parcels of five (5) acres or less need to be available to serve small manufacturing enterprises, as well, larger tracts of twenty (20) acres and more need to be available for large, single corporate users for manufacturing or distribution activities.

The airport area is a good example of special purpose industrial. The area west of Kirby Road and south of Whitehall Pike is designed as an Industrial Planned Unit Development. As well, property owned by the Monroe County Airport, and especially the property adjacent to Kirby Road, is to be dedicated for enterprises requiring air service logistical support. Activities such as medical equipment manufactures, high value electronic component suppliers or other high value product manufacturers or distributors may require direct and convenient access to the airport. Demand for this type of special industrial space will await future expansion of airport operations and facilities. This area should not be developed for normal industrial activities which do not require air service links.

With respect to currently undeveloped tracts allocated for future industrial purposes, development should proceed under Planned Unit Development procedures. The trend in industrial development over the last two decades has been toward planned business and

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Bloomington Tech Park PUD

industrial parks. Typically, branch facilities of national or foreign owned corporations as a matter of policy seek only sites in the controlled environments of planned industrial parks which incorporate architectural, landscaping, lighting and signage controls as well as impose performance standards on outdoor storage of parts and materials, solid waste management, traffic operations and often have standards regarding air quality, toxins, noise, vibration and magnetic fields. As a matter of development policy in Bloomington, future industrial development should meet approved architectural, landscaping and environmental quality standards. Many enclaves of existing housing are encompassed by proposed industrial areas. It is imperative that industrial development plans provide an acceptable interface with these residences in terms of landscape buffering and arrangement of activities on the industrial site.

Staff supports the rezone from IG to PUD based on the Growth Policies Plan statement that:

The trend in industrial development over the last two decades has been toward planned business and industrial parks. Typically, branch facilities of national or foreign owned corporations as a matter of policy seek only sites in the controlled environments of planned industrial parks which incorporate architectural, landscaping, lighting and signage controls as well as impose performance standards on outdoor storage of parts and materials, solid waste management, traffic operations and often have standards regarding air quality, toxins, noise, vibration and magnetic fields.

According to the petitioner, there is limited, if any, demand for the vacant industrial parcels in Bloomington Tech Park. By allowing mixed uses in an area that is surrounded by predominantly commercial and industrial uses, this petition still allows the petitioner to develop at least 29.2 acres with Light Industrial uses. Taking into consideration that there are 19 acres used as open space and two lots (Lots 6 and 9) used as stormwater detention areas, this leaves approximately 20 acres for commercial and office uses.

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

Findings: The petition only departs from the zoning regulations in that the petitioner is requesting mixed commercial and industrial uses in a General Industrial zoning district.

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

Findings: The PUD will comply with all requirements of the Subdivision Control Ordinance, Zoning Ordinance, and the basic recommendations of the *Growth Policies Plan*.

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

Findings: The physical design does provide for and protect open space, furthers the amenities of light, air, recreation and visual enjoyment by maintaining 25 percent open space primarily on Lots 6 and 9 and along the SR 37 corridor as recommended by staff. The extent to which it provides for adequate vehicular control is supported by the traffic counts provided by the petitioner and improvements made jointly to Liberty Drive by the petitioner and public monies. Sidewalks are located on the eastern side of Liberty Drive as well as street trees being located on both sides of Liberty Drive.

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

Findings: The development would prove to be compatible with the adjacent uses as they commercial and industrial which is what the petition proposes. In general, mixed commercial uses would be on the eastern side of the petition site and light industrial uses would be located on the western side.

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

Findings: This project will result in a positive impact on the County's economic well-being as it promotes a variety of commercial uses and light industrial uses which translate into economic opportunity for the County workforce.

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

Findings: The proposal will not cause undue traffic congestion as staff has required a traffic analysis be completed and submitted to staff for analysis and evaluation. The petitioner is working with County Highway to extend Liberty Drive to Welmer Drive making a complete frontage road connecting to both SR 45 and SR 48.

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

Findings: The proposal is providing nearly 20 acres of open space located on Lots 6 and 9, and along the SR 37 corridor as recommended by the BEDC SR 37

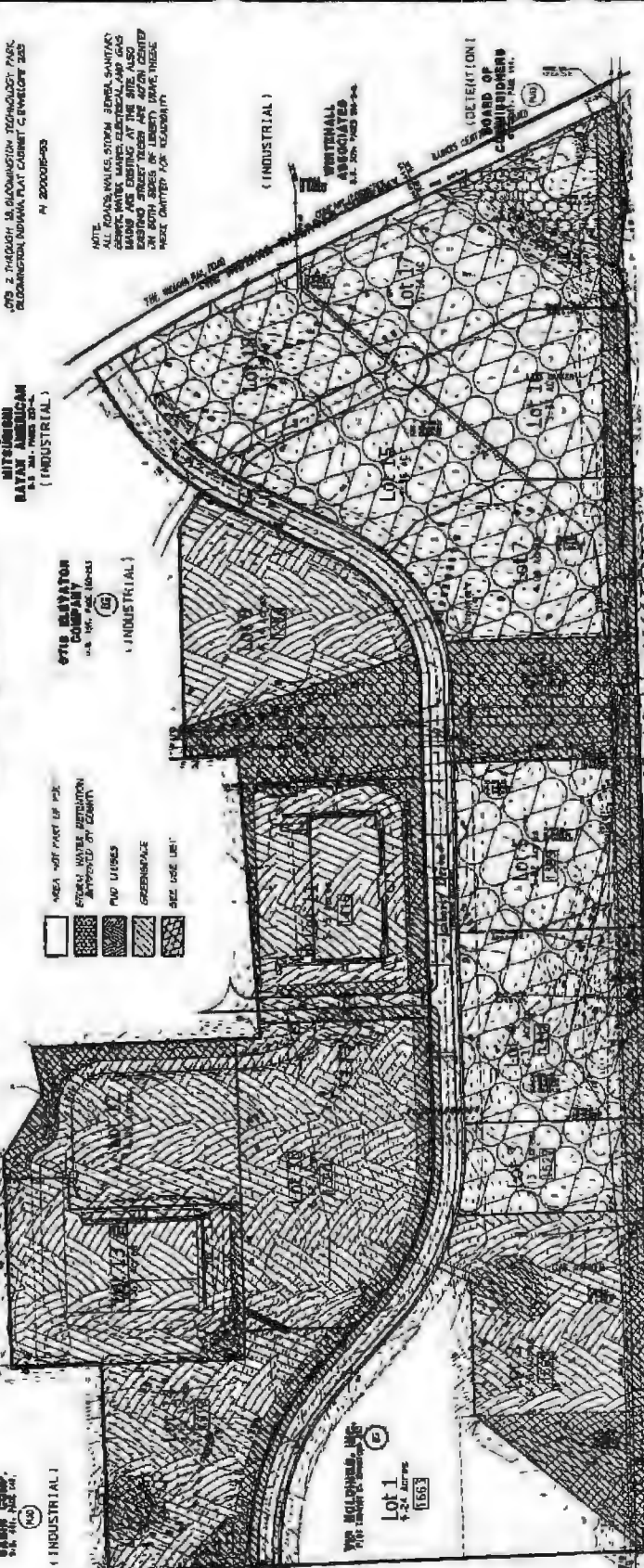
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Bloomington Tech Park PUD

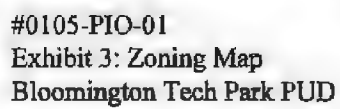
Corridor Study. The total open space for the site is nearly 20 acres. Staff recommended that the petitioner that the open space adjacent to SR 37 be landscaped to provide a "green" buffer and promote a greenscaped corridor.

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

Findings: The proposed development provides an effective treatment of the development possibilities for this particular site because the petitioner is providing commercial uses that would serve the community while providing job opportunities for the County workforce with light industrial uses.

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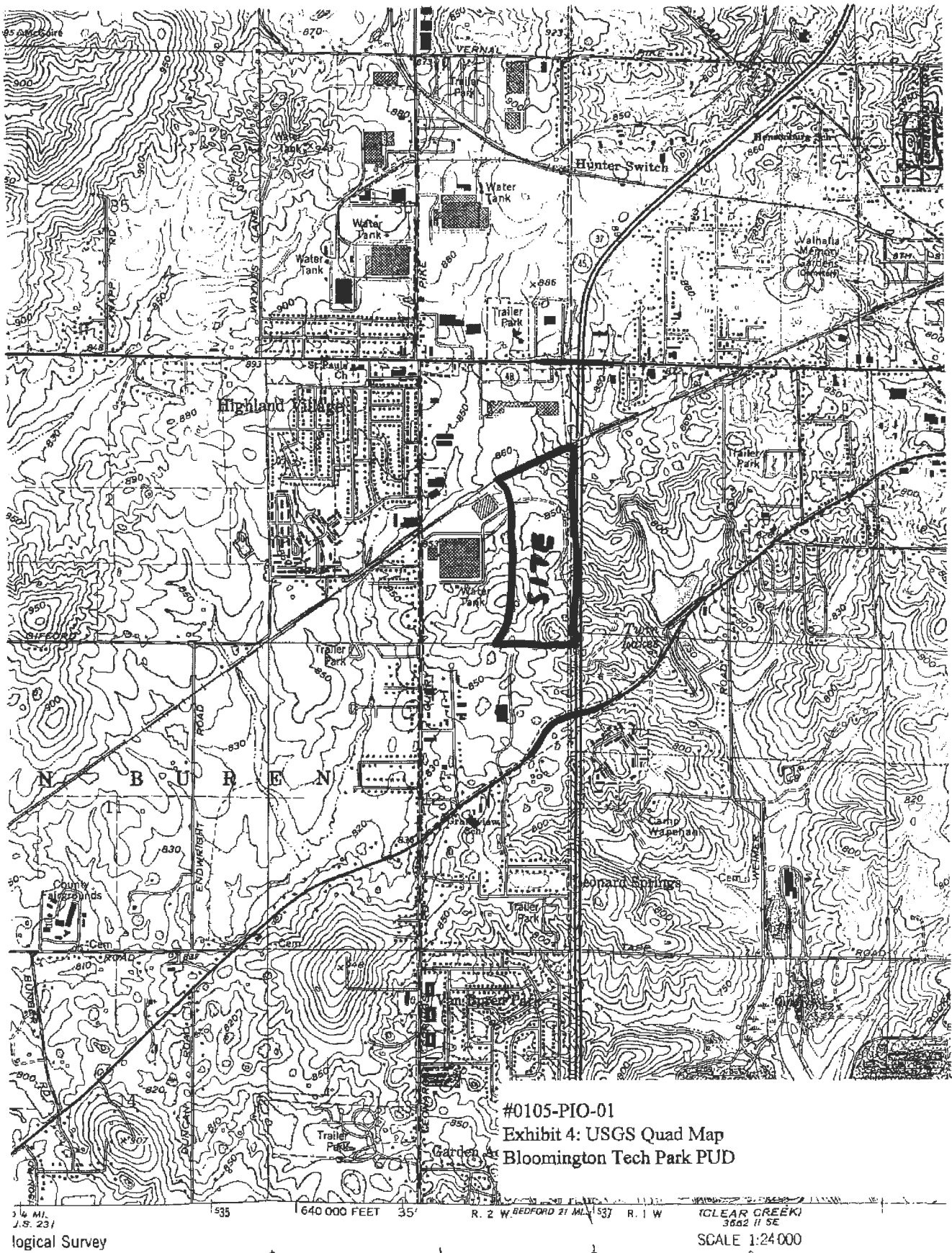




Monroe County
Planning Department



Scale: 1" = 1000'



3 1/4 MI.
J.S. 231

logical Survey

1635

1640000 FEET 35°

R. 2 W. BEDFORD 21 MI. 1537 R. 1 W

1640000 FEET 35°

SCALE 1:24000

Industrial Areas

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With respect to currently undeveloped tracts allocated for future industrial purposes, development should proceed under Planned Unit Development procedures. The trend in industrial development over the last two decades has been toward planned business and industrial parks. Typically, branch facilities of national or foreign owned corporations as a matter of policy seek only sites in the controlled environments of planned industrial parks which incorporate architectural, landscaping, lighting and signage controls as well as impose performance standards on outdoor storage of parts and materials, solid waste management, traffic operations and often have standards regarding air quality, toxins, noise, vibration and magnetic fields. As a matter of development policy in Bloomington, future industrial development should meet approved architectural, landscaping and environmental quality standards. Many enclaves of existing housing are encompassed by proposed industrial areas. It is imperative that industrial development plans provide an acceptable interface with these residences in terms of landscape buffering and arrangement of activities on the industrial site.

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Exhibit 6: Growth Policies Plan Land Use Policies
Bloomington Tech Park PUD

MONROE COUNTY PLANNING DEPARTMENT
and the offices of
MONROE COUNTY PLAN COMMISSION
BOARD OF ZONING APPEALS

Courthouse Room 306, Bloomington, IN 47404

Telephone: 812/349-2560 Facsimile: 812/349-2967

MEMORANDUM (Amended 5/2/01)

TO: Eric Stolberg
FROM: Gregg Zody, Interim Assistant Director
SUBJECT: Proposed Land Use Activities fro BloomingtonTech Park
DATE: May 2, 2001

As always, it was a pleasure meeting with you. The following is a summary of our meeting this morning, May 1, 2001 regarding the proposed Planned Unit Development rezone and outline plan for Bloomington Technology Park.

LOT 1 is excluded as part of the PUD rezone and outline plan approval

LOTS 6 & 9 are to be utilized as Stormwater Detention Areas

LOTS 2, 8, 10, 11, 12,13, & 14 - All permitted Light Industrial uses

LOTS: 3, 4, ,5, 7, 15, 16, 17, & 18

LOT 7 might be subdivided into 7a and 7b. 7a would not exceed 2 acres.

USE CATEGORY

Public, Semipublic and Office Facilities

- Office
- Office Showroom
- Medical Clinic
- Daycare Facility

USE CATEGORY

Business and Personal Services

- Barber Service
- Beauty Service
- Coin Operated Cleaning- Laundry
- Copy Service
- Dry Cleaning and Laundry Pick-Up
- Dry Cleaning and Laundry Service
- Electrical Repair
- Employment Agency
- Equipment Repair
- Financial Service

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Exhibit 7: List of Potential Uses
Bloomington Tech Park PUD

USE CATEGORY**Retail and Wholesale**

- Hotel
- Insurance Agency
- Interior Decorating
- Legal Service
- Locksmith
- Motel
- Pet Services
- Photographic Service
- Real Estate Agency
- Shoe Repair
- Travel Agency
- Apparel shop
- Appliance Sales
- Automotive Supply
- Bakery (Retail)
- Bookstore
- Building Materials (Only for Lots 7, 15, 16, 17, & 18)
- Camera and Photographic Supply
- Caterer
- Confectionary
- Convenience Store
- Drapery Sales
- Drug Store
- Florist (retail)
- Garden Center
- Gift Shop
- Grocery Store
- Handicrafts
- Hardware
- Jewelry
- Liquor Store
- Music Store
- Office Supplies
- Optical Goods
- Pet Store
- Restaurant (sit-down)
- Sporting Goods

USE CATEGORY**Automotive and Transportation**

- Automotive Rentals
- Automotive Tire Repair

USE CATEGORY**Amusement and Recreation Services**

- Indoor Theater

NOTE: Floor space limitation is 70,000 square feet for any single non-industrial use on Lots 3, 4, and 5.



May 21, 2001

Dear Plan Commissioners:

Bloomington Technology Park, LLC ("BTP, LLC") is requesting a PUD overlay for Bloomington Technology Park ("BTP"). BTP is presently zoned IG - General Industrial under the "former fringe" portion of the County Zoning Ordinance, chapter 833. This hybrid zoning was a result of the City of Bloomington's insistence that its regulations apply to the former fringe until the County adopted a growth policies plan and brought these areas back under the "regular" County Zoning ordinance and classifications. It has long been a stated goal of Monroe County to rezone and bring the former fringe into regular County zoning classifications in this manner and BTP presents an excellent opportunity to take the first significant step in that direction. All of the land proposed for the PUD designation is owned by BTP, LLC and the principals of Winger/Stolberg Group.

In 1997, Winger-Stolberg Group through BTP, LLC started development of BTP on land acquired from Otis Elevator. Originally, BTP was envisioned to be a location for suppliers to Otis Elevator for just in time delivery. Subsequently, Otis has downsized and changes in the market have virtually eliminated demand from Otis suppliers for this development.

We have made an effort to jumpstart the project by building two flex warehouse buildings of 31,000 and 52,000 square feet, respectively. To date, only one Otis supplier has been secured as a tenant in the larger building. Lot 1 at the south end of BTP between 37 and Liberty was sold to Teletron for their last expansion.

Despite intense marketing efforts for BTP, light industrial users have not located in BTP. This can largely be attributed to market factors. These include an abundant supply of industrially zoned land, other available buildings, including Otis plant #4 adjacent to BTP with 102,000 square feet, the Indiana Enterprise Center (former Thompson plant) with 2 million square feet of warehouse and manufacturing space and 200 acres of industrially zoned land, the former ABB plant, Columbia Records, and others.

We are requesting a Planned Unit Development overlay on all of the lots in BTP except for Lot #1 (previously sold to Teletron). The PUD will include a combination of Limited Industrial (LI) and specified other uses as shown on the attached use chart. Lots 2, 8, 10, 11, 12, 13 and 14 consisting of approximately 36 acres will be zoned LI. Lots 6 and 9 totaling 5.23 acres are set aside for storm water detention. The remaining lots 3, 4, 5, 7, 15, 16, 17 and 18 (approximately 35.5 acres) will be zoned to allow the limited list of public, semi-public and office facilities, business and personal services, retail and wholesale, automotive and transportation, amusement and recreational uses shown on the attached chart. No single non-industrial use on lots 3, 4 or 5 will be permitted to exceed 70,000 square feet of enclosed space.

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Exhibit 8: Outline Plan Statement
Bloomington Tech Park PUD

501 Woodcrest Drive
Bloomington, IN 47401
812/332-9414
Fax 812/332-0261
Winger-Stolberg Group

Winger/Stolberg Group

Since the stated policy of a PUD is to promote flexibility in development standards, we are requesting that the minimum parking requirement within this PUD be 2.5 spaces per 1,000 square feet of enclosed space for the use category of Building Materials on lots 7, 14, 16 and 17 and 18. For use category Office we ask that the minimum parking requirement be 4 spaces per 1,000 square feet throughout the entire PUD.

This modified parking requirement for Building Materials is justified because of the nature of the business. The items sold are often large and bulky and require more display space than the other uses in the Retail and Wholesale trade list requested for this PUD. Thus, a building materials business requires substantially more square footage per number of distinct items for sale.

The Building Materials business also does not experience the typical Christmas rush of customers from late November through December as do other retail uses, therefore their peak parking needs are not as great. Uses similar to Building Materials, such as Garden Center and Tractor Supply have lower parking requirements of 2.5 and 2.0 spaces per acre, respectively. This variation from the standard code requirements is in keeping with the objective of the PUD to promote green space and open space on the site and to promote landscaping in the parking areas.

The requested change in parking requirements for the Office use category flows from our considerable experience in office development. We have consistently found that office uses require more parking than is currently required by the code (1.3 spaces per 1,000 square feet). This change to 4 spaces per 1,000 square feet will preclude development of office buildings that lack adequate parking in BTP. These modifications from code standards for the BTP PUD will encourage the type and quality of development desired in BTP.

This PUD overlay for BTP is consistent with and supports goals of the County Growth Policies Plan and the recently adopted S.R. 37 Corridor Plan. This PUD will encourage infill, mixed use development in a strategic location with opportunities for employment centers supported by business and personal services. It will permit and encourage higher intensity uses in an area that already contains that type of development and the infrastructure to support it, also a significant planning goal. Covenants and restrictions are already in place at BTP that specify design standards, landscaping requirements and building appearance.

The most significant change affecting BTP is the construction of a frontage road along S.R. 37 in the form of Liberty Drive and Welmir Road. The completion of this road will result in a new, and complete, frontage road from S.R. 45 through to S.R. 48. Both intersections are signalized and the interchanges at S.R. 37 and highways 45 and 48 insure that these connections will remain regardless of any future upgrade or change to the status of S.R. 37. The Liberty Drive Welmir connection is scheduled to be completed this summer by the Monroe County Highway Department.

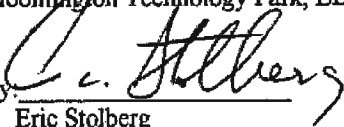
Since 1997, the 37 corridor both north and south of BTP has changed considerably with the addition of substantially more intense uses shown in the attached aerial photos. A comprehensive look at this area reveals a consistent development pattern. East of and adjacent to 37 there has been significant development of multifamily residential and some personal and business services. On the west side of the highway, the frontage has been developed almost exclusively with retail and personal service uses. The pattern begins with Wal-Mart and Sam's Club and continues north with Steak and Shake restaurant, Bloomfield State Bank, Aldi's and service oriented business such as a gym and hair salon in the buildings south of Teletron. Next in line is BTP which is bounded on the north by the Indiana Railroad, Cook Imaging, Mirwec and Whitehall Plaza Shopping Center anchored by K-Mart. Further north across 3rd Street is Whitehall Crossing retail center anchored by Lowes, Kohl's and others. This shopping center is substantially built out.

West of Liberty the 37 corridor takes on a light industrial and manufacturing character, with uses like Crider & Crider, the Dunn/PIC business park, Otis Elevator, Sabin, the industrial park west of Whitehall Plaza, the former ABB plant site and Bloomington Industrial Park.

With the excellent access created by the frontage road of Liberty Drive, BTP will now have the opportunity to create more flexible mixed use development space in this location. This is a unique opportunity to use the PUD regulations to encourage the infill development of BTP consistent with existing patterns and trends and the community goals. This parcel is the only substantial piece of open land in this segment of the corridor that already has the infrastructure in place for the types of uses proposed. It makes sense from the standpoint of effective and efficient land use planning to continue the land use pattern that has developed over this 3 to 4 mile stretch of the 37 corridor by adopting the PUD we are requesting.

Thank you for your consideration of this petition.

Bloomington Technology Park, LLC

By: 
Eric Stolberg

RECEIVED

MAY 03 2001



MONROE COUNTY PLANNING

Monroe County Commissioners
Attn: Brian O'Neill, President
Courthouse, Room 322
Bloomington, IN. 47404

RE: Liberty Drive Road Extension

Dear Brian:

Bloomington Technology Park, LLC is filing an application with the Monroe County Planning Department requesting a rezone of the Bloomington Technology Park from IG to a PUD.

BTP is presently zoned IG-General Industrial under the "former fringe" portion of the County Zoning Ordinance, Chapter 833. This hybrid zoning was a result of the City of Bloomington's insistence that it's regulations apply to the former fringe until the County adopted a zoning policy plan and brought these areas back under the regular County Zoning Ordinance and Classifications.

It has long been a stated goal of Monroe County to rezone and bring the former fringe into regular County Zoning classifications in this matter. We believe BTP presents an excellent opportunity to take this first significant step in that direction.

While working with County Planning staff and others regarding the various uses proposed as a part of the BTP/PUD, we looked at the impact on the Liberty Road extension from BTP to State Rd 48 via Welmir and determined that our proposed uses and well as those to the south of us will increase traffic along the new frontage road.

While the State Road 37 Corridor Plan provides for frontage roads to carry increased traffic rather than this traffic utilizing the highway, we beleive it is in the best interest of our project and the community that we contribute a portion of the cost of this road extension.

Provided that the proposed PUD is adopted, please consider this letter as our agreement to reimburse the County upon the closing of a lot in BTP as follows:

<u>Lot</u>	<u>Acreage</u>	<u>Road Reimbrsement</u>	<u>Total</u>
1	Excluded	(sold to 3 rd party)	
2	6.36 acres	\$5,000/per acre	\$31,800
3	2.13 acres	\$5,000/per acre	\$10,650
4	4.31 acres	\$5,000/per acre	\$21,550
5	3.82 acres	\$5,000/per acre	\$19,100

501 Woodscrest Drive
Bloomington, IN 47401
812/332-9414
Fax 812/332-0261
4/1/01

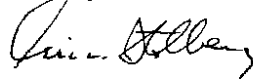
Wininger/Stolberg Group

Page Two

<u>Lot</u>	<u>Acreage</u>	<u>Road Reimbursement</u>	<u>Total</u>
6	Excluded	(storm water detention area)	
7	4.00 acres	\$5,000/per acre	\$20,000
8	4.14 acres	\$5,000/per acre	\$20,700
9	Excluded	(storm water detention area)	
10	6.62 acres	\$5,000/per acre	\$33,100
11	Excluded	(sold to 3 rd party)	
12	Excluded	(sold to 3 rd party)	
13	4.57 acres	\$5,000/per acre	\$22,850
14	4.09 acres	\$5,000/per acre	\$20,450
15	3.24 acres	\$5,000/per acre	\$16,200
16	3.38 acres	\$5,000/per acre	\$16,900
17	5.81 acres	\$5,000/per acre	\$29,050
18	3.61 acres	\$5,000/per acre	\$18,050
TOTAL:		61.23 ACRES	\$306,150

Should you have any questions regarding this proposal please give me a call at 332-9414.
Thank you.

Cordially yours,
Bloomington Technology Park, LLC



Eric C. Stolberg
Managing Partner

ECS: ta

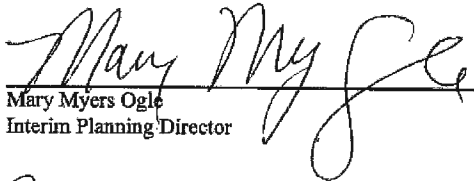
OFFICE OF
MONROE COUNTY PLAN COMMISSION
COURTHOUSE - ROOM 306
BLOOMINGTON, IN 47404

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

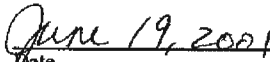
CERTIFICATION

I, Mary Myers Ogle, hereby certify that during its meeting on June 19, 2001, the Monroe County Plan Commission considered petition #0105-PIO-01 for an amendment (Ordinance #2001-37) to the Monroe County Zoning Map and made a recommendation to approve thereon, based on the findings, with a vote of 9-0.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).

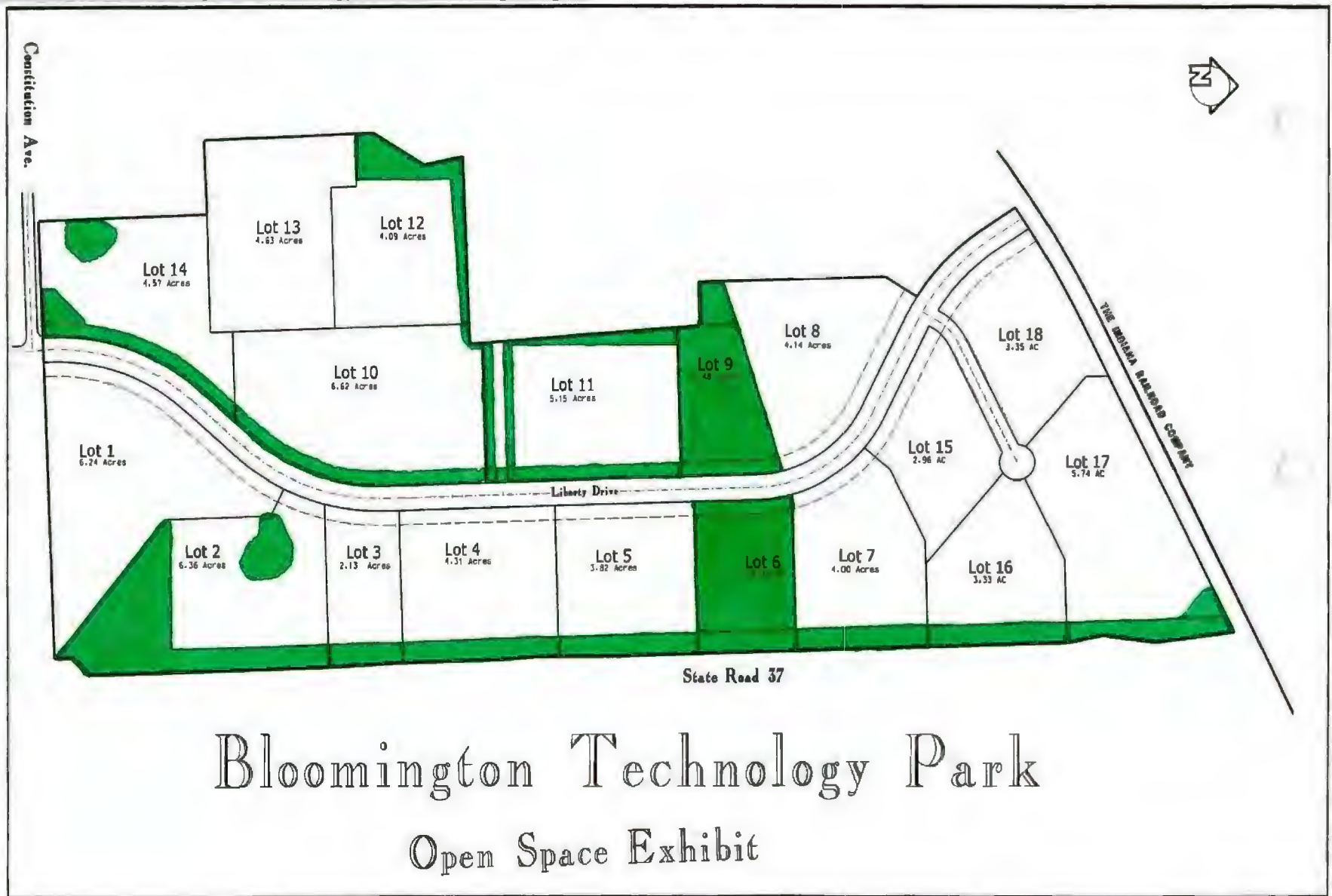


Mary Myers Ogle
Interim Planning Director



Date

EXHIBIT 4: Bloomington Technology Park PUD – Open Space



CAB "C" ENW 384

