

MONROE COUNTY PLAN COMMISSION MEETING



**Tuesday, August 15, 2023
5:30 PM**

Hybrid Meeting

In-person

Monroe County Courthouse
Nat U. Hill III Meeting Room
100 W Kirkwood Ave
Bloomington, Indiana

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/85209056517?pwd=Ky9XcnZNSXQyNWtweFJkcitPUm5adz09>

If calling into the Zoom meeting, dial: 312-626-6799
Meeting ID: 852 0905 6517
Password: 341668

**MONROE COUNTY PLAN COMMISSION
AGENDA**

The Monroe County Plan Commission will hold a **hybrid** public meeting on Tuesday, **August 15, 2023 at 5:30 PM** in the Judge Nat U. Hill III Meeting Room, 100 West Kirkwood Avenue, Bloomington, Indiana or via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>). The public may attend and provide comments via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>) or in-person. For information about the Zoom meeting, you may call (812) 349-2560 or email (PlanningOffice@co.monroe.in.us) our office. For information about the Zoom meeting, you may call (812)349-2560 or email (PlanningOffice@co.monroe.in.us) our office. We will be taking public comment at each public hearing and consider the following agenda items and requests regarding the following described properties in Monroe County, Ind.:

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES May 16, 2023

ADMINISTRATIVE BUSINESS:

1. Discussion with the Highway Department regarding Driveways and Subdivisions

2. SIA-23-1 Brenda Baugh Minor Subdivision PAGE 4

Subdivision Improvement Agreement

Two (2) parcels on 2.16 +/- acres in Section 04 of Bloomington Township at 6419 N Charlie Taylor LN and 6427 N Charlie Taylor LN, Parcel #: 53-05-04-200-034.000-004 and 53-05-04-200-034.002-004.

Owner: Baugh, Brenda and Thompson, Mark & Elizabeth

Zoned LB. Contact: drbrown@co.monroe.in.us

3. Fee Schedule for Reconstruction due to Damage PAGE 14

4. CDO Work Session (Page 5 of PC Admin packet:

https://www.co.monroe.in.us/egov/documents/1690403851_36032.pdf)

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1. SMN-23-3 Stinesville School & Fire Department Minor Subdivision PAGE 16

Right-of-Way Width Waiver Requested. Buried Utility Waiver Requested.

Sidewalk Waiver Requested. Street Tree Waiver Requested.

Preliminary Hearing. Waiver of Final Hearing Requested.

Two (2) parcels on 4.14 +/- acres in Section 16 of Bean Blossom Township at 7951 W Main ST, Parcel #: 53-03-16-300-001.000-001; 53-03-16-300-003.000-001; 53-03-16-300-006.000-001; 53-03-16-300-017.000-001; 53-03-16-300-021.000-001.

Owner: Town of Stinesville, c/o Darla Brown

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

REPORTS:

1. Planning: Jackie Jelen
2. County Attorney: David Schilling

Said hearing will be held in accordance with the provisions of: IC 36-7-4-100 et seq.; & the County Code, Zoning Ordinance, and the Rules of the Plan Commission of Monroe County, Ind. All persons affected by said proposals may be heard at this time, and the hearing may be continued as necessary.

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 Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, apurdie@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 Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.

MONROE COUNTY PLAN COMMISSION**August 15, 2023**

PLANNER	Daniel Brown
CASE NUMBER	SIA-23-1 (1505-SFP-20)
PETITIONER	Brenda Baugh and Elizabeth Taylor (owner) Elizabeth Taylor (applicant)
ADDRESS	6427 N Charlie Taylor LN, parcel no. 53-05-04-200-034.002-004
REQUEST	Financial Guaranty for Subdivision Release Request
ACRES	2.16 acres
TOWNSHIP	Bloomington
SECTION	04
PLATS	Platted, Brenda Baugh Minor Subdivision Final Plat (Lots 1 & 2)

EXHIBITS

1. Petitioner Letter
2. Baugh Minor Subdivision Preliminary Plat
3. Site Photos
4. Proof of Cashier's Check
5. Original SIA

RECOMMENDATION TO THE PLAN COMMISSION

Staff recommends releasing the Financial Guaranty of \$1,155 for the Brenda Baugh Subdivision without the need for a two year maintenance bond.

SUMMARY

The petitioner requests to release the existing Financial Guaranty required as part of the Subdivision Improvement Agreement for the Brenda Baugh Minor Subdivision. The improvements required under this agreement include only street trees (11 total). The amount of the performance bond is for \$1,155.00. The original SIA was finalized in May, 2015.

The location of the street trees is on private property, and therefore, the requirement for a maintenance bond is not needed. The trees were required to be on private property due to the reconfiguration of the frontage road during I-69 construction. Since the trees will remain private, staff finds that the ordinance reference to Ch 858-8 is partially not applicable as these trees will not be the County's responsibility to maintain. Instead, the improvements are tied to the development plan of the site and required to be kept in perpetuity; landscaping is routinely reviewed as the site is amended and further built out.

858-8. Release or Reduction of Performance Bond and Financial Guaranty

The Commission may release or reduce the performance bond and financial guaranty, but only if:

- (1) the Subdivider applies to the Commission, in writing, for the release or reduction of the performance bond and financial guaranty and provides the Commission with a certificate, signed by the Subdivider's engineer, stating that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement. The certification of the Subdivider's engineer shall be accompanied by detailed "as-built" plans of the required improvements. Such as-built plans must be prepared and signed by the Subdivider's engineer;

See Exhibit 1 for the petitioner letter. No "as-built" was required as the only improvements were street trees.

- (2) the County Engineer reviews the as-built plans and the subdivision site and reports to the Commission, in writing, that all required improvements, or a portion of such improvements in the

case of a reduction, have been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement;

N/A. Staff did conduct a site visit to confirm the location and planting of the street trees.

(3) the Subdivider provides the Commission with written assurances, in the form of affidavits, releases or waivers of liens from all contractors, subcontractors and materialmen, that liens will not be filed against the dedicated land and/or improvements after they are accepted; and,

Since the trees are on private property, this reference is N/A.

(4) the Subdivider provides the Commission with the maintenance bond required by Section 858-9.

N/A

(B) A performance bond and surety may be reduced only upon the acceptance of the required improvements, and only by the amount that corresponds to the cost of the improvements that are accepted as set forth in the preliminary approval. Furthermore, a performance bond and financial guaranty may be reduced only one (1) time. The reduction may be approved only after at least fifty percent (50%) of the required improvements have been completed and accepted. However, in no event may the performance bond be reduced to less than ten percent (10%) of the original performance bond amount or ten thousand dollars (\$10,000.00), whichever is greater, until all required improvements for the subdivision or the approved subdivision section have been completed and accepted.

N/A - The street trees will remain on private property.

(C) The costs incurred by the Commission and/or the County in connection with a request for performance bond and financial guaranty reduction or release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the Subdivider, regardless of whether the request is ultimately granted. No performance bond and surety shall be released or reduced until such costs have been paid by the Subdivider.

N/A

(D) The Commission may, by rule, authorize the Director to reduce or release performance bonds and, by rule, may establish the procedures by which the Director may reduce or release such bonds.

Staff has recommended approval of release of the funds.

EXHIBIT 1: Petitioner Letter

M & E THOMPSON GROUP INC
Dba THOMPSON FURNITURE
6505 North Thompson Ridge Road
BLOOMINGTON, IN 47404

Monroe County Planning Department
501 N Morton St. Suite 224
Bloomington, In 47404

To Whom It May Concern:

We are requesting the refund of \$1155.00 deposited with Monroe County on 5-12-2015. The funds were to ensure appropriate landscaping was completed on our property at 6427 N Charlie Taylor Lane. The parking lot and landscaping were completed in 2020 per plans approved by the planning department.

As the project has been completed and approved we are requesting a refund of the funds held by the county.

Thank you,
Elizabeth Thompson
Thompson Furniture
Bloomington, IN

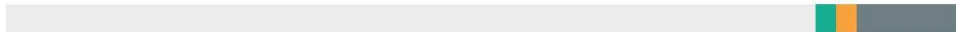


EXHIBIT 2: Brenda Baugh Minor Subdivision Preliminary Plat

BRENDA BAUGH MINOR SUBDIVISION
 Part of the SW 1/4 and part of the NW 1/4 of Section 4, T9N, R1W
 Bloomington Township, Monroe County, Indiana
PRELIMINARY PLAT

LEGAL DESCRIPTION - BRENDA BAUGH MINOR SUBDIVISION

Part of the Northwest quarter and part of the Southwest quarter of Section 4, Township 9 North, Range 1 West, being Tract No. 1 of deed instrument number 2014002878, Office of the Recorder of Monroe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Northwest quarter; thence North 89 degrees 35 minutes 38 seconds East along the South line of said quarter 752.91 feet to a rebar set at the point of beginning; thence North 16 degrees 23 minutes 38 seconds East 235.10 feet to an iron pipe; thence North 75 degrees 42 minutes 30 seconds East 247.98 feet to the West right-of-way of State Road No. 37; thence along the proposed right-of-way for Interstate I-69 the following three courses:

- 1) South 42 degrees 13 minutes 49 seconds West 40.39 feet to a rebar set;
- 2) South 12 minutes 57 seconds 40 seconds West 31.05 feet;
- 3) South 14 degrees 05 minutes 40 seconds East 9.85 feet to a rebar set on the West right-of-way line of State Road No. 37;

thence South 24 degrees 50 minutes 03 seconds West along said West line 98.07 feet to a rebar set on the South line of said Northwest quarter; thence continuing South 24 degrees 50 minutes 03 seconds West along said West line 294.53 feet to a rebar set; thence North 04 degrees 10 minutes 40 seconds West 181.46 feet to a 1/2" rebar; thence North 16 degrees 22 minutes 39 seconds East 194.50 feet to the point of beginning, containing 2.172 acres, more or less, with 1.110 acres in said Southwest quarter and 1.052 acres in said Northwest quarter.

Subject to a sanitary sewer easement recorded in Deed Record 374, pages 208-210 and Deed Record 408, page 672, Office of the Recorder of Monroe County, Indiana, and subject to all other easements, restrictions, and rights-of-way of record.

CERTIFICATION

The above legal description is based on a recent survey performed in accordance with survey standards set forth in 89S (IC) 1-12-1 through 19 and all monuments were either set this survey or found this survey as shown on plat.

Certified this _____ day of _____, 2014.

James Douglas Hall
 J.D. Hall Land Surveying
 803 Ohio Street
 Shordian, Indiana 46003
 Phone (317) 606-3924

DEDICATION OF PUBLIC RIGHTS-OF-WAY

Brenda Baugh, owner of the real estate shown and described herein, do hereby certify, lay off, and plat lots numbered 1 and 2 to be known as BRENDA BAUGH MINOR SUBDIVISION. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana. In accordance with this plat and certification, this plat shall be known as BRENDA BAUGH MINOR SUBDIVISION.

There are building setbacks on this plat which no structures shall be maintained or erected.

Witness my hand and seal this _____ day of _____, 20____.

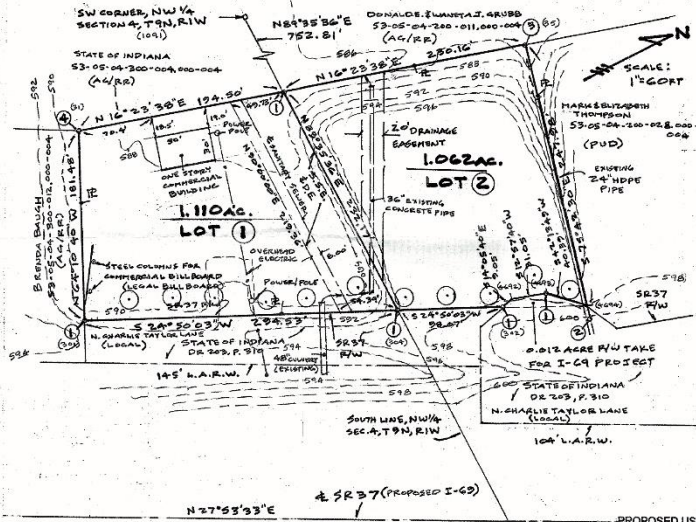
Brenda Baugh

STATE OF INDIANA)
) SS:
 COUNTY OF MONROE)

Before me, the undersigned Notary Public, in and for said County and State, personally appeared Brenda Baugh who acknowledged the execution of the foregoing instrument as her voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20____.

Notary Public _____ Notary Public _____
 (written) (printed)
 County of Residence _____ Commission Expires _____



PROPOSED 3" CALIBER STREET TREES ROW'D.

NOTE - ALL UTILITIES TO BUILDINGS TO BE BURIED
 EXISTING ZONING - LB (LIMITED BUSINESS)

SETBACK TABLE

Front Yard	25 feet
Side Yard	6 feet
Rear Yard	0 feet

STORM and SURFACE DRAINAGE

There will be no disturbance to the natural drainage. The subject property does not appear to be located in a FEMA special flood hazard area.

COMMISSION CERTIFICATE

Under the authority of Chapter 174, Acts of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Minor Subdivision procedure and approved by the Monroe County Plan Commission at a meeting held on the _____ day of _____, 20____.

President: _____
 John Irvine
 Secretary: _____
 Larry Wilson

PROPOSED USES -
 Lot 1 - Any use allowed for Limited Business (LB) as shown in Table 2-1 of the Monroe County Zoning Ordinance

- LEGEND**
- (1) 5/8" rebar with cap set this survey
 - (2) 5/8" rebar with cap set on projected North line
 - (3) Iron pipe found
 - (4) 1/2" rebar found
 - D.E. - DRAINAGE EASEMENT
 - S.S.E. - Sanitary Sewer Easement
 - R.W. - Right-of-Way
 - L.A.R.W. - Limited Access Right-of-Way
 - (301) - Coordinate Reference Number

NOTES

1. Field work completed in August 2014
2. Basis of bearing from Structurepoint survey of proposed interstate I-69
3. I affirm under penalty for perjury that I have taken responsible care to redact each Social Security number in this document unless required

SOURCE OF TITLE - Instrument No. 2014002878 Tract No. 1

PARENT TRACT PLAT No. 22 and 23

OWNER OF RECORD/ DEVELOPER/ SUBDIVIDER

Brenda Baugh
 2099 East Bethel Lane
 Bloomington, IN 47408
 Phone (317) 332-0282

Preliminary Plat
APPROVED

EXHIBIT 3: Site Photos







EXHIBIT 4: Proof of Cashier's Check

M & E Thompson Group Inc
Db a Thompson Furniture
6431 Highway 37 North
Bloomington, IN 47404

Received
5/14/15
TB

*Sent to Toby

Monroe County Plan Commission
Bloomington, IN

Attached please find a Certified Cashier's Check in the amount of \$1,155.00. This check covers the amount needed for the Subdivision Improvement Agreement for the Baugh Minor Subdivision. This covers the cost of the trees required, to be planted upon completion of I69 work by the State of Indiana.

Elizabeth Thompson
Thompson Furniture

		OLD NATIONAL BANK	1467703
REMITTER	BRANCH # <u>255</u> Your bank. For life.	DATE	71-1863
ELIZABETH THOMPSON		May 14, 2015	
PAY TO THE ORDER OF	**MONROE COUNTY PLAN COMMISSION**		\$1,155.00
One Thousand One Hundred Fifty Five Dollars and No Cents			
CASHIER'S CHECK			
		NAME AND TITLE	
		SHERI RICO TELLER SUPERVISOR	
		PRINTED NAME AND TITLE	
[REDACTED] [REDACTED] [REDACTED]			
THIS DOCUMENT HAS A COLORED BACKGROUND. NOT A WHITE BACKGROUND.			

EXHIBIT 5: Original SIA

**Baugh Minor Subdivision
SUBDIVISION IMPROVEMENT AGREEMENT**

This Agreement, made by and between the Monroe County Plan Commission ("Plan Commission") and Brenda Baugh ("Subdivider").

Preamble

WHEREAS, Subdivider applied to the Plan Commission for preliminary plat and development approval for the Baugh Minor Subdivision;

WHEREAS, on February 19, 2015, the Plan Commission granted Subdivider preliminary plat approval for the Baugh Minor Subdivision, but conditioned such approval on the installation of certain public improvements throughout the subdivision;

WHEREAS, the Monroe County Subdivision Control Ordinance states and requires that each final plat submitted to the Commission shall be accompanied by a subdivision improvement agreement that is secured by a financial guaranty, if the required public improvements have not been completed;

WHEREAS, Subdivider applied to the Administrator for final plat approval, as authorized by the Plan Commission, for the Baugh Minor Subdivision;

WHEREAS, Subdivider has not completed the required public improvements, namely the *Installation of Required Public Improvements* (Street Trees) and desires to submit a subdivision improvement agreement, secured by letter of credit, in order to qualify for final plat approval.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS CONTAINED IN THIS AGREEMENT:

Promises and Mutual Covenants

1. Subdivider agrees to obtain and submit to the Plan Commission a letter of credit in the amount of \$1,155 *Installation of Required Public Improvements* (Street Trees), in favor of Monroe County, to secure the completion of all required public improvements at the Baugh Minor Subdivision.
2. Subdivider agrees to installation of street trees on Lot 2 after INDOT construction has been completed.
3. Subdivider agrees to maintain the Baugh Minor Subdivision public improvements in perpetuity, in accordance with the Monroe County Subdivision Control Ordinance.
4. The parties acknowledge and agree that the Administrator may withhold improvement location permits for the undeveloped Baugh Minor Subdivision Lot 2 unless and until Subdivider has completed the public improvements that serve the lot.

5. The parties acknowledge and agree that time is of the essence and that any failure by Subdivider to strictly adhere to the foregoing schedule (paragraph number 2 above) would constitute a material breach and violation of this Agreement. Upon such violation, or any other violation of this agreement, the Plan Commission may submit a claim under the letter of credit (copy attached) in an amount sufficient to cover the breach.

6. The parties acknowledge and agree that by accepting the letter of credit from Subdivider and that by entering into this Agreement, the County has not and does not waive any of its rights with respect to the enforcement of the Monroe County Subdivision Control Ordinance and/or any approval granted thereunder in relation to Baugh Minor Subdivision, against the Subdivider.

IN WITNESS WHEREOF, the Plan Commission, by its President Richard Martin, and Subdivider execute this Agreement this ____ day of May, 2015.

PLAN COMMISSION

SUBDIVIDER

Richard Martin, President
Monroe County Plan Commission

Brenda Baugh

ATTEST:

Larry Wilson, Secretary
Monroe County Plan Commission

Monroe County Plan Commission and Monroe County Board of Zoning Appeals

FEE SCHEDULE

ZONING PETITIONS	Fees
Conditional Use	\$400
Use Variance	\$400
Development Standards Variance- Residential	\$200 + \$50 for each additional development standard variance
Development Standards Variance- Non-Residential	\$400 + \$50 for each additional development standard variance
Administrative Appeal	\$400
Floodplain Variance	\$400
Rezone	\$500 + \$25 per acre or any portion thereof
Rezone to Wireless Communication Facility (WCF) Overlay	\$500
Rezone to Historic Preservation (HP) Overlay	\$0
Certificate of Appropriateness (HP)	\$0
PUD Outline Plan	\$1000 + \$25 per acre or any portion thereof
PUD Development Plan	\$750 + \$25 per acre or any portion thereof
PUD Outline Plan Amendment	\$750 + \$25 per acre or any portion thereof
PUD Development Plan Amendment	\$500 + \$25 per acre or any portion thereof
SUBDIVISION PETITIONS	Fees
Preliminary Plat - Major Subdivision - 5 or more Lots	\$750 + \$25 per lot
Preliminary Plat - Major Subdivision - 4 Lots or less	\$250 + \$25 per lot
Final Plat - Major Subdivision - 5 or more Lots	\$500 + \$10 per lot
Final Plat - Major Subdivision - 4 Lots or less	\$250 + \$10 per lot
Preliminary Plat - Minor Subdivision	\$250 + \$25 per lot
Final Plat - Minor Subdivision	\$250 + \$10 per lot
Plat Vacation	\$250
Plat Amendment - Preliminary	\$500 + \$25 per lot
Plat Amendment - Final	\$250 + \$10 per lot
Preliminary Plat Extension	\$250 (1 time only)
Subdivision Waiver	\$250 + \$50 for each additional waiver
Administrative Subdivisions - Type A	\$250 + \$25 per lot
Administrative Subdivisions - Type B, C, D, E, F	\$100 + \$10 per lot
AMENDMENT PETITIONS	Fees
Changes to Road or Project Names	\$250
PERMITS / ILP	Fees
Single Family Residential	\$200
Reconstruction from damage due to fire, flood, wind, earthquake, explosion, etc.	\$50
Two Family Residential	\$400
Multi Family Residential	\$200 per d.u.
Mobile Home Permits	\$200
Residential Additions	\$100
Residential Accessory Bldgs	\$50
Agricultural Building	\$200
Residential Accessory Structure (pools, decks)	\$50
Home Occupation / Home Based Business Permit	\$100
Temporary Seasonal Activity	\$50
Commercial / Industrial Structure, including Site Plan Review	\$750 base fee + (\$.10 sq. ft. >3000 sq. ft.)
Commercial / Industrial Additions, including Site Plan Review	\$500 base fee + (\$.10 sq. ft. >3000 sq. ft., addition sq. ft. only)
Change of Use / Site Plan / Site Plan Amendment	\$500 base fee + (\$.10 sq. ft. >3000 sq. ft.)
Structures for Govt Agencies, Schools	\$0
Other Principal Structures	\$200
Other Accessory Structures	\$100
Signs	\$100 + \$1.00 / sq. ft
Wireless Communications New Facility	\$250
Wireless Communications Co-location	\$50
New/Replacement Antennas or Equipment Cabinet	\$50
Grading & Erosion Control (parcel < 1 acre)	\$100
Grading & Erosion Control (parcel > 1 acre)	\$200
Logging:	\$200 outside of the Environmental Constraints Overlay
	\$400 within the Environmental Constraints Overlay
Permit Extension	\$50
Floodplain Development Permit	\$100
Non-categorized	\$100
Construction without Permit	\$250 Fine *
Demolition	\$100
ADMINISTRATIVE	Fees
Information Provided on Disk	\$2 **
GIS Maps- 8.5 x 11	\$11**
GIS Maps- 24 x 36	\$30 **
GIS Maps- 36 x 48	\$31 **
Hearing Signs	\$8.50
Copies	\$0.10 **
Photo Copies 8 1/2 x 11 (per side)	\$0.10 **
Photo Copies 8 1/2 x 11 Color (per side)	\$0.10 **
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Photo Copies 11 x 17 or larger (per side)	\$0.10 **
Photo Copies 11 x 17 Color or larger (per side)	\$0.10 **
Returned check fee	\$40 **
Address Assignment	\$50
Zoning Verification Letter	\$25
Pre-Existing Nonconforming Use Determination Letter	\$25

Note: Filing/review planning fees are reduced to fifty percent (50%) of the ordinary fee in the Rural Community Zoning Overlay.

* Established by Ordinance in the Monroe County Code, Chapter 115

** Established by Ordinance in the Monroe County Code, Chapter 270-6

Monroe County Plan Commission and Monroe County Board of Zoning Appeals

FEE SCHEDULE

ZONING PETITIONS	Fees
Conditional Use	\$400
Use Variance	\$400
Development Standards Variance- Residential	\$200 + \$50 for each additional development standard variance
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Grading & Erosion Control (parcel > 1 acre)	\$200
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Photo Copies 8 1/2 x 14 Color (per side)	\$0.10 **
Photo Copies 11 x 17 or larger (per side)	\$0.10 **
Photo Copies 11 x 17 Color or larger (per side)	\$0.10 **
Returned check fee	\$40 **
Address Assignment	\$50
Zoning Verification Letter	\$25
Pre-Existing Nonconforming Use Determination Letter	\$25

Note: Filing/review planning fees are reduced to fifty percent (50%) of the ordinary fee in the Rural Community Zoning Overlay.

* Established by Ordinance in the Monroe County Code, Chapter 115

** Established by Ordinance in the Monroe County Code, Chapter 270-6



MONROE COUNTY PLAN COMMISSION

Public Meeting

Date: August 15, 2023

CASE NUMBER	PROPOSED NAME	DETAIL
SMN-23-3	Stinesville School & Fire Department Minor Subdivision	2-Lot Minor Subdivision Preliminary Plat

The Subdivision Control Ordinance shall be interpreted, administered, and enforced in a manner that is consistent with Chapter 850-3.

PLAT COMMITTEE July 20, 2023	Voted 3-0 to forward with POSITIVE recommendation subject to the following condition(s): <ol style="list-style-type: none"> 1.) The petitioner addresses all remaining comments from planning staff pertaining to plat edits, and 2.) The petitioner designates an area on the plat to serve as tree preservation.
RECOMMENDED MOTION	Approval with Conditions Planner: Drew Myers
<i>Recommended Motion Conditions or Reasoning:</i>	
<u>Approve</u> the subdivision based on the findings of fact and that the proposed preliminary plat meets the Subdivision Control Ordinance subject to Highway Engineer reports, MS4 Coordinator reports, and the following condition(s): <ol style="list-style-type: none"> 1. The petitioner address all remaining comments from planning staff pertaining to plat edits. 	
<u>Approve</u> the Right-of-Way Width Waiver based on the findings of fact.	
<u>Approve</u> the Overhead Utility Waiver based on the findings of fact.	
<u>Approve</u> the Sidewalk Waiver based on the findings of fact.	
<u>Approve</u> the Street Tree Waiver based on the findings of fact and subject to the following condition(s): <ol style="list-style-type: none"> 1. The petitioner designates an area on the plat to serve as tree preservation. 	

Waiver(s) Requested: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes:	Right-of-way Width, Buried Utility, Sidewalk, Street Tree
Waiver of Final Hearing Requested:	<input type="checkbox"/> N/A <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Plat Vacation:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Partial <input type="checkbox"/> Yes:

PETITIONER	Darla Brown; Doug Graham, Bynum Fanyo & Associates.	
OWNERS	Town of Stinesville c/o Darla Brown	
ADDRESS	7951 W Main ST, Stinesville, IN 47464 Parcel #s: 53-03-16-300-001.000-001; 53-03-16-300-003.000-001; 53-03-16-300-006.000-001; 53-03-16-300-017.000-001; 53-03-16-300-021.000-001.	
TOWNSHIP + SECTION	Bean Blossom; 16	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	6.78 +/- acres	
	PETITION SITE	ADJACENT
ZONING	Institutional/Public (IP)	High Density Residential (HR); Agriculture/Rural Reserve (AG/RR)
COMP PLAN	Designated Communities	Designated Communities
USE	Government Facility	Residential; Vacant

SUMMARY

The petitioner is proposing a 2-lot Minor Subdivision Preliminary Plat with four (4) waiver requests. The property is zoned Institutional/Public (IP) where proposed lots are partially located within the town limits of Stinesville, IN. The proposed subdivision will create two lots: Lot 1 totals 0.71 +/- acres and Lot 2 totals 6.07 +/- acres. The use of proposed Lot 1 is classified as “Government Facility”. The Bean Blossom Township Stinesville Volunteer Fire Department currently occupies the building located here. Proposed Lot 2 exhibits the former Stinesville Elementary School building. The school closed following the 2017-2018 school year. The motivation behind this subdivision petition is to create separate lots of record for both the existing fire station and former school facility.

DISCUSSION

The proposed subdivision will create two (2) lots out of 6.78 +/- acres. A summary of the details for each tract can be found in Table 1.

A Construction Stormwater General Permit (CSGP) – formerly known as Rule 5 – is not required for this subdivision. The petitioner is not creating two (2) or more vacant lots.

There are four (4) waiver requests for this subdivision petition.

- 1.) Right-of-way width waiver,
- 2.) Buried utility waiver,
- 3.) Sidewalk waiver, and
- 4.) Street tree waiver.

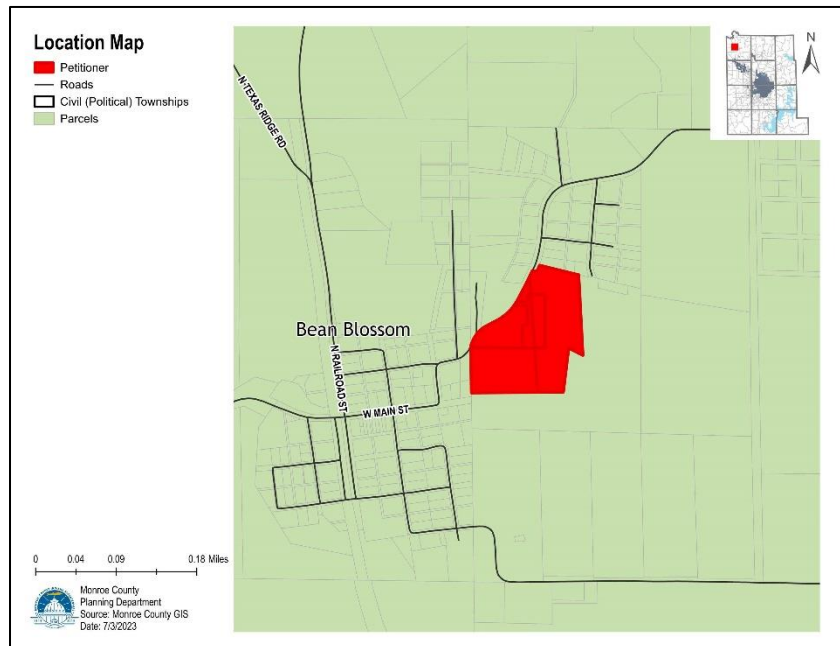


TABLE 1: summary of the lot configurations and requirement.

	LOT 1	LOT 2
Acreage / Buildable (+/- acres) <i>IP Zoning has <u>no</u> minimum lot size requirement</i>	0.72 / 0.297	6.37 / 4.801
Wastewater	Sewer; Stinesville WWTP	Sewer; Stinesville WWTP
Property Access	W Main Street; existing driveway	W Main Street; existing driveway
R/W Dedication; W Main Street (Minor Collector)	45-foot R/W required	45-foot R/W required
Environmental Conditions	Slopes > 15%	Slopes > 15% / Possible Karst
Existing Structure(s)	Bean Blossom Twp. Stinesville Vol. Fire Dept.	Former Stinesville Elementary School

HIGHWAY COMMENTS:



Ben Ayers

Remove Comment • Jun 12, 2023 at 1:47 pm

West Main Street is a Town of Stinesville maintained roadway. I have no comments or issues with this petition at this time.

STORMWATER COMMENTS:

- In support of the preservation of existing trees and the planting of new trees
- Trees have a positive impact on drainage, habitat, heat impacts, etc.
- Defers to Highway Dept. for evaluation of impacts/maintenance of trees planted within right-of-way.

EXHIBITS - Immediately following report

1. County Site Conditions Map
2. Site Pictometry/Photos
3. Planning Staff Findings of Fact
4. Stinesville School and Fire Department Minor Subdivision – Preliminary Plat
5. Monroe County Transportation Alternatives – 2018
6. Stinesville Historic District – National Register of Historic Places
7. Petitioner Submitted Findings of Fact

EXHIBIT 1: County Site Conditions Map

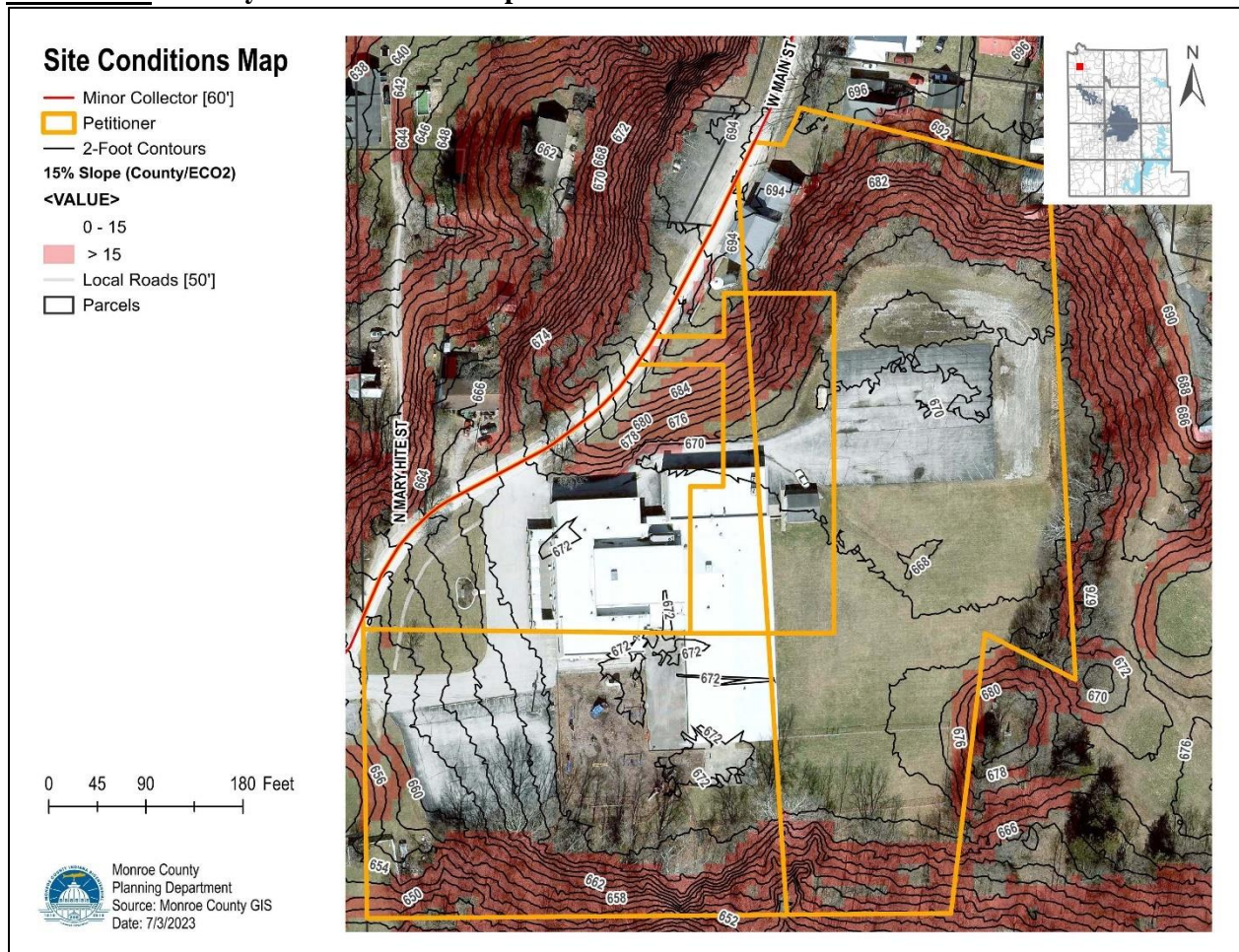
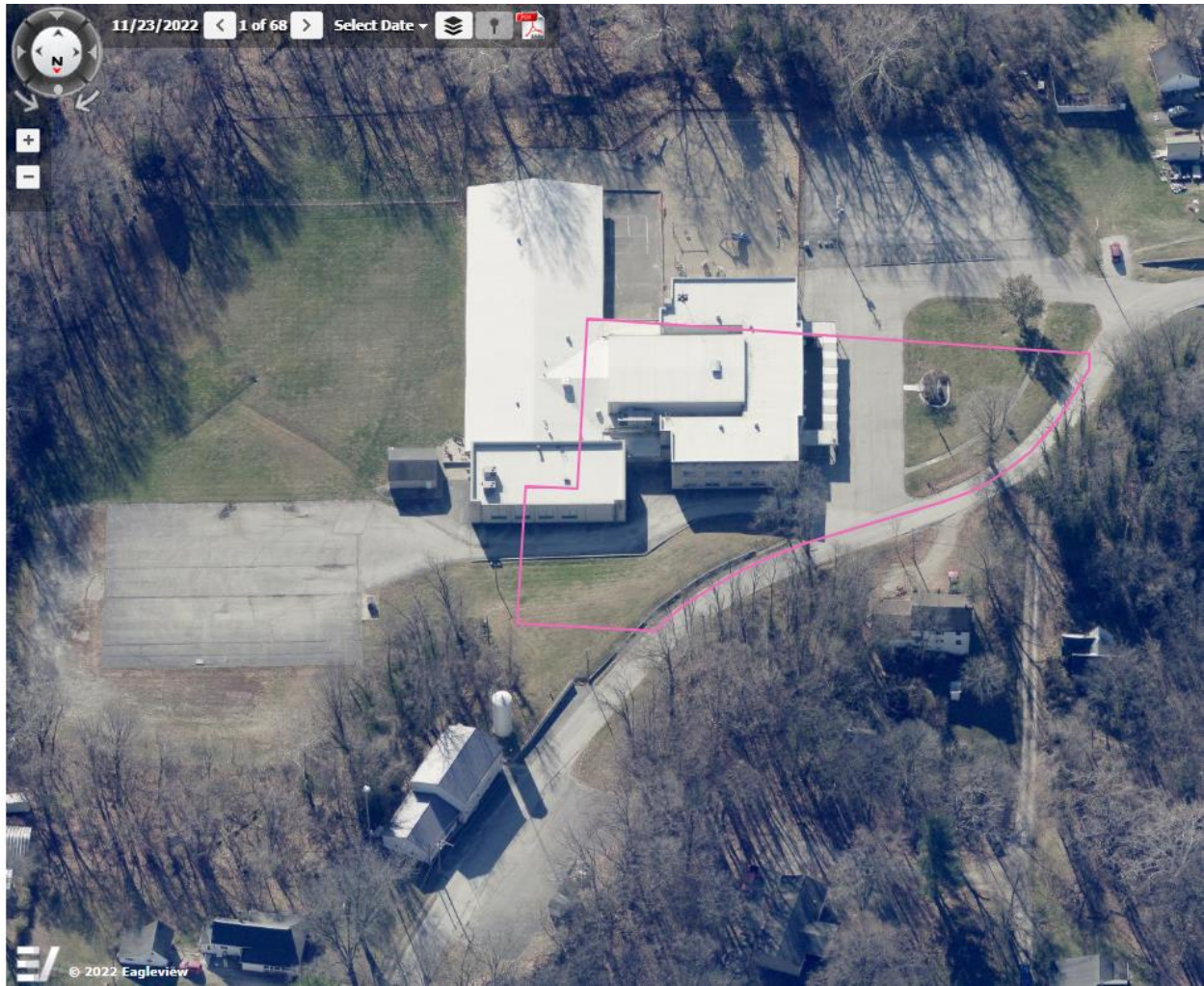


EXHIBIT 2: Site Photos



Pictometry 1: View from south



Pictometry 2: View from north



Pictometry 3: View from east



Pictometry 4: View from west

EXHIBIT 3: Findings of Fact
FINDINGS OF FACT - Subdivisions

850-3 PURPOSE OF REGULATIONS

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

Findings

- The petition site consists of five (5) parcels totaling 6.78 +/- acres;
- The petition site is not in a platted subdivision;
- The site is zoned Institutional/Public (IP);
- The preliminary plat petition is to subdivide the property into two new lots with the following details:
 - Lot 1: 0.72 +/- acres / 0.297 buildable acres;
 - Lot 2 2: 6.37 +/- acres / 4.801 buildable acres;
- Lot 1 contains an existing structure serving as the Bean Blossom Township Stinesville Volunteer Fire Department;
- Lot 2 contains the former Stinesville Elementary School;
- Both Lot 1 and Lot 2 are on sewer, serviced by the Town of Stinesville wastewater treatment plant operated by Bynum Fanyo Utilities;
- The preliminary plat petition requests four (4) subdivision waivers, including: right-of-way width waiver, overhead utility waiver, sidewalk waiver, and street tree waiver;
- The Bean Blossom Township Stinesville Volunteer Fire Department building is located approximately 10.6' from the edge of pavement of W Main Street;
- There are several existing overhead utility lines across the petition site;
- Proposed Lot 1 and Lot 2 to receive access off of W Main Street via existing driveway cuts;
- W Main Street is maintained by the Town of Stinesville;
- W Main Street is classified as a Minor Collector roadway according to the Monroe County Thoroughfare Plan;
- The petition site does not exhibit any area designated by the Indiana DNR Best Available Floodplain Map;
- The petition site does not exhibit any area located in the Environmental Constraints Overlay;

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

Findings

- The Comprehensive Plan designates the property as Designated Communities;
- The petition site is located partially outside of the town limits of Stinesville;
- West Main Street is located within the town limits of Stinesville;
- See findings under Section A;

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

Findings

- See findings under Section A;

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

Findings

- Neighboring properties are zoned either High Density Residential (HR) or Agriculture/Rural Reserve (AG/RR);

- The use of neighboring properties is either residential or vacant
- See findings under Sections A & C;

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

Findings

- There is no designated DNR Floodplain on the petition site;
- There are no known sinkholes or karst features located on the petition site;
- Proposed Lot 1 and Lot 2 both exhibit areas of slope greater than 15 percent;
- No hydrological features are identified on the preliminary plat;
- See findings under Sections A & C;

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

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

Findings:

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

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

Findings:

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

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

Findings

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

FINDINGS OF FACT – WAIVER OF ROAD RIGHT OF WAY REQUIREMENT

The petitioner has requested a waiver from the **856-28. Streets: Dedications and Reservations** requirement per Chapter 856-28(B), which reads:

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

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

1. Practical difficulties have been demonstrated:

Findings:

- The site maintains frontage and gains access from W Main Street, a minor collector roadway;
- W Main Street is maintained by the Town of Stinesville;
- W Main Street measures 20 feet in width and is paved with asphalt;
- Under the current Thoroughfare Plan, a minor collector roadway requires 45 feet of right-of-way dedication for a subdivision;
- The petitioner has filed a minor subdivision to create two lots to establish separate lots for the Stinesville Volunteer Fire Department and the former Stinesville Elementary School, which requires compliance with the right-of-way dedication requirement under Chapter 856-28;
- The existing structure on proposed Lot 1 serving as the Stinesville Volunteer Fire Department is approximately 10.6 feet from the edge of pavement of W Main Street;
- The existing structure on proposed Lot 1 serving as the Stinesville Volunteer Fire Department has existed since 1963;
- The existing structure on proposed Lot 1 will encroach approximately 34 feet into the required 45 feet of right-of-way;
- Without a waiver from the right-of-way requirement the volunteer fire department will be about 34 feet in the right-of-way along W Main Street and would need to be relocated, remodeled, or demolished to exclude the area out of the required right-of-way;
- The waiver's approval will allow the minor subdivision to continue with approximately 17 feet of right-of-way dedication along W Main Street for the entire length of proposed Lot 1;
- The existing structure on proposed Lot 2 is approximately 43 feet from the edge of pavement of W Main Street;
- The required front yard setback for the IP zone on a minor collector roadway is 35 feet measured from right-of-way;
- The petitioner is requesting a 28-foot reduction in right-of-way dedication along proposed Lot 2 to ensure the existing structure on proposed Lot 2 can still meet the front yard setback requirement;
- The waiver's approval will allow the minor subdivision to continue with approximately 17 feet of right-of-way dedication along W Main Street for the entire length of proposed Lot 2;

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

Findings:

- See Findings under # 1;
- The 2018 Thoroughfare Plan does not contain language to allow the Highway Department staff the ability to waive a right-of-way classification requirement based on individual road segments or findings;

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

Findings:

- The site is serviced by sewer system via the Stinesville wastewater treatment plant operated by Bynum Fanyo Utilities;
- W Main Street is maintained by the Town of Stinesville;
- The Monroe County Transportation Alternatives Plan shows W Main Street as "High Priority

- Road Improvements” on the Monroe County Vision Map – North West;
- A partial sidewalk waiver has been requested by the petitioner that is supported by staff;

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

Findings:

- See findings under Sections (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood;
- West Main Street appears to be located within the National Register Historic District known as Stinesville Historic District;
- The majority of proposed Lot 1 is outside of the town limits of Stinesville;
- The majority of proposed Lot 2 is within the town limits of Stinesville;

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

Findings:

- See findings under #1 above;

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

Findings:

- See findings under #1, #2 and #3 above;

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

Findings:

- See findings under #1, #2 and #3 above;

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

Findings:

- See findings under #1 through #7 above;

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

Findings:

- See findings under #1 and #4 above;

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

FINDINGS OF FACT – WAIVER OF UNDERGROUND OF UTILITIES

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-41 (Utilities), which reads:

All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.

Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.

Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.

Waivers from these provisions for existing utility lines may be granted subject to the waiver modifications in Chapter 850-12, Sections A through D, excluding sections 5, 8, and 9. Waivers may be granted via the following process:

1. for Subdivisions of more than 4 Lots by the Plan Commission
2. for Subdivisions of 4 Lots or Less by the Plat Committee

All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the Subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots that are to be retained in single ownership and that are to be developed for the same primary use.

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

1. Practical difficulties have been demonstrated:

Findings:

- Overhead utility lines run along the length of proposed Lot 1 for approximately 173 feet;
- Overhead utility lines run into proposed Lot 2 for approximately 162 feet;
- The overhead utility lines along proposed Lot 1 continue travelling north and south of the petition site to service other properties and therefore is exempt from the burying requirements;
- The overhead utility lines running through proposed Lot 2 traverse the paved parking area;
- The additional utility lines not delineated on the preliminary plat appear to cross over areas of slope greater than 15 percent;
- To underground a utility line currently over a paved parking area or up steep sloped terrain is a practical difficulty;

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

Findings:

- See findings under Section 1;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all subdivisions, except on public roads and rights-of-way or in easements serving other property;
- The Subdivision Control Ordinance provides the following definitions related to easements and right of way:

852-2. Definitions

Easement.

A right of use over designated portions of the property of another for a clearly specified purpose.

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

Findings:

- The Subdivision Control Ordinance calls for utilities to be placed underground in Minor subdivisions, except on public roads, in rights-of-way, or in easements serving other property;
- The petitioner has applied for a waiver from Chapter 856-41 due to the pre-existing nature of the petition site and the rough terrain and pavement where lines cross;
- The majority of existing overhead utility lines do not appear to serve another property and is not exempt from undergrounding provisions;
- The overhead utility lines along W Main Street ST in front of proposed Lot 1 continue travelling north and south of the petition site to service other properties and therefore is exempt from this requirement;
- Any future power lines needed for further development would have to be buried;
- If the overhead utility line waiver is approved, it will apply to the existing lines only;
- Advantages and disadvantages exist in undergrounding electric lines both of which involve safety hazards.

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

Findings:

- Waiver approval would permit existing conditions to persist;

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

Findings:

- See findings under items 1-4 above;

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

Findings:

- See findings under #2 and #3 above.

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

Findings:

- The improvement is required due to the proposed subdivision of the property;
- The Subdivision Control Ordinance calls for utilities to be placed underground in all Minor subdivisions, except on public roads, rights-of-way, or existing easements that serve other property;
- The existing overhead utility line serves only the petitioner's parcels as it travels south from the north property line;
- Occupants of the petition site and sites served by the overhead utility lines will continue to be serviced regardless of the location of the lines above- or below ground;
- The installation of utilities underground is consistent with the policies and purposes of all relevant regulations.

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

Findings:

- (See findings under #1 & #7 above);

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

Findings:

- (See findings under #1 & #7 above);
- The installation of utilities underground is consistent with the policies and purposes of all relevant regulations.

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

FINDINGS OF FACT – WAIVER OF SIDEWALK REQUIREMENT

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-40 (A) (Sidewalks), which reads:

- (A) Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way when any of the following are applicable:
- (4) the proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or;

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

1. Practical difficulties have been demonstrated:

Findings:

- The petitioner is requesting a waiver from the W Main Street required five (5) feet sidewalks along approximately 180 linear feet;
- The sidewalk improvements are required due to the petition site meeting the criteria described in 856-40 (A) (3) above;
- The site gains access from W Main Street, designated a Minor Collector in the Monroe County Thoroughfare Plan;
- There is an existing, non-connecting sidewalk, four (4) feet wide along the east side of W Main Street and runs nearly the whole length of road frontage for proposed Lot 2;
- The existing sidewalk runs from just south of the fire station to the north end of the southernmost parking lot entrance to the former Stinesville Elementary School;
- The requirement is that sidewalks be constructed within the right-of-way along the petition site’s remaining frontage of W Main Street for approximately 180’, unless the waiver is granted;
- There may be physical constraints, including steep slopes and vegetation, where the sidewalk would be required along W Main Street;
- The fire station is located only 10.6 feet from the edge of pavement of W Main Street;
- The total length of required sidewalk for which the waiver is requested is approximately 180’;
- Practical difficulties have been demonstrated;

2. The requested modifications would not, in any way, contravene the provisions of the Zoning

Ordinance, the Comprehensive Plan or the Official Map of the County;

Findings:

- See findings under Section (1);
- The petition site is located in the Designated Communities as designated by the Comprehensive Plan;
- The Comprehensive Plan calls for transportation alternatives throughout Monroe County;
- The Monroe County Transportation Alternatives Plan shows W Main Street as “High Priority Road Improvements” on the Monroe County Vision Map – North West;

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

Findings:

- See finding under Sections (1) and (2);
- The absence of a sidewalk would not have a detrimental relationship to the delivery of governmental services (e.g. water, fire protection, etc.) to the proposed subdivision lots;
- The existing 4-foot sidewalk along the road frontage of proposed Lot 2 does not connect to any other existing sidewalks;

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

Findings:

- See findings under Sections (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood;

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

Findings:

- See findings under Section (1);

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

Findings:

- See findings under Sections (1), (2), and (3);
- Granting the requested modification would not contravene the policies and purposes of these regulations;

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

Findings:

- See findings under Sections (1), (2), and (3);
- The requested modification is necessary to ensure that substantial justice is done and represent the minimum modification necessary;

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

Findings:

- See findings under Sections (1) and (7);
- The practical difficulties were not created by the Developer, Owner, Subdivider or Applicant;

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

Findings:

- See findings under Section (1);

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

FINDINGS OF FACT – WAIVER OF STREET TREE REQUIREMENT

The petitioner is requesting a waiver from the *Improvement, Reservation and Design Standards* outlined in 856-43 (B) (1) (Preservation of Natural Features and Amenities), which reads:

- (B) As a requirement of final approval, the applicant shall plant and/or preserve trees on the property or the subdivision in accordance with the following:
- (1) Street trees shall be planted or preserved within five (5) feet of the right-of-way of the street or streets within and abutting the subdivision, or at the discretion of the Plan Commission and the County Engineer, within the right-of-way of such streets. One tree shall be planted or preserved for **every forty (40) feet of frontage along each street**. Such trees shall be planted or preserved when any of the following are applicable:
- d. the proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or

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

1. Practical difficulties have been demonstrated:

Findings:

- The street tree improvements are required due to the petition site meeting the criteria described in 856-43 (B) (1) (d);
- The site gains access from W Main Street, a designated Minor Collector Road;
- There are no street trees present on any adjacent lots to this proposed subdivision;
- The requirement is that street trees be placed within five feet of the right-of-way along the frontage of W Main Street;
- There are two existing trees along the petition site’s frontage of W Main Street, which is approximately 600 linear feet;
- According to Ordinance Provision 856-43 (B) (1) above, 15 trees would need to be planted to meet requirements along W Main Street; give that there are two existing trees only 13 trees would need to be planted;

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

Findings:

- The street trees are required due to the petition site’s location in relation to 856-43 (B) (1)

mentioned previously;

- Street trees can add value to the aesthetic character of a proposed development and is consistent with the Comprehensive Plan and the Zoning Ordinance;
- See findings under section (1);

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

Findings:

- The waiver of street trees would not have a detrimental relationship to the delivery of governmental services (e.g. water, fire protection, etc.);
- See finding under section (1), (2);

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

Findings:

- See findings under section (1), (2), and (3);
- Approval of the waiver would not substantially alter the essential character of the neighborhood;

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

Findings:

- See findings under section (1);

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

Findings:

- See findings under section (1), (2), and (3);

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

Findings:

- The street trees are required due to the petition site's location in relation to the aforementioned 856-43 (B) (1);
- There are two existing street trees on proposed Lot 2;
- See findings under section (1), (2), and (3);

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

Findings:

- See findings under section (1) and (7);

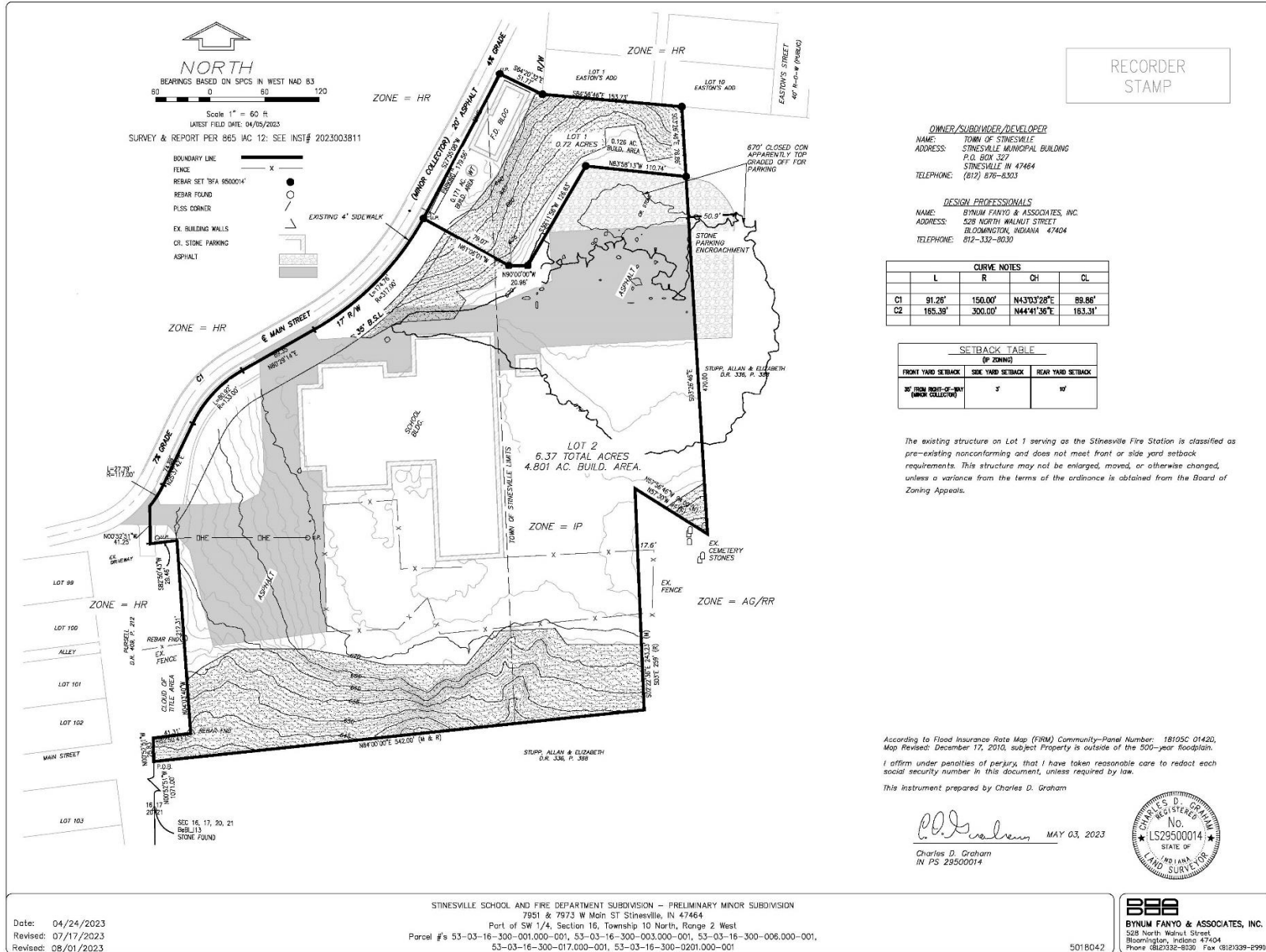
9. The practical difficulties cannot be overcome through reasonable design alternatives;

Findings:

- See findings under section (1);

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

EXHIBIT 4: Stinesville School and Fire Department Minor Subdivision – Preliminary Plat



We, Lois Pursell, the clerk-Treasurer of the Town of Stinesville, Indiana, certify that we have subdivided and platted it according to this plat.

This subdivision is called STINESVILLE SCHOOL AND FIRE DEPARTMENT SUBDIVISION, an addition to Monroe County, Indiana, and consists of 2 lots, numbered 1 through 2, inclusively. The streets and alleys shown, as far as they have not already been so dedicated, are dedicated to the public.

Front, rear and side yard setback lines are established as shown on the plat. Between them and the property lines of the adjacent streets no building or other structure shall be erected or maintained.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines and wires. Buildings or other structures shall not be erected or maintained on these strips.

Signed and Sealed this _____ day of _____, 2023.

BY: Lois Pursell

STATE OF INDIANA)
COUNTY OF MONROE)SS:

Before me, the undersigned Notary Public, in and for the said County and State, personally appeared Lois Pursell and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 2023.

County of Residence _____ Commission Expires _____
Notary Public Signature _____ Notary Public Printed _____

These parcels were created through the Minor Subdivision procedure and approved by the Monroe County Plan Commission on _____, 2023.

Under the authority of Chapter 174, Acts of 1947, as amended by the General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, these parcels were created through the Minor Subdivision procedure.

MONROE COUNTY PLAN COMMISSION

PRESIDENT, Margaret Clemens

SECRETARY, Jacqueline Nestor-Jelen

SOURCE OF TITLE: INST # 2019005721

MODERNISED LEGAL DESCRIPTION COMBINING PARCELS:

A part of the Southwest quarter of Section 16, Township 10 North, Range 2 West Monroe County Indiana as shown on the plat of survey prepared by C. D. Graham for Bynum Fanyo and Associates, Inc. dated April 11, 2023 under job number 5018042, described as follows:

Commencing at a stone in the Southwest corner of said Section 16, thence along the West line of said Section North 00 degrees 52 minutes 51 seconds West 1071.00 feet to a 'BFA' rebar and the Point of Beginning; thence continuing along said West line North 00 degrees 52 minutes 51 seconds West 25.83 feet to a 'BFA' rebar; thence leaving said West line North 82 degrees 50 minutes 43 seconds East 41.31 feet to a 'Graham' rebar thence North 04 degrees 03 minutes 40 seconds West 212.31 feet to a 'BFA' rebar; thence South 82 degrees 50 minutes 43 seconds West 29.46 feet to a 'BFA' rebar in the said West section line; thence North 00 degrees 52 minutes 51 seconds West for a distance of 2.51 feet to the South right of way of Main Street; thence along said right of way and along a non-tangential curve left with a radius of 145.00 feet and a long chord bearing North 38 degrees 17 minutes 12 seconds East 63.77 feet for an arc distance 64.30 feet; thence North 25 degrees 37 minutes 42 seconds East 74.86 feet to a curve to the right with a radius of 105.00 feet and a long chord bearing North 43 degrees 03 minutes 28 seconds East 62.90 feet for an arc distance of 63.88 feet; thence North 60 degrees 29 minutes 14 seconds East 89.35 feet to a curve to the left having a radius of 345.00 feet, with a long chord bearing North 44 degrees 41 minutes 36 seconds East 187.80 feet for an arc distance of 190.20 feet; thence North 61 degrees 06 minutes 01 seconds West 24.54 feet; thence North 27 degrees 55 minutes 08 seconds East 179.76 feet to a 'BFA' rebar; thence leaving said right of way South 64 degrees 20 minutes 32 seconds East 48.05 feet to a rebar; thence South 84 degrees 56 minutes 46 seconds East 153.73 feet to a 'BFA' rebar; thence South 03 degrees 26 minutes 46 seconds East 470.00 feet to a 'BFA' rebar; thence North 57 degrees 56 minutes 46 seconds West 94.00 feet to a 'BFA' rebar; thence South 02 degrees 22 minutes 36 seconds East 243.23 feet to a 'BFA' rebar; thence South 84 degrees 00 minutes 00 seconds West 542.00 feet to the Point of Beginning. Containing in all 6.78 acres, more or less.



I certify that I am a Registered Land Surveyor licensed under the laws of Indiana; that this plat accurately represents a survey made by me on October 7, 2022; _____ and that the monuments shown on it exist; and that their locations, sizes, types, and materials are accurately shown.

Charles D. Graham
Charles D. Graham

April 26, 2023
Date of Map

Registration No. IN LS29500014
Bynum Fanyo & Associates, Inc.
Date of Last Revision 528 N. Walnut St.
Bloomington, IN 47404 812-332-8030



RECORDER
STAMP

Date: 04/24/2023
Revised 07/17/2023
Revised 08/01/2023

STINESVILLE SCHOOL AND FIRE DEPARTMENT SUBDIVISION - PRELIMINARY MINOR SUBDIVISION
7951 & 7973 W Main St Stinesville, IN 47464
Part of SW 1/4, Section 16, Township 10 North, Range 2 West
Parcel #'s 53-03-16-300-001.000-001, 53-03-16-300-005.000-001, 53-03-16-300-006.000-001,
53-03-16-300-017.000-001, 53-03-16-300-0201.000-001

BFB
BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404
Phone 812-332-8030 Fax 812-339-2990

5018042



NORTH

BEARINGS BASED ON SPCS IN WEST NAD 83
60 0 60 120

Scale 1" = 60 ft
LATEST FIELD DATE: 04/05/2023

SURVEY & REPORT PER 865 IAC 12: SEE INST# 2023003811

- BOUNDARY LINE
- FENCE
- REBAR SET 'BFA 9500014'
- REBAR FOUND
- PLSS CORNER
- EX. BUILDING WALLS
- CR. STONE PARKING
- ASPHALT

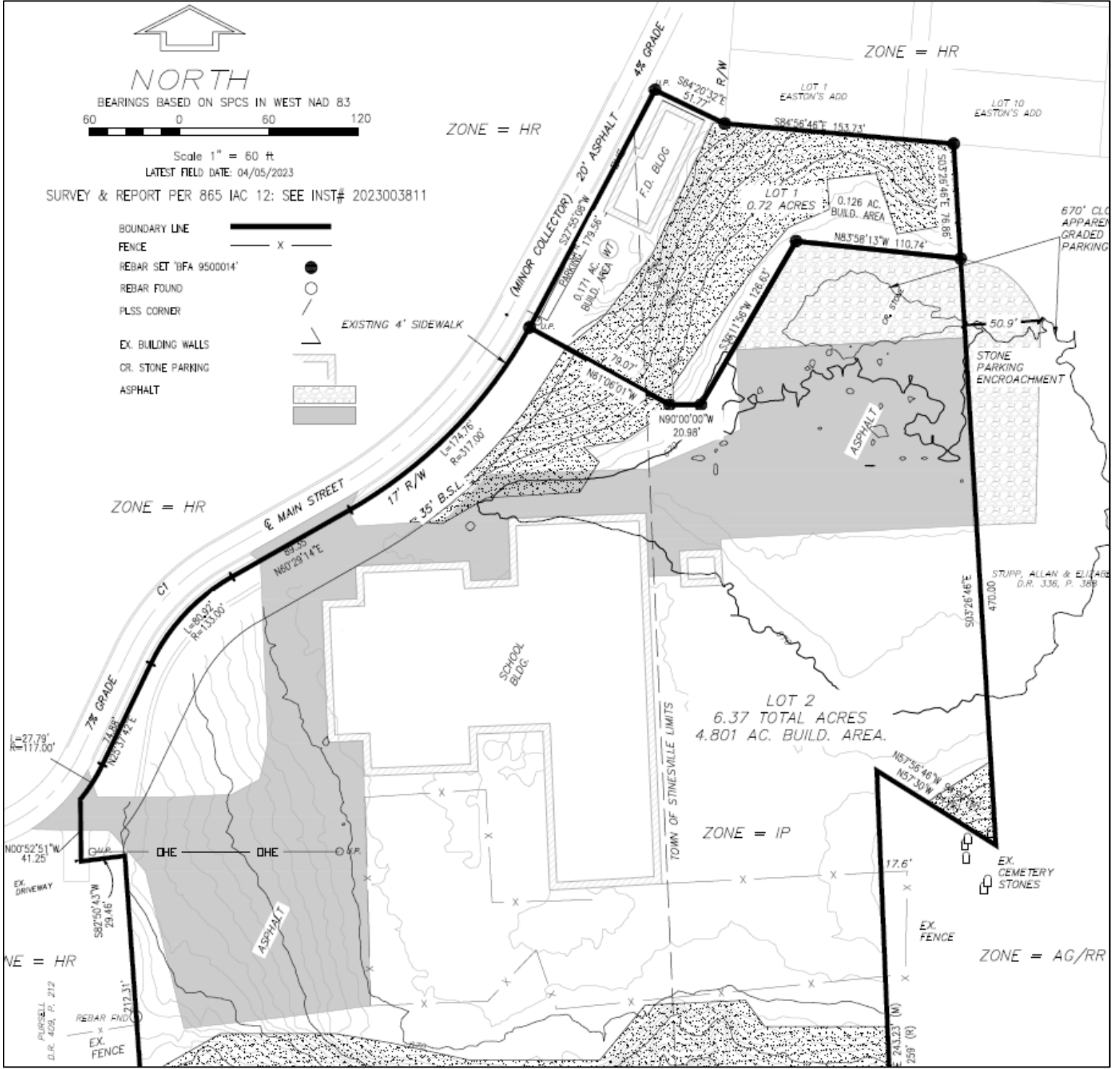


EXHIBIT 5: Monroe County Transportation Alternatives - 2018

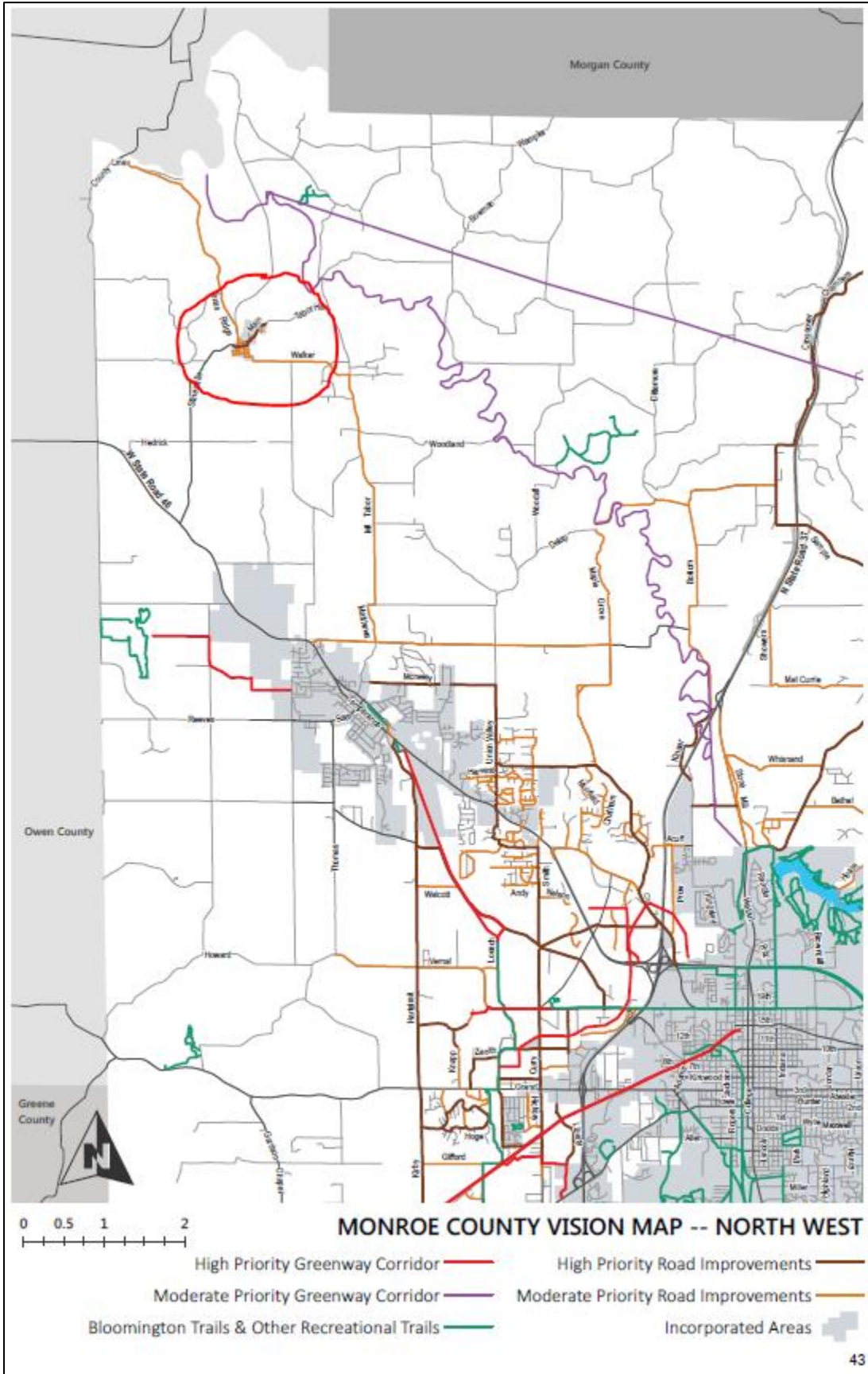


EXHIBIT 6: Stinesville Historic District – National Register of Historic Places



Eric Holcomb, Governor
Daniel W. Bortner, Director



Division of Historic Preservation & Archaeology
402 W. Washington Street, Room W274
Indianapolis, IN 46204

March 14, 2023

Monroe County Commissioners
100 W. Kirkwood Ave., Commissioner's Office
Bloomington, IN 47404

Dear Commissioners:

Stinesville Historic District, roughly bounded by North Street on the north, Sycamore Street on the west, Elm Street on the south, and East Street on the east, including east side of Main Street to Broadway Street as it exits the town to the northeast, Stinesville, Monroe Co., IN was entered in the National Register of Historic Places on February 23rd, 2023.

Authorized by the National Historic Preservation Act of 1966, the National Register of Historic Places is the official inventory of sites with national, state, or local significance in the development of our nation's cultural heritage. Listing on the National Register is official recognition of the significance of the site and provides a measure of protection for the property.

In Indiana the National Register is administered by the Department of Natural Resources. In addition to a degree of environmental protection, owners of listed properties may be eligible to apply for matching federal grants for restorations or preservation work, if funds are available. Owners of commercially-used properties are also eligible for federal tax benefits for certified rehabilitation work. Please contact the Division of Historic Preservation and Archaeology should you have any questions about the above programs, telephone 317/232-1646.

Very truly yours,

Daniel W. Bortner
State Historic Preservation Officer

DWB:PCD:pcd

copies: none.

The DNR mission: Protect, enhance, preserve and wisely use natural, cultural and recreational resources for the benefit of Indiana's citizens through professional leadership, management and education.

www.DNR.IN.gov
An Equal Opportunity Employer

5. One gains access to the fire station by an existing driveway cut.

6. Chapter 856-28 of the Monroe County Subdivision Ordinance states:

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

7. The required right-of-way width is 45 feet. The current right-of-way on Main Street, where the fire station is located, is approximately 20 feet from the apron of the fire station building to the paved area directly across the street, which is owned by the fire department and used for parking.

8. The fire department building has been at the same location since 1963, when the original building was constructed. The three bays were added in the mid to late 1970's and the building was remodeled in 2015.

9. The fire station houses the local volunteer fire department and the fire department has provided services to the town's residents since 1963.

10. The Plan Commission may authorize and approve waivers or modifications from the requirements and standards of the Monroe County Subdivision Control Ordinance upon finding that:

a. Practical difficulties have been demonstrated;

Findings: The proposed subdivision abuts a pre-existing narrow street.

- b. The requested modifications would not, in any way, contravene the provisions of the Monroe County Subdivision Standards, the Comprehensive Plan, the Official Map of the County, and any other relevant adopted policies of the County;

Findings: The proposed subdivision abuts a pre-existing narrow street. The fire station has been in existence since 1963. The subdivision petition and right-of-width waiver request, if granted, will merely memorialize an informal arrangement between the Town, the former owner of the Town property (the Richland Bean Blossom Community School Corporation) and the fire department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire department.

- c. Granting the modifications would not be detrimental to the public safety, health, or welfare, and would not adversely affect the delivery of government services;

Findings: The fire department has been providing services to the Town since 1963. The Stinesville Waste Water Treatment Plant is managed by the South Central Regional Sewer District and is currently using 20% of its .039 mgd designated flow and has adequate capacity to serve the new addition for the volunteer fire department. Water service to the Town is provided by Bean Blossom Patricksburg. A grant of the right-of-way width waiver will not affect governmental services that are already in place.

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

Findings: The proposed subdivision abuts a pre-existing narrow street. The fire station has been in existence since 1963. The subdivision petition and right-of-width waiver request, if granted, will merely memorialize an informal arrangement between the Town, the former owner of the Town property (the Richland Bean Blossom Community School Corporation) and the fire department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire department.

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

Findings: The proposed subdivision abuts a pre-existing narrow street. The fire station has been in existence since 1963. The subdivision petition and right-of-width waiver request, if granted, will merely memorialize an informal arrangement between the Town, the former owner of the Town property (the Richland Bean Blossom Community School Corporation) and the fire department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire department.

- f. Granting the requested waivers would not contravene the policies and purposes of the Subdivision Standards;

Findings: The proposed subdivision abuts a pre-existing narrow street. The fire station has been in existence since 1963. The subdivision petition and right-of-width waiver request, if granted, will merely memorialize an informal arrangement between the Town, the former owner of the Town property (the Richland Bean Blossom Community School Corporation) and the fire

department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire department.

- g. The requested waivers are necessary to ensure that substantial justice is done represent the minimum waivers necessary to ensure substantial justice is done;

Findings: The proposed subdivision abuts a pre-existing narrow street. The fire station has been in existence since 1963. The subdivision petition and right-of-width waiver request, if granted, will merely memorialize an informal arrangement between the Town, the former owner of the Town property (the Richland Bean Blossom Community School Corporation) and the fire department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire department.

- h. The practical difficulties were not created by the developer, owner, subdivider, or applicant;

Findings: The purpose of the subdivision request is to allow the Town to transfer property to the fire station. The pre-existing narrow street has been in place for years and the fire station has been at its current location since 1963. Any practical difficulties created by that arrangement are not the fault of the Town.

- i. The practical difficulties cannot be overcome through reasonable design alternatives.

Findings: There is no reasonable design alternative. A street widening project for the entire length of Main Street would be cost prohibitive.

STATE OF INDIANA)
)
COUNTY OF MONROE)

MONROE COUNTY PLAN COMMISSION
FINDINGS OF FACT RE: STREET TREE, SIDEWALK, AND BURIED UTILITY
WAIVER REQUESTS

Docket number: SMN 23-3

Petitioner: Town of Stinesville

Application Number SMN-23-3

Petitioner requests a Preliminary Plat Subdivision and a Right-of-Way Width Waiver for the Bean Blossom Township Volunteer Fire Department

This cause came before the Monroe County Plan Commission on August 15, 2023 for hearing on the Town of Stinesville's Petition for a Preliminary Plat Subdivision. Upon consideration of staff report and the evidence presented at the hearing, the Plan Commission now sets forth its Findings of Fact and Conclusions on SMN 23-3 as follows:

REQUIREMENTS AND STATUTORY PROVISIONS

1. The Petition site is located at 7951 W. Main Street in Stinesville, Indiana and consists of two parcels totaling approximately 4.14 acres.
2. The Town of Stinesville petitioned the Plan Commission for a subdivision in order to carve out a parcel consisting of approximately .60 acres for the Bean Blossom Township Fire Department, whose building is located on the two parcels and encroaches on property owned by the Town. If granted, the subdivision will create a separate .60 acre lot for the sole purpose and use of the fire department.

3. The Town applied for a right-of-way width waiver, a buried utility waiver request, a sidewalk waiver request, and a street tree waiver request as part of its application.

4. Proposed Findings for the right-of-way width waiver were submitted by Petitioner separately.

5. The Monroe County Thoroughfare Plan map shows Main Street in Stinesville as a Minor Collector.

6. Chapter 856 of the Monroe County, Indiana Subdivision Control Ordinance (“the Ordinance”) addresses improvement, reservation, and design standards, which include standards for sidewalk installation.

7. Sidewalks are discussed in Section 856-40 of the Ordinance. As per the requirements in the Ordinance, sidewalks are to be included within the dedicated, unpaved portions of the rights-of-way on both sides of the street. Sidewalks are to be five (5) feet wide for collector streets.

8. As Main Street in Stinesville is a Minor Collector, sidewalks at least five (5) feet wide would have to be installed on both sides of Main Street as a condition of approval for the subdivision unless a waiver was granted by the Plan Commission.

9. There is an existing, non-connecting, sidewalk, four (4) feet wide, on the east side of Main Street, adjacent to the proposed subdivision, as depicted on the Stinesville School and Fire Department Minor Subdivision Preliminary Plat. That existing sidewalk runs from just south of the fire station to the north end of the southernmost parking lot entrance to the old Stinesville Elementary School.

10. The existing sidewalk on the east side of Main Street is non-conforming. However, there are few sidewalks in the Town of Stinesville. One other sidewalk begins in front of the

former school building and winds through the Town to the east side of the bridge on Main Street. The other sidewalk starts on the north side of Main Street from the bridge up the hill to the first turn on Main Street.

11. It would be cost prohibitive to require Petitioner to install non-connecting sidewalks five (5) feet wide on both sides of Main Street along the areas adjacent to Lot One, the fire station parcel.

12. Section 856-41 of the Ordinance requires that all utilities, including but not limited to gas, sewer, electric power and telephone and CATV to be located underground throughout a subdivision.

13. The electric power lines and telephone lines are located overhead, as depicted on the Stinesville School and Fire Department Minor Subdivision Preliminary Plat.

14. The placement of the overhead utilities is non-conforming with the Ordinance. However, the overhead utilities have been in place for years at their current location. It would cost approximately \$100,000.00 to transfer all of the current overhead utilities to underground. The overhead power lines have three large industrial size transformers, which is why it would be so expensive to bury the utilities. Furthermore, as the parcel is zoned "Institutional," efficient power transmission and maintenance should have a higher priority than appearances.

15. Section 856-43 of the Ordinances discusses the preservation of natural features and amenities, which includes the preservation of trees.

16. As a requirement for approval of the subdivision, the Town of Stinesville would be required to plant and/or preserve trees on the proposed subdivision property, such that the trees are planted or preserved within five (5) feet of the right-of-way of the street or streets within and

abutting the subdivision, or at the discretion of the Plan Commission and the County Engineer, within the right-of-way of such streets.

17. Subsection (B)(1) of Section 856-43 of the Ordinance requires that one tree is to be planted or preserved for every forty (40) feet of frontage along each street. Subsection (B)(2) states that trees shall be planted or preserved on each proposed lot of a subdivision outside of the right-of-way in a location selected by the Subdivider, with the number of trees planted or preserved being equivalent to one (1) tree for every forty (40) feet of frontage for the proposed lot.

18. The current landscape and plant inventory in the proposed subdivision is non-conforming. However, there exists a wooded area to the east and south of the fire station that covers most of the lot to be conveyed to the fire department. The purpose of tree planting and preservation, according to the language in the Ordinance, is to preserve “existing features which would add value to the type of intended development or to the County as a whole.”

19. Petitioner has no intent to remove trees and has no reason to believe that the Bean Blossom Township Volunteer Fire Department intends to remove trees. The trees, like the fire station itself, have been in the same location for many years. However, Petitioner has agreed to designate an area on the plat to serve as tree preservation.

GENERAL FINDINGS

20. The current right-of-way on Main Street, where the fire station is located, is approximately 20 feet from the apron of the fire station building to the paved area directly across the street, which is owned by the fire department and used for parking.

21. The fire department building has been at the same location since 1963, when the original building was constructed. The three bays were added in the mid to late 1970's and the building was remodeled in 2015.

22. The fire station houses the local volunteer fire department which has provided services to the town's residents since 1963.

23. The configuration of the fire station, the four-foot wide non-connecting sidewalk, the landscaping, and the placement of the overhead utilities has been the same for many years.

24. The Plan Commission may authorize and approve waivers or modifications from the requirements and standards of the Monroe County Subdivision Control Ordinance upon finding that:

- a. Practical difficulties have been demonstrated;

Findings: The proposed subdivision abuts a pre-existing narrow street. There is little room to install an additional sidewalk or widen the existing sidewalk. There are few sidewalks in the Town of Stinesville. It would be cost prohibitive to require a small town to add sidewalks along both sides of Main Street adjacent to the fire station property. Furthermore, it would be cost prohibitive to require a small town to bury underground utilities.

- b. The requested modifications for a sidewalk waiver, tree planting waiver, and utilities waiver would not, in any way, contravene the provisions of the Monroe County Subdivision Standards, the Comprehensive Plan, the Official Map of the County, and any other relevant adopted policies of the County;

Findings: The proposed subdivision abuts a pre-existing narrow street. The fire station has been in existence since 1963. The subdivision petition and accompanying sidewalk waiver, utilities waiver, and tree waivers, if granted,

will merely memorialize an informal arrangement between the Town, the former owner of the Town property (the Richland Bean Blossom Community School Corporation) and the fire department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire department.

- c. Granting the modifications would not be detrimental to the public safety, health, or welfare, and would not adversely affect the delivery of government services;

Findings: The fire department building has been in place since 1963. Granting the sidewalk waiver, utility waiver or tree waiver will not affect governmental services that are already in place, such as fire service, sewer, or water.

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

Findings: The proposed subdivision abuts a pre-existing narrow street. The fire station has been in existence since 1963. The subdivision petition and sidewalk waiver, utility waiver, and tree waiver, if granted, will merely memorialize an informal arrangement between the Town, the former owner of the Town property (the Richland Bean Blossom Community School Corporation) and the fire department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire

department. Granting of the requested waivers would in no way affect the character of the Town or result in any substantial injury to nearby property owners in the Town.

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

Findings: What is unique to the parcel is that the fire station has been in existence and located on the parcel since 1963, and encroaching on the neighboring school property, without objection from the former or current owner of the Stinesville Elementary School. The proposed subdivision abuts a pre-existing narrow street which leaves little room for widening sidewalks. There are few sidewalks in the town. The grant of a preliminary subdivision and sidewalk waiver, utility waiver, and tree waiver will merely memorialize an informal arrangement between the town, the former owner of the town property (the Richland Bean Blossom Community School Corporation) and the fire department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire department.

- f. The requested waivers are necessary to ensure that substantial justice is done represent the minimum waivers necessary to ensure substantial justice is done;

Findings: The subdivision petition and right-of-width waiver request, if granted, will merely memorialize an informal arrangement between the Town, the former owner of the Town property (the Richland Bean Blossom Community School Corporation) and the fire department with regard to the location of the fire station by parceling out a section of the real estate to be transferred to the fire department.

- g. The practical difficulties were not created by the developer, owner, subdivider, or applicant;

Findings: The purpose of the subdivision request is to allow the Town to transfer property to the fire station. The pre-existing narrow street has been in place for years and the fire station has been at its current location since 1963. Any practical difficulties created by that arrangement are not the fault of the Petitioner, the Town of Stinesville.

- h. The practical difficulties cannot be overcome through reasonable design alternatives.

Findings: There is no reasonable design alternative in terms of funding or practicalities. A sidewalk widening/installation project for the entire length of Main Street would be cost prohibitive. A sidewalk widening project would be cost prohibitive and place an undue burden on a small town with limited

resources. There are no other sidewalks of any width in the Town of Stinesville. The expense to relocate all utilities underground would also be cost prohibitive, and likely cost a minimum of \$100,000.00, which would also place an undue burden on a small town.

25. The staff report is hereby incorporated into these Findings.

Therefore, based upon the testimony presented and the information and documents presented by Petitioner, Town of Stinesville, as part of its Petition for Preliminary Subdivision Plat, the requested waivers from the Monroe County Subdivision Ordinance for sidewalks, tree plantings, and buried utilities, should be, and hereby are, granted.

SO APPROVED BY THE MONROE COUNTY PLAN COMMISSION THIS _____
DAY OF _____, 2023.

Margaret Clements, President

Yes votes

No votes

Jerry Pittsford

Trohn Enright-Randolph

Dee Owens

Cheryl Munson

Geoff Morris

Bernard Guerrettaz

Julie Thomas